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POPI AND PAIA MANUAL

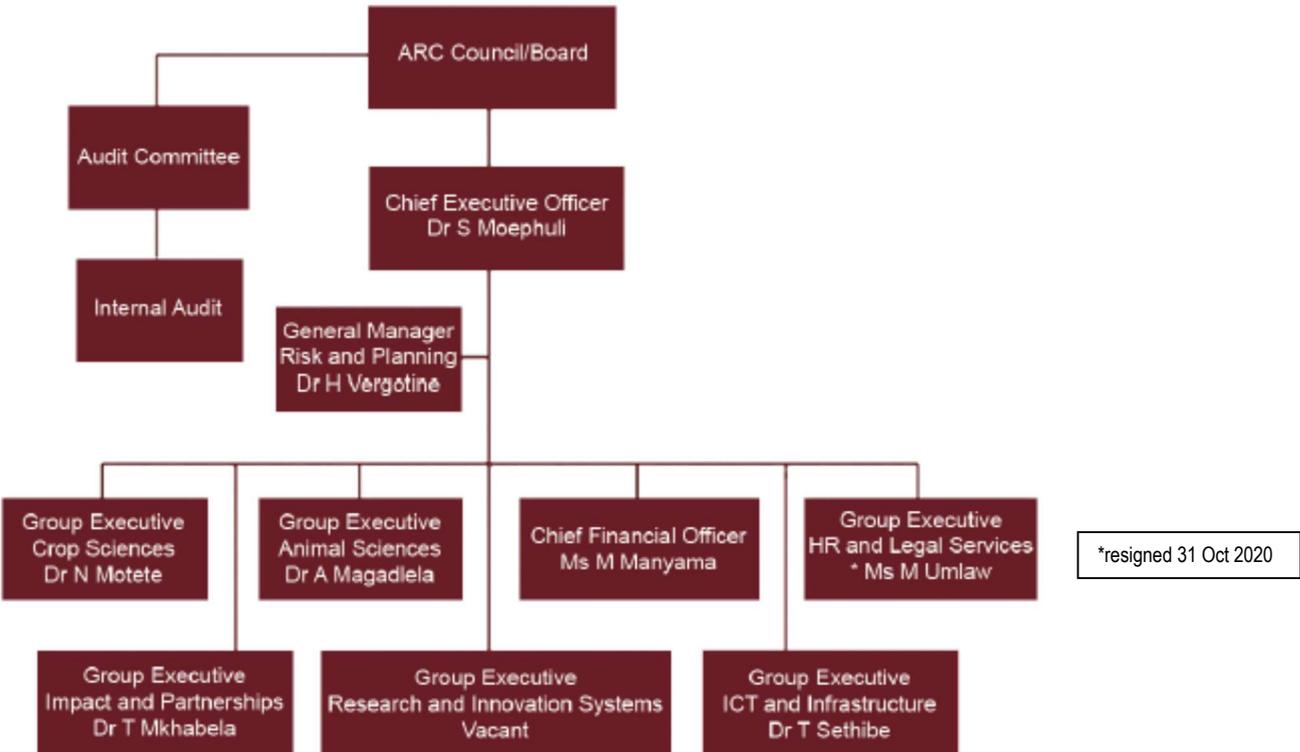
1. GENERAL

The Agricultural Research Council (ARC) was established in terms of the Agricultural Research Act (No. 86 of 1990, as amended by Act 27 of 2001), from which it derives its core mandate. The objectives of the ARC outlined in the Act are to conduct research, drive research and development, drive technology development and transfer (dissemination) information, in order to promote agriculture and industry; contribute to better quality of life; facilitate/ensure natural resource conservation; and alleviate poverty.

The ARC performs its functions through several research campuses that are predominantly commodity-based and are strategically distributed throughout the country. Further, research at these facilities is complemented by on-field experimental sites distributed throughout every province of South Africa. In addition, selected farm fields are utilised to study the performance of ARC research technologies under actual farm production environments.

The Council of the ARC is the Accounting Authority in terms of the PFMA, and provides strategic direction and leadership to enhance shareholder value and ensure the long-term sustainable development and growth of the Entity. In fulfilling its responsibilities, the Council is supported by the ARC Chief Executive Officer and the Executive and Senior Management team in implementing the approved strategic and corporate plans and policies. The ARC seeks to operate on sound business principles and practices, and to this end, strives at all times to comply with the principles contained in the King Code on Corporate Governance in South Africa (2016) (King IV).

