



# **COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION**

## **PAIA & POPIA MANUAL**

**Prepared in terms of section 14 of the Promotion of Access to Information Act 2 of 2000 (as amended) and the  
Protection of Personal Information Act 4 of 2013**

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## 1. FOREWORD BY THE INFORMATION OFFICER

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA), as amended by section 110 of Protection of Personal Information Act 4 of 2013 (POPIA), was enacted to give effect to the constitutional right entrenched in Section 32 of the Constitution of South Africa Act, 1996, being the right of access to information held by the State and any other person that is required for the exercise or protection of any rights. In terms of the Constitution and PAIA, all people in South Africa, including non-nationals, can request information from public and private bodies.

The purpose of the PAIA is to foster a culture of transparency, accountability and effective governance of all public and private bodies by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required. However, in the same breath, PAIA and POPIA recognise that such right of access to information is subject to certain justifiable limitations including, but not limited to, confidentiality, protection of privacy, legal privilege and the legitimate purposes linked to the operations of entities.

Section 14 of PAIA obliges public bodies to compile a manual that provides information on both the types and categories of records held by the public body and this document serves as the Commission for Conciliation, Mediation and Arbitration's (CCMA) Access to Information Manual in terms of section 14 of PAIA. This manual has been compiled in accordance with the PAIA which stipulates that a public body must provide details of the records held by such a public body so that requests for information may be accommodated. This manual shall serve as a guide to how a requester of information may request access to information or records held by the CCMA.

This manual serves to guide on the procedure to be followed and the criteria that must be met by anyone who requests access to information or records in the possession and/or under the control of the CCMA. The manual also incorporates or addresses the requirements of POPIA as set out in section 13 below. Further details of the purpose of the manual may be found under section one of this manual.

In addition to this manual, requesters are advised that the South African Information Regulator has published a Guide in terms of section 10 of the PAIA, which Guide explains how to make a request for access to a record. This Guide is available at the Information Regulator's office, the contact details of which are furnished below:

*Information Officer: Mr Mosalanyane Mosala*

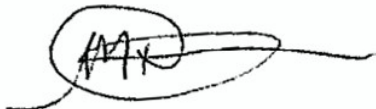
*Deputy Information Officer: Ms Varsha Sewlal*

*Physical Address: JD House, 27 Stiemens Street, Braamfontein 2017*

*Postal Address: PO Box 31533, Braamfontein, Johannesburg 2001*

*E-mail: [PAIA.IR@justice.gov.za](mailto:PAIA.IR@justice.gov.za)*

*Website: <https://www.justice.gov.za/inforeg/index.html>*



**MR. XOLANI NDUNA**

**ACTING CCMA DIRECTOR AND THE CCMA'S ACTING INFORMATION OFFICER (IO)**

## 2. DEFINITIONS

<b>Deputy Information Officer</b>	This means the designated individuals in the CCMA who are responsible for assisting the Information Officer with compliance with the Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 4 of 2013 (POPIA), as contemplated in section 17 of PAIA and sections 55 and 56 of POPIA.
<b>Guide</b>	This means the guide as contemplated in section 10 of PAIA on how to use PAIA for any person who wishes to exercise any right contemplated in PAIA and/or POPIA.
<b>ICT</b>	Information Communication Technology
<b>Information Officer</b>	In relation to the CCMA, a public entity, this means the CCMA Director, or the person who is acting as such.
<b>Information Regulator</b>	This means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act 4 of 2013.
<b>Personal information</b>	<p>This means information relating to an identifiable natural person, including, but not limited to –</p> <ul style="list-style-type: none"> <li>(a) <i>Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;</i></li> <li>(b) <i>information relating to the education or the medical, financial, criminal or employment history of the person;</i></li> <li>(c) <i>any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to a person;</i></li> <li>(d) <i>the biometric information of the person;</i></li> <li>(e) <i>the personal opinions, views or preferences of a person;</i></li> <li>(f) <i>correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</i></li> <li>(g) <i>the views or opinions of another individual about the person; and</i></li> <li>(h) <i>the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years.</i></li> </ul>
<b>POPIA</b>	The Protection of Personal Information Act 4 of 2013
<b>Public Body</b>	<p>This means –</p> <ul style="list-style-type: none"> <li>(a) <i>any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or</i></li> <li>(b) <i>any other functionary or institution when-</i> <ul style="list-style-type: none"> <li>(i) <i>exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or</i></li> <li>(ii) <i>exercising a public power or performing a public function in terms of any legislation<sup>1</sup>.</i></li> </ul> </li> </ul>
<b>Record</b>	<p>This means a form of documentation in relation to a public or private body or any recorded information safeguarded with the public or private body-</p> <ul style="list-style-type: none"> <li>a) <i>regardless of form or medium;</i></li> <li>b) <i>in the possession or under the control of that public or private body, respectively; and</i></li> <li>c) <i>whether or not it was created by that public or private body, respectively</i></li> </ul>
<b>Responsible party</b>	This means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.
<b>The Act</b>	This means the Promotion of Access to Information Act 2 of 2000 as amended, and includes any regulation made in force in terms of section 92.

## PURPOSE OF THE CCMA PAIA MANUAL

This PAIA & POPIA Manual may be used by members of the public to-

- 1.1. check the nature of the records which may already be available at the CCMA, without the need for submitting a formal PAIA request;*
- 1.2. understand how to make a request for access to a record of the CCMA;*
- 1.3. access all the relevant contact details of the persons within the CCMA who will assist the public with the records they intend to access;*
- 1.4. know all the remedies available from the CCMA regarding a request for access to the records, before approaching the Information Regulator or the Courts;*
- 1.5. access the description of the services provided by the CCMA to members of the public and how to gain access to those services;*
- 1.6. be aware of a description of the guide on how to use PAIA, as updated by the Information Regulator, and how to obtain access to it;*
- 1.7. understand the circumstances in which the CCMA will process Personal Information;*
- 1.8. to receive a description of the subjects on which the CCMA holds records and categories of records held on each subject;*
- 1.9. know if the CCMA has planned to transfer or process Personal Information outside the Republic of South Africa and the recipients or categories of recipients to whom the Personal Information may be supplied; and*
- 1.10. know whether the CCMA has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.*

## ESTABLISHMENT OF THE COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

The CCMA is established in terms of section 112 of the Labour Relations Act 66 of 1995 [as amended] ("the LRA") as a juristic person. The CCMA is governed by a Governing Body established in terms of section 116 of the LRA. The Governing Body consists of a chairperson and nine other members<sup>2</sup>, each nominated by NEDLAC and appointed by the Minister of Employment and Labour to hold office for three years, and the Director of the CCMA (who is nominated by the Governing Body and serves in an *ex-officio* capacity). In terms of section 116 of the LRA, the Governing Body is the supreme policy-making body of the CCMA.

#### **4.1. OBJECTIVES/MANDATE**

The CCMA's mandate is derived from the purpose of the LRA which, amongst others, is to advance economic development, social justice, labour peace and the democratisation of the workplace. The mandate of the organisation is further enhanced by the statutes that deal with the world of work and in particular the Basic Conditions of Employment Act 75 of 1997 [as amended] ("the BCEA") and the Employment Equity Act 55 of 1998 [as amended] ("the EEA"). The CCMA is independent of the State, any political party, trade union, employer, employers' organisation, federation of trade unions or federation of employers' organisations. It has jurisdiction in all nine provinces of the Republic of South Africa.

#### **4.2. THE VISION, MISSION AND VALUES OF THE CCMA**

##### **Vision**

*The CCMA is a world-class institution that promotes labour market stability, social justice and job security.*

##### **Mission**

*To give effect to everyone's Constitutional rights and freedom.*

##### **Values**

*Respect – We value those we serve, those who we work with and our organisation.*

*Excellence – We continuously do our best in delivering on our mandate and in services to our people.*

*Accountability – We hold ourselves responsible for our actions, and in the outcomes of our work.*

*Diversity – We respect, embrace and celebrate the differences of our people.*

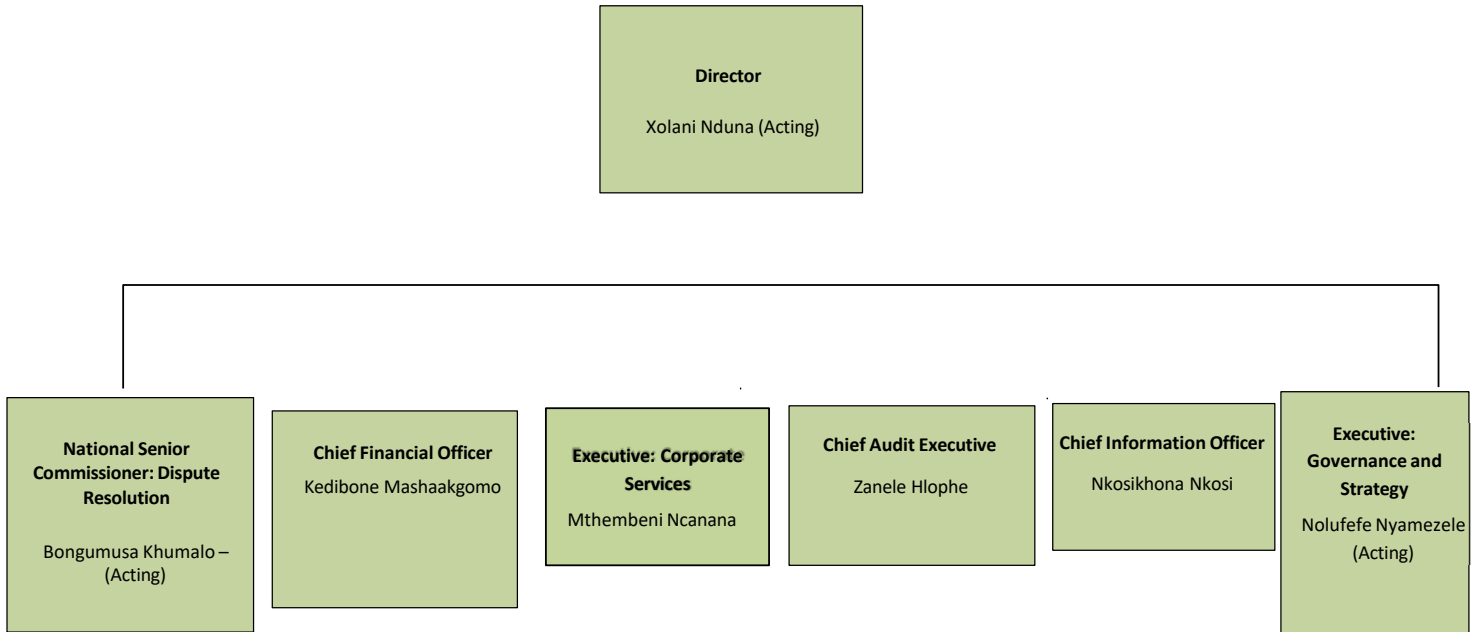
*Integrity – We do the right thing even when no one is looking.*

