



South African Council for Social Service Professions

PAIA MANUAL

South African Council for Social Service
Professions Manual in terms of section 51 of the
Promotion of Access to Information Act 2 of 2000

2023
(revised)

NON NOBIS - *Not for ourselves*

South African Council for Social Service Professions
Manual in terms of section 51 of the Promotion of Access to Information Act 2 of 2000
(revised)

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ENQUIRIES:

The Registrar

South African Council for Social Service Professions

37 Annie Botha Avenue, Riviera, Pretoria 0001, South Africa

Private Bag X12, Gezina, 0031

Tel: +27 12 356 8300

Email: registrar@sacssp.co.za

Website: www.sacssp.co.za

ABOUT THE SOUTH AFRICAN COUNCIL FOR SERVICE PROFESSIONS

The *South African Council for Social Service Professions* (SACSSP) is an autonomous statutory body established in terms of section 2 of the *Social Service Professions Act 110 of 1978* ("the Act"). The SACSSP discharges its mandate, subject to the provisions of the Act together with the Regulations and Rules thereto, as the determining, guiding and directing authority body for the the social service professions of social work and child and youth care work in the country. The SACSSP fulfils this role through Council constituted in terms of section 5 of the Act and the Professional Board for Social Work and the Professional Board for Child and Youth Care Work established in terms of section 14A of the Act and constituted in terms of the applicable Regulations, by setting the standards for education and training of social service professionals (qualifications and continuous professional development); registration of social service professionals as a requirement to practice; setting standards for and exercise effective control over the professional conduct (including ethics) of social service professionals as well as by taking policy resolutions as guidelines for the practising of the social service professions under its auspices. Thus, protecting the integrity of the social service professions as well as the interest of the public at large. It is a legal requirement in terms of the Act for a social worker, social auxiliary worker, student social worker, student social auxiliary worker, child and youth care worker, auxiliary child and youth care worker, student child and youth care worker and student auxiliary child and youth care worker to be registered and in good standing in terms of his or her registration as condition to practise.

CONTACT INFORMATION

The Registrar
SACSSP
37 Annie Botha Avenue
Riviera, Pretoria, 0084
Republic of South Africa

Private Bag X12
Gezina, Pretoria, 0031
Republic of South Africa

Email: registrar@sacssp.co.za |
support1@sacssp.co.za
for PAIA enquiries

BANKING DETAILS

Account name: SACSSP
Bank: NEDBANK
Account number: 1190739410
Branch: Menlyn Maine
Branch code: 198765
Reference: A reference number must be provided for every deposit

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ACRONYMS

SACSSP South African Council for Social Service Professions

SAHRC South African Human Rights Commission

DEFINITIONS

The following definitions are applicable in the interpretation of concepts within this specific policy. Concepts not defined here are sufficiently explained in the text of the policy:

'access fee' means the fee paid by the requester to the private body from which information is sought, to cover the costs of finding and copying the records required¹;

'Council' means the South African Council for Social Service Professions (SACSSP);

'designated representative' means the person authorised by the SACSSP to handle the *Promotion of Access to Information Act 2 of 2000* requests. For the SACSSP it is the Registrar;

'juristic person' means a company or body which is recognised by law as an entity or 'person' having rights and duties¹;

'natural person' means a real person, as opposed to a legal or juristic person such as a corporation (see juristic person above)¹;

'person' means the natural person or a juristic person (SACSSP)¹;

'private body' means a natural person who carries or has carried on any trade, business or profession, but only in such capacity; or a partnership which carries or has carried on any trade, business or profession; or any former or existing juristic person (SACSSP), but excludes a public body¹;

'record' means any recorded information regardless of form or medium; in the possession or under the control of that public or private body (SACSSP), respectively; and whether or not it was created by that public or private body (SACSSP), respectively¹;

'requester' means any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body (SACSSP); or a person acting on behalf of the aforementioned person¹; and

'third party' means any person (including, but not limited to, a public body) other than the requester¹.

