



MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

Incorporating additional requirements of the Protection of Personal Information Act, (No 4 of 2013)

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CHAPTER 1

DEFINITIONS AND ABBREVIATIONS

“**Access fees**” means fees payable by the requester to gain access of the requested information or documents;

“**Conditions for Lawful Processing**” means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA and in paragraph 8 of this Manual;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Data Subject**” has the meaning ascribed thereto in section 1 of POPIA;

“**Information Officer**” means the Chief Executive Officer of the Ports Regulator of South Africa who is responsible for dealing with a PAIA request;

“**Manual**” means this manual prepared in accordance with section 14 of PAIA and regulation 4(1) (d) of the POPIA Regulations;

“**PAIA**” means the Promotion of Access to Information Act 2 of 2000;

“**Personal Information**” has the meaning ascribed thereto in section 1 of POPIA;

“**Personnel**” refers to any person who works for, or provides services to or on behalf of the Ports Regulator of South Africa, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of PRSA, which includes, without limitation, Members of the Regulator, all permanent and temporary as well as contract workers;

“**POPIA**” means the Protection of Personal Information Act 4 of 2013;

“**POPIA Regulations**” means the regulations promulgated in terms of section 112(2) of POPIA;

“**Ports Regulator of South Africa**” means an independent body, vested with legal personality in terms of section 29 of the National Ports Act No.12 of 2005, and

“**PRSA**” shall have a corresponding meaning;

“Ports Act” means the National Ports Act, 2005 (Act No 12 of 2005);

“Private Body” has the meaning ascribed thereto in sections 1 of both PAIA and POPIA;

“Processing” has the meaning ascribed thereto in section 1 of POPIA;

“Public Body” means any State institution, entity or administration in the national or provincial sphere and any municipality in the local sphere;

“Record” has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;

“Requestor” has the meaning ascribed thereto in section 1 of PAIA;

“Request for Access” has the meaning ascribed thereto in section 1 of PAIA;

“Request fee” payable by every requester, other than a personal requester referred to in section 22(1) of the Act;

“Responsible Party” has the meaning ascribed thereto in section 1 of POPIA; and

“SAHRC” means the South African Human Rights Commission.

Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

CHAPTER 2

2. LEGISLATIVE BACKGROUND

2.1 The Constitution of the Republic of South Africa, as amended

The right of access to information is enshrined in section 32 of the Constitution.

The provision states that:

Access to Information,

(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.

Section 32 enables people to enjoy and use their socio-economic rights, and their civil and political rights. The right of access to information promotes transparency, accountability and effective governance of all public and private bodies and forms the basis to enable other human rights.

In order to give effect to this right, PAIA was enacted.

2.2 The Promotion of Access to Information Act 2 of 2000 (“PAIA”)

PAIA gives effect to the constitutional right of access to information held by any public or private body, which information is required for the exercise or protection of any rights. PAIA was assented to in 2000 and commenced on the 9 March 2001, with the exception of sections 10,14,16 and 51 which came into effect on 15 February 2002.

PAIA details the procedures that may be used to request access to information and provides for the grounds on which information may be refused.

Section 9 (b) recognizes that such right of access to information is subject to certain justifiable limitations such as those including, but not limited to:

- The reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

Section 14 (1) requires the compilation of a manual which details the procedures to be followed when making such request for information held either by a public body or private body.

Section 15 (1) mandates the Information Officer, who is defined in chapter 1 of PAIA as being the Chief Executive Officer, or equivalent officer, of that public body or the person who is acting as such, to submit to the Minister of Justice and Constitutional Development a description of the categories of records of the public body that are automatically available without a person having to request access in terms of PAIA. The fees payable if any for access of records will be published by notice in the Gazette, to be also included in the notice are any descriptions and updates decided by the Minister of Justice and Constitutional Development.

Section 17 enables the public body concerned to designate a number of persons as Deputy Information Officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records. The section further sets out that the Information Officer has direction and control over every deputy Information Officer. The Information Officer may delegate a power or duty conferred or imposed on that Information Officer by PAIA to a deputy Information Officer of that public body.

In deciding whether to delegate a power or duty, the Information Officer must give due consideration to the need to be as accessible as possible for requesters of its records. Any delegation must be made in writing and will not prohibit the person who makes the delegation from performing the duty concerned himself. This delegation may be amended or withdrawn by way of writing at any time. Any right or privilege acquired, or any obligation or liability incurred, as a result of a decision in terms of a delegation, is not affected by any subsequent withdrawal or amendment of that decision.

The Information Officer is also required under section 32 of PAIA to annually submit to the Human Rights Commission and/or the Information Regulator as the case may be, a report stating in relation to the public body;

- The number of requests for access received;
- The number of requests for access granted in full;
- The number of requests for access granted relating to mandatory disclosures in the public interest;
- The number of requests for access refused in full and refused partially and the number of times each provision of PAIA was relied on to refuse access in full or partial;
- The number of cases in which the time periods in PAIA were extended;
- The number of internal appeals lodged and the number of cases in which, as a result, access was given to a record;
- The number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused;
- The number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed; and
- Such matters as may be prescribed.

Section 90 of PAIA sets out the importance of the publication and access to a manual in terms of section 14 by holding under section 90 (2) that an Information Officer who willfully or in a grossly negligent manner fails to comply with the provisions of section 14, commits an offence and is liable to a fine, or to imprisonment for a period not exceeding two years. The section also lists as offences the denial of a right to access in terms of PAIA by destroying, damaging, or altering a record, the concealment of records and the falsifying of a record.

2.3 The Protection of Personal Information Act, Act No.4 of 2013 (POPIA”)

POPIA was assented to on 26 November 2013. POPIA has partially come into effect and the remaining provisions will come into effect upon the President’s proclamation. Broadly, the purpose of POPIA is to give effect to section 14 of the Constitution, being the constitutional right to privacy by protecting Personal Information and regulating the free flow and Processing of Personal Information. POPIA sets minimum conditions which all Responsible Parties must comply with so as to ensure that Personal Information is respected and protected. These minimum conditions are the Conditions for Lawful Processing and are more fully described in Chapter 8 (8.1) of this Manual.

Section 17 of the Protection of Personal Information Act requires that all Responsible Parties must maintain the documentation of all processing operations under their responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act. The purpose of this requirement is for Responsible Parties to be transparent about their processing of Personal Information.

Both PAIA and POPIA recognizes that the rights to access of information and privacy respectively may be limited in accordance with section 36 of the Constitution to the extent that such limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom

CHAPTER 3

3. PURPOSE AND OBJECTIVES OF THE PAIA MANUAL

The purpose of the Manual is to provide interested parties invoking section 14 of the PAIA with the necessary information to do so whilst also providing a clear view of the functions and structure of the Ports Regulator of South Africa.

Objectives of this Manual are to:

- i. Provide a non-exhaustive list of information, records and other details held by the PRSA;
- ii. Set out the requirements on how to request information in terms of both PAIA and POPIA; and
- iii. Define the manner and form in which a request for information must be submitted.

3.1 OVERVIEW

The Ports Regulator was established in terms of section 29 of the Ports Act. and is classified as a Schedule 3A Public Entity. The Regulator is a key component of the ports regulatory architecture envisaged in the National Commercial Ports Policy.

The Regulator's key function is economic regulation of the ports system in South Africa, in line with the strategic development context of the State. In accordance with this mandate, the Regulator performs certain functions and activities in the industry that relate mainly to regulation of tariffs and other aspects of economic regulation, promotion of equity of access to ports facilities and services, monitoring the industry's compliance with the regulatory framework and also hearing any complaints and appeals lodged with the Regulator.

The Regulator has developed Directives and Policy Principles that expand the regulatory framework. These documents, define how interested parties can engage in the processes of the Regulator, and provide clarity on the process and content standards that all stakeholders can expect from the Regulator.

The Regulator consists of a Chairperson and Members appointed by the Minister of Transport. The Regulator is assisted in its operations and functions by a Secretariat that is headed by the Chief Executive Officer who also serves as an *ex officio* Member of the Regulator.

The Regulator functions with certain statutory and non-statutory committees that concentrate on aspects of the Regulator's mandates. The Regulator is an independent regulator, within the context of the prevailing policy and regulatory framework, and is funded by a fiscal allocation from national government. The Regulator has its offices close to the Port of Durban.

3.2 PORTS REGULATOR'S VISION

The Ports Regulator of South Africa will be regarded nationally and internationally as a world-class institution which sets the standards for economic regulation in commercial maritime ports.

3.3 PORTS REGULATOR'S MISSION

The Mission of the Ports Regulator of South Africa is to:

- Exercise economic regulation of the South African ports system consistent with Government's strategic objectives;
- Support the development of the ports industry and system;
- Promote equity of access to ports and to facilities and services provided in ports; and
- Monitor the activities of the National Ports Authority to ensure that it performs its functions in accordance with the Ports Act.