1.1 STRUCTURE OF THE ARC



1.2 ARC STRATEGIC OUTCOMES

OUTCOME 1: INCREASED AGRICULTURAL PRODUCTION AND PRODUCTIVITY

- 1) Generation of knowledge through research;
- 2) Development of new technologies;
- 3) Scientific services rendered; and
- 4) Information dissemination.

OUTCOME 2: INCREASED AGRICULTURAL PRODUCTION AND PRODUCTIVITY

- 1) Generation of knowledge through research;
- 2) Development of new technologies;
- 3) Scientific services rendered; and
- 4) Information dissemination.

OUTCOME 3: IMPROVED NUTRITIONAL VALUE, QUALITY AND SAFETY OF AGRICULTURAL PRODUCTS

- 1) Generation of knowledge through research;
- 2) Development of new technologies;
- 3) Scientific services rendered; and
- 4) Information dissemination.

OUTCOME 4: A SKILLED AND CAPABLE AGRICULTURE SECTOR

- 1) Generation of knowledge through research;
- 2) Development of new technologies;
- 3) Scientific services rendered; and
- 4) Information dissemination.

OUTCOME 5: ENHANCED RESILIENCE OF AGRICULTURE

- 1) Generation of knowledge through research;
- 2) Technologies released to agriculture sector;
- 3) Scientific services rendered;
- 4) Agriculture skills and capacity development;
- 5) Agriculture R&D information communicated/disseminated to stakeholders; and
- 6) Stakeholder management.

OUTCOME 6: A HIGH PERFORMING AND SUSTAINABLE ORGANISATION

- 1) Improved post-graduate SET base;
- 2) Improved staff profile;
- 3) Optimal investment in training and development;
- 4) Funding and revenue generation;
- 5) Applied Information technologies; and
- 6) Optimal utilisation of assets.

2 PURPOSE OF THE POPI AND PAIA MANUAL

The promotion of Access to Information Act, 2000 (the "Act") gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

This manual was prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

3 SCOPE

This POPI and PAIA Manual applies to the Agricultural Research Council, which is established by the Agricultural Research Act 86 of 1990 (as amended).

4 ARC CONTACT DETAILS

| | |
|---------------------|--|
| Name of entity: | Agricultural Research Council |
| Registered address: | 1134 Park Street, Hatfield, Pretoria |
| Postal address: | P.O. Box 8783, Pretoria |
| Telephone number: | +27 12 427 9700 |
| Email: | enquiries@arc.agric.za |
| Website: | www.arc.agric.za |

5 GUIDE OF HUMAN RIGHTS COMMISSION / INFORMATION REGULATOR

A guide to the Promotion of Access to Information Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

The contacts of the Commission are:

| | |
|-------------------|--|
| Contact body: | The South African Human Rights Commission |
| Physical Address: | PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown |
| Postal Address: | Private Bag 2700, Houghton 2041 |
| Telephone Number: | +27 11 877 3600 |
| E-Mail: | PAIA@sahrc.org.za |
| Web Site: | www.sahrc.org.za |

The contacts of the Information Regulator are:

| | |
|-------------------|---|
| Contact body: | The Information Regulator (South Africa) |
| Physical Address: | SALU Building 316 Thabo Sehume Street PRETORIA infoereg@justice.gov.za |
| Telephone Number: | +27 12 406 4818 |
| E-Mail: | PAIA@sahrc.org.za |

6 DEFINITION OF TERMS

- a) **Consent:** Any voluntary, specific and informed expression of will in terms of which
- b) **Data subject:** The person to whom personal information relates
- c) **Direct marketing:** To approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of – (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or (b) requesting the data subject to make a donation of any kind for any reason.
- d) **Electronic communication:** Any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient.
- e) **Enforcement notice:** A notice issued in terms of section 95.
- f) **Information Officer:** Of, or in relation to, (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.
- g) **Minister:** A Cabinet member responsible for the administration of justice.
- h) **Operator:** A person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
- i) **Person:** A natural person or a juristic person.
- j) **Personal information:** Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: (a) information relating to the 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; (b) Information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) The biometric information of the person; (e) The personal opinions, views or preferences of the person; (f) 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; (g) The views or opinions of another individual about the person; and (h) 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.

- k) Prescribed:** Prescribed by regulation or code of conduct.
- l) Promotion of Access to Information Act:** The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- m) Regulator:** The Information Regulator established in terms of section 39.
- n) Responsible party:** 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.
- o) Unique identifier:** Any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

7 ACCESS TO RECORDS HELD BY ARC

Records held by ARC may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of ARC and in this regard, the Act distinguishes between two types of requesters:

7.1. PERSONAL REQUESTER

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, ARC will provide the requested information, or give access to any record about the requester's personal information. ARC will charge the prescribed fee for reproduction of the information requested.