*Transparency - We work in a manner that is open, fair and honest.*

## 5. STRUCTURE AND FUNCTIONS OF THE CCMA

### 5.1. STRUCTURE

#### CCMA EXECUTIVE MANAGEMENT (EXCO) STRUCTURE



The CCMA's Head Office (National Office) is located in Johannesburg. It has established provincial and satellite offices in all the provinces of South Africa.

### 5.2. FUNCTIONS

#### 5.2.1. Functions of the Commission

The CCMA's powers are conferred on it by section 115 of the LRA. In terms thereof, the CCMA has both mandatory and discretionary powers. These powers are as follows:

**“115(1) The Commission must—**

- (a) attempt to resolve, through conciliation, any *dispute* referred to it in terms of *this Act*;
- (b) if a *dispute* that has been referred to it remains unresolved after conciliation, arbitrate the *dispute* if—
  - (i) *this Act* requires arbitration and any party to the *dispute* has requested that the *dispute* be resolved through arbitration; or
  - (ii) *all the parties to a dispute in respect of which the Labour Court has jurisdiction consent to arbitration under the auspices of the Commission*;
- (c) assist in the establishment of workplace forums in the manner contemplated in Chapter V;
- (d) compile and publish information and statistics about its activities; and
- (e) at least every second year, review any rules made in terms of this section.

(2) **The Commission may—**

- (a) if asked, advise a party to a dispute about the procedure to follow in terms of this Act;
  - (b) if asked, assist a party to a dispute to obtain legal advice, assistance, or representation;
  - (c) (bA) if requested, provide assistance of an administrative nature to an employee earning less than the threshold prescribed by the Minister under section 6 (3) of the Basic Conditions of Employment Act to serve any notice or document in respect of conciliation or arbitration proceedings in terms of this Act, provided that the employee remains responsible in law for any such service;
  - (c) offer to resolve a *dispute* that has not been referred to the Commission through conciliation;
  - (cA) make rules—
    - (i) *to regulate, subject to Schedule 3, the proceedings at its meetings and at the meetings of any committee of the Commission;*
    - (ii) .....[Sub-para. (ii) deleted by s. 18 (c) of Act No. 6 of 2014.]
    - (iii) *regulating the practice and procedure—*
  - (aa) for any process to resolve a dispute through conciliation;
  - (bb) at arbitration proceedings; and
  - (iv) *determining the amount of any fee that the Commission may charge under section 147, and regulating the payment of such a fee in detail;*
  - (d) [Para. (d) deleted by s. 31 (a) of Act No. 42 of 1996.]
  - (e) [Para. (e) deleted by s. 31 (a) of Act No. 42 of 1996]
  - (f) conduct, oversee or scrutinise any election or ballot of a registered trade union or registered employers' organisation if asked to do so by that trade union or employers' organisation;
  - (g) publish guidelines in relation to any matter dealt with in this Act;
  - (h) conduct and publish research into matters relevant to its functions.
  - (i) ..... [Para. (i) deleted by s. 31 (a) of Act No. 42 of 1996.]
- (2A) The Commission may make rules regulating—
- (a) the practice and procedure in connection with the resolution of a *dispute* through conciliation or arbitration;
  - (b) the process by which conciliation is initiated, and the form, content, and use of that process;
  - (c) the process by which arbitration or arbitration proceedings are initiated, and the form, content, and use of that process;
  - (d) the joinder of any person having an interest in the *dispute* in any conciliation and arbitration proceedings;



- (e) the intervention of any person as an applicant or respondent in conciliation or arbitration proceedings;
- (f) the amendment of any citation and the substitution of any party for another in conciliation or arbitration proceedings;
- (g) the hours during which offices of the Commission will be open to receive any process;
- (h) any period that is not to be counted for the purpose of calculating time or periods for delivering any process or notice relating to any proceedings;
- (i) the forms to be used by parties and the Commission;
- (j) the basis on which a commissioner may make any order as to costs in any arbitration;
- (k) the right of any party to be represented by any person or category of persons in any conciliation or arbitration proceedings, including the regulation or limitation of the right to be represented in those proceedings;

[Para. (k) substituted by s. 18 (d) of Act No. 6 of 2014.]

- (kA) the consequences for any party to conciliation or arbitration proceedings for not attending those proceedings;
- (l) the circumstances in which the Commission may charge a fee in relation to any conciliation or arbitration proceedings or for any services the Commission provides; and
- (m) all other matters incidental to performing the functions of the Commission.

[Sub-s. (2A) inserted by s. 22 (a) of Act No. 12 of 2002.]

- (3) The Commission may provide *employees*, employers, registered *trade unions*, registered *employers' organisations*, federations of *trade unions*, federations of *employers' organisations* or *councils* with advice or training relating to the primary objects of *this Act* or any other employment law, including but not limited to—
  - (a) establishing collective bargaining structures;
  - (b) designing, establishing and electing *workplace forums* and creating deadlock breaking mechanisms;
  - (c) the functioning of *workplace forums*;
  - (d) preventing and resolving *disputes* and *employees' grievances*;
  - (e) disciplinary procedures;
  - (f) procedures in relation to dismissals;
  - (g) the process of restructuring the workplace;
  - (h) affirmative action and equal opportunity programmes; and
  - (i) the prevention of sexual harassment in the workplace.
- (4) The Commission must perform any other duties imposed, and may exercise any other powers conferred, on it by or in terms of *this Act* and is competent to perform any other function entrusted to it by any other law.
- (5) The governing body's rules of procedure, the terms of appointment of its members and other administrative matters are dealt with in Schedule 3.

- (6) (a) A rule made under subsection (2) (cA) or (2A) must be published in the *Government Gazette*. The Commission will be responsible to ensure that the publication occurs.
- (b) A rule so made will not have any legal force or effect unless it has been so published.
- (c) A rule so made takes effect from the date of publication unless a later date is stipulated.

## 6. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE CCMA

### 6.1. CCMA'S INFORMATION OFFICER (IO)

Name: Acting Director (Mr. Xolani Nduna)

Tel: +2711 377 6633 (Thato Mkhwanazi: [thatomk@ccma.org.za](mailto:thatomk@ccma.org.za))

Email: [Xolanin@ccma.org.za](mailto:Xolanin@ccma.org.za)

### 6.2. DEPUTY INFORMATION OFFICERS (DIOs)

The table below sets out the names and contact information for all CCMA Deputy Information Officers as designated by the CCMA's Information Officer.

PROVINCIAL OFFICES	NAME	DESIGNATION	CONTACT INFORMATION
Head Office	Nolufefe Nyamezele (Acting)	Executive: Governance and Strategy.	E-Mail: <a href="mailto:NolufefeN@ccma.org.za">NolufefeN@ccma.org.za</a> Physical Address: 28 Harrison Street, Johannesburg, 2001 Postal Address: Private Bag X94, Marshalltown, 2107 Telephone: +27113776701
Head Office	Bongumusa Khumalo (Acting)	NSC: Dispute Prevention & Resolution (DP&R)	E-Mail: <a href="mailto:BongumusaK@ccma.org.za">BongumusaK@ccma.org.za</a> Physical Address: 28 Harrison Street, Johannesburg, 2001 Postal Address: Private Bag X94, Marshalltown, 2107 Telephone: +27136552619
Head Office	Mthembeni Ncanana	Executive: Corporate Services	E-Mail: <a href="mailto:MthembeniN@ccma.org.za">MthembeniN@ccma.org.za</a> Physical Address: 28 Harrison Street, Johannesburg, 2001 Postal Address: Private Bag X94, Marshalltown, 2107 Telephone: (011) 377 6667
Head Office	Zanele Hlophe	Chief Audit Executive	E-Mail: <a href="mailto:ZaneleH@ccma.org.za">ZaneleH@ccma.org.za</a> Physical Address: 28 Harrison Street, Johannesburg, 2001 Postal Address: Private Bag X94, Marshalltown, 2107 Telephone: (011) 377 6712

