



# **QUALITY COUNCIL FOR TRADES AND OCCUPATIONS (QCTO)**

## **Promotion of Access to Information Act (PAIA) Manual**

**Published in terms of Section 14 of the  
Promotion of Access to Information  
Act 2 of 2000**

**January 2019**

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## QCTO PAIA MANUAL

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## **1. Introduction**

- 1.1 This manual has been compiled by the Quality Council for Trades and Occupations (QCTO) in terms of Section 14 of the Promotion of Access to Information Act 2 of 2000 (PAIA) in order to assist persons requesting access to records in the possession or under the control of QCTO.
- 1.2 PAIA gives effect to the constitutional right of access to information as contemplated in Section 32 of the Constitution.

## **2. Status of QCTO**

QCTO –

- 2.1 It is a statutory body and juristic person established in terms of section 26G of the Skills Development Act (SDA);
- 2.2 It is governed by its Constitution, subject to the SDA and the National Qualifications Framework (NQF) Act;
- 2.3 It is a Schedule 3A listed public entity for purposes of the Public Finance Management Act 1 of 1999 (the PFMA); and
- 2.4 It is a public body for purposes of PAIA and must comply with its obligations as a public body under that Act.

## **3. Structure of QCTO**

The Council:

- 3.1 The QCTO Council consists of sixteen (16) members appointed by the Minister and they are as follows:
  - 3.1.1 The Chairperson;
  - 3.1.2 The Chief Executive Officer (CEO) of South African Qualifications Authority (SAQA);
  - 3.1.3 The Executive Officer (EO) of National Skills Authority (NSA);
  - 3.1.4 The Chief Executive Officer (CEO) of Quality Council for Trades and Occupations (QCTO);
  - 3.1.5 The Chief Executive Officer (CEO) of Council on Higher Education (CHE);
  - 3.1.6 The Chief Executive Officer (CEO) of UMALUSI
  - 3.1.7 Two members nominated by NEDLAC to represent organised labour;

- 3.1.8 Two members nominated by NEDLAC to represent organised business;
- 3.1.9 Two members nominated by NEDLAC to represent organisations of community and development interest;
- 3.1.10 One member appointed by the Minister to represent the interests of public education and training providers which providers are institutions as contemplated in the Higher Education Act 1997 (Act 101 of 1997) and Continuing Education Act and Training Act 2000 (16 of 2006);
- 3.1.11 One member nominated by private providers of education and training to represent the interest of private education and training providers which providers are accredited providers in terms of the SDA; and
- 3.1.12 Two additional members to represent the interest of the state.

- 3.2 The chairperson and members are appointed by notice in the Gazette and hold office for a period of five (5) years and are eligible for reappointment upon expiry of their term of office, but may not serve more than two consecutive terms.

#### **The Executive Committee**

- 3.3 The QCTO has established an executive committee consisting of the Chairperson of the QCTO Council and five (5) other members appointed by the QCTO Council, one of which must be the CEO of the QCTO.

#### **The Audit and Risk Committee**

- 3.4 The QCTO has established an independent Audit and Risk Committee consisting of 5 members (Including the Chairperson) appointed by the QCTO Council, as well as one member who is a representative of the Council.

#### **Other committees**

- 3.5 The QCTO Council may establish any other committees to assist it to perform its functions effectively. Membership of these committees is not restricted to members of the QCTO Council; however, the chairperson of a committee must be a member of the QCTO Council.

## **Chief Executive Officer and other employees**

- 3.6 The Minister of Higher Education and Training must appoint a Chief Executive Officer on recommendation by the members of the QCTO Council to:
- 3.6.1 Implement the decisions of the QCTO and the executive committee;
  - 3.6.2 Manage the day to day affairs of the QCTO;
  - 3.6.3 Attend the meetings of the QCTO and the executive committee;
  - 3.6.4 Promote strategic planning and policy development;
  - 3.6.5 Ensure strict and responsible control over the finances of the QCTO;
  - 3.6.6 Supervise, manage and direct the other employees of the QCTO; and
  - 3.6.7 Perform such functions as are determined by the QCTO or the executive committee from time to time.
- 3.7 The QCTO must appoint such number of employees to assist the QCTO in the performance of its functions, as it may deem necessary.

