



# **EASTERN CAPE DEVELOPMENT CORPORATION**

A Schedule 3D Provincial Public Entity

## **PROMOTION OF ACCESS TO INFORMATION MANUAL**

In compliance to Section 14 of the Promotion of Access to Information Act  
No.2 of 2000.

APRIL 2020

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## 1. INTRODUCTION

- 1.1 This manual is published in compliance with section 14 of the Promotion of Access to Information Act (PAIA) No. 2 of 2000, a statute contemplated in section 32 of the Constitution of the Republic of South Africa, 1996, which requires that all public bodies compile a manual giving information to the public regarding the procedure to be followed in requesting information from a public body for the purposes of exercising or protecting rights. It further states that public bodies must provide details of records held by such public body so as to accommodate requests for information.
- 1.2 The purpose of PAIA is 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 people would have effect access to all information necessary for the full and proper exercise and protection of their rights.
- 1.3 This manual has been prepared by the ECDC to facilitate public access to records held by the ECDC and it contains inter alia the following information:
- a) A description of the structure and functions of the ECDC;
  - b) The postal and street address, phone and fax number, electronic mail address of the information officer of the body and of the deputy information officer;
  - c) A description of the Guide compiled by the South African Human Rights Commission and how to access it;
  - d) Information to assist in facilitating access to a record held by the ECDC, as well as a description of the subjects on which the body holds records and the categories of records held on each subject;
  - e) The categories of records of the body which are available without a person having to request access in terms of PAIA;
  - f) The categories of records of the body which can be accessed through request in terms of PAIA;
  - g) A description of the services available to members of the public from the ECDC and how to gain access to those services;
  - h) A description of any arrangement or provision for a person to consult, make representations or otherwise, to participate in or influence the formulation of policy; or the exercise of powers or performance of duties by the ECDC;
  - i) The actions to be taken if access to information has been refused.

## 2. DEFINITIONS

For the purpose of this Manual, unless the context otherwise indicates:

- 2.1 “Access fee” means a fee prescribed for the purpose of reproduction and for search and reparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure;
- 2.2 “Constitution” means the Constitution of the Republic of South Africa, 1996
- 2.3 “Deputy Information Officer” means an official delegated by the Information Officer to fulfil responsibilities in terms of PAIA;
- 2.4 “ECDC” means the Eastern Cape Development Corporation;
- 2.5 “Information Officer” means the Chief Executive Officer of ECDC, or the person who is acting as such;
- 2.6 “PAIA” means the Promotion of Access to Information Act, No. 2 of 2000 ;
- 2.7 “Personal Requester” means a requester seeking access to a record containing personal information about the requester;
- 2.8 “Public Body” means  
Any legislative, executive, judicial or administrative organ of state of South Africa, including statutory body, at the level of government and until provincial archival legislation takes effect also all provincial administrations and local authorities in terms of:
- (i) Any municipality in the local sphere
  - (ii) department of state or administration in the national or provincial sphere of government
  - (iii) any other functionary or institution when
    - a. exercising a power or performing a duty in terms of the constitution of a provincial constitution
    - b. exercising a public power of performing a public function in terms of any other legislation.
- 2.9 “Record” means any recorded information, regardless of form or medium which is in the possession or under the control of ECDC, irrespective of whether it was created by ECDC or not and is evidence of a transaction, preserved for the evidential information it contains;
- 2.10 “Request” means a request for access to a record of ECDC;
- 2.11 “Requester” means the natural or juristic person requesting access to information or a record of ECDC and also refers to the person making a request on behalf of somebody else;
- 2.12 “SAHRC” means the South African Human Rights Commission;

2.13 “Third Party” means any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.

### **3. MANDATE OF THE ECDC**

3.1 The ECDC draws its mandate directly from the Eastern Cape Development Corporation Act 2 of 1997 (“the ECDC Act”). ECDC is led by the economic development priorities of the Eastern Cape provincial government, as detailed in the Eastern Cape Vision 2030, 2014, Provincial Development Plan; the Eastern Cape Provincial Industrial Development Strategy, 2010.

3.2 The ECDC Act states that the objects of ECDC shall be to “plan, finance, coordinate, market, promote and implement development of the Eastern Cape Province and its people in the fields of industry, commerce, agriculture, transport and finance”.

3.3 ECDC’ vision is to be an innovative leader in promoting sustainable economic growth and development of the Eastern Cape Province.

3.4 The mission of the ECDC is to promote sustainable socio-economic development in the Eastern Cape through focused:

3.4.1 provision of innovative enterprise development finance;

3.4.2 leveraging of resources, strategic alliances, investment and partnerships.

