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MANUFACTURING, ENGINEERING AND RELATED SERVICES SETA

MERSETA PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

Approved on 1 August 2006

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Review: ETQA Manager		Approved: CEO	



PROMOTION OF ACCESS TO INFORMATION ACT
MANUAL IN TERMS OF SECTION 14
in respect of
MANUFACTURING, ENGINEERING AND RELATED SERVICES
EDUCATION AND TRAINING AUTHORITY

1 INTRODUCTION

This Manual is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution which 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 and / or protection of any right.

The provision of any information in addition to that specifically required in terms of Section 14 of the Act does not create any contractual right or entitlement to receive such information, other than in terms of the Act.

2 MANUFACTURING, ENGINEERING AND RELATED SERVICES EDUCATION AND TRAINING AUTHORITY (MERSETA) OVERVIEW

MERSETA is defined in the Act as a public body. A public body encompasses any department of state or administration in the national or provincial sphere of government or any other function or institution thereof which exercises a power or performs a duty in terms of the Constitution or exercises a public power or performs a public function in terms of any legislation.

MERSETA supports the constitutional right of access to information and we are committed to provide any requester access to our records in accordance with the provisions of the Act.

The purpose for which MERSETA has been established is to provide an institutional framework to devise and implement national, sectoral and workplace strategies that are aligned with the objectives of national economic and social development. These strategies have been developed within the context of:-

- Supporting the development and improvement of skills development interventions;
- Providing an assurance of quality in education and training;
- Enhancing access to learning opportunities;
- Encouraging active employer participation;

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- Supporting the objectives of the Employment Equity Act; and
- Addressing the needs of the South African labour market including the needs of employers, workers; and small, medium and micro enterprises.

3 **AVAILABILITY OF THIS MANUAL**

A copy of this Manual is available on our website (www.merseta.org.za) or by sending a request for a copy to the MERSETA Information Officer or Deputy Information Officer by email. The Manual may also be obtained from our office, the South African Human Rights Commission (SAHRC) at the address set out below or from the Government Printers.

4 **UPDATING OF MANUAL**

This Manual will be updated and published, if necessary, at intervals of not more than 1 (one) year as prescribed in the Act.

5 **FUNCTIONS AND STRUCTURE OF MERSETA**

• **Functions of MERSETA**

MERSETA is a Sector Education & Training Authority established in terms of section 9 (1) of the Skills Development Act No. 97 of 1998. The functions of MERSETA are *inter alia* to:-

- develop a sector skills plan within the framework of the national skills development strategy;
- implement its sector skills plan by establishing learnerships, approving workplace skills plans, allocating grants as well as monitoring education and training in the sector;
- promote learnerships and apprenticeships by identifying workplaces for practical work experience, supporting the development of learning materials, improving the facilitation of learning and assisting in the conclusion of learnership agreements;
- register learnership agreements;
- obtain accreditation from the South African Qualifications Authority;
- collect and disburse the skills development levies in its sector;
- liaise with the National Skills Authority on the national skills development policy, the national skills development strategy as well as its sector skills plan;

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- report to the Director-General of Labour on its income and expenditure as well as the implementation of its sector skills plan;
- liaise with the employment services of the Department of Labour and any education body established under any law regulating education in the Republic of South Africa to improve information about employment opportunities and information between education and training providers and the labour market;
- appoint staff necessary for the performance of its functions; and
- perform any other duties imposed by the Skills Development Act and the Skills Development Levies Act or consistent with the purposes thereof.

MERSETA has all such powers as are necessary to enable it to perform its duties as set out above and any other powers conferred upon it by virtue of the Skills Development Act.

