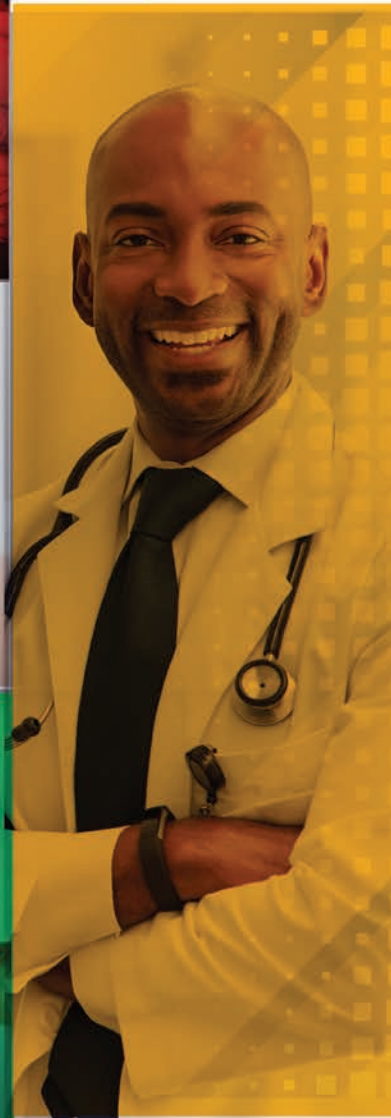


HEALTH AND WELFARE SECTOR AND EDUCATION AND TRAINING AUTHORITY



**PROMOTION OF ACCESS
TO INFORMATION ACT MANUAL**
(in terms of section 14)



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1. Introduction

This manual is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (Hereinafter referred to as “the Act”). The purpose of the Act is to foster a culture of transparency and accountability in public and private bodies and to empower and educate the people of South Africa to understand their rights.

The Act gives provision to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and information held by another person that is required for the exercise and /or protection of any right.

Furthermore, the purpose of this manual is to give effect to one’s Constitutional right to privacy. It also sets out the ways in which HWSETA regulates the processing of personal information as determined by the Protection of Personal Information Act 4 of 2013 (“POPIA”).

In terms of section 14 of the Act, a public body must have a manual which sets out amongst others, its structure, functions and services and an index of the records held by a public body. This manual gives effect to the provisions of section 14 of the Act and further incorporates or addresses the requirements of POPIA. This manual provides guidance on the procedure to be followed to access records held by the Health and Welfare Sector Education and Training (Hereinafter referred to as the “HWSETA”).

Section 9 of The Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.



Overview of the HWSETA

The Health and Welfare Sector Education and Training Authority's (HWSETA) mandate is to facilitate, co-ordinate and monitor the implementation of the National Skills Development Plan (NSDP) in the Health and Social Development Sectors. The main core principle is to:

- identify skills shortage in the sectors;
- support the development of the skills of employees in the sector; and
- improve the quality of life prospects and labour mobility of employees in the sector.

Skills development is a national priority in South Africa and a critical factor to the future success of the country. Meeting South Africa's skills needs requires input from numerous public and government institutions, as well as private organisations, no matter how big or small.

South Africa's economy is divided into functional sectors that are all represented by one of the 21 Sector Education Training Authorities (SETAs). In short, the HWSETA exist to drive skills development and act as advisory body on the education and training requirements for the education, training and skills development requirements of the health and social development sectors, as well as the veterinary sector. Skills development is about changing people's lives, about enhancing their employability and about aligning skills to our economy. The health and social development sectors can be described as 'personal services industries' where services are both resource and time intensive. Effective delivery of these services depends on the availability of human resources with the appropriate skills.

The growing demand for health and social development services and the introduction of changes in the way these services are delivered to the public drive demand for the right type of skills and currently demand continues to outstrip supply.

The HWSETA exists to achieve the following within the health, social development and veterinary sectors:

- Develop and implement the Sector Skills Plan;
- Skills development planning, programmes and initiatives;
- Monitoring of education and training;
- Identification of workplaces for practical work experience;
- Support and facilitate the development of the National Skills Development Plan;
- Disbursement of levies collected through approved mandatory and discretionary grants;
- Forge links with all stakeholders and relevant bodies in the sectors;
- Account for the effective and efficient use of public monies in line with the provisions of the Public Finance Management Act and other relevant legislation;
- Promotion of the employment of disabled persons, youth and women



2. Vision

The creation of a skilled workforce for the health and social development needs of all South Africans.

3. Mission

The Health and Welfare Sector Education and Training Authority (HWSETA) endeavours to create an integrated approach to the development and provision of appropriately skilled health and social development workers, to render quality services comparable to world class standards.

4. Philosophy

The HWSETA espouses the philosophy of a better life for all through people development.

5. Values

The HWSETA holds dear the following core values:

- Service Excellence;
- Transformation;
- Transparency;
- Integrity;
- Respect;
- Fairness; and
- Accountability

6. Purpose

The purpose is to effect to the constitutional right to privacy to protecting personal information when HWSETA is processing it. To regulate the way the personal information is processed. We need to provide the persons with the rights to protect their personal information which is in line with the Protection of Personal Information Act.



