

ACCESS TO INFORMATION MANUAL FOR THE TECHNOLOGY INNOVATION AGENCY ("TIA")

**Manual in terms of section 14 of the
Promotion of Access to Information Act No
2 of 2000**

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1. DEFINITIONS AND INTERPRETATION

1.1 In this Manual, unless clearly inconsistent with or otherwise indicated by the context, the following words and phrases shall bear the meanings assigned to them and cognate expressions shall have similar meanings:

"Board"	the board of TIA as contemplated in section 5 of the Technology Innovation Agency Act 26 of 2008
"Commission"	the South African Human Rights Commission
"Constitution"	the Constitution of the Republic of South Africa Act 108 of 1996 (as amended from time to time)
"Information Officer"	the chief executive officer of TIA
"Manual"	the manual as set out in this document together with any annexures thereto
"PAIA"	the Promotion of Access to Information Act 2 of 2002 (as amended from time to time)
"Requester"	any person making a request for access to a record of TIA or a person acting on behalf of the person making a request for access to a record of TIA
"TIA"	the Technology Innovation Agency, an agency established in terms of the Technology Innovation Agency Act 26 of 2008

1.2 Unless the context clearly indicates a contrary intention, an expression that denotes any gender shall include the other genders, a natural person shall include an artificial person and *vice versa* and the singular shall include the plural and *vice versa*.

1.3 When any number of days is prescribed such number shall exclude the first and include the last day unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day that is not a Saturday, Sunday or public holiday.

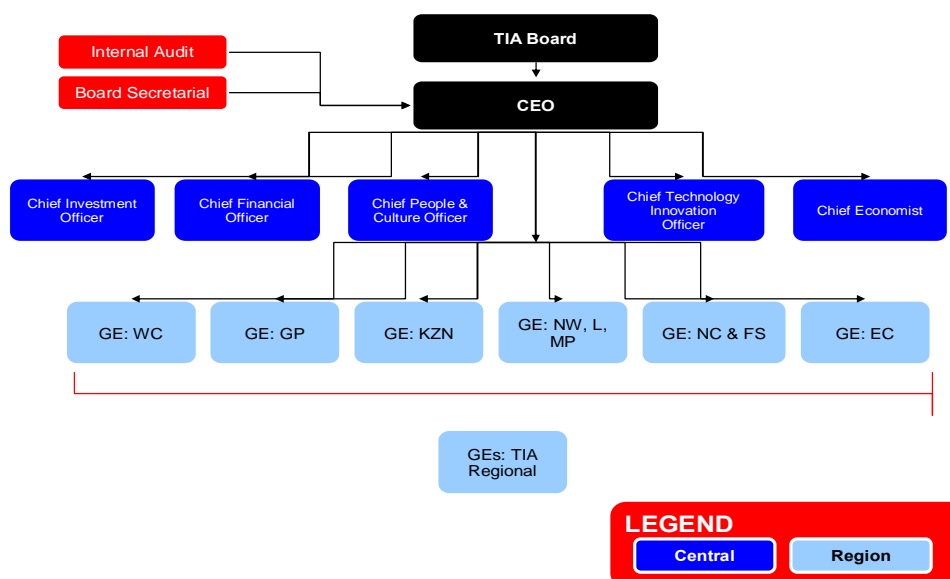
2. INTRODUCTION

- 2.1 This Manual has been compiled by TIA in terms of section 14 of PAIA in order to assist persons requesting access to records in the possession or under the control of TIA.
- 2.2 PAIA gives effect to the constitutional right of access to information as contemplated in section 32 of the Constitution which provides that any person has a right to gain access to any information held by a public or a private body that is required for the exercise or protection of any right.
- 2.3 This Manual will assist Requesters to identify records in the possession of TIA and the manner of accessing such records.

3. STATUS OF TIA

TIA is established as a juristic person in terms of section 2(1) of the Technology Innovation Agency Act 26 Of 2008 ("the Act") to support the State in stimulating and intensifying technological innovation in order to improve economic growth and the quality of life of all South Africans by developing and exploiting technological innovations.

4. STRUCTURE OF TIA



5. FUNCTIONS OF TIA

5.1 TIA may –

5.1.1 on such conditions as the Board may determine –

5.1.1.1 provide financial and any other assistance to any person, for the purpose of enabling that person to develop any technological innovation;

5.1.1.2 establish a company contemplated in the Companies Act No. 61 of 1973 (as amended from time to time), or in collaboration with any person, establish such a company for the purpose of developing or exploiting any technological innovation;

5.1.1.3 acquire any interest in any person undertaking the development or exploitation of any technological innovation supported by TIA;

5.1.1.4 draw together and integrate the management of different technological innovations, incubation and diffusion initiatives in South Africa;

5.1.1.5 develop the national capacity and infrastructure to protect and exploit intellectual property derived from research financed by TIA; and

5.1.1.6 acquire rights in or to any technological innovation supported by TIA from any person, or assign any person any right in or to such technological innovation;

5.1.2 apply for patents or the revocation thereof and institute any legal action in respect of any infringement of intellectual property rights;

5.1.3 purchase or hire land or buildings or erect buildings and alienate such land or terminate or assign any such hire and, in the case of buildings in which the business of TIA is being conducted, let such portions as are for the time being not required for the business of TIA;

5.1.4 establish such offices, including regional offices, as the Board in consultation with the Minister may determine;

5.1.5 purchase, take on lease, hire out or alienate any movable property;

- 5.1.6 take such security as it may deem fit, including special mortgage bonds over immovable property, notarial bonds over movable property, pledges of movable property, cessions of rights and in general any other form of cover or security; and
- 5.1.7 generally deal with any matter necessary or incidental to the performance of its function in terms of the Act.

6. **SECTION 10 GUIDE – SECTION 14 (1) (c) OF PAIA**

The Commission will, in terms of section 10 of PAIA, compile in each official language a guide containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. This guide will be made available to the general public in accordance with the provisions of PAIA. Any queries relating to the guide should be directed to the Commission at the following address:

Private Bag X 2700
Houghton
2041
Tel: (011) 484 8300
Fax: (011) 484 7146

7. **PROCESSES AND PROCEDURES FOR REQUESTING INFORMATION OR RECORDS - SECTION 14 (1)(d) OF PAIA**

- 7.1 The Requester must use the prescribed form to request for access to TIA's records (see Annexure A). The request must be made to the Information Officer.
- 7.2 The Requester must provide sufficient particulars (details) on the request form to enable the Information Officer to identify the record requested and the Requester.
- 7.3 The Requester must state whether the record is preferred in a particular language.
- 7.4 The Requester should indicate the manner in which he or she wishes to be informed of the decision on the request and provide the necessary details.
- 7.5 If the request is made on behalf of another person, the Requester must submit proof of the capacity in which he/she is making the request, to the reasonable satisfaction of the Information Officer.
- 7.6 The Information Officer shall notify the Requester in writing, regarding the payment of the prescribed fee (if any) before processing the request further.

- 7.7 A Requester whose request has been granted must pay an access fee for the reproduction, searching and preparation of the copies or transcriptions of the content of the records requested and for the time reasonably required in excess of the prescribed hours to search and prepare the record for disclosure (see Annexure B).
- 7.8 The Information Officer will inform the Requester of his/her decision within 30 (thirty) days after receipt of the request or may on the expiry of the 30 (thirty) days extend the period by a further period not exceeding 30 (thirty) days. The period within which the Information Officer will inform the Requester of his/her decision is subject to such extension as may be required to give a third party the chance to make a representation to the Information Officer where the record requested is with regard to the record of the third party.
- 7.9 In the event that TIA refuses to give access to the requested records, the Requester may lodge an application with a court of law for a review of the decision of TIA.
- 7.10 If the court orders TIA to grant the Requester access to the requested records, the Requester is liable to pay the fee as stated on paragraph 7.7 above.

8. **CONTACT DETAILS**

INFORMATION OFFICER

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Acting CEO

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DEPUTY INFORMATION OFFICER

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The Innovation Hub

Persequor

Extension 10
Pretoria
0001

Postal Address:

Technology Innovation Agency
Private Bag X894
Pretoria
0001

9. **ACCESS TO THE RECORDS HELD BY TIA**

9.1 Categories of records in terms of section 14(1)(d) of PAIA:

9.1.1 **Institutional Records**

- 9.1.1.1 Minutes of the Board and its committees;
- 9.1.1.2 Internal TIA correspondence;
- 9.1.1.3 External TIA correspondence;
- 9.1.1.4 Internal policies and procedures;
- 9.1.1.5 External policies and procedures;
- 9.1.1.6 Commercial contracts with third parties;
- 9.1.1.7 Memoranda of understanding with other statutory bodies; and
- 9.1.1.8 Research reports, publications and newsletters.

9.1.2 **Financial Records**

- 9.1.2.1 Budget and budget projections;
- 9.1.2.2 Insurance policies and claims;
- 9.1.2.3 Policies and procedures;
- 9.1.2.4 Bank details;
- 9.1.2.5 General accounting records;
- 9.1.2.6 Annual budgets;
- 9.1.2.7 Annual financial reports;

- 9.1.2.8 Annual financial statements;
- 9.1.2.9 Asset registers; and
- 9.1.2.10 Internal financial policies and procedures.

9.1.3 **Human Resource Records**

- 9.1.3.1 Policies and procedures;
- 9.1.3.2 Employee information;
- 9.1.3.3 Employment contracts;
- 9.1.3.4 Provident fund reports; and
- 9.1.3.5 Medical aid records.

9.1.4 **Corporate Governance and Secretarial Records**

- 9.1.4.1 Policies and procedures;
- 9.1.4.2 Code of Conduct;
- 9.1.4.3 Minutes of meetings;
- 9.1.4.4 Resolutions;
- 9.1.4.5 Directors' information including remuneration;
- 9.1.4.6 Public officer information;
- 9.1.4.7 Risk assessment reports; and
- 9.1.4.8 Board packs.

9.1.5 **Movable and Immovable Property**

- 9.1.5.1 Title deeds; and
- 9.1.5.2 Agreements.

9.1.6 **Knowledge Management and Strategy**

- 9.1.6.1 Policies and procedures;
- 9.1.6.2 Minutes of meetings;
- 9.1.6.3 Records management;

9.1.6.4 Content resource management;

9.1.6.5 Data archiving; and

9.1.6.6 Evaluations and ratings.

9.1.7 **Partnerships of Co-operation**

9.1.7.1 Minutes of meetings; and

9.1.7.2 Agreements.

9.1.8 **Projects and Investments**

9.1.8.1 Policies and procedures;

9.1.8.2 Minutes of investment committee and sub-committee meetings;

9.1.8.3 Project proposals and business plans;

9.1.8.4 Internal evaluations / Project reports; and

9.1.8.5 External due diligence reports.

10. **AUTOMATIC DISCLOSURE IN TERMS OF SECTION 14(1)(e) OF PAIA**

10.1 All information available from the website www.tia.org.za is voluntarily disclosed. Other information that is also voluntarily disclosed includes:

10.1.1 booklets;

10.1.2 newsletters;

10.1.3 marketing material;

10.1.4 posters; and

10.1.5 pamphlets.

11. **RESERVATION OF RIGHTS**

TIA may refuse an application for access to a record –

11.1 if the request does not comply with the procedural requirements of PAIA;

11.2 on any ground contemplated in Chapter 4 of Part 3 of PAIA; and

11.3 for any other lawful reason.

12. **REMEDIES AVAILABLE IF THE PROVISIONS OF THE PAIA ARE NOT COMPLIED WITH BY TIA – SECTION 14 (1)(h)**

12.1 Any Requester or affected third party who is aggrieved by a decision of the Information Officer to refuse or grant access to a record of TIA, may within 14 (fourteen) days of receiving notice of the decision, appeal to the Board against the decision.

12.2 An appeal must –

12.2.1 be in writing;

12.2.2 be addressed to the Board; and

12.2.3 set out the grounds for the appeal.

12.3 Any Requester or affected third party who is aggrieved by a decision of the Board on appeal, may approach the relevant court for appropriate relief.

13. **FEES**

13.1 A Requester is required to pay the applicable request and access fees contemplated in section 52 and 54 of PAIA and as prescribed in items 2, 3 and 4 of Part II of Annexure A to the Regulations regarding PAIA (GNR 187, GG 23119 of 15 February 2002). For ease of reference, the prescribed request and access fees are set out in Annexure "B" to this Manual.

13.2 In addition, a Requester may also be required to pay a deposit.

13.3 TIA may withhold access to any record requested until the Requester concerned has paid the applicable fee.

**Access to Information Manual
(in terms of section 14 of the
Promotion of Access to Information Act 2 of 2000)**

**PRESCRIBED FORM FOR ACCESS TO INFORMATION
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(section 18(1) of the Promotion of Access to Information Act,
Act No. 2 of 2000)**

FOR TIA USE

Reference number: _____

Request received by _____
(state rank, name and surname of information officer/deputy information 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 given below
- (b) The address and/or fax number in the Republic to which the information is to be sent, must be given
- (c) Proof of 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 on 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**

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 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 and prepare a record
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for the 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 / the form of access provided for in 1 to 4 below, 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"

Notes:

(a) Compliance with your request for access in the specified form may depend on the form in which the record is available

(b) Access in the form requested may be refused in certain circumstances. In such cases 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

If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
If record consists of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy the images*	<input type="checkbox"/>	transcription of the images*
If record consisted of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)		
If the record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record	<input type="checkbox"/>	copy of computer in readable form* (stiffy or compact disc)
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 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

**Access to Information Manual
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**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:

		R
(a)	For every photocopy of an A4-size page or part thereof	0.60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.40
(c)	For a copy in a computer-readable form on -	
i)	stiffy disc	5.00
ii)	compact disc	40.00
(d)	i) For a transcription of visual images, or an A4-size page or part thereof	22.00
	ii) For a copy of visual images	60.00
(e)	i) For a transcript of an audio record, or an A4-size page or part thereof	12.00
	ii) For a copy of an audio record	17.00

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

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

		R
(1)(a)	For every photocopy of an A4-size page or part thereof	0.60

(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.40
(c)	For a copy in a computer-readable form on -	
	i) stiffy disc	5.00
	ii) compact disc	40.00
(d)	i) For a transcription of visual images, or an A4-size page or part thereof	22.00
	ii) For a copy of visual images	60.00
(e)	i) For a transcript of an audio record, or an A4-size page or part thereof	12.00
	ii) For a copy of an audio record	17.00
(f)	To search for and prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	
(2)	For purposes of section 22(2) of the Act, the following applies	
	(a) Six hours as the hours to be exceeded before a deposit is payable; and	
	(b) One third of the access fee is payable as a deposit by the Requester.	
(3)	The actual postage is payable when a copy of a record must be posted to a Requester.	