3.4 PORTS REGULATOR'S VALUES

The Ports Regulator of South Africa adheres to the values of:

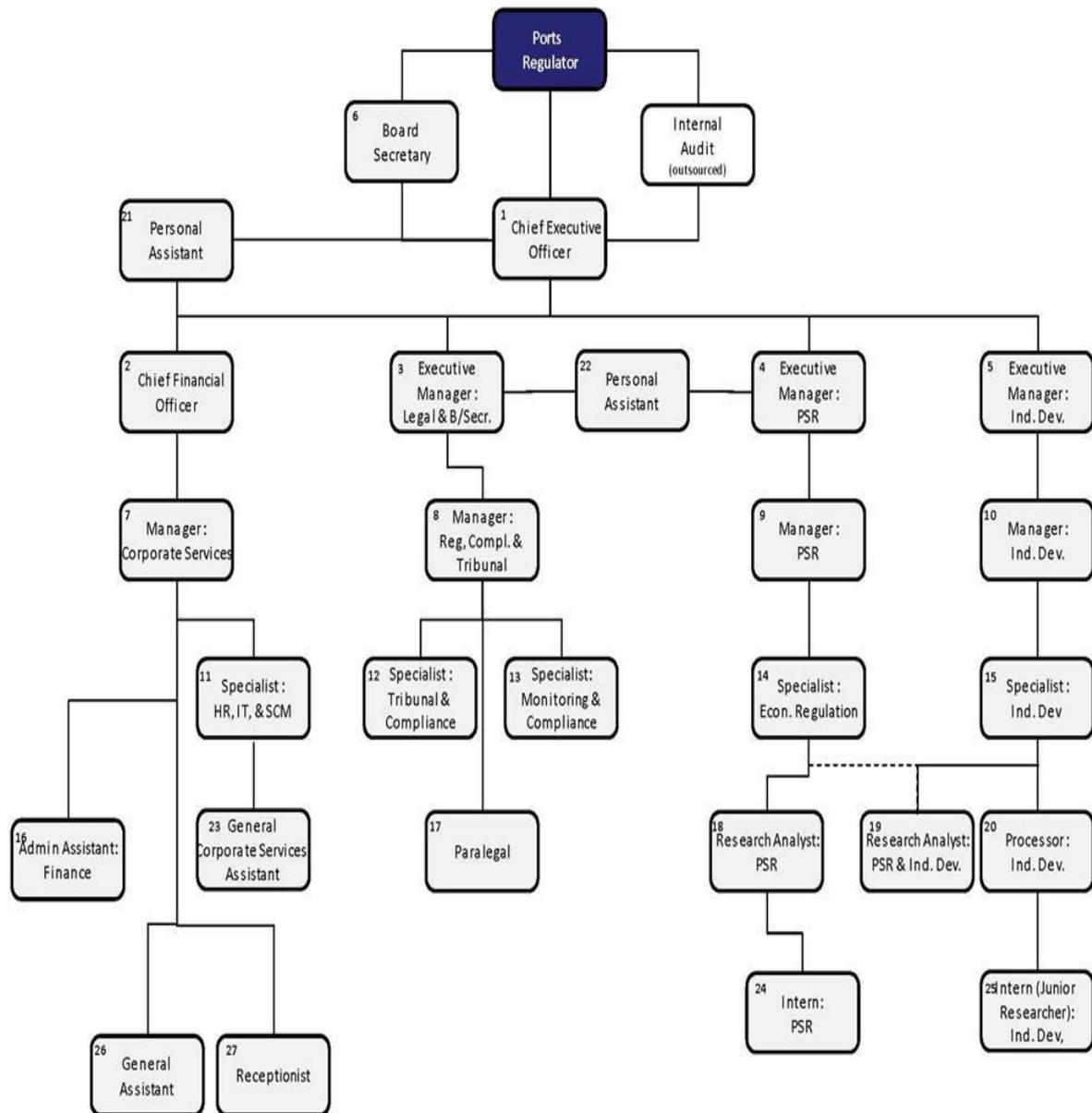
- The Constitution a, with special reference to the creation of a democratic, non-racial, non-sexist, fair society in South Africa;
- Stakeholder focus
- Fairness;
- Integrity
- Transparency, accountability and responsibility;
- Honesty and trust; and
Respect for the trust placed in it for the proper use of taxpayer and stakeholder resources.

3.5 PORTS REGULATOR'S STRATEGIC OBJECTIVES

The strategic objectives of the Ports Regulator of South Africa are:

- Establishing all elements of the regulatory framework within its mandate;
- Developing the capacity to deal with all the output requirements of the organisation;
- Establishing its reputation as an organisation with integrity focused on delivery;
- Ensuring that all port sector participants comply with the Ports Act; and
- Supporting the development of the port system and the port regulatory system architecture.

