



MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000, READ TOGETHER WITH SECTION 4 OF THE REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION

PAIA & POPIA MANUAL

This document is also available in the following languages: Sepedi & Isizulu

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1. PURPOSE OF THE MANUAL

- 1.1 For the purposes of PAIA, details the procedure to be followed by a Requester and the manner in which a Request for Access will be facilitated by the Information Processors; and
- 1.2 For the purposes of POPIA, amongst other things, details the purpose for which Personal Information may be processed; a description of the categories of Data Subjects for whom the Company Processes Personal Information as well as the categories of Personal Information relating to such Data Subjects; and the recipients to whom Personal Information may be supplied.

2. STRUCTURE AND FUNCTIONS

- 2.1 The National Lotteries Commission (“the commission”) is a statutory, regulatory body established in terms of the Lotteries Act, 1997 (Act No. 57 of 1997) (“the Lotteries Act”).
- 2.2 The Commission exercises overall authority over the affairs of the office of the Commission (NLC”) and the National Lottery Distribution Trust Fund (“NLDTF”). The Commission is, in conjunction with the Commissioner, responsible for the general conduct of its operations as well as the operations of the NLDTF and the Distributing Agencies (“DAs”).
- 2.3 The functions of the Commission as specified in the Lotteries Act, 1997 are to:
 - 2.3.1 Advise the Minister on the issuing of the licence to conduct the National Lottery; Ensure that the National Lottery and Sports Pools are conducted with all due propriety.
 - 2.3.2 Ensure that the interests of every participant in the National Lottery are adequately protected.
 - 2.3.3 Ensure that the net proceeds of the National Lottery are as large as possible; Administer the NLDTF and hold it in trust.
 - 2.3.4 Monitor, regulate and police lotteries incidental to exempt entertainment, private lotteries, society lotteries and any competition contemplated in section 54 of the Lotteries Act.

- 2.3.5 Advise the Minister on percentages of money to be allocated in terms of section 26(3) of the Lotteries Act.
- 2.3.6 Advise the Minister on the efficacy of legislation pertaining to lotteries and ancillary matters.
- 2.3.7 Advise the Minister on establishing and implementing a social responsibility program in respect of lotteries.
- 2.3.8 Administer and invest the money paid to the Commission in accordance with the Lotteries Act.
- 2.3.9 Perform such additional duties in respect of lotteries as the Minister may assign to the Commission.
- 2.3.10 Make such arrangements as may be specified in the license for the protection of prize monies and sums for distribution.
- 2.3.11 Advise the Minister on any matter relating to the National Lottery and other lotteries or any other matter on which the Minister requires the advice of the Commission; and
- 2.3.12 The Minister of Trade and Industry also formally appointed the Board to provide administrative and management support to the DAs.
- 2.4 The Commission comprises of the following divisions:
 - 2.4.1 Central Applications Office (“CAO”); Finance.
 - 2.4.2 Human Resources and Administration; and
 - 2.4.3 Player Services, Media liaison and external communication; and Society & other lotteries, and legal Services.

3. CONTACT PARTICULARS

3.1 Physical Address:

Promotion of Access to Information (“PAIA”) & Protection of Personal Information Manual (“POPIA”)

