



mictseta

Media, Information and Communication Technologies
Sector Education and Training Authority

Accelerating quality skills towards an information savvy society

**PROMOTION OF ACCESS TO INFORMATION ACT
POLICY / MANUAL IN TERMS OF SECTION 14
IN RESPECT OF
THE MEDIA, INFORMATION AND COMMUNICATION TECHNOLOGIES
SECTOR EDUCATION AND TRAINING AUTHORITY
("MICT SETA")**

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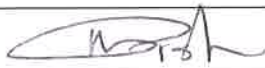
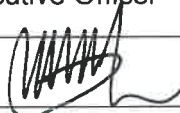
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1. INTRODUCTION

This manual is published by MICT SETA, the Media, Information and Communication Technologies Sector Education and Training Authority

This manual is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000), herein referred to as "The Act". The Act gives effect to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The provision of any information in addition to that specifically required in terms of Section 14 of the Act does not create any contractual right or entitlement to receive such information, other than in terms of the Act.

2. OVERVIEW OF THE PUBLIC BODY – MICT SETA

2.1 Background to MICT SETA

The Media, Information and Communication Technologies Sector Education and Training Authority, known as the "MICT SETA", was established in terms of the Skills Development Act of 1998 and is responsible for skills development in the Advertising, Electronic Media and Film, Electronics, Information Technology and Telecommunications sectors and their subsectors.

MICT SETA supports the constitutional right of access to information and we are committed to provide any requester access to our records in accordance with the provisions of the Act.

2.2 Functions and composition of MICT SETA [Section 14(1)(A)]

The functions of MICT SETA (as defined in the Skills Development Act) are *inter alia* to:-

- 2.2.1** develop a sector skills plan within the framework of the national skills development strategy;