3.6 STRUCTURE OF THE PORTS REGULATOR OF SOUTH AFRICA



CHAPTER 4

4.1 CONTACT DETAILS

INFORMATION OFFICER	PHONE	EMAIL
Chief Executive Officer	031-365 7800	info@portsregulator.org

DEPUTY INFORMATION OFFICER	PHONE	EMAIL
Executive Manager: Legal	031-365 7802	info@portsregulator.org

ADDRESS	POSTAL ADDRESS	WEBSITE
11 th Floor, The Marine 22 Dorothy Nyembe Street, Durban 4001	11 th Floor, The Marine 22 Dorothy Nyembe St. Private bag X54322 Durban 4000	www.portsregulator.org

4.2 AVAILABILITY OF THIS PAIA MANUAL

In terms of section 14(2) of the Act, this PAIA Manual will be updated as and when the need arises or when there is any relevant and applicable legislative development. Pursuant to any amendments, the latest version of the Manual will be made public through the PRSA website at:

<https://www.portsregulator.org>

Alternatively, by requesting a copy by email from the relevant Information Officer, as provided for below.

The Manual may also be obtained from the South African Human Rights Commission (“SAHRC”) and it may also be available for inspection during office hours at no fee.

4.3 HOW TO USE THIS MANUAL AS PER THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (“SAHRC”) GUIDE ON THE ACT

In accordance with Section 10 of PAIA, the South Africa Human Rights Commission has compiled a guide on how to use the Promotion of Access to Information Act 2 of 2000. This guide is available from the South African Human Rights Commission. Any queries related thereto must be directed to the contacts provided below.

South African Human Rights Commission

Physical Address

Commission’s Head Office and Gauteng Provincial Office
2nd Floor, Braampark Forum 3
33 Hoofd Street
Braamfontein
2017

Telephone Numbers

Commission’s Head Office: 011 877 3600
Gauteng Provincial Office: 011 877 3750
Fax: 011 403 0668
KwaZulu-Natal Provincial Office: 031 304 7323/4/5
Fax: 031 304 7323

Email Address

PAIA@sahrc.org.za

Website

www.sahrc.org.za

CHAPTER 5

5.1 WHO MAY REQUEST INFORMATION OR RECORDS?

The purpose for which information is required:

PAIA provides that a person may only request information in terms of which that information is required for the exercise or protection of a right.

Further to that, POPIA provides that a data subject may, upon proof of identity, request the responsible party to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA further provides that where the data subject is required to pay a fee for services provided to him/her, the responsible party:

- i. Must provide the data subject with a written estimate of the amount payable before providing the service; and
- ii. May require that the requester pay a deposit for all or part of the fee.

Categories of Requesters:

The capacity under which the Requester requests documentation/information will determine the category he/she falls in. Please note that the Requester category has a bearing on the conditions of access to the information.

Requesters have been classified into four categories:

- i. **A Personal Requester:** requests information about himself/herself.
- ii. **A Representative Requester:** requests information relating to and on behalf of someone else.
- iii. **A Third-Party Requester:** requests information about another person.
- iv. **A Public Body:** requests information in the public interest.

5.2 REQUESTING INFORMATION FROM THE PORTS REGULATOR

The person requesting access to information (Requester) must use the prescribed form (**Form A**) (Appendix 1) to make the request. Form A is attached hereto, and must be completed to comply with PAIA and allow the Requester to rely on PAIA for any relief sought.

The request must be addressed to the Deputy Information Officer, using the contact details provided above, under Chapter 4 paragraph 4.1.

The following steps must be considered before submitting a request:

Step 1: Are you entitled to use PAIA to request access:

- I. Please take note that section 7(1) of the Act states that:
 - “This Act does not apply to a record of a public body or a private body if –
 - (a) that record is requested for the purpose of criminal or civil proceedings;
 - (b) So requested after the commencement of such criminal or civil proceedings, as the case may be, and
 - (c) The production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law”
- II. If section 7 (1) applies, you may not bring a request in terms of PAIA. You must use the rules and proceedings for discovery of information of the relevant legal forum and proceedings you are involved in. The PRSA reserves the right to claim all expenses and other damages incurred as a result of a requestor submitting a request in contravention of section 7 (1).
- III. Please have regard to section 45 of PAIA which entitles the PRSA to refuse a request for access to a record if:
 - (a) The request is manifestly frivolous or vexatious; or
 - (b) The work involved in processing the request would substantially and unreasonably divert the resources of the PRSA.

Step 2: Does the information requested exist in the form of a record?

