



the premier

Office of the Premier  
FREE STATE PROVINCE

## THE OFFICE OF THE PREMIER

Prepared in terms of section 14 of the Promotion of Access to Information Act,  
2000 (Act No.2 of 2000) (PAIA)

**DATE OF COMPILATION:**

**20/01/2025**

**DATE OF REVISION: 12/03/2025**

## **1. PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO.2 OF 2000) (PAIA)**

- 1.1 The OTP is committed to compliance with the Constitution and legislation which validates *Batho Pele* principles.
- 1.2 PAIA gives third parties the right to approach public (government) and private bodies to request information held by them, which is required in the exercise and/or protection of any rights.
- 1.3 On request, the public or private body is obliged to release such information unless PAIA expressly states that the records containing such information may or must not be released.
- 1.4 This Manual informs requestors of procedural and other requirements which a request must meet as prescribed by PAIA.
- 1.5 This Manual is published by the OTP in terms of section 14 of PAIA which gives effect to the provisions of section 32 of the Constitution of the Republic of South Africa, 1996 (Constitution) that provides for the right of access to information held by the State and to information held by another person that is required for the exercise or protection of any right.
- 1.6 The provision of any information in this Manual, in addition to that specifically required in terms of section 14 of PAIA, does not create any contractual right or entitlement to receive such information, other than as specified in PAIA.
- 1.7 This Manual is compiled in accordance with section 14 of PAIA as amended by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPIA). POPIA promotes the protection of personal information processed by both public and private bodies and includes certain conditions which establish minimum requirements for the processing of personal information.
- 1.8 This Manual therefore contains information related to the submission of objections to the processing of personal information and requests to delete or destroy personal information or records as required in terms of POPIA.

## **2. AVAILABILITY OF MANUAL**

- 2.1 This Manual will be updated as required. The latest copy of this Manual is available on the website of [freestateonline.fs.gov.za](http://freestateonline.fs.gov.za). Alternatively, this Manual may be requested from the IO.
- 2.2 This Manual is made available in three official languages, namely English, Sesotho and Afrikaans.

### 3. DEFINITIONS

“**DIO**” means Deputy Information Officer;

“**FSPG**” means the Free State Provincial Government;

“**IO**” means Information Officer;

“**official**” means any person who works for or provides services to, or on behalf of the OTP and receives or is entitled to receive any remuneration. This includes permanent, contractual and part-time staff;

“**OTP**” means the Free State Office of the Premier;

“**other requester**” means a requester, other than a personal requester, who is entitled to request access to information pertaining to third parties;

“**PAIA**” means the Promotion of Access to Information, 2000 (Act No. 2 of 2000);

“**personal requester**” means a requester who is seeking access to a record containing personal information about the requester;

“**POPIA**” means the Protection of Personal Information Act, 2013 (Act No.4 of 2013);

“**record**” means any recorded information, regardless of the form or medium in which it is kept or stored, which is in the possession of or under the control of the OTP, irrespective of whether it was originated by the OTP or not;

“**Regulator**” means Information Regulator;

“**relevant authority**” means the person designated in writing by the Premier;

“**requester**” means any person making a request for access to a record of the OTP and also includes any person acting on behalf of such a person or requester; and

“**PAIA**” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

### 4. PURPOSE OF MANUAL

The purpose of this Manual is to enable the public to –

- (a) access and understand the structure of the OTP and its functions;
- (b) have access to documents, records and information that is already available for the public on the FSPG website before submitting a PAIA request;
- (c) access all the relevant contact details of the persons who will assist the public with the records that they need to access;

- (d) provide a description of the services available to members of the public from the OTP, and how to gain access to those services;
- (e) provide guidance on how to make requests to the OTP for access to information in terms of PAIA;
- (f) have access to and exercise any of the remedies available in terms of PAIA regarding requests for access to information from the OTP, before approaching the Regulator or the courts.

## **5. ESTABLISHMENT OF THE OTP**

5.1 The OTP is established in terms section 7(2)(a) of the Public Service Act, 1994 (Proclamation No. 103 of 1994) (Public Service Act), which is informed by section 125 of the Constitution, 1996 (Constitution) and is a “public body” in terms of PAIA.

### **5.2 Objectives/Mandate**

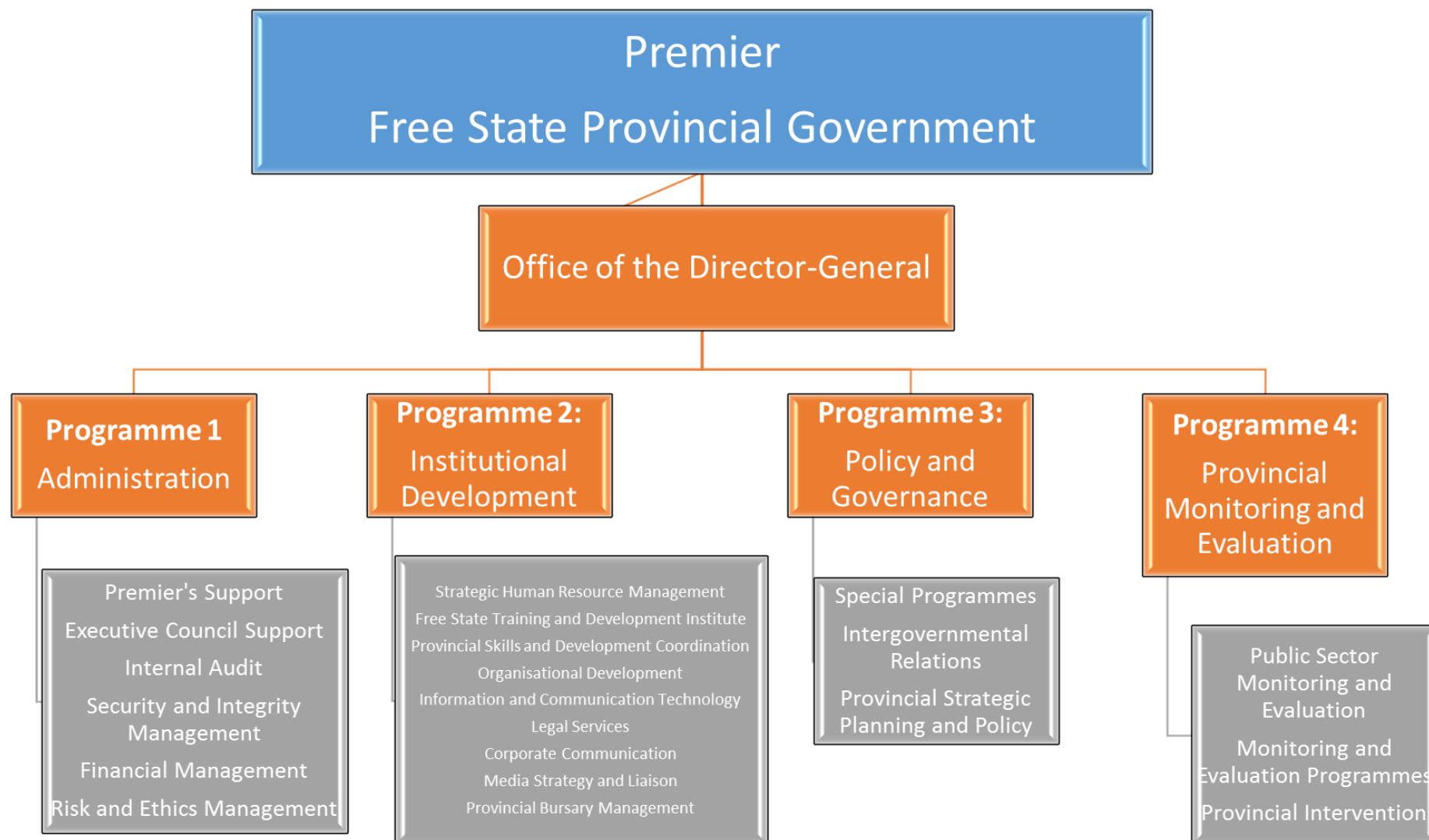
5.2.1 The OTP derives its mandate primarily from the Constitution, 1996, the Public Service Act, and its regulations, the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA) and its regulations as well as national and provincial policy directives and the overall mandate of government. The most important functions of the OTP are:

