

2016



## PAIA MANUAL

Manual on access to information held by the South African  
Bureau of Standards compiled in terms of section 14 of the  
Promotion of Access to Information Act, 2000





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# SABS

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## 1. BACKGROUND AND FUNCTIONS OF THE SABS

- 1.1 The South African Bureau of Standards (SABS) is a statutory body established by section 2 of the Standards Act, 1945 (Act No. 24 of 1945) and continues to exist in terms of section 3 of the Standards Act, 2008 (Act No. 8 of 2008). The objects of the SABS are to:
  - 1.1.1 develop, promote and maintain South African National Standards;
  - 1.1.2 promote quality in connection with commodities, products and services;  
and
  - 1.1.3 render conformity assessment services and matters connected therewith.
- 1.2 The SABS is recognized as the peak national institution responsible for the development, maintenance and promotion of South African National Standards. This recognition is based on an understanding of the standards in supporting the business community, with a focus on quality products and services, and on the need to ensure the health and safety of the public.
- 1.3 As such, the SABS has at its disposal a considerable amount of information, gathered in the ordinary course of its business. This information may be of interest to the SABS' stake-holders and the general public. Consequently, this manual is intended to facilitate requests made in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), for access to information held by the SABS. To this end, this manual sets out the:
  - 1.3.1 structure and functions of the SABS;
  - 1.3.2 contact details of the Information Officer and Deputy Information Officer;  
and
  - 1.3.3 procedure and such other detail, to facilitate requests made in terms of PAIA, for access to information held by the SABS.
- 1.4 It must also be recognised that the SABS' Information Officer or Deputy Information Officer may or must, under certain circumstances and based on grounds of refusal set out in PAIA, refuse a requester access to information or records held by the SABS.
- 1.5 The SABS has centralized its records at its Head Office (Pretoria) so that it is able to track it, respond to requests within the time frames set by PAIA and to react timeously to other requests lodged by an interested party. This is consistent with the SABS' culture of transparency, integrity and responsibility to its stakeholders.

## **2. STRUCTURE OF THE SABS**

- 2.1 The Board of the SABS is established in terms of section 6 of the Standards Act. The Board consists of not less than seven (7) and not more than nine (9) members, of whom one is the Chief Executive Officer of the SABS by virtue of her office and the rest are appointed as members of the Board by the Minister of Trade and Industry.
- 2.2 The SABS has its head office in Pretoria and regional offices in the East Coast and West Coast.
- 2.3 A schematic diagram of the structure of the SABS is hereto attached as Annexure 1.

## **3. CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER**

- 3.1 The SABS' Information Officer is its Chief Executive Officer, Dr Bonakele Mehloakulu, and her contact details are as blow:

**Dr Bonakele Mehloakulu**

Chief Executive Officer

Telephone: (012) 428 7160

E-mail address: [Boni.Mehloakulu@sabs.co.za](mailto:Boni.Mehloakulu@sabs.co.za)

Business address: 1 Dr Lategan Road Groenkloof Pretoria

Postal address: Private Bag X191 Pretoria 0001

- 3.2 The SABS has, in terms of section 17(1) of PAIA, designated the person below as the Deputy Information Officer:

**Mr Joseph Leotlela**

Senior Legal Advisor

Telephone: (012) 428 6242

E-mail address: [joseph.leotlela@sabs.co.za](mailto:joseph.leotlela@sabs.co.za)

Business address: 1 Dr Lategan Road Groenkloof, Pretoria

Postal address: Private Bag X191 Pretoria 0001

- 3.3 The Information Officer has, in terms of section 17(3) of PAIA, delegated her various powers and duties to the Deputy Information Officer.

3.4 All requests for information under PAIA must be submitted, and will be attended to by the Deputy Information Officer, in the manner consistent with the procedure set out below and PAIA.

#### **4. GUIDE ON HOW TO USE PAIA**

4.1 The South African Human Rights Commission is, in terms of section 10 of PAIA, enjoined to compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. The guide is available from the South African Human Rights Commission.

4.2 Any query relating to the guide and the administration of PAIA must be directed to the South African Human Rights Commission.