7. Functions and Composition of the HWSETA

HWSETA is a Sector Education & Training Authority established in terms of section 9 (1) Of the Skills Development Act. The functions of HWSETA (as defined in the Skills Development Act) are inter alia to:-

- Develop a sector skills plan within the framework of the national skills development strategy;
- Implement its sector skills plan by establishing learnerships, approving workplace skills plans, allocating grants as well as monitoring education training in the sector;
- Promote learnerships by identifying workplaces for practical work experience, supporting the development of learning materials, improving the facilitation of learning and assisting in the conclusion of learnership agreements;
- Register learnership agreements;
- Obtain accreditation from the South African Qualifications Authority;
- Collect and disburse the skills development levies in its sector;
- Liaise with the National Skills Authority on the national skills development policy, the national skills development strategy as well as its sector skills plan;
- Report to the Director-General of Labour on its income and expenditure as well as the implementation of its sector skills plan;
- To appoint staff necessary for the performance of its functions; and
- To perform any other duties imposed by the Skills Development Act and the Skills Development Levies Act or consistent with the purposes.



8. Services available to members of the public

The HWSETA's strategic objectives is to create a strategy that would direct the HWSETA and align all organisational resources to achieve both its national and sectoral objectives. Secondly, to build and manage the HWSETA performance, ensure congruence between the professional image of the HWSETA and service delivery standards experienced by all stakeholders. Thirdly, to ensure effective utilisation of financial resources, and take overall accountability for the financial health and success of HWSETA.

The HWSETA culture is to empower and enable staff to perform in line with the HWSETA strategic objectives and establish and maintain a management team that adds value to the HWSETA deliverables. To develop and implement sustainable internal business processes that support the HWSETA in achieving its objectives. The HWSETA is then divided into five divisions and each have a strategic role to play.

9. The Skills Development Planning (SDP) division

The SDP is divided into three sub-divisions, namely:

- Learning Programmemes
- Workplace Skills Planning
- Projects

The SDP Division's core mandate is to co-ordinate support by encouraging constituent registered employers to submit mandatory grant reports (workplace skills plans and implementation reports) as per the Skills Development Act and Skills Development Levies act.

Targets set out for the division in addressing skills needs within the Health and Social development sector:

- To register and implement learning programmemes (Learnerships, Skills Programmemes, Internships, Bursaries and other interventions for skills development).

- To administer the submission of Workplace Skills Plans and Implementation Reports (WSPIRs).
- To support / facilitate the implementation of the National Skills Development Plan.
- To capacitate Skills Development Facilitators (SDFs) in driving the NSDP.
- Assist stakeholders with any skills development/ HWSETA related processes.
- Functions:
 - Receive, capture and approve Workplace Skills Plans and Implementation Reports;
 - Implement training of sector specialists / SDFs on the Sector Guide;
 - Administering change of SETA jurisdiction applications;
 - Funding the training of learners on various programmes for skills development;
 - Funding the placement of learners to gain Work Experience. This could be through directly approaching employers or by formalising agreements with Further and Higher Education Institutions for the purposes of learner placement;
 - Receiving and approving Expression of Interest applications for assessing discretionary grant funding;
 - Issuing of proof of registration and completion of learners (necessary for those employers who qualify to receive the Tax Rebate).
 - Monitoring and Evaluation in line with approved MoA's
 - Performance information data capturing and reporting
 - Many of the learnerships offered by the HWSETA take into consideration scarce skills within the health and social development sectors. The term "scarce skills" refers to a shortage of people with the required attributes to fill positions available in the labour market.

The attributes that employers are seeking when they try to fill positions in their organisations are specifically important. These may be qualifications, specific skills and experience, a specific race or gender or a combination of these attributes. Scarce skills are normally expressed in terms of the occupations for which there are not enough candidates.

10. Education and Training Quality Assurance bodies (ETQA) division Overview and Functions of the ETQA Division



A core function of the SETAs is that they act as Education and Training Quality Assurance bodies (ETQAs) within various economic sectors to ensure quality education and training. The HWSETA ETQA is accredited by SAQA to monitor and audit achievements in terms of national standards and qualifications.

