

PROMOTION OF ACCESS TO INFORMATION MANUAL

**Compiled in terms of Section 14 of the Promotion of Access to Information Act 2 of 2000
("PAIA")**

ECSA'S CONTACT DETAILS

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1. INTRODUCTION

- 1.1 Section 32 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”), stipulates that everyone has the right of access to any information held by the State, or any other person provided the information is required for the exercise or protection of any rights. The Constitution further stipulates that national legislation must be enacted to give effect to this right.
- 1.2 The Promotion of Access to Information Act 2 of 2000, as amended (“PAIA”) was enacted to give effect to the constitutional right of access to information held by any public or private body and required for the exercise or protection of any rights. On request, an entity is obliged to release the said information unless PAIA expressly prohibits the release.
- 1.3 Section 9 of PAIA, however, recognizes that such right to access to information is subject to certain justifiable limitations including, but not restricted to: -
 - 1.3.1 The reasonable protection of privacy;
 - 1.3.2 Commercial confidentiality; and
 - 1.3.3 Effective, efficient, and good governance.
- 1.4 Section 14 of PAIA obliges public bodies to compile a Manual to assist a person to obtain access to information held by the public body. PAIA also stipulates the minimum requirements with which such a Manual has to comply.
- 1.5 The Protection of Personal Information Act 4 of 2013 (“POPIA”) seeks to give effect to the right to privacy in section 14 of the Constitution, specifically, as it relates to personal information. POPIA reasserts every person’s right to data privacy and to have their personal data or information only used for a specific and defined purpose and not to be disclosed to third parties without consent or a legitimate purpose.

2. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is designed to facilitate and set out the requirements and procedures which requesters are required to follow in order to obtain access to records held by the Engineering Council of South Africa (“ECSA”). This Manual aims to ensure compliance with the requirements prescribed in PAIA and POPIA.

3. THE STRUCTURE AND FUNCTIONS OF ECSA

3.1 ECSA is a statutory body established by the Engineering Profession Act 46 of 2000 (the “EPA”). ECSA is one of six Built Environment Councils. The Council consists of 50 members appointed by the Minister of Public Works and is constituted as follows: -

3.1.1 Thirty registered persons;

3.1.2 Ten persons in the service of the State; and

3.1.3 Ten members of the public nominated through an open process of public participation.

3.2 The details of ECSA are as follows: -

Acting CEO: Ms Tabisa Mtati

Registered Address: 1st Floor, Waterview Corner Building
Ernest Oppenheimer Avenue
Bruma Lake Office Park
Bruma

Postal Address: Private Bag X691
Bruma
2026

Telephone Number: (011) 607 9500

Email: popia@ecsa.co.za

Website: ecsa.co.za

4. THE INFORMATION OFFICER OF ECSA

4.1. The Acting Chief Executive Officer is the designated Information Officer of ECSA, whose registered and postal address, fax number and website are the same entity: -

Information Officer

Name: Tabisa Mtati

Tel: 011 607 9500

Email popia@ecsa.co.za

- 4.2. The Deputy Information Officer of ECSA is the Senior Legal Practitioner: Legal Support, whose registered and postal address, fax number and website are the same as the entity: -

Deputy Information Officer

Name: Eugenia Makgabo

Tel: 011 607 9500

Email: popia@ecsa.co.za

5. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

- 5.1 Requesters are referred to the Guide compiled by the South African Human Rights Commissions ("SAHRC") as contemplated in section 10 of PAIA, as amended by section 110 of POPIA.
- 5.2 The Guide contains such information as may be reasonably required by a person who wishes to exercise any rights contemplated in PAIA and POPIA.
- 5.3 The Guide is available in all official languages of the Republic of South Africa. Any enquiries pertaining to the Guide should be directed to the SAHRC: -

The Information Regulator (South Africa)

Physical Address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal Address:	P.O Box 31533, Braamfontein, Johannesburg, 2017
Telephone Number:	(010) 023 5200
Facsimile Number:	(086) 500 3351
Email General enquiries:	enquiries@inforegulator.org.za
Email Complaints:	PAIAComplaints@inforegulator.org.za / POPIAComplaints@inforegulator.org.za
Web-site address:	www.inforegulator.org.za