Head Office	Nkosikhona Nkosi	Chief Information Officer	E-Mail: <a href="mailto:NkosikhonaN@ccma.org.za">NkosikhonaN@ccma.org.za</a> Physical Address: 28 Harrison Street, Johannesburg, 2001 Postal Address: Private Bag X94, Marshalltown, 2107 Telephone: (011) 377 6692
Head Office	Asanda Mgaga	Senior Manager: Office of the Director	E-Mail: <a href="mailto:AsandaM@ccma.org.za">AsandaM@ccma.org.za</a> Physical Address: 28 Harrison Street, Johannesburg, 2001 Postal Address: Private Bag X94, Marshalltown, 2107 Telephone: (011) 377 6628
Gauteng	Mpumelelo Nconco	Provincial Senior Commissioner	Email: <a href="mailto:MpumeleloN@ccma.org.za">MpumeleloN@ccma.org.za</a> Physical Address: CCMA House, 127 Fox Street, Johannesburg, 2001 Postal Address: Private Bag X 94, Marshalltown, 2109 Telephone: (011) 845 9011 E-Mail: <a href="mailto:johannesburg@ccma.org.za">johannesburg@ccma.org.za</a>
Free State and Northern Cape	Lucky Moloi	Provincial Senior Commissioner	Email: <a href="mailto:Luckymo@ccma.org.za">Luckymo@ccma.org.za</a> Physical Address: 60 Park Rd, Willows, Bloemfontein, 9301  Postal Address: Private Bag X20705, Bloemfontein, 9300 Telephone: (051) 411 1700 E-Mail: <a href="mailto:blm@ccma.org.za">blm@ccma.org.za</a>
Eastern Cape	Mandy Coetzee	Provincial Senior Commissioner	Email: <a href="mailto:MandyC@ccma.org.za">MandyC@ccma.org.za</a> Physical Address: CCMA House, 107 Govan Mbeki Avenue, Port Elizabeth Postal Address: Private Bag X 22500, Port Elizabeth, 6000 Telephone: (041) 509 1000 E-Mail: <a href="mailto:pe@ccma.org.za">pe@ccma.org.za</a>
KwaZulu-Natal	Joanne Vermaak	Provincial Senior Commissioner (Acting)	Email: <a href="mailto:Joannev@ccma.org.za">Joannev@ccma.org.za</a> Physical Address: 1st & 3rd Floors, Aquasky Building, 275 Anton Lembede Street, Durban, 4001 Postal Address: Private Bag X54363, Durban, 4000 Telephone: 031-362-2300 E-Mail: <a href="mailto:kzn@ccma.org.za">kzn@ccma.org.za</a>
Limpopo	Morwa-Mapale Setlago	Provincial Senior Commissioner	Email: <a href="mailto:MorwaS@ccma.org.za">MorwaS@ccma.org.za</a> Physical Address: CCMA House, 104 Hans van Rensburg Street, Polokwane, 0699 Postal Address: Private Bag X 9512, Polokwane, 0700 Telephone: (015) 287 7400 E-Mail: <a href="mailto:ptb@ccma.org.za">ptb@ccma.org.za</a>

Mpumalanga	Marlies Dreyer	Provincial Senior Commissioner (Acting)	Email: <a href="mailto:Marliesd@ccma.org.za">Marliesd@ccma.org.za</a> Physical Address: 25 Samora Machel, Sanlam Centre Building, 7th Floor Nelspruit Postal Address: Private Bag X 7290, Witbank, 1035 Telephone: (013) 752 2155 Email: <a href="mailto:wtb@ccma.org.za">wtb@ccma.org.za</a>
North West	Elias Hlongwane	Provincial Senior Commissioner	Email: <a href="mailto:EliasH@ccma.org.za">EliasH@ccma.org.za</a> Physical Address: CCMA House, 47 Siddle Street, Klerksdorp, 2570 Postal Address: Private Bag X5004, Klerksdorp, 2571 Telephone: (018) 487 4600 E-Mail: <a href="mailto:kdp@ccma.org.za">kdp@ccma.org.za</a>
Western Cape	Vusumuzi Landu	Provincial Senior Commissioner	Email: <a href="mailto:VusumziL@ccma.org.za">VusumziL@ccma.org.za</a> Physical Address: CCMA House, 78 Darling Street, Cape Town, 8001 Postal Address: Private Bag X9167, Cape Town, 8000 Telephone: (021) 469- 0111 E-Mail: <a href="mailto:ctn@ccma.org.za">ctn@ccma.org.za</a>

### 6.3. ACCESS TO INFORMATION AND QUERIES RELATED TO PAIA & POPIA: GENERAL CONTACTS

Email:	<a href="mailto:PAIA@CCMA.org.za">PAIA@CCMA.org.za</a> / <a href="mailto:POPIA@CCMA.org.za">POPIA@CCMA.org.za</a>
<b>National / Head Office</b>	
Postal Address:	Private Bag X94, Marshalltown, 2107
Physical Address:	28 Harrison Street, Johannesburg, 2001
Telephone:	011 377 6600
Email Address:	<a href="mailto:HO@CCMA.org.za">HO@CCMA.org.za</a>
Website:	<a href="http://www.CCMA.org.za">www.CCMA.org.za</a>

## **7. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT IN TERMS OF PAIA**

### **7.1. THE REQUESTER CAN LODGE AN INTERNAL APPEAL WITH THE DIRECTOR OF THE CCMA**

The requester can lodge an appeal related to:

- 7.1.1. A decision not to grant access to a record or the deemed refusal;
- 7.1.2. The fee charged;
- 7.1.3. A decision to extend the time period to deal with the request; or
- 7.1.4. The CCMA refusing to grant the requester the record in the form that he/she requested.

### **7.2. THE PROCEDURE TO LODGE AN INTERNAL APPEAL IS AS FOLLOWS:**

- 7.2.1. The requester is to complete the relevant appeal form which is attached hereto as **Annexure B** and lodge his/her appeal within 60 days of receipt of the Deputy Information Officer's proposed decision to the Information Officer who will make a final decision on the appeal.
- 7.2.2. After completing the form, the requester must send the form to the relevant Deputy Information Officer either in person, via email using the details set out in section 6.2 above.
- 7.2.3. The requester must set out the grounds for the appeal in respect of each record sought.
- 7.2.4. A requester may request to be informed of the outcome of the appeal in any manner other than a written reply, for example, by e-mail or telephone, however the CCMA will still formally send an email as this constitute a written response.
- 7.2.5. The person appealing must supply their contact details and may also be required to pay an appeal prescribed fee.  
*(The fee is not payable when not asking for private information, the fee is currently R35 for public bodies.)*
- 7.2.6. The Deputy Information Officer must within 10 working days submit the internal appeal together with his/her reasons for declining the matter for final decision to the Information Officer as well as contact details of any third party that must be notified.
- 7.2.7. If the appeal is lodged after the expiry of the requisite period being 60 days, the Director may, upon good cause shown, allow the late lodging of the internal appeal. Should the Director refuse to condone the late lodging of the appeal, he/she will have to provide reasons for his/her decision.
- 7.2.8. The Director may confirm the decision appealed against or substitute a new decision for it. The decision pertaining to the appeal is to be made by the Director as soon as possible but within 30 days of receipt of the appeal by the Director.
- 7.2.9. In a case where the appeal is not granted the CCMA shall ensure that the information that is requested is preserved and no records will be deleted until a decision has been reached.

### **7.3. SHOULD THE REQUESTER NOT BE SATISFIED WITH THE DECISION OF THE DIRECTOR PERTAINING TO THE APPEAL, THE REQUESTER MAY APPLY TO COURT FOR RELIEF WITHIN 180 DAYS OF RECEIPT OF THE DIRECTOR'S DECISION.**

7.3.1. The court hearing an application may grant any order that is just and equitable, including orders-

- *Confirming, amending or setting aside the decision which is the subject of the application concerned;*
- *Requiring from the Information Officer or relevant authority of a public body or the head of a private body to take such action or to refrain from taking such action as the court considers necessary within a period mentioned in the order;*
- *Granting an interdict, interim or specific relief, a declaratory order or compensation;*
- *As to costs; or*
- *Condoning non-compliance with the 180-day period within which to bring an application, where the interests of justice so require.*

### **7.4. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THE PAIA ARE NOT COMPLIED WITH**

7.4.1. Any person may be criminally prosecuted should they conduct themselves in the following manner:

- *An Information Officer who wilfully or in a grossly negligent manner fails to comply with the provisions of section 14 commits an offence and is liable on conviction to a fine, or to imprisonment for a period not exceeding two years.*
- *A person who with intent to deny a right of access in terms of the PAIA destroys, damages, or alters a record; conceals a record; or falsifies a record or makes a false record.*
- *An aggrieved party may lodge a complaint with the Public Protector in respect of a right conferred or duty imposed by PAIA.*
- *The names of public bodies not complying with PAIA will be submitted by the Information Regulator to the National Assembly of Parliament in terms of section 84 of PAIA.*

## **8. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE MANUAL**

The CCMA has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be acquired by a person who wishes to exercise any right contemplated in PAIA and POPIA. The Manual is available in each of the official languages as determined by the institution and contains the following:

- 8.1.** The objectives of PAIA and POPIA
- 8.2.** The postal and street address, phone and fax number and, if available, electronic mail address of-
- 8.3.** The Information Officer of every public body, and every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>3</sup> and section 56 of POPIA<sup>4</sup>;

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<sup>3</sup> Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

<sup>4</sup> Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

#### 8.4. The manner and form of a request for-

- 8.4.1. Access to a record of a public body contemplated in section 115; and
  - 8.4.2. Access to a record of a private body contemplated in section 506;
  - 8.4.3. The assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
  - 8.4.4. The assistance available from the Regulator in terms of PAIA and POPIA;
  - 8.4.5. All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - 8.4.6. An internal appeal;
  - 8.4.7. A complaint to the Regulator; and
  - 8.4.8. An application to a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 8.5. The provisions of sections 14<sup>7</sup> and 51<sup>8</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 8.6. The provisions of sections 15<sup>9</sup> and 52<sup>10</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 8.7. The notices issued in terms of sections 22<sup>11</sup> and 54<sup>12</sup> regarding fees to be paid in relation to requests for access;
- 8.8. The regulations made in terms of section 92<sup>13</sup>.
- 8.9. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the CCMA, during normal working hours. The Guide can also be obtained:
- Upon request to the Information Officer;
  - From the website of the CCMA: <https://www.ccma.org.za/ccma-resources/>

## 9. DESCRIPTION OF THE SUBJECTS ON WHICH THE CCMA HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE CCMA

DEPARTMENT	UNITS	DOCUMENTS AVAILABLE ON REQUEST
Governance and Strategy	Business Research Intelligence Sub Unit	<ul style="list-style-type: none"><li>• Research reports conducted within the organisation as authorised for release by respective project leaders</li><li>• CCMA Arbitration awards and CCMA statistics, as approved for release by the Executive: Governance and Strategy and Director.</li></ul>
	Stakeholder Management and Projects Unit	<ul style="list-style-type: none"><li>• Business cases with strategic partners</li><li>• Memorandums of agreements with strategic partners</li></ul>

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<sup>5</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>6</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

a) that record is required for the exercise or protection of any rights;

b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and

c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>7</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>8</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>9</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>10</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>11</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>12</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>13</sup> Section 92(1) of PAIA provides that -"The Minister may, by notice in the Gazette, make regulations regarding-

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act."