The HWSETA ETQA:

- Accredits constituent providers for specific standards or qualifications registered on the National Qualifications Framework;
- Promotes quality amongst constituent providers;
- Monitors provision by constituent providers;
- Evaluates assessment and facilitation of moderation among constituent providers;
- Registers constituent assessors and moderators for specified registered standards or qualifications in terms of the criteria established for this purpose;
- Takes responsibility for the certification of constituent learners;
- Co-operates with the relevant body or bodies appointed to moderate across ETQA bodies including but not limited to, moderating the quality assurance on specified standards or qualifications for which one or more ETQA bodies are accredited;
- Facilitates the development of new occupational qualifications to National Standards Bodies for consideration, or modifications to existing standards or qualifications to National Standards Bodies for consideration;
- Maintains a data-base of accredited Skills Development Providers; a;
- Submits reports to the authority, DHET, QCTO and other relevant statutory bodies in accordance with the

- requirements of the Authority, and
- Performs such other functions that may arise from time-to-time.
- In performing its functions, an ETQA Body:
- Shall abide by regulations 2 to 12 of the National Standards Bodies Regulations (R452 of 28 March 1998, Government Gazette No 18787);
- May delegate selected functions contemplated in sub-regulation (1) to a constituent provider or other body

- with the prior approval of the Authority, but may not delegate its accountability to the Authority; and
- If established under another Act of Parliament to govern a single coordinated system of multi-qualification providers, shall delegate the function of registering constituent assessors, contemplated in sub-regulation (1)(e), to its providers if their quality management system includes the monitoring of this function and the South African Qualifications Authority is notified.

11. Research Information Monitoring Evaluation (RIME) division

Overview and Functions of RIME Division

The Research Information Monitoring and Evaluation (RIME) Division plays a pivotal role in managing knowledge generation, as well as packaging and presenting it in a way that influences policy and projects in the HWSETA.

This division therefore provides labour market intelligence in the Health and Welfare Sector, and thus conducts skills planning by:

- Identifying and articulating the skills needs of the sector
- Developing sector skills plans, which are intended to outline current and future (short, medium, and long term) learning and qualifications needs of workers and employers
- Ensuring that government departments; agencies involved in assisting start-up businesses, cooperative development, community and rural development, and ABET are informed about:
 - key trends in the skills development sector,
 - the skills development needs that are emerging across established business,
 - how these differ for large, medium, and small businesses,
 - the kinds of opportunities that this may suggest for start-up businesses, cooperatives and for community and rural development

Through research-based evaluations this division:

- Monitors the implementation of the Annual Performance Plan (APP)

- Measures the progress of the HWSETA in achieving its strategic outcomes and desired impact through various evaluation and impact approaches, by:
 - Measuring the efficiency and effectiveness of the HWSETA interventions
 - Examining the extent to which the HWSETA has affected the provision of skills to enable the economy to grow as well as to ensure that individuals can progress along valid learning pathways
 - Monitoring and evaluating the impact of skills interventions of the health and welfare sector
- Reports on the performance of the HWSETA to meeting annual performance plan outputs and strategic outcomes and impact



12. Finance division

Overview and Functions of the Finance Division

The Finance Division's responsibility is to design and implement financial controls that ensure good financial governance and financial viability of the HWSETA as well as ensuring that funding is optimally used to drive the attainment of the strategic requirements.

All functioning of the Finance Division occurs within the compliance requirements of the Public Finance Management Act and Treasury Regulations.

The key functions of the Finance Division:

- Implement and strengthen internal control;
- Review, develop and implement finance policies;
- Monthly reporting on financial results;
- Procurement and recording of goods and services;
- Administration and guidance on tenders;
- Disbursement of mandatory and discretionary grant funding;
- Preparation of the Annual Financial Statements;
- Quarterly reporting on financial results;
- Operations budget preparation and monitoring;
- Risk and fraud prevention management;
- Internal audit function and Auditor-General audit co-ordination and support;
- Participate in Public Sector CFO forums;
- Strategic sessions to ensure strategic alignment to the strategy of the HWSETA
- Monitoring and evaluation of grant funding;
- Asset Management;
- Reporting to the Audit Committee, Finance Committee, Governance Committee, Tender Standing Committee, EXCO and Board;
- Monitor, review, develop and implement measures to limit exposure to fraud and risk.