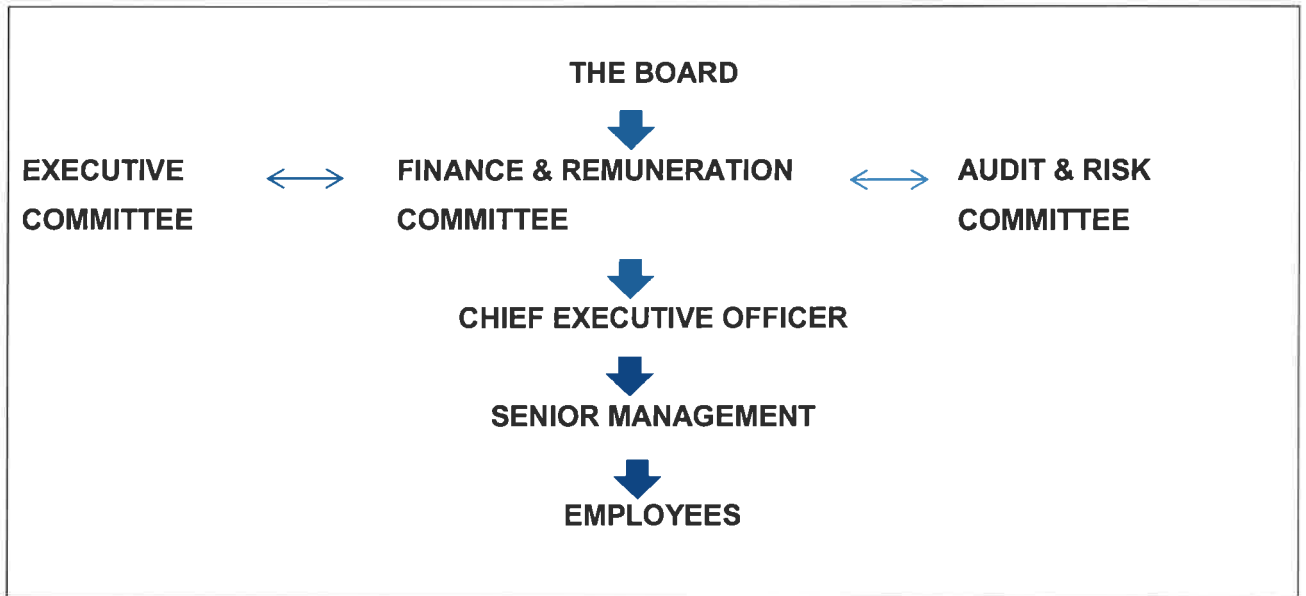


- 2.2.2** implement its sector skills plan by establishing learnerships, approving workplace skills plans, allocating grants as well as monitoring education training in the sector;
- 2.2.3** promote learnerships by identifying workplaces for practical work experience, supporting the development of learning materials, improving the facilitation of learning and assisting in the conclusion of learnership agreements;
- 2.2.4** register learnership agreements;
- 2.2.5** obtain accreditation from the South African Qualifications Authority;
- 2.2.6** collect and disburse the skills development levies in its sector;
- 2.2.7** liaise with the National Skills Authority on the national skills development policy, the national skills development strategy as well as its sector skills plan;
- 2.2.8** report to the Director-General of Labour on its income and expenditure as well as the implementation of its sector skills plan;
- 2.2.9** appoint staff necessary for the performance of its functions; and
- 2.2.10** perform any other duties imposed by the Skills Development Act and the Skills Development Levies Act or consistent with the purposes thereof.

MICT SETA has all such powers as are necessary to enable it to perform its duties as set out above and any other powers conferred upon it by virtue of the Skills Development Act.



2.3 Schematic diagram of MICT SETA



2.4 Composition of MICT SETA

The Board of MICT SETA consists of members representing:

- 2.4.1 organised labour;
- 2.4.2 organised employers, including small businesses;
- 2.4.3 relevant government departments; and
- 2.4.4 appropriate professional bodies.

3. VISION, MISSION AND VALUES

3.1 Vision

To be recognised as the leader in the development of a highly skilled knowledge-based information society.



3.2 Mission

The MICT SETA generates, facilitates and accelerates the processes of quality skills development at all levels in the MICT sector.

3.3 Values

3.3.1 As an organisation and individuals within the organisation we value honesty and integrity;

3.3.2 We are eager to take on challenges and see them through;

3.3.3 We have a passion for developing people; and

3.3.4 We hold ourselves accountable to our customers and partners by honouring commitment and striving to ensure quality service delivery in line with Batho-Pele principles.

4. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC [Section 14(1)(F)]

4.1 Nature of services

MICT SETA's services include:-

4.1.1 implementing its sector skills plan by establishing learnerships, approving workplace skills plans and allocating grants;

4.1.2 promoting learnerships, facilitating the development of learning materials and improving the facilitation of learning;

4.1.3 registering learnership agreements;

4.1.4 collecting and disbursing the skills development levies in its sector; and



4.1.5 quality assurance in respect of learnerships and training in the sector.

These services are not available to members of the public but rather to employers and workers falling within MICT SETAs designated economic sector.

4.2 How to gain access to these services

Provided that a member of the public falls within the definition of an employer or worker in MICT SETA's designated economic sector (as defined in the Skills Development Act), he/she may gain access to these services by submitting an online application on our website.

5. ARRANGEMENT FOR PUBLIC PARTICIPATION IN POLICY FORMULATION [Section 14(1)(g)]

The Skills Development Act and the Constitution of MICT SETA provide for participation of workers and employers in MICT SETA's designated economic sector only. Any persons falling within this group may attend general meetings of MICT SETA.



6. CONTACT DETAILS

Name of Public Body	MICT Sector Education and Training Authority
Designated Information Officer	Chief Executive Officer
Email address of Information Officer	oupa.mopaki@mict.org.za
Postal address	P. O. Box 5585 Halfway House 1685
Physical address	Block 2, Level 3 West Gallagher Convention Centre Gallagher Estate 19 Richards Drive Halfway House Midrand 1685
Phone number	011 207 2600
Fax number	011 805 6833

7. AVAILABILITY OF THIS MANUAL [Section 14(3)]

A copy of this manual is made available:

7.1 On our website www.mictseta.org.za ;



- 7.2 By sending a request for a copy to the MICT SETA Information Officer by email, post or fax;
- 7.3 From the Government printers; and
- 7.4 For public inspection at our office and the office of the South African Human Rights Commission ("SAHRC").

