



LAERSKOOI WELGEMOED PRIMARY SCHOOL

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SECTION 14 MANUAL PREPARED IN ACCORDANCE WITH THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA), 2000 (ACT 2 OF 2000)

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1. Introduction

1.1 The current constitutional dispensation in South Africa makes provision for the right of access to any information held by the state (subject to justifiable limitations) and to information held by a private body that is required for the exercise or protection of any right.

1.2 The Constitutional Court interpreted the right of access to information as not merely a right to obtain access to information for the exercise or protection of a right, but also to ensure that there is open and accountable administration at all levels of government. Section 32(1) and (2) of the Constitution of the Republic of South Africa, 1996 (the Constitution) reads as follows:

"(1) Everyone has the right of access to—

(a) any information held by the state; and

(b) any information that is held by another person and that is required for the exercise or protection of any rights.

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state."

1.3 The aforesaid resulted in the enactment of the Promotion of Access to Information Act (PAIA), 2000 (Act 2 of 2000), the purpose of which is to foster a culture of transparency and accountability in public and private bodies, to empower and educate the people of South Africa to understand their rights.

1.4 In terms of section 14 of PAIA a public body must have a manual which sets out, amongst others, the functions and an index of records held by a public body. This manual gives effect to the provisions of section 14 of PAIA and also provides assistance on the procedure that must be followed to request access to a record that is being held by **Welgemoed Primary School**

2. Structure of the school

The governance and professional management of the school are as per section 16(1) and (3) of the South African Schools Act (SASA), 1996 (Act 84 of 1996) respectively.

(a) The governance of the school is vested in the governing body and it may perform only such functions and obligations and exercise only such rights as prescribed by SASA. The governing body consists of the following members that are elected every 3 years: M. Greeff; D. Smith; P. Lombaard; M. Malherbe; D. van der Merwe; Lize de Kock; M. Brooks M. Louw and Mr J. Engelbrecht.

(b) The professional management of the school is undertaken by the principal under the authority of the Head of the Western Cape Education Department (WCED). The principal is responsible for the day-to-day administration and organisation of teaching and learning at the school and is as such the Information Officer in terms of PAIA. (The principal has delegated this responsibility to the deputy principal who is the Deputy Information Officer). The principal is supported by the educator and non-educator staff who fall under his supervision.

3. Functions of the school

The functions of the school are to provide quality education to all learners, to focus on the cognitive development of all learners and also to contribute to the personal development of the learners with regards to their moral, social, cultural, political and economic development.

(a) The functions of the governing body are stipulated in sections 20 and 21 of SASA. Furthermore the governing body must determine the policies and rules by which the school is to be organised and controlled. This includes that such policies and rules should be carried out effectively in terms of SASA and the budget of the school.

(b) The functions and responsibilities of the principal are stipulated in section 16A of SASA.

4. Contact details of the Information Officer—section 14(1)(b)

The Information Officer of the school shall be the principal, who may be contacted during normal office hours at the contact points below. The Deputy Information Officer can also be contacted at the same points.

Welgemoed Primary School

Information officer: J. Engelbrecht

Tel. no.: 021-913 2104; Fax no.: 021 913 5154

Email:Info@welgemoedprimary.co.za

Delegated Deputy Information officer: T. Lee

Tel. no.: 021-913 2104; Fax no.: 021 913 5154

Email:Info@welgemoedprimary.co.za

5. Guide by the South African Human Rights Commission (SAHRC) on how to use PAIA

It is the responsibility of the SAHRC to compile a guide, in terms of section 10 of the PAIA, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in PAIA.

This guide is available in all the official languages from the SAHRC and any enquiries in this regard should be directed to the following:

The South African Human Rights Commission	
Tel. no.	+27 11 877 3900
Fax no.	+27 11 403 0684
Email address	PAIA@sahrc.org.za
Postal address	PAIA Unit: Promotion of Access to Information Private Bag 2700 Houghton 2041
Street address	South African Human Rights Commission 33 Hoofd Street Braampark Forum 3 Braamfontein 2017 JOHANNESBURG
Website	www.sahrc.org.za

6. Records

6.1 Description of subjects (topics) on which the school holds records—section 14(1)(d)

(School to compile this list but may use the list below.)

- Corporate governance
- Finance and administration
- Learner profiles
- Personnel administration: WCED staff
- Personnel administration: Governing body employed contracts
- Facilities management
- Procurement management
- Examinations
- Marketing and Communication
- Safety and security

6.2 Records automatically available to the public

Description of categories of records automatically available in terms of section 15(1)(a)(i) of PAIA	Manner of access to records
<ul style="list-style-type: none"> (a) Tender documents and quotations (b) Files (excluding confidential and personal information) (c) WCED circulars and minutes (d) Employment equity plan (e) Training records (f) Financial records 	<p>These records are available for inspection at the school between 08:00 and 15:00 during school days.</p>
Description of categories of records automatically available for purchasing in terms of section 15(1)(a)(ii)	Manner of access to records
	<p>Copies of these records may be obtained, on payment of the prescribed fee from the school (see paragraph 7.4 below).</p>
Description of categories of records automatically available for copying in terms of section 15(1)(a)(ii)	Manner of access to records
<p>(School to compile list)</p>	<p>Copies of these records may be obtained, on payment of the prescribed fee from the school (see paragraph 7.4 below).</p>
Description of category of records automatically available free of charge in terms of section 15(1)(a)(iii)	Manner of access to records
<p>(School to compile list)</p>	<p>Copies of these records are available free of charge from the school during school days.</p>

