

## **WATER RESEARCH COMMISSION**

### **PAIA MANUAL**

**This manual was prepared in accordance with section 14 of the Promotion of Access to Information Act No. 2 of 2000 (as amended) and to address requirements of the Protection of Personal Information Act No. 4 of 2013**

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## FOREWORD BY THE CEO

The Water Research Commission (WRC) upholds the Constitution and the Bill of Rights. Section 32(1)(a) of the Constitution provides that everyone has the right of access to any information held by the State.

Section 14 of the Constitution, 1996, provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information. The Constitution places a duty upon the State to respect, protect, promote and fulfil the rights in the Bill of Rights.

In terms of its preamble, the Promotion of Access to Information Act (Act No. 2 of 2000) (PAIA) seeks to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

The spirit and purpose of the Protection of Personal Information Act (Act No. 4 of 2013) (POPIA) is to regulate, in harmony with international standards, the processing of personal information by public and private bodies in a manner that gives effect to the right to privacy, subject to justifiable limitations that are aimed at protecting other rights and important interests.

To this end the WRC, in compliance with PAIA, as amended<sup>1</sup>, has prepared this PAIA Manual to facilitate the public's access to information held by the WRC, while fulfilling the POPIA requirements for protection of personal information to give effect to the Constitutional right to privacy. Minimum requirements are established to ensure safeguarding of personal information when processed by the WRC, and also provide persons with rights and remedies to protect their personal information.

The purpose of the manual is to provide information that shall enable a person to understand the functions of the WRC and the records in its custody, ensuring that those with that information shall be able to identify the records they want and the procedure to follow to request access to such records.

I am confident that this manual will, amongst others, promote the principles of accountability and transparency by providing the public with timely, accessible and accurate information held by the WRC within the limitations provided for in terms of PAIA and POPIA.

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<sup>1</sup>Promotion of Access to Information Amendment Act, 2002, Protection of Personal Information Act, 2013, and Promotion of Access to Information Amendment Act, 2019

## 1. GLOSSARY OF TERMS

In this Manual, unless the context otherwise indicates:

DEFINITION	INTERPRETATIONS
<b>Access fee</b>	It means a fee prescribed for the purpose of section 22(6) or 54(6) of PAIA, as the case may be.
<b>Application</b>	It means an application to a court in terms of section 78 of PAIA.
<b>Information officer</b>	In the case of any other public body, it means the Chief Executive Officer, or equivalent officer, of that public body or the person who is acting as such.
<b>Information Regulator</b>	It means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013.
<b>Internal appeal</b>	It means an internal appeal to the WRC in terms of section 74 of PAIA.
<b>Personal information</b>	As outlined in terms of POPIA, Chapter 1 section 1 ( <i>a–h</i> )— it means information relating to an identifiable natural person, including, but not limited to, information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other assigned to the person.
<b>Public body</b>	Any department of state or administration in the national or provincial sphere of government or any other functionary or institution when— (i) exercising power or performing a duty in terms of the Constitution or a provincial constitution; or (ii) exercising public power or performing a public function in terms of any legislation.
<b>Record</b>	In relation to, a public or private body, it means any recorded information— (a) regardless of form or medium; (b) in the possession or under the control of that public or private body, respectively; and (c) whether or not it was created by that public or private body, respectively.

<b>Request for access</b>	In relation to a public body, means a request for access to a record of a public body in terms of section 11 of PAIA.
<b>Requester</b>	(section 1 of PAIA): in relation to— (a) a public body, means— (i) any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or (ii) a person acting on behalf of the person referred to in subparagraph (i).
<b>Third party</b>	In relation to a request for access to a record of a public body, it means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than the requester concerned and a public body.
<b>Transfer</b>	In relation to a record, means transfer in terms of section 20(1) or (2) of PAIA, and “transferred” has a corresponding meaning.