	<b>Governance and Secretariat Services Unit</b>	<ul style="list-style-type: none"> <li>• Governance Policies</li> </ul>
	<b>Risk and Compliance Unit</b>	<ul style="list-style-type: none"> <li>• Risk and Compliance Management Frameworks</li> <li>• Manuals, policies and presentations regarding risk and compliance management training and awareness.</li> </ul>
<b>Essential Services Committee (ESC)</b>	<b>Essential Services Committee (ESC)</b>	<ul style="list-style-type: none"> <li>• ESC Case Recordings</li> <li>• ESC Government Gazette notices</li> </ul>
<b>Internal Audit</b>	<b>Internal Audit</b>	<ul style="list-style-type: none"> <li>• Internal audit reports and audit evidence</li> </ul>
<b>Corporate Services</b>	<b>Human Resources Unit</b>	<ul style="list-style-type: none"> <li>• Employment records</li> <li>• Training manuals</li> <li>• Salary structures</li> <li>• Employment Equity plan</li> <li>• Work on the Skills Development Act</li> </ul>
	<b>Administration &amp; Facilities Unit</b>	<ul style="list-style-type: none"> <li>• Vendors</li> <li>• Tenders</li> <li>• Rental agreements</li> <li>• Lease agreements</li> </ul>
	<b>Legal Services Unit</b>	<ul style="list-style-type: none"> <li>• Agreements and Contracts</li> <li>• Litigation Documents</li> </ul>
<b>Finance Department</b>	<b>Expenditure &amp; Management Accounting, Financial Accounting, Supply Chain Management</b>	<ul style="list-style-type: none"> <li>• Approved Annual and Mid-term Budget</li> <li>• ENE and MTEF submissions</li> <li>• Annual, Quarter and Monthly Financial Statements</li> <li>• Bids Documents</li> <li>• Any other financial records</li> </ul>
<b>Dispute Resolution</b>	<b>Training Development Unit</b>	Training Manuals
<b>CCMA provinces</b>	<b>CCMA provinces</b>	<ul style="list-style-type: none"> <li>• Case files</li> <li>• Provincial staff meeting minutes</li> <li>• Provincial commissioner meeting minutes</li> <li>• Statistics on settlement rates</li> <li>• Case load by province</li> <li>• Disputes by sector</li> </ul>
<b>Information, Communications and Technology Department</b>	<b>ICT Department</b>	<ul style="list-style-type: none"> <li>• Reports produced requiring consolidation, for example:</li> <li>• ICT project reports</li> <li>• Antivirus report service level agreement reports</li> <li>• Hardware/software procurement report</li> </ul>

## 10. PROCEDURE TO REQUEST ACCESS TO RECORDS HELD BY THE CCMA IN TERMS OF PAIA

- 10.1. A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002] (Form A) which form is attached to this manual as **Annexure A** and is available on the CCMA website (<https://www.ccma.org.za>) titled as **PAIA FORM – REQUEST FOR ACCESS TO RECORD**.
- 10.2. The requester may print the formal request form which is attached hereto as **Annexure A** and must fill all fields in the form. The form must be submitted to the Information Officer of the CCMA, or to the Deputy Information Officer in the province in which the requester resides. The request can also be emailed via the Paia generic email address via [paia@ccma.org.za](mailto:paia@ccma.org.za).
- 10.3. The requester must indicate if the request is for a copy of a record or if he/she wants to visit any of the offices to view
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- the sought-after record. Alternatively, if the record is not a document it can then be viewed in the requested form, where possible.
- 10.4.** If a person asks for access in a particular manner, then the requester should get access in the manner he/ she has asked for. This is unless doing so would interfere unreasonably with the running of the CCMA, or damage the record, or infringe a copyright not owned by the CCMA. If for practical reasons access cannot be given in the required manner, but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it.
  - 10.5.** The CCMA will acknowledge receipt of a request, in writing, within three (3) days of receipt thereof and advise within 30 (thirty) days as to whether the information requested is accessible and how and where the requester may collect it. Should a requester not receive an acknowledgement of receipt in writing within three (3) days, the requester should contact the Information Officer or the relevant Deputy Information Officer to ensure that the request has been received.
  - 10.6.** If, in addition to a written reply to their request for the record, the requester wants to be informed about the decision in any other way, e.g., by telephone, this must be indicated.
  - 10.7.** If a request for the access to information is made on behalf of somebody else, the capacity in which the request is being made should be indicated.
  - 10.8.** If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer or the Deputy Information Officer or the authorised person must then fill in the form on behalf of such a requester and give them a copy.
  - 10.9.** If the request is granted, then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
  - 10.10.** The Information Officer to whom a request for access has been made or transferred, may extend the period of 30 days referred to in section 25 (1) of PAIA once for a further period of not more than 30 days, if-
    - 10.10.1.** The request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the CCMA;
    - 10.10.2.** The request requires a search for records in, or collection thereof from, an office of the CCMA not situated in the same town or city as the office of the information officer receiving the request, and cannot reasonably be completed within the original period;
    - 10.10.3.** Consultation among divisions of the CCMA or with another public body is necessary or desirable to decide upon the request, which cannot reasonably be completed within the original period;
    - 10.10.4.** More than one of the circumstances contemplated above exists in respect of the request making compliance with the original period not reasonably possible; or the requester consents in writing to such extension.
  - 10.11.** Where a request is for access to records containing information which may or must be refused, every part of the record which does not contain such information and can reasonably be severed from parts that contain such information, must be disclosed (section 28);
  - 10.12.** A requester whose request for access to a record of the CCMA has been granted must, if the record exists in the language preferred, be given access in that language. If the record does not exist in the language preferred, the

record must be given in any language in which the record exists (Section 31).

- 10.13.** If a request is made on behalf of another person (natural or juristic), the requester must indicate the capacity in which he/she is related to the person and provide the CCMA with the person's consent to avail the requester of the requested information or a copy of the written mandate authorising the requester to act on behalf of that person must be submitted with the duly completed form. This is to ensure that the requester is not denied any access on the basis that the information is confidential. The requester must mention the format of the record that they have requested when making the request, so that the CCMA can effectively assist.
- 10.14.** In an event where a record cannot be found or do not exist, the requester has the right to receive a response in the form of an affirmation from the CCMA. The affidavit or affirmation must give a full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communications with every person who conducted the search on behalf of the Information Officer or Deputy Information Officer, provided such communication does not contain any confidential information or disclosure of same would not amount to breach of POPIA provisions.
- 10.15.** The Information Officer or DIO considering a request for access to a record that might be a record which: is for the disclosure of personal information about a third party, including a deceased individual (Section 34(1)); contains
- (a) trade secrets of a third party;
  - (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
  - (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected-(i) to put that third party at a disadvantage in contractual or other negotiations; or (ii) to prejudice that third party in commercial competition. 36 (1),
- 10.16.** The disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement; or (b) consists of information that was supplied in confidence by a third party→ (i) the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source; and (ii) if it is in the public interest that similar information, or information from the same source, should continue to be supplied.
- 10.17.** (Section 37 (1)) contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose→ (a) the third party; (b) a person that is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage.
- 10.18.** (Section 43 (1)) must take all reasonable steps to inform a third party to whom or which the record relates of the request.
- 10.19.** The Information Officer or DIO must inform a third party of the above as soon as reasonably possible, but in any event, within 21 days after that request is received or transferred; and by the fastest means reasonably possible.
- 10.20.** When informing a third party as contemplated in 10.12.1 above, the Information Officer or DIO must:
- a) state that he or she is considering a request for access to such a record, and describe the content of the record;
  - b) furnish the name of the requester;
  - c) describe the provisions of section of PAIA as they relate to the records as contemplated above in 19.12.1 (section 34 (1), 35 (1), 36 (1), 37 (1) or 43 (1));

- 10.21.** In any case where the Information Officer believes that the provisions of section 46 of PAIA might apply, describe those provisions, specify which of the circumstances referred to in section 46 (a) in the opinion of the Information Officer might apply and state the reasons why he or she is of the opinion that section 46 might apply; and
- 10.22.** State that the third party may, within 21 days after the third party is informed (i) make written or oral representations to the information officer why the request for access should be refused; or (ii) give written consent for the disclosure of the record to the requester.
- 10.23.** If a third party is not informed orally of a request for access in terms of subsection (1), the information officer must give a written notice stating the matters referred to in subsection (3) to the third party.

## **11. EXTENDED PERIOD FOR DEALING WITH REQUESTS DURING FIRST TWO YEARS**

**11.1.** The CCMA may extend the periods for dealing with requests during the first two years :

(1) For:

- a) 12 months from the date that Part 2 takes effect in respect of a public body;*
- b) 30 days in section 25 (1) and any other reference to that period in other provisions of this Act;*
- c) 30 days in section 49 (1) and any other reference to that period in other provisions of this Act, must be construed as a reference to 90 days in respect of that public body; and*
- (d) 12 months following the 12 months referred to in paragraph (a), the reference to:*

i) 30 days in section 25 (1) and any other reference to that period in other provisions of this Act;

(ii) 30 days in section 49 (1) and any other reference to that period in other provisions of this Act, must be construed as a reference to 60 days in respect of the public body concerned.

