



EASTERN CAPE PROVINCIAL LEGISLATURE (ECPL)

PAIA MANUAL

**Prepared in terms of section 14 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

TABLE OF CONTENTS

1.	LIST OF ACRONYMS AND ABBREVIATIONS	Error! Bookmark not defined.
2.	PURPOSE OF PAIA MANUAL	Error! Bookmark not defined.
3.	ESTABLISHMENT OF THE LEGISLATURE	Error! Bookmark not defined.
4.	STRUCTURE OF THE LEGISLATURE AND ITS FUNCTIONS	Error! Bookmark not defined.
5.	CONTACT DETAILS FOR LEGISLATURE	Error! Bookmark not defined.
6.	HOW TO MAKE A REQUEST FOR ACCESS TO INFORMATION....	Error! Bookmark not defined. Page 10-12
7.	REMEDIES AVAILABLE	Error! Bookmark not defined.
8.	THE INFORMATION REGULATOR GUIDE.....	Page 14
9.	SUBJECTS ON WHICH THE LEGISLATURE HOLDS RECORDS	Page 16-17
10.	RECORDS OF THE LEGISLATURE WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS.....	Page 18-19
11.	SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC AND HOW TO GAIN ACCESS TO THOSE SERVICES	Page 20
12.	PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY ECPL.....	Page 21
13.	PROCESSING OF PERSONAL INFORMATION	Page 21-24
14.	AVAILABILITY OF THE MANUAL.....	Page 25
15.	UPDATING OF THE MANUAL.....	Page 26

1. List of Acronyms and abbreviations

- 1.1 **“Access fee”** means a fee prescribed for the purposes of section 22(6 or 54(6), as the case may be
- 1.2 **“DIO”** Deputy Information Officer;
- 1.3 **“IO”** Information Officer;
- 1.4 **“ECPL”** Eastern Cape Provincial Legislature
- 1.5 **“Minister”** Minister of Justice and Correctional Services;
- 1.6 **“PAIA”** Promotion of Access to Information Act No. 2 of 2000(as Amended;
- 1.6. **“FMPPLA”** Financial Management of Parliament and Provincial Legislatures Act No.10 of 2009 as Amended;
- 1.7. **“POPIA”** Protection of Personal Information Act No.4 of 2013;
- 1.8. **“Regulator”** Information Regulator.
- 1.9. **“Requester”** Any person making a request for access to a record of that public body or a person acting on behalf of the person making a request for access to a record

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the nature of the records which may already be available at the Eastern Cape Provincial Legislature), without the need for submitting a formal PAIA request;
- 2.2 have an understanding of how to make a request for access to a record of the Eastern Cape Provincial Legislature
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4 know all the remedies available from the Eastern Cape Provincial Legislature regarding request for access to the records, before approaching the Regulator or the Courts;
- 2.5 know the description of the services available to members of the public from the ECPL and how to gain access those services
- 2.6 have a description of the guide on how to use the PAIA , as updated by the Regulator and how to obtain access to those services
- 2.7 To know if the Eastern Cape Provincial Legislature will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know if the Eastern Cape Provincial Legislature has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9 know whether the Eastern Cape Provincial Legislature has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF THE EASTERN CAPE PROVINCIAL LEGISLATURE

- 3.1. The Eastern Cape Provincial Legislature is established in terms of the Constitution of the Republic of South Africa, 1996. Section 104 of the Constitution vests the legislative authority of the province in its provincial legislature, and confers on the provincial legislature the power to pass a constitution for its province or amend any constitution passed by it in terms of section 142 and 143, pass legislation on any matter within the functional area listed in schedule 4, any matter listed in schedule 5, any matter outside those functional areas, and that is expressly assigned to the province by national legislation and any matter for which a provision of the constitution envisages the enactment of provincial legislation and to assign any of its legislative powers to a municipal council.
- 3.2. The legislature in exercising its legislative power may consider, pass, amend or reject any Bill before the Legislature and may initiate or prepare legislation except money Bills.
- 3.3. The Legislature is required to provide mechanisms to ensure that all provincial executive organs of state in the Province are accountable to it and to maintain oversight of the exercise of provincial executive authority in the province including the implementation of legislation.
- 3.4. The Legislature is further required by section 118 of the Constitution to facilitate public involvement in the legislative and other processes of the legislature and its committees and conduct its business in an open manner and hold its sittings and those of its committees in public but reasonable measures may be taken to regulate public access, including access if the media to the legislature and its committees.
- 3.5. The national legislative process requires the legislature to make inputs and amendments in respect of section 74, 76 and 77 Bills as outlined in the Constitution. These are laws that affect the provinces, and the National Council of Provinces (NCOP) requires the Provincial Legislature to canvass inputs from the public and indicate its approval or rejection of the said draft laws.