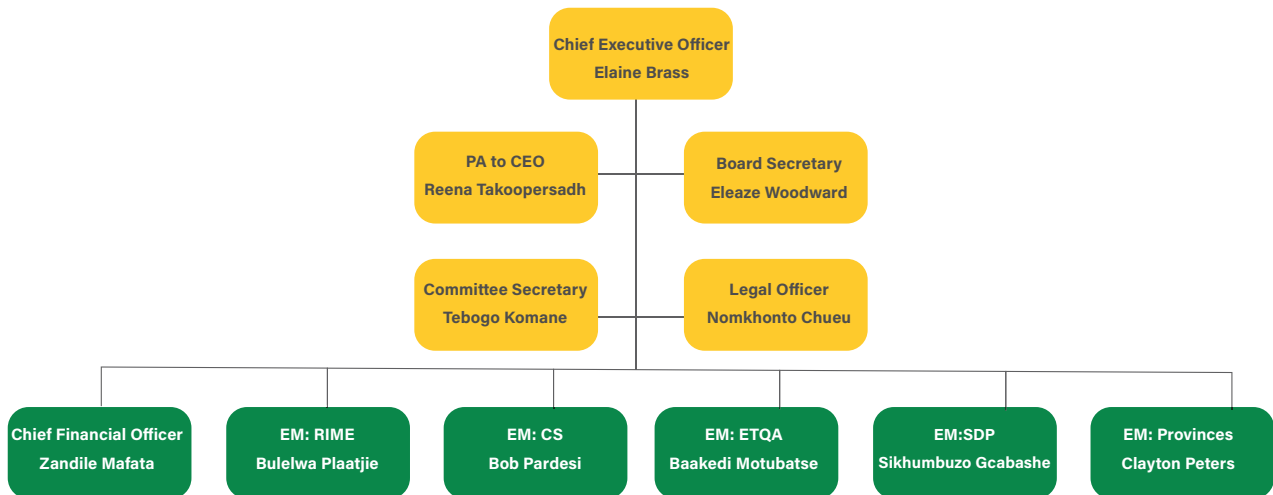


13. Corporate Services division

- Overview and Functions of Corporate Services Division
- A work environment that is conducive to staff performance and ultimately service delivery is key to the success of any organisation. The HWSETA's Corporate Services Division is responsible for this important activity within the organisation and provides support services to all divisions. Whilst the Corporate Services Division's overall responsibility is the development and implementation of the HWSETA's corporate strategy, policies and procedures, as well as the development and maintenance of systems, more specifically, the division seeks to:
 - Ensure that all corporate policies and practices are aligned to the objectives and mandate of the HWSETA;
 - Facilitate and expedite delivery of all HR activities;
 - Ensure the provision of suitable office space and facility management at both national and provincial levels;
 - Promote effective communication with all relevant stakeholders;
 - Provide information technology to enable the HWSETA to deliver on its mandate;
 - Facilitate the development of a record management system.
 - Ensuring adequate capacity in the form of skills and human assets, as well as capability in the form of systems, procedures and policies underpins all the activities of the Corporate Services Division.

14. Structure of the HWSETA as of 30 June 2021

Chief Executive Officer Head Office



The HWSETA Board is the Accounting Authority of the HWSETA. The HWSETA was established under the auspices of the Skills Development Act (Act 1 of 1998) and is an independent public entity as listed in Section 3A of the Public Finance Management Act (Act 1 of 1999). The Board, as the Accounting Authority, is accountable for ensuring sound governance at all times.

The Board's role is to provide leadership, direction, and stewardship of the organisation's assets and interests in relation to the public funds it administers to promote public interest in skills development within the Health and Social Development (welfare) sectors.

The Board is constituted of 15 Board members representing various constituencies. It meets every quarter, or as required, to enable it to assert its governance responsibility as the Accounting Authority and as the employer of all HWSETA staff. The Board is constituted of representatives from the following constituencies and stakeholders in the sector:

- Organised Labour;
- Organised Employers, including small businesses;

- Relevant government departments;
- Levy exempt sector.

Standing Committees

The Board has 5 Standing Committees, namely:

- Audit, Risk, Ethics and Governance Standing Committee;
- Finance, Remuneration & Tender Standing Committee;
- SDP and RIME Standing Committee;
- ETQA Standing Committee;
- Corporate Services Standing Committee.

The Standing Committees provide technical guidance and recommendations in key portfolio areas, as well as assist the Executive Committee of the Board (EXCO) and Executive Management

16. Contact details of the Information Officer – Section 14(1)(b)

- 16.1 Information Officer**
Chief Executive Officer
Ms Elaine Brass
Personal Assistant
Ms Reena Takoorpersadh
Email: Reenat@hwseta.org.za
- 16.2 Deputy Information Officer (if any)**
Corporate Services Executive
Mr Bob Pardesi
Email: Bobp@hwseta.org.za
Personal Assistant
Lea-Ann Kleinhans
Email: lea-annk@hwseta.org.za
Physical Address (Head Office):
17 Bradford Road
Bedfordview
2047
Postal Address:
Private Bag X15
Gardenview
2047
Tel: (011) 607 6999
Fax: (011) 616 7393
Toll free nr: 0800 864 478
Email: hwseta@hwseta.org.za
- 16.3 HWSETA REGIONAL OFFICES**
The HWSETA has 9 regional offices.
Its Head Office is at
17 Bradford Rd,
Bedfordview
Johannesburg
- 16.4 GAUTENG**
Physical Address:
563 Old Pretoria Main Road
Unit 5
Midrand Business Park,
Midrand, 1685
Tel: (011) 205 0200
- 16.5 WESTERN CAPE**
Physical Address:
Tijgerpark Office Park
Entrance 1, Building 3, Ground Floor,
Office No. 005
Willie van Schoor Avenue
Bellville
Cape Town, 7530
Tel: (021) 914 1058
- 16.6 NORTHERN CAPE**
Physical Address:
Royalyard Park
Unit 17
No 9 Jacobus Smit Avenue
Royalglen
Kimberley, 8301
Tel: (053) 831 1338
- 16.5 WESTERN CAPE**
Physical Address:
Tijgerpark Office Park
Entrance 1, Building 3, Ground Floor,
Office No. 005
Willie van Schoor Avenue
Bellville
Cape Town, 7530
Tel: (021) 914 1058
- 16.7 EASTERN CAPE**
Physical Address:
Portion of Phase 4B, Ground Floor
Waverley Office Park
No 3-33 Phillip Frame Road
Chiselhurst
East London, 5247
Tel: (043) 726 9406/7
- 16.8 KWA-ZULU NATAL**
Physical Address:
19 Hurst Grove
Clifton Place
Musgrave
Durban, 4001
Tel: (031) 202 5972/3

16.9 FREE STATE

Physical Address:
47 Kellner street
Westdene
Bloemfontein
9301
Tel: (051) 430 2134
Satellite Office: Free State
Flavius Mareka TVET College
Tel: 078 585 0135

16.11 MPUMALANGA

Physical Address
Suite 405-407, 4th Floor
Medcen Building
14 Henshall Street
Nelspruit, 1201
Tel: (013) 762 3027

16.2 Deputy Information Officer (if any)

16.10 LIMPOPO
Physical Address:
10 Limassol Street
Ismini Office Park
Bendor
Polokwane, 0699
Tel: (015) 295 4302/3

16.12 NORTH WEST

Physical Address:
Suite No. 3
Total Mafikeng Complex
Corner Nelson Mandela Drive
and Shippard
Street
Mafikeng, 2745
Tel: (018) 381 1192
Satellite Office: North West
Taletso TVET College
(018) 363 3017



17. How to request records held by the HWSETA – Section 18

17.1 Records that may be requested

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

The HWSETA is committed to openness and transparency (In terms of condition 6 of POPIA). However simply because your request falls within the category of records that may be requested does not mean that the HWSETA is obliged to provide you with the record/s you have requested. The HWSETA is obliged to consider its own rights and responsibilities and those of third persons in deciding whether to provide you information you have requested.

17.2 Requests generally

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

- that the requester complies with all the procedural requirements set out in the Act relating to a request, and
- that access to that requested record is not refused in terms of any ground for refusal set out in the Act.


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

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

17.3 How to Request a Record

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





18. Guide by the Human Rights Commission – Section 14(1)(C)

18.1 The South African Human Rights Commission updates and makes available a guide compiled by it in terms of section 10 of the

Act which informs persons of:

- the objects of PAIA and how to exercise their rights in terms of the Act;
- the contact details of the information officer and deputy information officer (where applicable) of every public body and the assistance available from them;
- how to access records of public bodies; and
- the legal remedies that are available when there is a failure to act in accordance with the Act.

18.2 All enquiries to obtain access to this guide should be directed to:

The Office of the Human Rights Commission

PAIA Unit

The Research and Document Department

Postal Address:

Promotion of Access to Information

Private Bag X2700

Houghton

2041

Street Address:

South African Human Rights Commission

Braampark Forum 3

33 Hoofd Street

Braamfontein

2017

Tel: (011) 877 3600

Fax: (011) 403 0668

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

19. Services available to the members of the public - Section 14(1)(f)

19.1 The HWSETA services include:

- The implementation of its Sector Skills Plan by establishing learnerships, approving workplace skills plans, allocating discretionary grants as well as monitoring education training in the sector;
- Promote learnerships by identifying workplaces for practical work experience, supporting the development of learning materials, improving and facilitation of learning and assisting in conclusion of learnership agreements;
- Registration of learnership agreements;
- Collecting and disbursement of the skills development levies in the sector;
- Accreditation of Skills development providers;
- Quality Assurance of Skills development providers;
- Certification of learners.

These services are not available to members of the public but rather to Skills Development Providers, Employers falling within the HWSETA's designated economic sector.

20. Prescribed fees for requesting and accessing records - Section 22

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

These fees are set out in Schedule 1.