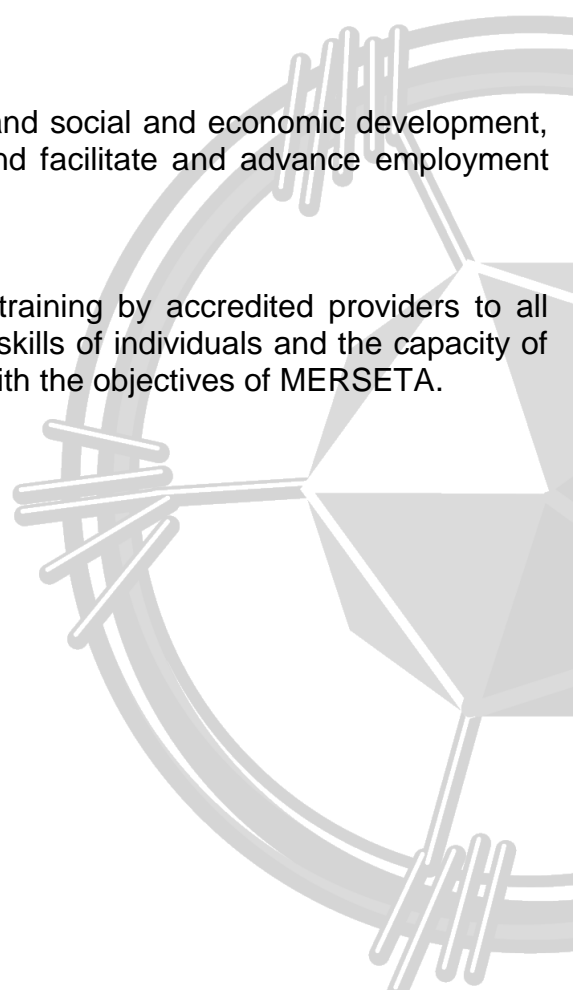
6. Vision and mission

Vision

To promote economic and employment growth and social and economic development, redress inequalities in education and training and facilitate and advance employment equity in the sector.

Mission

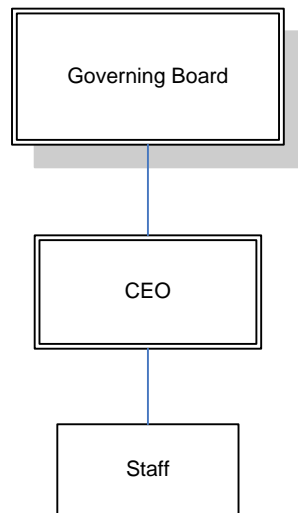
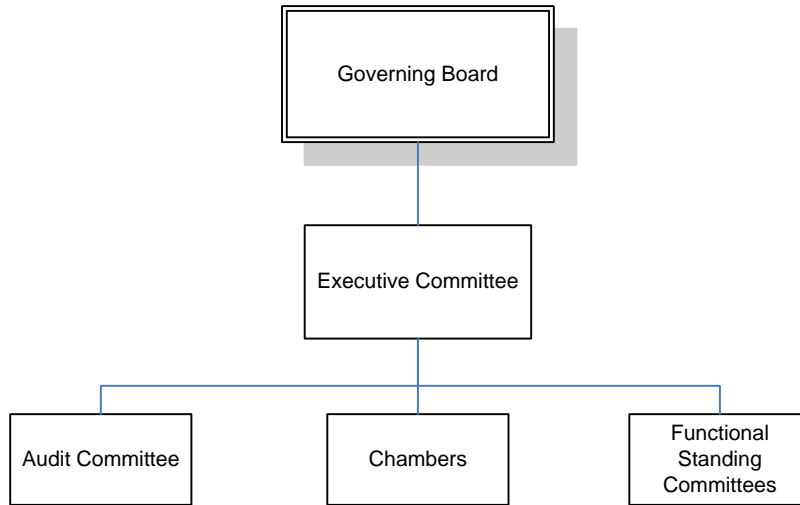
To promote provision of quality education and training by accredited providers to all learners in the MERSETA sector enhancing the skills of individuals and the capacity of the entire sector, in a manner that is consistent with the objectives of MERSETA.



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- **Schematic diagram of MERSETA**



- **Structure of MERSETA**

MERSETA may only consist of members representing:-

- organised labour;
- organised employers, including small businesses;
- relevant government departments; and
- at the Minister’s discretion, any interested professional body and/or any bargaining council with jurisdiction in the sector.



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6 **CONTACT DETAILS**

Name of Public Body	MANUFACTURING, ENGINEERING AND RELATED SERVICES EDUCATION AND TRAINING AUTHORITY (MERSETA)
Designated Information Officer	Merseta CEO
Designated Deputy Information Officer	Merseta Company Secretary
Email address of Information Officer/ Deputy Information Officer	ceo@merseta.org.za/ tmkhwanazi@merseta.org.za
Postal address	PO Box 61826, Marshalltown 2107
Street address	8 Hillside Road, Parktown, 2193
Phone number	(011) 484 9310
Fax number	(011) 484 9319

7 **HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT**

The Guide is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:
PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

8 **HOW TO REQUEST ACCESS TO RECORDS HELD BY MERSETA**

- **Records that may be requested**

The records to be requested by a requester means any recorded information regardless of its form or medium which is in the possession or under the control of MERSETA whether or not it was created by MERSETA or not.