- I. Please note that PAIA only applies to records which are in existence at the time of the PRSA receiving your request.
- II. PAIA does not compel anyone to create a record which is not yet in existence at the time the request is made, for instance, the Act cannot be used to obtain reasons for a decision taken by the PRSA if such reasons are not in the form of a record.
- III. If you are not sure whether the record exists, please indicate that on the relevant request form.

Step 3: Is the record in the possession or under the control of the PRSA?

- I. The PRSA is a small organisation and the search for records requested may not necessarily involve substantial time, resources and expenses.
- II. PAIA provides that the record requested must be in the possession, or under the control of, the PRSA. However, for the purposes of PAIA, a record in the possession or under the control of:
 - (a) A PRSA official; or
 - (b) An independent contractor engaged by the PRSA, is regarded as being a record of that public body.
- III. As referred to earlier, section 45(b) of PAIA entitles the PRSA to refuse a request for access to record if the work involved, in processing the request, would substantially and unreasonably divert the resources of the PRSA.

Step 4: Should you bring the request in terms of Part 2 of the PAIA?

- I. The PRSA is a public body where records relate or are relevant to the exercise of public power or the performance of a public function in terms of any legislation.

Step 5: Form of Request

- I. A Requester must make the request for access to a record on the prescribed form (Form A) which must be submitted to the Information Officer or Deputy Information Officer by hand, by post, per facsimile or per email. Form A is attached hereto below, as Annexure 1.

- II. If you wish to type your information into an MS Word version of the Request form, please send an email to the Deputy Information officer requesting that a copy be mailed to you.
- III. If the request is made on behalf of another person, the Requestor must submit proof of the capacity in which the Requestor is making the request, to the reasonable satisfaction of the Information Officer or Deputy Information Officer. If a Requester is illiterate or disabled and cannot make a request on the prescribed form, then the request may be made orally. The Information Officer or Deputy Information Officer must reduce the oral request to writing on the prescribed form and provide a copy thereof to the Requestor.

The Requester must provide sufficient information on the request form to enable the Deputy Information Officer to identify the information requested.

The Requester should choose the preferred form of access (view, obtain a copy, paper or electronic format etc.) and the language for the provision of the information as well as state other preferences provided for on the request form.

In the event of a Requester making a request on behalf of another person, the Requester must submit proof of the capacity in which the request is made.

Where access to information has been granted, the Requester must pay a request fee for the reproduction, location, preparation of copies or transcripts of the information and for time reasonably required in excess of the prescribed hours estimated in the Act for these purposes, in order to disclose the information.

5.3 CONSIDERATION OF A SUBMITTED PAIA REQUEST

Subject to the provisions of PAIA, access to records requested from the PRSA will only be given if-

- i. All the procedural requirements set out in PAIA relating to a request are met; and
- ii. Access to the requested record(s) is not refused in terms of any ground for refusal set out in PAIA.

After submission of the Form A and payment of the fee the Deputy Information Officer will inform the Requester of his decision to grant or refuse access to the information requested within thirty (30) days of date of receipt of the request.

In the event that a request for information involves a third party, the Deputy Information Officer may extend the thirty-day period mentioned above, by up to but not exceeding a further thirty (30) days in order to give a third party the chance to make representations.

In the event that the Information Officer refuses a Requester access to information, the Information Officer must give the Requester reasons for the refusal and cite the specific section relied upon under the grounds for refusal in terms of PAIA.

The grounds for refusal are clearly spelled out and outlined in Parts 2 and 3 of Chapter 4 of the Act.

The PRSA may also refuse requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.

The grounds for refusal are also endorsed under POPIA.

5.4 REMEDIES AVAILABLE TO REQUESTERS ON REFUSAL BY THE PORTS REGULATOR TO PROVIDE INFORMATION

Section 78 (2)(c) is the most relevant and applicable to PRSA as it states that:

(2) A requester-

...

(b) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of “public body” in section 1 –

(i) to refuse a request for access

may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.

In terms of section 78(2)(c) of PAIA, a Requester that is dissatisfied with the refusal of a request by the Ports Regulator or its refusal to disclose information may within 180 days after the decision is made by the relevant authority, apply to a court for relief in accordance with sections 78-82 of PAIA.