20.1 Request Fees

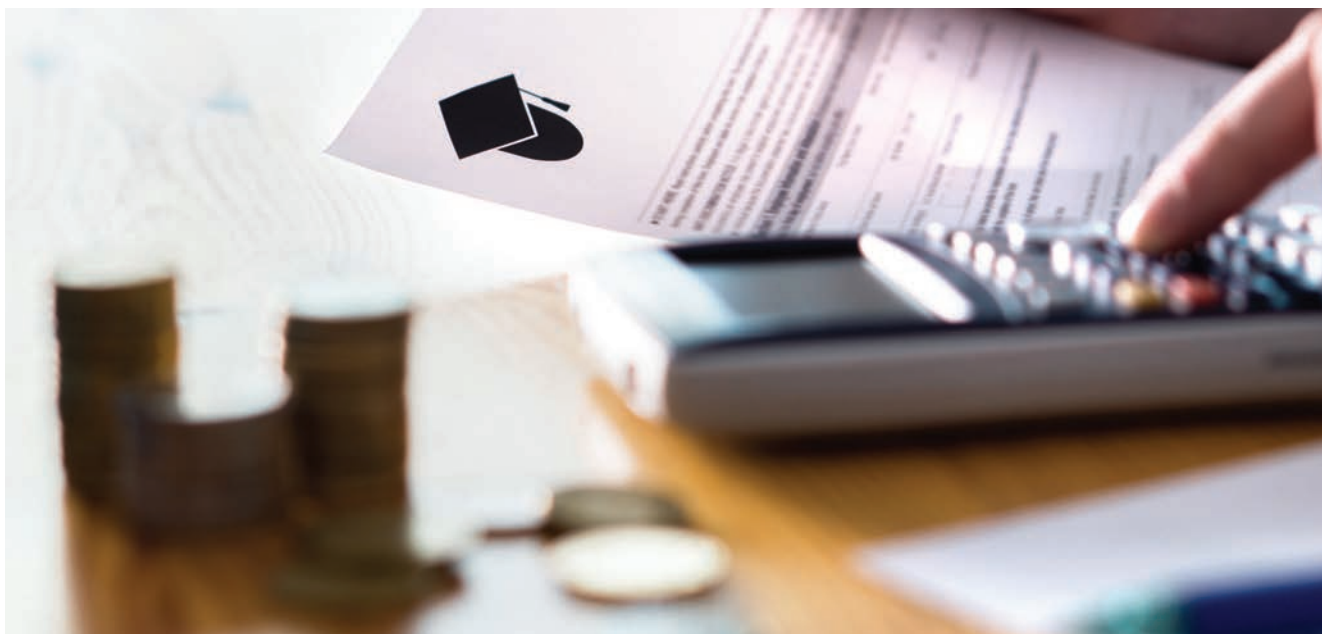
- A personal requester, being a natural person (human being) who requests access to a record containing personal information about him or herself is not required to pay the request fee. Any other requester, who is not a personal requester, will be required to pay such fee.



- The requestor (other than a personal requestor) can include this request fee with his or her request. If the requestor is not sure of the request fee or chooses not to send it, he or she may still submit the request and the Information Officer must advise the requestor of the prescribed fee. This will be done through the contact address given and may delay the request process. No invoice will be issued.
- The request fee (other than for a personal requestor) must be paid before the HWSETA will process the request. The HWSETA may also ask for a deposit in certain circumstances, which will be refunded if the request is refused.
- If you disagree with the Information Officer's decision that you must pay a request fee and/or you disagree with the amount of the request fee you are entitled to apply to court to remove the obligation to pay the request fee or vary the amount of the request fee.
- The Information Officer must notify the requestor of his/her decision in the manner and at the address specified by the requestor.

20.2 Access Fees

- In the event that the Information Officer grants the request, a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to prepare and search for the requested record.
- As with the request fee, the requestor may pay the access fee before a decision is made and if your request is refused, the fee will be refunded. If the requestor is not sure of the access fee or chooses not to send it, the Information Officer must advise you of the prescribed access fee. This will be done through the contact address you give and may delay the request process. No invoice will be issued.
- The access fee (including for a personal requestor) must be paid before the HWSETA will search for and extract the record requested.
- If you disagree with the Information Officer's decision that you must pay an access fee and/or you disagree with the amount of the access fee you are entitled to apply to court to remove the obligation to pay the access fee or vary the amount of the access fee.
- The Information Officer must notify the requestor of his/her decision in the manner and at the address specified by the requestor.



21. Information on the Promotion of Access to Information Act, 2000

- 21.1 Description of subjects on which the HWSETA holds records in terms of Section 14(1)(d) of the Act.
- 21.2 The HWSETA maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.
- Any personal records provided to the HWSETA by its personnel;
 - Any records a third party has provided to the HWSETA about any of their personnel;
 - Conditions of employment and other personnel-related contractual and quasi-legal records;
 - Internal evaluation records; and
 - Other internal records and correspondence.

The HWSETA holds records on the following subjects and/or categories:

22.1.1. Internal records

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

- Constitution of the HWSETA;
- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Internal policies and procedures;
- Records held by officials of the public body.

22.1.2 Personnel records

Personnel refers to any person who works for or provides services to or on behalf of the HWSETA and receives or is entitled to receive any remuneration and any other person who assist in carrying out or conducting any work or services of the HWSETA. This includes, without limitation, members of the Board and Executive Committee, heads of departments, managers, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

22.1.3 Work-related records

Work-related information includes the following:

- Any records a third party has provided to the public body; and
- Records generated by or within the HWSETA pertaining to work or services, including transactional records.

22.1.4 Other Parties

Records are kept in respect of other parties, including without limitation, employers, workers, contractors, suppliers, departments, divisions and service providers. Alternatively, such other parties may possess records which can be said to belong to the HWSETA.

The following records fall under this category:

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

22.2.1 Information available free of charge in terms of Section 15(1)(a)(iii)

- The HWSETA's calendar and events;
- Media releases;
- Service delivery Charter;
- Policy and legislation and guides;
- Research reports;
- Strategic planning documentation.

Refer to the HWSETA's website at www.hwseta.org.za for a copy of these documentation.