<b>CONCEPT AND ACRONYM</b>	<b>DEFINITION</b>
<b>Board</b>	A governing authority of the Water Research Commission established in terms of the Water Research Act; the Accounting Authority as per the Public Finance Management Act
<b>CEO</b>	Chief Executive Officer of the WRC
<b>DIO</b>	Deputy Information Officer
<b>IO</b>	Information Officer
<b>WRA</b>	Water Research Act of 1971, as amended
<b>WRC</b>	Water Research Commission established in terms of the Water Research Act

## 2. PURPOSE OF THE MANUAL

2.1 The purpose of this Manual is to—

**(in so far as PAIA is concerned)**

(a) provide the members of the public with information regarding—

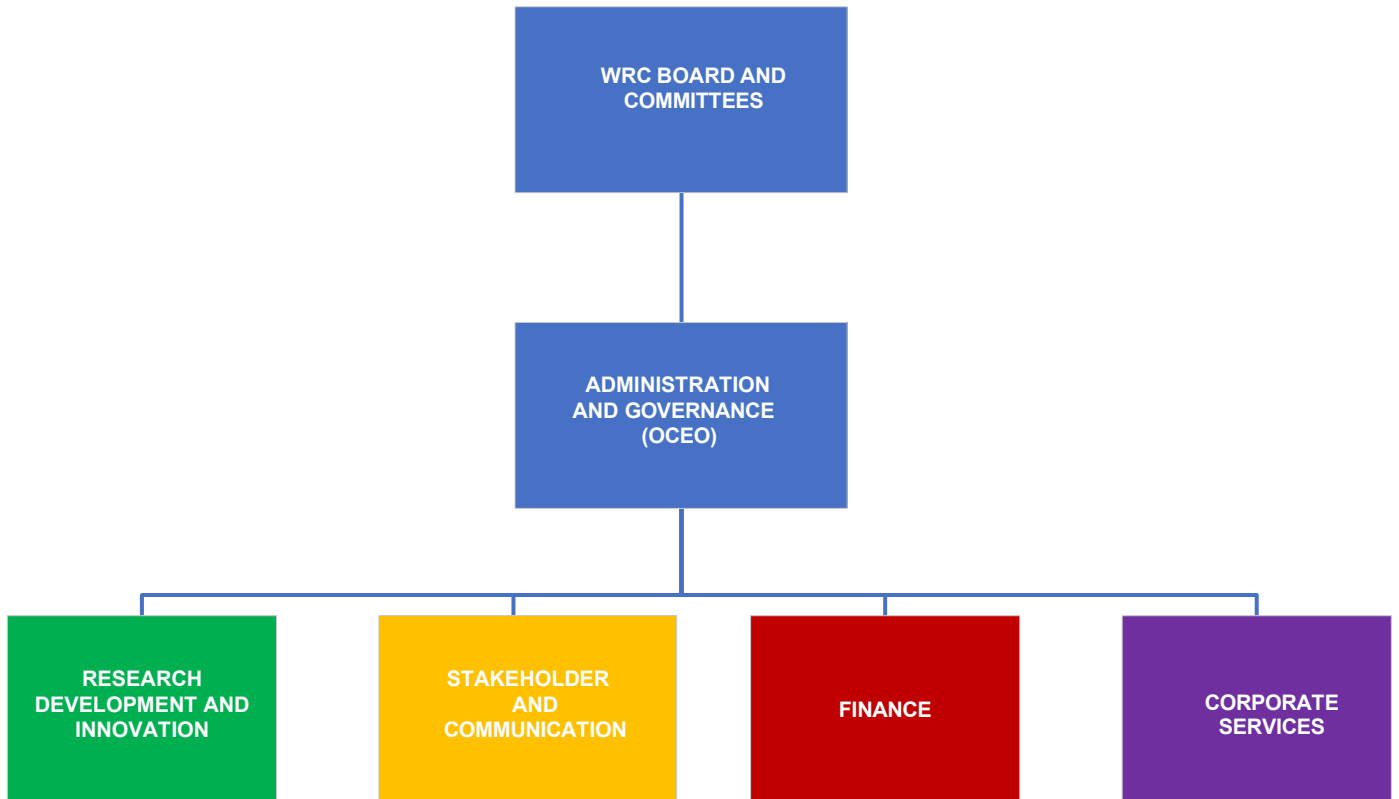
- i. a description of the WRC structure and functions;
- ii. the postal and street address, phone and fax number and, if available, electronic mail address of the information officer of the body and of every deputy information officer of the body designated in terms of section 17(1) of PAIA;
- iii. description of all remedies available in respect of an act or a failure to act by the body; and
- iv. details to facilitate a request for access to a record held by the WRC, as well as a description of the subjects on which the WRC holds records and the categories of records held on each subject;
- v. the categories of records of the WRC which are available without a requester having to request access in terms of this Act;
- vi. services available to members of the public from the WRC and how to gain access to those services; and

**(in so far as POPIA is concerned)**

(b) provide the members of the public with information regarding—

- i. the purpose of the processing of personal information;
- ii. a description of the categories of data subjects and of the information or categories of information relating thereto;
- iii. the recipients or categories of recipients to whom the personal information may be supplied;
- iv. planned transborder flows of personal information; and
- v. a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.

### 3. STRUCTURE OF THE WRC



### 4. POWERS, DUTIES AND FUNCTIONS OF THE WRC

4.1 In terms of the Water Research Act, 1971, the mandate of the WRC is to coordinate and promote, as determined by the Minister or in broad outline, research in respect of—

- (a) the occurrence, preservation, conservation, utilisation, control, supply, distribution, purification, pollution, and reclamation of water supplies and water; and
- (b) the use of water for—
  - i. agricultural purposes;
  - ii. industrial purposes;
  - iii. urban purposes.

4.2 In executing its mandate, the functions of the commission shall be—

- (a) to cause, by itself or in collaboration with the Council for Scientific and Industrial Research established by section 2 of the Scientific Research Council any State department, university or other institution, research to be undertaken in respect of matters relating to water;
- (b) to promote the research referred to in section 2(3), and in connection therewith to establish research programmes or to alter research programmes so established;
- (c) to make grants, with the approval of the Minister, and on such conditions as the Minister may

approve (including conditions relating to rights regarding inventions and discoveries arising therefrom) from the fund to individuals, universities and other institutions for the benefit of such research, the development work for the application of the results of such research and the establishment of facilities for such research;

- (d) to receive and to examine progress reports on such research and the development work for the application of the results of such research;
- (e) to obtain information relating to such research and to development work for the application of the results of such research;
- (f) to accumulate, to assimilate and to disseminate knowledge in regard to the results of such research and the application thereof, and to promote development work for the purposes of such application;
- (g) to co-operate with institutions undertaking such research in other countries, with a view to the accumulation or dissemination of knowledge of such research and the results thereof;
- (h) to advise the Minister in respect of the levying of rates or charges under section 11 of the WRA;
- (i) to take such other measures as the commission may consider conducive to the attainment of its objects.

## **5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE WRC**

### **5.1 Information Officer**

Name: Dr Jennifer Molwantwa

Tel: (012) 761 9323

Email: [jenniferm@wrc.org.za](mailto:jenniferm@wrc.org.za)

### **5.2 Deputy Information Officers**

Name: Dr Valerie Naidoo

Tel: (012) 761 9338

Email: [valerien@wrc.org.za](mailto:valerien@wrc.org.za)

Name: Mr Thabani Kunene

Tel: (012) 761 9391

Email: [thabanik@wrc.org.za](mailto:thabanik@wrc.org.za)

Name: Mr Sthembiso Shabangu

Tel: (012) 761 9387

Email: [sthembisos@wrc.org.za](mailto:sthembisos@wrc.org.za)

Name: Ms Nicolene Viviers



Tel: (012) 761 9372

Email: [nicolenev@wrc.org.za](mailto:nicolenev@wrc.org.za)

Name: Adv. Fransis Phelelani Khumalo

Tel: (012) 761 9392

Email: [phelelanik@wrc.org.za](mailto:phelelanik@wrc.org.za)

Name: Dr Stanley Liphadzi

Tel: (012) 761 9320

Email: [stanleyl@wrc.org.za](mailto:stanleyl@wrc.org.za)

### 5.3 Access to information general contact

Email: [pairequests@wrc.org.za](mailto:pairequests@wrc.org.za)

### 5.4 National Head Office

Physical address:

Water Research Commission

2<sup>nd</sup> Floor, Bloukrans Building, Lynnwood Bridge

4 Daventry Street, Lynnwood Manor, Pretoria

Postal address:

Private Bag X03

Gezina

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## 6. REMEDIES AVAILABLE IF PROVISIONS OF PAIA ARE NOT COMPLIED WITH OR IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE WRC

6.1 If the WRC fails to comply with the provisions of PAIA, the requestor or any aggrieved person may, in accordance with section 78 of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA), approach the Court with jurisdiction for appropriate relief.

6.2 If the requester or third party is aggrieved by the decision of the Information Officer, he or she may, by way of an application, and within 180 days, apply to a court for appropriate relief in terms of section 82 of PAIA.

### 6.3 Internal remedies

6.3.1 An internal appeal—

(a) must be lodged in the prescribed form—

i. within 60 days;

- ii. if notice to the third party is required by section 49(1)(b), within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken;
- (b) must be delivered or sent to the information officer of the public body concerned at his or her address, fax number or electronic mail address;
- (c) must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;
- (d) if, in addition to written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;
- (e) if applicable, must be accompanied by the prescribed appeal fee referred to in subsection (3); and
- (f) must specify a postal address or fax number.

6.3.2 If an internal appeal is lodged after the expiry of the period referred to in subsection (1)(a), the WRC must, upon good cause shown, allow the late lodging of the internal appeal.

6.3.3 If the WRC disallows the late lodging of the internal appeal, he or she must give notice of that decision to the person that lodged the internal appeal.

6.3.4 A requester lodging an internal appeal against the refusal of his or her request for access must pay the prescribed appeal fee.

6.3.5 The decision on the internal appeal may be deferred until the fee is paid.

#### **6.4 Notice to and representations by other interested parties**

6.4.1 If the WRC is considering an internal appeal against the refusal of a request for access to a record contemplated in section 34(1), 35(1), 36(1), 37(1) or 43(1), the authority must inform the third party to whom or which the record relates of the internal appeal, unless all necessary steps to locate the third party have been unsuccessful.

6.4.2 The WRC must inform a third party in terms of subsection (1)—

- (a) as soon as reasonably possible, but in any event within 30 days after the receipt of the internal appeal; and
- (b) by the fastest means reasonably possible.

6.4.3 When informing a third party of subsection (1), the WRC must—

- (c) state that he or she is considering an internal appeal against the refusal of a request for access to a record contemplated in section 34(1), 35(1), 36(1), 37(1) or 43(1), as the case may be, and describe the content of the record and the provisions of section 34(1), 35(1), 36(1), 37(1) or 43(1), as the case may be;
- (d) furnish the name of the appellant;
- (e) in any case where that authority believes that the provisions of section 46 might apply, describe those provisions, specify which of the circumstances referred to in section 46(a) in the opinion of the head might apply and state the reasons why he or she is of the opinion that section 46 might apply; and

(f) state that the third party may, within 21 days after the third party is informed, make written representations to the authority why the request for access should not be granted.

6.4.4 If a third party is informed orally of an internal appeal in terms of subsection (1), the WRC must, on request, give a written notice stating the matters referred to in subsection (3) to the third party.

6.4.5 A third party that is informed of an internal appeal in terms of subsection (1), may within 21 days after the third party has been informed, make written representations to the WRC why the request for access should not be granted.

6.4.6 A third party that obtains knowledge about an internal appeal other than in terms of subsection (1) may—

- (a) make written or oral representations to the WRC why the request for access should be refused; or
- (b) give written consent for the disclosure of the record to the requester concerned.

6.4.7 If the WRC is considering an internal appeal against the granting of a request for access, the authority must give notice of the internal appeal to the requester concerned.

6.4.8 The WRC must—

- (a) notify the requester concerned in terms of subsection (7) as soon as reasonably possible, but in any event within 30 days after the receipt of the internal appeal; and
- (b) state in that notice that the third party may within 21 days after notice is given, make written representations to that authority why that request should be granted.

6.4.9 A requester to whom or which notice is given in terms of subsection (7) may within 21 days after that notice is given, make written representations to the WRC why the request for access should be granted.

6.4.10 The WRC will make a decision with reasons within 30 days of receipt thereof and communicate same to the appellant.

6.4.11 In the event that WRC has not granted the internal appeal it must inform the appellant, third party or requester, as the case may be, that they may lodge an application with a court against the decision on internal appeal:

- (a) within 180 days; or
- (b) if notice to a third party is required by subsection (4)(a)(ii), within 180 days, after notice is given, and the procedure for lodging the application; and

6.4.12 If the WRC decides on an internal appeal to grant a request for access, and notice to a third party—

- (a) is not required by subsection (4)(a)(ii), the information officer of the body must forthwith give the requester concerned access to the record concerned; or
- (b) is so required, the information officer must, after the expiry of 30 days after the notice is given to every third party concerned, give the requester access to the record concerned, unless an application with a court is lodged against the decision on internal appeal before the end of the period contemplated in subsection (5)(c)(ii) for lodging that application.

## 7. A GUIDE ON HOW TO USE PAIA AND POPIA

- 7.1 The Information Regulator has, in terms of section 10 of PAIA, prepared and made available a guide on how to use PAIA and POPIA.
- 7.2 The guide is available in all official languages on the Information Regulator's website <https://inforegulator.org.za/paia-guidelines/> or at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 or by request sent to PO Box 31533, Braamfontein, Johannesburg, 2017.

## 8. CATEGORIES OF RECORDS HELD BY THE WRC

- 8.1 Records held by the WRC are generated through each of its Branches, Divisions and projects, through the core operations processes and through the Governing Board.
- 8.2 Each Branch, Division and project of the WRC generates substantive records which relate specifically to the outputs and outcomes of the project and operational records in the course of organisational operations.
- 8.3 Certain records are acquired in the course of work of the WRC and in certain instances records are received from the Department of Water and Sanitation, local and international stakeholders, government bodies and institutions.
- 8.4 WRC records are categorized as follows:
- (a) internal operations records such as memoranda, minutes, agenda, and reports;
  - (b) confidential documents containing personal information of employees and Board Members;
  - (c) policies and procedure manuals;
  - (d) research reports and data;
  - (e) strategic documents, e.g., Strategic Plan, Annual Performance Plans; and
  - (f) third party information (information relating to external stakeholders and service providers e.g. Service Level Agreements, Memoranda of Understanding and Memoranda of Agreement).
  - (g) publications (information published on the website).
- 8.5 The WRC reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where the WRC no longer has possession of such record..
- 8.6 The WRC also reserves the right to create new categories of records where this is necessary. This Manual will be updated to reflect changes in categories of records accordingly.
- 8.7 **Categories of records that may be subject to the grounds for refusal of access to records**
- 8.7.1 The records listed in the categories below may be formally requested, but access to parts

of these records or the whole record may be refused on legal grounds listed in sections 33 to 46 and sections 62 to 70 of PAIA. Please refer to the Information Regulator's PAIA Manual on how to use PAIA.

8.7.2 The WRC further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources.

8.7.3 Access will also be refused where requests are clearly frivolous and/or vexatious.

8.7.4 However, the Information Officer or Deputy Information Officer(s) of the WRC may grant a request for access to a record of the WRC, if—

- (a) the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law; and
- (b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal of access to records.

Category of record	On request form only
Security-related information	X
WRC internal communiqués	X
Records held by Legal and Auxiliary Services	X
Executive Management internal confidential communication	X
Research conducted by service providers for the WRC or programmes subject to contractual exemptions on disclosure	X
Confidential client communications	X
Asset disclosures and asset protection procedures	X
Service Level Agreements	X
Memoranda of Agreement and Memoranda of Understanding	X
Certain tender documentation	X
Agendas and minutes of meetings and correspondence	X
Draft reports, policies and discussion documents	X
Invoices and proof of payments	X
Certain forensic reports	X

**9. RECORDS OF THE WRC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS, IN TERMS OF SECTION 15(2) OF PAIA**

Category	Document type	Website
Tenders	Advertised bids	X
Knowledge Hub/projects (SASTEP)	Initiatives, projects, demo projects, calls for proposals	X
RDI opportunities	Requests for expression of interest, calls for research proposals, approved research themes/topics	X
WRC corporate documents	Annual Reports, Strategic Plans	X
E-Tools	Software	X

**10. PROCEDURE FOR ACCESS TO RECORDS HELD BY THE WRC**

- 10.1 Section 18 of PAIA prescribes the procedure to be followed in making a request for access to information held by the WRC. Section 23(1) of POPIA also provides the procedure to access personal information. The manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA.
- 10.2 A requester or data subject must use the prescribed form, Form 2, when requesting access to a record or personal information. Form 2 is annexed hereto.
- 10.3 A requester is any person making a request for access to a record of the WRC and, in this regard, PAIA distinguishes between two types of requesters for access to information, i.e., personal requester (data subject) and other requester.
- 10.4 A data subject is a requester who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject.
- 10.5 Subject to the provisions of PAIA and POPIA, the WRC will provide the requested information, or give access to any record with regard to the data subject's personal information within a reasonable time (at a prescribed fee, if any), in a reasonable manner and format, and in a form that is generally understandable.
- 10.6 The prescribed fee for reproduction of the personal information requested will be charged by the WRC.
- 10.7 A person falling in the category of 'other requester' is entitled to request access to information pertaining to third parties. However, the WRC is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.
- 10.8 Mandatory protection of research information is provided under PAIA to prevent unauthorised access, ensuring confidentiality, intellectual property rights, and ethical compliance. The WRC must safeguard research data from disclosure unless explicitly required by law or justified under public interest exemptions.

In terms of section 43 of PAIA—

- (a) The information officer may refuse a request for access to a record if the record contains information about research being or to be carried out by or on behalf of a public body, the disclosure of which would be likely to expose the public body to serious disadvantage.

## **11. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE WRC AND HOW TO GAIN ACCESS TO THOSE SERVICES**

- 11.1 The WRC effectively undertakes its mandate by prioritising water research as informed by the needs of the water sector and related stakeholders.
- 11.2 Supported projects are related to the entire water cycle.
- 11.3 The Research Development and Innovation (RDI) agenda and projects of the WRC are aimed at making a meaningful contribution to addressing water security and socio-economic challenges in South Africa while enabling the country to have an innovation-driven water and sanitation sector.
- 11.4 The RDI programme consists of five thematic areas through which new knowledge creation, innovation development, and capacity building is pursued, namely water availability, water use, water quality and health, water advisory support, and knowledge services.
- 11.5 To access various research reports, please go to our website, <https://www.wrc.org.za/>, click 'Resources and Tools' and then click 'Knowledge Hub'.

## **12. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY WRC**

- 12.1 The WRC makes available to the public the research, development and innovation (RDI) opportunities calling upon Young Engineers 'Changemakers' (YECF); researchers; research institutions; institutions of higher learning; and private parties to make proposals on various approved research themes and innovation programmes.
- 12.2 To access the calls for proposals, please go to the WRC website <https://www.wrc.org.za/opportunities/>

## **13. PROCESSING OF PERSONAL INFORMATION**

### **13.1 Purpose of processing of personal information of data subjects by the WRC**

- 13.1.1 The WRC processes personal information of data subjects under its care in the following ways:

- (a) Fulfilling or executing its statutory obligations under PAIA and POPIA, through—

- i. causing research to be undertaken in respect of matters relating to water;
  - ii. promoting the research referred to in section 2(3), and in connection therewith to establish research programmes or to alter research programmes so established;
  - iii. making grants, with the approval of the Minister, and on such conditions as the Minister may approve (including conditions relating to rights regarding inventions and discoveries arising therefrom), from the fund to individuals, universities and other institutions for the benefit of such research, the development work for the application of the results of such research and the establishment of facilities for such research;
  - iv. receiving and examining progress reports on such research and the development work for the application of the results of such research;
  - v. obtaining information relating to such research and to development work for the application of the results of such research;
  - vi. accumulation, assimilation and dissemination of knowledge in regard to the results of such research and the application thereof, and promotion of development work for the purposes of such application; and
  - vii. co-operation with institutions undertaking such research in other countries, with a view to the accumulation or dissemination of knowledge of such research and the results thereof – for this purpose WRC enters into memoranda of agreements and memoranda of understanding with institutions.
- (b) administration of staff and job applicants;
  - (c) keeping of accounts and records;
  - (d) procurement processes;
  - (e) recording details of visitors to the premises of the WRC;
  - (f) Complying with other relevant legislations, such as the Water Research Act, PFMA and Regulations under it, and National Treasury Instruction Notes.

### 13.2 Categories of data subjects and their personal information

The WRC may process records relating to suppliers, shareholders, contractors, service providers, staff and clients:

Categories of data subjects	Personal information that may be processed
Researchers (natural persons)	Names and surname; contact details (contact number(s), fax number, email address); residential, postal or business address; unique identifier/identity number, and confidential correspondence
Research institutions, institutions of higher learning, local municipalities	Names of contact persons; name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address) and registration number
Intermediary / advisor / consultant	Names of contact persons; name of entity; physical and postal address and contact details (contact number(s), fax number, email address); registration number
Contracted service provider	Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax-related information; authorised signatories, broad-based black economic empowerment (B-BBEE)



	status, affiliate entities, business strategies
Employees / Members / Board and Committee Members	Employees / Members / Board and Committee Members

### 13.3 Rights of data subjects

13.3.1 A data subject has the right to have his, her or its personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3, including the right—

- (a) to be notified that—
  - i. personal information about him, her or it is being collected as provided for in terms of section 18; or
  - ii. his, her or its personal information has been accessed or acquired by an unauthorised person as provided for in terms of section 22 of POPIA;
- (b) to establish whether a responsible party holds personal information of that data subject and to request access to his, her or its personal information as provided for in terms of section 23;
- (c) to request, where necessary, the correction, destruction or deletion of his, her or its personal information as provided for in terms of section 24 of POPIA;
- (d) to object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its personal information as provided for in terms of section 11(3)(a) of POPIA;
- (e) to object to the processing of his, her or its personal information—
  - i. at any time for purposes of direct marketing in terms of section 11(3)(b) of POPIA; or
  - ii. in terms of section 69(3)(c) of POPIA;
- (f) not to have his, her or its personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69(1) of POPIA;
- (g) not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such person as provided for in terms of section 71 of POPIA;
- (h) to submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74 of POPIA; and
- (i) to institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information as provided for in section 99.

### 13.4 Consent, justification and objection

13.4.1 Personal information may only be processed if—

- (a) the data subject or a competent person where the data subject is a child consents to the processing;
- (b) processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
- (c) processing complies with an obligation imposed by law on the responsible party;

- (d) processing protects a legitimate interest of the data subject;
- (e) processing is necessary for the proper performance of a public law duty by a public body; or
- (f) processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

13.4.2 The responsible party bears the burden of proof for the data subject's or competent person's consent as referred to in section 11(1)(a) of POPIA.

13.4.3 The data subject or competent person may withdraw his, her or its consent, as referred to in section 11(1)(a) of POPIA, at any time, provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information in terms of section 11(1)(b) to (f) of POPIA will not be affected.

13.4.4 A data subject may object, at any time, to the processing of personal information:

- (a) in terms of section 11(1)(d) to (f) of POPIA, in the prescribed manner, on reasonable grounds relating to his, her or its particular situation, unless legislation provides for such processing; or
- (b) for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications as referred to in section 69 of POPIA.

13.4.5 If a data subject has objected to the processing of personal information in terms of section 11(3) of POPIA, the responsible party may no longer process the personal information.

### **13.5 Objection to the processing of personal information**

13.5.1 A data subject who wishes to object to the processing of personal information in terms of section 11(3)(a) of POPIA, must submit the objection to the WRC on Form 1.

13.5.2 The WRC, or a designated person, will render such reasonable assistance as is necessary, free of charge, to enable the data subject to make an objection on Form 1.

### **13.6 Request for correction or deletion of personal information or destruction or deletion of record of personal information**

13.6.1 A data subject who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information in terms of section 24(1) of POPIA, must submit a request to the responsible party on Form 2.

13.6.2 The responsible party, or a designated person, must render such reasonable assistance, as is necessary, free of charge, to enable a data subject to complete Form 2.

### **13.7 The recipients or categories of recipients to whom the personal information may be supplied by the WRC**

13.7.1 The WRC may supply the personal information of data subjects to the Employees of the WRC, as part of executing its statutory mandate.