- 5.2.1.1 Executive, policy, legislative and intergovernmental functions and responsibilities as defined in Chapter 6 of the Constitution;
- 5.2.1.2 As the executive authority of the Province is vested in the Premier, the OTP is responsible for the implementation of Chapter 3 of the Constitution as contained in section 41(1) of the Constitution which defines the relationship and principles underlying the cooperation between the various spheres of government;
- 5.2.1.3 Section 125(2) of the Constitution determines that the Premier exercises executive authority of the province alongside other members of the Executive Council (EXCO);
- 5.2.1.4 The Premier appoints Members of the Executive Council and assigns their functions and responsibilities and delegates powers to them;
- 5.2.1.5 The Premier and all members of the EXCO are accountable to the Provincial Legislature for the exercise of powers and the performance of functions allocated to them (section 133(1) of the Constitution);

- 5.2.1.6 The Director-General is responsible for the execution of duties and responsibilities as derived from the Constitution, the Public Service Act and the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA), which includes administrative leadership, planning, monitoring, coordination and service delivery in accordance with the Public Service Act.

## 6. STRUCTURE OF THE OTP AND FUNCTIONS

### 6.1 STRUCTURE



## 6.2 FUNCTIONS

The OTP consists of four (4) programmes, namely:

### 6.2.1 Programme 1: Administration

This programme provides effective management and administrative support to the Premier and the Executive Council to achieve government's goals and priorities. The programme consists of the following sub-programmes:

- (a) Premier's Support;
- (b) Executive Council Support;
- (c) Office of the Director-General;
- (d) Internal Audit;
- (e) Security and Integrity Management, Financial Management; and
- (f) Risk and Ethics Management.

### 6.2.2 Programme 2: Institutional Development

Programme 2 strives to ensure the achievement of the objectives of the OTP through the provision and maintenance of well trained and capacitated human resources. It focuses on facilitating and coordinating the building of transverse capacity within the provincial government through training and skills development, providing strategic direction as well as rendering and coordinating legal services within the FSPG.

The programme consists of the following sub-programmes:

- (a) Strategic Human Resource Management;
- (b) Free State Training and Development Institute;
- (c) Provincial Skills and Development Coordination;
- (d) Organisational Development;
- (e) Information and Communication Technology;
- (f) Legal Services;
- (g) Corporate Communication,

- (h) Media Strategy and Liaison; and
- (i) Provincial Bursary Management.

#### **6.2.3 Programme 3: Policy and Governance**

This programme is the epicentre of provincial policy coordination and strategic direction.

The programme consists of the following sub-programmes:

- (a) Special Programmes;
- (b) Intergovernmental Relations; and
- (c) Provincial Strategic Planning and Policy.

#### **6.2.4 Programme 4: Provincial Monitoring and Evaluation**

This programme gives effect to the vision of the Department to lead the Free State Province towards service excellence and the mission of the Department to provide strategic direction and coordinate integrated service delivery within government in the Free State. This programme aims to drive the Free State government's performance through monitoring and evaluation as well as managing and coordinating functions in an integrated manner.

The programme consists of the following sub-programmes:

- (a) Public Sector Monitoring and Evaluation;
- (b) Monitoring and Evaluation Programmes; and
- (c) Provincial Intervention.

More details on the functions of the OTP are set out on our website at: [freestateonline.fs.gov.za](http://freestateonline.fs.gov.za)

## **7. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE OTP**

### **7.1 IO:**

Name: Director General)  
E-mail: [dg@fspremier.gov.za](mailto:dg@fspremier.gov.za)

### **7.2 DIO:**

Name: Adv KJC Ditira  
Tel: 076 402 0050  
E-mail: [kuni.ditira@fspremier.gov.za](mailto:kuni.ditira@fspremier.gov.za)

### **7.3 Access to information – General Inquiries:**

E-mail: [nolette.tebrugge@fspremier.gov.za](mailto:nolette.tebrugge@fspremier.gov.za)

### **7.4 Offices:**

Physical Address: Room 633, OR Tambo House  
cor. St Andrew and Markgraaff Streets  
Bloemfontein  
9301

Tel: 060 533 1671  
E-mail: [nolette.tebrugge@fspremier.gov.za](mailto:nolette.tebrugge@fspremier.gov.za)  
Web: [freestateonline.fs.gov.za](http://freestateonline.fs.gov.za)

## **8. ACCESS TO RECORDS HELD BY THE OTP**

Records held by the OTP may be accessed on request only once the requirements for access have been met.