## **4. QCTO's Mandate**

The mandate of the QCTO emanates from two key pieces of legislation viz. the National Qualifications Framework (NQF) Act, 67 of 2008 and the Skills Development Act (SDA), 97 as amended in 2008.

### **4.1 The NQF Act specifies that the QCTO should:**

- 4.1.1 Develop and manage its sub-framework, make recommendations and advise the Minister on matters relating to its sub-framework;
- 4.1.2 Consider and agree on level descriptors ensuring that they remain current and appropriate;
- 4.1.3 Develop and recommend qualifications to SAQA for registration;
- 4.1.4 Develop and implement quality assurance policy for registered qualifications;
- 4.1.5 Maintain a database of learner achievements and submit learners achievement data to SAQA for recording on the National Learner Records Database (NLRD);
- 4.1.6 Conduct or commission and publish research; and
- 4.1.7 Inform the public about its sub-framework.

**4.2 The Skills Development Act (SDA), in Chapter 6C (Sections 26F – J), stipulates that the QCTO must:**

- 4.2.1 Advise the Minister on all matters of policy concerning occupational standards and qualifications;
- 4.2.2 Perform its functions in terms of the Skills Development Act and the National Qualifications Framework Act;
- 4.2.3 Subject to any policy issued by the Minister in terms of Section 26F:
  - 4.2.3.1 Design and develop occupational standards and qualifications and submit them to the South African Qualifications Authority for registration on the National Qualifications Framework;
  - 4.2.3.2 Establish and maintain occupational standards and qualifications;
  - 4.2.3.3 Ensure the quality of occupational standards and qualifications and learning in and for the workplace;
  - 4.2.3.4 Promote the objectives of the National Qualifications Framework;
  - 4.2.3.5 Liaise with the National Skills Authority on the suitability and adequacy of occupational standards and qualifications and on the quality of learning in and for the workplace; and
  - 4.2.3.6 Perform any other prescribed function.

**4.3 Public Finance Management Act**

- 4.3.1 The QCTO also complies with the Public Finance Management Act (PFMA), Treasury Regulations, Preferential Procurement Policy Framework Act (PPPFA) and the Framework for Supply Chain Management.

**4.4 Government Policy Frameworks**

- 4.4.1 The overall policy mandate of the QCTO has been further clarified through the publication of the Government Gazette 36003 and 36803 on the determination of the 3 sub-frameworks that comprise the NQF. In terms of Gazette 36803 the QCTO is to focus on the development of qualifications on levels 1 to 6 of the NQF and consider qualifications at level 7 and 8 should the need arise. Based on the content of the two Gazettes the QCTO finalised the Occupational Qualifications Sub-framework (OQSF) Policy, which was approved and published by Council in July 2014.

- 4.5 The QCTO mandate is also driven in response to the imperatives of the National Development Plan (NDP), National Skills Development Plan (NSDP) as well as the White Paper on Post-School Education and Training (WPPSET). The focus of the

White Paper is on the expansion of TVET Colleges has been a significant driver of the QCTO's operations. The QCTO also developed a strategy (called Vision 2020) to respond to the need to simplify the NQF and provide a more streamlined quality assurance model.

## **4.6 Powers and Functions of the QCTO**

4.6.1 The QCTO is responsible for:

- 4.6.1.1 Establishment and management of the Occupational Qualification Sub-framework (OQSF);
- 4.6.1.2 Qualifications development and maintenance;
- 4.6.1.3 Accreditation of Skills Development Providers;
- 4.6.1.4 Accreditation of Assessment Centres;
- 4.6.1.5 Assessment;
- 4.6.1.6 Certification;
- 4.6.1.7 Research and Knowledge Development; and
- 4.6.1.8 Stakeholder Management and Advocacy

4.6.2 The responsibilities of the QCTO are derived from the NQF Act and its establishing legislation, the SDA. In terms of these legislations, the QCTO must;