- **Request procedures**

A requester shall be given access to a record held by MERSETA if the following requirements, as set out in the Act, are met, namely:

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- that the requester complies with all the procedural requirements contemplated in the Act relating to a request, and
- that access to that requested record is not refused in terms of any ground for refusal contemplated in the Act.

The right of a requester to access information in terms of this Act is not affected by any reasons given by that requester, or any belief by the Information Officer as to what the reasons for the request may be.

Requests for access to records held by MERSETA must be made on the prescribed request forms (on payment of the prescribed fees, if any) that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za under “regulations”). For convenience, a copy is also included in this manual.

Requests for access to records must be made to the Information Officer at the address, fax number or electronic mail address provided above.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed of MERSETA’s decision regarding such request in which manner and state the necessary particulars to be so informed. The requester must also state whether the record concerned is preferred in a particular language and also specify his or her postal address or fax number in the Republic of South Africa.

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

Should an individual be unable to make a request for access to a record of MERSETA because of illiteracy or disability, he or she may make such a request orally. The Information Officer of MERSETA must then reduce the oral request to writing in the prescribed form and supply the requester with a copy thereof.

9 **SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC**

• **Nature of services**

MERSETA’s services include:-

- to implement its sector skills plan by establishing learnerships, approving workplace skills plans, allocating grants as well as monitoring education training in the sector;
- to promote learnerships by identifying workplaces for practical work experience, supporting the development of learning materials, improving

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the facilitation of learning and assisting in the conclusion of learnership agreements;

- to register learnership agreements and apprenticeship contracts;
- to collect and disburse the skills development levies in its sector.

These services are not available to members of the public but rather to employers and workers falling within MERSETA's designated economic sector.

How to gain access to these services

Provided that a member of the public falls within the definition of an employer or worker in MERSETA's designated economic sector (as defined in the Skills Development Act), he/she may gain access to these services by submitting a request to the Information Officer of MERSETA at the above address.

10 **ARRANGEMENT FOR PUBLIC PARTICIPATION IN POLICY FORMULATION**

The Skills Development Act and the Constitution of MERSETA provide for participation of organised employee bodies and organised employers bodies in MERSETA's designated economic sector only. Nominated persons representing these groups as contained in the MERSETA constitution may attend general meetings of MERSETA, may elect the Governing Board of MERSETA and stand for election to such board in accordance with MERSETA's constitution and the Skills Development Act.

11 **REMEDIES AVAILABLE FOR NON-COMPLIANCE**

MERSETA does not have an internal appeal procedure relevant to the Act. Accordingly, a dispute regarding the Act may be resolved by approaching the relevant court directly.

12 **OTHER INFORMATION AS MAY BE PRESCRIBED IN THE ACT**

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be inserted here.

13 **PRESCRIBED FEES**

The Act sets out two types of fees, namely a request fee and an access fee. These are required to be paid prior to MERSETA addressing the request for information. A personal requester, i.e. a requester who requests access to a record containing personal information is not required to pay the request fee. Any other requester, who is not a personal requester, will be required to pay such fee.

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The requester (other than a personal requester) must be notified by the Information Officer to pay the prescribed request fee before the request the request is processed.

Should the requester be aggrieved by the payment of the request fee, the requester may bring an application to court.

The Information Officer must notify the requester of his/her decision in the manner specified by the requester.

In the event that the Information Officer granted the request, a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to prepare and search for the requested record.

The prescribed fees are set out below in terms of the regulations contemplated in the Act.

