



elrc

EDUCATION LABOUR
RELATIONS COUNCIL

PAIA MANUAL

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|-----|--------------------|---|
| 1.1 | “DIO” | Deputy Information Officer |
| 1.2 | “ELRC” | Education Labour Relations Council |
| 1.3 | “GS” | General Secretary |
| 1.4 | “IO“ | Information Officer |
| 1.5 | “Minister” | Minister of Justice and Correctional Services |
| 1.6 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as amended) |
| 1.7 | “POPIA” | Protection of Personal Information Act No.4 of 2013 |
| 1.8 | “Regulator” | Information Regulator |

2. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to:

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

3. ESTABLISHMENT OF THE ELRC

- 3.1 The ELRC is a bargaining Council established in terms of Section 37 (2) of the Labour Relations Act (LRA).

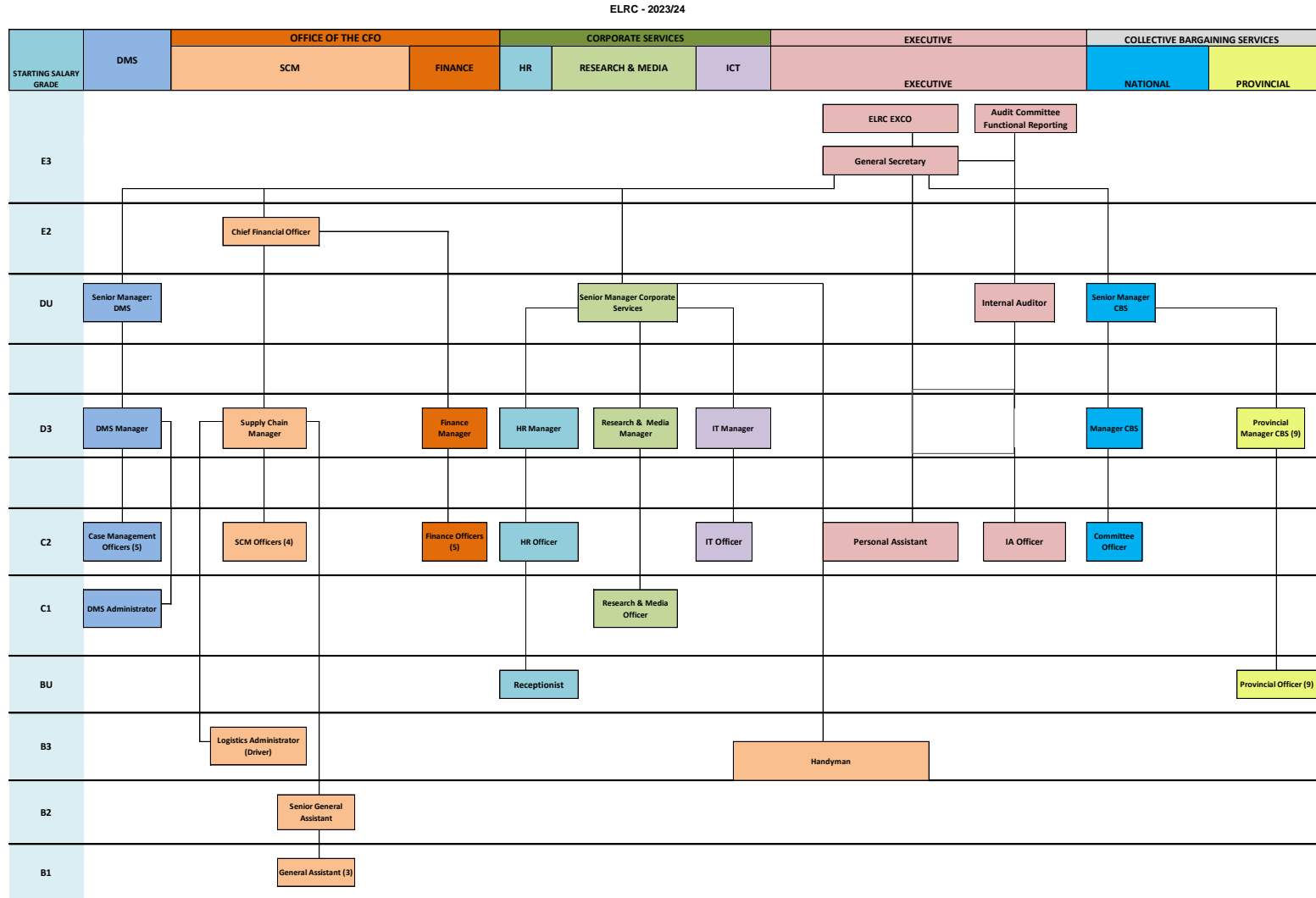
Applicable Legislation

- Labour Relations Act 66 of 1995, as amended
- ELRC constitution

3.2 Mandate

The mandate of the ELRC is to promote and maintain labour peace in the public education sector in South Africa.

4. STRUCTURE OF THE ELRC



4.1 Committees of the ELRC

- 4.1.1 Executive Committee
- 4.1.2 Audit & Risk Committee
- 4.1.3 Finance Sub-Committee
- 4.1.4 Human Resources Sub-Committee
- 4.1.5 Legal Sub-Committee

4.2 Functions

The core services of the Council are dispute resolution and prevention services and collective bargaining services. The Council provides dispute resolution services to prevent and resolve labour disputes in education and performs dispute resolution functions in terms of section 51 of the Labour Relations Act No. 66 of 1995. Collective bargaining services are provided to promote collective bargaining in relation to all matters of mutual interest and to conclude and enforce collective agreements.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE ELRC

5.1 Chief Information Officer

Name: Ms U Ndobeni
Tel: (012) 663-7446
Email: UnathiN@elrc.org.za
Fax number: (012) 643-1601

5.2 Deputy Information Officer

Name: Ms B Loxton
Tel: (012) 663-7446
Email: BerniceL@elrc.org.za
Fax Number: (012) 643-1601

5.3 Access to information general contacts

Email: enquiries@elrc.org.za

5.4 National / Head Office

Postal Address: Private Bag X126
Centurion
0046

Physical Address: 261 West Avenue
Centurion
0046

Telephone: (012) 663-7446

Email: enquiries@elrc.org.za

Website: www.elrc.org.za

5.5 Provincial Offices

EASTERN CAPE

Physical Address: 12 Clifford Street, 2 Floor, Esplanade Suite No. 6, Quigney, East London, 5201
Telephone Number: (043) 722 5858

FREE STATE

Postal Address: P.O. Box 2386
Physical Address: 73 Aliwal Street, Omni Building, Ground Floor, Bloemfontein, 9300
Telephone Number: (051) 430-8927
Fax Number: (051)430 5803

GAUTENG

Postal Address: P O Box 5980, Johannesburg, 2000
Physical Address: 20 Albert Street, Office 301/302, Bramfisher Building Johannesburg, 2000
Telephone Number: (011) 331-0061

KWAZULU-NATAL

Physical Address: 146 Problem Mkhize, Morningside, Durban 4001
Telephone Number: 073 530 7873

MPUMALANGA

Physical Address: 37 Brown Street, Midcity Building, 6th Floor, Office No. 6/7/10, Nelspruit CBD, 1240
Telephone Number: (013) 751-2838

NORTHERN CAPE

Physical Address: 15 Spencer Lane, Belgravia, Kimberly, 8301
Telephone Number: (053) 832-0247/8
Fax Number: 086 528 7371

LIMPOPO

Postal Address: P.O. Box 2100, Polokwane, 0700
Physical Address: 49 Landdros Mare Street, Std Bank Building Office No. 3005, Polokwane, 0700
Telephone Number: (015) 291-1460

NORTH WEST

Physical Address: Brink Street 75 Unit 2,
Rustenburg
North West

Telephone Number: 0299
060 546 8107

WESTERN CAPE

Physical Address: Fairway Close, Fairway Square Building, North Block 1st Floor,
Parow, 7500
Telephone Number: (021) 595-2149

6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE ELRC

- 6.1 The below remedies are available in respect of an act or a failure to act by the ELRC. This many include:
- a) internal appeal,
 - b) process for complaining to the Information Regulator or any regulatory body; and/or
 - c) process for approaching the Court with jurisdiction for appropriate relief.

7. GUIDE ON HOW TO USE THE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 7.1 The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 7.1.1 The Guide is available in each of the official languages.
 - 7.1.2 The aforesaid Guide contains the description of:
 - 7.1.2.1 the objects of PAIA and POPIA;
 - 7.1.2.2 the postal and street address, phone and fax number and, if available, electronic mail address of:
 - 7.1.2.1.1 the Information Officer of every public body, and
 - 7.1.2.1.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA².
 - 7.1.3 The manner and form of a request for:
 - 7.1.3.1 access to a record of a public body contemplated in section 11³;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such 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.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- and
- 7.1.3.2 access to a record of a private body contemplated in section 50⁴;
- 7.1.4 The assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 7.1.5 The assistance available from the Regulator in terms of PAIA and POPIA;
- 7.1.6 All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
- 7.1.6.1 an internal appeal;
- 7.1.6.2 a complaint to the Regulator; and
- 7.1.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 7.1.7 The provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.1.8 The provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 7.1.9 The notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 7.1.10 The regulations made in terms of section 92¹¹.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