¹These definitions were adapted from the Promotion of Access to Information Act 2 of 2000 and South African Human Rights Commission's Guide on how to use the Promotion of Access to Information Act 2 of 2000

1. INTRODUCTION

- 1.1 The South African Council for Social Service Professions (SACSSP) is a statutory body established in terms of section 2 of the Social Service Professions Act 110 of 1978. Section 2 establishes Council as a juristic person to be known as the SACSSP with its head office in Pretoria, which defines the SACSSP as a private body in terms of section 1 of the *Promotion of Access to Information Act 2 of 2000*.
- 1.2 This Manual was developed in adherence of section 51(1) of the *Promotion of Access to Information Act 2 of 2000* that requires from private bodies to compile a manual.
- 1.3 The purpose of Promotion of Access to Information Act is “to promote the right of access to information, to foster a culture of transparency and accountability in South Africa. Furthermore, PAIA is aimed at encouraging an open democracy where individuals from all walks of life are empowered to engage with government and participate in decisions which affect their lives”.
- 1.4 The right to access to information is safeguarded in section 32 of the *Constitution of the Republic of South Africa, 1996*. This Manual guides the implementation of the said right taking into account the provisions of other sections in the Bill of Rights and the *Promotion of Access to Information Act 2 of 2000*.
- 1.5 The SACSSP's PAIA Manual is available to the public, free of charge, at the address stated below or on its website.

2. CONTACT DETAILS

- 2.1 The SACSSP has designated the Registrar to be the *designated representative* who will handle all requests in terms of the the *Promotion of Access to Information Act 2 of 2000 Act* on its behalf, subject to *paragraph 2.4*.
- 2.2 All requests in terms of the Act must be addressed to:
 The Registrar
 SACSSP
 37 Annie Botha Avenue, Riviera, Pretoria 0001, South Africa
 Private Bag X12, Gezina, 0031
 Tel: +27 12 356 8300
 Email: registrar@sacssp.co.za
- 2.3 At the time of publication of the current version of the Manual (July 2018), the Registrar is: *Ms Langi Malamba*
- 2.4 In the case where is evident a requester that the *Information Officer* appointed as per paragraphs 2.1 to 2.3 may have a conflict of interest and/ or may not be impartial in terms of a request made in terms of the *Promotion of Access to Information Act 2 of 2000*; or in the case where the *Information Officer* assesses that he or she

may have a conflict of interest and/or may not be impartial in terms of a request made which will impact on the request made, that in either case the *President of Council* shall be deemed to be the *Information Officer* to received and execute such request.

3. THE PROMOTION OF ACCESS TO INFORMATION ACT

- 3.1 The *Promotion of Access to Information Act 2 of 2000* grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of the *Promotion of Access to Information Act 2 of 2000* shall be made in accordance with the prescribed procedures as provided for in this Manual.
- 3.3 Requesters are referred to the [South African Human Rights Commission's Guide in terms of section 10](#) which has been compiled by the *South African Human Rights Commission* (SAHRC), which will contain information for the purposes of exercising constitutional rights. This Guide is available from:

SAHRC
 Braampark Forum 3
 33 Hoofd Street
 Braamfontein, Johannesburg
 Tel: +27 01 877 3600
 Website: www.sahrc.org.za

4. STRUCTURE AND FUNCTIONING OF THE SACSSP

- 4.1 The SACSSP is established in terms of section 2 of the Social Service Professions Act 110 of 1978.
- 4.2 The SACSSP consists of a minimum of 19 and maximum of 34 Members and is constituted as follows in terms of section 5(1)(a) of the Social Service Professions Act 110 of 1978:
- (a) six social workers elected in the prescribed manner by social workers;
 - (b) three representatives from each of the professions other than social work in respect of which professional boards have been established, elected in the prescribed manner by persons representing those professions; and
 - (c) 13 persons appointed by the Minister, of whom -
 - (i) two shall be nominated by the training institutions;
 - (ii) one shall be in the employment of the Department of Welfare in the national sphere of government;
 - (iii) two shall be nominated by national forums and networks in the welfare, social services and development field;
 - (iv) one shall be nominated by trade unions which represent employees engaged in developmental social welfare services;
 - (v) one shall be nominated by business;
 - (vi) one shall be nominated by the Minister of Education in the national sphere of government;

- (vii) four shall be persons nominated by the community: Provided that -
 - (aa) one shall be appointed by virtue of his or her specialized knowledge in a field other than social work and whose appointment to the council will enhance its effectiveness; and
 - (bb) one shall be a disabled person; and
- (viii) one shall be nominated by the heads of the departments responsible for welfare matters in the provincial sphere of government.