Block D, Hatfield Gardens
333 Grosvenor Street
Hatfield
PRETORIA
0083

Postal Address:
PO BOX 1556
BROOKLYN SQUARE
SOUTH AFRICA
PRETORIA
0075

Tel: (012) 432 1300
Fax: (012) 432 1387
Website: www.nlcsa.org.za

3.2 Information Officer: Jodi Scholtz

E-mail: paia@nlcsa.org.za

3.3 Deputy Information Officer: Gugulethu Yako

E-mail: paia@nlcsa.org.za

4. DEFINITIONS

- 4.1. PAIA** – The Promotion of Access to Information Act, 2000 (often referred to as “PAIA”)
- 4.2. POPIA** – The Protection of Personal Information Act, 2013 (often referred to as “POPIA”)
- 4.1 POPI Regulations means** - Regulations relating to the Protection of Personal Information, 2018 and shall commence on a date to be determined by the Regulator by proclamation in the Government Gazette.
- 4.2 Regulations in terms of Promotion of access to information** - means regulations regarding the promotion of access to information published in Government Notice no. R. 187 of 15 February 2002 (Government Gazette No. 23119), amended by Government Notice No. R. 1244 of 22 September 2003 (Government Gazette No.25411)
- 4.3 NLC** – The National Lotteries Commission
- 4.4 INFORMATION REGULATOR** – The Information Regulator (South Africa) is an independent body established in terms of Section 39 of The Protection of Personal Information Act 4 of 2013
- 4.5 HUMAN RIGHTS COMMISSION** – The South African Human Rights Commission is the national institution established to support constitutional democracy. It is committed to promote respect for, observance of and protection of human rights for everyone without fear or favour. The Commission is observing regulations issued by government
- 4.6 RESPONSIBLE PARTY** - means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.
- 4.7 REQUESTER** – Means: -
- (i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of "public body", or an official thereof) making a request for access to a record of that public body; or

- (ii) a person acting on behalf of the person referred to in subparagraph (i).

4.8 **PRESCRIBED FEE** - means a fee prescribed for the purposes of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure.

4.9 **VAT** – Value-Added Tax

4.10 **PFMA** – Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999)

4.11 **CEO** – A Chief Executive Officer, (CEO) is the highest-ranking executive in a company.

4.12 **DA** – Distributing Agencies.

4.13 **INFORMATION OFFICER & DEPUTY INFORMATION OFFICER** – of, or in relation to, a—

(a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or

(b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;

4.14 **DATA SUBJECT** - means the person to whom personal information relates.

5. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

5.1 Any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“Information Act”), may obtain a copy of the information guide issued by the Human Rights Commission in the above-mentioned official languages, from:

5.1.1 The Human Rights Commission
Private Bag 2700
Houghton 2041
Telephone: 011-484 8300
Facsimile: 011-484 7149

Website: www.sahrc.org.za

6. THE INFORMATION REGULATOR

- 6.1 The Information Regulator (South Africa) is an independent body established in terms of Section 39 of The Protection of Personal Information Act 4 of 2013. It is subject only to the Law and The Constitution and it is accountable to the National Assembly.
- 6.2 The Information Regulator is, among others, empowered to monitor and enforce compliance by Public and Private bodies with the provisions of The Promotion of Access to Information Act, 2000 (Act 2 of 2000), and The Protection of Personal Information Act, 2013 (Act 4 of 2013).

7. DESCRIPTION OF RECORDS HELD:

- 7.1 Information, which is not readily available, may be requested in accordance with the procedure prescribed in terms of the Promotion of Access to Information Act.
- 7.2 Copies of the prescribed forms to be completed for submitting a request are available from the Information Officers or Deputy Information Officer of the Commission as indicated above.

7.3 Information held:

7.3.1 Central Applications Office

7.3.2 Grants allocated in the following sectors: Arts, Culture and National Heritage Charities.

7.3.3 Miscellaneous Purposes Sport and Recreation.

7.3.4 Minutes of relevant DA meetings Status of applications; and

7.3.5 Public calls for applications and relevant forms.

7.3.6 Finance

7.3.6.1 Past and current approved budgets Audited Financial Statements;

- 7.3.6.2 Particulars of suppliers of various goods and services;
- 7.3.6.3 Other information the PFMA requires in year reporting and planning documentation.
- 7.3.6.4 Approved Finance policies; and
- 7.3.6.5 Details of Bankers

7.3.7 Human Resources and Administration

- 7.3.7.1 Organogram.
- 7.3.7.2 Personal particulars of staff members Structured salaries and benefits payable Disciplinary profile of staff members Human Resources & Administration Policies Vacancies at the NLC; and
- 7.3.7.3 Operating and finance leases.

7.3.8 Player Services, Media Liaison and external communication.

- 7.3.8.1 Annual Report;
- 7.3.8.2 Particulars of Board Members;
- 7.3.8.3 Particulars of Board Sub-committee members Legislation.
- 7.3.8.4 Advertisements Brochures Media Releases; and
- 7.3.8.5 General Information for Players Promotion of Access to Information manual.

7.4 Society & other Lotteries and Legal Services

- 7.4.1 Application Forms Certificates Issued Legal Opinions Regulations
- 7.4.2 Licence to Operate the National Lottery Board Minutes; and
- 7.4.3 Contracts with Suppliers and Service Providers Grant Agreements.

8. RECORDS AVAILABLE IN TERMS OF SECTION 15 of PAIA

- 8.1 The Minister must, in terms of Section 15(2), publish in the Government Gazette a notice of records that are automatically available. We make this information available on this manual in our appendix...