22. RECORDS REQUIRED IN TERMS OF LEGISLATION

Records are kept in accordance with legislation applicable to HWSETA, which includes but is not limited to, the following

- Labour Relations Act, 66 of 1995
- Employment Equity Act, 55 of 1998
- Electronic Communications and Transactions Act 36 of 2005
- Basic Conditions of Employment Act, 75 of 1997
- Broad Based Economic Empowerment Act, 53 of 2003
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Constitution of the Republic of South Africa, 108 of 1996
- Companies Act, 61 of 1973
- Unemployment Insurance Act, 63 of 2001
- Consumer Protection Act, 68 of 2008
- Value Added Tax Act, 89 of 1991
- Skills Development Act, 9 of 1997
- Skills Development Levy Act, No. 9 of 1999
- Income Tax Act, 58 of 1962
- Financial Intelligence Centre Act, 38 of 2001
- Protection of Personal Information Act, 4 of 2013

21. Information on the Promotion of Access to Information Act, 2000

24.1 Purpose of processing personal information

HWSETA is legally obligated to collect, use and disclose personal information for the purposes of:

- reporting skills development initiatives to the Department of Higher Education and Training, Parliament or any other structure of Government or organisation under Government;
- Facilitating and administrating skills development programmes in line with the HWSETA mandate, annual performance plan and strategic plans.
- reporting enrolments and achievements of programmes to the South African Qualifications Authority;
- reporting on quality assurance functions to the Quality Council of Trades and Occupations;
- evaluating and processing applications for access to financial and other benefits;
- Administration of registrations of skill development providers, assessors, moderators and employers;
- Administration of data capturing in recording performance information of the HWSETA;
- Learner registration and certification;
- compiling statistics and other research reports;
- providing personalised communications;
- complying with applicable legislation;
- Employment applications within the HWSETA;
- Employment administration within the HWSETA;
- and/or for a purpose that is ancillary to the above.

HWSETA will not process personal information for a purpose other than those which are identified above without obtaining consent to further processing beforehand.

24.2 Types of data subjects and their personal information

HWSETA may possess or possesses records relating to skills development providers, employers, assessors, moderators, learners, members, service providers, members of the public who lodged complaints against skills development providers, employers and employees:

Data Subject Category	Personal Information Processed
Natural Persons	Names and surnames; contact details; physical and postal addresses; date of birth; id number; passport number; tax information; nationality; race, gender; marital status; gender; biometric information; confidential correspondence; health information; financial information.
Juristic Persons & employers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; registration documents; tax information; authorised signatories, beneficiaries.
Service Providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; registration documents; tax information; authorised signatories, beneficiaries.
Employees & Board members	Names and surnames; contact details; physical and postal addresses; date of birth; id number; passport number; tax information; nationality; race, gender; marital status; gender; biometric information; confidential correspondence; health information; financial information. Home Language, Education information; Employment History; Opinions, Criminal behaviour; Well-being and confidential correspondence.

24.3 List of recipients of information for processing personal information

HWSETA may supply the personal information to service providers who render the following services:

- Storing of data;
- Sending of emails and other correspondence to stakeholders;
- Conducting due diligence checks; and
- Administration Assistance.

24.4 Trans-Border Flows of Personal Information

HWSETA does not share personal information with parties outside the Republic of South Africa.

24.5 Security Measures

HWSETA ensures that all security safeguards in place are designed in such a way that all personal information processed by the organisation is protected/safeguarded. HWSETA has taken reasonable steps to ensure that the information is not accessible to unauthorised people.

The purpose of these security measures is to ensure that your data is safeguarded and to minimize the risk of any data breaches and attacks on HWSETA's Information Systems.

24. Grounds for refusal

The Information Officer or Deputy may refuse a request for information for the following reasons:

- Where the disclosure would amount to an unreasonable disclosure of personal information;
- Where the disclosure would amount to disclosure of the trade secrets of a third party;
- Where the disclosure would lead to a revelation of

financial, commercial, scientific or technical information

- of a third party;
- Where such information was supplied in confidence by a third party;
- Where the disclosure would breach the duty of confidence owed to a third party;
- Where the disclosure would endanger the life or physical safety of an individual;
- If the disclosure is prohibited under the Criminal Procedure Act;
- If the disclosure is privileged under legal proceedings or research conducted by or on behalf of a third party; and

Where the disclosure would compromise the investigation where proceedings are pending.

25. Arrangements for public participation by consultation and/or representation on the formulation of the HWSETA policy or performance of functions – Section 14(1)(g)

The Skills development Act and the Constitution of the HWSETA provide for participation of workers and employers in the HWSETA's designated economic sector only. Person falling under this group may attend general meetings of the HWSETA, may elect the management board of the HWSETA and stand for election to such board in accordance with the HWSETA's Constitution and the Skills Development Act.



26. Remedies available in respect of acts or failures to act - Section 14(1)(h)

Internal Remedies

The HWSETA does not have an internal appeal procedure. As such, the decision made by the Information Officer or Deputy pertaining to a request is final, and requestors shall have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer or deputy.

External Remedies

A requestor that is dissatisfied with the information officer or deputy's refusal to disclose information, may within 180 days of notification of the decision, apply to a court for relief. likewise, a third party dissatisfied with the information officer or deputy's decision to grant a request for information, may within 180 days of notification of the decision, apply to a court for relief. for purposes of the act, a court application must be lodged with a high court or another court having jurisdiction.