4.5 Section 14A of the *Social Service Professions Act 110 of 1978* provides for the establishment of professional boards in relation to social service professions. The SACSSP currently has two professional boards under its auspices, i.e., the Professional Board for Social Work and the Professional Board for Child and Youth Care Work. The functions of a professional board are prescribed in the *Social Service Professions Act 110 of 1978* as well as regulations specifically gazette for each professional board's establishment and operations.

4.6 Council must establish an Executive Committee as prescribed in section 9 of the *Social Service Professions Act 110 of 1978* to deal with matters pertaining to Council in-between Council meetings.

4.7 In terms of section 10 of the *Social Service Professions Act 110 of 1978* the SACSSP may establish committees to "assist it in the execution of its powers or the performance of its functions". The Committees established by the 5th South African Council for Social Service Professions at the time of publication of this Manual are:

- (a) Finance and Administration Committee;
- (b) Risk and Audit Committee;
- (c) Communication and Public Relations Committee;
- (d) Human Resources and Remuneration Committee;
- (e) IT and Business Re-engineering Committee;
- (f) Education, Development and Training Committee;
- (g) Registration Committee;
- (h) Transformation Committee;
- (i) Committee for Preliminary Inquiry (CPI); and
- (j) Committee for Preliminary Inquiry (CPI) Appeals Committee

4.8 Committees established in terms of sections 9 and 10 of the *Social Service Professions Act 110 of 1978* function in terms of committee specific Charters that set out each committee's mandate, responsibilities, reporting requirements and memberships.

4.9 Council has also established a *Professional Conduct Committee* in terms of section 21 of the *Social Service Professions Act 110 of 1978*.

4.10 The *Committee for Preliminary Inquiry (CPI)* and

Professional Conduct Committee execute their respective mandates in terms of the provisions of the *Social Service Professions Act 110 of 1978* and the *Regulations Regarding the Conducting of Inquiries into alleged Unprofessional Conduct* (Government Notice R 917 in Government Gazette Number 25109 of 27 June 2003)

4.11 The SACSSP, in conjunction with its two Professional Boards, guide and regulate the professions of social work and child youth care work in aspects pertaining to registration, education and training, professional conduct and ethical behaviour, ensuring continuing professional development, and fostering compliance with professional standards. It is protecting the integrity of the social service professions as well as the interest of the public at large.

4.12 In order to safeguard the public and prestige, status, integrity and dignity of the professions the professions, registration in terms of the *Social Service Professions Act 110 of 1978* with the SACSSP is a prerequisite for practicing social work and child and youth care work. This includes social workers, social auxiliary workers, student social workers, student social auxiliary workers, child and youth care workers, auxiliary child and youth care workers, student child and youth care workers, and student auxiliary child and youth care workers.

4.13 The SACSSP is supported by a Registrar appointed in terms of section 11 of the *Social Service Professions Act 110 of 1978*, which execute the functions as prescribed and also oversees the Secretariat (administration) of the SACSSP.

4.14 The following provides an overview of the SACSSP's structure:



5. MANDATE AND POWERS OF THE SACSSP

5.1 The SACSSP derives its mandate from the *Social Service Professions Act 110 of 1978*, which establishes the SACSSP with the following objects as contemplated in section 3:

- (a) to protect and promote the interests of the professions in respect of which professional boards have been or are to be established and to deal with any matter relating to such interests;

