



INFORMATION MANUAL

**PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT, No. 2 of 2000
("the ACT")**

for

THE INDEPENDENT INSTITUTE OF EDUCATION PROPRIETARY LIMITED

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1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 (“the Act”) gives effect to the right of access to information in records held by public or private bodies that is required for the exercise or protection of any rights as enshrined in the Bill of Rights forming part of The Constitution of The Republic of South Africa, 1996 (“the Constitution”).

The Act sets out the requisite procedural issues attached to such request, the requirements with which such a request must comply as well as the grounds for refusal of such request.

The manual informs requesters of the procedural and other requirements with which a request must comply in terms of the Act.

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

- 1.1. Limitations aimed at reasonable protection of privacy;
- 1.2. Commercial confidentiality;
- 1.3. Effective, efficient and good governance.

The right to access to information must also be balanced against any other rights contained in the Constitution.

The Independent Institute of Education Proprietary Limited (“The IIE”) is a private company, incorporated according to the laws of the Republic of South Africa, and is a wholly owned subsidiary of Advtech Limited.

The IIE is registered with the Department of Education and Training as a private further and higher education and training institute under the Further Education and Training Colleges Act, 2006 (registration number: 2009/FE07/003) and the Higher Education Act, 1997 (registration number: 2007/HE07/002).

It is predominantly a provider of quality private education offering a range of full qualifications and short courses across the country.

It comprises: -

- *The Schools division*
Public information relating to all educational brands of which can be viewed and accessed on the website below.
- *The Tertiary division*
Public information relating to all educational brands of which can be viewed and accessed on the website below.

Further public information regarding The IIE can be found on the website below.

2. CONTACT DETAILS AND GENERAL INFORMATION

All requests for information in terms of the Act must be in writing and addressed to the Information officer of The IIE as set out below: -

Company name: The Independent Institute of Education Proprietary Limited
Registration number: 1987/004754/07

Registered address: ADvTECH House
Inanda Greens Office Park
54 Wierda Road West
Wierda Valley, Sandton 2146

Postal address: PO Box 2369 Randburg 2125

Telephone number: + 27 11 676 8000

Facsimile number: + 27 11 783 0345

Email: contact@advtech.co.za

Website: www.advtech.co.za
www.iie.ac.za

Director & Head: Dr. Felicity Coughlan

Information Officer: Shirley Ferndale (Registrar) in respect of all academic matters.
registrar@iie.ac.za

Jean-Didier Raico Oesch (Group Financial Director) & Darren Stevens (Legal Advisor) in respect of all other matters.
groupsec@advtech.co.za

3. GUIDELINES IN TERMS OF SECTION 10 ON HOW TO USE THE ACT

A guide on how to use the Act to obtain information is available in various languages from the South African Human Rights Commission.

Please direct queries to them at:

Postal Address: Private Bag X2700 Houghton 2041

Telephone number: + 27 11 877 3600

Facsimile number: + 27 11 877 3750

Email: PAIA@sahrc.co.za

Website: www.sahrc.org.za

4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation, as amended, are as follows:

- 4.1. Labour Relations Act 66 of 1995;
- 4.2. Employment Equity Act 55 of 1998;
- 4.3. Basic Conditions of Employment Act 75 of 1997;
- 4.4. Compensation of Occupational Injuries and Diseases Act 130 of 1993;
- 4.5. Companies Act 71 of 2008;
- 4.6. Unemployment Insurance Act 63 of 2001;
- 4.7. Value Added Tax Act 89 of 1991;
- 4.8. Income Tax Act 58 of 1962;
- 4.9. Skills Development Act 9 of 1999;
- 4.10. South African Schools Act 84 of 1996;
- 4.11. Further Education and Training Colleges Act 16 of 2006;
- 4.12. Higher Education Act 101 of 1997.

5. ACCESS TO RECORDS

5.1. Automatic disclosures

The following information is freely available:

- Advtech Limited Annual Report – see www.advtech.co.za

5.2. Records that may be requested

The following records of The IIE may be available upon request:

- Companies Act records;
- Financial records;
- Tax records;
- Asset records;
- Income and other tax records;
- Employment records;

- Employment policies;
- Information technology records;
- Procurement records;
- Other party records.

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 on their own merits, and The IIE reserves the right to decline to grant access to records in accordance with the provisions of the Act.