7. Request for information

7.1 Request procedure

- 7.1.1 A requester must use Form A as prescribed in the regulations published in terms of PAIA (Government Notice R187 of 15 February 2002).
- 7.1.2 A request fee means the payment of R35,00 which is payable before the request will be processed.
- 7.1.3 The payment of the request fee does not apply to a record requested by a maintenance officer or maintenance investigator for the purposes of a maintenance investigation or enquiry in terms of the provisions of the Maintenance Act, 1998 (Act 99 of 1998) or the regulations under section 44 of this Act (as per Government Notice R991 of 14 October 2005).
- 7.1.4 A request fee is not payable if the request for access to a record relates to access to a personal record (as per Government Notice R991 of 14 October 2005).
- 7.1.5 Provision is made on Form A for the requester to indicate whether they want a copy of the record or merely want to look at it.
- 7.1.6 Form A also provides for a requester to indicate in which language the record is required, although the school is under no obligation to translate it.
- 7.1.7 A requester may also indicate in what form (i.e. hard copy, electronic copy, etc.) access to the record must be provided. This will be adhered to unless doing so will unreasonably interfere with the operations of the school or for practical reasons access cannot be given in the required form or medium.
- 7.1.8 The Information Officer or Deputy Information Officer, as the case may be, must as soon as reasonably possible, but in any event within 30 days after the request is received, decide in accordance with PAIA whether or not to grant the request and notify the requester accordingly.
- 7.1.9 The Information Officer or Deputy Information Officer, to whom a request for access has been made, may extend the period of 30 days to handle the request once for a further period as contemplated in terms of section 26 of PAIA.

7.2 Request procedure in regard to third party information

- 7.2.1 If the request relates to a record of a third party as contemplated in terms of section 34(1), 35(1), 36(1), 37(1) or 43(1) of PAIA, the Information Officer or the Deputy Information Officer, as the case may be, must take all reasonable steps to inform a third party to whom or which the record relates within 21 days of receipt of the request.
- 7.2.2 A third party who is so informed, may within 21 days make written or oral representations to the Information Officer or Deputy Information Officer, as the case may be, as to why the request should be refused or may give written consent for the disclosure of the record.
- 7.2.3 The Information Officer or the Deputy Information Officer, as the case may be, must as soon as reasonably possible, but in any event within 30 days after every third party is informed, decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester in terms of section 49 of PAIA, of his or her decision.
- 7.2.4 A third party will have the right to lodge an internal appeal against the decision within 30 days after notice is given. The appeal may be lodged by completing Form B, attached herewith, and by forwarding same to the offices of the Information Officer or Deputy Information Officer.

7.3 Internal appeal and court procedures

- 7.3.1 A requester has the right to lodge an internal appeal, within 60 days after notice is given of the decision of the Information Officer or the Deputy Information Officer, as the case may be, to refuse a request for access or taken in terms of section 22, 26(1) or 29(3). The internal appeal must be lodged by delivering or sending Form B to the Information Officer or Deputy Information Officer at his or her address, fax number or email address.
- 7.3.2 In the event that the internal appeal procedure has been exhausted and the requester or third party remains dissatisfied with the outcome, a court may be approached for appropriate relief, within 180 days after being informed of the outcome of the internal appeal.
- 7.3.3 The requester may approach either a Magistrates Court or a High Court. 7.4

Access fee payable by a requester

- 7.4.1 In the event that a request is granted, other than a personal request, an access fee will be payable by a requester. An "access fee" means the fee(s) that is/are

payable when the requester, for example, needs copies of the requested record and for the time reasonably required to search for the record and prepare it. The type of fees and the amounts that are payable are determined by the regulations and are attached herewith (Annexure A).

7.4.2 A single person whose annual income does not exceed R14 712,00 and married persons, or a person and his or her life partner, whose annual income does not exceed R27 192,00 are exempt from paying access fees (as per Government Notice R991 of 14 October 2005).

7.4.3 Payment of the access fee does not apply to the personal record of a requester (as per Government Notice R991 of 14 October 2005).

7.4.4 In certain instances, a requester may also be requested to pay a deposit.

7.4.5 A requester may lodge an internal appeal against the payment of the deposit and/or access fee. Should a requester want to lodge an internal appeal, Form B (as prescribed in Government Notice R187 of 15 February 2002) must be completed.

7.4.6 In the event that the internal appeal procedure is exhausted and the requester is still not satisfied with the outcome, a court may be approached for an appropriate order.

7.4.7 Access to a record will be withheld until all applicable fees have been paid.

7.5 **Request on behalf of another person**

7.5.1 Information may be requested on behalf of another person, but the capacity in which the request is made must be indicated.

7.5.2 If a requester is unable to read or write, or cannot complete the form because of a disability, the request may be made orally. The Information Officer, or a person so delegated, must then complete the form on behalf of such requester and give him or her a copy of the completed form.

8. **Services available to the public—section 14(1)(f)**

The website of the school: <https://welgemoedprimary.co.za/af/tuis/>

The email address of the school: info@welgemoedprimary.co.za

The secretary of the school at the following number: 021-9132104

The fax number of the school: 021-9135154

9. Involvement in the formulation of policy and performance of functions—section 14(1)(g)

Only staff and the parents of learners at the school are afforded the opportunity to be involved in the formulation of policy and the performance of functions through their representatives on the governing body and parent meetings planned for such purposes.

10. Remedies available in respect of legislation or failure to adhere thereto—section 14(1)(h)

Please refer to paragraph 7.3 above that sets out the internal appeal and court procedure that may be followed.

11. Accessibility and availability of this manual—section 14 (3)

The English version of this manual is available for viewing at the physical address of the Information Officer. The link to the website is as follows: <https://welgemoedprimary.co.za/af/tuis/>