9. SERVICES OFFERED TO MEMBERS OF THE PUBLIC

- 9.1 The National Lotteries Commission also serves as a Grant Funder;
- 9.2 providing registered Non-Profit Organisations with funding to establish projects that improve the lives of everyday South Africans; and
- 9.3 Our grant funding focuses mainly in areas that require enough support to be able to bring growth and change within impoverished communities. The impact of our grant funding model is designed in a manner that plays a pertinent role in changing people's lives. We as a commission are guided by a strict mandate, that governs our operations and helms the model of our grant funding.

10. HOW TO GAIN ACCESS TO THESE SERVICES

- 10.1 To gain access to the services at the National Lotteries Commission, all requests must be made to the Commission on the prescribed requisition forms as per the contact details in number 3 of this document.

11. PRESCRIBED FEES

- 11.1 It may be necessary to pay fees for access to records in terms of PAIA.

These fees are as follows:

- 11.1.1 **Request fee** – if the request is to access a record containing personal information about the requester, he/she will not pay the request fee. Any other request must be accompanied by the required request fee, which is currently R 35.00.
- 11.1.2 **Access fee** – if the request is granted then an access fee must be paid for the reproduction of records and for time in excess of one hour to research and prepare the records for disclosure. Where the time to prepare the records for disclosure is likely to exceed six hours, a deposit of one third of the anticipated access fee may be required.
- 11.1.3 Information, other than that readily available on the NLC website, is available in hard copy only at a fee of R0.60 per page plus VAT plus postage; and

- 11.1.4 The only exception being the Licence to operate the National Lottery which is available at R500.00 plus VAT plus postage and excludes all schedules.
- 11.2 In terms of section 111 of POPIA, the minister may, subject to section 113 and after consultation with the Regulator, prescribe fees to be paid by the data subjects to responsible parties and to the Regulator.
- 11.3 A data subject who is requesting access to their persona information are exempt from paying a fee.
- 11.4 People who earn less than R 14 712 per annum, if single and/ or people who earn R 27 192 per annum, if married, or a life partner are also exempt from paying a request fee.
- 11.5 Please refer to the relevant appendix for a complete breakdown of the fees for public bodies.

12. PARTICIPATION TO FORMULATE POLICY/EXERCISE POWERS

- 12.1 The Commission determines policy and exercises the powers afforded to it by the Lotteries Act and is assisted by various sub-committees, while decisions are carried out by the CEO and other staff.

13. DESCRIPTION OF REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE NLC

- 13.1 If a request for information in terms of the “POPIA & PAIA” issued by the NLC, the requester may, within 60 days and in the prescribed form and against payment of the prescribed appeal fee, lodge an internal appeal against the decision of the information officer in accordance with the provisions of section 75 of the Information Act. If an internal appeal is lodged after expiry of the prescribed period, the NLC will, on good cause shown, allow such late lodging.

14. PROCEDURES FOR THE REQUEST OF INFORMATION IN TERMS OF PAIA

14.1 A requester will be given access to a record of the NLC if the following conditions are met:

14.1.1 The requester complies with all the procedural requirements in the Information Act relating to the request for access to that record.

14.1.2 Access to that record is not refused on any ground of refusal mentioned in the Information Act; and

14.1.3 provided it is in compliance with POPIA.

14.2 Nature of the request:

14.2.1 A requester must use the form that has been printed in the Government Gazette (Govt. Notice R187 – 15 February 2002) (Form A) Please refer to Annexure A;

14.2.2

14.2.3 If the requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18 (2) (f)];

14.2.4

14.2.5 If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [s 18 (3)]; and

14.2.6 There are two types of fees required to be paid in terms of the Information Act, being the request fee and the access fee [s 22:].

14.2.7 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

- 14.2.8 The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request;
- 14.2.9 The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee;
- 14.2.10 After the information officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified in. Promotion of Access to Information manual; and
- 14.2.11 If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

15. PERSONAL INFORMATION PROCESSING IN TERMS OF POPIA

- 15.1 In terms of section 14 & 51 of the Promotion of Access to Information Act, 2000 and read together with Sec 4(1)(C) of the POPI Regulations, 2013, to address requirements of the Protection of Personal Information Act, 2013.

15.2 Objection to the processing of personal information in terms of POPIA

- 15.2.1 A data subject who wishes to object to the processing of personal information in terms of section 11(3)(a) of the Act, must submit the objection to the responsible party on **Form 1**; and
- 15.2.2 The responsible party, or a designated person, must render such reasonable assistance as is necessary, free of charge, to enable the data subject to make an objection on **Form 1**.

15.3 Request for correction or deletion of personal information or destruction or deletion of record of personal information in terms of POPIA.

- 15.3.1 A data subject who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of

personal information in terms of section 24(1) of the Act, must submit a request to the responsible party on **Form 2**; and

15.3.2 The responsible party, or a designated person, must render such reasonable assistance, as is necessary free of charge, to enable a data subject to complete **Form 2**

15.4 **Request for data subject's consent to process personal information in terms of POPIA**

15.4.1 A responsible party who wishes to process personal information of a data subject for the purpose of direct marketing by electronic communication must in terms of section 69(2) of the Act submit a request for written consent to that data subject on **Form 4**.

15.5 **Submission of complaint in terms of POPIA**

15.5.1 Any person who wishes to submit a complaint contemplated in section 74(1) of the Act must submit such a complaint to the Regulator on **Part I of Form 5**; and

15.5.2 A responsible party or a data subject who wishes to submit a complaint contemplated in section 74(2) of the Act must submit such a complaint to the Regulator on **Part II of Form 5**.

15.6 **Regulator acting as conciliator during investigation in terms of POPIA**

15.6.1 If during the investigation of a complaint the Regulator decides to act as a conciliator in terms of section 76(1)(b) of the Act, and convene a conciliation meeting, the Regulator must, as soon as it is practically possible, inform the data subject and the responsible party implicated in the complaint on **Form 6** of the following:

15.6.2 The Regulator's decision to act as a conciliator in the matter; and

- 15.6.3 The date, time and place of the conciliation meeting.
- 15.6.4 The Regulator-
- 15.6.5 may consolidate separate complaints, which are alleged to relate to the same interference with the protection of personal information by the same responsible party, in order to deal with the complaints in the same conciliation proceedings.
- 15.6.6 must ensure that all persons entitled to attend the conciliation meeting are notified within a reasonable time, of the date, time and place of the meeting.
- 15.6.7 may request all the relevant documentation relating to the complaint from the data subject and the responsible party; and
- 15.6.8 may confer with the parties in person, by electronic communication means, or by any other means as is deemed appropriate.
- 15.7 Where a conciliation meeting fails to take place, the Regulator must arrange for an alternative date and notify the persons entitled to attend the conciliation meeting accordingly.
- 15.8 The Regulator must issue a conciliation certificate on **Form 7** within a reasonable time after the date of the conclusion of the conciliation meeting.
- 15.9 If the complaint is not resolved, or either or both of the parties did not attend a conciliation meeting, the Regulator must proceed with the complaint as provided for in terms of section 76 of the Act.
- 15.10 **Pre-investigation proceedings of Regulator in terms of POPIA**
- 15.10.1 If the Regulator intends to investigate any matter contemplated in Chapter 10 of the Act, the Regulator must in terms of section 79 of the

Act, notify the parties to whom the investigation relates of such intention on **Part I of Form 8** prior to conducting the investigation.

15.10.2 The Regulator must inform the responsible party to whom the investigation relates on **Part II of Form 8** of the complaint, or the subject matter of the investigation, and must inform the responsible party of the right to submit a written response to the complaint or the subject matter of the investigation within the time allocated by the Regulator.

15.11 Settlement of complaints in terms of POPIA

15.11.1 If it appears from a complaint or any written reply to the complaint under section 79(b)(ii) of the Act or during a conciliation meeting, that it may be possible to secure a settlement between the parties and if appropriate, satisfactory assurances as contemplated in section 80 of the Act, the Regulator may confer with the parties in person, by electronic communication means, or by any other means as is deemed appropriate to endeavour to obtain a settlement and if appropriate, satisfactory assurances as contemplated in section 80 of the Act;

15.11.2 If during the process referred to in sub-regulation (1) the Regulator decides to convene a settlement meeting, the Regulator must, as soon as it is practically possible, inform the data subject and the responsible party on **Form 9** of the date, time and place of the settlement meeting;

15.11.3 For the purpose of settlement proceedings, the Regulator has the same powers of a conciliator contemplated in sub-regulations (2) to (3) of Regulation 8;

15.11.4 The Regulator must issue a settlement certificate on **Form 10** within a reasonable time after the date of the conclusion of the settlement meeting; and

15.11.5 If no settlement and assurance is secured or if either or both of the parties did not wish to attend a settlement meeting, the Regulator must proceed with the matter as provided for in terms of section 76 of the Act.

15.12 Assessments in terms of POPIA

15.12.1 A request for an assessment in terms of section 89(1) of the Act must be submitted to the Regulator on **Part 1 of Form 11**

15.12.2 The Regulator must inform the requester on **Part II of Form 11** if it has decided to conduct an assessment on-

15.12.2.1 its own initiative; or

15.12.2.2 as requested in terms of sub-regulation (1);

15.12.2.3 within a reasonable time from the date that the decision was made;

15.12.2.4 The period of assessment will be determined by the Regulator on a case-by-case basis; and

15.12.2.5 The Regulator must notify the requester or the responsible party (if not the requester) of any decision made, or action taken, or view formed on **Form 12** within a reasonable time from the date that the decision was made or action taken or view formed.

15.13 Informing the parties of developments regarding investigation in terms of POPIA

- 15.13.1 During the course of an investigation, the Regulator must within a reasonable time from the date of a decision being made or action being taken-
 - 15.13.2 keep the complainant, the data subject (if not the complainant) and the responsible party informed of the developments of the investigation; and
 - 15.13.3 inform the complainant, data subject (if not complainant) and the responsible party of the result of the investigation.
- 15.14 The notifications contemplated in sub-regulation (1) must be served at the designated addresses of the complainant, the data subject and the responsible party advising-
- 15.14.1 on **Form 13** that an enforcement notice will not be issued in terms of section 94(a) of the Act;
 - 15.14.2 on **Form 14** that the complaint has been referred to the Enforcement Committee in terms of section 92 of the Act;
 - 15.14.3 on **Form 15** that an enforcement notice has been served in terms of section 95 of the Act;
 - 15.14.4 on **Form 16** that an enforcement notice had been cancelled or varied in terms of section;
 - 15.14.5 on **Form 17** that an appeal has been lodged against an enforcement notice for cancellation or variation of the notice in terms of section 97 of the Act;
 - 15.14.6 on **Form 18** that an appeal against an enforcement notice has been allowed and that an enforcement notice has been substituted in terms of section 98 of the Act; or

15.14.7 on **Form 19** that an appeal has been dismissed in terms of section 98 of the Act.

16. APPENDIX – PAIA

- 16.1 **Form A** – Request Form.
- 16.2 **Form B** – Notice of internal Appeal
- 16.3 **Form D** – Request Form.
- 16.4 **Government Gazette a notice of records that are automatically available; and**
- 16.5 **Prescribed fees Gazette Notice**

17. APPENDIX - POPIA

- 17.1 **Form 1** - Objection of processing of personal information.
- 17.2 **Form 2** - Request for correction or deletion of personal information.
- 17.3 **Form 4** - Direct marketing by electronic communication consent.
- 17.4 **Form 5 (Part 1 & Part 2)** - Complaint regarding interference with Protection of Personal Information.
- 17.5 **Form 6** - Regulator acting as a Conciliator.
- 17.6 **Form 7** - Notice to parties- Conciliation.
- 17.7 **Form 8 (PART 1 & Part 2)** - Notice to parties of intention of Regulator to investigate a complaint.
- 17.8 **Form 9** - Notice to parties: settlement meeting.
- 17.9 **Form 10** - Settlement certificate.
- 17.10 **Form 11** - Request for an assessment.
- 17.11 **Form 12** - outcome or decision made.
- 17.12 **Form 13** - Enforcement notice.
- 17.13 **Form 14** - Referral to Enforcement Committee.
- 17.14 **Form 15** - Section 95 enforcement notice.
- 17.15 **Form 16** - Cancelled enforcement notice.
- 17.16 **Form 17** - Appeal lodged against an enforcement notice.
- 17.17 **Form 18** - Setting aside of enforcement notice; and
- 17.18 **Form 19** - Notice of dismissal of appeal.

Availability of the Manual

The manual is available for inspection, on reasonable prior notice, at the office of NLC free of charge. Copies of the manual of NLC are also available from the SAHRC and Information Regulator.