6. INFORMATION HELD BY ECSA IN TERMS OF PAIA

- 6.1 This section of the Manual sets out the categories and description of records held by ECSA. The list is not exhaustive.
- 6.2 The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such records.
- 6.3 ECSA may refuse a request to access to information if the disclosure will amount to the unreasonable disclosure of personal information about a third party. Records relating to a third party will necessitate permission from the third party concerned.
- 6.4 **Registrations, Continuing Professional Development and Related Information and Forms:**
 - 6.4.1 Register of all persons registered in terms of the EPA
 - 6.4.2 Registration requirements and Procedures
 - 6.4.3 Personal files of all registered persons
 - 6.4.4 Prescribed forms
- 6.5 **Education and Related Information and Forms:**
 - 6.5.1 Accreditation requirements and procedures
 - 6.5.2 Personal files of applicants
 - 6.5.3 Prescribed Forms
- 6.6 **Finance:**
 - 6.6.1 Audited financial statements
 - 6.6.2 Cash books and reconciliation statements
 - 6.6.3 General ledgers
 - 6.6.4 Trial balances
 - 6.6.5 Bank statements
 - 6.6.6 Bank account details
 - 6.6.7 EFT files for transfers/payments

- 6.6.8 Registered persons statements of account
- 6.6.9 Statutory returns
- 6.6.10 Invoices in respect of creditors and debtors of ECSA
- 6.6.11 Approved Budgets

6.7 Supply Chain Management:

- 6.7.1 Contracts
- 6.7.2 Accounting records
- 6.7.3 Tender submissions
- 6.7.4 Requests for quotations/proposals and responses thereto
- 6.7.5 Minutes of the various bid committee meetings
- 6.7.6 Procurement plans

6.8 Governance and Council Secretariat:

- 6.8.1 Agendas and minutes of council and committee Meetings
- 6.8.2 Resolutions adopted by Council
- 6.8.3 Board packs
- 6.8.4 Attendance registers
- 6.8.5 Decisions taken
- 6.8.6 Particulars of Council and Committee members
- 6.8.7 Opinions obtained
- 6.8.8 Operational policies and procedures
- 6.8.9 Correspondence, memoranda and submissions
- 6.8.10 Annual reports
- 6.8.11 Strategic plan
- 6.8.12 Annual performance plan

6.9 Marketing and Communication:

- 6.9.1 Annual reports
- 6.9.2 Media statements
- 6.9.3 Newsletters
- 6.9.4 E-Bulletin
- 6.9.5 Marketing material

6.9.6 Marketing campaigns

6.10 Human Resources (ECSA Personnel):

6.10.1 Human resources policies

6.10.2 Personnel files of each employee

6.10.3 Contracts of employment with employees

6.10.4 Disciplinary records

6.10.5 Compensation records

6.10.6 Employment equity plans and records of ECSA

6.10.7 Pension and provident fund records

6.10.8 Employee tax information

6.10.9 Training schedules and manuals

6.10.10 Payroll records

6.10.11 Advertised posts

6.11 ICT:

6.11.1 Asset issuing and custodian information

6.11.2 Incident reports

6.11.3 System event logs

6.11.4 System performance logs

6.11.5 Service level agreements

6.11.6 Monthly operations reports

6.12 Regulation of the Profession:

6.12.1 Information gathered in the investigation of complaints

6.12.2 Investigation reports

6.12.3 Records of all investigations of alleged unprofessional conduct

6.12.4 Charge sheets

6.12.5 Sanctions published in the Government Gazette.

6.12.6 Files relating to clients

6.12.7 Correspondence with clients

6.12.8 Correspondence with third parties

7. RECORDS AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

7.1 Publicly available information about ECSA on ECSA's website, including: -

- 7.1.1 Acts and Regulations published on ECSA's website;
- 7.1.2 Published policies and guidelines;
- 7.1.3 Application forms;
- 7.1.4 Contact directory;
- 7.1.5 Published booklets and brochures;
- 7.1.6 Published marketing material, including marketing brochures;
- 7.1.7 Published newsletters;
- 7.1.8 Published posters and pamphlets;
- 7.1.9 Strategic plans;
- 7.1.10 Annual performance plans;
- 7.1.11 Annual reports; and
- 7.1.12 Vacancy adverts

7.2 ECSA's website www.ecsa.co.za contains most of the information indicated in clause 7.1 above, which is directly accessible from the internet. A requester is urged to refer and use the website before submitting requests, as it would be an easier way of accessing ECSA records. A requester may also contact ECSA to determine if information required to be accessed, is automatically available, or if the access to information procedure should be followed to acquire access to such documents.

7.3 The other automatically available information that is not posted on ECSA's website may be requested from ECSA without submitting a request in terms of PAIA.

7.4 No request form for access in terms of PAIA has to be completed for records automatically available in terms of this clause 7. However, a fee for photocopying may be levied, where applicable.

7.5 ECSA also retains records and documents in terms of, *inter alia*, the legislation listed below. Unless a disclosure is prohibited in terms of the legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these statutes shall be made available for inspection by interested parties in terms of the requirements and conditions of the said statutes and the below-mentioned legislation, and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescripts of PAIA: -

- 7.5.1 Basic Conditions of Employment Act 75 of 1997;
- 7.5.2 Compensation of Occupational Injuries and Diseases Act 130 of 1993;
- 7.5.3 Electronic Communications Act 36 of 2005;
- 7.5.4 Employment Equity Act 55 of 1998;
- 7.5.5 Income Tax Act 95 of 1967;
- 7.5.6 Labour Relations Act 66 of 1995;
- 7.5.7 Unemployment Insurance Act 30 of 1996; and
- 7.5.8 Value Added Tax Act 89 of 1991.

7.6 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

8. REQUEST PROCEDURE OF RECORDS NOT AUTOMATICALLY AVAILABLE

- 8.1 The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 8.2 The request must be made by completing the prescribed request form contained in **Schedule 1** to this Manual and submitting the request form as well as payment of a request fee and a deposit, if applicable, to the Information Officer or the Deputy Information Officer.
- 8.3 The form must be addressed and submitted to the Information Officer by hand, post, per fax or email, which details are set in clause 4 above.
- 8.4 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify: -
 - 8.4.1 the record or records requested;
 - 8.4.2 the identity of the requester;
 - 8.4.3 type of record;
 - 8.4.4 form of access; and
 - 8.4.5 manner of access.
- 8.5 The requester must state that they require the information in order to exercise or protect a right and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).

- 8.6 The prescribed form shall be submitted to the Information Officer and/or the Deputy Information Officer at the address set out in clause 4 above.
- 8.7 The Information Officer will process the request as soon as reasonably possible, within 30 (thirty days), unless the requester has provided satisfactory special reasons that dictate non-compliance with the aforementioned timeframes, according to the Information Officer's discretion.
- 8.8 The requester shall be notified whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 8.9 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 8.10 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally or by any other method considered acceptable by the Information Officer.
- 8.11 The requester must pay the prescribed fee before any further processing can take place.

9. EXTENSION OF TIME

- 9.1 Should ECSA require an extension of time to provide the record to the requester, it shall duly inform the requester.
- 9.2 The Information Officer may extend the period of 30 (thirty) days for an additional 30 (thirty) days if: -
- 9.2.1 the request is for a large number of records;
 - 9.2.2 the request requires a search for records in, or collection thereof from the office of ECSA or its service provider not situated in the same town or city;
 - 9.2.3 consultation among divisions of ECSA or with another public body is necessary to decide upon the request and such decision-making process cannot reasonably be completed within the original period; and/or

9.2.4 the requester consents in writing to such an extension.

9.3 If the period has been extended, the Information Officer must as soon as possible and within 30 days of first receiving the request inform the requester of that extension.