- (b) to maintain and enhance the prestige, status, integrity and dignity of the professions in respect of which professional boards have been established;
- (c) to advise the Minister in relation to any matter affecting the professions in respect of which professional boards have been established;
- (d) to control and to exercise authority with regard to all financial matters relating to the council and the professional boards;
- (e) to consult and liaise with relevant authorities on matters affecting the professional boards in general;
- (f) to determine, on the recommendation of the professional boards, the qualifications for registration of social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;
- (g) to regulate the practising of the professions in respect of which professional boards have been established and the registration of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;
- (h) to determine the standards of professional conduct of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established and to ensure that they are maintained;
- (i) to exercise effective control over the professional conduct of social workers, student social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established;
- (j) to encourage and promote efficiency in and responsibility with regard to the practice of the professions in respect of which professional boards have been established;
- (k) to assist in the promotion of social services to the population of the Republic;
- (l) to advise the Minister on the amendment or adaptation of this Act, in particular to place greater emphasis on professional practice, democracy, transparency, equity, accessibility and community need and involvement;
- (m) subject to section 14B (c), to control and to exercise authority in respect of all matters affecting -
 - (i) the training of persons in accordance with the developmental social welfare approach; and
 - (ii) the manner in which the practices pursued in the promotion of social services to the population of the Republic are exercised;
- (n) to investigate additional sources of funding for the council;
- (o) to promote liaison in the field of training relating to social services both in the Republic and elsewhere, and to promote the standards of such training in the Republic;
- (p) to promote and to regulate inter-professional liaison between registered professions in respect of which professional boards have been established in the interest of the public; and
- (q) to co-ordinate the activities of the professional boards and to act as an advisory and communicatory body for such professional boards.

5.2

Section 4 of *Social Service Professions Act 110 of 1978* bestows the following powers and functions to the SACSSP in order to achieve its objects:

- (a) acquire or hire movable or immovable property;
- (b) develop, mortgage, let, sell or otherwise dispose of or burden movable or immovable property of the council;
- (c) accept, draw, endorse, issue, make, pay or perform any other act in respect of negotiable instruments;
- (d) spend and invest funds of the council;

- (e) enter into contracts;
- (f) subject to the provisions of this Act, appoint such persons at the remuneration and on the other conditions of service which it deems fit for the carrying out of its functions and may dismiss such persons;
- (g)
- (h) undertake or cause to be undertaken any research or study on any matter relating to the profession of social work and other professions in respect of which professional boards have been established;
- (i) exercise or perform any power or function conferred or imposed upon it by or under this Act or any other act;
- (j) generally take such other steps and perform such other acts as may be necessary.

6. 6.1

APPLICABLE LEGISLATION AND POLICY

In terms of section 51(1)(c) of the *Promotion of Access to Information Act 2 of 2000* the following legislation and policies are applicable:

Legislation

- *Social Service Professions Act 110 of 1978 and Regulations and Rules made in terms of sections 27 and 28.*
- *Constitution of the Republic of South Africa, 1996*
- *Advisory Board on Social Development Act 3 of 2001*
- *Basic Conditions of Employment Act 75 of 1997*
- *Child Justice Act 75 of 2008*
- *Children's Act 38 of 2005*
- *Compensation of Occupational Injuries and Diseases Act 130 of 199*
- *Competition Act 89 of 1998*
- *Consumer Affairs Act 23 of 1999*
- *Copyright Act 98 of 1978*
- *Credit Agreements Act 75 of 1980*
- *Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007*
- *Criminal Procedure Act 51 of 1977*
- *Debt Collectors Act 114 of 1998*
- *Domestic Violence Act 116 of 1998*
- *Electronic Communications and Transactions Act 25 of 2000*
- *Electronic Communications and Transactions Act 25 of 2000*
- *Employment Equity Act 55 of 1998*
- *Fund-Raising Act 107 of 1978*
- *Income Tax Act 58 of 1962*
- *Insolvency Act 24 of 1936*
- *Labour Relations Act 66 of 1995*
- *Magistrates Court Act 32 of 1944*
- *Mental Health Care Act 17 of 2002*
- *National Archives of South Africa Act 1996*
- *National Health Act 61 of 2003*
- *National Qualifications Framework Act 67 of 2008*
- *Nonprofit Organisations Act 71 of 1997*
- *Occupational Health and Safety Act 85 of 1993*
- *Older Persons Act 13 of 2006*
- *Prevention and Treatment of Substance Abuse Act 70 of 2008*
- *Prevention of Organised Crime Act 121 of 1998*
- *Probation Services Act 116 of 1991*
- *Promotion of Access of Information Act 2 of 2000*
- *Promotion of Administrative Justice Act of 2000*
- *Protection of Personal Information Act 4 of 2013*
- *Skills Development Act 97 of 1997*
- *Skills Development Levies Act 9 of 1999*
- *Social Assistance Act 13 of 2004*
- *South African Qualifications Authority Act 58 of 1995*

- *Supreme Court Act 59 of 1959*
- *Unemployment Insurance Act 30 of 1996*
- *Value Added Tax Act 89 of 1991*

Policy

- White Paper for Social Welfare (1997)
- White Paper on Population Policy (1998)
- White Paper on Families in South Africa (2013)
- White Paper on the Rights of Persons with Disabilities (2015)
- White Paper on National Health Insurance (2017)
- Policy for Social Service Practitioners (2017)

6.2 The above is not an exhaustive list of legislation and policies and paragraph 6.1 will be reviewed on a regular basis together with the review of the Manual as a whole.

7. CONFIDENTIALITY POLICY

7.1 Subject to the provisions of section 62 to 70 of the *Promotion of Access to Information Act 2 of 2000* and the provisions of the any legislation listed in paragraph 6.1 the SACSSP will protect the confidentiality of information provided to it by individuals or others, subject to its obligations in terms of any applicable law.

7.2 Council may at the discretion of the majority of its Members in attendance decide that certain parts of a Council meeting be conducted in camera if the nature of the discussion is of such a nature that it may compromise or advance an individual or particular issue. This includes the conducting of part of a meeting in absence of the Registrar and administrative staff. In such cases:

- record shall be kept of such discussion and will only be available to Members of the SACSSP. Such records shall be kept for official purposes in a designed lockable facility, which only Council Members have access to at the SACSSP's offices; and
- the minutes of the meeting shall reflect a reason why this part of the meeting was held in camera and provide a summary of the discussions without disclosing any details that can compromise the individual or particular issue.

8. RECORDS HELD BY THE SACSSP

8.1 AUTOMATICALLY AVAILABLE INFORMATION WITHOUT A FORMAL REQUEST

8.1.1 The *Social Service Professions Act 110 of 1978* together with its Regulations and Rules as well as certain other applicable legislation require the SACSSP must have certain information available atomically either in the public domain or upon request, irrespective of who the requesting person may be.

8.1.2 In terms of the *Companies Act 61 of 1973* any person may have access to specified financial information.

8.1.3 The information referred to in this paragraph

is available from the SACSSP in the following formats as contemplated in section 52(1)(a) of the *Promotion of Access to Information Act 2 of 2000*, and does not require a formal request:

- for inspection in terms of any legislation other than the *Promotion of Access to Information Act 2 of 2000*;
- for purchase or copying from the SACSSP; and
- free of charge.

8.1.4 The following records and documentation is automatically available from the SACSSP:

8.1.4.1 *Registers*: The Registrar keeps registers in terms of section 19 if the *Social Service Professions Act 110 of 1978* of all categories of social service professionals registered with the SACSSP and these can be accessed via the Registrar or on the SACSSP's website by the public. This includes only key public records and not the personal information of registrants.

8.1.4.2 *Office bearers*: The names, credentials and responsibilities of Members of Council and its Professional Boards are available from the Registrar and on the SACSSP's website. All information regarding the election and appointment as well as procedures thereto are available from the Registrar.

8.1.4.3 *Council Notices*: All General Notices (published by the Registrar) and Board Notices (published in the Government Gazette) issued by the SACSSP are available from the Registrar and on the SACSSP's website.

8.1.4.4 *Annual reports*: All Annual Reports published by the SACSSP are available from the Registrar and on the SACSSP's website.

8.1.4.5 *Audited Financial Statements*: All audited financial statements of the SACSSP are available from the Registrar or on the SACSSP's website within 6 months after the end of each financial year.

8.1.4.6 *Legislation and Regulations*: The *Social Service Professions Act 110 of 1978*, all Regulations and Rules thereto are available from the Registrar and on the SACSSP's website.

8.1.4.7 *Policies*: All policies (public and internal) developed and approved by the SACSSP and/or its Professional Boards in respect of the professions registered with it are available from the Registrar, and public policies are also available on the SACSSP's website.

8.1.4.8 *Disciplinary inquiries*: The outcome of any disciplinary inquiry is available to the public from the Registrar. The proceedings of a disciplinary inquiry is also available to the subject to the provisions of regulation 25 of the *Regulations regarding the conducting of inquiries into alleged Unprofessional Conduct*. If any of the provisions in terms of regulation 25 applies, a request need

to be lodged as provided for in paragraph 8.2 below.