4.3 The contact details of the South African Human Rights Commission are as below:

The South African Human Rights Commission, PAIA Unit  
The Research and Documentation Department

Postal address: Private Bag X2700  
Houghton  
2041

Telephone: (011) 877 3600

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### **5. ACCESS TO RECORDS HELD BY THE SABS**

##### **Categories of records automatically available from the SABS**

5.1 All information available on the SABS web-site is voluntarily disclosed. This includes:

- 5.1.1 SABS' annual reports;
- 5.1.2 Annual financial statements;
- 5.1.3 Auditor General's report;
- 5.1.4 TC Scope of Work;
- 5.1.5 Mark Scheme Chart;
- 5.1.6 System Certification Clients; and
- 5.1.7 Standards for sale.

5.2 The SABS' publications that will be voluntarily disclosed are:

- 5.2.1 Booklets;
- 5.2.2 Pamphlets
- 5.2.3 Posters; and
- 5.2.4 Newsletters.

**Categories of records automatically available for inspection in terms of other legislation**

5.3 A requester may also request access to records, which are available for inspection in terms of legislation other than the PAIA, such as the following:

- 5.3.1 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- 5.3.2 Companies Act, 2008 (Act No. 71 of 2008);
- 5.3.3 Compensation for Occupational Injuries and Health Diseases Act, 1993 (Act No. 130 of 1993);
- 5.3.4 Copyright Act, Act No. 1978 (Act No. 98 of 1978);
- 5.3.5 Insolvency Act, 1936 (Act No. 24 of 1936);
- 5.3.6 Intellectual Property Laws Amendments Act, 1997 (Act No. 38 of 1997);
- 5.3.7 Labour Relations Act, 1995 (Act No. 66 of 1995);
- 5.3.8 Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
- 5.3.9 Pension Funds Act, 1956 (Act No. 24 of 1956);
- 5.3.10 Skills Development Act, 1998 (Act No. 97 of 1998);
- 5.3.11 Skills Development Levies Act, 1999 (Act No. 9 of 1999);
- 5.3.12 South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
- 5.3.13 Trade Marks Act, 1993 (Act No. 194 of 1993);
- 5.3.14 Unemployment Insurance Act, 2001 (Act No. 63 of 2001);
- 5.3.15 Value Added Tax Act, 1991 (Act No. 89 of 1991); and
- 5.3.16 National Archives of South Africa Act, 1996 (Act No. 43 of 1996).

5.4 In order to obtain the information or records referred to in paragraphs 5.1 to 5.3 above, please visit the SABS' website [www.sabs.co.za](http://www.sabs.co.za) or send an electronic request to the Deputy Information Officer (Ms Kirsten Dinnes) at [Kirsten.Dinnes@sabs.co.za](mailto:Kirsten.Dinnes@sabs.co.za) or phone her at 012 428 7174.

## **Categories of records that must be requested under PAIA**

- 5.5 Requests for information or records referred to below must be submitted to the Deputy Information Officer in accordance with the procedure set out in paragraph 6 below.
  - 5.5.1 Operational information and agreements relating to the following categories:
    - 5.5.1.1 Documents relating to the SABS' policies, objectives and governance;
    - 5.5.1.2 Joint venture agreements with any person, including Government or administration;
    - 5.5.1.3 Rental agreements, title deeds, mortgage bonds and notarial bonds relating to movable and immovable property; and
    - 5.5.1.4 Company records relating to companies established by the SABS or in association with other business partners.
  - 5.5.2 Finance and accounting records other than records as may be publicly available by publication in the SABS' annual reports.
  - 5.5.3 Human Resources records relating to the following categories:
    - 5.5.3.1 Policies and procedures;
    - 5.5.3.2 Personnel files;
    - 5.5.3.3 Contracts, conditions of service and other agreements involving employees of the SABS;
    - 5.5.3.4 Statutory employee records;
    - 5.5.3.5 Pension Funds Act, 1956 (Act No. 24 of 1956); and
    - 5.5.3.6 Medical scheme records.
  - 5.5.4 Research, technology and support information relating to the following industries:
    - 5.5.4.1 Food and health;
    - 5.5.4.2 Chemical;
    - 5.5.4.3 Mechanical and material;
    - 5.5.4.4 Transportation;
    - 5.5.4.5 Electro-technical; and
    - 5.5.4.6 Mining and minerals.
  - 5.5.5 Intellectual property information
    - 5.5.5.1 SABS trademarks; and
    - 5.5.5.2 SABS copyrights.