8. UPDATING OF MANUAL [Section 14(2)]

This manual will be updated and published, if necessary, at intervals of not more than 1 (one) year as prescribed in the Act.

9. HOW TO ACCESS THE GUIDE DESCRIBED IN SECTION 10 OF THE ACT [Section 14(1)(c)]

The Guide is available from the South African Human Rights Commission. Please direct any queries to:

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

Postal address:
Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za



E-mail: paia@sahrc.org.za

10. HOW TO REQUEST ACCESS TO RECORDS HELD BY MICT SETA [Section 18]

10.1 Records that may be requested

The records to be requested by a requester means any recorded information regardless of its form or medium which is in the possession or under the control of MICT SETA, whether it was created by MICT SETA or not, see definition of records in clause 15.

MICT SETA is committed to openness and transparency. However, simply because your request falls within the category of records that may be requested does not mean that MICT SETA is obliged to provide you with the record/s you have requested. MICT SETA is obliged to consider its own rights and responsibilities and those of third persons in deciding whether to provide you information you have requested.

10.2 Requests generally

A requester shall be given access to a record held by MICT SETA if the following requirements set out in the Act are met. These requirements are:

10.2.1 that the requester complies with all the procedural requirements set out in the Act relating to a request; and

10.2.2 that access to that requested record is not refused in terms of any ground for refusal set out in the Act.

MICT SETA will not consider the identity of a requestor or why the requestor wants information, in making its decisions to allow the requestor access to information or not. MICT SETA will make its decision based on whether the requestor has a right to the information.



In particular, the right of a requester to access information in terms of this Act is not affected by any reasons given by that requester for requiring access. In addition, the Information Officer's beliefs as to what the reasons for the request may be are not considered in deciding the requestor's right to access information in terms of the Act.

10.3 How to Request a Record

10.3.1 Requests for access to records held by MICT SETA must be made on the prescribed request form in terms of Section 18. This prescribed form is attached to this Manual as Schedule 2. The forms may also be obtained from the SAHRC at the contact details indicated above (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za under "regulations")

10.3.2 Requests for access to records must be made to the Information Officer at the address, fax number or electronic mail address provided for above.

10.3.3 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.

10.3.4 The requester should also indicate which form of access is required, such as a copy or inspection of a written or printed record; a copy or view of an image; a transcription or listening to a sound recording; a print-out or copy of a record stored by way of computer or a copy of any other record.

10.3.5 The requestor must indicate if he or she wishes to be informed of MICT SETA's decision regarding such request in a particular manner (post, fax electronic mail) and state the necessary particulars to be so informed. If no details are given, MICT SETA will use its discretion and will usually respond by fax or electronic mail.

10.3.6 The requester must also state whether the record concerned is preferred in a particular language.

10.3.7 If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

10.3.8 Should an individual be unable to make a request for access to a record of MICT SETA because of illiteracy or disability, he or she may make such a request orally. The Information Officer of MICT SETA must then reduce the oral request to writing in the prescribed form and supply the requester with a copy thereof.

10.4 Remedies available for Non-Compliance [Section 14(2)]

MICT SETA does not have an internal appeal procedure relevant to the Act. Accordingly, a dispute regarding the Act may be resolved by approaching the relevant court directly

10.5 Other information as may be prescribed in the Act [Section 14(1)(i)]

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be inserted here.

10.6 Section 15(2) notice [SECTION 14(1)(E)]

MICT SETA has not yet published a notice in terms of Section 15(2) of the Act. As and when this notice is published, this Manual will be updated to incorporate the notice.

11. PRESCRIBED FEES FOR REQUESTING AND ACCESING RECORDS [Section 22]

The Act sets out two types of fees, namely a request fee and an access fee. They are required to be paid prior to MICT SETA evaluating the request for information and then accessing and retrieving the record/s¹.