10. GROUNDS FOR REFUSAL TO ACCESS TO RECORDS

10.1 The Information Officer may refuse a request for information based on, *inter alia*, the following grounds: -

10.1.1 Disclosure would amount to unreasonable disclosure of personal information;

10.1.2 Disclosure of SARS-related information;

10.1.3 Disclosure would lead to the disclosure of trade secrets of a third party;

10.1.4 Disclosure would amount to a third party's financial, commercial, trade secrets, scientific or technical information being revealed;

10.1.5 Disclosure relates to information disclosed in confidence by a third party to ECSA;

10.1.6 Disclosure would breach the duty of confidence owed to a third party;

10.1.7 Disclosure would amount to a breach of the mandatory protection of the safety of individuals and the protection of property;

10.1.8 Disclosure would amount to a breach of the mandatory protection of records which would be regarded as privileged in legal proceedings;

10.1.9 Disclosure is prohibited under the Criminal Procedure Act 51 of 1977; or

10.1.10 Disclosure relates to information where research is conducted by or on behalf of a third party.

10.2 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

10.3 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of PAIA. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

11. APPEAL AGAINST REFUSAL OF INFORMATION BY THE INFORMATION OFFICER

- 11.1 If a request for information in terms of PAIA has been refused by the Information Officer, the requester may, within 60 days and in the prescribed form and against payment of the prescribed appeal fee, lodge an internal appeal against the decision of the Information Officer in accordance with the provisions of section 75 of PAIA. If an internal appeal is lodged after expiry of the prescribed period, the President of Council may, subject to good and reasonable cause being shown, condone such late lodging subject to submission of an affidavit containing reasons for late submission. Such an appeal will be heard by the President of Council.
- 11.2 When deciding on an internal appeal, the President of Council may confirm the original decision being appealed or substitute a new decision in its place. This decision will be made within 30 days of receipt by the President of Council of the appeal and notice will be given to all parties concerned. The notice will state reasons for the decision but will exclude any reference to the content of the record being requested. It will also state that the appellant, third party or requester, as the case may be, may lodge an application with a court against the decision on this internal appeal within 30 days of such a decision. The application to court procedure is set out in PAIA under Part 4, Chapter 2.
- 11.3 If the internal appeal is upheld, the President of Council will immediately give the requester access to the record concerned.
- 11.4 If the President of Council fails to give notice of a decision on an internal appeal to the appellant within the 30-day period, then, for purposes of PAIA, this appeal is regarded as having been dismissed.

12. REMEDIES AVAILABLE IF A REQUEST FOR INFORMATION IS REFUSED

Internal Remedies

- 12.1 Any requester who is aggrieved by the decision of the Information Officer to refuse access to a record may appeal in writing against the decision to the President of Council within 60 (sixty) days of the Information Officer's decision as set out in clause 11 above.

External Remedies

- 12.2 A requester who is dissatisfied or aggrieved with the Information Officer's refusal to disclose information, may lodge an appeal with the Information Regulator or a court of

competent jurisdiction within 30 (thirty) days after notice is given.

13. FEES

13.1 ECSA may levy the following fees, namely: -

13.1.1 A request fee, which is an administration fee to be paid by all requesters except personal requesters (a requester seeking access to personal information), before the request is considered. The request fee is not refundable; and

13.1.2 An access fee, which includes reproduction costs, search costs, preparation time costs, and postal costs, where applicable.

13.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request.

13.3 Where the Information Officer is of the view that it will take more than 6 (six) hours to search, reproduce and/or prepare the record, a deposit is payable by the requester in the amount of R30.00 (Thirty Rand) for each hour or part thereof, exceeding 6 hours.

13.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated in Schedule 2.

13.5 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

13.6 Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50.00 (Fifty Rand) is payable up-front before ECSA will further process the request received.

13.7 All fees must be deposited into the following bank account: -

Banking Institution: Standard Bank
Account Name: Engineering Council of South Africa
Account Number: 221285938
Branch Code: 051001

14. MANDATORY PROTECTION OF CERTAIN CONFIDENTIAL INFORMATION IN TERMS OF SECTION 37 OF PAIA AND CLASSIFIED AS SUCH.

- 14.1 Reports produced by registered persons appointed to investigate cases of potential improper conduct by a registered person.
- 14.2 Referee reports for purposes of registration.
- 14.3 Council and Committee minutes and records.
- 14.4 Information held in the Registration, Continuous Professional Education (CPD), Educational Qualifications, Investigations, and related files in respect of persons registered with ECSA.
- 14.5 Any other information which in Council's view is confidential.

15. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

- 15.1 ECSA is a statutory body and does not offer general services to the public. However, a member of the public may at any time: -
 - 15.1.1 Ascertain the registration status, category, and engineering discipline of registered persons.
 - 15.1.2 Lodge a complaint against registered persons for investigation of potential breach of ECSA's Code of Conduct.

16. PROCESSING OF PERSONAL INFORMATION

Purpose of processing

- 16.1 ECSA uses personal information under its care for a variety of reasons, which includes, but is not limited to: -

- 16.1.1 Processing applications for registration
- 16.1.2 Accreditation requirements
- 16.1.3 Investigation of complaints;
- 16.1.4 Complying with tax laws and other applicable legislation;
- 16.1.5 Keeping of accounts and records;
- 16.1.6 Administration of staff and job applicants;
- 16.1.7 Any other relevant administrative purposes in terms of any other law, code or standard;
- 16.1.8 Health and safety purposes, including COVID-19 records;
- 16.1.9 Maintain customer and client records;
- 16.1.10 Procurement process;
- 16.1.11 General administration purposes
- 16.1.12 Legal and contractual purposes;
- 16.1.13 For security reasons, which include monitoring access and managing the premises and facilities;
- 16.1.14 Debt recovery;
- 16.1.15 Complying with other relevant legislation such as PFMA, Regulations under it and National Treasury Instruction Notes

Description of the categories of data subjects and their personal information

- 16.2 The type of personal information that is processed by ECSA will depend on the purpose for which it is collected.
- 16.3 ECSA will disclose to data subjects why the personal information is being collected and will process the personal information for that purpose only, which is done under specific and detailed processing notices housed on the ECSA website.
- 16.4 Below is a listing of the personal information that is processed by ECSA, including the category of data subjects that it belongs to. The information provided under this section refers to broad categories of information and is not exhaustive.

Data Subject Category	Personal Information Processed
Natural Persons	Names and surname; contact details; physical and postal addresses; ethnicity; age, date of birth; ID number; Passport number; marital status, home language; education information; financial

	and banking details; employment history; Tax related information; nationality; gender; sex; confidential correspondence; criminal record, health record; opinions; surveillance records; electronic access records and scans; curriculum vitae
Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories; beneficiaries, ultimate beneficial owners; banking and financial details; CIPC documents; delegation of authority, background and criminal checks
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners banking and financial details, CIPC documents, SARS related documents, delegation of authority
Employees/ Prospective Employees	Names, contact details; physical and postal addresses; date of birth, ID number gender; sex; pregnancy; marital status; race, age, language, education information; financial and banking information; employment history; next of kin; children's name, gender, age, physical and postal address; opinions, criminal behavior and/or criminal records; well-being; external commercial interests; medical information training record; contracts; tax related information; confidential correspondence, surveillance records, curriculum vitae

Council and Committee Members	Names, contact details; physical and postal addresses; date of birth, ID number gender, pregnancy; marital status; race, age, language, education information; financial and banking information; employment history; next of kin; children's name, gender, age, physical and postal address; opinions, criminal behavior and/or criminal records; well-being; external commercial interests; medical information; confidential correspondence, surveillance records, curriculum vitae
Website end-users / Application end-users	Names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data

Recipient or categories of recipients to whom personal information may be supplied/ shared

16.5 ECSA may supply the personal information of data subject to the employees of ECSA, as part of executing its statutory mandate.

16.6 ECSA may supply personal Information to the following potential recipients, which list is not exhaustive: -

- 16.6.1 ECSA Council and Committees;
- 16.6.2 ECSA management;
- 16.6.3 ECSA employees;
- 16.6.4 ECSA operators;
- 16.6.5 ECSA stakeholders;
- 16.6.6 ECSA executive authority;
- 16.6.7 Regulators and governmental bodies; and
- 16.6.8 Other third-party recipients.