VISION

An activist and responsive People's Assembly for good governance and improvement of quality of life for all.

MISSION STATEMENT

- To exercise oversight that will ensure responsiveness and accountability of the government to the people of the Province;
- To initiate, pass and monitor implementation of laws that uphold citizens' rights;
- To ensure meaningful public involvement, education and advocacy;
- To ensure that vulnerable groups are integrated in all programs of the Legislature; and
- To foster relations with local and international institutions supporting democracy

VALUES

Excellence	Discharging our responsibilities with utmost care and offering the highest levels of service to those we serve.
Integrity	Pursuing ethical practices by being open, honest, transparent and consistent in our actions
Commitment	Focusing on achieving our goals without let or hindrance
Professionalism	Conducting our business with our stakeholders with highest levels of diligence, competence and responsibility.
Accountability	Accepting full responsibility for our actions or inactions and consequences thereof.
Loyalty	Espousing the principles and ethos enshrined in the Constitution of the Republic of South Africa
Responsiveness	An institution that responds to stakeholders within a reasonable time frame
Respect	Having due regard to the rights of the citizens
Transparency	ensuring a People's Assembly that is accessible and provides information to the public
Openness	Giving meaning to the extent to which Legislature is able to build high levels of accountability and trust amongst citizens

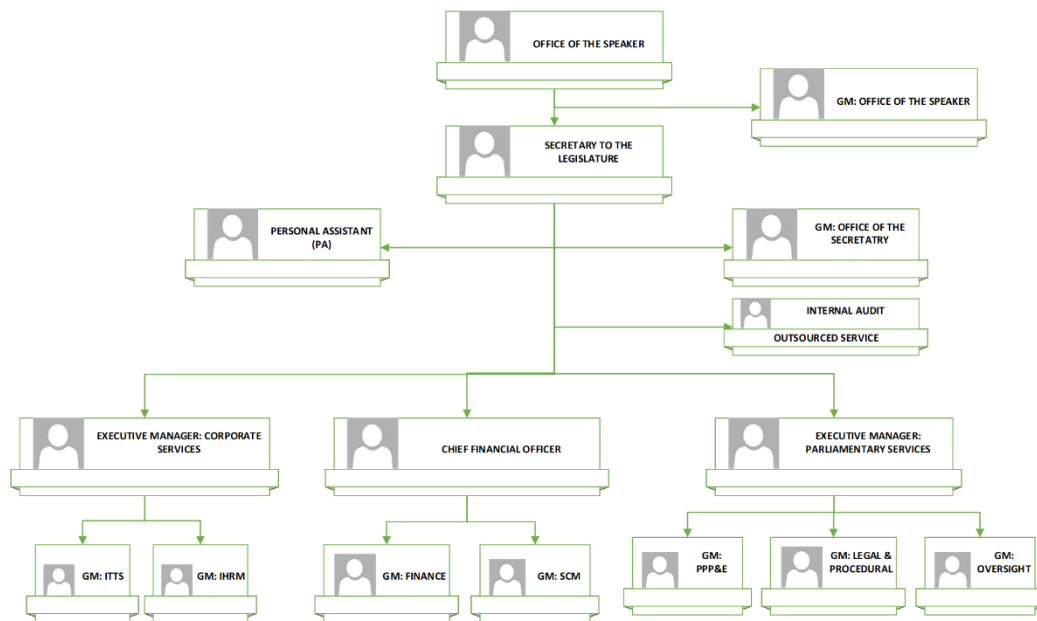
--	--

4. STRUCTURE OF THE EASTERN CAPE PROVINCIAL LEGISLATURE AND FUNCTIONS

4.1. Structure

NB: Attach the Organisational Top Structure and specify the names all committees, such as Audit & Risk Committees.