¹ These fees are set out in Schedule 1.

11.1 Request Fees

- 11.1.1** A personal requester, being a natural person (human being) who requests access to a record containing personal information about him or her is not required to pay the request fee. Any other requester, who is not a personal requester, will be required to pay such fee.
- 11.1.2** The requestor (other than a personal requester) can include this request fee with his or her request. If the requestor is not sure of the request fee or chooses not to send it, he or she may still submit the request and the Information Officer must advise the requestor of the prescribed fee. This will be done through the contact address given and may delay the request process. No invoice will be issued
- 11.1.3** The request fee (other than for a personal requester) must be paid before MICT SETA will process the request. MICT SETA may also ask for a deposit in certain circumstances, which will be refunded if the request is refused.
- 11.1.4** If you disagree with the Information Officer's decision that you must pay a request fee and/or you disagree with the amount of the request fee you are entitled to apply to court to remove the obligation to pay the request fee or vary the amount of the request fee.
- 11.1.5** The Information Officer must notify the requester of his/her decision in the manner and at the address specified by the requester.

11.2 Access Fees

- 11.2.1** In the event that the Information Officer grants the request, a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to prepare and search for the requested record.
- 11.2.2** As with the request fee, the requestor may pay the access fee before a decision is made and if your request is refused, the fee will be refunded. If the requestor is not sure of the access fee or chooses not to send it, the Information Officer must advise



you of the prescribed access fee. This will be done through the contact address you give and may delay the request process. No invoices will be issued.

11.2.3 The access fee (including for a personal requester) must be paid before MICT SETA will search for and extract the record requested.

11.2.4 If you disagree with the Information Officer's decision that you must pay an access fee and/or you disagree with the amount of the access fee you are entitled to apply to court to remove the obligation to pay the access fee or vary the amount of the access fee.

11.2.5 The Information Officer must notify the requester of his/her decision in the manner and at the address specified by the requester.

12. RECORDS HELD BY MICT SETA [Section 14(1)(d)]

MICT SETA maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.²

12.1 Internal Records

The following are records pertaining to MICT SETA's own affairs and is of limited use to persons outside of MICT SETA (examples include internal telephone lists, contact lists, address lists, requisitions, directives, contracts and the like) and include:

12.1.1 Constitution of MICT SETA;

12.1.2 Financial records;

12.1.3 Statutory records; and

² Certain records stipulated below are available on the MICT SETA website and if you have Internet access you are encouraged to consider the Internet website before submitting a request.



12.1.4 Internal policies and procedures.

12.2 Personnel Records

Personnel refers to any person who works for or provides services to or on behalf of MICT SETA and receives or is entitled to receive any remuneration and any other person who assist in carrying out or conducting any work or services of MICT SETA. This includes, without limitation, members of Management, managers, all permanent, temporary and part-time staff as well as contract workers.³

Personnel records include the following:

12.2.1 Any personal records provided to MICT SETA by its personnel;

12.2.2 Any records a third party has provided to MICT SETA about any of their personnel;

12.2.3 Conditions of employment and other personnel-related contractual and quasi-legal records;

12.2.4 Internal evaluation records; and

12.2.5 Other internal records and correspondence.

12.3 Work-related Records

Work-related information includes the following:

12.3.1 Any records a third party has provided to MICT SETA; and

12.3.2 Records generated by or within MICT SETA pertaining to work or services, including transactional records.

³ Personal records are subject to the Protection of Personal Information Act, 2013.

12.4 Other Parties

Records are kept in respect of other parties, including without limitation, employers, workers, contractors, suppliers, departments, divisions and service providers. Alternatively, such other parties may possess records which can be said to belong to MICT SETA. The following records fall under this category:

- 12.4.1** Personnel, work or service related records which are held by another party as opposed to being held by MICT SETA; and
- 12.4.2** Records held by MICT SETA pertaining to other parties, including financial records, correspondence, contractual records, workplace records, Employment Equity plans, other records provided by the other party, and records third parties have provided about their contractors/suppliers.