(2) The periods of 90 days and 60 days referred to in subsection (1) (a) and (b), respectively, may not be extended in terms of section 26.

(3) Parliament must, after a period of 12 months, but within a period of 18 months, after the commencement of this section, review the operation of this section.

## **12. GROUNDS OF GRANTING OR REFUSAL TO ACCESS RECORDS HELD BY THE CCMA IN TERMS OF PAIA**

The Deputy Information Officer of a public body may give access to a record if:

**12.1.** The requester complies with all the procedural requirements in sections 33 to 46 of PAIA.

The Deputy Information Officer of a public body may refuse a request for access to a record if:

**12.2.** The request is manifestly frivolous or vexatious; or

**12.3.** The work involved in processing the request would substantially and unreasonably divert the resources of the CCMA.

**12.4.** The CCMA reserves the right to refuse a request for access to a record of the organisation if its disclosure involves the unreasonable disclosure of Personal Information about a third party who is a natural person, unless such individual has consented in writing to such disclosure.

**12.5.** Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if the record contains –

- a) trade secrets of a third party;
- b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
- c) information supplied in confidence by a third party the disclosure of which could reasonably be expected –
  - i. to put that third party at a disadvantage in contractual or other negotiations; or
  - ii. to prejudice that third party in commercial competition.

**12.6** A record may not be refused in terms of subsection (1) insofar as it consists of information –

- a) already publicly available;
- b) about a third party who has consented in terms of section 48 or otherwise in writing to its disclosure to the requester concerned; or
- c) about the results of any product or environmental testing or other investigation supplied by a third party or the result of any such testing or investigation carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk.

**12.7** For the purposes of subsection (2)(c), of the Act the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.

## **13. MANDATORY PROTECTION OF SAFETY OF INDIVIDUALS, AND PROTECTION OF PROPERTY**

**13.1** The information officer of a public body:

- (a) must refuse a request for access to a record of the body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual; or
- (b) may refuse a request for access to a record of the body if its disclosure would be likely to prejudice or impair (i) the security of a building, structure or system, including, but not limited to, a computer or communication system;

The above-mentioned grounds also include grounds for refusal as provided in Chapter 4 of PART 2 of PAIA as stated in Section 34 to 46 of PAIA:

- (a) Mandatory protection of certain records of South African Revenue Service
- (b) Mandatory protection of commercial information of third party
- (c) Mandatory protection of certain confidential information, and protection of certain other confidential information, of third party
- (d) Mandatory protection of safety of individuals, and protection of property
- (e) Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings Mandatory protection of records privileged from production in legal proceedings
- (f) Defence, security and international relations of Republic Economic interests and financial welfare of Republic and commercial activities of public bodies
- (g) Mandatory protection of research information of third party, and protection of 20 research information of public body Operations of public bodies
- (h) Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources
- (i) Mandatory disclosure in public interest

**14. CATEGORIES OF RECORDS OF THE CCMA WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

DEPARTMENT	UNIT	DOCUMENTS AUTOMATICALLY AVAILABLE	AVAILABLE ON REQUEST	AVAILABLE ON WEBSITE
Governance and Strategy	Business Research Intelligence Sub-Unit	<b>Research Sub-Unit</b> <ul style="list-style-type: none"> <li>- Research reports conducted within the organisation as authorised for release by respective project leaders.</li> <li>- Labour market monitoring tools, such as dashboards, barometers, etc.</li> </ul> <b>Knowledge Management Sub-unit</b> <ul style="list-style-type: none"> <li>- Articles from Journals</li> <li>- CCMA Arbitration awards, as approved for release by the Executive: Governance and Strategy.</li> <li>- Selected Labour Court Judgments</li> <li>- Information sheets</li> </ul> <b>Communications Sub-unit:</b> <ul style="list-style-type: none"> <li>- Media Releases/Statements</li> <li>- Annual PAIA Manuals</li> </ul>	X   X  X X X	         X X
	Stakeholder Management and Projects Unit	<ul style="list-style-type: none"> <li>- List of CCMA Strategic Partners</li> <li>- CCMA strategic projects/events</li> </ul>	X X	
	Governance and Secretariat Services Unit	<ul style="list-style-type: none"> <li>- Governance Policies</li> </ul>	X	
	Risk and Compliance Unit	<ul style="list-style-type: none"> <li>- Risk and Compliance Management Frameworks</li> <li>- Manuals, policies and presentations regarding risk and compliance management training and awareness.</li> </ul>	X X	
	Planning and Performance Management Unit	<ul style="list-style-type: none"> <li>- Annual Reports</li> <li>- Annual Performance Reports</li> </ul>		X X
Essential Services Committee (ESC)		<ul style="list-style-type: none"> <li>- Applicable Policies and Standard Operating Procedures</li> <li>- List of ESC Designations</li> <li>- ESC LRA forms</li> <li>- Minimum service agreement guidelines</li> </ul>	X X  X	   X
Corporate Services	Human Resources Unit	<ul style="list-style-type: none"> <li>- All Human Resources policies and standard operating procedures</li> <li>- Vacancy Adverts</li> </ul>	X	 X
	Administration & Facilities Unit	<ul style="list-style-type: none"> <li>- All Administration policies and standard operating procedures</li> </ul>	X	

	<b>Legal Services Unit</b>	<ul style="list-style-type: none"> <li>- Contracts SOPs</li> <li>- Litigation SOPs</li> </ul>	<b>X</b>	
<b>Finance Department</b>	<b>Accounting Management</b>	<ul style="list-style-type: none"> <li>- All financial policies and standard operating procedures</li> <li>- Annual financial statements</li> </ul>	<b>X</b> <b>X</b>	
	<b>Supply Chain Management</b>	<ul style="list-style-type: none"> <li>- All Bid documents</li> <li>- Successful bids</li> <li>- Tender adverts</li> </ul>		<b>X</b> <b>X</b> <b>X</b>
	<b>Dispute Prevention and Resolution Units</b>	<ul style="list-style-type: none"> <li>- Dispute/Case referral forms</li> <li>- Information Sheets</li> <li>- Contact details of labour related institutions</li> <li>- Contact details of bargaining councils</li> <li>- Information on the status of case-related queries</li> <li>- Arbitration awards and rulings</li> <li>- Information on substantive issues based on the Labour Relations Act, Basic Conditions of Employment Act and Employment Equity Act.</li> </ul>	<b>X</b> <b>X</b>	<b>X</b> <b>X</b> <b>X</b>  <b>X</b>  <b>X</b>
<b>Dispute Resolution</b>	<b>Provincial requests</b>	<ul style="list-style-type: none"> <li>- Case referral forms</li> <li>- Information sheets</li> <li>- Case management report</li> <li>- Relevant CCMA statistics</li> <li>- All policies and standard operating procedures</li> </ul>	<b>X</b> <b>X</b>  <b>X</b> <b>X</b>	<b>X</b>
<b>Information, Communications and Technology Department</b>		<ul style="list-style-type: none"> <li>- All policies and standard operating procedures</li> </ul>	<b>X</b>	

## 15. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE CCMA AND HOW TO GAIN ACCESS TO THOSE SERVICES

### 15.1. NATURE OF SERVICES AVAILABLE TO THE PUBLIC

The services of the CCMA are schematically depicted in the table below.

DISPUTE PREVENTION & RESOLUTION DEPARTMENT	GOVERNANCE AND STRATEGY	STATUTORY BODIES LIAISON	ICT DEPARTMENT
<b>Commissioners</b> <ul style="list-style-type: none"> <li>- Conciliations</li> <li>- Arbitrations</li> <li>- Facilitations</li> <li>- Pre- Dismissals</li> <li>- Con/Arb processes</li> <li>- Workplace procedures</li> <li>- Effective workplace, trade union, employer and CCMA case screening training</li> <li>- CCMA Best Practice training and guidelines</li> <li>- National and provincial stakeholder discussion forums</li> </ul>	<b>Research Sub- Unit</b> <ul style="list-style-type: none"> <li>- Contribution to CCMA training programmes/ methodologies and training materials</li> <li>- Development of labour market –related dashboards and barometers.</li> <li>- Development of predictive models/predictive algorithms/forecasting models</li> <li>- Programme/ event evaluation studies</li> <li>- Climate studies</li> <li>- Benchmarking studies</li> <li>- Compilation of research articles</li> <li>-</li> </ul> <b>Business Knowledge Sub- Unit</b> <ul style="list-style-type: none"> <li>- Labour related publications and journals</li> <li>- Access to electronic libraries</li> <li>- Conducting Benchmarking visits</li> <li>- Training commissioners on online library links</li> </ul> <b>Communications Unit</b> <ul style="list-style-type: none"> <li>- Media statements</li> <li>- PAIA Manual</li> </ul>	<ul style="list-style-type: none"> <li>- Accreditation and subsidisation of bargaining councils and private agencies</li> <li>- Training, facilitation and monitoring of bargaining councils and private agencies</li> <li>- Supervising of ballots for unions and employer organisations</li> <li>- Demarcation disputes</li> <li>- Establishment of workplace forums and statutory councils</li> </ul>	<ul style="list-style-type: none"> <li>- ICT Infrastructure for online hearings</li> <li>- CCMA's Online Case management System</li> <li>- CCMA Connect</li> <li>- CCMA InfoHub</li> <li>- E-Referral</li> </ul>

To gain access to the above services at the CCMA, requests must be sent to the following email address: [PAIA@CCMA.ORG.ZA](mailto:PAIA@CCMA.ORG.ZA)



## **15.2. DUTY TO ASSIST REQUESTERS THROUGH TRANSFER OF REQUESTS**

In line with Section 19 and Section 20 of the PAIA, the CCMA will ensure that incoming requests for records or information of other public bodies are redirected to the relevant institution or public body. In addition to this, a notification will be sent to the requester informing them of redirection

## **16. DEFERRED ACCESS**

In a case whereby a requester requests information which has not been officially published, the CCMA will capture the request and respond in writing notifying the requester that the information they have requested has not yet been made official.

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

Members of the public who have any queries or concerns regarding the CCMA and would like to participate in the formulation of policy, would have to apply through the Director of the CCMA or contact any member of the CCMA's social partners under whose constituency such member resorts. For example, if a member of the public were a trade unionist, he/she would have to refer the matter to the constituency that represents labour.

## **18. PROCESSING OF PERSONAL INFORMATION**

### **18.1. PURPOSE OF PROCESSING**

In terms of POPIA, Personal Information must be processed for a specified purpose. The purpose for which Personal Information is processed by the CCMA will depend on the nature of the Personal Information and the particular data subject. This purpose is generally disclosed, explicitly or implicitly, at the time the data is collected. Personal Information is mostly processed for purposes of dispute referrals by users, the on-boarding of clients and suppliers, service or product delivery, records management, security, employment and related matters.

The CCMA requires Personal information relating to both natural and juristic persons in order to carry out its operations and statutory mandate. The CCMA accordingly has a legitimate purpose for collecting personal information and generally consent is not required. The manner in which Personal Information is processed and the purpose for which it is processed is determined by the CCMA. Accordingly, the CCMA is a Responsible Party for purposes of POPIA.

### **18.2. DATA SUBJECT RIGHTS**

Data subjects have the right:

- 18.2.1. To be notified that their Personal Information is being collected by CCMA.
- 18.2.2. To be notified in the event of a data breach;
- 18.2.3. To know whether the CCMA holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;

- 18.2.4. Request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- 18.2.5. Object to CCMA's use of their Personal Information for an illegitimate purpose and request the deletion of such Personal Information
- 18.2.6. Object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- 18.2.7. Complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal Information.

### **18.3. CCMA POPIA/PAIA CONSENT**

Where consent is required for marketing of CCMA training and events, or for sharing of information in terms of the Personal Protection of Information Act 4 of 2013 the data subject may consent to the collection, storage and management of personal information by completing the consent form and submitting it to [popia@ccma.org.za](mailto:popia@ccma.org.za). The CCMA takes the protection of personal information seriously and is committed to complying with the Personal Protection of Information Act as and when they perform their duties in this regard. By way of signing the consent form (Annexure E), the data subject agrees to the terms of this consent form, and expressly consents to the processing of your information for the intended purpose of your engagement with the organisation. The data subject is entitled to correct personal information provided and may withdraw consent at any time.

### **18.4. CIRCUMSTANCES IN WHICH THE CCMA WILL PROCESS PERSONAL INFORMATION – FULFILMENT OF STATUTORY OBLIGATIONS IN TERMS OF THE CONSTITUTION AND LABOUR STATUTES<sup>14</sup>**

- 18.4.1. The CCMA is an administrative tribunal, as confirmed by the Constitutional Court, and as such falls within the meaning of “tribunal” as referred to in section 12(2)(d)(iii) and section 18(4)(c)(iii) of POPIA. These subsections provide that it is not necessary for the CCMA to collect Personal Information directly from the data subject where the collection of data from another source is necessary for the conduct of proceedings at the CCMA that have commenced or are reasonably contemplated, nor is it necessary for the CCMA to notify the data subject of the information required in terms of section 18(1) in these circumstances.
- 18.4.2. In terms of section 10 of POPIA, Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive. Section 11 of POPIA provides that Personal Information may be processed if this is necessary for the proper performance of a public law duty by a public body. The CCMA is a public body that performs a duty in terms of the South African Constitution, and the processing of this Personal Information is therefore legally permitted.
- 18.4.3. Section 15 of POPIA provides that further processing of Personal Information must be in accordance or compatible with the purpose for which it was collected. The CCMA is required by law to engage in further processing of Personal

<sup>14</sup> The CCMA acquires jurisdiction from the following labour statutes: Basic Conditions of Employment Act 75 of 1997; Labour Relations Act 66 of 1995; National Minimum Wage Act 9 of 2018; Employment Equity Act 55 of 1998; Skills Development Act 97 of 1998; Occupational Health and Safety Act 85 of 1993.

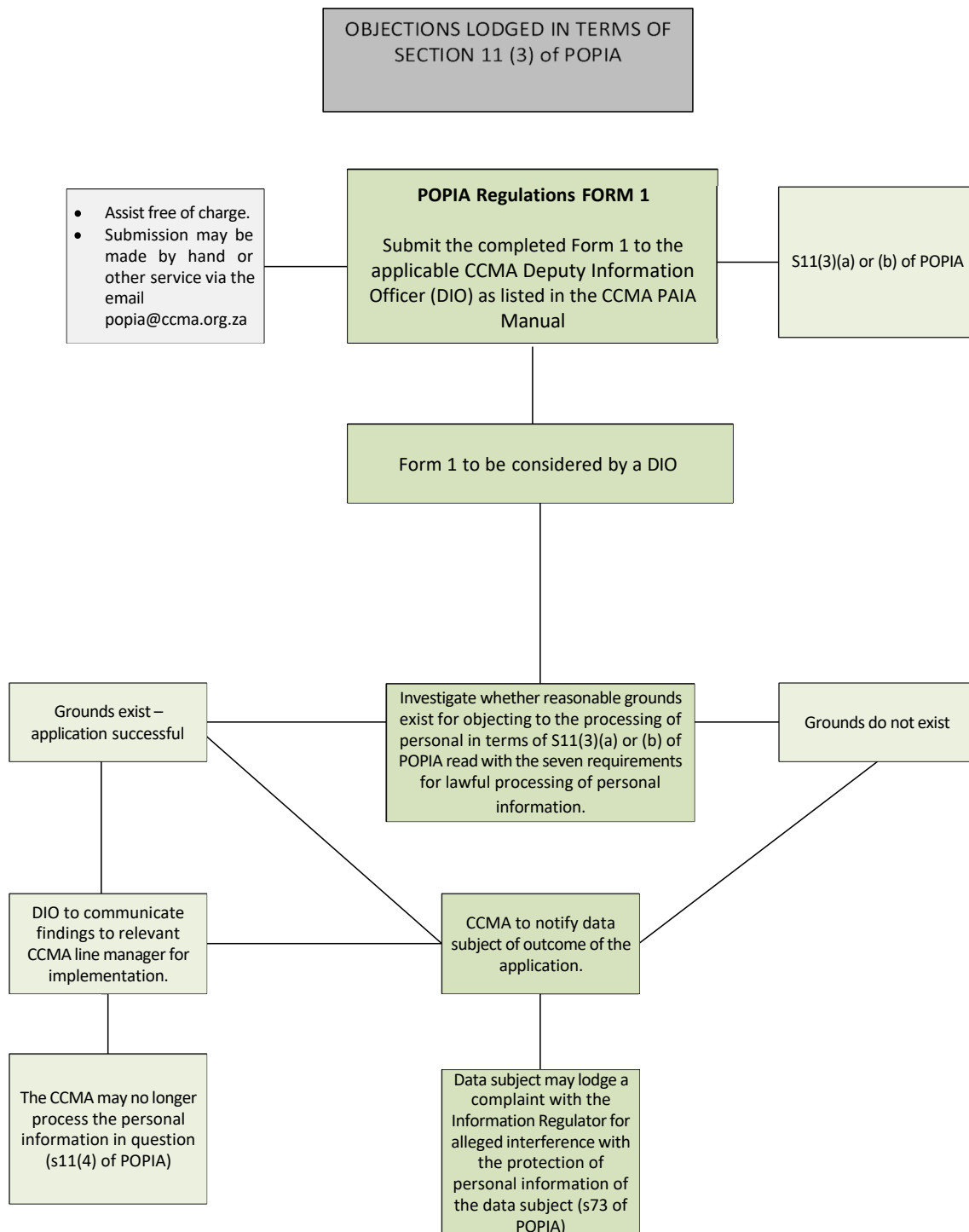
Information for purposes including the conducting of dispute resolution hearings and the issuing of arbitration awards and rulings.

- 18.4.4. The CCMA may process special personal information (relating to the types of information referred to in section 26 of POPIA) if the data subject consents to that processing, or the processing is necessary for the establishment, exercise or defence of a right or obligation in law, or where the information has deliberately been made public by the data subject, provided that the relevant provisions of POPIA are complied with.