ECPL TOP STRUCTURE



4.2 Functions

The Eastern Cape Provincial Legislature has the following functions

- (a) Oversight over the Executive*
- (b) Law making*
- (c) Public Participation*

5. CONTACT DETAILS OF THE INFORMATION OFFICER AND THE DEPUTY INFORMATION OFFICER OF THE LEGISLATURE

The Information Officer of the Eastern Cape Provincial Legislature is **Mrs Nomawethu Ngcakani**, the Secretary to the Legislature. The Information Officer's contact details are as follows:

Postal Address:

Eastern Cape Provincial Legislature
Private Bag X 0051
Bhisho
5605

Physical Address:

Office of the Secretary
Charlotte Maxeke Building
Independence Avenue
Bhisho
5605

Telephone no.:

Office of the Secretary: (+27) 40 6080207

Email: nngcakani@ecleg.gov.za

Deputy Information Officer

The Deputy Information Officer is **Adv Koleka Beja**. The Deputy Information Officer's contact details are as follows:

Postal Address:

Eastern Cape Provincial Legislature
Private Bag X 0051
Bhisho
5605

Physical Address:

1st Floor

Eddie Trent Building

Independence Avenue

Bhisho

5605

Telephone no.: 27 040 609154

Cellphone No; 082 5537950

Email: kbeja@ecleg.gov.za

- 5.1. Requestors of information are required to address all requests for access to information to **Adv Koleka Beja**, who has been delegated the responsibilities of Deputy Information Officer and to attend to all requests for access to information.
- 5.2. Requests for access to information must be hand delivered or emailed to the Deputy Information Officer of the ECPL.
- 5.3. Requesters are encouraged to forward requests for information by way of email where practically possible. Where postal services are utilised, the requester must use registered mail. It is essential that proof of postage be retained and be provided upon request.
- 5.4. When requests for access to information are hand delivered, the requester must ensure that he / she retains a copy of the form which must be signed and stamped as proof of delivery. please ensure that the request is stamped and signed for as proof of delivery.

6. HOW TO MAKE A REQUEST FOR ACCESS TO INFORMATION

The Procedure

- 6.1. A requester must fill out Form 2 attached as Appendix A and submit it, duly completed, to the relevant Deputy Information Officer at the address provided in paragraph 5 above to enable a response to the requester.
- 6.2. The Deputy Information Officer must assist a requester if a requester needs assistance with the process or with completing the forms, including illiterate or disabled requesters.
- 6.3. The form submitted to the Deputy Information Officer must contain all relevant information to enable the Deputy Information Officer to identify the specific information requested.
- 6.4. The requester must also indicate whether he/she wants to secure a copy of the record, to peruse the record at the office of ECPL or, alternatively, to secure the record in another form in which it exists
- 6.5. The request must not be for records which are subject to the refusal grounds as provided for under Chapter 4 of PAIA.
- 6.6. If, for practical reasons, access cannot be given in a required form but in another form, the fee must be calculated according to the way that the requester first asked for it.
- 6.7. The requester must indicate how he or she wishes to be informed of the decision by the Deputy Information Officer regarding the request for information in a particular manner (i.e. post, telefax, electronic mail) and must therefore provide the necessary details to be so informed. Please see important notes in respect of use of postal communication in paragraph 5 above as it is critical to receipt and processing of the requests.
- 6.8. If a requester asks for the information on behalf of somebody else, the capacity and proof of authority in which the request is being made must be indicated to the reasonable satisfaction of the Deputy Information Officer, and such mandate should be in writing and duly signed.

- 6.9. The Deputy Information Officer must make a decision within 30 days after receiving a request and notify the requester of the decision.
- 6.10. The Deputy Information Officer may extend the period of 30 days once for a further period of not more than 30 days. The Deputy Information Officer must notify the requester of such extension and the reasons therefore.

Required attachments:

- 6.11. A requester must be given access to records of ECPL if that request complies with all the procedural requirements, provided that access to that record is not refused on any of the grounds as provided in Chapter 4 of PAIA.
- 6.12. Completed Form 2 (Appendix A).
- 6.13. If the request is made on behalf of another person or juristic person, then proof of the capacity in which the requester is making the request, must be attached to Form 2.
- 6.14. Certified copy of identification of the requester.
- 6.15. Proof of payment of the required fees.

Fees

- 6.16. A non-refundable request fee of R100.00 (or as may be amended from time to time by way of written notice) is payable in respect of each and every request for access to information or internal appeal submitted to the Deputy Information Officer.
- 6.17. When the ECPL receives a request, the requester must be notified, using Form 3 (Appendix B) whether the request is being granted or not and if the request is granted, the requester must be notified to pay the prescribed access fee deposit (if any) as set out in Appendix C, before further processing the request.
- 6.18. Exemption may be granted in respect of requesters who meet the criteria for exemption as determined by PAIA. This exemption does not apply in respect of persons that are legally represented, even in circumstances where contingency fee agreements have been entered into by the requester and his/her legal representation.

- 6.19. Access to a copy of the records will be withheld until all the applicable fees have been paid in full. There is an exception for prior exempted requesters in this regard.
- 6.20. A requester who is dissatisfied with the fees charged may lodge an internal appeal against such decision, as set out in paragraph below.
- 6.21. Fees must be paid into ECPL's bank account. The deposit must be correctly referenced, and proof of each payment must be submitted to ECPL.

6.22. The bank details for ECPL's PAIA fees is as follows

Account Name : **Eastern Cape Provincial Legislature**
Account Number : **62020125680**
Branch Name : **KING WILLIAMS TOWN 264**
Branch Code : **210519**
Reference number : **PAIA (Initial & Surname)**
Proof of Payment : **kbeja@ecleg.gov.za**

7. REMEDIES AVAILABLE

7.1. Internal appeal

- 7.1.1. Where a requester is dissatisfied with the outcome of a request for access to information, the requester may lodge an internal appeal against the decision of the Deputy Information Officer by completing and delivering Form 4 (Appendix D) within 60 days to the Deputy Information Officer.
- 7.1.2. An internal appeal may be lodged against any one of the following decisions of the Deputy Information Officer
- 7.1.2.1. Refusing a request for access;
 - 7.1.2.2. Fees charged;
 - 7.1.2.3. Extension of period to deal with a request; and
 - 7.1.2.4. Access in a particular form
- 7.1.3. The requester must pay the prescribed internal appeal fee (where applicable) when lodging the appeal. The decision of the internal appeal may however, be deferred until the fees is paid.
- 7.1.4. As soon as reasonably possible, but within 10 working days after receipt of an internal appeal, the Deputy Information Officer must submit the internal appeal to the Speaker of the Eastern Cape Provincial Legislature.
- 7.1.5. The Speaker must make a decision on the internal appeal within 30 days after the internal appeal was delivered to the Deputy Information Officer.

Complaint to the Information Regulator

- 7.1.6. A requester may submit a complaint to the Information Regulator by duly completing and delivering Form 5 (Appendix E), but only after that requester exhausted the internal appeal procedure against a decision of the ECPL's Deputy Information Officer.

Approach Court

- 7.1.7. Although the ECPL recommends that requesters try to resolve disputes about access to information without approaching the courts, a requester may, if still aggrieved, approach a court after the internal appeal process.

8. THE INFORMATION REGULATOR GUIDE

- 8.1. The Regulator has, in terms of section 10 (1) of PAIA, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 8.2. The Guide is available in each of the official languages.
- 8.3. The aforesaid Guide contains the description of-
 - 8.3.1. the objects of PAIA and POPIA;
 - 8.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 8.3.2.1. the Information Officer of every public body, and
 - 8.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA
 - 8.3.2.3. the manner and form of a request for- access to a record of a public body contemplated in section 11¹; and
 - 8.3.2.4. access to a record of a private body contemplated in section 50²;
 - 8.3.3. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
 - 8.3.4. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 8.3.5. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 8.3.5.1. an internal appeal;
 - 8.3.5.2. a complaint to the Regulator; and

- 8.3.5.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 8.3.6. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 8.3.7. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 8.3.8. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 8.3.9. the regulations made in terms of section 92
- 8.3.10. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-
 - 8.3.10.1. upon request to the Information Officer;
- 8.3.11. from the website of the Regulator (www.inforegulator.org.za)

9. SUBJECTS ON WHICH ECPL HOLDS RECORDS

Subjects on which the body holds records	Categories of records held on each subject
Strategic Documents, Plans, Speeches and Official Statements	Strategic Plans, Annual Performance Plans; Operational Plans, Annual Reports, Policy Speeches; State of the Province Addresses;
Research	Research Analysis Reports
Human Resources and Corporate Services	<ul style="list-style-type: none"> - HR Policies and Procedures; - Advertised Posts; - Recruitment Records - Employee Records; - Learning and Development e.g.: Skills Development and Training Plans; - Employment Equity Plan and Statistics; - Newsletters; - Corporate Information; - Media Statements; - Speeches and Messages; - Wellness Flyers and Posters; - Pamphlets; - Video footage of official events.
Finance Documents	<ul style="list-style-type: none"> - Financial Statements; - Audit Reports; - Budgets; - Supply Chain Management documents which include tender specifications, tender advertisements, bid registers, bid submissions, bid

Subjects on which the body holds records	Categories of records held on each subject
	evaluation reports, bid adjudication reports, letters of appointment, letters to unsuccessful bidders, and asset management records.
Operational Documents	<ul style="list-style-type: none"> - Policy and Procedure Documents; - Communications and Records pertaining to ECPL's Operations.
Legal Documents	<ul style="list-style-type: none"> - Contracts; -Legal Opinions; - Records related to all manner of Litigation and Dispute Resolution Processes; - Litigation Statistics; - Minutes of Meetings, Agendas; - Legislation; - Policy Documents; - Standard Operating Procedures; - Committee reports - Debates

10. RECORDS OF ECPL WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS³

The records on the website of the Eastern Cape Provincial Legislature <https://www.eclegislature.gov.za> are available for viewing or downloading without a person having to make such a request in terms of the said Act.

Category	Document Type	Available on Website	Available upon request
News	<ul style="list-style-type: none"> - News articles and reports 	X	
General information	<ul style="list-style-type: none"> - Profiles of the Executive Committee - Information on the Eastern Cape Province Provincial Legislature - Profiles of Members of the Eastern Cape Provincial Legislature - Mandate of the ECPL - Coat of Arms 	X	
Media	<ul style="list-style-type: none"> - Media Statements - Photographs - Publications - Speeches - Videos 	X	

Category	Document Type	Available on Website	Available upon request
Procurement	<ul style="list-style-type: none"> - Tenders - Supplier Registration - Forms 	X	Available
Knowledge Hub	<ul style="list-style-type: none"> - Reports - Plans - Forms - Budgets - Policies 	X	
Careers	<ul style="list-style-type: none"> - Internship and Training - Bursaries - Vacancies - E-recruitment 	X	
Legislation /Regulations	<ul style="list-style-type: none"> - Constitution of the Republic of the South Africa, 1996 - FMPPLA; - LRA - EEA - S76 Bills - Provincial Bills 		Available

11. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC AND HOW TO GAIN ACCESS TO THOSE SERVICES

The ECPL is responsible for law making, oversight and public participation. In respect of law making, the ECPL processes section 76 Bills and Provincial Bills. The legislature is required to facilitate public involvement in its law-making process. This is done through public hearings as well as requests for written submissions. Members of the public are invited to submit their comments and submissions on Bills before the legislature. The call for comments are advertised on website, radio interviews and social media pages. The contact details of the person to whom submissions must be sent will be provided when comments are requested. Bills and Bill summaries that are processed by the Legislature are obtained from the legislature website; www.ecleg.gov.za, various social media platforms

The legislature is required to provide for mechanisms to ensure that the executive is accountable to the legislature. This is done through tabling of various reports by the executive through the portfolio committees and portfolio committees table their reports in the house for adoption. Further, Portfolio Committees conduct site visits. Meetings of the portfolio committees are open to the public. House sittings are also open to the public.

The legislature facilitates public participation. This is done through the programme of taking legislature to the people which is a programme held yearly in districts on a rotational basis. Members of the Public are invited to take part in the programme and raise their concerns. The legislature also holds sectoral parliaments for various sectors. This is to ensure participation of the sectors.

The legislature is also empowered to receive and consider petitions. This service is available to everyone who wants to petition the legislature on any issue relating to service delivery in the Eastern Cape Province. Members of the public may direct their petitions to the Hon Speaker ; MPL Helen Sauls- August. The email address is zgarane@ecleg.gov.za

12. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE LEGISLATURE

12.1. The ECPL is part of the legislative arm of the Government of the Eastern Cape.

12.2. The ECPL in its law making process solicits public comments on bills by conducting public hearings and requesting written submissions.