## 6. REQUEST PROCEDURE

### Submitting a request

6.1 All requests for information or records under PAIA must comply with the following requirements:

6.1.1 the request must be made through the request form (Form A, attached hereto);

6.1.2 fully completed request form must be faxed, electronically mailed or

6.1.3 hand delivered to the Deputy Information Officer. The contact details of the Deputy Information Officer are set out in paragraph 3.2 above;

6.1.4 proof of the capacity in which the requester is making the request, if

6.1.5 the request is made on behalf on another person, must accompany the request; and

6.1.6 Proof of payment of the request fee (R35.00) must accompany the request.

Payments can be made to the following Bank Account

**BANK:** ABSA

**ACCOUNT NAME:** SOUTH AFRICAN BUREAU OF STANDARDS

**ACCOUNT NUMBER:** 1500000305

**BRANCH CODE:** 632005

### Request and access fees

6.2 The request and access fee shall be paid by the requester into the SABS' bank, the details of which will be communicated to the requester by the Deputy Information Officer upon receipt of the request for information.

### Attendance of a request by the Deputy Information Officer

6.3 The Deputy Information Officer will render reasonable assistance to a requester as may be necessary to enable that requester to comply with the request procedure set out in paragraph 6.1 above.

6.4 The Deputy Information Officer will also provide assistance to requesters who cannot read or write. Any such person can make an oral request to the Deputy Information Officer, who must fill in the request form for the said requester.

6.5 Except if the Deputy Information Officer must and has invoked the provisions of PAIA regarding third party notification and intervention or has extended the period within which to decide on a request, she will as soon as reasonably possible, but



in any event within thirty (30) days after the request is received, decide whether to grant the request or not.

6.6 During the thirty (30) days referred to in paragraph 6.5 above or the extended period as the case may be, the Deputy Information Officer will:

6.6.1 gather and consider the information or record requested;

6.6.2 consult with relevant divisions of the SABS as may be necessary desirable to decide upon the request under consideration;

6.6.3 solicit such other assistance as may be necessary to make an informed decision regarding the request under consideration;

6.6.4 if the request is granted, inform the requester in writing, of:

6.6.4.1 the decision to give him access to the record sought; and

6.6.4.2 the access fee payable to the SABS by the requester in order to obtain the record sought. Once proof of payment of the access fee has been duly received by the SABS, the Deputy Information Officer will release the information to the requester; and

6.6.5 if the request is declined, inform the requester of the decision to decline the request in writing, and furnish the reasons for the decision.

6.7 By way of a written notice to the requester, the Deputy Information Officer may:

6.7.1 extend the thirty (30) days' period within which to make the decision regarding the request (hereinafter referred to as the "original period"), for a further period of not more than thirty (30) days if:

6.7.2

6.7.2.1 the request is for a large number of records or requires a search through a large number of records of the SABS, and compliance with the original period would unreasonably interfere with the activities of the SABS;

6.7.2.2 the request requires a search for records in, or collection thereof from, an office of the SABS not situated in Pretoria, being the city in which the Deputy Information Office is situated, and the search cannot reasonably be completed within the original period;

6.7.2.3 consultation among divisions of the SABS or with another public body is necessary or desirable in order to decide upon the request and such consultation cannot reasonably be completed within the original period; or

6.7.2.4 the requester has consented thereto in writing.

6.7.3 require the requester (other than a personal requester) to pay as a deposit of not more than one third of the access fee which would be payable if the request is granted - if in her opinion more than six hours would be required to search for and prepare the requested record for disclosure. If a deposit has been paid in respect of a request for access which is refused, the Deputy Information Officer will within a reasonable period ensure that the deposit is refunded to the requester.

## **7. PRESCRIBED FEES AND EXEMPTIONS**

7.1 There are two types of fees payable in terms of PAIA in order to obtain access to records held by the SABS, namely:

7.1.1 a request fee, being a standard fee (R35.00) payable before further processing of a request; and

7.1.2 an access fee, being a fee payable to cover the cost for the search, preparation and reproduction of a record for disclosure to a requester.

7.2 A schedule of amounts as may be payable as access fee is contained in the Regulations Regarding the Promotion of Access to Information, 2002 (GN R187 of 2002, published in Government Gazette 23119 of 15 Feb 2002).