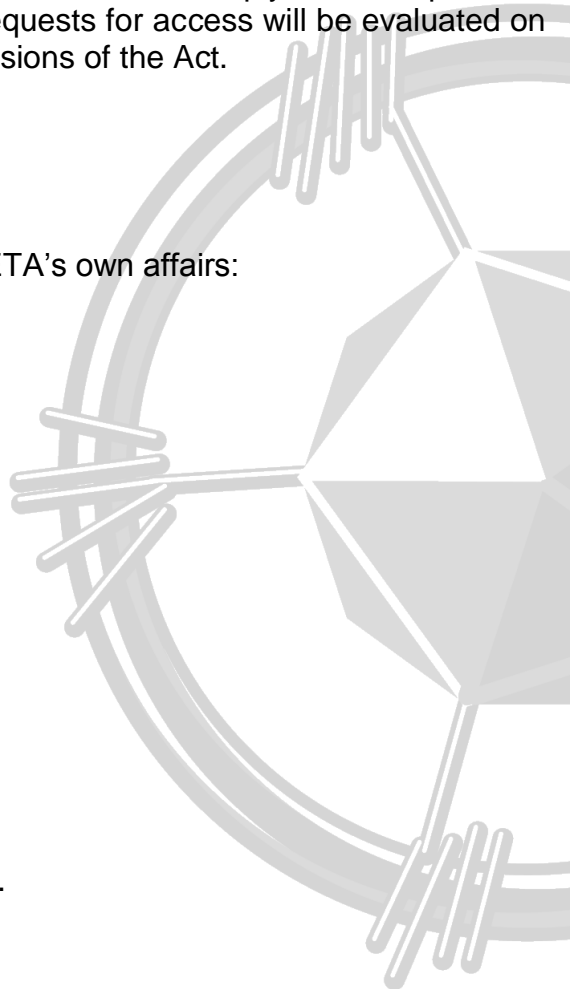
14 **RECORDS HELD BY MERSETA**

We maintain records on the following categories and subject matters. However, recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

14.1 **Internal records**

The following are records pertaining to MERSETA's own affairs:

- Constitution of MERSETA
- Financial records
- Operational records
- Intellectual property
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of the public body.



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14.2 **Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of MERSETA and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or services of MERSETA. This includes, without limitation, directors, heads of departments, managers, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to the public body by their personnel;
- Any records a third party has provided to the public body about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

14.3 **Work-related records**

Work-related information includes the following:

- Any records a third party has provided to the public body; and
- Records generated by or within the public body pertaining to work or services, including transactional records.

14.4 **Other Parties**

Records are kept in respect of other parties, including without limitation, employers, workers, contractors, suppliers, departments, divisions and service providers. Alternatively, such other parties may possess records which can be said to belong to the public body. The following records fall under this category:

- Personnel, work or service related records which are held by another party as opposed to being held by MERSETA; and
- Records held by MERSETA pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about their contractors/suppliers.

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14.5 **Other Records**

Further records are held including:-

- Information relating to MERSETA's own commercial activities; and
- Research information belonging to MERSETA or carried out on behalf of a third party.



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FEES IN RESPECT OF PUBLIC BODIES

Part ii of Notice 187 in the Government Gazette on 15 February 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
(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 -	
i) stiffy disc	5, 00
ii) compact disc	40, 00
d) (i) For a transcription of visual images, or 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

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:

	R
(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 -	
(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

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- (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, 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.



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**PRESCRIBED FORMS FOR ACCESS TO INFORMATION
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))

FOR DEPARTMENTAL USE

Reference number:

Request received by (state rank, 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

Name of Public Body	MANUFACTURING, ENGINEERING AND RELATED SERVICES EDUCATION AND TRAINING AUTHORITY (MERSETA)
Designated Information Officer	Merseta CEO
Designated Deputy Information Officer	Merseta Company Secretary
Email address of Information Officer/ Deputy Information Officer	ceo@merseta.org.za
Postal address	PO Box 61826, Marshalltown 2107
Street address	8 Hillside Road, Parktown, 2193
Phone number	(011) 484 9310
Fax number	(011) 484 9319

B. Particulars of person requesting access to the record

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- (a) The particulars of the person who requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (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.**

1. Description of record or relevant part of the record:
2. Reference number, if available:
3. Any further particulars of 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) If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented from reading viewing or listening to the record by a disability in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

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Disability:	Form in which record is required:
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NOTES:

(a) Your indication as to the required form of access depends 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.

Mark the appropriate box with an "X".

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"/>	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 -			

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	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (magnetic or optical disc)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee 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 in writing whether your request has been approved/denied. If you wish to be informed thereof 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 / PERSON ON WHOSE BEHALF REQUEST IS MADE



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