CHAPTER 6

6.1 VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY

Information on the following subjects is available without a formal request as described in Section 15 of PAIA:

- a) PAIA Form A;
- b) The Ports Regulator of South Africa’s Publications and Annual Reports;
- c) General Information on the Ports Regulator of South Africa and the services offered; and
- d) Information available on Ports Regulator’s website: www.portsregulator.org which includes:
 - ❖ Legislation pertaining to the Ports Regulator
 - ❖ Records of Decision made by the Ports Regulator

- ❖ Strategic Plans
- ❖ Tariff Methodology and Pricing Strategy

- e) Court Orders – available on an individual basis
- f) Judgments – available on an individual basis
- g) Available open Tenders/ Quotations
- h) Suppliers
- i) NPA Tariff Applications
- j) Benchmarking and Research
- k) Ports Regulator programs
- l) Published reports from Industry Development
- m) Ports Regulator selected research report(s)
- n) Pamphlets
- o) Posters
- p) Newsletters

6.2 INFORMATION TO BE FORMALLY REQUESTED

The Ports Regulator holds information which must be formally requested in terms of PAIA. Inclusion of any subject or category should not be an indication that records falling within those subjects and/or categories will be made available under PAIA.

PAIA sets out certain grounds of refusal for request of such documents.

The following are the categories for which a formal request must be made to the Ports Regulator.

6.2.1 Finance and Administration

- i. Minutes of the meetings of the Ports Regulator (non-confidential parts), Subcommittees, staff meetings and/or management meetings;
- ii. Accounting records, books and documents;
- iii. Details of Auditors, External Auditors Reports;
- iv. Supply Chain Management Policy;
- v. Records of payments in payroll/remuneration;

- vi. Statutory quarterly reports;
- vii. Bank statements;
- viii. Fixed asset registers;
- ix. Delegation of authority framework;
- x. Copies of contracts with service providers;
- xi. Tenders / Request for quotations / proposals;
- xii. Strategic Plans;
- xiii. Draft Annual Reports;
- xiv. Service Level Agreements, Memoranda of Understanding and other agreements, etc.

6.2.2 Human Resources

- i. Employment Equity Plan;
- ii. Human Resources Policy;
- iii. Records of contracts: Employment contracts;
- iv. Personnel files;
- v. Statutory records;
- vi. Job profiles;
- vii. Salary information;
- viii. Performance scorecards;
- ix. Psychometric assessment reports;
- x. Employee wellness reports;
- xi. Leave reports; and
- xii. Employee relations records, etc.

6.2.3 Legal Compliance and Tribunal

- i. Unpublished comments on draft legislation;
- ii. Contract reports;
- iii. PAIA requests and reports;
- iv. Draft and actual contracts;
- v. Requests for legal advice;
- vi. Litigation reports;
- vii. Legislation reports;

- viii. Complaints reports;
- ix. Legal opinions; and
- x. Compliance reports, etc.

6.2.4 Governance

- i. Corporate Governance Manual;
- ii. Unpublished comments on draft legislation;
- iii. Ports Regulator Members' attendance registers;
- iv. Declaration of interest registers; and
- v. Internal and external correspondence within the Regulator; etc.

6.2.5 Other Documentation

- i. S30(5) Reports in terms of the Ports Act; and
- ii. Documents from the National Ports Authority except where information is exempt in terms of the confidentiality provisions of the Directives to the Ports Act, etc.

NB: The above list is not exhaustive and records or information which are inadvertently omitted, as well as personal information as defined in POPIA, requires formal request application.

CHAPTER 7

7.1 ACCESSIBILITY

As stated above in Chapter 4, paragraph 2, this Manual will be made available to the Human Rights Commission in accordance with paragraph 4(1) of the PAIA Regulations, 2002 It will also be available at www.portsregulator.org.

7.2 PRESCRIBED FEES: PUBLIC BODIES

The following fees have been prescribed in the PAIA Regulations, 2002 *gazetted* and must be paid by a Requester before the Ports Regulator's Information or Deputy Information Officer can make any record(s) or information available.

- a) The fee for the copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0.60 for every photocopy of an A4- size page or part thereof.
- b) 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.
- c) The fees for reproduction referred to in regulation 7(1) are as follows:
 1. For every photocopy of an A4-size page or part thereof R0.60
 2. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0.40
 3. For a copy in a computer-readable form on:
 - i. stiffy disc or any other equivalent storage device which the PRSA may have R5.00
(price may differ)
 - ii. compact disc R 40.00
 4. For a transcription of visual images
 - i. for an A4-size page or part thereof R 22.00
 - ii. For a copy of visual images R 60.00
 5. For a transcription of an audio record,
 - i. for an A4-size page or part thereof R 12.00
 - ii. for a copy of an audio record R 17.00
 6. The request fee payable by every Requester, other than a personal requester, referred to in regulation 7(2) is R35.00.