3.5 ECDC adopted these values:

- a. Integrity
- b. Professionalism
- c. Accountability
- d. Customer centric
- e. Teamwork
- f. Innovation

## **4. GOVERNANCE AND ORGANISATIONAL STRUCTURE**

### **4.1 STRUCTURE AND FUNCTIONS OF ECDC**

#### **4.1.1 Structure**

The ECDC is a provincial entity which was established in terms of the Eastern Cape Development Corporation Act, 1997 (Act No. 2 of 1997). The ECDC, in its current form, emerged due to the merger of the following development finance institutions:

- The Transkei Development Corporation (TDC),
- Transkei Small Industries Development Organisation (TRANSIDO),
- Ciskei Small Business Corporation (BSBC), and

- Ciskei People's Development Bank (CPDB) into previous Centre for Investment and Marketing in the Eastern Cape (CIMEC) in the year 2000.

In 2001, ECDC was promulgated as a single legal entity with the enactment of the Provincial Proclamation 1 of 2001 and its enabling legislation, the ECDC Act. The ECDC is also a Schedule 3D Provincial Government Business Enterprise, with reference to its status in terms of the Public Finance Management Act, 1999 (Act No.1 of 1999).

The ECDC endorses the code of corporate governance practices and conduct as contained in the King IV Report on Corporate Governance and affirms its commitment to comply in all material respects with the principles incorporated in this report. The ECDC further subscribes to the corporate governance principle set out in the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended (PFMA), and the Protocol on Corporate Governance in the Public Sector.

#### **4.1.2 The Shareholder**

The ECDC is wholly owned by the Eastern Cape Provincial Government. A Shareholder Compact Agreement is concluded annually between the ECDC and the Shareholder, Eastern Cape Provincial Government as Shareholder, represented by the Member of the Executive Council responsible for Economic Development, Environmental Affairs and Tourism. The abovementioned Member of the Executive Council is the Executive Authority as contemplated in the PFMA. This Compact serves as an effective framework governing the relationship between the ECDC and the Shareholder. The compact further secures transparency, accountability and sound management of the revenue, expenditure, assets and liabilities of the ECDC.

#### **4.1.3 The Board of Directors**

In terms of the ECDC Act, the affairs of the ECDC are managed by the Board of Directors. The ECDC has a unitary board appointed by the member of the Executive Council of the Eastern Cape responsible for Economic Development, Environmental Affairs and Tourism in the Province. The Board is the Accounting Authority of the ECDC as contemplated in the PFMA. The Board has absolute responsibility for the performance of the ECDC and is fully accountable to the shareholder for such performance. Consequently, the Board provides strategic direction to the corporation and retains full and effective control of the ECDC. Similarly, the Board is largely responsible for oversight, risk management and strategic planning. Moreover, the Board monitors the management closely in implementing board plans and strategies.

#### **4.1.4 The Executive Management**

The ECDC is led by the Chief Executive Officer with his executive management team in keeping with the Board's strategic direction. The executive management is largely responsible for implementing the board's plans and managing the daily activities of the ECDC. Furthermore, it ensures operational efficiency, financial reporting quality, and compliance with all applicable laws, regulations, rules and standards.

#### **4.2 ECDC functions and operations**

ECDC is made up of the following operating business units:

##### **4.2.1 The Trade, Investment and Innovation**

Its core mandate is to market Eastern Cape to domestic and international investors and to ensure that existing investors (particularly those outside the Special Economic Zones) are provided with support needed to grow their businesses in order to increase employment opportunities within the Eastern Cape. The business unit is further responsible for promoting trade in order to increase exports from the Eastern Cape and position ECDC as an implementing agent for government to government economic development initiatives.

##### **4.2.2 Properties**

The ECDC manages a large industrial, retail, light industrial, residential and SMME portfolio. The corporation is one of the largest property portfolio holders in the Eastern Cape with footprint in the urban and industrial space. Through its substantial property portfolio holdings, the corporation is uniquely positioned to provide an eclectic service offering to the business community.

The property business provides integrated property management services inclusive of:

- Asset Management
- Leasehold Management
- Debt Collection Management
- Facilities Management; and
- Projects Management.

The property business unit is responsible for fostering a culture of collaboration to support the delivery of maintenance solutions, value adding client experiences and quality facilities throughout the asset life cycle. The leaseholds unit generates income from rental and it markets all properties in the portfolio including vacant

land. Asset Management assumes responsibility for the long-term strategies and financial planning so as to optimize property asset values and thereby realise returns and growth objectives. Facilities management is responsible for day to day repairs, planned maintenance, soft-services, security and cleaning. Project management and engineering services is responsible for implementation and delivery of infrastructure projects.

#### **4.2.3 Development Finance and Business Support**

Through its development finance and business support functions, the ECDC extends credit lines to qualifying entrepreneurs who otherwise would be turned away by private commercial lenders. In essence, the ECDC provides empowering development finance to a high risk segment of the population in response to its development mandate. The extension of these credit lines to this sector of the market requires prudence through financial and non-financial support mechanisms which are aimed at improving the competitiveness and productivity of Small Medium and Micro Enterprises (SMMEs) to ensure growth, job creation as well as improving the ability of these businesses to honour their loan repayment obligations.