## **9. THE REQUEST PROCEDURE**

9.1 A requester must comply with all the procedural requirements contained in PAIA relating to a request for access to a record.

9.2 A requester must complete the prescribed form enclosed herewith (Form 2) and submit this form accompanied by the requisite request fee payable and a deposit, if applicable, to the IO at the postal or physical address or electronic mail address provided in this Manual.

9.3 The prescribed form (Form 2) must be filled in with enough particularity to at least enable the IO to identify the following:

9.3.1 The record or records requested;

- 9.3.2 The identity of the requester;
- 9.3.3 The form or nature of access is required; and
- 9.3.4 The postal address or email address of the requester.
- 9.4 The OTP will process a request within 30 (thirty) days. This period may be extended in accordance with section 26 of PAIA if need be.
- 9.5 The requester will then be informed in writing whether access has been granted or denied.
- 9.6 A requester may be given access to the requested records held by the OTP if:
  - 9.6.1 the requester complies with all procedural requirements in PAIA relating to the request for access to that record; and
  - 9.6.2 access for that record is in terms of the requirements of PAIA.

## 10. NATURE OF THE REQUEST

The requester must comply with the following:

- 10.1 A requester must use the form that is available in the *Government Gazette* [GNR.757 of 27 August 2021] (Form 2);
- 10.2 The requester must also indicate if a copy of the record is required or if they seek permission to peruse the record or alternatively, if the record is not a document, it can then be viewed in the requested form, where possible [section 29(2)];
- 10.3 If a requester asks for access in a particular form, then the requester should get access in the manner and form that has been requested unless doing so would interfere unreasonably with the running of the department, damage the record or infringe a copyright not owned by the State.
- 10.4 If, for practical reasons, access cannot be given in the required form but in an alternate manner, then the fee will be calculated according to the form in which the requester first requested the record [section 29(3) and (4)];
- 10.5 If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [section 18(2)(e)];
- 10.6 If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [section 18(2)(f)]; and

- 10.7 If a requester is unable to read or write, or has a disability, then he/she can make the request for the record orally. The IO must then fill in the form on behalf of such a requester and give him/her a copy [section 18(3)].

## **11. FORMS OF ACCESS**

- 11.1 There are two types of fees required to be paid in terms of PAIA which are the request fee and the access fee [section 22].
- 11.2 A requester, who seeks access to a record containing their own personal information, is not required to pay the request fee.
- 11.3 Every other requester, who is not a personal requester, must pay the required request fee (Annexure B - Fees).
- 11.4 The IO must notify the requester (other than a personal requester) by written notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- 11.5 The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- 11.6 After the IO has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- 11.7 If the request is granted then a further access fee (Form 3) must be paid for the search, preparation, reproduction, and postage (if applicable) and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

## **12. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE OTP**

- 12.1 If one is not satisfied with a decision of the IO/DIO, one has the right to lodge an internal appeal to the relevant authority and if not satisfied with the decision of the relevant authority, one can either send a complaint to the Regulator or apply to a court for relief.

### **12.1.1 Internal Appeal**

- (a) The internal appeal must be lodged with the relevant authority;
- (b) The appeal must be lodged within 60 days of the decision of the IO/DIO;
- (c) The appeal must be submitted to the Director General on the Internal Appeal Form, "Form 4" (Internal Appeal form);

- (d) The form is available upon request from the DIO or from the Department's website at: [freestateonline.fs.gov.za](http://freestateonline.fs.gov.za);
- (e) The DIO will help and guide the requestor through the process of lodging an appeal.

#### 12.1.2 Complaint to the Regulator

- (a) The complaint to the Regulator must be lodged by completing a "Form 5" and sending it to the Regulator;
- (b) This must be done within 180 calendar days of the relevant authority's decision; and
- (c) The Regulator will assist and guide the requestor through the process of lodging the complaint.