- 4.6.2.1 Promote the objectives of the NQF;
- 4.6.2.2 Advise the Minister on matters relating to the occupational qualifications framework and all matters of policy concerning occupational standards and qualifications;
- 4.6.2.3 Develop and manage the occupational qualifications framework;
- 4.6.2.4 Comply with any policy issued by the Minister in terms of section 26F of the SDA or determined by the Minister in terms of section 8(2)(b) of the NQF Act;
- 4.6.2.5 Comply with any written instruction issued by the Minister in terms of section 26H(5) of the SDA; and
- 4.6.2.6 Consider the Minister's guidelines contemplated in section 8(2)(c) of the NQF Act.



4.6.3 The QCTO is responsible for;

- 4.6.3.1 establishing and maintaining occupational standards and qualifications;
- 4.6.3.2 the quality assurance of occupational standards and qualifications and learning in and for the workplace;
- 4.6.3.3 designing and developing occupational standards and qualifications and submitting them to SAQA for registration on the NQF; and
- 4.6.3.4 ensuring the quality of occupational standards and qualifications and learning in and for the workplace.

4.6.4 The QCTO must further:

- 4.6.4.1 Liaise with the NSA on the suitability and adequacy of occupational standards and qualifications and on the quality of learning in and for the workplace;
- 4.6.4.2 Liaise with SAQA, Umalusi, the CHE and professional bodies responsible for establishing standards and qualifications or the quality assurance of standards and qualifications;
- 4.6.4.3 With regard to level descriptors-
  - (i) consider and agree to level descriptors as contemplated in section 13(1)(g)(i) of the NQF Act; and
  - (ii) ensure that they remain current and appropriate;
- 4.6.4.4 With regard to qualifications for the occupational qualifications framework:
  - (i) develop and implement policy and criteria, taking into account the policy and criteria contemplated in section 13(1)(h)(i) of the NQF Act for the development, registration and publication of qualifications;
  - (ii) develop and implement policy and criteria, taking into account the policy and criteria contemplated in section 13(1)(h)(iii) of the NQF Act for assessment, recognition of prior learning and credit accumulation and transfer;
  - (iii) ensure the development of such qualifications and/or part qualifications as are necessary, which may include appropriate measures for the assessment of learning achievement; and
  - (iv) recommend qualifications or part qualifications to SAQA for registration;

4.6.4.5 With regard to quality assurance within the occupational qualifications framework:

- (i) develop and implement policy for quality assurance;
- (ii) ensure the integrity and credibility of quality assurance; and
- (iii) ensure that such quality assurance as is necessary for the occupational qualifications framework is undertaken;

4.6.4.6 With regard to information:

- (i) maintain a database of learner achievements and related matters; and
- (ii) submit such data in a format determined in consultation with SAQA for recording on the national learners records database contemplated in section 13(1)(l) of the NQF Act;

4.6.4.7 With regard to other matters:

- (i) conduct or commission and publish research on issues of importance to the development and implementation of the occupational qualifications framework; and
- (ii) inform the public about the occupational qualifications framework.

4.6.4.8 The QCTO must perform any other function:

- (i) required by the SDA or the NQF Act; or
- (ii) prescribed by regulation under the SDA or consistent with the NQF Act that the Minister may determine; and
- (iii) the QCTO has all such powers as are necessary to enable it to perform its functions.

## **4.7 Delegation of QCTO functions**

4.7.1 The QCTO may, in writing and subject to any conditions it may determine delegate any of its functions to:

- 4.7.1.1 the chief executive officer of the QCTO;
- 4.7.1.2 a committee of the QCTO;

- 4.7.1.3 the national artisan moderation body established in terms of sections 26A of the SDA;
  - 4.7.1.4 A SETA; or
  - 4.7.1.5 Any other suitable body.
- 4.7.2 A delegation under paragraph 4.7.1:
- 4.7.2.1 must be in writing and available for inspection on request from a member of the public;
  - 4.7.2.2 must specify the terms and conditions of the delegation;
  - 4.7.2.3 must be accompanied by sufficient funds to perform the function;
  - 4.7.2.4 does not divest the QCTO of the function delegated and the QCTO may at any time review, amend or set aside any decision made under the delegation;
  - 4.7.2.5 does not prevent the performance of the function by the QCTO itself; and
  - 4.7.2.6 may be revoked by the QCTO at any time.