7.2. OTHER REQUESTER

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, ARC is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. ARC will charge the prescribed fee for reproduction of the information requested.

7.3. REQUEST PROCEDURE

- a) A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. A requester must complete the request form as prescribed by law and submit it, as well as the payment of a request fee to the Information Officer at the physical address, or electronic mail address as stated herein. The request form must be filled in with enough information to at least enable the information officer to identify:
 - The record or records requested
 - The identity of the requester
 - What form of access is required?
 - The postal address or fax number of the requester.
- b) A requester must state that he or she requires the information to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

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- c) ARC will process a request within 30 days, unless the requestor has stated special reasons, which would satisfy the information officer that circumstances dictate that this period not be complied with.
 - d) The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the way it is required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.
 - e) If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the information officer.

7.4. DECISION

ARC will decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30 day period within which ARC has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information that has been backed-up and stored offsite and the information cannot reasonably be obtained within the original 30 day period. The information officer will notify the requester in writing should an extension be necessary.

7.5. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA

The following are the grounds on which ARC may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

- a) Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable.
- b) Mandatory protection of the commercial information of a third party, if the Records contain:
 - Trade secrets of that third party
 - Financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - Information disclosed in confidence by a third party to ARC, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.
- c) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- d) Mandatory protection of the safety of individuals and the protection of property.
- e) Mandatory protection of Records that would be regarded as privileged in legal proceedings.
- f) Protection of the commercial information of ARC, which may include:
 - Trade secrets;
 - Financial/commercial, scientific, or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of ARC;
 - Information which, if disclosed, could put ARC at a disadvantage in contractual or other negotiations or prejudice ARC; and/or
 - Computer programs which ARC owns, and which copyright and intellectual property laws protect.

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- g) Research information of ARC or a third party, if such disclosure would place the research or the researcher at a serious disadvantage, and
 - h) Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

7.6. REMEDIES AVAILABLE TO THE REQUESTER UPON REFUSAL OF A REQUEST FOR ACCESS OF PAIA

7.6.1. INTERNAL REMEDIES

ARC does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

7.6.2. EXTERNAL REMEDIES

In accordance with sections 56(3) (c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

8 PRESCRIBED FEES

Fees Provided by the Act:

The Act provides for two types of fees, namely:

- a) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- b) An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the 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 Information Officer shall withhold a record until the requester has paid the fees. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

9 CATEGORIES OF RECORDS HELD BY THE ARC: SECTION 51(1)(E)

This clause serves as a reference to the categories of information that Adept Advisory holds. The information is classified and grouped according to records relating to the following subjects and categories:

9.1. COMPANIES ACT RECORDS

- a) Names of Council Members
- b) Remuneration of Council Members
- c) Minutes of Council Meetings
- d) Records relating to the appointment of Council members / auditor / Accounting officer and other officers

9.2. FINANCIAL RECORDS

- a) Financial Statements
- b) Documents relating to taxation of the company
- c) Accounting Records
- d) Financial Agreements

9.3. AGREEMENTS OR CONTRACT RECORDS

- a) Standard Agreements
- b) Contracts concluded with Companies
- c) Contracts concluded with Customers
- d) Third Party Contracts (such as Service Level Agreements etc.)
- e) Suppliers Contracts

9.4. EMPLOYEES

- a) List of Employees
- b) Personal Information of Employees
- c) Employee Contracts of Employment
- d) Salaries of Employees
- e) Leave Records

9.5. COMPANY POLICIES AND DIRECTIVES

- a) Internal relating to employees and the company
- b) External relating to clients and other third parties

9.6. REGULATORY

- a) Licenses or Authorities

9.7. CUSTOMER INFORMATION

- a) Customer Details
- b) Contact details of individuals within Customers
- c) Communications with Customers
- d) Records of animals belonging to clients

9.8. SYSTEMS, SOLUTIONS, AND INFORMATION TECHNOLOGY

- a) Intellectual property pertaining to solutions and products developed.
- b) Usage of solutions and products

9.9. REFERENCE MATERIALS

- a) Newsletters and Journal Articles
- b) Magazines
- c) Newspaper Articles

10. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY ARC

10.1. CONDITIONS OF PROCESSING

Chapter 3 of POPI provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPI.