#### 12.1.3 Application to Court

- (a) The application to court must be lodged within 180 calendar days of the decision of the relevant authority or that of the Regulator;
- (b) Every Magistrates Court has jurisdiction to hear the PAIA application;
- (c) The Clerk of the Court shall help and guide you through the process of lodging an application to court; and
- (d) Internal appeal processes must be completed before application is lodged with a court.

### 13. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

13.1 In terms of section 10(1) of PAIA, the Regulator is required to compile, in each official language, a guide containing such information in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in PAIA and POPIA. The Regulator must ensure that:

13.2 The Guide is available in each of the official languages and contains a description of –

- (a) the objects of PAIA;
- (b) the postal and street address, telephonic details and electronic mail address of –
  - (i) the IO of every public body; and

- (ii) every DIO of every public and private body designated in terms of section 17(1) of PAIA;
- (c) the manner and form of a request for –
  - (i) access to a record of a public body contemplated in section 11; and
  - (ii) access to a record of a private body contemplated in section 50;
- (d) the assistance available from the IO of a public body in terms of PAIA;
- (e) the assistance available from the Regulator in terms of PAIA;
- (f) All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA, including the manner of lodging –
  - (i) an internal appeal;
  - (ii) a complaint to the Regulator; and
  - (iii) an application with a court against a decision by the IO of a public body, a decision on internal appeal or a decision by the Regulator or decision of the head of a private body;
- (g) the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- (h) the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- (i) the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- (j) the regulations made in terms of section 92.

13.3 The Guide can also be obtained upon request from the OTP or from the website of the OTP at: (<https://www.freestateonline.fs.gov.za>).

#### 14. DESCRIPTION OF THE SUBJECTS ON WHICH THE OTP HOLDS RECORDS AND CATEGORIES OF RECORDS

	Subjects on which the body holds information	Categories of records held on each subjects
<b>PROGRAMME 1: Corporate Governance and Administration</b>	Security and Integrity Management	<ul style="list-style-type: none"> <li>• Security policies</li> <li>• Vetting processes and details of vetted officials</li> </ul>
	Financial Management	<ul style="list-style-type: none"> <li>• Annual Performance Plan</li> <li>• Medium Term Expenditure Framework</li> <li>• Annual Report</li> <li>• Budget Speech</li> <li>• Asset Register</li> <li>• Allocations per programme</li> <li>• Financial Statements</li> <li>• Auditor General Reports</li> <li>• Supply Chain Management database</li> <li>• Salaries and debtor's management</li> <li>• CSD information</li> <li>• Procurement information</li> </ul>
	Risk and Ethics Management	<ul style="list-style-type: none"> <li>• Fraud and Risk Management Plan</li> <li>• Risk Assessment Report</li> <li>• Anti-Fraud and Anti-Corruption Strategy</li> <li>• Records on complaints of poor service delivery</li> <li>• Forensic reports on allegations of fraud</li> <li>• Business Continuity Plan</li> </ul>
<b>PROGRAMME 2: Institutional Development and Planning</b>	Strategic Human Resource Management	<ul style="list-style-type: none"> <li>• HR planning, development, employment and performance management policies</li> <li>• Personnel records</li> <li>• Performance management records</li> <li>• Remuneration (PERSAL), employment conditions and human resource systems</li> <li>• Labour relations negotiations, disciplinary records and labour dispute management policies and records</li> <li>• Pension fund and other benefits records</li> <li>• Advertised vacancies</li> <li>• Recruitment records</li> </ul>
	Free State Training and Development Institution	<ul style="list-style-type: none"> <li>• Student personal details (interns/apprentices)</li> </ul>

