

ANNUAL REPORT

2022 - 2023



**INFORMATION
REGULATOR**
(SOUTH AFRICA)

*Ensuring protection of your personal information
and effective access to information*

www.inforegulator.org.za






Information Regulator

Annual Report

For the year ended 31 March 2023



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.

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).



CONTENTS

A

GENERAL INFORMATION

| | | |
|-----|--|----|
| 1. | Information Regulator General Information | 6 |
| 2. | List of Abbreviations/Acronyms | 7 |
| 3. | Foreword by the Chairperson | 8 |
| 4. | Report of the Accounting Officer (AO) | 10 |
| 5. | Statement of Responsibility and Confirmation of Accuracy for the Annual Report | 13 |
| 5.1 | Strategic Overview | 14 |
| 5.2 | Vision | 14 |
| 5.3 | Mission | 14 |
| 5.4 | Values | 14 |
| 6. | Legislative and other Mandates | 15 |
| 6.1 | Constitutional Mandate | 15 |
| 6.2 | Legislative Mandate | 15 |
| 7. | Organisational Structure | 17 |

B

PERFORMANCE INFORMATION

| | | |
|-----|--|----|
| 1. | Auditor General's Report: Predetermined Objectives | 19 |
| 2. | Overview of the Regulator's Performance | 19 |
| 2.1 | Service Delivery Environment | 19 |
| 2.2 | Organisational Environment | 19 |
| 2.3 | Key Policy Developments and Legislative Changes | 21 |
| 2.4 | Progress Towards Achievement of Institutional Impacts and Outcomes | 21 |
| 3. | Institutional Programme Performance Information | 24 |
| 3.1 | Programme 1: Protection of Personal Information | 24 |
| 3.2 | Programme 2: Promotion of Access to Information | 27 |
| 3.3 | Programme 3: Education and Communication | 29 |
| 3.4 | Programme 4: Legal Services | 32 |
| 3.5 | Programme 5: Administration | 33 |
| 4. | Revenue Collection | 35 |
| 5. | Capital Investment | 35 |

C

GOVERNANCE

| | | |
|-----|--|----|
| 1. | Introduction | 37 |
| 2. | Portfolio Committees | 37 |
| 3. | SCOPA Resolutions | 40 |
| 4. | Executive Authority | 40 |
| 5. | The Role of the Members | 40 |
| 6. | Committees | 41 |
| 6.1 | Risk Management Committee | 41 |
| 6.2 | Section 49 Committees | 41 |
| 6.3 | The Executive Committee and committees established in terms of Section 47(1) POPIA | 41 |
| 7. | Risk Management | 42 |
| 8. | Internal Control Unit | 44 |
| 9. | Internal Audit and Audit Committees | 44 |
| 10. | Separation of the Regulator from DOJ&CD | 44 |
| 11. | Compliance with Laws and Regulations | 44 |
| 12. | Fraud and Corruption | 44 |
| 13. | Minimising Conflicts of Interest | 44 |
| 14. | Code of Conduct | 44 |
| 15. | Health, Safety and Environmental Issues | 44 |
| 16. | Company Secretary | 45 |
| 17. | Social Responsibility | 45 |
| 18. | Audit Committee Report | 45 |
| 19. | B-BBEE Compliance Performance Information | 45 |

D

HUMAN RESOURCE MANAGEMENT

| | | |
|-----|--|----|
| 1. | Introduction | 47 |
| 2. | Overview of Human Resources | 47 |
| 2.1 | Status of Human Resources in the Regulator | 47 |
| 2.2 | Human Resource Priorities | 47 |
| 2.3 | Workforce planning and key strategies to attract and recruit a skilled and capable workforce | 47 |
| 2.4 | Employee Performance Management | 47 |

| | | |
|------|--|----|
| 2.5 | Employee Health and Wellness Programmes | 48 |
| 2.6 | Achievements and challenges faced by the Regulator and future Human Resources plans and goals. | 48 |
| 3. | Human Resources Oversight Statistics | 48 |
| 3.1 | Personnel related expenditure | 48 |
| 3.2 | Employment and Vacancies | 49 |
| 3.3 | Filling of SMS Posts | 50 |
| 3.4 | Job Evaluation | 52 |
| 3.5 | Employment Changes | 53 |
| 3.6 | Employment Equity | 55 |
| 3.7 | Signing of Performance Agreements by SMS Members (excluding the Members) | 58 |
| 3.8 | Performance Rewards | 59 |
| 3.9 | Foreign Workers | 60 |
| 3.10 | Leave utilisation | 61 |
| 3.11 | HIV/AIDS & Health Promotion Programmes | 63 |
| 3.12 | Labour Relations | 64 |
| 3.13 | Skills Development | 66 |
| 3.14 | Injury on Duty | 67 |
| 3.15 | Utilisation of Consultants | 68 |
| 3.16 | Severance Packages | 69 |

E

FINANCIAL INFORMATION

| | | |
|----|-------------------------------|----|
| 1. | Report of the Auditor General | 71 |
| 2. | Annual Financial Statements | 71 |

F

PAIA REPORT (SECTION 84)

| | | |
|----|--|----|
| 1. | Promotion of Access to Information Act Report (Section 84) | 72 |
|----|--|----|

GENERAL INFORMATION



1. Information Regulator General Information

Registered Name

Information Regulator (South Africa)

Registration Number

None

Physical Address

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2. List of Abbreviations/Acronyms

| | | | |
|-------------------|---|--------------|--|
| AFS | Annual Financial Statements | MIE | Managed Integrity Evaluation |
| AGSA | Auditor-General of South Africa | MMS | Middle Management Service |
| ACR | Audit Committee Report | MP | Member of Parliament |
| AO | Accounting Officer | MTEF | Medium-Term Expenditure Framework |
| APP | Annual Performance Plan | MTSF | Medium-Term Strategic Framework |
| BBBEE | Broad-Based Black Economic Empowerment | NT | National Treasury |
| CEO | Chief Executive Officer | OE | Organisational Environment |
| CFO | Chief Financial Officer | OHS | Occupational Health and Safety |
| COE | Compensation of Employees | PA | Performance Agreements |
| DIO | Deputy Information Officer(s) | PAIA | Promotion of Access to Information Act 2 of 2000 as amended. |
| DOJ&CD | Department of Justice and Constitutional Development | PFMA | Public Finance Management Act 1 of 1999 as amended. |
| DPSA | Department of Public Service and Administration | POPIA | Protection of Personal Information Act 4 of 2013 |
| EDUCOM | Education and Communication | PP | Public Protector |
| EHWP | Employee Health and Wellness Programme | PPPFA | Preferential Procurement Policy Framework Act 5, of 2000 |
| EPM | Employee Performance Management | SAPS | South African Police Service |
| EXCO | Executive Management Committee | SC | Senior Counsel |
| FY | Financial Year | SCOPA | Standing Committee on Public Accounts |
| HROS | Human Resource Oversight Statistics | SDE | Service Delivery Environment |
| HRP | Human Resource Plan | SITA | State Information Technology Agency |
| ICT | Information and Communications Technology | SOP | Standard Operating Procedure |
| ICU | Internal Control Unit | SOPI | Summary of Performance Information |
| IO | Information Officer(s) | SCM | Supply Chain Management |
| IT | Information Technology | SMS | Senior Management Services |
| LGBTQIA+ | Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual | TORs | Terms of Reference |
| LPRITA | Legal, Policy, Research, and Information Technology Analysis | TVET | Technical Vocational Education & Training |
| MANCO | Management Committee | | |



Adv. Pansy Tlakula

Chairperson of the Information Regulator SA

The 2021/22 financial year marked an important milestone in the history of the Information Regulator (Regulator) with the appointment of the Enforcement Committee, through which the Protection of Personal Information Act No. 4 of 2013 (POPIA) and the Promotion of Access to Information Act No. 2 of 2000 (PAIA) are effectively enforced.

3. Foreword by the Chairperson



Protection of Personal Information

In the previous financial year, we reported the tremendous challenges which were faced by the Division responsible for the Protection of Personal Information Act (POPIA Division). These included the departure of the executive responsible for the Division and the inability to achieve the targets set out for it. We are pleased to report the marked improvement in the performance of the Division in the year under review. **The Regulator managed to fill all the vacant positions in the Division, including that of the executive, and this has led to the Division achieving 100% of its annual planned targets.** The Division monitored compliance with POPIA by conducting own-initiative assessments in terms of Section 89 of POPIA. These assessments were conducted on SA Home Loans, Home Choice, and the Department of Basic Education. A large number of investigations were also conducted in terms of Section 74 of POPIA. Notable amongst these is the investigation of the South African Police Service (SAPS) regarding the unlawful processing of personal information of the victims of sexual assault in the Krugersdorp area.



Promotion of Access to Information

Regarding the PAIA, the Regulator achieved 100% of the annual targets with an **over-achievement on the complaints received, investigated, and finalised.** Compliance with PAIA was monitored through own initiative assessments, which were conducted on ninety-six (96) public and private bodies. These included municipalities, banks, regulatory and Ombudsman bodies, and insurance companies.



Stakeholder Engagements


The Regulator conducted thirty-four (34) public awareness programmes and forty-eight (48) stakeholder engagements. More work still needs to be done in this area, and we continue to commit ourselves to reaching vulnerable, marginalised, and disadvantaged groups throughout the country.



Public opinion surveys

Public opinion surveys were conducted to test levels of public awareness about the right to privacy and access to information. The survey recommendations will be used in streamlining the education programmes to ensure that more and more people are reached by taking the Regulator to the

communities. We are concerned that cases regarding requests for access to information are referred directly to the courts of law instead of the Regulator. However, we endeavour to educate the public about the work of the Regulator through all communication platforms, including the media, and we look forward to the public utilising the services of the Regulator in the new financial year and beyond.

 **Section 40 (1)(b)(iii) of POPIA**

In terms of Section 40 (1)(b)(iii) of POPIA, the Regulator examined six (6) proposed legislation which may impact the protection of the personal information of data subjects. Reports on the examined legislation were submitted to the Minister of Justice and Correctional Services.

 **Security Compromises (Data Breaches)**

We continue to have grave concerns with the frequent security compromises (data breaches) that have riddled the country. **Measures were put in place to fast-track the establishment of the Security Compromises Sub-Division to deal with security compromises.**

Furthermore, there are guidelines that the Regulator has developed and made available on its website to assist the responsible parties on how to report security compromises to the Regulator.

 **Administration**

In the previous financial year (2021/22), we reported that the administration of the Regulator grew exponentially and with growth comes challenges, amongst others being staff retention. The Regulator is committed to retaining its staff members and strives to ensure that they are content at work. An organisational climate survey was conducted to assess the level of satisfaction of staff. Recommendations of the survey are being implemented together with Human Resources policies meant to create a harmonious work environment.



Information and Communication Technology

The Information and Communication Technology (ICT) team continued to build the Information Technology (IT) infrastructure of the Regulator to support efficient decision-making and excellent service delivery by deploying more systems to automate some of its work. There are still significant challenges that lie ahead, foremost being the unresolved matter of listing the Regulator in the Public Finance Management Act No. 1 of 1999 (as amended) (PFMA). The coming into effect of the enforcement powers of the Regulator is also beginning to put a strain on its budget, with respondents challenging the findings of the Regulator in court. Notwithstanding these challenges, the Regulator will continue to execute its mandate without fear, favour or prejudice as POPIA impels us to do.

Conclusion

On behalf of the Members of the Regulator (Members) and myself, I would like to extend my sincere appreciation to the Chief Executive Officer, Mr. Mosalanyane Mosala, and the executive team for the hard work done over the past year. I also want to thank the staff of the Regulator for their relentless hard work, dedication, and exceptional commitment to serving the people of South Africa in ensuring that their human rights, the right to access to information and right to privacy, as it relates to the protection of personal information, are always protected.

Adv. Pansy Tlakula

Adv. Pansy Tlakula
Chairperson of the Information Regulator SA

**Mr Mosalanyane Mosala**

Chief Executive Officer of the Information Regulator SA

4. Report of the Accounting Officer (AO)

material resources.

4.2 The expenditure report of the Regulator is depicted below:

Table 4.2.1: Expenditure Report

| Economic Classification | 2022/2023 | | | 2021/2022 | | |
|---|---------------------|--------------------|----------------------------|---------------------|--------------------|--------------------------|
| | Final Appropriation | Actual Expenditure | (Over) / Under Expenditure | Final Appropriation | Actual Expenditure | (Over)/Under Expenditure |
| | R'000 | R'000 | R'000 | R'000 | R'000 | R'000 |
| Compensation of employees | 71 875 | 64 003 | 7 872 | 61 474 | 46 178 | 15 296 |
| Goods and services | 23 318 | 22 011 | 1 307 | 20 485 | 15 128 | 5 251 |
| Household payments | 92 | 266 | (174) | 60 | 716 | (656) |
| Buildings | - | - | - | - | - | - |
| Machinery and equipment | 3 982 | 1 286 | 2 696 | 5 152 | 3 675 | 1 477 |
| Software and intangibles | 1 340 | 1 340 | - | - | 476 | (476) |
| Provincial and Local Governments | 2 | 1 | 1 | 3 | 3 | - |
| Total | 100 609 | 88 907 | 11 702 | 87 174 | 66 175 | 20 893 |

4.1 Financial Reporting

The 2022/23 financial year was the first year of the second five-year term of office of members of the Regulator. Vision 2022-2026, which contains policy priorities for this second term, was approved. Key improvement areas emanating from experiences of the first term were identified and developed as strategic outcomes for the second term. To achieve these outcomes, thirty-four (34) output indicators for the year 2022/23 were planned in the form of an Annual Performance Plan (APP). The appropriated financial resources were used to procure human, ICT and other



The Regulator did not produce separate Annual Financial Statements (AFS) for the 2022/23 financial year as its financial records form part of the AFS of the Department of Justice and Constitutional Development (DoJ&CD) and are audited by the Auditor-General of South Africa (AGSA) as part of the budget vote of the DoJ&CD. In this annual report, the Regulator provides a report on its Actual Expenditure in comparison to the Adjusted Appropriation for the reporting period.

The expenditure report for the financial year, which ended on 31 March 2023, indicates an actual expenditure of R 88,907 million or 88 % of the available budget made as follows:

- » Sixty-four million, three thousand rands (R 64 003 000) or eighty-nine percent (89%) on Compensation of Employees.
- » Twenty-two million, eleven thousand rands (R 22 011 000) or ninety-four percent (94%) on Goods and Services,
- » Two hundred and sixty-six thousand rands (R 266 000) or two hundred and eighty-nine percent (289%) related to Household payments (annual leave gratuities for resignations),
- » One million, two hundred and eighty-six thousand rands (R 1 286 000) or thirty-two percent (32%) on Machinery and Equipment,
- » One million, three hundred and forty thousand rands (R 1 340 000) or one hundred percent (100%) for software and intangibles, and
- » One thousand rands (R 1 000) or fifty percent (50%) for transfers.

The following are the reasons for underspending and overspending according to economic classifications:






- » The organisation had an underspending of seven million, eight hundred and seventy-two thousand rands (R 7,872 000) or eleven percent (11%) on Compensation of Employees due to delays in the appointment of employees during the first quarter of the financial year.
- » There were delays in the implementation of the two (2) State Information Technology Agency (SITA) projects, namely System Development for eight million and two hundred thousand (R8 200 000) and Cloud Hosting for three million and six hundred thousand (R3 600 000) which emanate from the service provider. SITA invoiced the Regulator an amount of four million, one hundred and seventy-three thousand (R 4 173 000), which could not be processed due to the reprioritisation of SITA funded projects in the last quarter of the financial year.

4.3 Summary of Performance Information

- » The Regulator is pleased to report that, despite having limited resources, its performance continued on an upward trajectory in this financial year.
- » The Regulator's performance improved from sixty-two percent (62%) in the 2020/21 financial year and sixty-eight percent (68%) in the 2021/22 financial year to ninety-one percent (91%) in the year under review.
- » Out of the thirty-four (34) performance targets planned at the commencement of the period under review, thirty-one (31) of those targets were achieved.

The performance against the planned targets is depicted in the table below:

Table 4.3.1: Performance against planned targets for FY 2022/23

| | Programme | Total Indicators | Annual Targets | Total Achieved | Total Not Achieved | Annual Percentage |
|---|------------------------------------|------------------|----------------|----------------|--------------------|-------------------|
|  | Protection of Personal Information | 9 | 9 | 9 | 0 | 100% |
|  | Promotion of Access to Information | 5 | 5 | 5 | 0 | 100% |
|  | Education & Communication | 8 | 8 | 7 | 1 | 88% |
|  | Legal Services | 4 | 4 | 4 | 0 | 100% |
|  | Administration | 8 | 8 | 6 | 2 | 75% |
| | Total | 34 | 34 | 31 | 3 | 91% |



Mr Mosalanyane Mosala

Chief Executive Officer of the Information Regulator SA

The Regulator's performance improved from sixty-two percent (62%) in the 2020/21 financial year and sixty-eight percent (68%) in the 2021/22 financial year to ninety-one percent (91%) in the year under review.

Mr Mosalanyane Mosala
Chief Executive Officer of the Information
Regulator SA



INFORMATION REGULATOR (SOUTH AFRICA)

*Ensuring protection of your personal information
and effective access to information*

5. Statement of Responsibility and Confirmation of Accuracy for the Annual Report

To the best of my knowledge and belief, I confirm the following:

- 5.1 All information and amounts disclosed throughout the annual report are consistent.
- 5.2 The annual report is a complete and accurate reflection on the work of the Regulator, and is free from any omissions.
- 5.3 The Regulator does not prepare Annual Financial Statements as it is a responsibility under the DoJ&CD.
- 5.4 In my opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the Regulator for the financial year ended 31 March 2023.

A handwritten signature in black ink, appearing to read 'Mosalanyane Mosala', written over a white background.

Mr Mosalanyane Mosala

Chief Executive Officer of the Information Regulator SA

31 March 2023



6. Strategic Overview



6.1 Vision

A world-class institution in the protection of personal information and the promotion of access to information.



6.2 Mission

An independent institution which regulates the processing of personal information and the promotion of access to information in accordance with the Constitution and the laws so as to protect the rights of everyone.



6.3 Values

- » **Transparency**
We are open about our processes and decisions that affect members of the public and the Regulator.
- » **Accountability**
We take accountability by owning the decisions we make, using work resources responsibly and appropriately, sharing and disclosing information as intended in accordance with POPIA and PAIA.
- » **Integrity**
We act honestly, openly and consultatively in the performance of our work and use our positions fairly and responsibly.
- » **Excellence**
We strive for excellence by exceeding standards for service delivery to public and private bodies.
- » **Impartiality**
We act in the best interests of the public and our staff by making fair, unbiased and objective decisions based on facts and without fear, favour or prejudice.
- » **Responsiveness**
We strive to respond to all requests timeously while being attentive to expressed and unexpressed needs.



7. Legislative and other Mandates

7.1 Constitutional Mandate

- 7.1.1 The Regulator was established to ensure respect for, and to protect, enforce and fulfil, the right to privacy and the right of access to information.

7.2 Legislative Mandate

7.2.2 The core functions in terms of POPIA are:

» **To provide education by:**

- a) Promoting understanding and acceptance of the lawful processing of personal information.
- b) Undertaking educational programmes.
- c) Making public statements; and
- d) Providing advice.

» **To monitor and enforce compliance by:**

- a) Public and private bodies.
- b) Undertaking research and monitoring developments in information processing and computer technology.
- c) Examining proposed legislation, subordinate legislation, and policies, and providing a report on the results of the examination to the Minister and to Parliament.
- d) Reporting to Parliament on policy matters affecting the protection of personal information, including the need for legislative, administrative or other measures to enhance the protection of personal information.
- e) Conducting assessments in respect of the processing of personal information.
- f) Monitoring the use of unique identifiers and reporting to Parliament.
- g) Maintaining and publishing copies of the registers prescribed in POPIA; and

- h) Examining proposed legislation that makes provision for the collection and disclosure of personal information and provide the report of the results of the examination to the Minister.

» **To consult with interested parties by:**

- a) Inviting and receiving representations.
- b) Co-operating on a national and international basis with other bodies concerned with the protection of personal information; and
- c) Acting as a mediator between opposing parties.

» **To handle complaints by:**

- a) Receiving and investigating complaints.
- b) Gathering information.
- c) Attempting to resolve complaints through dispute resolution mechanisms; and
- d) Serving notices.

» **To conduct research on:**

- a) The desirability of acceptance of international instruments relating to the protection of personal information,
- b) Any other matter that should be drawn to parliament's attention.

» **In respect of codes of conduct to:**

- a) Issue, amend or revoke codes of conduct.
- b) Make guidelines to assist bodies to develop or apply codes of conduct; and
- c) Consider determinations by adjudicators under approved codes of conduct.

» **The Regulator is mandated to facilitate cross-border cooperation in the enforcement of the privacy laws.**

7.2.3 The core functions in terms of PAIA are:

» **In respect of complaints to:**

- a) Consider a complaint after the internal appeal procedures have been exhausted; and
- b) Receive written complaints or to provide assistance to a person who wishes to make a complaint in writing.

» **In respect of investigations to:**

- a) Investigate complaints and in the course of an investigation, serve an information notice to the information officer or head of a private body.
- b) Refer a complaint to the Enforcement Committee; or
- c) Decide to take no action on the complaint; or
- d) Attempt to settle a complaint through conciliation; and
- e) Issue enforcement notices after considering the recommendation of the Enforcement Committee.

» **The Regulator is also mandated in terms of PAIA to,**

- a) To issue notices, and
- b) To make assessments on whether public and private bodies comply with the provisions of PAIA.

» **In respect of additional functions to:**

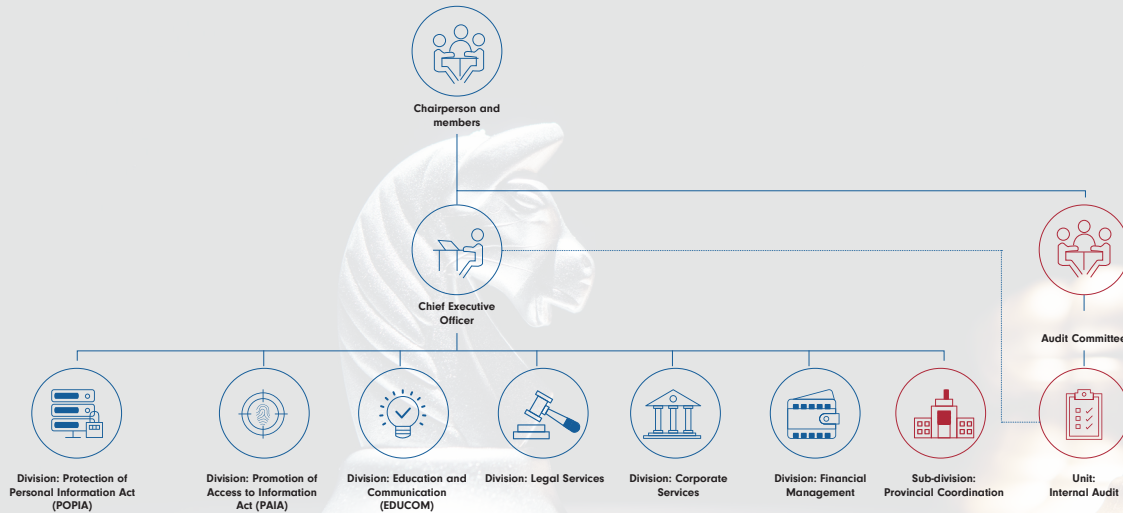
- a) Compile and make available a guide in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- b) The extent that financial and other resources are available-
 - i. develop and conduct educational programmes, in particular for disadvantaged communities, on how to exercise the rights contemplated in the Act.
 - ii. encourage public and private bodies to participate in the development and conduct of educational programmes, and to undertake such programmes themselves;
 - iii. promote timely and effective dissemination of accurate information by public bodies about their activities.

- c) Identify gaps in PAIA or in other laws and make recommendations to reform or amend PAIA or any other laws.
- d) Make recommendations for -
 - i. the development, improvement, modernisation, reform, or amendment of PAIA or other legislation or common law having a bearing on access to information held by public and private bodies, respectively; and
 - ii. procedures on how private and public bodies make information electronically available.
- e) Monitor implementation of PAIA.
- f) If reasonably possible, on request, assist any person wishing to exercise a right of access to information under PAIA.
- g) Train information officers and deputy information officers.
- h) Recommend to a public or private body to make changes in the manner in which it administers PAIA, as the Regulator considers advisable.
- i) Consult with and receive reports from public and private bodies on problems encountered in complying with PAIA.
- j) Obtain advice from, consult with, and consider proposals or recommendations from parties in connection with the Regulator's functions.
- k) Request the Public Protector to submit to the Regulator a report on the number of complaints processed relating to PAIA and the nature and outcome of those complaints; and
- l) Enquire into any matter including any legislation, the common law, any practice and procedure related to the objects of PAIA.
- m) Submit, in its annual reports to the National Assembly, information contemplated in Section 84 of PAIA.

3. Organisational Structure

The Regulator’s organisational structure was approved in consultation with the Minister of Finance. The areas highlighted in brown are components that are not yet funded and, therefore, not yet established.

Figure 1: Information Regulator Organogram



PERFORMANCE INFORMATION



1. Auditor General's Report: Predetermined Objectives

The Regulator has not been audited separately as it still operates under, and uses the policies of, the DoJ&CD.

2. Overview of the Regulator's Performance

2.1 Service Delivery Environment

The Regulator's Strategic Plan 2022/27 presents a new impact statement which is its response to the realities of its service delivery environment. The impact statement is: **"all persons are empowered to assert their rights to privacy, as it relates to the protection of personal information and their right of access to information"**. The realisation of the impact statement may be hindered if the Regulator is not listed in the PFMA and continues to function as part of the DoJ&CD. This could compromise its independence and ability to perform its statutory roles.

The Regulator has made significant progress in establishing its administration by fully implementing the three phases of the organisational structure. In the year under review, the country's poor economic conditions did not spare the Regulator. These economic conditions have resulted in a lack of funding to fully implement the fourth phase of the recruitment processes intended to increase the Regulator's capacity to achieve its outcomes.

The Regulator is implementing its mandate at a time of rapid technological advancement brought by the fourth industrial revolution, where cybercriminals are at bay to strike at every opportunity they get. This calls for the Regulator to keep abreast with new technologies and leverage the technology to support access to information and protection of personal information.

From assessments that the Regulator has conducted since 2021, the increase in the number of complaints and cases of security compromises reported to the Regulator, it is evident that levels of compliance by public and private bodies have remained low. The personal information of data subjects is not protected adequately in line with the provisions of POPIA, and data subjects do not fully make use of the mechanisms available in the law to assert their rights. Much still needs to be done to promote compliance and understanding of the legislation.

To promote compliance with, and understanding of, PAIA and POPIA, the Regulator initiated its flagship programme - the *"Dikopano"* - which is about taking the Regulator to the people.

The programme is in the form of provincial roadshows and comprises public activations, stakeholder engagement sessions and community engagements.

The *Dikopano* are crucial in highlighting the intersectionality between the work of the Regulator and the developmental needs of, and public service delivery to, disadvantaged communities. Through the *Dikopano*, the Regulator has been able to demonstrate to disadvantaged communities how its legal instruments, POPIA and PAIA, can serve as an enabler for solving service delivery and human rights issues that they confront. The success of the programme stemmed from collaboration with local traditional and community leaders who mobilised the community to attend community engagements. The programmes were conducted in the language the community could comprehend, and the opportunity was afforded to them to have an open dialogue with the Regulator.

The Regulator conducted its first *Dikopano* in Orlando East, a township in Soweto, on 28 September 2022. The second *Dikopano* was held in Ozwathini, a rural area in KwaZulu-Natal, on 20 October 2022. The third *Dikopano* was conducted in Giyani in Limpopo province on 23 March 2023.

2.2 Organisational environment

During the financial year under review, the Regulator reviewed its organisational structure as part of continuous improvement and to establish a data compromise unit. The review of the structure resulted in the closing of one (1) Division, namely, Legal, Policy, Research, and Information Technology Analysis (LPRITA), and the creation of one Sub-Division in the POPIA Division to handle security compromises. Since its inception, the Regulator implemented phase one (1) to phase four (4) of the organisational structure since its inception in line with the approval by the Minister of Finance.

Significant appointments made by the Regulator in the year under review include the appointment of the Chief Financial Officer (CFO), Chief Legal Officer (CLO), and the Executive for POPIA. These appointments were instrumental in the improvement of the performance of the Regulator.

For the first time, the Regulator issued two codes of conduct for the Banking Association of South Africa (regulating how the banking industry processes personal information) and Credit Bureau Association (regulating how the credit bureau industry processes personal information). The significance of this achievement is that the industries affected will be bound by these codes.

An organisational development study was conducted, which culminated in the identification of need for additional positions for the POPIA Division. The findings of the organisational study also resulted in the establishment of the Security Compromise Sub-Division. This Sub-Division will deal with the increasing influx of security compromises notifications. Thus far, seven hundred and ninety-one (791) security compromise notifications have been received, with five hundred and eighty-nine (589) of these being received in the 2022/2023 financial year. The appointment of the new Security Compromise Senior Manager and Senior Security Compromise Officer (Legal) is at an advanced stage. These appointments are expected to fast-track the resolution of security compromise cases.

The concerted effort of the POPIA Division to achieve its targets culminated in it achieving one hundred percent (100 %) of its Annual Performance Plan targets and its Annual Operational Plan targets. This is a significant improvement from the fourteen percent (14%) performance from the 2021/22 financial year.

The Regulator's IT infrastructure was enhanced by deploying more systems to automate some of its work. The following systems were implemented: an electronic document signing tool (DocuSign), an antivirus solution, a patch management system, and a registration portal for Information Officers (IOs). Development of the complaints management system for POPIA and PAIA was completed at the end of the 22/23 financial year by SITA, and the Regulator commenced with user acceptance testing, which should be concluded in the first quarter of 2023/24. The Regulator also established a data centre (server room) on its premises. A fibre-optic network was implemented for internet service provisioning. The Regulator's website is operational and is updated regularly. The IO Registration Portal is active. The portal is where responsible parties register their IOs or Deputy Information Officers (DIOs). Upon completion of the registration, IOs and DIOs receive certificates.

A Portal for the PAIA Section 32 and Section 83(4) reports was also deployed in the 2023/24 financial year to collect statistics on PAIA requests from public and private bodies.

The Regulator has developed a guide for the development of processes and Standard Operation Procedures (SOPs). All divisions were trained on the use of the guide. Seventy-two (72) processes were identified, of which twenty-four (24) were approved, and forty-eight (48) still need to be developed. Process development in the Regulator is an ongoing activity.

The establishment of the Enforcement Committee, in terms of Section 50 of POPIA, was finalised in the 2022/23 financial year. Its mandate and functions are outlined in Section 92 (1) and Section 93 of POPIA, and Section 77C (1)(b) of PAIA. The Enforcement Committee is responsible for considering all matters referred to it by the Regulator in terms of POPIA or PAIA and making findings in respect thereof. It is also responsible for making any recommendations to the Regulator regarding any action that should be taken against a responsible party in terms of POPIA or an information officer of the public body or head of the private body in terms of PAIA.

The Enforcement Committee is chaired by an independent person, Adv. Helen Fourie SC. Six (6) matters were referred to the Enforcement Committee; four (4) matters were considered. One (1) matter has been deferred to the new financial year, and one (1) matter was withdrawn.

The matters considered by the Enforcement Committee during the period under review are listed below:

- » Betheldorp Claimholders Trust v Mission Soutpan (Pty) Ltd and Swartkops Seesout (Pty) Ltd
- » Hardwick Trading (Pty) Ltd v Risa Audio Visual Licensing NPC
- » Daryl Randall Mocke v Mocking Bull Holdings (Pty) Ltd
- » SAPS Krugersdorp matter, own initiative investigation conducted in terms of section 76(3) of POPIA.

Of these four matters, the Hardwick Trading (Pty) v Risa Audio Visual Licensing NPC is a major one, and it requires some elaboration. This matter relates to a PAIA complaint received by the Regulator from a music producer, who had alleged that his request for access to records held by Risa Audio-Visual Licensing NPC (RAV) (a collecting agency for royalties) was refused. The records requested related to the payment of the license fees and copyright royalties received by RAV from broadcasters. Due to public outcry

regarding musicians who pass away poor and the alleged lack of transparency and good governance in the music industry, the Regulator decided to conduct an investigation through a public hearing, wherein members of the media and the public in general, particularly the musicians and record labels, were invited. The public hearing was held on 02 and 03 August 2022 at the offices of the Nelson Mandela Foundation. The Investigation Report was issued and referred to Enforcement Committee.

2.3 Key policy developments and legislative changes

The following policy developments and legislative changes were made during the reporting period:

2.3.1 Policy Developments

- 2.3.1.1 Rules of Procedure for the Enforcement Committee relating to PAIA are being implemented. Rules of Procedure for the Enforcement Committee relating to POPIA were developed, and they have been gazetted for public comment. The comments have been received and are being considered.
- 2.3.1.2 International Co-operation Policy - On 05 April 2022, the Regulator adopted the International Co-operation Policy that regulates how the Regulator cooperates with external stakeholders and participates in global processes that impact on the promotion of access to information and protection of personal information. This policy is a crucial safeguarding mechanism for securing the Regulator's independence and integrity in engagements with external stakeholders. It eliminates arbitrariness and introduced structure, clarity and coordination in how the Regulator manages international stakeholder relations.
- 2.3.1.3 Employee Retention Policy & Employee Health and Wellness Policy - The Regulator has developed its Employee Health and Wellness Policy and Employee Retention Policy as part of its mitigation of the enterprise-wide risk of high staff turnover. Since the implementation of these policies, there has been a significant decrease in the number of employees exiting the organisation.

2.3.2 Legislative Changes

- 2.3.2.1 The constitutional court judgement Minister of Finance v Sakeliga (Previously known as Afribusines NPC) and Others CCT 62/22 of 16 February 2022, regarding the legality of the Preferential Procurement Policy Framework Act (PPPFA) Regulations of 2017 imposed delays on procurement above the value of thirty thousand rands (R30 000). The unintended consequence of the suspension on procurement affected expenditure movement for the first quarter of the period under review.
- 2.3.2.2 Covid-19 regulations - The Minister of Health, the Honourable Dr. Joe Phaahla (MP), announced the repeal of the Covid-19 Regulations on 23 June 2022 when the Regulator was two months into the year under review. The Regulator adopted a hybrid working model wherein not all employees were expected on-site at the same time. This model was implemented even after the Regulations were lifted. Measures were implemented to manage the spread in the workplace as per the Regulations even after they were repealed.

2.4 Progress Towards Achievement of Institutional Impacts and Outcomes

- 2.4.3 A five-year strategic plan which covers the period between 2022/23-2026/27 and an annual performance plan for the financial year 2022/23 were developed based on the Members' priorities in terms of the Vision 2022-2026 Policy Priorities document. Below are the outcome indicators in the strategic plan and the progress made towards achieving the institutional impacts and outcomes.

Table 2.4.1 Progress Towards Achievement of Impacts and Outcomes

| Impact Statement: All persons are empowered to assert their right to privacy, as it relates to the protection of personal information, and their right of access to information. | | | |
|--|--|--|--|
| Outcome | Outcome Indicators | FY 2026/27 | Progress towards the achievement of Institutional Impacts and Outcomes (MTSF Targets) |
| Personal information protected and access to information promoted | 1. Percentage of complex complaints received, investigated, and finalised. (POPIA) | 80% of complex complaints received, investigated, and finalised. | <ul style="list-style-type: none"> » The Regulator has developed a Complaints Management System, and development of Phase 1 of the system has been completed and will be implemented in the 2nd quarter of the 2023/2024 financial year. » The Regulator has approved Standard Operating Procedures and investigation processes. » The Enforcement Committee has been established, and it is operational. In the financial year 2022/23, the POPIA and PAIA Division achieved 100% in respect of both complex and straight-forward complaints. |
| | 2. Percentage of simple complaints received, investigated, and resolved. (POPIA) | 100% of simple complaints received, investigated, and resolved | |
| | 3. Percentage of complex complaints received, investigated, and finalised. (PAIA) | 80% of complex complaints received, investigated, and finalised. | |
| | 4. Percentage of simple complaints received, investigated, and resolved. (PAIA) | 100% of simple complaints received, investigated, and resolved. | |
| Personal information protected and access to information promoted | 5. Percentage of the nationally representative sample of the population who are aware of their right to privacy (as it relates to the protection of personal information). | 25% | <p>The EDUCOM Division successfully conducted a public opinion survey to assess the knowledge of the public on the two rights</p> <ul style="list-style-type: none"> » The right to privacy (as it relates to the protection of personal information) and the » the right of access to information. |
| | 6. Percentage of the nationally representative sample of the population who are aware of their right of access to information | 25% | <p>The public opinion surveys were a springboard to enhance the efforts of the Regulator in ensuring that the public and stakeholders are fully aware of and understand POPIA and PAIA. The first instalment of the survey was conducted during the 2022/23 financial year, and the findings provided a baseline on the levels of awareness of the two rights.</p> <p>The research report indicated that fifty-one percent (51%) of the sampled population were aware about their right to privacy. This indicates levels of awareness far above the MTSF target of twenty-five percent (25%).</p> <p>The research report indicated that nineteen percent (19%) awareness about the right of access to information. Even though the outcome is above the annual target of five percent (5%), it is six percent (6%) percent basis points below the MTSF target of twenty-five percent (25%) by the financial year 2026/27.</p> <p>The recommendations from the public opinion survey have been used as indicators of priority areas that the Educum Division should focus on in efforts to improve communication, public awareness, and education initiatives.</p> |

Impact Statement: All persons are empowered to assert their right to privacy, as it relates to the protection of personal information, and their right of access to information.

| Outcome | Outcome Indicators | FY 2026/27 | Progress towards the achievement of Institutional Impacts and Outcomes (MTSF Targets) |
|--|--|------------|--|
| Personal information protected and access to information promoted | 7. Number of education programmes conducted to promote the protection of personal information. | 94 | The EDUCOM Division’s task is to ensure the provision of quality services in research and policy analysis, education, public awareness, stakeholder engagement and communication. This resonates directly with the impact statement of the Regulator, which is to empower all persons to assert their right in exercising their right to privacy as it relates to the protection of personal information and the right of access to information. |
| | 8. Number of education programmes conducted to promote access to information. | | <p>The Regulator created a balanced delivery of education and awareness activities to the general public and stakeholders. The education training programmes were targeted at IOs and DIOs of public institutions to equip them with information and skills to comply with POPIA and PAIA.</p> <p>During the period under review, eleven (11) educational programmes were conducted on POPIA, and ten (10) educational programmes were conducted on PAIA. This means the total number of educational programmes conducted is twenty one (21). This marks an over-achievement of fifty - percent (50%) of the annual target of fourteen (14). The twenty-one (21) educational programmes delivered over the first year of the rollout of the programme marks twenty-two (22%) achievement towards the MTSF target of ninety-four (94) educational programmes to be delivered over a period of five years, instead of the fifteen percent (15%) that had been planned for fourteen (14) educational programmes in the first year of the rollout.</p> |

3. Institutional Programme Performance Information

3.1 Programme 1



Protection of Personal Information

Purpose: To ensure the promotion and protection of personal information processed by public and private bodies.

3.1.1 List of Sub-Programmes

The following are sub-programmes within this programme:

- » **Compliance and Monitoring**
This sub-programme is responsible for the monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of POPIA.
- » **Complaints and Investigations**
This sub-programme is responsible for the handling of complaints and conducting of investigations in accordance with the provisions of POPIA.



Table 2.5.1: Outcomes, Outputs, Output Indicators, Targets and Actual Achievements

| Programme / Sub-programme: Protection of Personal Information | | | | | | | | |
|---|--|---|--------------------------------------|--------------------------------------|---|---|--|---|
| Outcomes | Output | Output Indicator | Audited Actual Performance 2020/2021 | Audited Actual Performance 2021/2022 | Planned Annual Target 2022/2023 | Actual Achievement Performance 2022/2023 | Deviation from Planned Annual Target 2022/2023 | Reasons for Deviation |
| Personal Information Protected | Complex complaints received, investigated and finalised. | Percentage of complex complaints received, investigated, and finalised. (POPIA) | - | - | 50% of complex complaints received, investigated, and finalised. | Over-Achieved 51% complex complaints received, investigated and finalised. | 1% | Improved efficiency through in-house training in conducting investigations. Additional capacity |
| | Simple complaints received, investigated and finalised | Percentage of simple complaints received, investigated and resolved (POPIA) | - | - | 100% of simple complaints received, investigated, and resolved | Achieved 100% simple complaints received, investigated, and resolved | N/A | N/A |
| | POPIA Compliance Monitoring and Enforcement Framework Approved | POPIA Compliance Monitoring and Enforcement framework Approved. | - | - | Approved Compliance and Monitoring and Enforcement Framework | Achieved Compliance and Monitoring and Enforcement Framework approved. | N/A | N/A |
| | Targeted Responsible Parties monitored on compliance | Number of targeted responsible parties monitored on compliance. | - | - | 4 targeted responsible parties monitored on compliance. | Achieved 4 targeted responsible parties monitored on compliance. | N/A | N/A |
| | Codes of conduct finalised within the prescribed timeframes | Applications for codes of conduct finalised within 13 weeks from the date of receipt. | - | 100% | Applications for codes of conduct finalised within 13 weeks from the date of receipt. | Achieved Two (2) codes received and finalised within 13 weeks from the date of receipt. | N/A | N/A |
| | Guidance Note on application for prior authorisation implemented | Percentage of applications for prior authorisation processed. | - | 64% | 100% of applications for prior authorisation processed. | Achieved 100% of applications for prior authorisation processed. | N/A | N/A |

| Programme / Sub-programme: Protection of Personal Information | | | | | | | | |
|---|---|---|--------------------------------------|--------------------------------------|---|---|--|-----------------------|
| Outcomes | Output | Output Indicator | Audited Actual Performance 2020/2021 | Audited Actual Performance 2021/2022 | Planned Annual Target 2022/2023 | Actual Achievement Performance 2022/2023 | Deviation from Planned Annual Target 2022/2023 | Reasons for Deviation |
| Personal Information Protected | Applications for exemptions from POPIA processed | Percentage of applications for exemption from POPIA | - | 22% | 100% of applications for exemption from POPIA | Achieved 100% of applications for exemption from POPIA | N/A | N/A |
| | Information Officers and Deputy Information Officers registered as prescribed. | Percentage of Information Officers and Deputy Information Officers registered as prescribed. | - | 85% | 100% of Information Officers and Deputy Information Officers registered as prescribed. | Achieved 100% of Information Officers and Deputy Information Officers registered as prescribed. | N/A | N/A |
| | Development of Rules of Procedure relating to the manner in which any POPIA matters or POPIA complaints must be referred and handled by the Enforcement Committee | Approved and implemented Rules of Procedure relating to the manner in which any POPIA matters or POPIA complaints must be referred and handled by the Enforcement Committee | - | - | Approved and implemented rules of Procedure relating to the manner in which any POPIA matters or POPIA complaints must be referred and handled by the Enforcement Committee | Achieved Rules of Procedure relating to the manner in which any POPIA matters or POPIA complaints approved and implemented. | N/A | N/A |

3.2 Programme 2



Promotion of Access to Information

Purpose: To ensure the effective promotion, protection, monitoring, and implementation of the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

3.2.1 List of Sub-Programmes

The following are sub-programmes within this Programme:

- » **Complaints and Investigations**
The sub-programme is responsible for the handling of complaints and conducting of investigations in accordance with the provisions of PAIA.
- » **Compliance and Monitoring**
The sub-programme conducts monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of PAIA.



Table 2.5.2 : Outcomes, Outputs, Output Indicators, Targets and Actual Achievements Table

| Programme / Sub-programme: Promotion of Access to Information | | | | | | | | |
|---|---|---|--------------------------------------|--|---|---|--|---|
| Outcome | Output | Output Indicator | Audited Actual Performance 2020/2021 | Audited Actual Performance 2021/2022 | Planned Annual Target 2022/2023 | Actual Achievement Performance 2022/2023 | Deviation from Planned Annual Target 2022/2023 | Reasons for Deviation |
| Access to Information Promoted | Complaints received, investigated, and finalised within the prescribed timeframes. | Percentage of complex complaints received, investigated, and finalised. | - | 100 % pre-investigated complaints finalised. | 50% of complex complaints received, investigated, and finalised. | Over-Achieved 100% of complex complaints received, investigated, and finalised. | Target exceeded by 50%. | Improved efficiency through in-house training on conducting investigations. |
| | Complaints received, investigated, and resolved within the prescribed timeframes. | Percentage of simple complaints received, investigated, and resolved. | - | 100 % pre-investigated complaints finalised. | 100% of simple complaints received, investigated and resolved. | Achieved 100% of simple complaints received, investigated and resolved. | N/A | N/A |
| | Development of Rules of Procedure relating to the manner in which any PAIA matters or PAIA complaints must be referred to and handled by the Enforcement Committee. | Approved and implemented Rules of Procedure relating to the manner in which any PAIA matters or PAIA complaints must be referred to and handled by the Enforcement Committee. | - | - | Approved and implemented Rules of Procedure relating to the manner in which any PAIA matters or PAIA complaints must be referred to and handled by the Enforcement Committee. | Achieved Rules of Procedure relating to the manner in which any PAIA matters or PAIA complaints must be referred to and handled by the Enforcement Committee were approved and implemented. | N/A | N/A |
| | Compliance Monitoring on targeted public and private bodies completed. | Number of targeted public and private bodies monitored on compliance. | - | - | 96 targeted public and private bodies monitored on compliance. | Achieved 96 targeted public and private bodies monitored on compliance. | N/A | N/A |
| | Develop Compliance, Monitoring and Enforcement Framework. | Approved Compliance, Monitoring and Enforcement Framework. | - | - | Compliance, Monitoring and Enforcement Framework approved and implemented. | Achieved Compliance, Monitoring and Enforcement Framework approved and implemented. | N/A | N/A |
| | | | | | | | | |

3.3 Programme 3



Education & Communication

Purpose: To provide strategic direction for the promotion of the right of access to information and the right to privacy (through the protection of personal information) by providing quality services in research and policy analysis, education, public awareness, stakeholder engagement and communication.

3.3.1 List of Sub-Programmes:

The following are sub-programmes within this Programme:

- » **Education and Public Awareness**
This sub-programme is responsible for the design, development, and provision of education and public awareness activities.

- » **Stakeholder Engagement**
This sub-programme is responsible for coordinating the Regulator’s engagements with stakeholders nationally and internationally.

- » **Communication and Media Relations**
This sub-programme is responsible for providing internal and external communication, media relations, public liaison, and branding services.

- » **Policy and Research**
This sub-programme manages the development of policy and the conducting of applied research.



Table 2.5.3 : Outcomes, Outputs, Output Indicators, Targets and Actual Achievements

| Programme / Sub-programme: Education and Communication | | | | | | | | |
|---|---|---|--------------------------------------|--------------------------------------|--|---|--|--|
| Outcome | Output | Output Indicator | Audited Actual Performance 2020/2021 | Audited Actual Performance 2021/2022 | Planned Annual Target 2022/2023 | Actual Achievement Performance 2022/2023 | Deviation from Planned Annual Target 2022/2023 | Reasons for Deviation |
| Personal information protected and access to information promoted. | A public opinion survey on awareness about the right to privacy (as it relates to the protection of personal information) is conducted. | Percentage of the nationally representative sample of the population who are aware of their right to privacy (as it relates to the protection of personal information). | - | - | Research report indicating 5% awareness about the right to privacy. | Achieved. Research report indicates 5% awareness about the right to privacy. | N/A | N/A |
| | A public opinion survey on awareness about the right of access to information conducted. | Percentage of the nationally representative sample of the population who are aware of their right of access to information. | - | - | Research report indicating 5% awareness about the right of access to information | Achieved Research report indicates 5% awareness about the right of access to information. | N/A | N/A |
| | Education programmes conducted to promote the protection of personal information. | The number of education programmes conducted to promote the protection of personal information. | | | 7 | Over-Achieved. 11 | Target exceeded by 4. | The Regulator stretched its capacity to accommodate additional requests for training. |
| | Education programmes conducted to promote access to information. | The number of education programmes conducted to promote Access to information. | | | 7 | Over-Achieved. 10 | Target exceeded by 3. | The Regulator stretched its capacity to accommodate additional requests for training. |
| | Public awareness programmes on information rights are conducted at community level. | Number of public awareness programmes conducted on information rights at community levels. | - | - | 34 | Over-Achieved. 37 | Target exceeded by 3. | The Regulator resolved to add an extra component of public awareness, known as the <i>Dikopano</i> Programme, which added three more public awareness activities than initially planned. |

| Programme / Sub-programme: Education and Communication | | | | | | | | |
|---|--|--|--------------------------------------|--------------------------------------|---------------------------------|--|--|--|
| Outcome | Output | Output Indicator | Audited Actual Performance 2020/2021 | Audited Actual Performance 2021/2022 | Planned Annual Target 2022/2023 | Actual Achievement Performance 2022/2023 | Deviation from Planned Annual Target 2022/2023 | Reasons for Deviation |
| Personal information protected and access to information promoted. | Stakeholder engagement sessions conducted. | Number of stakeholder engagement sessions conducted. | 80 | 103 | 48 | Over-Achieved. 54 | Target exceeded by 6. | The Regulator stretched its capacity to accommodate additional requests for engagements. |
| | International co-operation programmes conducted. | Number of international co-operation programmes conducted. | - | - | 8 | Over-Achieved. 14 | Target exceeded by 6. | The Regulator plays an executive role in international structures, and therefore a heightened level of participation was required. |
| | Research report on the protection of personal information and access to information. | Number of research reports finalised. | - | - | 1 | Not achieved. 0 | Target underachieved by 1. | Research project commencement was delayed due to budget constraints. |

3.3.2 Strategy to Overcome Underperformance

Output Indicator: Number of research reports finalised.

- » Sufficient funding will be allocated from the subsequent budget at the beginning of the financial year to ensure that the research project commences on time, that the research is conducted, and that a report is produced.

3.4 Programme



4: Legal Services

Purpose: To ensure the rendering of legal services.

3.4.1 List of Sub-Programmes:

There are no sub-programmes under the Programme.



Table 2.4.4: Outcomes, Outputs, Output Indicators, Targets and Actual Achievements

| Programme / Sub-programme: LEGAL SERVICES | | | | | | | | |
|--|---|--|--------------------------------------|--------------------------------------|---|---|--|-----------------------|
| Outcomes | Output | Output Indicator | Audited Actual Performance 2020/2021 | Audited Actual Performance 2021/2022 | Planned Annual Target 2022/2023 | Actual Achievement Performance 2022/2023 | Deviation from Planned Annual Target 2022/2023 | Reasons for Deviation |
| Personal information protected and Access to information promoted | Legal opinions rendered and finalised | Percentage of Legal Opinions rendered and finalised. | - | 100% | 100% of Legal Opinions rendered and finalised | Achieved 100% of legal opinions were rendered and finalised. | N/A | N/A |
| | Contracts vetted and drafted. | Percentage of contracts vetted and drafted | - | 100% | 100% of contracts vetted and drafted. | Achieved 100% of contracts were vetted and drafted. | N/A | N/A |
| | Litigation matters successfully managed. | Percentage of litigation matters successfully managed. | - | 100% | 100% of litigation matters successfully managed. | Achieved 100% of litigation matters were successfully managed. | N/A | N/A |
| | Proposed relevant Legislation examined and report submitted | Number of proposed relevant legislation examined, and report submitted | | - | 6 proposed relevant legislation examined, and report submitted. | Achieved 6 proposed relevant legislation were examined, and report submitted. | N/A | N/A |

3.5 Programme 5



Administration

Purpose: To provide effective and efficient leadership, corporate and financial support services in the Information Regulator.

3.5.1 List of Sub-Programmes

The following are the sub-programmes within this programme:

- » **Office of the Chief Executive Officer (A)**
The sub-programme is responsible for providing effective and efficient strategic leadership in the financial and administrative functions of the Regulator.

- » **Corporate Services (B)**
This sub-programme is responsible for providing support services in relation to human resources, administrative services and information and communication technology (ICT).

- » **Finance (C)**
This sub-programme is responsible for providing financial management and supply chain management services.



Table 2.5.2.B: Outcomes, Outputs, Output Indicators, Targets and Actual Achievements Table

| Programme / Sub-programme 5 B: CORPORATE SERVICES | | | | | | | | |
|--|---|--|--------------------------------------|--------------------------------------|--|---|--|--|
| Outcome | Output | Output Indicator | Audited Actual Performance 2020/2021 | Audited Actual Performance 2021/2022 | Planned Annual Target 2022/2023 | Actual Achievement Performance 2022/2023 | Deviation from Planned Annual Target 2022/2023 | Reasons for Deviation |
| Personal information protected and access to information promoted | Approved Human Resources Plan Implemented | Percentage Implementation of Human Resources Plan Implemented | - | Approved Human Resources Strategy. | 80% of activities in the Human Resource plan (HRP) achieved. | Overachieved 89% of activities in the Human Resource plan (HRP) | Target exceeded by 9% | The Regulator has stretched its capacity to ensure that this target is achieved. |
| | Lower vacancy rate maintained | Lower % of vacancy rate | - | Vacancy rate of 10% or below. | 10% or less. | Overachieved 5.7% | N/A | N/A |
| | Approved ICT Plan implemented. | Percentage implementation of ICT plan activities | - | Approved ICT Strategy and Plan | 80% | Overachieved 86% | Target exceeded by 6% | The Regulator has increased and stretched its capacity to ensure that this target is achieved. |
| | Approved Records Management Plan implemented | Number of activities in the Records Management Plan implemented | - | - | 16 | Achieved 16 | N/A | N/A |
| | Approved Facilities Management Plan | Facilities Management Plan approved. | - | - | Approved Facilities Management Plan. | Over-achieved The Facilities Management Plan was approved and implemented. | Facilities Management Plan was implemented. | Implementation was not planned due to inadequate capacity; however, the Regulator stretched its available capacity and moved with speed to implement the plan. |
| | Research report on technological changes affecting the protection of personal information | Number of research reports on technological changes affecting the protection of personal information | - | - | 1 research report on technological changes affecting the protection of personal information. | Not - Achieved 0 research report on technological changes affecting the protection of personal information. | 100% | Delays in approving the research proposal led to the Regulator outsourcing the project, which led to further delays. |

Table 2.5.5.C: Outcomes, Outputs, Output Indicators, Targets and Actual Achievements

| Programme / Sub-programme 5 C: FINANCE | | | | | | | | |
|--|--|---|--------------------------------------|--------------------------------------|---|---|--|--|
| Outcome | Output | Output Indicator | Audited Actual Performance 2020/2021 | Audited Actual Performance 2021/2022 | Planned Annual Target 2022/2023 | Actual Achievement Performance 2022/2023 | Deviation from Planned Annual Target 2022/2023 | Reasons for Deviation |
| Personal information protected and access to information promoted | Ensure effective and efficient expenditure on the allocated budget annually for goods and services and machinery and equipment. | Percentage of expenditure on allocated budget annually for goods, services, machinery and equipment | - | 65% | 95% of Expenditure on allocated budget on goods and services, machinery and equipment | Not - Achieved 91% Expenditure on allocated budget on goods and services, machinery and equipment | 4% | There were delays in the implementation of the two SITA projects, namely System Development (R8.2 million) and Cloud Hosting (R3.6 million), which emanate from the service provider. SITA invoiced the Regulator an amount of R 4. 1 million, which could not be processed due to SITA funding already reprioritised. |
| | To render supply chain management services efficiently, effectively and economically in accordance with the annual procurement plan. | Percentage of completion on the annual procurement plan | - | 65% | 95% on planned procurement completed | Over- Achieved 124% on planned procurement completed | Target exceeded by 29% | The reprioritisation of SITA committed budget increased the percentage of procurement. |

3.5.1 Strategy to overcome areas of underperformance.

Output Indicator: Number of research reports on technological changes affecting the protection of personal information.

