



PROMOTION OF ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 14 of the Promotion of Access to Information Act, 2 of 2000
("PAIA")

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1. INTRODUCTION

- 1.1 Section 32 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), stipulates that everyone has the right of access to any information held by the State or any another person provided the information is required for the exercise or protection of any rights. The Act further stipulates that national legislation must be enacted to give effect to this right.
- 1.2 The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) hereinafter referred to as “the Act” gives effect to the constitutional right of access to information held by any public or private body and required for the exercise or protection of any rights. The Act details the procedures to be followed when making such request for information held either by a public body or private body.
- 1.3 Section 9 of the Act, however, recognizes that such right to access to information is subject to certain justifiable limitations including, but not restricted to:
 - 1.3.1 The reasonable protection of privacy;
 - 1.3.2 Commercial confidentiality; and
 - 1.3.3 Effective, efficient and good governance.
- 1.4 Section 14 of the Act obliges public bodies to compile a Manual to assist a person to obtain access to information held by the public body. The Act also stipulates the minimum requirements with which such a Manual has to comply.
- 1.5 The purpose of this Manual is therefore to inform a person on how to obtain access to records held by the Engineering Council of South Africa, hereafter referred to as “ECSA” thus giving effect to section 14 of the Act.

2. THE HUMAN RIGHTS COMMISSION GUIDE AND HOW TO ACCESS IT

- 2.1 Section 10 of PAIA, requires the Human Rights Commission to compile in each official language, a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide must be made available by the Human Rights Commission by 31 August 2003.
- 2.2 The South African Human Rights Commission
 - 2.2.1 Address:

PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton, 2041

2.2.2 Contact details:

Telephone number: (011) 484-8300
Telefax number: (011) 484-0582
Email address: paia@sahrc.or.za
Web-site address: www.sahrc.org.za

3. THE STRUCTURE AND FUNCTIONS OF ECSA

3.1 VISION

Engineering excellence, transforming the nation.

3.2 VALUES

Professional – Conduct beyond reproach to the highest ethical standards underpinned by quality, timeliness, trust and respect.

Accountable – Doing what we commit to do in an environment of trust and respect and being answerable for our failures to meet our committed obligations.

Collaborative – Working as a team to achieve exceptional results.

Transparent – Honest and open communication and sharing of information between stakeholders.

3.3 STRUCTURE

The Engineering Council of South Africa (ECSA) is a statutory body established by the Engineering Profession Act, 46 of 2000 (the EPA). ECSA is one of six Built Environment Councils. The Council consists of 50 members appointed by the Minister of Public Works and is constituted as follows:

- 3.3.1 Thirty registered persons;
- 3.3.2 Ten persons in the service of the State; and
- 3.3.3 Ten members of the public nominated through an open process of public participation.

4. THE INFORMATION OFFICER OF ECSA

Mr Edmund Nxumalo
Executive: Regulatory Functions
2nd Floor, Waterview Corner
2 Ernest Oppenheimer Avenue
Bruma, 2198.

Email: engineer@ecsa.co.za

5. RECORDS OF ECSA

ECSA has records on the following (the list is not exhaustive):

5.1 Registrations, Continuing Professional Development and Related Forms:

- 5.1.1 Register of all persons registered in terms of the EPA.
- 5.1.2 Registration requirements and Procedures.
- 5.1.3 Personal files of all registered persons.
- 5.1.4 Prescribed forms.

5.2 Finance:

- 5.2.1 Copies of cheques and orders.
- 5.2.2 Audited financial statements.
- 5.2.3 Cash books and reconciliation statements.
- 5.2.4 General Ledgers.
- 5.2.5 Trial Balances.
- 5.2.6 Bank Statements.
- 5.2.7 EFT files for transfers.
- 5.2.8 Deposit slips, where applicable.
- 5.2.9 Registered Persons statements of account.
- 5.2.10 Statutory returns.
- 5.2.11 Contracts.
- 5.2.12 Receipt Books.
- 5.2.13 Payment vouchers.
- 5.2.14 Budgets.
- 5.2.15 Minutes of the Audit Committee and Finance and Staff Committee.

5.3 Governance and Administration:

- 5.3.1 Agendas and Minutes of Council and Committee Meetings.
- 5.3.2 Operational procedures.
- 5.3.3 Contracts between ECSA and third parties.
- 5.3.4 Memoranda of Understanding between ECSA and third parties.
- 5.3.5 Correspondence between ECSA and third parties.

5.4 Support Services:

- 5.4.1 Tender submissions.

5.5 Communication and Marketing:

- 5.5.1 Annual Reports.
- 5.5.2 Media Statements.
- 5.5.3 Newsletters.
- 5.5.4 E-Bulletin.
- 5.5.5 Documentation on Engenius.

5.6 Human Resources (ECSA Personnel):

- 5.6.1 Human resource policies.
- 5.6.3 Personnel files.

5.7 Regulation of the Profession:

- 5.7.1 Information gathered in the investigation of complaints.
- 5.7.2 Investigation reports.
- 5.7.3 Records of all investigations of alleged unprofessional conduct.
- 5.7.4 Code of Conduct.
- 5.7.5 Method of Inquiry.
- 5.7.6 Charge Sheets.
- 5.7.7 Sanctions published in the Government Gazette.

6. REQUEST PROCEDURE

6.1 Access to the records of ECSA may be requested by:

- 6.1.1 Completing the prescribed request form contained in Schedule 1 to this Manual;
- 6.1.2 Paying the prescribed fee as stated in Schedule 2 to this Manual; and
- 6.1.3 Delivering the request form and applicable payment to the Information Officer of ECSA.