8.1.4.9 *Continuing professional development:* Policies and procedures in relation to continuous professional development, the names of accreditors and accredited service providers of CPD and their accreditation numbers, and all related records and information are available from the Registrar and on the SACSSP's website.

8.1.4.10 *Communication and other materials:* All newsletters, promotional material and other related documentation is available free of charge in electronic format from the Registrar and on the SACSSP's website. Printed copies will only be provided if available.

8.1.5 The above records are available in English only.

8.1.6 Any person who is prevented by a disability to read, view or listen to the record should indicate his or her disability and indicate in which form the record is required. The SACSSP's website will be accessible for persons who are visually impaired from 2020/2021.

8.2 RECORDS HELD BY COUNCIL THAT REQUIRE A FORMAL REQUEST

8.2.1 Access to records not indicated in paragraph 8.1 or not generally available to the public needs to be requested in terms of section 53 of the *Promotion of Access to Information Act 2 of 2000*.

8.2.2 The procedures that need to be followed is described in paragraph 9.

9. REQUESTING INFORMATION

9.1 FORM OF REQUESTS

9.1.1 Requests for access to any information other than those mentioned in paragraph 8.1 above or that is generally available to the public should be made on the prescribed form (SACSSP's [FORM S.1.2](#) attached as *Annexure A*) as contemplated in section 53(1) of the *Promotion of Access to Information Act 2 of 2000*.

9.1.2 The prescribed form is attached as *FORM S.1.2* to this Manual and is also available from the South African Human Rights Commission.

9.1.3 *FORM S.1.2* needs to be completed in full and submitted to the Registrar as indicated in paragraph 2.1. It should be accompanied by the following additional information:

9.1.3.1 Proof of identity is required to authenticate the request as well as the person who submit the request to the SACSSP. Proof of identity includes a *certified copy* of a South African Identification Document, a valid Passport or any other legally acceptable means of identification. Please note that the SACSSP will not accept a driver's license or temporary identity documents as proof of identity.

9.1.4 It is responsibility of the person who submit the request for access to information to ensure that *FORM S.1.2* is completed in full and correctly.

9.1.5 Incomplete forms will result in delays in the process until all the required information is provided.

9.1.6 Cognizance need to be taken regarding the prescribed fees as indicated in paragraph 10 below and *Annexure B*.

9.2 WHO MAY REQUEST INFORMATION?

9.2.1 The Promotion of Access to Information Act 2 of 2000 indicates that any person is allowed to make a request, which includes:

- (a) a natural person (South African as well as non-South African);
- (b) a juristic person; and/or
- (c) a person acting on behalf of a natural or justice person.

9.2.2 In terms of section 50(1) of the *Promotion of Access to Information Act 2 of 2000* a person who request access to information must be given access if the record "*is required for the exercise or protection of any rights*" if:

- (a) the person complies with the procedural requirements, and
- (b) access to such records are not refused in terms sections 62 to 72 of the *Promotion of Access to Information Act 2 of 2000*.

9.3 GUIDANCE TO REQUESTERS

9.3.1 This paragraph provides a step-by-step guide to persons who wish to submit a request to access records.

Step 1

First determine whether the information required is not automatically available (see paragraph 8.1)

Step 2

Complete the prescribed *FORM S.1.2* fully and double check that all required information is there.

Step 3

Submit *FORM S.1.2* together with certified proof of identity (see paragraph 9.1.3.1) to the Registrar (see paragraph 2.1) together with proof that the prescribe access fee has been paid (see paragraph 10).

Step 4

Keep a copy of *FORM S.1.2* for your own records

Scan the QR code to download the SACSSP's *FORM S.1.2*: Request for access to record of private body in terms of PAIA



Step 5

The Registrar is obliged, subject to the provisions of section 56(1) of the *Promotion of Access to Information Act 2 of 2000*, to respond to your request within 30 days. If the person who submitted the request does not receive any feedback within 30 days, he or she has the right to follow-up directly with the Registrar regarding the progress of the request.

