

NATIONAL TEXTILE BARGAINING COUNCIL

PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)

MANUAL

1. PURPOSE

- 1.1. The Promotion of Access to Information Act 2 of 2000 (“PAIA”), was enacted to give effect to the constitutional right of access to information.
- 1.2. The purpose of this manual is to provide requesters with access to certain information, held by the National Textile Bargaining Council (“NTBC”) where a legitimate right of access to that information exists.
- 1.3. The right of access to information is subject to the protection of other rights including but not limited to the right to privacy and confidentiality.

2. DEFINITIONS

- 2.1. “Information Officer” shall mean the Council Secretary;
- 2.2. “Personal Information” in the context of that information typically held by the NTBC, means, but is not limited to information as set out in clause 4 below;
- 2.3. “Personal Requester” means a requester seeking access to records containing personal information of the requester;
- 2.4. “Record” means any record held by the NTBC, regardless of its form or medium, which is in the possession of the NTBC and whether or not created by the NTBC;
- 2.5. “Request for access” means a request for access to information and/or records held by the NTBC;
- 2.6. “Requester” means any person making a request for information and/or records from the NTBC.

3. REQUESTS AND ACCESS TO INFORMATION

- 3.1. Requests for access to information and/or records must be made in accordance with the requirements as set out in PAIA and must be directed to the Information Officer at: secretary@ntbc.org.za
- 3.2. The Information Officer will consider the request in accordance with the guidelines as set out in PAIA and determine whether the requester has a legitimate right of access to the information requested.
- 3.3. Where a legitimate right exists and the requirements of PAIA have been met, the information and/or record will be provided to the requester within 30 days of the request or such longer period which may become necessary.

4. **PERSONAL INFORMATION PROCESSED BY THE NTBC**

- 4.1. Personal Information processed by the NTBC includes but is not limited to information relating to: -
 - 4.1.1 race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 4.1.2 education, medical, financial, criminal or employment history of the person;
 - 4.1.3 identifying number, symbol, email addresses, physical address, telephone number, location information, online identifier;
 - 4.1.4 biometric information;
 - 4.1.5 personal opinions, views or preferences of the person;
 - 4.1.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 4.1.7 the views or opinions of another individual about the person; and
 - 4.1.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 4.2. Records and/or information held by the NTBC includes but is not limited to:

- 4.2.1 the information described in clause 4.1.1 to 4.1.8 above pertaining to its own employees;
- 4.2.2 the information described in clause 4.1.1 to 4.1.8 above belonging party employers and their employees and non-party employers and their employees (“industry employers” and “industry employees”);
- 4.2.3 the information described above and pertaining to the Southern African Clothing and Textile Workers Union (“SACTWU”);
- 4.2.4 Notices of Inspection;
- 4.2.5 Inspection Reports;
- 4.2.6 Compliance Orders;
- 4.2.7 Returns Forms;
- 4.2.8 Compliance Certificates issued by the NTBC;
- 4.2.9 Exemption Application Forms and Outcomes;
- 4.2.10 Demarcation and Allocation Forms and Outcomes;
- 4.2.11 NTBC Employee personnel files;
- 4.2.12 Employer Registration Forms;
- 4.2.13 Emails transmitted to and from the NTBC;
- 4.2.14 Exemption Applications containing affidavits and annexures;
- 4.2.15 Collective Agreements;
- 4.2.16 Arbitration Awards;
- 4.2.17 Judgements of Court of the Republic of South Africa.

5. **REQUESTS MADE IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (“POPIA”)**

- 5.1. POPIA allows for the right of access to personal information;

- 5.2. A requester may approach the NTBC with a request for access to his/her own personal information held by the NTBC in accordance with POPIA;
- 5.3. Such request must be directed to the Information Officer;
- 5.4. The Information Officer will determine whether the requesters request for access to personal information meets the requirements for the right of access in terms of POPIA and PAIA and whether the requirements for access to the personal information have been met.
- 5.5. Where the necessary requirements are met, the personal information and/or record will be provided to the requester within 30 days of the request or such longer period which may become necessary.

6. **COSTS ASSOCIATED WITH THE GRANTING OF ACCESS TO INFORMATION**

- 6.1. Where permissible in law, the NTBC may charge a request and access fee in accordance with PAIA for any requests made to the NTBC for access to information held by the NTBC.