16.7 ECSA may supply personal information to service providers who render the following services: -

- 16.7.1 Administration assistance;
- 16.7.2 Capturing and organising personal information;
- 16.7.3 Storing of personal information;
- 16.7.4 Conduct due diligence verifications, including background and criminal checks;
- 16.7.5 Conducting qualification verifications;
- 16.7.6 Sending of emails and other correspondence to stakeholders;
- 16.7.7 Business partners; and
- 16.7.8 Issuance of certificates;

16.8 ECSA does not share the personal information of data subjects with any third parties, unless: -

- 16.8.1 It is obliged to provide such information for a legal or regulatory purpose;
- 16.8.2 It is required to do so for purposes of existing or future legal proceedings;
- 16.8.3 It is for the prevention of fraud, loss, bribery or corruption;
- 16.8.4 It performs services and process personal information on behalf of ECSA;
- 16.8.5 any person whom a complaint has been lodged against;
- 16.8.6 Any regulatory authority or the Council for Built Environment, in respect of any matter or part thereof, that falls under their jurisdiction.

Planned transborder flows of personal information

16.9 ECSA may disclose personal information processed by it to any of its associate entities or third-party service providers outside of South Africa, with whom it engages in business or whose services or products it elects to use, including cloud services hosted in international jurisdictions.

16.10 Personal information may also be disclosed where ECSA has a legal duty or a legal right to do so. ECSA will, in this regard, endeavor to enter into written agreements to ensure that other parties comply with POPIA and ECSA's confidentiality and privacy requirements. ECSA will ensure that the other party is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection and the third party agrees to treat that personal information with the same level of protection as ECSA is obliged under POPIA.

General description of information security measures

16.11 ECSA employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to, or unauthorised destruction of personal information and

unlawful access to or processing of personal information. These measures include: -

- 16.11.1 Firewalls;
- 16.11.2 Virus protection software and update protocols;
- 16.11.3 Logical, secure and physical access control;
- 16.11.4 Secure setup of hardware and software making up ECSA's information technology infrastructure;
- 16.11.5 Non-disclosure agreements;
- 16.11.6 Access control;
- 16.11.7 Data encryption;
- 16.11.8 Awareness and vigilance; and
- 16.11.9 Outsourced service providers who are contracted to implement security controls and/or provide secure records storage facilities have agreements in place to implement security controls.

16.12 ECSA will continuously adopt measures to implement security measures to protect personal information in its possession.

Requests

16.13 Data Subjects have the right to: -

- 16.13.1 request the correction, deletion or destruction of their personal information using the prescribed form.
- 16.13.2 object to the processing of their personal information using the prescribed form.

16.14 Any request for access to personal information as per the provisions of POPIA, must be made in accordance with the provisions set out under this PAIA Manual in accordance with clause 8 above.

17. AVAILABILITY AND UPDATING OF THIS MANUAL

17.1 This manual is available to view at ECSA premises during normal business hours as well as on its website as set out in clause 4 above or by requesting a copy in writing from the Information Officer using the contact details provided under clause 3.2 above.

17.2 ECSA may update this Manual annually or at such intervals as it may deem necessary

or as prescribed by the Information Regulator.

18. SCHEDULES

The following schedules form part of this Manual:

Schedule 1: Form 2 - Request for Access to Record

Schedule 2: Prescribed Fees

Schedule 3: Internal Appeal Form

Schedule 4: POPIA Request Form for Correction/ Deletion

Schedule 5: POPIA Form for Objection

Schedule 1

Request for Access to Record

ENGINEERING COUNCIL OF SOUTH AFRICA (ECSA)

Please note that ECSA has policies governing routine requests and you should first approach ECSA's Information Officer if your request is routine, (see Item 7 of ECSA's manual). The privacy of Council and Committee members and personnel will be protected. You may be requested to complete this form which may be directed to the Information Officer if the request is considered non-routine.

PLEASE RETURN THIS FORM TO THE INFORMATION OFFICER

The following information will be needed by ECSA to process your request and you are requested to provide as much information as you can to facilitate our processing of your application. Please provide contact details within the Republic of South Africa.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

☐ Request is made in my own name person.