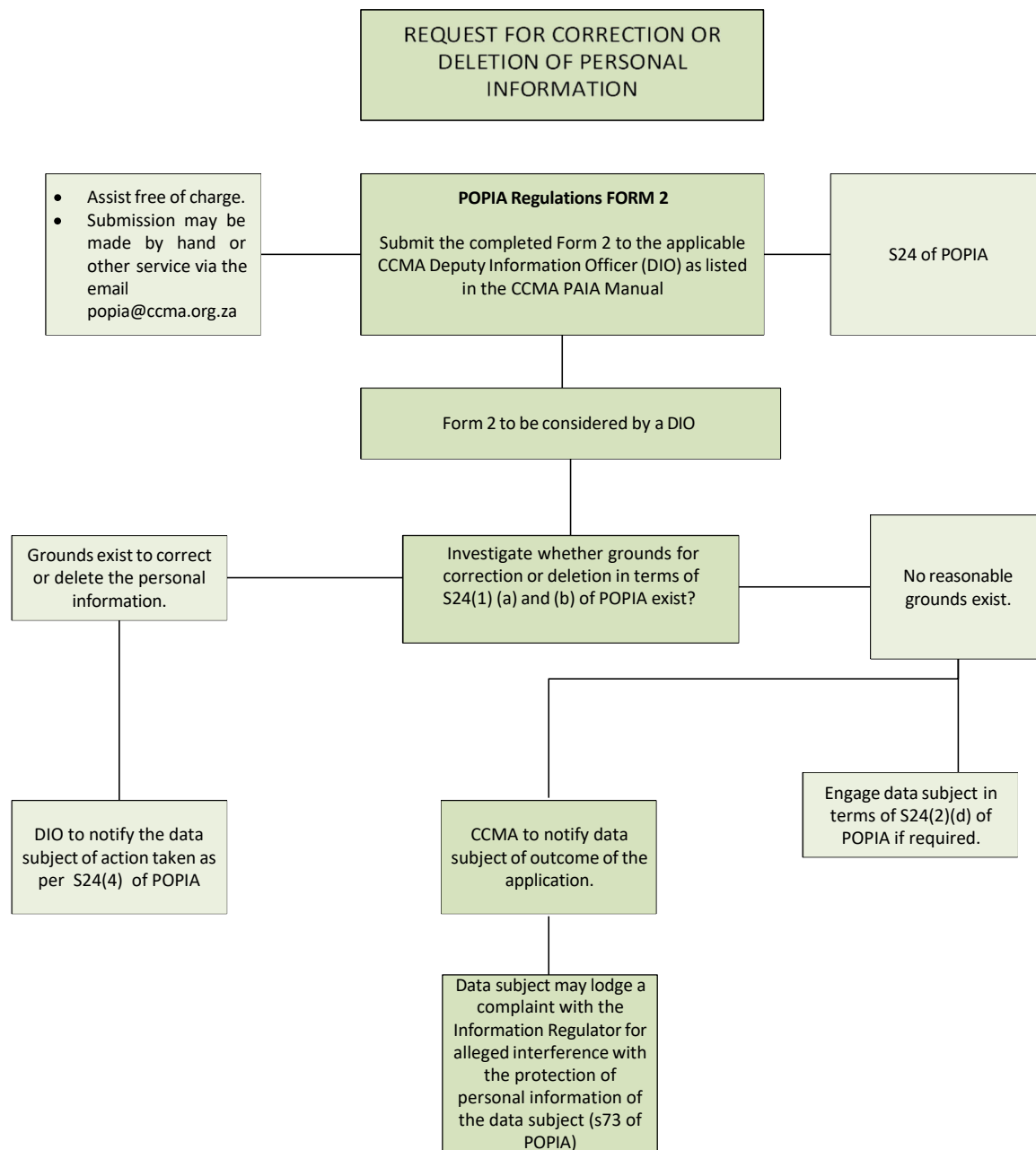
## **18.5. ACCESS TO PERSONAL INFORMATION**

- 18.5.1. POPIA provides that a data subject may, upon proof of identity, request the responsible party to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.
- 18.5.2. POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, the responsible party must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.
- 18.5.3. POPIA provides that a data subject may object, at any time, to the processing of Personal Information by the CCMA, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as **Annexure C** and submit it to the Information Officer or Deputy Information Officer at the postal or physical address, facsimile number or electronic mail address set out above. See the process flow for the lodging of objections in terms of section 11 of POPIA included under 13.4 below.
- 18.5.4. A data subject may also request the CCMA to correct or delete Personal Information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of Personal Information about the data subject that the CCMA is no longer authorised to retain records in terms of POPIA's provisions relating to the retention and restriction of records. See the process flow to request the correction or deletion of Personal Information in terms of section 24 of POPIA included under 13.5 below.
- 18.5.5. A data subject that wishes to request a correction or deletion of Personal Information or the destruction or deletion of a record of Personal Information must submit a request to the Information Officer or Deputy Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as **Annexure D** also available on the website (<https://www.ccma.org.za>) titled **PAIA FORM – REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION**.

## 18.6. PROCESS FLOW – OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA



## 18.7. PROCESS FLOW - REQUEST TO CORRECT OR DELETE PERSONAL INFORMATION IN TERMS OF POPIA



## 18.8. DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO

- 18.8.1. Employees / personnel of the CCMA;
- 18.8.2. Families or relatives of employees;
- 18.8.3. Stakeholder / users of the CCMA;
- 18.8.4. Any third party with whom the CCMA conducts its business services with;
- 18.8.5. Contractors of the CCMA.

Suppliers / Service Providers of the CCMA. Categories of Data Subjects	Personal Information that may be Processed
Natural Persons - Users	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Persons – Strategic stakeholders, Contractors, Suppliers/ Users	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information
Employees, Governing Body Members	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

#### **18.9. THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED**

Read with section 10.8 of this manual, depending on the nature of the data, the CCMA may supply information or records to the following categories of recipients:

- 18.9.1. Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- 18.9.2. Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e. the Public Protector);
- 18.9.3. South African Revenue Services, or another similar authority;
- 18.9.4. Any person making a successful application for access in terms of PAIA; and
- 18.9.5. Any person who conducts business with the CCMA, in the ordinary course of business i.e. contractors, users etc.
- 18.9.6. A third party that obtains knowledge about a request for access other than in terms of section 71(1)- may (a) make written or oral representations to the Deputy Information Officer or (b) give written consent for the disclosure of the record to the requester.

#### **18.10. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION**

- 18.10.1. In instances where the CCMA may need to transfer a data subject's information to other persons in countries outside South Africa, the CCMA will fully comply with applicable data protection legislation as these countries may not have data-protection laws which are similar to those of South Africa.
- 18.10.2. Where there is a need to transfer Personal Information, the CCMA shall strive to promote access to data and information and related services and avoid the creation of unjustified barriers to the international exchange of data and information.
- 18.10.3. In compliance with regulations and policies, the CCMA shall strive to ensure transparency of information, computer and communications services affecting trans-border data flows.

- 18.10.4. CCMA will endeavour to ensure that its Service Providers and third parties will make all reasonable efforts to secure data and Personal Information via contractual clauses or notices in agreements and otherwise.
- 18.10.5. Furthermore, the CCMA shall implement a set of measures aimed at safeguarding individuals (data subjects) from harm, resulting from the computerised or manual processing of their personal information by data controllers.
- 18.10.6. The CCMA will not transfer Personal Information about a data subject to a third party who is in a foreign country unless—
- 18.10.6.1. The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that—
- Effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of Personal Information relating to a data subject who is a natural person and, where applicable, a juristic person; and
  - Includes provisions that are substantially similar to this section, relating to the further transfer of Personal Information from the recipient to third parties who are in a foreign country; or
  - The data subject consents to the transfer; or
  - The transfer is necessary for the performance of a contract between the data subject and the responsible party, or for the implementation of pre-contractual measures taken in response to the data subject's request; or
  - The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; or the transfer is for the benefit of the data subject, and
  - It is not reasonably practicable to obtain the consent of the data subject to that transfer; and
  - If it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

## **18.11. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES**

- 18.11.1. The CCMA must ensure that there are processes in place to guide the information officer in its reporting to the Regulator any suspected and unauthorised access to personal information.
- 18.11.2. The CCMA will ensure the security, integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent—
- (a) loss of, damage to or unauthorised destruction of personal information;
  - (b) unlawful access to or processing of personal information;
  - (c) unauthorised destructions to individuals, their personal information, and or property.
- 18.11.3. In order to give effect to the requirement set out above and specifically under Condition 7 (Security Safeguards) of POPIA, the CCMA will take reasonable measures to—
- (a) identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;
  - (b) establish and maintain appropriate safeguards against the risks identified;
  - (c) regularly verify that the safeguards are effectively implemented; and
  - (d) ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

- 18.11.4. Furthermore in compliance with POPIA the CCMA will have due regard to generally accepted information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and regulations.
- 18.11.5. The CCMA has set of tools and processes used to ensure that sensitive data is not lost, misused, or accessed by unauthorized users. Tools monitor and control endpoint activities, filter data streams on the network, and monitor data to protect data at rest, in motion and in use including the following:

- **User Access Review:** Administrative access rights are reviewed on an ongoing basis.
- **Awareness:** Employee education arguably has the greatest impact in protecting data and securing information systems within, ICT provides Quarterly IT security tips educate users
- **AD clean-up & User Account Termination:** Monthly user account termination review
- **Targeted Threat Protection Solution** - ICT implemented targeted threat protection features or modules, to protect the CCMA against targeted threats such Phishing.
- **User Data Storage:** Data is stored on SharePoint and folders with restricted access.
- **Firewalls:** monitors incoming and outgoing network traffic and decides whether to allow or block specific traffic based on a defined set of security rules;
- **Penetration testing:** Active third party testing is conducted once a year to determine the degree in which a malicious attacker can gain unauthorized access to our assets;
- **Malware protection:** Antivirus with Adaptive Threat protection;
- **Vulnerability assessment:** Monthly technical review of infrastructure to evaluate if systems are susceptible to any known vulnerabilities and recommends remediation or mitigation;
- **Password controls:** CCMA employees are required to reset or change password on a regular basis;
- **Patch updates:** CCMA ICT ensures that software and operating systems are patched with the latest security and operational patches from the vendors. These updates contain patches that resolve the latest known exploits and vulnerabilities.
- **BitLocker:** Provides an encryption to protect data in local machines, in the event of the laptop being stolen.
- **Customer Data Protection:** Client data (CCMA and BC) is protected within secured database.
- **Latest Antivirus Updates:** Installed to ensure that systems are as safe as possible against virus outbreaks.
- **Backup Storage:** CCMA ICT performs daily backups of data.
- **Intrusion Assessment:** Firewall reports are assessed monthly, to determine potential network security threats.
- **Secure CCMA Infrastructure:** CCMA ICT monitors the infrastructure and triggers alerts when anomalous activities are detected. Trend analysis reports are generated, network traffic is monitored, system performance is reported on and monitor systems are tracked.
- **Security policies and procedures:** These are in place and serve to define and regulate the acceptable use of information by employees, independent contractors and other personnel.
- **Physical access controls:** The access controls are in place and enable the CCMA to keep track of who has accessed the server rooms.
- **File sharing:** Sending confidential or personal information online can be worrisome. ICT has implemented OneDrive, whereby a user has to acquire a password to access a shared link. This prevents unauthorised access to files if the recipient forwards or shares the link.
- **Email protection of sensitive information:** Microsoft Office 365 solution to encrypt emails, limit access to protected emails by not allowing the recipient of the email to share the email or forward.