##### **4.2.3.1 Development Finance (financial)**

The Development Finance unit manages ECDC's business finance product offering and assists small to large enterprises gain access to finance.

Through both short term and long terms product offerings, ECDC has set itself apart as the financial service provider (including developmental financial services) of choice for initiatives that bring a meaningful development impact to the Eastern Cape economy. ECDC, through its Development Finance unit, facilitates financial viability and sustainability of these initiatives through the provision of financial resources at highly competitive rates. With an understanding of the historical lack of access of very small/micro, small to medium (SMMEs) enterprises to finance, ECDC uses adequate management capacity and business viability as key lending criteria.

##### **4.2.3.2 Business Support (non-financial)**

Although financial assistance forms a critical component of SMME development, enterprises also require preparation in becoming market-ready and other capacity building related interventions to ensure survival and sustainability. Hence ECDC's Business Support unit ensures that when entrepreneurs receive finance, their enterprises are being well managed and are poised for long-term growth.

Offering ongoing support through mentorship, market access opportunities, as well as business and financial management, ECDC's non-financial support package is based on providing sophisticated solutions and best practice business support services aimed at building competitive enterprises and improving their performance. Enterprise Development-Non-financial Business support therefore offers both strategic and operational services to small businesses directed at equipping them to perform to their full potential. The envisaged impact has increased profitability and improved management processes that enhance the long-term viability of businesses.

The objective of the Business Support unit is to promote a culture of entrepreneurship, to improve competitiveness, to facilitate access to market, and to provide education, capacity building and training to SMME's.

Furthermore, the ECDC administers the Eastern Cape Jobs Stimulus Fund and the Imvaba Co-operative Fund on behalf of its shareholder department, the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT). The Jobs Fund provides support to companies in distress who are faced with the possibility of job losses. The fund acts as a buffer by offering an incentive to employers to save and/or retain existing job. The Imvaba Co-operatives Fund provides high value incentive support to co-operative enterprise by assisting with the acquisition of operational equipment and mechanization to ensure improved revenue and income generation.

## **5. INFORMATION OFFICERS AND CONTACT DETAILS**

5.1 In terms of Section 1 of PAIA, the Chief Executive Officer (CEO) is the Information Officer.

### 5.1.1 Contact details

Name:	Acting CEO: Mr. Mandla Mpikashe
Physical address:	ECDC House, Ocean Terrace Park Moore Street, Quigney EAST LONDON
Postal address:	P. O. Box 11197 SOUTHERNWOOD 5213
Phone number:	043 704 5611 / 5612
Fax number:	086 679 8758
Email address:	<a href="mailto:mmpikashe@ecdc.co.za">mmpikashe@ecdc.co.za</a>

5.2 The Chief Executive Officer, has, in terms of section 17(3) of the Act, delegated the powers and duties conferred and imposed on him to the ECDC officials mentioned below, who shall perform functions of deputy information officers for ECDC Business Units. Details of ECDC Deputy Information Officers are listed below: -

- 5.2.1 Name: Dr. Lesley Govender  
Capacity: Executive Manager: Corporate Services  
Phone number: 043-704 5754/17  
Email address: [lesley.govender@ecdc.co.za](mailto:lesley.govender@ecdc.co.za)
- 5.2.2 Name: Mandla Mpikashe  
Capacity: Executive Manager: Legal Compliance & Governance  
Phone number: 043-704 5728  
E-mail address: [mmpikashe@ecdc.co.za](mailto:mmpikashe@ecdc.co.za)
- 5.2.3 Name: Donna Mageja  
Capacity: Acting Records & Document Manager  
Phone number: 043-704 5677  
Email address: [dmageja@ecdc.co.za](mailto:dmageja@ecdc.co.za)

5.3 The Records and Document Manager AND Executive Manager, Legal, Compliance and Governance have delegated powers to perform functions of Deputy Information Officers in respect of Request directed to the ECDC. Such requests must be directed to the abovementioned Deputy Information Officers in the following address:-

- 5.3.1 Physical address: ECDC House, Ocean Terrace Park  
Moore Street, Quigney  
EAST LONDON
- Postal address: P. O. Box 11197  
SOUTHERNWOOD  
5213
- Phone number: 043 704 5600/5601  
Fax number: 043 704 5700  
Email address: [info@ecdc.co.za](mailto:info@ecdc.co.za)

- 5.4 The Chief Executive Officer is the internal appellate body for all contested decisions in PAIA matters. Internal appeals must be directed to the Information Officer at the details provided in 5.2

## 5.5 CONTACT DETAILS OF THE ECDC OFFICES

Name	Eastern Cape Development Corporation
<b>East London Head Office</b>	
Physical Address	Ocean Terrace Park, Moore Street, Quigney, East London
Postal Address	P O Box 11197, Southernwood, East London, 5213
Telephone Number	043-704 5600/5601
Website	<a href="http://www.ecdc.co.za">www.ecdc.co.za</a>
e-mail address	<a href="mailto:info@ecdc.co.za">info@ecdc.co.za</a>
<b>Butterworth Region</b>	
Physical Address	ECDC Offices, 24 High Street, Butterworth
Postal Address	P O BOX 117, Butterworth, 4960
Telephone Number	+27 4012700
<b>Mthatha Region</b>	
Physical Address	No. 7 Sisson Street, Fort Gale, Mthatha, 5099
Postal Address	Private Bag X5028, Mthatha, 5099
Telephone Number	+27 47 5012200
FAX	+27 47 5323548
<b>Queenstown Region</b>	
Physical Address	118 Ebdon street, Queenstown, 5321
Postal Address	P O BOX 80, Queenstown 5321
Telephone Number	+27 45 8381910
<b>Port Elizabeth Region</b>	
Physical Address	Regency House, No.35A, 3rd Avenue, Newton Park, PE Tel. No. 041-373 8260
Telephone Number	+27 41 3738260

## **6. DESCRIPTION OF THE SECTION 10 GUIDE**

- 6.1 In accordance with section 10 of PAIA, the South African Human Rights Commission (SAHRC) has compiled a guide on the use of PAIA.
- 6.2 The SAHRC guide is available from the SAHRC offices and their website: [www.sahrc.org.za](http://www.sahrc.org.za). Contact details are provided below:

The South African Human Rights Commission  
PAIA UNIT  
The Research and Documentation Department  
Private Bag 2700  
HOUGHTON  
2041  
Telephone: 011 877 3600  
Fax: 011 403 0625  
Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **7. RECORDS HELD BY THE ECDC**

The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA and explained in the SAHRC Manual may be applicable to a request for such records.

In general, the ECDC maintains records of all its activities. Files no longer required by the users are transferred to the Eastern Cape Provincial Archives. Records which have reached their disposal period are disposed by means of destruction and transfer procedure in accordance with retention schedules. Disposal Authority from the Eastern Cape Provincial Archives must be obtained prior disposal. Records of lasting value, in terms of legal, social, historical or research value are transferred to the Eastern Cape Provincial Archives once they complete their lifecycle at ECDC.

### **7.1 Information automatically available**

The following information/records can be obtained without a formal request: -

- Marketing brochures of the ECDC (Eastern Cape Development Corporation);
- The Eastern Cape Development Corporation Act;
- Current ECDC Tender opportunities;
- Current ECDC Employment opportunities;
- Information relating to potential partnerships with Investors;

- Corporate Social Investment projects and how to get involved
- ECDC Annual Report.

All of the above records are available on request at the ECDC Head Office and the Regional Offices, and/or on the ECDC website at [www.ecdc.co.za](http://www.ecdc.co.za)

## **7.2 Information Available in terms of other Legislation**

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes, as may be amended or revised:-

- The South African Constitution of 1996
- National Archives and Records Services Act No. 43 of 1996
- Eastern Cape Provincial Archives and Records Service Act No. 7 of 2003
- Electronic Communications and Transactions Act No. 25 of 2002
- Companies Act No. 71 of 2008
- Promotion of Access to Information Act No. 2 of 2000
- Promotion of Administrative Justice Act No. 3 of 2000
- Public Finance Management Act No. 1 of 1999
- Protection of Personal Information Act No. of 2013
- Basic Conditions of Employment Act No. 75 of 1997
- Broad-Based Black Economic Empowerment Act No. 53 of 2003
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Construction Industry Development Board Act No. 38 of 2000
- Customs and Excise Act No. 91 of 1964
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Manufacturing Development Act No. 187 of 1993
- National Environmental Management No. 85 of 1993
- Preferential Procurement Policy Framework Act No. 5 of 2000
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Contributions Act No. 4 of 2002
- Value Added Tax Act No. 89 of 1991

## **7.3 Information Available by Category and Subject**

Information at the ECDC is categorized as per an approved Records Management File Plan approved by the Eastern Cape Provincial Archives and Records Services and Information pertaining to the categories appearing below will be subject to a formal request in terms of PAIA:-

### 7.3.1 List of Files that are not accessible

No.	Function	File Description
1.	Human Resources Management	Employee case Files
		Employees Performance contracts and reviews files
		Disciplinary cases files with ongoing cases
		Recruitment files
		Salary files
		Declaration of interest files
		Training and Development
		Skills development
		Scholarships and bursaries
		Internship programme
		Learnership programme
		Employee health and wellness
		Committee Minutes
		Staff movement, relocation & transfers
		Staff relief arrangement
Staff files regarding their health status		
2.	Board & Committee Files	Appointment of Board Members and their personal information
		Board & Committees Minute Books, recordings, resolutions & packs
		Disclosure of Interests of the Board and Committees.
3.	Business Finance and Support	Loan files
		All application files with clients/customer personal Information.
4.	Properties Files	All Files with Tenants' Personal Information
		Infrastructure project files
5.	SCM	Active Bid/Tender documents
		Contract management files
		service level agreements (SLA)
		Bidders personal information
		Procurement Committee Minute Files
6.	Finance	Payroll files with personal information
		Funding Agreements

No.	Function	File Description
		Grant Funding Files
		Payment Vouchers with clients personal information
7.	Internal Audit	All Files under investigation
8.	Legal	All Legal Files
9.	Trade Promotion and Innovation	All Files with personal information of stakeholders and clients/customers.
10.	Facilities Management	All project files
		Major maintenance and repairs projects files <ul style="list-style-type: none"> <li>• Own ECDC buildings</li> <li>• Rented/leased buildings</li> <li>• ECDC offices</li> </ul>
		Minor maintenance and repairs project files <ul style="list-style-type: none"> <li>• Own ECDC buildings</li> <li>• Rented/leased buildings</li> <li>• ECDC offices</li> </ul>

### 7.3.2 Classified Information

The following information is deemed not automatically availed to the public due to the Protection of personal Information Act (POPI) of 2008 and the Promotion of Access to Information Act (PAIA). ECDC records are classified as follows:

#### 7.3.2.1 Top Secret Files

This is the highest security classified records, and these consist of unauthorised disclosure files which could cause great harm to the ECDC and the country, consisting following:

- Files that consist investigation by National and Provincial government, i.e. Hawks, etc.

#### 7.3.2.2 Secret Files

These files consist of:

- Investigation by Internal Audit, Auditor General South Africa.
- Fraud and corruption investigations case files.

#### 7.3.2.3 Confidential Files

Information that will damage ECDC when disclosed publicly without authorisation and consist of the following files:

- Files with personal information of employees, customers, clients and stakeholders.
- Disciplinary hearing files whilst the case is ongoing.

- Legal files
- Board & Committees matters files
- Employee files

#### 7.4 ACCESSIBLE ECDC RECORDS THROUGH PAIA REQUEST

No.	Subject	Description of Record
1.	Statutory and Regulatory Framework	<ul style="list-style-type: none"> <li>• ECDC Act 2 of 1997</li> <li>• Other Acts (South Africa)</li> <li>• Other Regulations (South Africa)</li> </ul>
2.	Organisation and Control	<ul style="list-style-type: none"> <li>• Delegation of authority</li> <li>• PAIA Manual</li> </ul>
3.	Human Resources Management	<ul style="list-style-type: none"> <li>• Recruitment, Selection &amp; Appointment <ul style="list-style-type: none"> <li>○ job advert</li> <li>○ Job Profile for recruitment</li> <li>○ job applications</li> <li>○ unsuccessful job applications</li> <li>○ unsuccessful CV's</li> <li>○ Regret letters</li> <li>○ induction</li> </ul> </li> <li>• Code of Conduct</li> <li>• Employee handbook</li> <li>• skills development levy</li> <li>• Employment equity plan</li> <li>• Awards and honours</li> <li>• Occupational health and safety</li> </ul>
4.	Financial Management	<ul style="list-style-type: none"> <li>• Proof of payment</li> <li>• Annual financial statements</li> <li>• Asset registers</li> </ul>
5.	Supply Chain Management	<ul style="list-style-type: none"> <li>• Policies</li> <li>• Procurement files</li> <li>• supplier database files</li> <li>• Quotations</li> <li>• Purchase orders</li> <li>• Tender documents (new bid documents)</li> <li>• empowerment incentives</li> <li>• Small Medium Micro Economic Development (SMME)</li> <li>• Targeted SMME's</li> </ul>
6.	Facilities Management	<ul style="list-style-type: none"> <li>• Policy and procedures</li> <li>• Furniture removal and transfer files</li> </ul>
7.	Travel and Transport Services	<ul style="list-style-type: none"> <li>• Policy</li> <li>• Trip Arrangement and accommodation files</li> <li>• Trip authorisation records</li> <li>• Log sheets</li> <li>• Traffic fines incurred by the Driver</li> </ul>

No.	Subject	Description of Record
		<ul style="list-style-type: none"> <li>• Vehicle inspection reports</li> <li>• Vehicle license renewal</li> <li>• Maintenance and repairs to vehicle files</li> <li>• Reports on Irregular use</li> <li>• Accident Reports files</li> <li>• Insurance claims</li> </ul>
8.	Records and Document Management	<ul style="list-style-type: none"> <li>• Records management policy</li> <li>• File plan master copy</li> <li>• Register of destroyed records.</li> <li>• Registry procedure manual</li> <li>• Mail registers</li> <li>• Courier service registers</li> <li>• Returned mail register</li> <li>• Complaints courier service register</li> <li>• Inventory list of records at ECDC</li> <li>• Register retrieved files from off-site storage.</li> <li>• PAIA requests file (requests, refusals, registers)</li> <li>• Disposal authority granted.</li> <li>• Destruction certificate</li> <li>• Transferred records to the ECPA</li> </ul>
9.	Information Technology	<ul style="list-style-type: none"> <li>• Policy</li> <li>• Information systems management files</li> <li>• Usage/statistic Report</li> <li>• Installation and maintenance files (hardware, servers, software)</li> <li>• Issuing of equipment, flash disks, laptops, 3G cards reports.</li> <li>• Reports on Disposal of equipment files</li> <li>• Access control files</li> <li>• Systems License management files</li> <li>• Software files</li> <li>• Information security management reports</li> <li>• Access rights reports</li> <li>• Incident reports</li> <li>• Security audits</li> <li>• Systems log report</li> <li>• Asset register</li> </ul>
10.	Marketing and Communications	<ul style="list-style-type: none"> <li>• Printed brochures</li> <li>• Marketing material</li> <li>• Stakeholder liaison files</li> <li>• Media liaison files</li> <li>• Press releases</li> <li>• Posters</li> <li>• Briefings</li> <li>• newsletters</li> <li>• branding files</li> <li>• exhibitions files</li> <li>• advertisements (vacancies, bursaries, nominations, tenders)</li> <li>• Events management files</li> </ul>

No.	Subject	Description of Record
		<ul style="list-style-type: none"> <li>• Public outreach programme files</li> <li>• Corporate gifts</li> <li>• ECDC Emblems and logos</li> </ul>
11.	Development finance and Business Support	<ul style="list-style-type: none"> <li>• Policy</li> <li>• Application forms for funding <ul style="list-style-type: none"> <li>○ Equity</li> <li>○ Term loan (long-term)</li> <li>○ Powerplus</li> <li>○ Term cap loan</li> <li>○ Commercial and industrial property loans</li> <li>○ Trade finance short-term</li> <li>○ Construction loans</li> <li>○ Micro loans</li> </ul> </li> <li>• Enterprise development <ul style="list-style-type: none"> <li>○ SMME</li> <li>○ Targeted SMME <ul style="list-style-type: none"> <li>▪ Construction</li> <li>▪ manufacturing</li> </ul> </li> </ul> </li> <li>• Invaba Co-operatives Fund information</li> <li>• Jobs fund information</li> <li>• Business support <ul style="list-style-type: none"> <li>○ Training</li> <li>○ Mentoring</li> <li>○ Loan rescue and workouts</li> </ul> </li> <li>• Liaising with stakeholders</li> </ul>
12.	Trade Investments and Innovation	<ul style="list-style-type: none"> <li>• Investment facilitation and promotion</li> <li>• Export promotion</li> <li>• Investor development information</li> <li>• Investor support services information</li> <li>• Aftercare service management information.</li> <li>• Innovation</li> <li>• Sector development information.</li> </ul>
13.	Property Investment Management	<ul style="list-style-type: none"> <li>• Rental/Leases of buildings application forms</li> <li>• Drawings and plans</li> <li>• Land and property sale</li> </ul>
14.	Strategic Projects	<ul style="list-style-type: none"> <li>• Information on new projects.</li> <li>• Designs, Maps and Drawings</li> <li>• Site handover documents <ul style="list-style-type: none"> <li>○ Certificates</li> <li>○ Lab test results</li> <li>○ Site test results</li> <li>○ Practical completion certificate</li> <li>○ Works completion certificate</li> <li>○ Final completion certificate</li> </ul> </li> <li>• Social infrastructure development projects</li> <li>• School projects</li> <li>• Socio economic infrastructure projects</li> </ul>

No.	Subject	Description of Record
		<ul style="list-style-type: none"> <li>• Integrated development plan support programme</li> <li>• Project Reports</li> </ul>

## 8. PROCEDURE TO ACCESS RECORDS

- 8.1 The PAIA request must be made on the correct prescribed ECDC request Form A and addressed to the Information Officer or Deputy Information Officer (see contact details in paragraph 5.1 – 5.5 of this manual) or to the Chief Executive Officer of the ECDC.
- 8.2 The request form (FORM A) is available in all ECDC regional offices and its website at [www.ecdc.co.za](http://www.ecdc.co.za)
- 8.3 The request form must be completed in full and hand delivered, posted, faxed or submitted via email as per paragraph 5.1 – 5.5.
- 8.4 Supervised access is provided at the reception under supervision of ECDC staff member who is able to provide guidance on the retrieval of information in records and archives.
- 8.5 Certain records, which are free of charge, may be accessed directly on the Internet from ECDC's official website at: [www.ecdc.co.za](http://www.ecdc.co.za) and Requesters are encouraged to first consider checking if the records are available on the official website before submitting a request.

## 9. How to Complete a PAIA Request Form (Annexure B)

	Information Required	Description
1.	Details of the Requester	Information to identify the requester including contact details, postal and email address, fax and telephone number in South Africa.
2.	Details of the requested records	Information to be able to identify the record. Additional paper may be used to detail the request, and each additional page must be signed, i.e. invoice, etc.
3.	Manner of access to the record	A description of the form or manner in which the record should be provided or made accessible, i.e. printed, soft copy, audio, etc.
4.	Manner in which to inform the requester of access to the record.	Manner in which to inform the requester about the decision to grant or deny the request. This can be via email, post, etc.
5.	Preferred language	Preferred language in which to receive the record provided, i.e. English, xhosa, etc.

	<b>Information Required</b>	<b>Description</b>
6.	Capacity of authorized person making request.	When a request is made on behalf of someone else, proof of the capacity in which the persona is making the request must be provided, i.e. lawyer, etc.
7.	Rights concerned	When a request is made, the requester must state the right that is implicated and explain why the record is required for the exercise or protection of that specific right, litigation, etc.

## **10. PAYMENT PROCEDURE**

### **10.1 Cost of Request Fees**

- 10.1.1 A person who submits a request on behalf of someone (i.e lawyers, etc) must pay the standard required request fee. The Deputy Information Officer will notify the requester of the requirements to pay the prescribed fee (if any) before processing the request as in Section 22(1) of the Act.
- 10.1.2 Requester who is requesting access to their personal information (own) are exempted from paying the request fee but will pay for the access fees.
- 10.1.3 The request fee payable to ECDC is R35.00 per record, which is the amount stipulated in the act.
- 10.1.4 Payable on submission of each application.
- 10.1.5 This amount is non-refundable.
- 10.1.6 Requesters who earn less than R14 712.00 per annum if single, and R27 192 per annum if married or in a life partnership do not have to pay access fees.

### **10.2 Cost of Access Fees**

- 10.2.1 Requesters are required to pay fees for accessing public records.
- 10.2.2 The fee covers the searching and copying costs of the record.
- 10.2.3 An access fee is determined by the amount of records requested and the manner in which access is required.
- 10.2.4 Postage fees are paid by the requester for the delivery of their requested records.
- 10.2.5 Request and access fees are listed in Annexure A, as prescribed by Gazette 23119 of 15 February 2002, Government Notice No. R187.

### **10.3 Notification of Fees**

- 10.3.1 Should the request fee of R35.00 not accompany a request received by ECDC, the Deputy Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the request fee (R35.00) before further processing the request.

- 10.3.2 Once the Deputy Information Officer has made a decision on the request the requester will be notified of such a decision in the manner in which the requester wanted to be notified in.
- 10.3.3 If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form requires more than the hours prescribed in the regulations, the Deputy Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted. The Deputy Information Officer shall withhold the record until the requester has paid the relevant fees.
- 10.3.4 If the request is granted, then a further access fee must be paid for the search, preparation and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure including making arrangements to make it available in the requested form.
- 10.3.5 If the deposit has been paid in respect of a request for access, which is refused, then the Deputy Information Officer will repay the deposit to the requester.

#### **10.4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The Deputy Information Officer may, and in some circumstances, must refuse a request for information if that information relates to the following:

- 10.4.1 Protection of Personal Information Act (POPI) of 2000.
- 10.4.2 Unreasonable disclosure of personal information about a third party, including a deceased individual
- 10.4.3 Protection of certain records of the ECDC (Paragraph 7.3.2) of this manual.
- 10.4.4 Protection of the commercial information of a third party [Section 36(1)];
- 10.4.5 Protection of the confidential information of third parties, supplied in confidence or protected in terms of an agreement [Section 37(1)];
- 10.4.6 Protection of the safety of individuals and property [Section 38(1)];
- 10.4.7 Protection of records privileged from production in legal proceedings [Section 40(1)];
- 10.4.8 Protection of records reasonably expected to cause prejudice to the defence, security and international relations of the Republic of South Africa [Section 41(1)];
- 10.4.9 Protection of records relating to the economic interests and the financial welfare of the Republic of South Africa and the commercial interests of public bodies and ECDC [Section 42(1)];
- 10.4.10 Protection of research information of a third party, including a public body and ECDC [Section 43(1)];
- 10.4.11 Protection of the operations of public bodies and ECDC [Section 44(1)]; and

10.4.12 Manifestly frivolous or vexatious requests or those that would result in a substantial and unreasonable diversion of resources [Section 45(1)].

## **10.5 REMEDIES AVAILABLE**

10.5.1 A requester (or a third party, if applicable) may seek relief from any court, with appropriate jurisdiction, in respect of the following decisions of the Information Officer or the Deputy Information Officer:

10.5.2 Refusal or partial refusal of the request for access;

10.5.3 The amount of fees required to be paid;

10.5.4 The extension for the period within which to deal with the request; or

10.5.5 The form of access in which the information will be furnished.

10.5.6 All legal processes must be served on the Chief Information Officer or the Deputy Information Officer who dealt with the request within 30 days from the date of the decision.

## **11. UPDATING MANUAL**

The manual will be updated annually or whenever changes to the information contained in the manual require an update.

## **12. AVAILABILITY OF THIS MANUAL**

This manual can be accessed as follows:

12.1 ECDC website at [www.ecdc.co.za](http://www.ecdc.co.za)

12.2 Requesting a copy by email from the relevant Information Officer as provided for in paragraph 4 below.

12.3 INFOSHARE

12.4 South African Human Rights Commission.

12.5 Office of the Premier - Eastern Cape Province

## **13. ANNEXURES**

Annexure A Fees in respect of Requests by public Bodies

Annexure B Request for Access to Records of Public Body (FORM A)



REF NO:10/4/1

## Annexure A

### FEES IN RESPECT OF REQUESTS FOR INFORMATION FROM PUBLIC BODIES

1. The following fees have been prescribed in the Regulations under PAIA and must be paid by a Requester before the ECDC Deputy Information Officer can make any record available.
2. The fee for the copy of the guide as contemplated in regulations 2(3) (b) and 3 (4) (c) is R0. 60 for every photocopy of an A4-size page or part thereof.
3. The fee for a copy of the manual as contemplated in regulations 5(c) is R0.60 for every photocopy of an a4-size page or part thereof.
4. The fees for reproduction referred to in regulation 7 (1) are as follows:

Description of Request		Fee
1.	For every photocopy of an A-4 size page or part thereof	R0.60
2.	For every printed copy of an A-4 size page or thereof held on a computer or In electronic or machine readable form	R0.40
3.	For a copy in a computer-readable form on:	
3.1.	Stiffy disc	R5.00
3.2.	Compact disc	R40.00
4.	For a transcription of visual images:	
4.1.	For an A-4 size page or part thereof	R22.00
4.2.	For a copy of visual image	R60. 00
5.	For a transcription of an audio record:	
5.1.	For an A-4 size page or part thereof	R12.00
5.2.	For a copy of an audio record	R17.00

5. The request fee payable by a Requester, other than a personal Requester, referred to in regulation 7 (2) is R35.00.
6. The access fees payable by a Request referred to in regulation 7(3) are as follows:

Description of Access Required		Fee
1.	For every photocopy of an A-4 size page or part thereof	R0.40
2.	For every printed copy of an A-4 size page or part thereof held on a computer	R0.40
3.	For a copy in a computer-readable form on:	
	3.1. Stiffy disc	R5.00
	3.2. Compact disc	R40.00
4.	For a transcription of visual images:	
	4.1 For an A-4 size or part thereof	R22.00
	4.2. For a copy of an audio record	R60.00

5.	For a transcription of an audio record;	
	5.1. For an A4-size page or part thereof	R12.00
	5.2. For a copy of an audio record	R17.00
6.	To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R15.00

7. The actual postage is payable as when a copy a record must be posted to a Requester.

**Account Name** ECDC MAIN ACC

**Account Type** PUBLIC SECTOR MANAGED ACCOUNT

**Account Number** 52130078514

**Branch Code** 210121 **Branch Name** EAST LONDON 212

**Swift Code** FIRZAJJ **Date Opened** 1996-01-30



Annexure B

FORM A

Ref No: 8/3/1/1

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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

[Regulation 2]

FOR DEPARTMENTAL USE

Reference number: \_\_\_\_\_

Request received by \_\_\_\_\_ (state rank, name and surname of information 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

The Information Officer/Deputy Information Officer:

\_\_\_\_\_

**B. Particulars of person requesting access to the record**

- (a) *The particulars of the person who requests access to the record must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which 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: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

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: \_\_\_\_\_

Business Name: \_\_\_\_\_

Registration 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:

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**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:
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Mark the appropriate box with an "X".

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.

**1. If the record is in written or printed form -**

	copy of record*		inspection of record
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**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*
--	-----------------	--	---------------------	--	------------------------------

<b>3. If record consists of recorded words or information which can be reproduced in sound -</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form</b>					
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>A postal fee is payable.</b> _____				YES	NO
<i>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.</i>					
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?

Email address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20

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**SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF THE REQUEST IS MADE**