7. The access fees payable by a Requester referred to in regulation 7(3) are as follows:
- (a) For every photocopy of an A4-size page or part thereof R0.60
 - (b) For every printed copy of an A4-size page or part thereof held on computer or in electronic or machine-readable form R 0.40
 - (c) For a copy in a computer-readable form on:
 - i. stiffy disc R 5.00
 - ii. compact disc R40.00
 - (d) For a transcription of visual images:
 - iii. for an A4-size page or part thereof R22.00
 - iv. For a copy of visual images R 60.00
 - (e) For a transcription of an audio record:
 - i. for an A4-size page or part thereof R12.00
 - ii. for a copy of an audio record R 17.00
 - (f) To search for and prepare the record for disclosure is R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
 - (g) For purposes of section 22(2) of PAIA, the following applies:
 - 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.
 - (h) The actual postage is payable when a copy of a record must be posted to a Requester.

This manual can be made available in Afrikaans and IsiZulu on request, to comply with the prescripts of PAIA and the Use of Official Languages Act, Act 12 of 2012.

CHAPTER 8

PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY PRSA:

8.1 Conditions for Lawful Processing

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

Below is a brief description of the eight Conditions for Lawful Processing as contained in POPIA:

a) Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.

b) Processing limitation - Personal Information must be collected directly from a Data Subject to the extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purposes for which it was obtained.

c) Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.

d) Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.

e) Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.

f) Openness - there must be transparency between the Data Subject and the Responsible Party.

g) Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.

h) Data Subject participation - the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

8.2 Purpose of the Processing of Personal Information by PRSA

As outlined in paragraph 8.1 (c), Personal Information may only be Processed for a specific purpose. The purposes for which PRSA processes or will process Personal Information is set out in Appendix 2.

8.3 Categories of Data Subjects and Personal Information/special Personal Information relating thereto

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. Appendix 2 sets out the various categories of Data Subjects that PRSA Processes Personal Information on and the types of Personal Information relating thereto.

8.4 Recipients of Personal Information

Appendix 2 outlines the recipients to whom PRSA may provide a Data Subjects Personal Information to.

8.5 Cross-border flows of Personal Information

Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa:

- a) If the recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- b) If the Data Subject consents to the transfer of their Personal Information; or
- c) If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d) If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- e) If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

8.6 Description of information security measures to be implemented by PRSA

Appendix 2 sets out the types of security measures to be implemented by PRSA in order to ensure that Personal Information is protected.

A preliminary assessment of the suitability of the information security measures implemented or to be implemented by PRSA may be conducted in order to ensure that the Personal Information that is processed by PRSA is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

8.7 Objection to the Processing of Personal Information by a Data Subject

Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 3 subject to exceptions contained in POPIA.

8.8 Request for correction or deletion of Personal Information

Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 4 to this Manual.

CHAPTER 9: ANNEXURES**APPENDIX 1****PAIA FORM. A**

Form A – Request for access to record of Public body



REPUBLIC OF SOUTH AFRICA

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
 (Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
 [Regulation 6]

<p>FOR INTERNAL USE</p> <p style="text-align: right;">Reference number:</p> <p>Request received by</p> <p>..... (state rank, name and surname of Information Officer/deputy Information Officer) on (date) at(place).</p> <p>Request fee (if any): R</p> <p>Deposit (if any): R</p> <p>Access fee: R</p> <p>.....</p> <p>SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER</p>
--

A. Particulars of public body

The Information Officer/Deputy Information Officer

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

D. Particulars of record

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

1. Description of record or relevant part of the record:

.....
.....
.....

2. Reference number, if available:

.....

3. Any further particulars of record:

.....

E. Fees

- | |
|--|
| <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 for exemption.</p> |
|--|

Reason for exemption from payment of fees:

.....

F. Form of access to record

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

<p>Disability: Form in which record is required:</p> <p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend 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>

1. If the record is in written or printed form:				
<input type="checkbox"/>	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.):				
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>
<input type="checkbox"/>		<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:				
<input type="checkbox"/>	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*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)
--	-------------------------	--	--	--	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--	-----	----

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 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 thisday of20.....