☐ Request is made on behalf of another

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made (when made on behalf of another person)	
Postal Address	
Street Address	
E-mail Address	

Contact Numbers	Tel. (B):	Facsimile:	
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)	Facsimile:	
	Cellular		
PARTICULARS OF RECORD REQUESTED <i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			

TYPE OF RECORD

(Mark the applicable box with an "X")

Record is in written or printed form

Record comprises virtual images (*this includes photographs, slides, video recordings, computer-generated images, sketches, etc*)

Record consists of recorded words or information which can be reproduced in sound

Record is held on a computer or in an electronic, or machine-readable form

MANNER OF ACCESS

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (*including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable format*)

Postal services to postal address

Postal services to street address

Courier service to street address

Facsimile of information in written or printed format (*including transcriptions*)

E-mail of information (*including soundtracks if possible*)

Cloud share/file transfer

Preferred language

(*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*)

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected

Explain why the record requested is required for the exercise or protection of the aforementioned right:	
FEES	
a) <i>A request fee must be paid before the request will be considered.</i> b) <i>You will be notified of the amount of the access fee to be paid.</i> c) <i>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.</i> d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by:</i> <i>(State Rank, Name</i> <i>and Surname of</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

Schedule 2

Prescribed Fee Scales

ENGINEERING COUNCIL OF SOUTH AFRICA (ECOSA)

Part II of Notice 187 in the Government Gazette on the 15th February 2002 Fees in respect of Public Bodies.

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 payable in respect of Public Bodies are as follows: -

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.0 0 R60.0 0
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.0 0 R60.0 0
9.	To search for and prepare the record for disclosure for each	R100.00
	hour or part of an hour, excluding the first hour,	

	reasonably	
	required for such search and preparation.	
	To not exceed a total cost of	R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

3. The fees for reproduction referred to in regulation 7(1) are as follows:

			R
	(a)	For every photocopy of an A4-sized 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 an 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

4. The **request fee** payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.

5. 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-sized page or part thereof	0,6	
	(b)	For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	0,4 0	
	(c)	For a copy in a computer-readable form on:		
		(i) Stiffy disc	5,0	
		(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 or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purpose 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.	

6. The actual postage is payable when a copy of a record must be posted to a requester.

Schedule 3

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another		Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>				
Full Names				
Identity Number				
Postal Address				
	Tel. (B)		Facsimile	

Contact Numbers	Cellular	
E-Mail Address		
DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>		
Refusal of request for access		
Decision regarding fees prescribed in terms of section 22 of the Act		
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act		
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester		
Decision to grant request for access		
GROUNDINGS FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>		
State the grounds on which the internal appeal is based:		
State any other information that may be relevant in considering the appeal:		
You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:		
Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: (state rank, name and surname of Information Officer)				
Date received:				
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:		Yes		
		No		
OUTCOME OF APPEAL				
Refusal of request for access. Confirmed?	Yes		New decision (if not)	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision (if not)	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision (if not)	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision (if not)	
	No			
	Yes			

Request for access granted. Confirmed?	No		New decision (<i>if not confirmed</i>)	
--	----	--	---	--

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

Schedule 4

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL
INFORMATION OR DESTROYING OR DELETION OF RECORD OF
PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF POPIA**

**REGULATION 3(2) OF THE REGULATIONS RELATING TO THE PROTECTION OF PERSONAL
INFORMATION, 2017**

Note:

- 1. Affidavits or other documentary evidence in support of the request must be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number:

Mark the appropriate box with an "x"

Request for:

Correction or deletion of the personal information about the data subject which is in possession or

☐

under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in

☐

possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT	
Surname:		
Full names:		
Identity number:		
Residential, postal or business address:		
	Code ()	
Contact number(s):		
Fax number:		

E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party <i>(if the responsible party is a natural person):</i>	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
Name of public or private body (if the responsible party is not a natural person):	
Business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
C	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request)

* *Delete whichever is not applicable*

Signed at this day of20.....

.....

Signature of *Data subject*

Schedule 5

FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION
11(3) OF POPIA**

**REGULATION 2(1) OF THE REGULATIONS RELATING TO THE PROTECTION OF PERSONAL
INFORMATION, 2017**

Note:

- 1. Affidavits or other documentary evidence in support of the objection must be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number:

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party(<i>if the responsible party is a natural</i>):	
Residential, postal or business address:	

	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
Name of public or private body(if the responsible party is not a natural person):	
Business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
C	REASONS FOR OBJECTION (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....
Signature of data subject (applicant)