Step 6

If a request is granted, the person who submitted the request will be informed regarding the fees payable as contemplated in section 54 of the *Promotion of Access to Information Act 2 of 2000* and the *Promotion of Access to Information Act, 2000: Regulations regarding the promotion of access to information, 2021* as per Government Notice No. R. 757 published in the Government Gazette No 405057 of 27 August 2021. The requested records will only be released once the full fee is paid (see paragraph 10 below and Annexure B). Keep the proof of payment.

Step 7

If access to records is refused based on reasonable grounds as contemplated in sections 62 to 70 of the *Promotion of Access to Information Act 2 of 2000* the Registrar will inform the person who requested the records in writing with reasons. See paragraph 12 below regarding appeal procedures.

9.3.2 More information is available in the *South African Human Rights Commission's Guide* on how to use the Promotion of Access to Information Act 2 of 2000, which is available on their website www.sahrc.org.za.

9.3.3 Any person who is prevented by a disability to read, view or listen to the record should indicate his or her disability and indicate in which form the record is required.

9.4 The procedures referred to in paragraphs 9.1 to 9.3 shall apply *mutatis mutandis* in the case where paragraph 2.4 of the Manual is applicable, subject to adjustments to such procedures as necessary.

10. PRESCRIBED FEES

10.1 Section 54 of the *Promotion of Access to Information Act 2 of 2000* and the *Promotion of Access to Information Act, 2000: Regulations regarding the promotion of access to information, 2021* as per Government Notice No. R. 757 published in the Government Gazette No 405057 of 27 August 2021 provides direction on the fees that may be charged to persons requesting access to information in records in terms of the said Act.

10.2 The maximum fees payable are determined in

accordance with section 54(8) by the Minister for Justice and Constitutional Development. *Annexure B* indicates the prescribed fees payable to the SACSSP for the processing of a request for information based on the aforementioned.

10.3 No records will be released to the person who made the request to access records unless the required fees are paid in full.

10.4 Subject to the provisions of the section 54(1) a requester fee of R50 is payable upfront where a requestor submits a request for access to information on a person other than him- or herself, before the processing of the request commences.

10.5 In terms of section 54(2) the SACSSP may request a deposit from a person who requests for access to information on anybody other than him- or herself, if the time required to prepare the information will take more than 6 hours. The deposit is fully refundable in case when the request is not granted.

10.6 Payment method: Only payments into the SACSSP's bank account will be accepted, either directly or electrically. Care should be taken to use the correct reference number, which is **PAIA + the first 6 digits of your ID number without a space**, e.g. PAIA670131.

10.7 The Minister of Justice and Constitutional Development determined in accordance with section 22(8) of the *Promotion of Access to Information Act 2 of 2000* to exempt single persons whose annual income, after permissible deductions, does not exceed R14,712 per annum; and married persons or a person and his or her life partner whose annual income, after permissible deductions, does not exceed R27,192 per annum from paying the access fees as contemplated in section 54(7) of the Act¹.

11. GROUNDS FOR REFUSAL OF REQUESTS

11.1 The Registrar is empowered to refuse a request to access information as provided for by the *Promotion of Access to Information Act 2 of 2000* under the following circumstances:

11.1.1 Mandatory protection of privacy of a third party who is a natural person as provided for in section 63.

11.1.2 Mandatory protection of commercial information of a third party as provided for in section 64.

11.1.3 Mandatory protection of certain confidential information of a third party as provided for in section 65.

11.1.4 Mandatory protection of safety of individuals, and protection of property as provided for in section 66.

- 11.1.5 Mandatory protection of records privileged from production in legal proceedings as provided for in section 67.
- 11.1.6 Commercial information of the private body as provided for in section 68.
- 11.1.7 Mandatory protection of research information of third party, and protection of research information of private body as provided for in section 69.
- 11.2 Section 70 of the *Promotion of Access to Information Act 2 of 2000* obliged the SACSSP, subject to certain provisions stipulated in the section, to disclose records if such records will reveal evidence of “a substantial contravention of, or failure to comply with, the law; or imminent and serious public safety or environmental risk; and the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question”.
- 11.3 Subject to the provisions of section 70 of the *Promotion of Access to Information Act 2 of 2000* the SACSSP will not make available any records in respect of any matter that protects the interest of clients’ of social service professionals as safeguarded in the Social Service Professions Act 110 of 1978 and its regulations, as well as codes of conduct and ethics applicable to the social service professions.
- 11.4 The following discretionary refusal shall also apply:
- 11.4.1 Where the disclosure of such information relating to a third party would prejudice the supply of similar information in the future.
- 11.4.2 Where the record contains information around crime prevention, detection and prosecution of alleged offenders.
- 11.4.3 Where the disclosure would unreasonably reveal consultative material obtained on account of deliberations over formulation of policy, exercise of power or performance of a duty.
- 11.4.4 Where the request is frivolous or vexatious.
- 11.5 Requesters will be informed within 30 days as required in terms of 56(1) of the *Promotion of Access to Information Act 2 of 2000*, whether a request is refuse. Please note that extension may requested for an additional 30 days by Council in accordance with section 57, if additional time is required.
- 11.6 The Registrar shall provide reasons in writing for the refusal of any request to the person who requested access to the information.

12. APPEAL

The *Promotion of Access to Information Act 2 of 2000* does not provide for internal appeals against the decisions of Information Officers for private bodies such as the SACSSP. A person

aggrieved by the decision of the Registrar to refuse a request to access to information may approach a court within 180 days as contemplated in section 78(2)(d) of the *Promotion of Access to Information Act 2 of 2000*.

13. REVIEW OF THE MANUAL

This Manual will be reviewed by the SACSSP on a regular basis to ensure that it is up to date and meet the requirements as contemplated in section 51 of the *Promotion of Access to Information Act 2 of 2000*.

14. AVAILABILITY OF THE MANUAL

The *SACSSP Manual in terms of section 51 of the Promotion of Access to Information Act 2 of 2000* is available for inspection, free of charge at its offices in Pretoria and is also available on its website. A copy is also available from the South African Human Rights Commission.

15. COMMENCEMENT

The provisions of this *South African Council for Social Service Professions’ Manual in terms of section 51 of the Promotion of Access to Information Act 2 of 2000* shall commence upon approval through a resolution of the South African Council for Social Service Professions.

BIBLIOGRAPHY

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¹ These fees may be different subject to changes by the Minister of Justice and Constitutional Development.



Scan the QR code to download the SACSSP's FORM S.1.2: Request for access to record of private body in terms of PAIA or visit www.sacssp.co.za

ANNEXURE B

PRESCRIBED FEES

The prescribed fees for accessing records of a private body in terms of the *Promotion of Access to Information Act, 2000: Regulations regarding the promotion of access to information, 2021* as per [Government Notice No. R. 757](#) published in the Government Gazette No 405057 of 27 August 2021.

Please note that the fees indicated in this Annexure were valid at the time of publication of this manual and are subject to change should the Minister for Justice and Constitutional Development publish an amendment in the Government Gazette.

ITEM	FEE
1. Requesting fee (payable when request is made)	R100.00
2. Copy per A4 page	R2.00
3. Printing per A4 page	R2.00
4. For a copy in a computer-readable form on:	
4.1 Flash drive (to be provided by the requester)	R40.00
4.2 Compact disc (if provided by the requester)	R40.00
4.3 Compact disc (if provided by the requester)	R60.00
5. For a transcription of visual images per A4-size page	R40.00
6. Copy of a visual image	R60.00
7. Transcription of an audio recording per A4 page	Service to be outsourced. Will depend on quotation from service provider.
8. Transcription of an audio record, per A4-size page	R24.00
9. Copy of an audio record on:	
9.1 Flash drive (to be provided by the requester)	R40.00
9.2 Compact disc (if provided by the requester)	R40.00
9.3 Compact disc (if provided by the requester)	R60.00
10. To search for and prepare the record for the disclosure for each hour or part of an hour, excluding the first hour (i.e. the first hour is free of charge), reasonably required for such search and preparation.	R145.00
10.1 To NOT EXCEED a total cost of: R300	R435.00
11. Deposit if search exceeds 6 hours: NOTE: the amount payable of items 2 to 8. as a deposit must not exceed one third of the amount payable, if the request is granted.	One third of amount per request calculated in terms of <i>items 2 to 9</i> .
12. Postage, email or any other electronic transfer	Actual expense, if any.

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