12.5 Other Records

Further records are held including:-

- 12.5.1** Information relating to MICT SETA's own commercial activities; and
- 12.5.2** Research information belonging to MICT SETA or carried out on behalf of a third party.

13. POLICY REVIEW

This policy will be reviewed annually by the Office of the CEO.



14. AMENDMENT HISTORY

AMENDMENT HISTORY			
Policy Number	Version Number	Description	Date to be Revised
POL GOV ACCESS INFO v1p0 150930	1.0	First Issue	2016-10-30
POL GOV ACCESS INFO v1p1 160909	1.1	No changes	2017-09-09



SCHEDULE 1

FEES IN RESPECT OF PUBLIC BODIES

Part ii of Notice 187 in the Government Gazette on the 15 February 2002

1	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.	
2	The fees for reproduction referred to in regulation 7(1) are as follows:	R
2.1	For every photocopy of an A4-size page or part thereof	0.60
2.2	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
2.3	For a copy in a computer-readable form on Compact Disk / Flash Disk	40.00
2.4	transcription of visual images or an A4-size page or part thereof	22.00
2.5	A copy of visual images	60.00
2.6	For a transcription of an audio record or an A4-size page or part thereof	12.00
2.7	For a copy of an audio record	17.00
3	The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35.00.	
4	The access fees payable by a requester referred to in regulation 7(3) are as follows:	R
4.1	Every photocopy of an A4-size page or part thereof	0.60
4.2	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
4.3	For a copy in a computer-readable form on Compact Disk / Flash Disk	60.00
4.4	A transcription of visual images, for an A4-size page or part thereof	22.00
4.5	A copy of visual images	60.00
4.6	A transcription of an audio record, for an A4-size page or part thereof	12.00

- 4.7 A copy of an audio record 17.00
- 4.8 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 and preparation.
- 5 For purposes of section 22(2) of the Act, the following applies:
- 5.1 Six hours as the hours to be exceeded before a deposit is payable;
and
- 5.2 One third of the access fee is payable as a deposit by the requester.
- 6 The actual postage is payable when a copy of a record must be posted to a requester.



SCHEDULE 2

PRESCRIBED FORMS FOR ACCESS TO INFORMATION

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))

FOR DEPARTMENTAL USE

Reference number

Request received by (state rank, 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

Name of Public Body	MICT SETA
Designated Information Officer	Oupa Mopaki
Email Address of Information officer	Oupa.mopaki@mict.org.za
Postal Address	P O Box 5585, Halfway House, 1685
Street Address	Block 2, Level 3 West, Gallagher Convention Centre, Gallagher Estate, 19 Richards Drive, Halfway House Midrand, 1685
Phone Number	011 207 2600
Fax Number	011 805 6833

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be recorded below.
(b) Furnish an address and/or fax number in the Republic to which information must be sent.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Names and Surname:	
Identity Number	
Postal 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	
Postal Address	

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.***

Description of record or relevant part of the record:	
Reference number, if available:	

Any further particulars of record:	
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E. Fees

<p>(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason therefore.</p>

Reason for exemption from payment of fees:

F. Form of access to record

<p>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 hereunder, state your disability and indicate in which form the record is required.</p>	
<p>Disability:</p>	
<p>Form in which record is required:</p>	
<p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

***Mark the appropriate box with an "X".**

1. If the record is in written or printed form:			
copy of record*	<input type="checkbox"/>	inspection of record*	<input type="checkbox"/>

2. If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
view the images*	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*	<input type="checkbox"/>

3. If record consists of recorded words or information which can be reproduced in sound:			
listen to the soundtrack (audio cassette)*	<input type="checkbox"/>	transcription of soundtrack (written or printed document)*	<input type="checkbox"/>

4. If record is held on computer or in an electronic or machine-readable form :					
printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (magnetic or optical disc)	<input type="checkbox"/>

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	Yes	NO
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Note: that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?
--



G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof 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 / Person on whose behalf request is made