		<ul style="list-style-type: none"> <li>• Enrolment information</li> <li>• Attendance registers/records</li> <li>• Service provider/ instructor personal details</li> <li>• Course material</li> <li>• Learner results</li> <li>• Accreditation details</li> <li>• Participant certificates</li> </ul>
	Provincial Skills Development Coordination	<ul style="list-style-type: none"> <li>• Learner personal details via Database (interns/apprentices/Learnerships)</li> <li>• Learner Agreements</li> <li>• Learner contacts</li> <li>• Memorandum of Understanding(MOU's)</li> <li>• Attendance registers/records</li> <li>• Service provider personal details</li> <li>• Recruitment Records</li> <li>• Participant certificates</li> </ul>
	Organisational Development	<ul style="list-style-type: none"> <li>• FSPG Job Evaluation Information (Job Reports and Panel recommendations)</li> <li>• FSPG Organisational structure information</li> <li>• Information on consultation with the Minister of the DPSA regarding job evaluation outcomes for Programme 1 posts</li> <li>• Approved Job description database for posts</li> <li>• Developed Standard Operating Procedure and Business Process Maps</li> <li>• Information on consultation with the Minister of the DPSA regarding organisational structure changes</li> <li>• FSPG Performance Management information for Levels 1-12, SMS members and HODs</li> <li>• Service Charter of Departments within the FSPG</li> <li>• Service Standards within the FSPG</li> <li>• Service Delivery Improvement Plans (SDIPs) of Departments within the FSPG</li> <li>• Batho Pele information for the FSPG</li> </ul>
	Information and Communication Technology	<ul style="list-style-type: none"> <li>• ITC policies</li> <li>• State Information Technology contracts</li> <li>• Personnel emails and cell phone</li> </ul>

		information
	Legal Services	<ul style="list-style-type: none"> <li>• Department and client departments' legal opinions</li> <li>• Department and client departments' contracts</li> <li>• Provincial Act, Bills, Regulations and By-Laws</li> <li>• Provincial litigation register</li> <li>• Provincial court cases</li> <li>• PAIA Manual</li> </ul>
	Corporate Communication	<ul style="list-style-type: none"> <li>• Publications</li> <li>• Photographs</li> <li>• Promotional and information brochures</li> <li>• Booklets and newsletters on provincial activities</li> </ul>
	Media Strategy and Liaison	<ul style="list-style-type: none"> <li>• Press statements</li> <li>• Interview and press conference recordings</li> <li>• Photographs and videos</li> <li>• Communication and media strategies</li> <li>• Campaign strategies</li> </ul>
	Provincial Bursary Management	<ul style="list-style-type: none"> <li>• Bursary applicant and bursary holder personal details</li> <li>• Enrolment information</li> </ul>
<b>PROGRAMME 3: Provincial Policy and Planning</b>	Policy and Governance, Special Programmes, Intergovernmental Relations and Provincial Strategic Planning and Policy	<ul style="list-style-type: none"> <li>• Information on persons being assisted by the OTP</li> <li>• Provincial plans on gender equality, disability, women, children, military veterans and elderly people</li> <li>• Information and reports on the Premier's special projects</li> <li>• Organisational and planning strategies</li> <li>• Provincial policies</li> </ul>
<b>PROGRAMME 4: Provincial Monitoring and Evaluation</b>	Provincial Intervention , Public Sector Monitoring and Evaluation and Monitoring and Evaluation Programmes	<ul style="list-style-type: none"> <li>• Provincial M&amp;E Plans</li> <li>• Data analysis reports</li> <li>• Impact assessment reports</li> <li>• Evaluation frameworks</li> <li>• Output indicator frameworks and strategies</li> </ul>

## 15. CATEGORIES OF RECORDS OF THE OTP WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Subjects on which the body holds information	Categories of records held on each subjects
Financial Management	<ul style="list-style-type: none"> <li>• Medium Term Expenditure Framework</li> <li>• Annual Report</li> <li>• Budget Speech</li> <li>• Procurement information</li> </ul>
Organisational Development	<ul style="list-style-type: none"> <li>• Batho Pele information for the FSPG</li> </ul>
Legal Services	<ul style="list-style-type: none"> <li>• Provincial Act, Bills, Regulations and By-Laws</li> <li>• PAIA Manual</li> </ul>
Corporate Communication	<ul style="list-style-type: none"> <li>• Publications</li> <li>• Photographs</li> <li>• Promotional and information brochures</li> <li>• Booklets and newsletters on provincial activities</li> </ul>
Media Strategy and Liaison	<ul style="list-style-type: none"> <li>• Press statements</li> <li>• Interview and press conference recordings</li> <li>• Photographs and videos</li> </ul>
Policy and Governance, Special Programmes, Intergovernmental Relations and Provincial Strategic Planning and Policy	<ul style="list-style-type: none"> <li>• Provincial plans on gender equality, disability, women, children, military veterans and elderly people</li> <li>• Information on the Premier's special projects</li> </ul>

## 16. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE OTP AND HOW TO GAIN ACCESS TO THOSE SERVICES

The OTP does not render services directly to the public, however, Thusong Service Centres have been set up in the province for communities. The purpose of the Service Centres is to provide members of the public within those communities with access to information and services within their places of residence. For more information on the Thusong Service Centres around the province, please visit: <https://www.freestateonline.fs.gov.za/> OR contact the Office of the Director-General on [dq@fspremier.gov.za](mailto:dq@fspremier.gov.za).

## 17. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE OTP

17.1 The OTP is part of the executive branch of the FSPG and as such, there is no direct mechanism for public participation in policy formulation.

17.2 However, members of the public can indirectly influence policy formulation by participating in provincial elections, communicating with their locally elected representatives and involving themselves in the legislative and other public participatory processes of the Free State Provincial Legislature and its committees

17.3 The OTP may, from time to time, solicit public comment on draft legislation (Bills and Regulations) and other issues where the public will be invited to provide its comments and inputs.

## 18. PROCESSING OF PERSONAL INFORMATION

### DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING HERETO

TYPE OF DATA SUBJECT	INFORMATION PROCESSED	RECIPIENTS OF INFORMATION OR CATEGORIES OF RECIPIENTS
Natural persons (Prospective and current employees, service providers, interns, apprentices and learners)	<ul style="list-style-type: none"> <li>Names</li> <li>Identity numbers</li> <li>Gender</li> <li>Race</li> <li>Age</li> <li>Cultural background</li> <li>Ethnic and social origin</li> <li>Nationality</li> <li>Religion</li> <li>Related persons to data subject</li> <li>Contact details</li> <li>Physical address</li> <li>Educational, employment and criminal history</li> <li>Biometric information</li> <li>Bank account information</li> <li>Performance reports</li> </ul>	<ul style="list-style-type: none"> <li>Relevant Provincial and National Government Departments and their Agents</li> <li>South African Qualifications Authority</li> <li>South African Police Services</li> <li>Security screening and vetting agencies</li> <li>Parties or entities conducting investigations</li> <li>Credit Bureaus</li> </ul>

## **19. PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION**

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

19.1.1 the recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the conditions for lawful processing as outlined in Chapter 3 of POPIA; or

19.1.2 the Data Subject consents to the transfer of their Personal Information; or

19.1.3 the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or

19.1.4 the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or

19.1.5 the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

19.2 Presently, the OTP has no planned trans-border Flows of Personal Information.

## **20. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY THE RESPONSIBLE PARTY TO ENSURE THE CONFIDENTIALITY, INTEGRITY AND AVAILABILITY OF THE INFORMATION**

20.1 The OTP has secured the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss of, or damage to, or unauthorised destruction, unlawful access to, or processing of personal information.

20.2 The OTP has put in place security protocols to safeguard personal information from being unlawfully accessed. The Department envisages the enhancement of Information Security Measures by –

20.2.1 ensuring that the correct classification of information is recorded as employee data is classified as ‘personal information’ or ‘special personal information’;

20.2.2 ensuring that security protocols are enhanced to guard against unauthorised access to information by implementing computer and network security measures such as passwords, installing firewalls and antivirus protection,

- 20.2.3 ensuring data protection through data encryption and redaction of personal information, securing laptops and computers through passwords or biometrics and securing the Virtual Private Network (VPN);
- 20.2.4 ensuring that there are protocols in place that will notify employees or other persons when their personal information has been compromised, or when there is a breach of privacy in relation to the personal information concerned; and
- 20.2.5 ensuring that stricter security protocols are adopted to restrict access by third parties, the office environment, computer network, system, application software, data or another resource.

## **21. ACCOUNTABILITY**

- 21.1 The IO appointed by the OTP in terms of PAIA will be responsible for ensuring that the information protection principles within POPIA and the controls that are in place to enforce them are complied with by –
  - 21.1.1 developing suitable policies and systems for the management and processing of personal information within the relevant units within the OTP;
  - 21.1.2 ensuring that policies and systems are understood, embraced and complied with;
  - 21.1.3 ensuring that staff members are properly equipped and trained to comply with POPIA;
  - 21.1.4 Regularly monitoring and reviewing the effectiveness of policies and systems.