



South Africa Siyasebenza

# **JOBS FUND MANUAL ON PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000**

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**national treasury**  
Department:  
National Treasury  
REPUBLIC OF SOUTH AFRICA



Analyse  
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# 1. OVERVIEW

With the entrenchment of the right to access information under section 32 of the Constitution of the Republic of South Africa, everyone is afforded the right of access to any information held by the state; or held by any other person that is to be used for the protection of or the exercise of any right. In order to give effect to section 32 of the Constitution, the Promotion of Access to Information Act, 2 of 2000 ("the Act") was approved by Parliament on 2 February 2000 and came into effect on 9 March 2001. The motivation for giving effect to the right of access to information is to foster a culture of transparency and accountability in both public and private bodies, and to promote a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect all their rights. However, this is limited by section 9 of the Act, which recognises that the right of access to information is subject to certain justifiable limitations aimed at, amongst others:

- (a) the reasonable protection of privacy;
- (b) commercial confidentiality; and
- (c) effective, efficient and good governance.

Section 14(1) of the Act requires every public body to compile a Manual as a guide for requesters. The Manual describes the procedure to be followed when requesting records from the Jobs Fund and how to obtain access to them. In compliance with the Act, the Jobs Fund has prepared this Manual to facilitate the public's access to information held by the Jobs Fund.

## 2. PURPOSE

The purpose of this Manual is to:

- 2.1 Inform the public of the structure and functions of the Jobs Fund.
- 2.2 Inform the public on how to obtain access to records held by the Jobs Fund, thus giving effect to section 14 of the Act. The Government Technical Advisory Centre (GTAC)/Jobs Fund's Information Officer is the Office of the Head of GTAC. The Information Officer has designated Deputy Information Officers managing daily requests to access the Jobs Fund's records in terms of the Act.
- 2.3 To supplement the National Treasury PAIA Manual available at <http://www.treasury.gov.za/PAIA/default.aspx>. This Manual should be read together with the National Treasury PAIA Manual.

## 3. DESCRIPTION OF THE STRUCTURE AND FUNCTIONS OF THE JOBS FUND [SECTION 14(1)(A)]

The Jobs Fund is a government initiative owned and funded by the National Treasury to fund creative solutions to overcome barriers to job creation through structured and strategic partnerships.

### 3.1.1 The Mandate

The mandate of the Jobs Fund is to co-finance projects by public, private and non-governmental organisations that will significantly contribute to job creation. This involves the use of public money to

catalyse innovation and investment on behalf of a range of economic stakeholders in activities that contribute directly to enhanced employment creation in South Africa.

### 3.1.2 Structure of the Jobs Fund

The Jobs Fund's structure and responsibilities consist of the following:

Finance Unit

- Financial analysis support

Legal Unit

- Litigation;
- General Legal support; and
- Contract management.

Monitoring & Evaluation Unit

- Monitoring and evaluation support;
- Research; and
- Knowledge Dissemination .

Operations Unit

- Operational Management;
- Financial Management;
- Grant Management System; and
- Governance oversight.

Project Management Unit

Project Management support;

## 4. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS FOR THE JOBS FUND [SECTION 14(1)(B)]

- 4.1 To request access to the Jobs Fund's records in terms of the Act, you should complete the request form enclosed in Annexure A and address it to the Information Officer.

RESPONSIBILITIES PHONE EMAIL

Information Officer: Office of the Head of GTAC

Deputy Information Officer: Anita Rwelamira

Deputy Information Officer: Amanda Smit

Email Address: [paia@gtac.gov.za](mailto:paia@gtac.gov.za)

PHYSICAL ADDRESS POSTAL ADDRESS

240 MADIBA STREET| PRETORIA | 0002 Jobs Fund | Private Bag x115 | PRETORIA | 0001

## 5. REQUESTS FOR ACCESS TO INFORMATION [SECTION 14(1(D))]

The following steps have been designed to ensure that your request for access to records or information held by the Jobs Fund is processed expediently and efficiently.

### 5.1 Preliminary Steps

Requesters should first consider whether the information or record they require is under the Jobs Fund's control. Requests for records or information that are most likely to be held or be under the control of another body or department should be directed to that body or department. Requests to the Jobs Fund for records that might possibly be referred to or held by another body, may delay the response to your request. Information can also be viewed on the Jobs Fund's website at [www.jobsfund.org.za](http://www.jobsfund.org.za) to ensure that the information requested is not publicly available.

### 5.2 How to Make A Request

If the required records are not available on the Jobs Fund website, the requester should complete the prescribed form. A copy of the form is attached to this Manual as (Form A) Appendix 1. If the person requesting the records or information is unable to read or write, or has a disability, he/she can make an oral request for the records or information. The Jobs Fund will assist people who are unable to read or write or have a disability by completing the prescribed form on their behalf. A copy of the request written will be given to the individual who submitted the request. Each section of the form contains instructions that should be followed exactly in order to ensure all relevant information is captured to minimise delays. Requests may also be made telephonically to the Jobs Fund. Such requests may be directed to the Deputy Information Officers on the contact information provided in this Manual. Individuals making any requests may be directed to lodge it formally depending on the nature of the telephonic request which was made.

### 5.3 Nature of Request

The requester must indicate if the request is for a copy of the record or if the requester wants to personally examine the record at the offices of the Jobs Fund; if the record is not a document, it can be viewed in the requested form, where possible. Requesters should be given access to records in their preferred format, provided the format does exist. However, this will not apply if it would unreasonably interfere with the running of the Jobs Fund, damage the record or infringe copyright not owned by the state. If, for practical reasons, access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the initial format. If the requester is asking for the information on behalf of someone, the capacity in which the request is being made should be indicated. To prevent abuse of the Act, the Jobs Fund reserves the right to ask for proof of authority to make the request on behalf of another. If in addition to a written reply to a request for a record, a requester asks to be notified by another method regarding the decision, e.g. telephone, this must be indicated on the form.

### 5.4 Where to Submit the Request

Requests for records should be submitted to the Deputy Information Officers. Contact details can be found on page 3 of the Manual.

#### Records That Cannot Be Found

Requestors have the right to receive a response by way of affidavit or affirmation for records that cannot reasonably be located, but to which a requestor would have had access had the record been available.

## **5.5 Disposal of Records**

The Jobs Fund reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service. Nonetheless, all the necessary steps shall be taken to ensure that records that are due for disposal are not disposed of if a pending PAIA/POPIA request or litigation that pertains to them has been initiated or received. Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

## **5.6 Transfer of Requests to Relevant Institutions or Public Bodies**

Please refer to Paragraph 5.15 of the National Treasury PAIA Manual.

# **6. PRESCRIBED FEES**

Refer to Paragraph 5.5 of the National Treasury PAIA Manual

# **7. TAKING A DECISION ON THE REQUEST**

All requests for access to records will be considered and the granting and refusal thereof will be in line with the provisions of the Act. The Information Officer is required to take the decision on your request within 30 days of receipt of your request, failing which the request is deemed to have been refused. Access to a record can be given if:

- The requester has complied with all the procedural requirements in the Act relating to the request for access to that record that is:
- The request is properly made on the prescribed form;
- Proof of authority has been furnished if the requester is making the request on behalf of another;
- The record requested is sufficiently described to enable the Information Officer to identify it;
- The prescribed fees have been paid; and
- Access to the record is not refused on one or more grounds of refusal specified in the Act, which falls into the following categories:
  - Mandatory protection of privacy or personal information of a third party;
  - Mandatory protection of certain records of South African Revenue Services;
  - Mandatory protection of commercial information of the third party;
  - Mandatory protection of certain confidential information, and protection of certain other confidential information, of the third party;
  - Mandatory protection of the safety of individuals and protection of property;
  - 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;
  - Defence, security and international relations of Republic;
  - Economic interests and financial welfare of Republic and commercial activities of public bodies;

- Mandatory protection of research information of the third party, and protection of research information of public body;
- Operations of public bodies; and
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

## 8. CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE [SECTION 15]

Section 15 (1) of the Act requires institutions to list those records which are automatically available. Automatically available records are usually not of a sensitive nature. Most records which fall into this category of information are available on the Jobs Fund website, [www.JOBSFUND.ORG](http://www.JOBSFUND.ORG) and do not require a formal process to be accessed. The categories of these automatically available records include:

- Information about the Jobs Fund;
- Role of the Jobs Fund;
- Deputy Director-General's Profile;
- Organisational Structure;
- Policy Statement;
- Calls for Proposals;
- Market Data and Information;
- Policy Documents;
- Press Releases;
- Speeches;
- Presentations;
- Events Calendar;
- Contacts; and
- Publications.

## 9. CATEGORIES OF RECORDS NOT AUTOMATICALLY AVAILABLE

- 9.1 The following categories of records are not automatically available. According to the Act, these records should be made available on request from members of the public following set or determined procedures as set out in this Manual, however disclosure of such may be refused if it is covered by grounds for refusal in terms of chapter 4 of the act and/or the Protection of Personal Information Act, 4 of 2013 (POPIA). For the purpose of facilitating a request in terms of the Act, the subjects on which the Jobs Fund holds records and the categories of records held on each subject are as follows:

### 9.1.1 Legal Unit

**Records on daily operations or core functions and agreements relating to the following categories:**

- Jobs Fund's internal complaints files;
- Litigation cases and related correspondence;
- Decision Records of Committees;

- Agreements with any of the external stakeholders, be it any entity, individual, government or Administration;
- Jobs Fund correspondence;
- Grant Agreements;
- Governance Monitoring and Compliance;
- Interpretation and application of the PFMA, Treasury Regulations and Treasury Instructions through guidelines and circulars;
- Templates; and
- Research.

## **9.1.2 Communications**

- Communication Strategy;
- Communications Initiatives;
- Public Liaison;
- Parliamentary Matters/Briefs; and
- Jobs Fund questions and answers database.

## **9.1.3 Finance:**

### **9.1.3.1 Financial and accounting records relating to the following categories:**

- Bank Account Records;
- Books of Account and Financial Statements;
- Annual Budget as Provided for in the Public Finance Management Act, 1999 (1 of 1999);
- VAT (Value Added Tax) and Pay As You Earn (PAYE) records;
- Accounting Records;
- Asset Registers;
- Internal Budget Management;
- Finance Policy Development and Internal Control;
- Management Accounting;
- Financial Accounting;
- Expenditure and Revenue Management; and
- Personnel Remuneration and Debtor Management.

### **9.1.3.2 Finance: Internal Audit Function Reports on following audits:**

- Regularity Audits;
- Performance Audits;
- IT Audits;
- Compliance Audits;
- Forensics Audits;
- Minutes and reports of the Audit Committee; and
- Audit Findings.

### **9.1.3.3 Finance: Risk**

- Risk Registers of the Fund and its Partners; and
- Risk strategy of the Fund.

## **9.1.4 Project Management Unit:**

- Records Management;



- Physical Files Database;
- Approved File Plan;
- Disposal of Records;
- Promotion of Access to Information;
- Project Support;
- Implemented and closed Projects;
- Knowledge Management;
- Business Processes;
- Enterprise Content Matters;
- Communities of Practice; and
- Document Tracking System.

### **9.1.5 Operations Unit:**

#### **9.1.5.1 Human Resources Procedures:**

- Personnel Files;
- Employment contracts, Conditions of Service and Other Agreements;
- Statutory Employee Records;
- Correspondence with Internal and External Parties;
- Minutes of Staff, OPSCO, Manco and Audit Committee;
- Recruitment, Selection and Placement;
- Training and Development;
- Performance Management and Evaluation;
- Staff Control;
- Leave applications and approvals;
- Internships;
- Bursaries; and
- Records Keeping Policy & Procedures.

#### **9.1.5.2 Operations Unit: Information Communications Technology:**

- Policies;
- Enterprise Architecture Planning;
- Acquisition & implementation of ICT systems;
- Delivery & Support of ICT Services;
- Contracts;
- Projects;
- Licenses;
- Reports; and
- Financial Management Grant spending and performance information and reports.

#### **9.1.5.3 Operations Unit: SCM Policy:**

- Specifications and Guidelines;
- Terms of Reference; and
- Service Provider Panels.

### **9.1.6 Monitoring and Evaluation Unit:**

- Policy documents;
- Research papers;
- Employment contracts for Project beneficiaries;
- Project evaluations (formative, mid-term, summative); and

- 
- Project Result chains.

## **10. REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE WITH THE ACT [SECTION 14(1)(H)]**

REFER TO PARAGRAPH 5.8 OF THE TREASURY PAIA MANUAL

## **11. AVAILABILITY OF THIS MANUAL**

- The Manual is available in English and 3 other official languages and can be obtained at the Jobs Fund Offices and electronically on the website.
- Translated versions of the Manual in the remaining official languages are not currently available. Notwithstanding, every effort will be made to assist a requester in the language of choice.

## **12. UPDATING OF THIS MANUAL [SECTION 14(2)]**

This Manual will be reviewed annually or as and when required.



## 13. APPENDIX 1