Below is a description of the eight Conditions for Lawful Processing as contained in POPI:

- a) Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPI in respect of the Processing of Personal Information.
- b) Processing limitation - Personal Information must be collected directly from a Data Subject to the extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purposes for which it was obtained.
- c) Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.
- d) Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- e) Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.
- f) Openness - there must be transparency between the Data Subject and the Responsible Party.
- g) Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- h) Data Subject participation - the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

10.2. PURPOSE OF THE PROCESSING OF PERSONAL INFORMATION BY ARC

Personal Information may only be processed for a specific purpose. The purposes for which ARC Processes are prescribed in law. See prescribed forms.

10.3. CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION/SPECIAL PERSONAL INFORMATION RELATING THERETO

A Data Subject may be either a natural or a juristic person. See prescribed forms, which sets out the various categories of Data Subjects that ARC Processes Personal Information on and the types of Personal Information relating thereto.

10.4. RECIPIENTS OF PERSONAL INFORMATION

Part 3 of prescribed forms, which outlines the recipients to whom ARC may provide a Data Subjects Personal Information to.

10.5. CROSS-BORDER FLOWS OF PERSONAL INFORMATION

Section 72 of POPI provides that Personal Information may only be transferred out of the Republic of South Africa:

- a) If the recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially like the Conditions for Lawful Processing as contained in POPI; or
- b) If the Data Subject consents to the transfer of their Personal Information; or
- c) If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d) If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- e) If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

10.6. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA SUBJECT

Section 11 (3) of POPI and regulation 2 of the POPI Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as prescribed, subject to exceptions contained in POPI.

10.7. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request their Personal Information to be corrected/deleted in the prescribed form.

11. LIST OF APPLICABLE LEGISLATIONS (NOT EXHAUSTIVE)

Records of the ARC's may be kept by or on behalf of the ARC in accordance with the following legislation, as well as with other legislation that may or may not apply to the ARC:

- i. Protection of Personal Information Act 4 of 2013
- ii. Basic Conditions of Employment Act 57 of 1997
- iii. Broad-based Black Economic Empowerment Act 53 of 2003
- iv. Companies Act 71 of 2008
- v. Compensation for Occupational Injuries and Diseases Act 130 of 1993
- vi. Copyright Act 98 of 1978
- vii. Currencies and Exchanges Act 9 of 1993
- viii. Electronic Communications and Transactions Act 25 of 2002
- ix. Employment Equity Act 55 of 1998
- x. Financial Intelligence Centre Act 38 of 2001
- xi. Labour Relations Act 66 of 1995
- xii. Occupational Health and Safety Act 85 of 1993
- xiii. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- xiv. Prevention of Organised Crime Act 121 of 1998
- xv. Prevention and Combating of Corrupt Activities Act 12 of 2004
- xvi. Promotion of Access to Information Act 2 of 2000
- xvii. Protected Disclosures Act 26 of 2000
- xviii. Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004

-
- xix. Skills Development Act 97 of 1998
 - xx. Skills Development Levy Act 9 of 1999
 - xxi. Securities Transfer Tax Act 25 of 2007
 - xxii. Securities Transfer Tax Administration Act 26 of 2007
 - xxiii. Intellectual Property Rights from Publicly Financed Research and Development Act 51 of 2008
 - xxiv. Unemployment Insurance Act 30 of 1966
 - xxv. Unemployment Insurance Contributions Act 4 of 2002
 - xxvi. Value Added Tax Act 89 of 1991

12. PRESCRIBED LEGAL FORMS

A requester of Personal Information must complete the request in a legally prescribed form as determined by law (Promotion of Access to Information Act 2 of 2000), Prescribed Forms (Attached to the manual).

13. SUBJECTS AND CATEGORIES OF ARC RECORDS (List not exhaustive)

The ARC holds records on the following subjects and categories:

| CATEGORY AND SUBJECT MATTER | |
|---|--|
| <ul style="list-style-type: none"> • Service level agreements • Audit reports • Salary files • Asset register • S & T claims • Purchase Orders • Receipts • Invoices • Financial statements and reports • BAS (Basic Accounting Systems) • Quotations • Minutes of tender committee meetings • Tender contracts • Maintenance files: IT infrastructure • Data base of suppliers • Tender evaluation reports • Application: E-mail • Organisational Structure • Labour relations files • Students Statistics • Student Files • Files on student relaters matters. • Catering information • Financial reports | |

ANNEXURES

FORM A - J750

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 6]

FORM B – J751

NOTICE OF INTERNAL APPEAL (Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 8]

FORM C - J752

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]

FORM D – J753

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS: (Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)) [Regulation 5A]

FORM E - J749

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS: (Section 52 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)) [Regulation 9A]