12.3. Members of the public may furthermore directly influence law making participating in the public hearings of the Provincial Legislature.

13. PROCESSING OF PERSONAL INFORMATION

13.1. Purpose of processing

The ECPL processes personal information related to the functions and activities of ECPL, which are set out in paragraph 12 above.

13.2. Description

A description of the categories of data subjects and of the information or categories of information relating thereto is set out in the table below:

Categories of Data Subjects	Personal Information that may be processed
Natural Persons	Name and surname; contact details (contact telephone number(s), fax number, email address); residential, postal and/or business address; unique identifying number; location information; race; gender; sex; pregnancy; marital status; national, ethnic or social origin; colour; sexual orientation; age; physical or mental health; well-being; disability; religion; conscience; belief; culture; language; birth; confidential correspondence; education; medical, financial, criminal or employment history including which may be required in the Department of Health's Patient Registration System.

Categories of Data Subjects	Personal Information that may be processed
Juristic Persons	Names of contact persons; name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets.
Employees	Gender, pregnancy; marital status; race; age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details (contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members); race; medical; gender; sex; nationality; ethnic or social origin; sexual orientation; age; physical or mental health; well-being; disability; religion; conscience; belief; culture; language; biometric information of the person as is required in public service prescripts and policies.

13.3. Recipients

The recipients or categories of recipients to whom the personal information may be supplied is set out in the table below:

Category of personal information	Recipients or Categories of Recipients
Identity numbers, names, addresses, employment and educational history for criminal checks	South African Police Services and other law enforcement agencies
Qualifications, for qualification verifications	South African Qualifications Authority
Identity numbers, names, and addresses	Suppliers and service providers (including legal representatives in litigation matters) with whom OTP has a contractual relationship to have access to personal information
Medical information	Legal teams acting on behalf of the ECPL
Employee information	Banks and other financial institutions, pension fund administrators, trade unions

14. Transborder flow

- 14.1.1. ECPL has not planned for any transborder flow of personal information. Should it, however, become necessary to transfer personal information to another country for any lawful purposes, the ECPL will ensure that anyone to whom it passes personal information is subject to a law, binding corporate rules or a binding agreement which provides an adequate level of protection, and the third party agrees to treat that personal information with the same level of protection as the ECPL is obliged to under POPIA.

14.1.2. Any transborder flow of personal information shall be with the data subject's consent or if the transfer is necessary for the conclusion or performance of a contract concluded between ECPL and a third party in the interest of the data subject. However, should it not be reasonably practicable to obtain the data subject's consent, ECPL shall transfer the personal information if the transfer will be for the data subject's benefit and the data subject would have given consent should it have been reasonably practicable to obtain such consent.

14.2. Information Security Measures

14.2.1. ECPL continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking measures to prevent:

14.2.1.1. loss of, damage to or unauthorised destruction of personal information; and

14.2.1.2. unlawful access to or processing of personal information.

14.2.2. ECPL has taken reasonable measures, as referred to in paragraphs 14.2. and 14. 3, to:

14.2.2.1. identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;

14.2.2.2. establish and maintain appropriate safeguards against the risks identified;

14.2.2.3. regularly verify that the safeguards are effectively implemented; and

14.2.2.4. ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

14.2.3. Measures taken by ECPL include:

14.2.3.1. Access Control;

14.2.3.2. Data Encryption;

14.2.3.3. Defensive Measures;

14.2.3.4. Robust Monitoring, Auditing and Reporting Capabilities;

14.2.3.5. Data Backups;

14.2.3.6. Anti-virus and Anti-malware Solutions;

14.2.3.7. Awareness and Vigilance; and

14.2.3.8. Agreements concluded with Operators to implement security controls.

15. AVAILABILITY OF THE MANUAL

15.1. This Manual will soon after its approval become available in the following three official languages-

15.1.1. English;

15.1.2 Xhosa

15.1.3. Afrikaans

15.2. The English version of this Manual is immediately available as follows-

15.2.1. on the website: [https:// www.eclegislature.gov.za](https://www.eclegislature.gov.za)

15.2.2. at the Eastern Cape Provincial Legislature offices for public inspection during normal business hours;

15.2.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

15.2.4. to the Information Regulator upon request.