## **5. How to request access to a record of QCTO**

5.1 A request for access to a record of QCTO must;

5.1.1 Substantially correspond with Form C of Annexure B to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference the form is reproduced as Schedule 1 to this manual;

5.1.2 Be submitted to the Information Officer of QCTO, together with any applicable request fee, at one of the addresses, electronic mail address or below:

- Postal address: The Information Officer  
Private Bag X278  
Pretoria  
0001

- Physical Address: The Information Officer  
256 Glyn Street  
Hatfield  
Pretoria  
0083

- E-mail: info@qcto.org.za

5.2 The request form must:

- 5.2.1 provide sufficient particulars to enable the QCTO to identify both: the requester; and the record or records requested;
- 5.2.2 indicate the form of access requested;
- 5.2.3 specify the postal address or fax number of the requester in the Republic of South Africa;
- 5.2.4 identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
- 5.2.5 if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
- 5.2.6 If, the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the QCTO.

## 6. Request and access fees

- 6.1 A requester is required to pay the applicable request and access fees contemplated in sections 52 and 54 of PAIA and as prescribed in items 2, 3, and 4 of Part III of Annexure A to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference, the prescribed request and access fees are set out in Schedule 2 to this manual.

6.2 In addition, a requester may also be required to pay a deposit as set out in Schedule 2 of this manual.

6.3 The QCTO may withhold access to any record requested until the requester concerned has paid the applicable fee as set out in Schedule 2 of this manual.

## **7. Records held by the QCTO**

The QCTO holds records in general subjects and categories, including the following:

### **7.1 Access to Information Manual (In terms of section 14 of the Promotion of Access to Information Act 2 of 2000)**

### **7.2 Institutional records**

7.2.1 Minutes of the QCTO Council and its Committees

7.2.2 Internal QCTO correspondence

7.2.3 External QCTO correspondence

7.2.4 Internal policies and procedures

7.2.5 External policies and procedures

7.2.6 Service Level Agreements with third parties

7.2.7 Service Level Agreements with other statutory bodies

7.2.8 Records relating to quality assurance

7.2.9 Records relating to auditing of quality assurance

7.2.10 Records relating to accreditation

7.2.11 Records relating to assessments

7.2.12 Records relating to qualification development

7.2.13 Records relating to certification

7.2.14 Research reports, publications and newsletters

### **7.3 Financial records**

7.3.1 General accounting records

7.3.2 Annual budgets

7.3.3 Annual financial reports

7.3.4 Annual financial statements

7.3.5 Asset registers

7.3.6 Income tax records

7.3.7 Internal financial policies and procedures

#### **7.4 Human resource records**

7.4.1 Staff employment contracts

7.4.2 Internal policies and procedures

7.4.3 Pension Fund records

7.4.4 Medical aid records

7.4.5 Personnel records

#### **7.5 Statutory records**

As a statutory body and an employer, the QCTO holds records required by a range of laws, including records required or provided for by the following laws:

7.5.1 Income Tax Act 58 of 1962

7.5.2 Labour Relations act 66 of 1995

7.5.3 Basic Conditions of Employment act 75 of 1997

7.5.4 Employment Equity Act 55 of 1998

7.5.5 Unemployment Insurance Act 63 of 2001

7.5.6 Compensation for Occupational Injuries and Diseases Act 130 of 1993; and

7.5.7 Public Finance Management Act 1 of 1999,etc

#### **7.6 Please see Schedule 3 below (List of automatically available records)**

### **8. Reservation of rights**

The QCTO may refuse an application for access to a record –

8.1 if the request does not comply with the procedural requirements of PAIA;

8.2 on any ground contemplated in Chapter 4 of Part 3 of that Act; or

8.3 for any other lawful reason.

### **9. Human Rights Commission Guide on how to use the PAIA**

The Human Rights Commission has, in terms of section 10 of PAIA, compiled a guide on how to use the Act. The guide contains information that will assist any person wishing to exercise a right contemplated by the Act and is available in all of the official languages.

The guide is available for inspection inter alia at the offices of the Human Rights Commission:

Physical address: Braampark Forum 3, 33 Hoofd Street, Braamfontein  
Postal address: Private Bag X2700, Houghton, 2041  
Email address: [mnyuswa@sahrc.org.za](mailto:mnyuswa@sahrc.org.za)

and on its website at [www.sahrc.org.za](http://www.sahrc.org.za)

## **10. Remedies available in respect of non-compliance by QCTO**

- 10.1 Any requester or affected third party, who is aggrieved by a decision of the QCTO's Information Officer to refuse or grant access to a record of the QCTO, may within 15 days of receiving notice of the decision, appeal to the Executive Committee of the QCTO against the decision.
- 10.2 An appeal must –
- 10.2.1 be in writing;
  - 10.2.2 be addressed to the Executive Committee of the QCTO; and
  - 10.2.3 set out the grounds for the appeal.
- 10.3 Any requester or affected third party, who is aggrieved by a decision of the Executive Committee of the QCTO on appeal, may approach the relevant court for appropriate relief.

**11. Schedule 1**

**FORM A**

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**  
 (Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)  
 [Regulation 6]

**QCTO INTERNAL USE**

Reference number: .....

Request received by.....

Name and surname of information officer/deputy information officer on

..... (date) at .....  
 (place)

Request fee (if any): R.....

Deposit (if any): R .....

Access fee: R.....

.....  
 Signature of information officer/deputy Information Officer

**A. Particulars of public body**

The Information Officer/ Deputy Information Officer:	QCTO
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**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 ONLY if a request for information is made on behalf of another person.

Full names and surname:	
Identity number:	

**D. Particulars of record**

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

**The requester must sign all the additional folios.**

Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of the record:	

**E. Fees**

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(d) (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:	
--	--

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
-------------	-----------------------------------

Mark the appropriate box with an X.

**NOTES:**

(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

<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"/> 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"/> 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
--	-----	----

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

**G. Notice of decision regarding request for access**

You will be notified 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 of .....20.....

.....  
SIGNATURE OF REQUESTER  
OR PERSON ON WHOSE  
BEHALF REQUEST IS MADE

## 12. Schedule 2

### FEEs IN RESPECT OF PUBLIC BODIES

**Part ii of Notice 187 in the Government Gazette on the 15 February 2002  
(Schedule 12 must be read in conjunction with Annexure A - Notice in terms of the  
Promotion of Access to Information Act 2 2002)**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R,cc
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,40
(c) For a copy in a computer-readable form on – (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
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows: 14

	R,cc
(1)(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on –	
(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, or an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17, 00
(f) To search for and prepare the record for disclosure, R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

(2) For purposes of section 22(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

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

**13. Schedule 3**

**LIST OF AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:**

**(Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))**

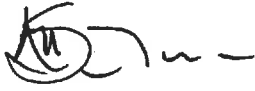


**[Regulation 5A]**

**QUALITY COUNCIL FOR TRADES AND OCCUPATIONS**

<b>Description of categories of records automatically available in terms of section 15 (1) of the PAIA Act</b>	<b>Manner of access to records</b>
<b>For Inspection in terms of section 15(1)(a)(i)</b>	
<ol style="list-style-type: none"> <li>1. The QCTO Constitution</li> <li>2. The QCTO Strategic Plans</li> <li>3. The QCTO Annual Performance Plans</li> <li>4. Tender bids/documents</li> <li>5. Legislation administered by the QCTO</li> <li>6. Vacancies</li> <li>7. Departmental Media Statements and Speeches</li> <li>8. Departmental publications</li> <li>9. Policy documents</li> <li>10. Circulars</li> <li>11. Accredited Skills Development Providers</li> <li>12. Accredited Trade Test Centers For Historical Trades</li> <li>13. Accredited Assessment Centers for new Occupational Qualifications (Trades &amp; Non-Trades)</li> <li>14. List of Occupational Qualifications</li> <li>15. List of Recommended Occupational Qualifications</li> </ol>	<p>These records are available for inspection at the QCTO on request or addressed to the Office of the Deputy Information Officer, Private Bag X278, Pretoria, 0001 or Physical Address: 256 Glyn Street, Hatfield , Pretoria 0083, E-mail: info@qcto.org.za, Telephone Number: (012) 003-1800</p> <p>Or visit our website on <a href="http://www.qcto.org.za">www.qcto.org.za</a></p>

16. Forms	
<b>For copying in terms of section 15(1)(a)(ii)</b>	
<ol style="list-style-type: none"> <li>1. The QCTO Strategic Plans</li> <li>2. The QCTO Annual Performance Plans</li> <li>3. QCTO Publications</li> <li>4. Tenders/Bid Documents</li> <li>5. Accredited Skills Development Providers</li> <li>6. Accredited Trade Test Centers for Historical Trades</li> <li>7. Accredited Assessment Centers for new Occupational Qualifications ( Trades &amp; Non-Trades)</li> <li>8. Policy Documents</li> <li>9. Vacancies</li> <li>10. Forms</li> <li>11. Speeches</li> <li>12. Promotion of Access to Information manual</li> </ol>	<p>These records are for purchase or copying at the QCTO on request or addressed to the Office of the Deputy Information Officer, Private Bag X278,Pretoria,0001 or Physical Address: 256 Glyn Street, Hatfield , Pretoria 0083, E-mail: <a href="mailto:info@qcto.org.za">info@qcto.org.za</a>, Telephone Number: (012) 003-1800</p> <p>Or visit our website on <a href="http://www.qcto.org.za">www.qcto.org.za</a></p>
<b>Available free of charge in terms of section 15(1)(a)(iii)</b>	
<ol style="list-style-type: none"> <li>1. The QCTO Strategic Plans</li> <li>2. The QCTO Annual Performance Plans</li> <li>3. QCTO Publications</li> <li>4. Tenders/Bid Documents</li> <li>5. Skills Development Providers</li> <li>6. Accredited Trade Test Centers for Historical Trades</li> <li>7. Accredited Assessment Centers for new Occupational Qualifications (Trades &amp; Non-Trades)</li> <li>8. Forms</li> <li>9. Vacancies</li> <li>10. Promotion of Access to Information manual</li> </ol>	<p>These records are available free of charge at the QCTO on request or addressed to the Office of the Deputy Information Officer, Private Bag X278,Pretoria,0001 or Physical Address: 256 Glyn Street, Hatfield , Pretoria 0083, E-mail: <a href="mailto:info@qcto.org.za">info@qcto.org.za</a>, Telephone Number: (012) 003-1800</p> <p>Or visit our website on <a href="http://www.qcto.org.za">www.qcto.org.za</a></p>

14. APPROVAL

DESIGNATION	SIGNATURE	DATE
Director: Governance, Risk, Compliance & Secretariat (GRC&S) – Review - Ms A Solomon		17/3/2020
Chief Executive Officer – Recommendation - Mr V Naidoo		17/3/2020
Chairperson on behalf of Council of QCTO – Approval - Prof P Lolwana		17/03/2020



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2198

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**NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000  
RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE  
REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES**

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

**1. The Promotion of Access to Information Act**

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively*, and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

**2. Regulations to PAIA**

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

**Fees for Requesting Records**

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

**Fees for Accessing Records**

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

**Public Bodies:**

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**Private Bodies:**

- Copy per A4 page -- R1.10
- Printing per A4 page -- 75 cents
- Copy on a CD -- R70
- Transcription of visual images per A4 page -- R40
- Copy of a visual image -- R60
- Transcription of an audio recording per A4 page -- R20
- Copy of an audio recording -- R30
- Search and preparation of the record for disclosure -- R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**3. Registered VAT Vendors**

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana  
Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity