PROMOTION OF ACCESS TO INFORMATION ACT

MANUAL IN TERMS OF SECTION 14

in respect of

AGRICULTURE SECTOR EDUCATION AND TRAINING AUTHORITY (AGRISETA)

1 INTRODUCTION

This Manual is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

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

2 AGRISETA OVERVIEW

AgriSETA is defined in the Act as a public entity, which encompass any department of state or administration in the national or provincial sphere of government or any other function or institution thereof which exercises a power or performs a duty in terms of the Constitution or exercises a public power or performs a public function in terms of any legislation.

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

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

- Supporting the development and improvement of skills development interventions;
- Providing an assurance of quality in education and training;
- Enhancing access to learning opportunities;
- Encouraging active employer participation;
- Supporting the objectives of the Employment Equity Act; and
- Addressing the needs of the South African labour market including that of employers, workers; and small, medium and micro enterprises.

3 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.agriseta.co.za) or by sending a request for a copy to the AgriSETA Information Officer or Deputy by e-mail. The Manual may also be obtained from our office, the South African

Human Rights Commission ("SAHRC") at the address set out below or from the Government Printers.

4 UPDATING OF MANUAL

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

5 FUNCTIONS AND STRUCTURE OF AGRISETA

- **Functions of AgriSETA**

The functions of AgriSETA are *inter alia* to:-

- develop a sector skills plan within the framework of the national skills development strategy;
- implement its sector skills plan by establishing learnerships, approving workplace skills plans, allocating grants as well as monitoring education training in the sector;
- promote learnerships by identifying workplaces for practical work experience, supporting the development of learning materials, improving the facilitation of learning and assisting in the conclusion of learnership agreements;
- register learnership agreements;
- obtain accreditation from the South African Qualifications Authority;
- collect and disburse the skills development levies in its sector;
- liaise with the National Skills Authority on the national skills development policy, the national skills development strategy as well as its sector skills plan;
- report to the Director-General of Higher Education and Training on its income and expenditure as well as the implementation of it sector skills plan;
- liaise with the employment services of the Department of Labour and any other educational body established under any law regulating education in the Republic of South Africa to improve information about employment opportunities and information between education training providers and the labour market;
- appoint staff necessary for the performance of its functions; and
- perform any other duties imposed by the Skills Development Act and the Skills Development Levies Act or consistent with the purposes thereof.

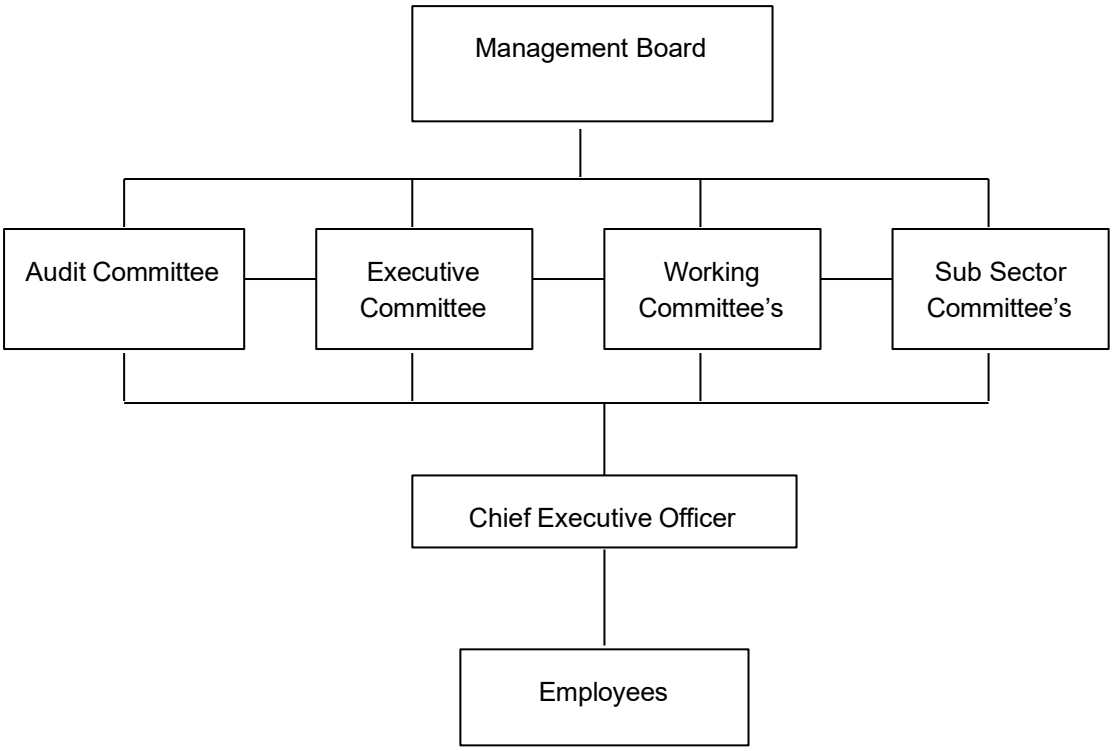
AgriSETA has all such powers as are necessary to enable it to perform its duties as set out above and any other powers conferred upon it by virtue of the Skills Development Act.

Strategic programmes

AgriSETA's Sector Skills Plan (SSP), which was developed via a process of consultation with stakeholders, lists the following as its main strategic focus areas:

- **To achieve, maintain and expand global competitiveness**. *This strategic objective has the implication that AgriSETA will have to liaise with its sub-sectors to ensure that issues related to global trade is researched, understood and incorporated in learning programmes.*
- **To meet global statutory requirements**. Whilst this strategic objective is related to the previous, it was regarded as so important that it requires special focus. *AgriSETA will have to ensure that issues such as occupational health and safety, traceability, HACCP, ISO and other quality programmes are included and adequately addressed in various learning programmes.*
- **To support SMME (Small Medium and Micro Enterprise) development**. The vast majority of enterprises registered with AgriSETA are SMME's. *AgriSETA will have to ensure that the learning programmes it supports is not only aimed at the large business, but that SMMEs receive adequate recognition.* Based on our sub-sectors, AgriSETA will have to facilitate the development of appropriate programmes focussing on business skills, relevant technical skills and entrepreneurship.
- **Focus on social upliftment programmes**. Due to its close links to Primary Agriculture, some of AgriSETA's sub-sectors are rurally based and at the same time entertains a large portion of elementary jobs – as a result the sector employs a large number of illiterate and poorly educated workers. *AgriSETA will have to focus on social upliftment programmes and will have to ensure that its stakeholders participate in such programmes*. These programmes will focus on issues such as AET, Environment, HIV/Aids and general social skills.
- **Relationship skills development**. Due to the wide gap between managerial staff and the large number of workers filling elementary jobs, it will be necessary to ensure that the sector live and work in harmony with the aim to have a positive impact on productivity improvement. *AgriSETA will encourage the development and implementation of learning programmes, which are focussing on relationship skills. Such services need to be delivered at both managerial and worker levels.*

- **Schematic diagram of AGRISETA**



- **Structure of AGRISETA**

  AGRISETA may only consist of members representing:-

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

6 **CONTACT DETAILS**

Name of Public Body	Agriculture Sector and Education Training Authority (AgriSETA)
Designated Information Officer	Mr Fanny Phetla
Designated Deputy Information Officer (if any)	Ms Mandy Rutgers
Email address of Information Officer/ Deputy Information Officer	mandy@agriseta.co.za
Postal address	PO Box 23378 GEZINA 0031
Street address	AgriSETA House 529 Belvedere Street ARCADIA

	0083
Phone number	+27 (0) 78 804 0902
Fax number	+27 12 325-1677/24

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

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

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

8 HOW TO REQUEST ACCESS TO RECORDS HELD BY AGRISETA

- **Records that may be requested**

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

- **Request procedures**

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

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

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

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

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

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

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

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

9 SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

- **Nature of services**

  AgriSETA's services include:-

  - implement its sector skills plan by establishing learnerships, approving workplace skills plans, allocating grants as well as monitoring education training in the sector;
  - promote learnerships by identifying workplaces for practical work experience, supporting the development of learning materials, improving the facilitation of learning and assisting in the conclusion of learnership agreements;
  - register learnership agreements;
  - collect and disburse the skills development levies in its sector.

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

- **How to gain access to these services**

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

10 ARRANGEMENT FOR PUBLIC PARTICIPATION IN POLICY FORMULATION

The Skills Development Act and the Constitution of AgriSETA provide for participation of workers and employers in AgriSETA's designated economic sector only. Persons falling within this group may attend general meetings of AgriSETA may elect the management board of AgriSETA and stand for election

to such board in accordance with AgriSETA's constitution and the Skills Development Act.

11 REMEDIES AVAILABLE FOR NON-COMPLIANCE

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

12 OTHER INFORMATION AS MAY BE PRESCRIBED IN THE ACT

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

13 PRESCRIBED FEES

The Act sets out two types of fees, namely a request fee and an access fee, that are required to be paid prior to AgriSETA accessing the request for information.

A personal requester, i.e. a requester who requests access to a record containing personal information is not required to pay the request fee. Any other requester, who is not a personal requester, will be required to pay such fee.

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

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

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

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

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

14 RECORDS HELD BY AGRISETA

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

14.1 Internal records

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

- Constitution of AGRISETA
- Financial records
- Operational records
- Intellectual property

- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of the public body.

14.2 **Personnel records**

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

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

14.3 **Work-related records**

Work-related information includes the following:

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

14.4 **Other Parties**

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

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

14.5 **Other Records**

Further records are held including:-

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

Schedule 1

FEES IN RESPECT OF PUBLIC BODIES

Part ii of Notice 187 in the Government Gazette on the 15 February 2002

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

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

(a)	For every photocopy of an A4-size page or part thereof		R0,60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form		R0,40
c)	For a copy in a computer-readable form on -		
	i)	stiffy disc	R5,00
	ii)	compact disc	R40,00
d)	(i)	For a transcription of visual images, or an A4-size page or part thereof	R22,00
(ii)	For a copy of visual images		R60,00
e)	(i)	For a transcription of an audio record, or an A4-size page or part thereof	R12,00
	(ii)	For a copy of an audio record	R17,00

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

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

(1)(a)	For every photocopy of an A4-size page or part thereof		R0,60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form		R0,40
(c)	For a copy in a computer-readable form on -		
	(i)	stiffy disc	R5,00
	(ii)	compact disc	R40,00
(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	R22,00

(ii) For a copy of visual images R60,00

(e) (i) For a transcription of an audio record,

for an A4-size page or part thereof R12,00

(ii) For a copy of an audio record R17,00

(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

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

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

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

Schedule 2

PRESCRIBED FORMS FOR ACCESS TO INFORMATION

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

FOR DEPARTMENTAL USE

Reference number:

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

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

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

Access fee: R .....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

Name of Public Body	Agriculture Sector and Education Authority (AgriSETA)
Designated Information Officer	Mr Fanny Phetla
Designated Deputy Information Officer (if any)	Ms Mandy Rutgers
Email address of Information Officer/ Deputy Information Officer	mandy@agriseta.co.za
Postal address	PO Box 23378 GEZINA 0031
Street address	AgriSETA House 529 Belvedere Street ARCADIA 0007
Phone number	+27 (0) 78 804 0902
Fax number	+27 12 325-1677

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 information must be sent.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

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

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

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

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

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

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

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

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

Reason for exemption from payment of fees:

F. Form of access to record

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

Disability:	Form in which record is required:
NOTES: *(a) Your indication as to the required form of access depends on the form in which the record is available.* *(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.* *(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*	

Mark the appropriate box with an "X".

1. If the record is in written or printed form -					
	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* (magnetic or optical disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? **A postal fee is payable.**	YES	NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record?		

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____

this _____day of _____20____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE