

UMALUSI



Council for Quality Assurance in
General and Further Education and Training

Umalusi

**Promotion of Access to Information
Manual**

October 2009

UMALUSI POATIA MANUAL

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1. Introduction

- 1.1. This manual has been compiled by the Council for Quality Assurance in General and Further Education and Training (Umalusi) in terms of section 14 of the Promotion of Access to Information Act 2 of 2000 (the Information Act) in order to assist persons requesting access to records in the possession or under the control of Umalusi.
- 1.2. The Information Act gives effect to the constitutional right of access to information as contemplated in section 32 of the Constitution.

2. Status of Umalusi

Umalusi –

- 2.1. is a Schedule 3 A listed public entity for purposes of the Public Finance Management Act 1 of 1999 (the PFMA); and
- 2.2. is a public body for purposes of the Information Act and must comply with its obligations as a public body under that Act.

3. Structure of Umalusi

The Council

- 3.1. The Umalusi Council is made up as follows:

The Minister of Education appoints –

- the Chairperson;
- the members;
- and further the CEO of Umalusi, the CEO of SAQA, the CEO of QCTO and the CEO of CHE by virtue of their office;

in terms of section 6 of the General and Further Education and Training Quality Assurance Act, 2001 (Act number 58 of 2001) and the National Qualifications Framework Act, 2008 (Act No. 67 of 2008).

- 3.2. The chairperson and members are appointed by notice in the Gazette and, in particular, must invite nominations from persons, role players or organisations active or involved in general and further education and training.

The Executive Committee

- 3.3. Umalusi has established an executive committee consisting of the Chairperson of the Umalusi Council and 4 other members appointed by the Umalusi Council.

The Audit Committee

3.4. Umalusi has established an Audit Committee consisting of 5 members appointed by the Umalusi Council and include persons who are not members of the Umalusi Council.

Other committees

3.5. Umalusi Council may establish other committees to assist in the performance of its functions. Any committee other the Executive Committee may include persons who are not members of the Umalusi Council.

Chief Executive Officer and other employees

3.6. The Minister of Education must appoint a Chief Executive Officer on recommendation of the members of the Umalusi Council –

- to perform the functions determined by the Umalusi Council;
- to supervise the employees of Umalusi;
- to account for the assets and liabilities of Umalusi.

3.7. Umalusi may appoint such other employees as it deems necessary to assist the Chief Executive Officer.

4. Umalusi's Mandate

Umalusi's mandate is determined by two Acts namely, the National Qualifications Framework of 2009; and the amended General and Further Education and Training Quality Assurance Act of 2008. These acts jointly task Umalusi with the following:

4.1. Qualifications:

- 4.1.1. To develop and manage a sub-framework of qualifications in collaboration with SAQA and the other two QCs and make recommendations to the Minister
- 4.1.2. Develop and implement policy and criteria, for the development, registration and publication of qualifications; Ensure qualifications on the sub-framework are internationally comparable
- 4.1.3. Ensure the development of such qualifications or part qualifications as are necessary for the sector, which may include appropriate measures for the assessment of learning achievement
- 4.1.4. Recommend qualifications or part qualifications to SAQA for registration
- 4.1.5. Develop and implement policy and criteria for assessment, recognition of prior learning and credit accumulation and transfer

4.2. Quality Assurance:

Develop and implement policy for quality assurance as is necessary for the sub-framework including quality assurance of private institutions namely independent schools, private FET colleges and adult learning centres; accreditation of private assessment bodies; quality assurance of exit point assessments including site based assessment for the qualifications on its sub-framework; and certification of learner achievements.

4.3. Information:

Maintain a database of learner achievements and related matters; and submit such data in a format determined in consultation with the SAQA for recording on the national learners' records database

4.4. Research:

Conduct or commission and publish research on issues of importance to the development and implementation of the sub-framework

4.5. Advice and Collaboration

4.5.1. Advise the relevant Minister on matters relating to its sub-framework or qualifications

4.5.2. Collaborate with the SAQA and other QCs in terms of the implementation of the National Qualifications Framework

4.5.3. Establish cooperative relationships with professional bodies

4.5.4. Inform the public about the sub-framework

5. How to request access to a record of Umalusi

5.1. A request for access to a record of Umalusi must –

5.1.1. substantially correspond with Form C of Annexure B to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference the form is reproduced as Schedule 1 to this manual;

5.1.2. be submitted to the information officer of Umalusi, together with any applicable request fee, at one of the addresses, fax number or electronic mail address below:

- Postal address: The Information Officer
Postnet Suite 102
Private Bag X1
Queenswood
0121

- Physical Address: 37 General van Ryneveld Street
Persequor Technopark
Pretoria
0121
- Fax Number: (012) 349-1511
- E-mail: info@umalusi.org.za

5.2. The request form must:

- 5.2.1. provide sufficient particulars to enable Umalusi to identify both: the requester; and the record or records requested;
- 5.2.2. indicate the form of access requested;
- 5.2.3. specify the postal address or fax number of the requester in the Republic of South Africa;
- 5.2.4. identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
- 5.2.5. if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
- 5.2.6. if, the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of Umalusi.

5.3. The Chief Executive Officer is the Information Officer of Umalusi and the Deputy Information Officer is the Senior Manager: PR and Communications by virtue of their office.

6. Request and access fees

- 6.1. A requester is required to pay the applicable request and access fees contemplated in sections 52 and 54 of the Information Act and as prescribed in items 2, 3, and 4 of Part III of Annexure A to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference, the prescribed request and access fees are set out in Schedule 2 to this manual.
- 6.2. In addition, a requester may also be required to pay a deposit as set out in Schedule 2 of this manual.
- 6.3. Umalusi may withhold access to any record requested until the requester concerned has paid the applicable fee as set out in Schedule 2 of this manual.

7. Records held by Umalusi

Umalusi holds records in general subjects and categories, including the following:

7.1. Access to Information Manual (In terms of section 14 of the Promotion of Access to Information Act 2 of 2000)

7.2. Institutional records

- 7.2.1. Minutes of the Umalusi Council and its Committees
- 7.2.2. Internal Umalusi correspondence
- 7.2.3. External Umalusi correspondence
- 7.2.4. Internal policies and procedures
- 7.2.5. External policies and procedures
- 7.2.6. Commercial contracts with third parties
- 7.2.7. Memoranda of Understanding with other statutory bodies
- 7.2.8. Records relating to quality assurance in higher education
- 7.2.9. Records relating to auditing of quality assurance mechanisms of higher education institutions
- 7.2.10. Records relating to accreditation of higher education programmes
- 7.2.11. Research reports, publications and newsletters

7.3. Financial records

- 7.3.1. General accounting records
- 7.3.2. Annual budgets
- 7.3.3. Annual financial reports
- 7.3.4. Annual financial statements
- 7.3.5. Asset registers
- 7.3.6. Income tax records
- 7.3.7. Internal financial policies and procedures

7.4. Human resource records

- 7.4.1. Staff employment contracts
- 7.4.2. Internal policies and procedures
- 7.4.3. Pension Fund records
- 7.4.4. Medical aid records
- 7.4.5. Personnel records

7.5. Statutory records

As a statutory body and an employer, Umalusi holds records required by a range of laws, including records required or provided for by the following laws:

- 7.5.1.1. Income Tax Act 58 of 1962
- 7.5.1.2. Labour Relations act 66 of 1995
- 7.5.1.3. Basic Conditions of Employment act 75 of 1997
- 7.5.1.4. Employment Equity Act 55 of 1998
- 7.5.1.5. Unemployment Insurance Act 63 of 2001
- 7.5.1.6. Compensation for Occupational Injuries and Diseases Act 130 of 1993; and
- 7.5.1.7. Public Finance Management Act 1 of 1999,etc.

8. Reservation of rights

Umalusi may refuse an application for access to a record –

- 8.1. if the request does not comply with the procedural requirements of the Information Act;
- 8.2. on any ground contemplated in Chapter 4 of Part 3 of that Act; or
- 8.3. for any other lawful reason.

9. Human Rights Commission Guide on how to use the Information Act

The Human Rights Commission has, in terms of section 10 of the Information Act, compiled a guide on how to use the Act. The guide contains information that will assist any person wishing to exercise a right contemplated by the Act and is available in all of the official languages.

The guide is available for inspection inter alia at the offices of the Human Rights Commission:

29 Princess of Wales Terrace
Cnr York and St Andrews Streets
Parktown, Johannesburg

and on its website at www.sahrc.org.za.

10. Arrangements for public participation

The General and Further Education and Training Quality Assurance Act of UMALUSI provide for participation of education and training providers in UMALUSI's designated economic sector only. Persons falling within this group may attend specific meetings of UMALUSI, and stand for election to such council or committee in accordance with UMALUSI's Act.

11. Remedies available in respect of non-compliance by Umalusi

- 11.1. Any requester or affected third party, who is aggrieved by a decision of the Umalusi's Information Officer to refuse or grant access to a record of Umalusi, may within 15 days of receiving notice of the decision, appeal to the Executive Committee of Umalusi against the decision.
- 11.2. An appeal must –
 - 11.2.1. be in writing;
 - 11.2.2. be addressed to the Executive Committee of Umalusi; and
 - 11.2.3. set out the grounds for the appeal.
- 11.3. Any requester or affected third party, who is aggrieved by a decision of the Executive Committee of Umalusi on appeal, may approach the relevant court for appropriate relief.

12. Schedule 1

FORM A

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]

FOR UMALUSI INTERNAL USE

Reference number:

Request received by

.....
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:	Umalusi
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B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Identity number:	

Postal address:	
Fax number:	
Telephone number:	
E-mail address:	
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:	

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.

Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of the 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 for exemption.*

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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:		
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
1. If the record is in written or printed form:			
	copy of record*		inspection of record
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*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	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? Postage is payable.		YES	NO
Note that <i>if</i> the record is not available in the language you prefer, access may be granted in the language in which the record is available.			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

You will be notified whether your request has been approved/denied. If you wish to be informed 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?

.....
.....

Signed at this day of..... 20.....

.....
SIGNATURE OF REQUESTER
OR PERSON ON WHOSE
BEHALF REQUEST IS MADE

13. Schedule 2

FEES IN RESPECT OF PUBLIC BODIES

Part ii of Notice 187 in the Government Gazette on the 15 February 2002

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,cc
(a) For every photocopy of an A4-size 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 electronic or machine readable form	0,40
c) For a copy in a computer-readable form on -	
i) stiffy disc	5,00
ii) compact disc	40,00
d) (i) For a transcription of visual images, or an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
e) (i) For a transcription of an audio record, or an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	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,cc

- | | | |
|--------|---|-------|
| (1)(a) | For every photocopy of an A4-size 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 electronic or machine-readable form | 0,40 |
| (c) | For a copy in a computer-readable form on - | |
| | (i) stiffy disc | 5,00 |
| | (ii) compact disc | 40,00 |
| (d) | (i) For a transcription of visual images, for an A4-size page or part thereof | 22,00 |
| | (ii) For a copy of visual images | 60,00 |
| (e) | (i) For a transcription of an audio record, for an A4-size page or part thereof | 12,00 |
| | (ii) For a copy of an audio record | 17,00 |
| (f) | To search for and prepare the record for disclosure, R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. | |
| (2) | For purposes 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. | |
| (3) | The actual postage is payable when a copy of a record must be posted to a requester. | |