7.2 Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

- 7.2.1 Upon request to the Information Officer;
- 7.2.2 From the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE ELRC

Subjects on which the Council holds records	Categories of records held on each subject
Strategic Documents, Plans, Reports	Annual Reports; Quarterly Reports; Strategic Plans; Annual Performance Plans; Research Reports; Policies and Manuals
Human Resources & ICT	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employee records - Learning and development e.g.: skills development and training plans - Employment equity plan and statistics - Biometric information - Emails containing private information - Passwords
Collective Bargaining	<ul style="list-style-type: none"> - Collective Agreements - Minutes of meetings - Meeting recordings
Dispute Management	<ul style="list-style-type: none"> - Arbitration awards and recordings of proceedings - Case files and referral forms with its associated personal information. - Emails of parties to the disputes and Commissioners
Finance & Supply Chain Management	<ul style="list-style-type: none"> - Financial data - Supplier database - Contracts - Fixed Asset Register

9. CATEGORIES OF RECORDS OF THE ELRC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

9.1 The below list outlines categories of records of Council which are available without a person having to request access in terms of the Act. These are mostly records that are available on the ELRC website and a person may just download or request telephonically or by sending an email or a letter.

Category	Document Type	Available on Website	Available upon request
Tender documents	<ul style="list-style-type: none"> - Advertised tenders - Name of successful bidders 	X	

Category	Document Type	Available on Website	Available upon request
Legislation /Regulations	<ul style="list-style-type: none"> - ELRC constitution - Employment of Educators Act - South African Schools Act - Constitution of the Republic of South Africa - Creation of Educator Posts - Bill of Rights - Further Education and Training Act - Labour Relations Act - South African Council of Educators Act - National Education Policy Act - Terms and Conditions of Employment of Educators 	X	
Strategic Documents (Plans and Report)	<ul style="list-style-type: none"> - Organisational profile (overview, objectives, functions) - Annual Reports - Quarterly Reports - Strategic Plan - Annual Performance Plan - Strategic and Performance Plans 	X	
Government Gazette	<ul style="list-style-type: none"> - Personnel Administrative Measures (PAM) 	X	
Collective Agreements	<ul style="list-style-type: none"> - National and provincial agreements 	X	
Dispute Management Services	<ul style="list-style-type: none"> - Manual referral forms - DMS digital application 	X	X
External publications	<ul style="list-style-type: none"> - Labour Bulletin - New Negotiator - Education Indaba - International Study Visits - ELRC Corporate Identity Manual - ELRC Policy Handbook for Educators 	X	

10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE ELRC AND HOW TO GAIN ACCESS TO THOSE SERVICES

10.1 The powers, duties and functions of the ELRC are outlined in its [Information Brochure](#).

11. PROCESSING OF PERSONAL INFORMATION

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons (mostly cases)	Names and surname; contact details (contact number(s), fax number (where applicable), email address; Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Person (Council)	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial; commercial, scientific and technical information and trade secrets
ELRC Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information (where applicable); employment history; ID number; physical and postal address; contact details (contact number(s), fax number, email address); criminal behaviour (criminal record except for old staff); well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

The below are categories of persons to whom the Council may disseminate personal information to:

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

11.2 The below security safeguards are implemented to ensure suitable and optimum security, confidentiality, integrity and availability of the personal information under the care of the Council.

This includes the following:

- Virtual Private Network (VPN)
- Encrypted data line
- Antivirus
- Antimalware for email
- Secured username and password
- Firewall
- Vulnerability scanning
- Continuous education on social engineering

12. AVAILABILITY OF THE MANUAL

- 12.1 This Manual is made available in the following three official languages:
- 12.1.1 English
 - 12.1.2 Afrikaans
 - 12.1.3 Zulu
- 12.2 A copy of this Manual or the updated version thereof, is also available as follows:
- 12.2.1 On the ELRC website (www.elrc.org.za)
 - 12.2.2 At the head office of the Council for public inspection during normal business hours
 - 12.2.3 To any person upon request
 - 12.2.4 To the Information Regulator upon request
- 12.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

13. UPDATING OF THE MANUAL

- 13.1 This ELRC will, if necessary, update and publish this Manual annually.

Issued by:



Ms NO Foca
Information Officer
General Secretary, ELRC