13.7.2 The WRC may supply the personal information of data subjects to the service providers

who render the following services:

- (b) capturing and organising of personal information;
- (c) storing of personal information;
- (d) sending of emails and other correspondence to the public;
- (e) conducting due diligence checks;
- (f) conducting criminal checks;
- (g) conducting qualification verifications;
- (h) forensic investigation and any other investigation relating to the activities of the WRC;
- (i) payroll;
- (j) leave management;
- (k) financial management;
- (l) auditing;
- (m) administration of the Provident, Pension Funds and medical aids; and
- (n) ICT infrastructure.

13.7.3 The WRC may also supply the personal information of data subjects to—

- (a) any person whose personal information is a subject of a request for access to information in terms of PAIA;
- (b) any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction;
- (c) law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigation; and
- (d) to Courts, in respect of any matter taken on judicial review.

### **13.8 Planned transborder flows of personal information**

13.8.1 The WRC has not planned transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the WRC will ensure that anyone to whom it passes personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection, and that the third party agrees to treat that personal information with the same level of protection as the WRC is obliged to under POPIA.

13.8.2 Any transfer of personal information across borders shall be with the data subject's consent; however should it not be reasonably practicable to obtain the data subject's consent, the WRC shall transfer the personal information if—

- (a) it will be for the data subject's benefit; and
- (b) the data subject would have given consent should it have been reasonably practicable to obtain such consent.

### **13.9 General description of information security measures**

13.9.1 The WRC continuously establishes and maintains appropriate, reasonable technical and organisational measures to prevent—

- (a) loss of, damage to or unauthorised destruction of personal information; and
- (b) unlawful access to or processing of personal information.

13.9.2 The WRC has taken reasonable measures, as contained in paragraph 13.9.3 below, 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.

#### 13.9.3 Measures taken by the WRC include, amongst others—

- (a) access control;
- (b) data encryption;
- (c) defensive measures;
- (d) robust monitoring, auditing and reporting capabilities;
- (e) data backups;
- (f) anti-virus and anti-malware solutions;
- (g) awareness and vigilance; and
- (h) agreements concluded with operators to implement security controls.

#### 13.9.4 In compliance with section 22 of POPIA, the WRC will notify the Information Regulator and the data subject in the event where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person:

- (a) unless the identity of such data subject cannot be established;
- (b) the notification must be in writing and communicated to the data subject.

## 14. PRESCRIBED FEES

14.1 Section 22(1) of PAIA states that fees payable for access to records of the WRC are to be prescribed. The prescribed fees are as set out in Annexure B, attached hereto.

14.2 A requester who seeks access to any record may be required to pay a fee, unless an exempted, as referred to in paragraph 14.3 below.

14.3 The requester does not need to pay an access fee to a public body if—

- 14.3.1 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
- 14.3.2 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.

## 15. AVAILABILITY OF THE MANUAL

15.1 The Manual of the WRC is made available in at least three official languages. A copy will be available:

- 15.1.1 on the website of the WRC at <https://www.wrc.org.za/>;
- 15.1.2 at the Head Office of the WRC for public inspection during normal business hours;
- 15.1.3 to any person upon request and upon the payment of a reasonable amount.

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

## 16. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

- 16.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available.
- 16.2 Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.


## 17. DISPOSAL OF RECORDS

- 17.1 The WRC reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.
- 17.2 Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.
- 17.3 In accordance with section 24(1) of POPIA, the WRC may, upon receipt of the request from a data subject—
  - 17.3.1 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
  - 17.3.2 destroy or delete a record of personal information about the data subject that the WRC is no longer authorised to retain in terms of section 14 of POPIA.

## 18. UPDATING OF THE MANUAL

- 18.1 The WRC will, if necessary, update and publish this Manual annually.
- 18.2 This Manual replaces the Manual dated September 2022.

**Issued by**

  
Jennifer Molwantwa (May 12, 2025 08:38 GMT+2)  

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**DR JENNIFER MOLWANTWA**  
**CHIEF EXECUTIVE OFFICER**

30.03.2025

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**DATE**



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