7.3 A personal requester (being a requester who seeks access to a record containing personal information about that requester) is not required to pay both the request and access fee. Any other requester, who is not a personal requester, must pay the request and access fee, unless if the person is exempted from paying same.

7.4 The following persons are exempted from paying the access fee:

7.4.1 a single person whose annual income, after permissible deductions referred to in the Exemptions and Determinations for Purposes of Section 22(8) of PAIA, 2005 (GN R991 published in GG 28107 of 14 October 2005) issued by the Minister of Justice and Constitutional Development, does not exceed R14 712.00 per annum; and

7.4.2 married persons or a person and his or her life partner whose annual income, after permissible deductions referred to Exemptions and Determinations for Purposes of Section 22(8) of PAIA, 2005 (GN R991 published in GG 28107 of 14 October 2005) issued by the Minister of Justice and Constitutional Development, does not exceed R27 192.00 per annum.

- 7.5 Where the cost of collecting any fee contemplated in section 22 of PAIA exceeds the amount charged, such fee shall not apply.
- 7.6 Both the request and access fee do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

## **8. LEGAL REMEDIES**

- 8.1 The SABS is not a public body referred to in paragraph (a) of the definition of “public body” in section 1 of PAIA. Accordingly, the SABS does not have an internal appeal procedure in place to facilitate appeals against decisions of the Information Officer or the Deputy Information Officer. The internal appeal procedure is only applicable to national and provincial departments, and municipalities.
- 8.2 A requester aggrieved by the decision of the Information Officer or Deputy Information Officer may, within 180 days, apply to Court for appropriate relief. On hearing the application, the Court may grant any order that is just and equitable including:
- 8.2.1 confirming, amending or setting aside the decision that is the subject of the application;
  - 8.2.2 requiring the Information Officer or Deputy Information Officer to take some action or to refrain from taking such action as the Court considers necessary within a period mentioned in the order;
  - 8.2.3 granting an interdict, interim or specific relief, a declaratory order or compensation;
  - 8.2.4 granting an order as to costs; or
  - 8.2.5 condoning non-compliance with the hundred and eighty (180) days period within which to bring an application, where the interests of justice so require.

## **9 PUBLICATION AND REVIEW OF THE MANUAL**

- 9.1 The SABS will, if necessary, update and publish this manual on an annual basis.
- 9.2 This manual will be published in three (3) official languages being English, isiZulu and Sepedi.

9.3 A copy of the manual in all three (3) official languages will be published on the SABS' website, [www.sabs.co.za](http://www.sabs.co.za), and submitted to the Human Rights Commission of South Africa. And, be available at the following place of legal deposit as defined in section 6 of the Legal Deposit Act, 1997 (Act No. 54 of 1997):

9.3.1 the City Library Services, Bloemfontein;

9.3.2 the Library of Parliament, Cape Town;

9.3.3 the Natal Law Society Library, Pietermaritzburg;

9.3.4 the South African Library, Cape Town;

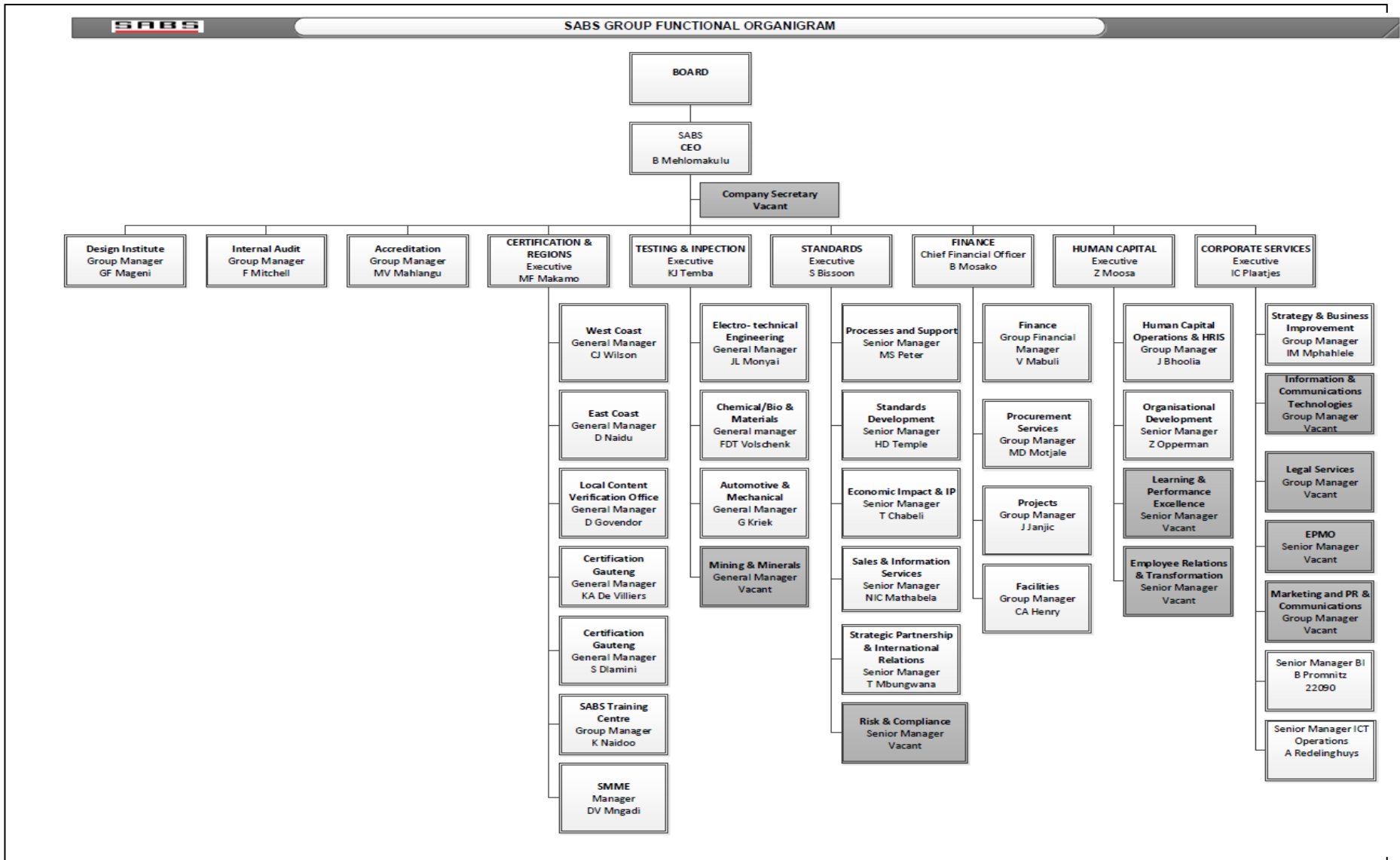
9.3.5 the State Library, Pretoria;

9.3.6 the National Film, Video and Sound Archives, Pretoria, for the purposes of certain categories of documents as prescribed; and

9.3.7 any other library or Institution prescribed by the Minister of Justice and Constitutional Development for the purpose of certain prescribed categories of the documents.

9.4 All interested parties may liaise with the Deputy Information Officer to obtain a copy of this PAIA Manual or to obtain clarity in respect of any aspect of the manual.

# Annexure 1





**FORM A**

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**  
(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number:

Request received by

name and surname of information officer/deputy information officer on

(date) at

(place)

Request fee (if any): R.....

Deposit (if any): R .....

Access fee: R.....

.....Signature of information officer/deputy Information Officer

**A Particulars of public body**

The Information Officer/Deputy Information Officer:

**B Particulars of person requesting access to the record**

- |  |
|--|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent, must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|--|

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

**C. Particulars of person on whose behalf request is made**

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and surname:

Identity number:

**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.  
 (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

**The requester must sign all the additional folios.**

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

**E. Fees**

- (a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.  
 (b) You will be notified of the amount required to be paid as the request fee.  
 (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.  
 (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

**F. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.*

<u>Disability:</u>		Form in which record is required:	
Mark the appropriate box with an X. NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*



3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record'		printed copy of information derived from the record*
			copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>			YES      NO
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.			
In which language would you prefer the record?			

**G. Notice of decision regarding request for access**

You will be notified whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at ..... this .....day of..... 20

SIGNATURE OF REQUESTER 1 PERSON ON  
WHOSE BEHALF REQUEST IS MADE