15.3. A fee for a copy of the Manual, as contemplated in **Appendix C** shall be payable per each A4-size photocopy made.

16. UPDATING OF THE MANUAL

ECPL will, if necessary, update and publish this Manual annually.

Issued by



NOMAWETHU NGCAKANI (MRS)

SECRETARY TO THE EASTERN CAPE PROVINCIAL LEGISLATURE

28/01/2026

DATE

APPENDIX A – FORM 2

**FORM 2
REQUEST FOR ACCESS TO RECORD**

[Regulation 7.]

Note:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Deputy Information Officer

(Address)

E-mail address: _____
 Fax number: _____

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full names:			
Identity number:			
Capacity in which request is made <i>(when made on behalf of another person):</i>			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		

Full names of person on whose behalf request is made (<i>if applicable</i>):			
Identity number:			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular:		
PARTICULARS OF RECORD REQUESTED			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available:			
Any further particulars of record:			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			

Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(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)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected:	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
<p>a) A request fee must be paid before the request will be considered.</p> <p>b) You will be notified of the amount of the access fee to be paid.</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 for exemption</p>	
Reason:	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (<i>state rank, name and surname of Deputy Information Officer</i>)	
Date received:	
Access fees:	

Deposit (if any):	
-------------------	--

.....

Signature of Deputy Information Officer

APPENDIX B – FORM 3

FORM 3

OUTCOME OF REQUEST AND OF FEES PAYABLE

[[Regulation 8.](#)]

Note:

1. If your request is granted the-
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

TO:

Your request, dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B of the Regulations.

OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)

Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

Transcription of soundtrack (written or printed document)

Copy of information on flash drive (including virtual images and soundtracks)

Copy of information on compact disc drive (including virtual images and soundtracks)

Copy of record saved on cloud storage server

3. To be submitted:

Postal services to postal address

Postal services to street address

Courier service to street address

Facsimile of information in written or printed format (including transcriptions)

E-mail of information (including soundtracks if possible)

Cloud share/file transfer
<p>Preferred language: <i>(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)</i></p>

Kindly note that your request has been:

Approved

Denied, for the following reasons:

4. Fees payable with regards to your request:

Item
Photocopy
Printed copy
For a copy of a computer readable form on:
(i) Flash Drive
To be provided by requester
(ii) Compact Disc
If provided by requester
If provided to the requester
For a transcription of visual images per A4-size page
Copy of visual images
Transcription of an audio record, per A4-size
For a copy of an audio record
(i) Flash Drive
To be provided by requester
(ii) Compact Disc
If provided by requester
If provided to the requester
Postage, e-mail or any other electronic transfer:
TOTAL:

5. Deposit payable (if search exceeds six hours):

Yes

Hours of search	
-----------------	--

The amount must be paid into the following Bank account:

Name of account holder:

Office of the Premier Eastern
Cape

ABSA BANK

Account number:

41-0021-5080

Branch Code:

ABS EC PUBL

SECTOR

632005

Reference Nr:

PAIA (Name &
Surname)

Submit proof of payment to:

Rupert.fortune@ecotp.gov.za

Signed at _____ this _____ day of _____ 20 _____

*Deputy Information
Officer*

APPENDIX C – FEES

ANNEXURE B FEES

Fees in Respect of Public Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requester)	R40.00
	(ii) Compact disc	
	. If provided by requester	R40.00
	. If provided to the requester	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(i) Flash drive (to be provided by requester)	R40.00
	(ii) Compact disc	
	. If provided by requester	R40.00
	. If provided to the requester	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R100.00
	To not exceed a total cost of	R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(iii) Flash drive (to be provided by requester)	R40.00
	(iv) Compact disc	
	. If provided by requester	R40.00
	. If provided to the requester	R60.00
5.	For a transcription of visual images per A4-size page	

6.	Copy of visual images	Service to be outsourced. Will depend on quotation from Service provider.
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(v) Flash drive (to be provided by requester)	R40.00
	(vi) Compact disc	
	· If provided by requester	R40.00
	· If provided to the requester	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00
	To not exceed a total cost of	R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

APPENDIX D – INTERNAL APPEAL

FORM 4

LODGING OF AN INTERNAL APPEAL

[\[Regulation 9.\]](#)