5.3. Request procedures

Any person wishing to gain access to information (“the requester”) must use the prescribed form (see Annexure A hereto) to make the request for access to information. This request must be made in writing and addressed to the Information Officer at the contact details set out in 2 above.

5.3.1. The requester must –

- 5.3.1.1. provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester; and
- 5.3.1.2. indicate in which form of access is required; and
- 5.3.1.3. specify a postal address or fax number within South Africa; and
- 5.3.1.4. identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise of that protection.

5.3.2. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

5.3.3. The Information Officer will make a decision whether to grant the request or to decline the request and must notify the requestor in the required form.

5.3.4. If the request is granted, then an access fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

5.3.5. If, after reasonable steps have been taken to find a record requested and same cannot be located or does not appear to exist, The IIE will advise the requester accordingly.

6. AVAILABILITY OF THE MANUAL

The IIE's manual is available for inspection free of charge at the registered address as set out in the contact details at 2 above. Furthermore, a copy is available from the SAHRC (see contact details in 3 above) and on The IIE's website as set out in 2 above.

7. FEES

The Act provides for 2 kinds of fees –

- request fees - non-refundable administration fees paid by all requesters (except personal requesters);
- access fee – paid by all requesters only when access is granted. The fee is intended to reimburse The IIE for the costs involved in searching for a record and preparing it for delivery to the requester.

The IIE may withhold the record until the request fee and the deposit in terms of section 8 hereof (if applicable) have been paid.

A requester who seeks access to a record containing personal information about that requester ("personal requester") is not required to pay the request fee.

Every other requester, who is not a personal requester, must pay the required request fee (refer 7.3 below).

The fees payable are as follows:

7.1. The fee for a copy of the manual in terms of regulation 9(2)(c) is R1.10 for every photocopy of an A4 page or part thereof.

7.2. The fees for reproduction referred to in regulation 11(1) are as follows:

R

7.2.1	For every photocopy of an A4 page or part thereof	1.10
7.2.2	For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine-readable form	0.75
7.2.3	For a copy in a computer readable form on -	
7.2.3.1	Stiffy disc	7.50
7.2.3.2	Compact disc	70.00
7.2.4.	For transcription of visual images, for an A4 page or part thereof	40.00
7.2.5	For a copy of visual images	60.00
7.2.6	For a transcription of an audio record, for an A4 page or part thereof	20.00
7.2.7	For a copy of an audio record	30.00

7.3. The request fee payable by a requester, other than a personal requester, is R50.00.

7.4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

		R
7.4.1	For every photocopy of an A4 page or part thereof	1.10
7.4.2	For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine-readable form	0.75
7.4.3	For a copy in a computer readable form on -	
7.4.3.1	Stiffy disc	7.50
7.4.3.2	Compact disc	70.00
7.4.4.1	For transcription of visual images, for an A4 page or part thereof	40.00
7.4.4.2	For a copy of visual images	60.00
7.4.5.1	For a transcription of an audio record, for an A4 page or part thereof	20.00
7.4.5.2	For a copy of an audio record	30.00
7.4.6	To search for and prepare a record for disclosure, for each hour or part thereof reasonably required for such search and preparation	30.00

7.5. Actual postage is payable when a record must be posted to a requester.

8. DEPOSIT

In accordance with s54(2) of the Act, The IIE may require a deposit in cases where searching for a record exceeds 6 hours. The deposit will represent one third of the access fees payable by the requester.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS OF A PRIVATE BODY

See Annexure B attached.

10. RIGHT OF APPEAL

A requester that is dissatisfied with the Information Officer's refusal to grant access to any information may –

- Within 30 days of being informed that the request was not granted lodge an internal appeal; or
- Within 30 days of notification of the decision apply to court for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

11. PRESCRIBED FORMS

See Annexure A attached.

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Independent Institute of Education Proprietary Limited

The Information Officer: Shirley Ferndale / Jean-Didier Raico Oesch & Darren Stevens

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal address:

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 <i>ONLY</i> if a request for information is made on behalf of <i>another</i> 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. |

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

E. Fees

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
--

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)

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

G Particulars of right to be exercised or protected

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. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the said right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

Signed at..... this..... day of20....

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS OF A PRIVATE BODY

The information contained in this section is a summary of the grounds upon which a private body is entitled to raise, as grounds for the refusal of access to its records. The information is intended to provide a requester with clarity as to the reasons why a request may be refused by the private body.

A. Section 63: Mandatory protection of privacy of a third party who is a natural person

The head of a private body must refuse a request for access to a record of that body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

However, a record may not be refused if it consists of information:

- a) About an individual who has consented in writing to the disclosure of the information;
- b) Already publicly available;
- c) Given to the private body by the individual to whom it relates, and that individual was informed by the private body before it is disclosed that the information belongs to a class of information that may already be publicly available;
- d) About an individual's physical or mental health, or well-being, who is under the care of the requester, and who is under the age of 18 years or incapable of understanding the nature of the request, and further if the disclosure would be in the individual's best interests;
- e) About an individual who is deceased and the requester is the individual's next of kin, or is making the request with the written consent of the individual's next of kin;
- f) About an individual who is or was an official of a private body, and the information relates to the position or functions of the individual.

B. Section 64: Mandatory protection of commercial information of a third party

1) The head of a private body must refuse a request for access to a record of that private body if it contains:

- a) Trade secrets of a third party;
- b) Financial, commercial, scientific or technical information of a third party, other than trade secrets, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party;
- c) Information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

However, a record may not be refused if it consists of information:

- a) About a third party who has already consented in writing, to its disclosure to the requester;

b) About the results of any product or environmental testing or other investigation supplied by the private body or the results of any such testing or investigation carried out on by or on behalf of the private body and its disclosure would reveal a serious public safety or environmental risk.

C. Section 65: Mandatory protection of certain confidential information of a third party

The head of a private body must refuse a request for access to a record of that body, if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

D. Section 66: Mandatory protection of safety of individuals, and protection of property

a) The head of a private body must refuse a request for access to a record of that body, if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

b) The head of a private body may refuse a request for access to a record of that body if its disclosure would be likely to prejudice or impair:

i) The security of a building, structure, or system, including a computer or communication system; a means of transport or any other property;

The methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public or part of the public or the security of a building, structure, or system, including a computer or communication system, a means of transport or any other property.

E. Section 67: Mandatory protection of records privileged from production in legal Proceedings

The head of a private body must refuse a request for access to a record of that body, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

F. Section 68: Commercial information of a private body

1) The head of a private body may refuse a request for access to a record of that body if the record:

a) Contains trade secrets of the private body;

b) Contains financial, commercial, scientific or technical information, other than trade secrets of the private body, and the disclosure thereof would likely cause harm to the commercial or financial interests of that body;

c) Contains information, the disclosure of which could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations; or prejudice the body in commercial competition;

d) Is a computer programme as defined in the Copyright Act, No. 98 of 1978, which is owned by the private body, unless it is required to give access to a record in terms of PAIA.

However, a record may not be refused if it consists of information:

About the results of any product or environmental testing or investigation (excluding the results of preliminary testing or investigations conducted for developing methods of testing), carried out by or for the public body, and the disclosure thereof would reveal a serious public safety or environmental risk.

G. Section 69: Mandatory protection of research information of a third party, and protection of research information of a private body

1) The head of a private body must refuse a request for access to a record of that body, if the record contains information about research being carried out or to be carried out, by or on behalf of a third party, and if this were to be disclosed, it would be likely to:

- a) Expose the third party, or
- b) the person carrying out the research or will be carrying out the research on behalf of the third party, or
- c) the subject matter of the research,

to a serious disadvantage.

2) The head of a private body may refuse a request for access to a record of that body, if the record contains information about research being carried out or about to be carried out, by or on behalf of the private body, and if this were to be disclosed, it would likely to:

Expose

- a) the private body or
- b) the person carrying out the research or will be carrying out the research on behalf of the private body, or
- c) the subject matter of

the research to a serious disadvantage.

H. Section 70: Mandatory disclosure in the public interest

a) Despite the above listed grounds for refusal, the head of a private body must grant a request for access to a record of that body if, the disclosure thereof would reveal evidence of:

- i) A substantial contravention of, or failure to comply with the law; or
- ii) An imminent and serious public safety or environmental risk; and

b) the public interest in the disclosure of the record, outweighs the harm contemplated under the ground for refusal.

Approved by Jean-Didier Raico Oesch & Darren Stevens, Information Officers, The Independent Institute of Education Proprietary Limited on this 31st day of August 2019.