Questions, complaints or comments regarding any service delivery by the HWSETA may be made

as follows:

Tel: (011) 607 6900 - Monday to Friday from 08:00 to 16:00

Fax: (011) 616 7393

E-mail: hwseta@hwseta.org.za

27. Other information as may be prescribed in the Act - Section 14(1)(i)

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

28. Section 15(2) notice

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

29. Accessibility and availability of this manual - Section 14(3)

- 29.1 The English version of this manual is available for viewing at the physical address of the Information Officer between 08:00 and 16:00 Mondays to Fridays (excluding public holidays).
- 29.2 The Manual is available on the HWSETA's website at www.hwseta.org.za.
- 29.3 A request for a copy of the manual may be made by sending a request for a copy to the HWSETA Information Officer by email, post or fax;

There is no charge for inspecting a copy of this Manual on the website or at our offices. However, we reserve the right to require payment for copies of this Manual in accordance with the same charges that apply to records. These charges are set out in Schedule 1 annexed to this Manual.

30. Updating of manual - Section 14(2)

This Manual will be updated and published, if necessary, at intervals of not more than 1 (one) year, as prescribed in Section 14(2) of the Act.

SIGNED ON THIS 1 DAY OF
JULY 2021



MS ELAINE BRASS

CHIEF EXECUTIVE OFFICER

SCHEDULE 1

FEES IN RESPECT OF PUBLIC BODIES

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

- | | | |
|--------|--|-------|
| 1. | The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof. | |
| 2. | The fees for reproduction referred to in regulation 7(1) are as follows: | R |
| (a) | For every photocopy of an A4-size page or part thereof | 0,60 |
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | 0,40 |
| c) | For a copy in a computer-readable form on - | |
| i) | stiffy disc | 5,00 |
| ii) | compact disc | 40,00 |
| d) | (i) For a transcription of visual images, or an A4-size page or part thereof | 22,00 |
| | (ii) For a copy of visual images | 60,00 |
| e) | (i) For a transcription of an audio record, or an A4-size page or part thereof | 12,00 |
| | (ii) For a copy of an audio record | 17,00 |
| 3. | The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00. | |
| 4. | The access fees payable by a requester referred to in regulation 7(3) are as follows: | R |
| (1)(a) | For every photocopy of an A4-size page or part thereof | 0,60 |
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | 0,40 |
| (c) | For a copy in a computer-readable form on - | |
| (i) | stiffy disc | 5,00 |
| (ii) | compact disc | 40,00 |
| (d) | (i) For a transcription of visual images, for an A4-size page or part thereof | 22,00 |
| | (ii) For a copy of visual images | 60,00 |
| (e) | (i) For a transcription of an audio record, for an A4-size page or part thereof | 12,00 |
| | (ii) For a copy of an audio record | 17,00 |
| (f) | To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. | |
| (2) | For purposes of section 22(2) of the Act, 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. | |
| (3) | The actual postage is payable when a copy of a record must be posted to a requester. | |

SCHEDULE 2

PRESCRIBED FORMS FOR ACCESS TO INFORMATION REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 2]

FOR DEPARTMENTAL USE	
Reference number:	_____
Request received by	
(state rank, name and surname of information officer/deputy information officer) on	
(date) at _____ (place).	
Request fee (if any): R
Deposit (if any): R
Access fee: R
SIGNATURE OF INFORMATION	
OFFICER/DEPUTY INFORMATION OFFICER	

Name of Public Body	Health and Welfare Sector Education and Training (HWSETA)
Designated Information Officer	Ms Elaine Brass
Designated Deputy Information Officer (if any)	Mr Bob Pardesi
Email address of Information Officer/ Deputy Information Officer	hwseta@hwseta.org.za
Postal Address	Private Bag X15 Gardenview 2047
Physical Address	17 Bradford Road Bedfordview 2047
Phone number	(011) 607 6900 or Toll free nr 0800 864 478
Fax number	(011) 616 7393

B. Particulars of person requesting access to the record

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

Full names and surname:
Identity number:
Postal address:

_____ Fax number:
Telephone 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

- (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.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason therefore.

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 hereunder, state your disability and indicate in which form the record is required.

Mark the appropriate box with an "X":

NOTES:

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (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.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form -

	copy of record*		inspection of record
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2. If record consists of visual images

(this includes photographs, slides, video recordings, computer generated images, sketches, etc.)

	view the images		Copy of the images*		transcription of the images*
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If record consists of recorded words or information which can be reproduced in sound -

	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
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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*		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? A postal fee 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 thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20

 SIGNATURE OF REQUESTER / PERSON
 ON BEHALF OF WHO REQUEST IS MADE



17 Bradford Road, Bedfordview, Johannesburg, 2007
Private Bag X15, Gardenview, 2047
Tel: 011 607 6900
Toll Free Number: 0800 864 478
www.hwseta.org.za