Reference number: _____

PARTICULARS OF PUBLIC BODY			
Name of public body:			
Name and surname of Deputy Information Officer:			
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full names:			
Identity number:			
Postal address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
E-mail Address:			
Is the internal appeal lodged on behalf of another person?	Yes	<input type="checkbox"/>	No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>			
Full names:			
Identity number:			
Postal address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
E-mail Address:			
DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>			
Refusal of request for access:			
Decision regarding fees prescribed in terms of section 22 of the Act:			
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26 (1) of the Act:			
Decision in terms of section 29 (3) of the Act to refuse access in the form requested by the requester:			
Decision to grant request for access:			
GROUND(S) FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form, all the additional pages must be signed.)</i>			
State the grounds on which the internal appeal is based:			

Fees (Sec 22). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Extension (Sec 26 (1)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Access (Sec 29 (3)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Request for access granted. Confirmed?	Yes		New decision (if not confirmed)	
	No			

Signed at _____ this _____ day of _____ 20 _____

Relevant authority

APPENDIX E – COMPLAINT

FORM 5 LODGING OF COMPLAINT

[Regulation 10.]

Note:

- This form is designed to assist the Requester (hereinafter referred to as "the Complainant") in requesting a review of a public or private body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the Information Regulator or complete the online complaint form available at <https://www.justice.gov.za/inforeg/>.*
- PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part E of this complaint form.*
 - It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed PAIA form and submit it to the Body.*
 - A copy of this form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.*
 - The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.*
 - Please attach copies of the following documents, if you have them:*
 - Copy of the form to the Body requesting access to records;*
 - The Body's response to your complaint or access request;*
 - Any other correspondence between you and the Body regarding your request;*
 - Copy of the appeal form, if your complaint relates to a public body;*
 - The Body's response to your appeal;*
 - Any other correspondence between you and the Body regarding your appeal;*
 - Documentation authorizing you to act on behalf of another person (if applicable);*
 - Court order or court documents relevant to your complaint, if any.*
 - If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

TO: The Information Regulator
P.O Box 31533
Braamfontein,
2017

E-mail address: inforeg@justice.gov.za

Tel number: +27 (0) 10 023 5200

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT

(Mark with an "X")

Complainant
personally

Representative of complainant

Third party

PREREQUISITES				
Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Deputy Information Officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY				
Received by: (Full names)				
Position:				
Signature:				
Complaint accepted:	Yes		No	
Reference Number:				

Date stamp

Postal address	Facsimile	Other electronic communication <i>(Please specify)</i>

PART A PERSONAL INFORMATION OF COMPLAINANT				
Full names:				
Identity number:				
Postal Address:				
Street Address:				
E-mail Address:				
Contact numbers:	Tel. (B):		Facsimile	
	Cellular			

PART B REPRESENTATIVE INFORMATION	
<i>(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)</i>	
Full names of representative:	
Nature of representation:	
Identity number/Registration number:	

Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular		
PART C THIRD PARTY INFORMATION <i>(Please attach letter of authorisation)</i>			
Type of body:	Private		Public
Name of *public/private body:			
Registration number <i>(if any):</i>			
Name, surname and title of person authorised to lodge complaint:			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular		
PART D BODY AGAINST WHICH COMPLAINT IS LODGED			
Type of body:	Private		Public
Name of *public/private body:			
Registration number <i>(if any):</i>			
Name, surname and title of person you dealt with at the private/public body to try to resolve your complaint or request to access of information.			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular		
Reference number given <i>(If any):</i>			
PART E COMPLAINT <i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions)</i>			

Deemed refusal: (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record: (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access: (Section 56 (3) (a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal were given, including the provisions of this Act, which were relied upon for the refusal.</i>	
Partial access to record: (Section 28 (2) or 59 (2) of PAIA)	<i>Access to only part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver: (Section 22 (8) or 54 (8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist: (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	
Failure to disclose records:	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights): (Section 50 (1) (a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA, and I disagree.</i>	
Frivolous or vexatious request: (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	
Other: (Please explain):		
PART G EXPECTED OUTCOME		
How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
PART H AGREEMENTS		

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

I agree that the information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.

The information in this Complaint Form is true to the best of my knowledge and belief.

I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.

I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.

If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party