6.2 Any requester who is aggrieved by the decision of the Information Officer to refuse access to a record may appeal in writing against the decision to the Chief Executive Officer of ECSA within 60 (sixty) days of the Information Officer's decision.

6.3 Any requester who is aggrieved by the decision of the Chief Executive Officer (CEO) on appeal may apply to a competent court for appropriate relief as contemplated in Section 78 of the Promotion of Access to Information Act, 2 of 2000.

7. INFORMATION THAT IS READILY AVAILABLE

All information on the ECSA website is freely available.

8. MANDATORY PROTECTION OF CERTAIN CONFIDENTIAL INFORMATION IN TERMS OF SECTION 37 OF PAIA AND CLASSIFIED AS SUCH.

- 8.1 Reports produced by registered persons appointed to investigate cases of potential improper conduct by a registered person.
- 8.2 Referee reports for purposes of registration.
- 8.3 Council and Committee minutes and records.

8.4 Information held in the Registration, Continuous Professional Education (CPD), Educational Qualifications, Investigations and related files in respect of persons registered with ECSA.

8.5 Any other information which in Council's view is confidential.

9. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC (and how to gain access to those services)

ECSA is a statutory body and does not offer general services to the public. However a member of the public may at any time:

9.1 Ascertain the registration status, category and engineering discipline of registered persons.

9.2 Lodge a complaint against registered persons for investigation of potential breach of the Code of Conduct.

10. APPEAL AGAINST REFUSAL OF INFORMATION BY THE INFORMATION OFFICER

10.1 If a request for information in terms of PAIA had been refused by the Information Officer, 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 PAIA. If an internal appeal is lodged after expiry of the prescribed period, the CEO may, subject to good and reasonable cause being shown, condone such late lodging subject to submission of an affidavit containing reasons for late submission. Such an appeal will be heard by the CEO.

10.2 When deciding on an internal appeal, the CEO may confirm the original decision being appealed, or substitute a new decision in its place. This decision will be made within 30 days of receipt by the CEO of the appeal and notice will be given to all parties concerned. The notice will state reasons for the decision, but will exclude any reference to the content of the record being requested. It will also state that the appellant, third party or requester, as the case may be, may lodge an application with a court against the decision on this internal appeal within 30 days of such a decision. The application to court procedure is set out in the Promotion of Access to Information Act under Part 4, Chapter 2.

10.3 If the internal appeal is upheld, the CEO will immediately give the requester access to the record concerned.

10.4 If the CEO fails to give notice of a decision on an internal appeal to the appellant within the 30-day period, then, for purposes of PAIA, this appeal is regarded as having been dismissed.

11. SCHEDULES

The following schedules form part of this Manual:

Schedule 1: Application for Access to Information.

Schedule 2: Prescribed Fee Scales.

Schedule 1

Application for Access to Information



ENGINEERING COUNCIL OF SOUTH AFRICA (ECSA)

Please note that ECSA has policies governing routine requests and you should first approach ECSA's Information Officer if your request is routine, (see Item 7 of ECSA's manual). The privacy of Council and Committee members and personnel will be protected. You may be requested to complete this form which may be directed to the Information Officer if the request is considered non-routine.

PLEASE RETURN THIS FORM TO THE INFORMATION OFFICER

The following information will be needed by ECSA to process your request and you are requested to provide as much information as you can to facilitate our processing of your application. Please provide contact details within the Republic of South Africa.

1. Contact details

Name:		Identity Number:	
Postal Address:		Code	
Fax number:			
E-mail address:			
Date of request:			

2. Access request (please use a separate sheet if required. – all additional sheets must be signed):

2.1 Description of the information required. Please provide enough information, including reference number if known to you, so that we are able to identify the particular record to which you are requesting access.

2.2 Please specify the nature of the access you require. Note that where necessary we will charge for the service and for copies.

2.3 Fees

- | |
|---|
| <p>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.</p> <p>b) You will be notified of the amount required to be paid as the requested fee.</p> <p>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.</p> <p>d) If you qualify for exemption of the payment of any fee, please state the reason for the exemption.</p> |
|---|

2.4 Please specify the right you want to exercise or protect by requesting this access and explain why access to this information will enable you to exercise or protect that right.

2.5 We will notify you of the outcome of our decision as soon as we are able to do so – we will send the notification to the above postal address. Please stipulate with reasons if you require the outcome of our decision to be communicated in any other way.

Signature: _____

(In accordance with Government Gazette Notice No. R187 of 15 February 2002)

Schedule 2

Prescribed Fee Scales



ENGINEERING COUNCIL OF SOUTH AFRICA (ECSA)

Part II of Notice 187 in the Government Gazette on the 15th February 2002 Fees in respect of Public Bodies.

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

			R
	(a)	For every photocopy of an A4-sized page or part thereof	0,60
	(b)	For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	0,40
	(c)	For a copy in a computer-readable form on: (i) Stiffy disc (ii) compact disc	5,00 40,00
	(d)	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	22,00 60,00
	(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	12,00 17,00

3. The **request fee** payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

			R
1	(a)	For every photocopy of an A4-sized page or part thereof	0,60
	(b)	For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	0,40
	(c)	For a copy in a computer-readable form on: (i) Stiffy disc (ii) compact disc	5,00 40,00
	(d)	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	22,00 60,00
	(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	12,00 17,00
	(f)	To search for and prepare the record for disclosure, R15.00 for each hour or part of an hour or part of an hour, excluding the first hour, reasonably required	

		for such search and preparation.
(2)	For purpose of section 22(2) of the Act, the following applies:	
	(a)	Six hours as the hours to be exceeded before a deposit is payable; and
	(b)	One third of the access fee is payable as a deposit by the requester.

5. The actual postage is payable when a copy of a record must be posted to a requester.