## **19. AVAILABILITY OF THE MANUAL**

### **19.1. THIS MANUAL WILL BE MADE AVAILABLE IN THE FOLLOWING OFFICIAL LANGUAGES-**

- English;
- Afrikaans
- IsiZulu

### **19.2. A COPY OF THIS MANUAL OR THE UPDATED VERSION THEREOF, IS ALSO AVAILABLE AS FOLLOWS-**

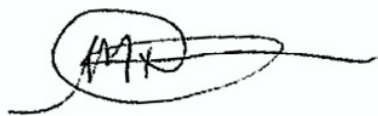
- On the website of the CCMA ([www.CCMA.org.za](http://www.CCMA.org.za));
- At the Head Office (National Office) of the CCMA for public inspection during normal business hours;
- To any person upon request and upon the payment of a reasonable prescribed fee; and
- To the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## **20. UPDATING OF THE MANUAL**

The CCMA will update and publish, if necessary, this Manual annually.

**Issued by**



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**ACTING CCMA DIRECTOR AND THE CCMA'S ACTING INFORMATION OFFICER (IO)**  
**MR. XOLANI NDUNA**

## B. PRESCRIBED FEES FOR PUBLIC BODIES

### PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002 FEES IN RESPECT OF PUBLIC BODIES

Section 22(1) of PAIA states that fees payable for access to records of the CCMA are to be prescribed.

1.1 A requester who seeks access to any record may be required to pay a fee, unless an exempted, as referred to in paragraph 1.2 below.

1.2 The requester does not need to pay an access fee to a public body as per Government Notice R991 of 14 October 2005 if: -

1.2.1 *He or she is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than **R14 712** a year, or*

1.2.2 *He or she is married and the joint income with his or her partner, after permissible deductions, such as PAYE and UIF, is less than **R27 192** per year.*

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

#### Fees in Respect of Public Bodies

Type of copy requested	Fees
For every photocopy of an A4-size page or part thereof	R1,50
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R1,50
For a copy in a computer-readable form on Stiffy disc	R5,00
For a copy in a computer-readable form on Compact disc	
If provided by the requester	R40,00
If provided to the requester	R60, 00
For a transcription of visual images, for an A4-size page or part thereof	R22,00
For a copy of visual images	R60,00
For transcription of an audio record, for an A4-size page or part thereof	R24,00
For a copy of an audio record	
1. Flash Drive (to be provided by the requester)	R40,00
2. Compact Disc	
If provided by the requester	R40,00
If provided to the requester	R60,00

#### Fees in respect of Private Bodies

Type of copy requested	Fees
For every photocopy of an A4-size page or part thereof (black and white)	R2,00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R2,00
For a copy in a computer-readable form on Stiffy disc	R10,00
For a copy in a computer-readable form on Compact disc	
If provided by the requester	R40,00
If provided to the requester	R60, 00
For a transcription of visual images, for an A4-size page or part thereof	R22,00

For a copy of visual images	R60,00
For transcription of an audio record, for an A4-size page or part thereof	R24,00
For a copy of an audio record	
1. Flash Drive (to be provided by the requester)	R40,00
2. Compact Disc	
If provided by the requester	R40,00
If provided to the requester	R60,00
To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R 145,00
To not exceed a total cost of	R435,00

4. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R100, 00.

5. The access fees payable by a requester referred to in regulation 7(3) (1) (f) are as follows:

- 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.

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

- Six hours as the hours to be exceeded before a deposit is payable, and
- One third of the access fee is payable as a deposit by the requester.

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

## C. PRESCRIBED FORMS FOR ACCESS TO A RECORD OF A PUBLIC BODY

The form to be utilised for purposes of submitting a request to the CCMA is ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002 – FORM A. This form is further attached to this Manual as ANNEXURE A.

### ANNEXURE A

#### 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 2]

#### FOR DEPARTMENTAL USE

Reference number:

Request received by:.....

(state rank, name and surname of information office / 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: .....

#### B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- (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 the 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: .....

**\*\*The request must be accompanied by a consent letter**

### D. PARTICULARS OF RECORD

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

*(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

Description of record or relevant part of the record: .....

Reference number (if available): .....

Any further particulars of record: .....

### E. FEES

*(a) A request for access to a record, other than 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 therefor.*

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 – 4 hereunder, 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'.*

*(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.*

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

- ☐ copy of record\*
- ☐ inspection of record\*

2. If record consists of visual images:

This includes photographs, slides, video recordings, computer-generated images, sketches, etc.

- ☐ view the images\*
- ☐ copy of the images\*
- ☐ transcription of the images\*

3. If record consists of recorded words or information which can be reproduced in sound:

- ☐ listen to the soundtrack (audio cassette) \*
- ☐ transcription of soundtrack (written or printed document) \*

4. If record is held on computer or in an electronic or machine-readable form:

- ☐ printed copy of record\*
- ☐ printed copy of information derived from the record\*
- ☐ copy in computer-readable form (stiffy or compact disc, memory stick) \*

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 on this day of .....

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF THIS REQUEST IS MADE.....

# ANNEXURE B

## FORM B

### NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 8]

**STATE YOUR REFERENCE NUMBER: .....**

**A. Particulars of public body**

**The Information Officer/Deputy Information Officer:**

**B. Particulars of requester/third party who lodges the internal appeal**

- a) The particulars of the person who lodge the internal appeal must be given below.

b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.

c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

**Full names and Surname:.....**

**Identity number:**

--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Postal address :.....**

**Telephone number: (.....).....**

**Fax number: (.....) .....**

**E-mail address:.....**

**Capacity in which an internal appeal on behalf of another person is lodged:.....**

**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

**Full Names and Surname:**

\_\_\_\_\_

**D. Identity Number:**

\_\_\_\_\_

**E. The decision against which the internal appeal is lodged**

**Mark the decision against which the internal appeal is lodged with an X in the appropriate box:**

	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

**F. Grounds for appeal**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

**State the grounds on which the internal appeal is based:**

.....  
.....  
.....  
.....  
.....

**State any other information that may be relevant in considering the appeal:**

.....  
.....  
.....  
.....



# ANNEXURE C

## FORM C

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017  
[Regulation 2(1)]

**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 (if the responsible party is a natural):	
Residential, postal or business address:	
	Code (      )
Contact number(s):	
Fax number:	
E-mail address:	

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

Signed at ..... this ..... day of ..... 20.....

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

# ANNEXURE D

## FORM D

### REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

#### REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017

[Regulation 3(2)]

Note:

3. Affidavits or other documentary evidence in support of the request must be attached.
4. 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 (if the responsible party is a natural person).	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number:	
E-mail address:	

THE CCMA'S POPIA & PAIA MANUAL 2024/25

## FOR SUBMISSION TO THE SOUTH AFRICAN INFORMATION REGULATOR

[paia@ccma.org.za](mailto:paia@ccma.org.za) / [popia@ccma.org.za](mailto:popia@ccma.org.za)

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:	
<b>C</b>	<b>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)</b>

\* Delete whichever is not applicable

Signed at ..... this ..... day of ..... 20.....

.....  
Signature of Data subject



THE CCMA'S POPIA & PAIA MANUAL 2024/25  
**FOR SUBMISSION TO THE SOUTH AFRICAN INFORMATION  
REGULATOR**

[paia@ccma.org.za](mailto:paia@ccma.org.za) / [popia@ccma.org.za](mailto:popia@ccma.org.za)

ANNEXURE E

**APPLICATION FROM A DATA SUBJECT GRANTING CONSENT FOR THE PROCESSING OF PERSONAL  
INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE  
PROTECTION OF PERSONAL INFORMATION ACT (POPIA) NO.4 OF 2013**

[Regulation 6]

**PART A: Please provide your details:**

FROM : \_\_\_\_\_

EMAIL: \_\_\_\_\_

TO:

CCMA National Office Deputy Information Officer (DIO) for queries related to the processing of personal information related to direct marketing other than direct marketing by means of unsolicited electronic communication as referred to in section 69 of POPIA:

**Nolufefe Nyamezele**

Executive: Governance and Strategy (Acting)

**National Office: Deputy Information Officer (DIO)**

Commission for Conciliation, Mediation and Arbitration

[popia@ccma.org.za](mailto:popia@ccma.org.za)

**PART B:**

I, \_\_\_\_\_

(full names of data subject) from \_\_\_\_\_ (state the Province) hereby **give my consent** to receive direct marketing of the below listed products/services to be marketed by means of electronic communication: Kindly delete any you do not wish to receive.

- CCMA Quarterly Newsletter
- CCMA Reports (Annual report/ Annual Performance Plans)
- Invitations to stakeholder engagements or CCMA events
- Training & Outreach interventions
- Surveys
- Media Alerts
- Notices

**SPECIFY METHOD OF PREFERRED COMMUNICATION:**

☐

Email

☐

Mobile Application; CCMAConnect

☐

CCMA Website

OTHER METHODS – SPECIFY: \_\_\_\_\_

Signed at ..... this ..... day of .....20.....

.....Signature of data subject

For any direct queries related to POPIA, please email the CCMA's designated POPIA email address on [popia@ccma.org.za](mailto:popia@ccma.org.za)