- » Service provider to be appointed on time to fast-track the implementation of the entire research project within the set project timelines. The Regulator is in the process of repositioning its research work through reviewing the structure and building research capacity internally.

Output Indicator: Percentage expenditure on allocated budget on goods and services, machinery, and equipment

- » The reprioritisation of the budget will be done continually to ensure that underspending items are timely addressed.

4. Revenue Collection

The Regulator did not collect revenue for the period under review.

5. Capital Investment

There were no Capital Investments in the Regulator for the period under review.

GOVERNANCE



1. Introduction

- 1.1 The Members are the custodians of corporate governance, the vision, the mission, and the values of the Regulator. They must ensure adherence to the highest standard of corporate governance and respect for the vision, mission, and values of the Regulator.
- 1.2 Members must act as the focal point for corporate governance by managing their relationship with the administration and stakeholders of the Regulator along sound and ethical corporate governance principles.

2. Portfolio Committees

During the 2022/23 financial year, the Regulator had three (3) engagements with the National Assembly through engagements with the Portfolio Committee on Justice & Correctional Services.

| FINANCIAL YEAR 2022/2023 | | | | |
|---|---|--|--|-------------------|
| The dates of the engagements are as follows: 11 May 2022, 12 October 2022, 08 February 2023 | | | | |
| No. | Subject | Details | Response by the Regulator | Resolved (Yes/No) |
| | Co-operation by the DOJ&CD on the Security Compromise Investigation | The Portfolio Committee raised the issue of the DOJ&CD not providing the Regulator with a conclusive report on the ransomware attack on the DOJ&CD IT system since 2021. | <p>The Regulator had experienced a few challenges in conducting an assessment of the DOJ&CD security compromise due to a lack of full co-operation from the DOJ&CD. However, the Regulator confirmed that in the later stages of its assessments, there was co-operation in receiving the necessary information and documents from the DOJ&CD. The assessment was concluded, and the matter is to be decided on by the Regulator's structures.</p> <p>The Hawks dealt with criminal matters arising from the security compromise, while the Regulator assessed the adequacy of the security measures put in place by the DOJ&CD.</p> <p><u>Progress made as at the end of 31 March 2023</u></p> <p>The DOJ&CD have provided the requested information. A site visit was also arranged by the department, and follow-up information was also provided after the site visit.</p> <p>A report on the DOJ&CD security compromise has been compiled and handed to the Members for enforcement.</p> | Yes |
| | Conditions of Service for the Members | The Chairperson of the Portfolio Committee requested an update on the conditions of service for the Members. | <p>On the issue of conditions of service, there were only letters of appointment that did not indicate any benefits, and it was a more significant challenge for the part-time Members who had to be paid an hourly rate. The rates had not yet been determined and needed to be determined by the Minister of Justice and Constitutional Development in consultation with the Minister of Finance.</p> <p><u>Progress made as at the end of 31 March 2023</u></p> <p>During the portfolio committee meeting held on 9 February 2023, the committee undertook to finalise the issue of conditions of service of Members by 31 March 2023. To this end, not much progress has been made.</p> | No |

| FINANCIAL YEAR 2022/2023 | | | | |
|---|--|---|---|-------------------|
| The dates of the engagements are as follows: 11 May 2022, 12 October 2022, 08 February 2023 | | | | |
| No. | Subject | Details | Response by the Regulator | Resolved (Yes/No) |
| | Separation and Listing of the Regulator | The Portfolio Committee requested an update on engagements between the Regulator, the DoJ&CD and the Minister of Finance on the issue of the amendment to the PFMA to provide for the listing of the Regulator. | <p>The matter had not progressed at all. The Regulator has been raising it with the Portfolio Committee since 2016. The Regulator stated that it had written a firm proposal to the Minister of Finance in September 2021 on how the matter should be resolved, and the proposal was informed by a separate proposal sent by the DoJ&CD to amend the PFMA. There had not been a response to the proposal. There had been a meeting between the Regulator's officials and the officials of the National Treasury to consider the proposal. However, the National Treasury officials indicated that it might not be possible to have the amendment. The Regulator requested a written response on the matter because the discussions had been going on for a prolonged period, and the engagements had always been verbal.</p> <p><u>Progress made as at the end of 31 March 2023</u> The matter remains unresolved.</p> | No |
| | Human Resources Capacity | The Portfolio Committee sought clarity on the report that the Regulator's organisational structure had three hundred and seventy-eight (378) positions but had about eighty-nine (89) positions filled. The Portfolio Committee enquired on whether this meant that the Regulator still needed to fill another two hundred and eighty-nine (289) positions. | <p>The eighty-nine (89) positions that were filled were funded positions. The rest of the positions were not funded. Those were positions that the Regulator was awaiting National Treasury to provide funding for. The Regulator had submitted its input to the National Treasury in terms of the MTEF process. National Treasury had indicated that the Regulator would know by mid-November or the beginning of December 2023 as to whether they had considered the Regulator's submissions so that it was able to fill the rest of the positions. In early 2023 the Regulator was informed that there would be no additional funding for positions not yet funded.</p> <p><u>Progress made as at the end of 31 March 2023</u> The Regulator identified funding from its main allocation COE budget to fund five (5) positions. The recruitment process is currently underway.</p> | Yes |
| | Capacity for handling security compromises | The Portfolio Committee enquired about the Regulator's capacity to deal with security compromises and whether the Regulator has the necessary skills base to deal with these security compromises. | <p>The security compromises were currently dealt with by the POPIA Division. This was a very technical field. The expertise in the Division was not such that it could deal with these cases. The Regulator has seen it fit to create a new Security Compromise Unit, which would be under the POPIA Division. The Regulator was at an advanced stage with regard to advertising the positions.</p> <p><u>Progress made as at the end of 31 March 2023</u> The process of appointing the Senior Security Compromise Officer (Legal) and Senior Manager Security Compromises is at an advanced stage.</p> | No |

FINANCIAL YEAR 2022/2023

The dates of the engagements are as follows: 11 May 2022, 12 October 2022, 08 February 2023

| No. | Subject | Details | Response by the Regulator | Resolved (Yes/No) |
|-----|--|---|--|-------------------|
| | Submission of Section 32 Reports in terms of PAIA | The Portfolio Committee noted that two hundred and twenty-eight (228) Information Officers submitted their section 32 reports and wanted to know the total number of registered Information Officers. | <p>Seven hundred and forty (740) public bodies should have submitted their reports, and only two hundred and twenty-eight (228) had submitted them. That was a significantly low number that had complied. In the 2023/24 financial year, the Regulator will focus on assessing those public bodies who had not submitted their reports. The Regulator would target them in terms of compliance monitoring to assist them in ensuring they complied. If there were any issues they had, the Regulator would assist them for them to be compliant with the legislation. In the new financial year, the Regulator expected full compliance from all public bodies in terms of section 32.</p> <p><u>Progress made as at the end of 31 March 2023</u></p> <p>No progress reported.</p> | No |
| | Availability of public awareness materials, particularly to members of the community who are deaf. | The Committee enquired about the availability of public awareness materials for people with disabilities, particularly those that are deaf. | <p>The Regulator has invested capacity by hiring a media production professional whose task for the 2022/23 financial year, in terms of the Regulator's annual operational plan, was to produce a sign language video or an animation series on a number of PAIA and POPIA items and subjects. That series would be available on the Regulator's website and other channels.</p> <p><u>Progress made as at the end of 31 March 2023</u></p> <p>A public awareness video was produced in South African Sign Language and is available on the Regulator's website.</p> | Yes |
| | Electronic system for complaints management | The Committee enquired whether the Regulator had a system in place for the electronic management of complaints. | <p>The Regulator had appointed SITA to be the developer and hosting service provider for the complaints management system.</p> <p><u>Progress made as at the end of 31 March 2023</u></p> <p>Phase one of the electronic complaints management system has been completed and is currently in the testing stage before being deployed for public use.</p> <p>The capital costs for the development of the system have been paid. The Regulator will avail monthly funding for support and maintenance costs of the system.</p> | No |

FINANCIAL YEAR 2022/2023

The dates of the engagements are as follows: 11 May 2022, 12 October 2022, 08 February 2023

| No. | Subject | Details | Response by the Regulator | Resolved (Yes/No) |
|-----|---------------------------|--|---|-------------------|
| | Number of PAIA complaints | The Committee noted the low number of PAIA complaints and wanted to know what the reason for this was. | <p>For the remainder of the 2022/23 financial year, the Regulator will focus much more on PAIA in terms of creating public awareness. The Regulator had seen an increase in complaints against private bodies in terms of access to information, which was very encouraging.</p> <p><u>Progress made as at the end of 31 March 2023</u></p> <p>Although it is not clear why there is a low number of PAIA complaints, public bodies were requested to submit their annual report in terms of section 32 of PAIA, and the private bodies were to submit to the Regulator information about requests for access to records of the body in terms of Section 83(4) of PAIA.</p> <p>The annual reports by public and private bodies will assist the Regulator in determining if there is any problem in so far as PAIA requests are concerned.</p> <p>During the period under review, the Regulator conducted ten comprehensive training programmes on PAIA, one PAIA community engagement programme (<i>Dikopano</i>) in Orlando East (Soweto), two PAIA and POPIA community engagement programmes in Umshwathi (KwaZulu-Natal) and Giyani (Limpopo), fifty-four (54) stakeholder engagement sessions that include PAIA, in addition to thirty-eight (38) public awareness activations a community levels where materials on PAIA were shared.</p> | Yes |

3. SCOPA Resolutions

3.1 The Regulator did not appear before Parliament's Standing Committee on Public Accounts (SCOPA) during the period under review.