.....
 SIGNATURE OF REQUESTER /
 PERSON ON WHOSE BEHALF THE REQUEST IS MADE

APPENDIX 2

PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

Part 1	Purpose of the Processing of Personal Information	Type of Processing	
	a) To exercise economic regulation of the ports system in line with government's strategic objectives; b) To promote equity of access to ports and to facilities and services provided in ports; and c) To monitor the activities of the Authority to ensure that it performs its functions in accordance with this Act.	Collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction	
Part 2	Categories of Data Subjects of PRSA and categories of Personal Information relating Thereto	Data Subject	Personal Information Processed
	<ul style="list-style-type: none"> ✚ Contractors/ Service Providers (SP): <ul style="list-style-type: none"> • Service Provider Profile information including, • Account details, • Payment information, • Corporate structure, • SP information including to the extent the categories of information relating to individuals or representatives of SP ✚ Individual/ Staff and Regulator Members: <ul style="list-style-type: none"> • Names; • contact details (E-Mail Address, Cellphone/ Telephone Number), • Other details (Home Facsimile Number, Home Postal Address, Home Telephone Number, Personal Cellular, Mobile or Wireless Number, Personal E-Mail Address); • Regulatory identifiers (e.g. tax identification number); • Account information (Bank Account Currency Code, Bank Account Id, Bank Account Name, Bank Account Number, Bank Account Type, Bank account balance); transaction details and branch details; account opening forms; photographs; other identification and verification data as contained in images of ID card, passport and other ID documents; images of staff signatures), Date Of Birth, Gender, Citizenship Status Or Nationality, Place Of Birth), other identification and verification data 	<ul style="list-style-type: none"> • Natural Persons; • Juristic Persons. 	Personal data relating to a Data Subject received by or on behalf of PRSA from the Stakeholders, Staff, Regulator Members and Service Providers and their respective representatives and related parties in the course of providing services in connection with the legal requirements of the National Ports Act.

	as contained in images of ID cards, passport and/or Visa Number and other documents		
Part 3	Recipients of Personal Information		
	PRSA, its employees and its Members.		
Part 4	Description of information security measures to be implemented by PRSA		
	When making authorized disclosures or transfers of personal information in terms of section 72 of POPIA, Personal Data may be disclosed to recipients located in countries which do not offer a level of protection for those data as high as the level of protection as South Africa.		
Part 5	Description of information security measures to be implemented by PRSA		
	<p>PRSA undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined in numbers 1 to 8. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. PRSA may use different otherwise suitable measures and adapt to technological security development, as needed, provided that the level of data protection achieved for each objective meets Information Security Standards.</p> <p>1. Access Control of Persons</p> <p>PRSA shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data is processed.</p> <p>2. Data Media Control</p> <p>PRSA undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by PRSA and containing personal data of Staff, Service Providers and Members of the Regulator.</p> <p>3. Data Memory Control</p> <p>PRSA undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorized reading, alteration or deletion of stored data.</p> <p>4. User Control</p> <p>PRSA shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.</p>		

5. Access Control to Data

PRSA represents that the persons entitled to use PRSA's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (consent/agreement/authorization).

6. Transmission Control

PRSA shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of PRSA's data communication equipment / devices.

7. Transport Control

PRSA shall implement reasonable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

8. Organization Control

PRSA shall maintain its internal organization in a manner that meets the requirements of this Manual.

APPENDIX 3**FORM FOR THE OBJECTION TO THE PROCESSING OF PERSONAL
INFORMATION IN TERMS OF POPIA****OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS
OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT,
2013 (ACT NO. 4 OF 2013)****REGULATIONS RELATING TO THE PROTECTION OF PERSONAL
INFORMATION, 2017
[Regulation 2(1)]**

Note:

1. Affidavits or other documentary evidence in support of the objection must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	
Postal Code:	
Contact number(s):	
Fax number:	
E-mail address:	

B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural):	
Residential, postal or business address:	
Postal Code:	
Contact number(s):	
Fax number:	
E-mail address:	
Name of public or private body (if the responsible party is not a natural person):	
Business address:	
Postal Code:	
Contact number(s):	
C	REASONS FOR OBJECTION (Please provide detailed reasons for the objection)

Signed at this day of20

.....

Signature of data subject (applicant)

APPENDIX 4**FORM FOR THE REQUEST TO DELETE OR CORRECT PERSONAL INFORMATION IN TERMS OF POPIA****REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTRUCTION OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)****REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017****[Regulation 3(2)]**

Note:

1. Affidavits or other documentary evidence in support of the request must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page. Reference Number Mark the appropriate box with an "x". Request for:

Reference Number.....

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

OR

Destruction or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	

Postal Code:	
Contact number(s):	
Fax number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural):	
Residential, postal or business address:	
Postal Code:	
Contact number(s):	
Fax number:	
E-mail address:	
Name of public or private body (if the responsible party is not a natural person):	
Business address:	
Postal Code:	
Contact number(s):	
C	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/ *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request)

* Delete whichever is not applicable

Signed at this day of20

.....

Signature of data subject (applicant)