
Dynamikos Training Network CC

Registration number 2005/039560/23

This manual has been prepared in terms of the section 51 of the Promotion of Access to Information Act 2/2000.

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1. Introduction

The Promotion of Access to Information Act (PAIA), Act 2 of 2000 (hereafter also called the Act) came into effect on 9 March 2001, underlining the importance of access to information for an open, democratic, transparent society. The Act gives legislative form to section 32 of the Bill of Rights of the Constitution and should be interpreted as legislation giving effect to a constitutional right. This right states:

Access to information

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 of any rights.

Does this Act mean that anyone may now have access to my records?

The answer is a big NO!

The only person who has any right to request any access to any record of your business is a person who wishes to exercise or protect a right to which he or she is entitled. Such rights may be the result of a contract or may exist because of some Statute.

Rights may also come into existence as a consequence of the person having suffered damages due to the negligence or recklessness of another.

The Act is intended to encourage openness and to establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner as reasonably possible and to promote transparency, accountability and effective governance of all public and private bodies by empowering and educating everyone to understand their rights in terms of the Act so that they are able to exercise their rights in relation to private bodies.

The Act does not create any additional rights – it is essentially intended to make it easier for someone who does have a right, to protect that right or exercise that right by making public the name of the contact person and details of the kinds of records a business holds.

The onus of proving that he or she has a right to such records lies with the requester. There are also many grounds for refusing access to any record.

2. The records listed here are automatically available without a person having to request access in terms of the Act.

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) SECTION 15(1)(b)
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
Vision and Mission	WEBSITE
Accreditation	WEBSITE
Staff	WEBSITE
Course content	WEBSITE
Course dates	WEBSITE

3. Categories of records available that may be requested via PAIA [Section 14 (1)(d)]

Access to the records listed here are those that have to be requested in terms of the Act. These records can be requested from Dynamikos Training Network.

Subject	Detail
Contracts	Employment and fixed term Contracts
Finance	Budget
Finance	Cash Flow
Learner records	Personal information
Learner records	Skills evaluation documents
Learner records	Assessment results
Personnel Records	Advertisements
Personnel Records	Appointments
Personnel Records	Injury on Duty
Personnel Records	Leave Records
Personnel Records	Performance Appraisals Records
Personnel Records	Promotions
Personnel Records	Records provided by personnel
Personnel Records	Remuneration Records
Plans	Business Plans
Programmes	HIV/AIDS Programme
Programmes	Skills Development

4. Steps to be taken by the Requester

1. The requester must comply with all the procedural requirements as prescribed in the Act i.e. all requests, complying with the procedures as set out below, will be considered and processed.
2. Access to a record may only be refused on the grounds of refusal mentioned in the Act. (See par 6.3)
3. A request for access must be made by completing the prescribed request form, paying the request fee and sending it to the Information Officer.
4. The form must be signed by the requester.
5. The requester must sign all additional pages of documentation added to the request form.
6. The personnel from the PAIA Centre can also be contacted and will assist in making the request.
7. To cut down on administration it is recommended that the payment of the Request fee of R35.00, with the exception of a Personal Requester, be attached or included with the request.
8. It is recommended that the requester keep a copy of the request for his/her own records and. the request fee (where applicable) has been paid;
9. Dynamikos has 30 days (where applicable) **to make a decision**. An additional 30 days may be added to the original

period to make the decision. The requester will be informed in writing by post, within 30 days, of the decision to extend the period; (PAIA-REQ-12)

10. Dynamikos can decide and notify the requester.:
 - a. to **grant** the request (PAIA-REQ-08 or PAIA-REQ-09);
 - b. To **partially grant/refuse** the request (PAIA-REQ-11
 - c. notice of **fees payable** (if applicable).

The record(s) will only be made available if the Information Officer has received the applicable fees; (PAIA-REQ-03) to **refuse** the request (PAIA-REQ-10);

NOTE: If an Information Officer fails to respond within 60 days (including the extended period) to the request it should be regarded as a refusal and the requester may lodge an Internal Appeal. [Section 27]

The prescribed fees are summarised in accordance with Part II of the Government Notice (R187) published in the Government Gazette on 15 February 2002.

FEE DESCRIPTION	RAND value
Request Fees [Section 22(8)]	
1.The request fee payable by every requester, other than a personal requester, referred to in regulation 7 (2).	35,00
Reproduction Fees [Section 15(3)] (apply to the reproduction of records that are disclosed voluntarily or that are made available automatically)	
2.The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.	0,60 per page
3.The fees for reproduction referred to in regulation 7(1) are as follows:	
a. For every photocopy of an A4-size page or part thereof	0,60
b.For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
c. For a copy in a computer-readable form on:	
USB	R100
compact disc	R40,00
Search and Preparation Fees	
4. To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search an preparation	15,00 per hour exl 1 st hour
Deposit Required [Section 22(2)]	
5. For purposes of section 22(2) of the Act, the following apply:	
a. six hours as the hours to be exceeded before a deposit is payable; and	
b. one third of the access fee is payable as a deposit by the requester	
Postal Fees	
6 The actual postal fee is payable when a copy of a record must be posted to a requester	

Dynamikos will accept payment by means of the following methods.

Postal orders. Postal Orders must be made payable to DYNAMIKOS TRAINING NETWORK

Not-transferable cheques (a clearing period of 10 days must be allowed). Cheques must be made payable to. DYNAMIKOS TRAINING NETWORK

A requester may lodge an Internal Appeal against, or an application with a court, on the payment of fees.

A request may be refused if the requester hasn't complied with all procedural requirements after he/she has been notified of the intention to refuse the request by the Information Officer.

The Act provides for grounds where access to a record **MUST** or **MAY** be refused.

For the purpose of this manual, only the grounds on which access to a record **MUST BE REFUSED** will be highlighted here.

The Information Officer **MUST**, subject to certain provisions, refuse a request for access on the following grounds:

1. **Mandatory protection of privacy of a third party who is a natural person**, i.e. if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual [Section 34(1)].
2. **Mandatory protection of certain records of the South African Revenue Service (SARS)**, i.e. the Information Officer of SARS must refuse a request to a record of SARS if it contains information that was obtained or is held by SARS for the purposes of enforcing legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act 34 of 1997) [Section 35(1)].
3. **Mandatory protection of commercial information of third party**, i.e. the Information Officer must refuse a request if the record contains [Section 36(1)]:
 - a. trade secrets of a third party;
 - b. information supplied in confidence by a third party and the disclosure could put that third party at a disadvantage in contractual or other negotiations, or prejudice that third party in commercial competition.
4. **Mandatory protection of certain confidential information of a third party**, i.e. the Information Officer must refuse a request if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement [Section 37(1)(a)].
5. **Mandatory protection of safety of individuals, and protection of property**, i.e. the Information Officer must refuse a request if its disclosure could reasonably be expected to endanger the life or physical safety of an individual [Section 38(a)].
6. A requester, personal requester or third party may only apply to a court after he/she has exhausted the Internal Appeal procedures.
7. A requester, personal requester or third party may, within 30 days, by way of an application, apply to a court for appropriate relief.

5.Updating of the Manual [Section 14(2)]

The manual will be updated once a year in March, except in the case of major changes.

6. Availability and Language of the Manual [Section 14(1) and (3)]

Language:The manual is available in English.

Availability: The manual is available at the Company premises