4. Executive Authority

4.1 The Regulator reports to the National Assembly in terms of Section 39 of POPIA.

5. The Role of the Members

5.1 The Members perform their oversight functions in terms of POPIA and the Charter on Roles and Responsibilities of Members.

6. Committees

| Risk Management Committee |
|---|
| The Regulator initiated a process of sharing the Risk Management Committee with the DoJ&CD for the period under review. |

| Section 49 Committees |
|--|
| Six (6) committees are fully established in terms of Section 49 to assist the Members in fulfilling their responsibilities. The Section 49 committees are satisfied that they have fulfilled their responsibilities per their Terms of Reference (TORs) for the financial year under review. |
| The following are summaries of responsibilities and number of meetings held by the Section 49 Committees established in the Regulator: These Committees operate according to the approved TORs. |

| Policy, Governance, and International Co-operation Committee | |
|---|----------------------------|
| Role of the committee | Chairperson |
| <ul style="list-style-type: none"> » Assists the Members in discharging their responsibilities by overseeing the policy development and implementation and governance of the Regulator » Promoting co-operation of the Regulator with international organisations with a similar mandate. | Adv. Pansy Tlakula. |
| Corporate Services Committee | |
| Role of the committee | Chairperson |
| <ul style="list-style-type: none"> » Provides oversight on the Human Resources, Finance, and ICT functions of the Regulator. | Adv. Collen Weapond. |
| Compliance and Monitoring Committee | |
| Role of the committee | Chairperson |
| <ul style="list-style-type: none"> » Provides oversight in the compliance with the provisions of PAIA and POPIA by public and private Bodies and the responsible parties, respectively. | Adv. Collen Weapond. |
| Complaints and Investigations Committee | |
| Role of the committee | Chairperson |
| <ul style="list-style-type: none"> » Ensure the handling and resolution of complaints through an effective Complaints Management System and » to ensure that Complaints Management System is in place to resolve grievances arising from the processing of personal information and the right of access to information. | Adv. Lebogang Stroom-Nzama |

| Education and Communication Committee | |
|--|--------------------|
| Role of the committee | Chairperson |
| <ul style="list-style-type: none"> » Oversees the education, public awareness, stakeholders' management, and communication strategies of the Regulator. | Ms. Alison Tilley |

| Legal, Policy, and Research Committee | |
|--|--------------------|
| Role of the committee | Chairperson |
| <ul style="list-style-type: none"> » Ensures the provision of Legal, Policy and Research activities of the Regulator. | Mr. Mfana Gwala. |

| The Executive Committee and committees established in terms of Section 47(1) POPIA |
|---|
| The below Committees are established by the Chief Executive Officer. These Committees operate according to the approved TORs: |

| Executive Committee Meeting (Exco) | |
|--|------------------------|
| Role of the committee | Chairperson |
| <ul style="list-style-type: none"> » Manage the business and affairs of the organisation as set out in POPIA, PAIA, PFMA, Charter of Roles and Responsibilities of Members of the Regulator, and the Regulator's Delegation of Authority Framework. | Mr Mosalanyane Mosala. |

| Management Committee Meeting (Manco) | |
|--|--------------------|
| Role of the committee | Chairperson |
| <ul style="list-style-type: none"> » Provide a forum for consultation, discussion, debate, exchange of information, and » Advice in decision-making related to the Regulator's wide functions, practices, and processes and to resolve issues collaboratively. | Mr Mukelani Dimba. |

7. Risk Management

7.1 The Regulator approved the Risk Management Policy in July 2022. In accordance with this policy, the Enterprise-Wide Risk Register was approved and monitored.

Progress on Mitigation Actions

| Key Risks Outcome | Key risk | Mitigation Action | Progress |
|--|---|---|---|
| Personal information promoted, protected, and respected and access to information promoted. | Misinterpretation of legislation | Guidance notes to be developed. | » POPIA Guidance Notes were developed. |
| | | Training of staff. | » POPIA staff were trained for the year under review as per their Personal Development Plans » Officials were trained online on the Data Privacy course with the University of Cape Town. |
| | | Increased public awareness and stakeholder engagements. | » The EDUCOM division has developed and implemented a training manual for educational programmes. » There was a collaborative session on POPIA with stakeholders. » Internally POPIA engages with ICT and EDUCOM. |
| | | Keep abreast with the current law. | » Self-learning by purchasing books relevant to POPIA. » Use of online resources and library resources facilitated by Records Management. |
| | Inadequate enforcement powers | Use an online library to conduct adequate research. | » Legal Services vetted a Service Level Agreement with a service provider to provide online library services. This item is close to finalisation. » An agreement has been entered with DOJ&CD regarding participating in their contract with Juta on utilising their online resources. |
| | | Full establishment of an Enforcement Committee and approval of the Rules of Procedure relating to how a complaint must be referred to the Enforcement Committee. | » The Enforcement Committee is fully operational, with the chairperson and members appointed. » The rules and procedure for the PAIA division on the referral of matters to the Enforcement Committee were approved. » Rules of Procedure for the Referral of Matters to the Enforcement Committee on POPIA matters were approved and gazetted for public comments. |
| | Backlog of complaints | Funding was secured from the National Treasury to fill prioritised positions on a phased-in approach over the MTSF period. | » Positions have been filled within the POPIA and PAIA Divisions. » The POPIA Division has developed several controls to handle the backlog of complaints, such as the Rules of Procedure for the Handling of Complaints, standard operating procedures for compliance, and complaints register. |
| | Inadequate compliance monitoring | Approval of compliance, monitoring and enforcement framework. | » The POPIA & PAIA compliance monitoring and enforcement framework has been approved and implemented. |
| Develop and implement a compliance monitoring plan. | | | |
| Ineffective stakeholder engagements | Adoption of a stakeholder engagement policy that binds all Members and staff of the Regulator to agreed standards, procedures and conduct in stakeholder engagement management. | » The standard operating procedure manual and stakeholder engagement requests prioritisation matrix were developed and approved for stakeholder engagements. » The Stakeholder Engagement Policy is being drafted and scheduled for approval in the third quarter of the 2023/24 financial year. | |

| Key Risks Outcome | Key risk | Mitigation Action | Progress |
|--|---|---|---|
| Personal information promoted, protected, and respected and access to information promoted. | Ineffective education and awareness | Conclusion of partnership agreements with other public agencies and training service providers on the delivery of education awareness programmes. | » A Framework for Collaboration on Education Programmes was developed and approved. |
| | Successful/ unsuccessful management of litigation | Ensuring that parties are held accountable in court proceedings for abuse and delays of court processes. | » The Regulator has in place an approved Legal Strategy. This sets out guidelines to follow to ensure that there is no abuse of the court processes. |
| | | Transparent and accountable decision-making. | » The Regulator has developed and approved standard operating procedure manuals for transparent and accountable decision-making. |
| | | Procuring a digitised practice management system. | » The Regulator has planned for the procurement of a digital practice management system for the 2024/25 financial year, as per the approved Legal Strategy. |
| | | Effective management and monitoring of all litigation work. | » The Regulator has developed and approved standard operating procedure manuals for consistent processes. |
| | Inability to deliver on goods and services by suppliers | Monitoring of purchase orders and adherence to terms and conditions of contract for the supply of goods and services for the Regulator. | » The Regulator monitors contracts by using a Contract Register, which provides the details of each contract as a monitoring tool. The register outlines the commencement and the end dates of each contract. The Contract Register is reviewed monthly. This serves as an early warning detector to resume a process of contract extension or contract renewal. It also informs the commencement of procurement prior to the contract expiry date. |
| | Non-compliance to legislation/ negative audit outcomes | Compliance with laws and regulations by monitoring, supervision and review by suitable qualified, skilled, knowledgeable and experienced senior managers in finance and SCM as per the approved but unfunded human resource plan. | » A compliance universe has been drafted and undergoing consultation. » The Regulator has put in place several measures to monitor compliance matters. This includes a checklist of compliance requirements, prescripts and legislative requirements that should be in place. As and when the documents are being processed, they are aligned with the checklist. Segregation of duties between capturers and authorisers is also in place to ensure accuracy and compliance. Furthermore, at the end of the financial year, a special team composed of finance and SCM officials is established to conduct a review of all payments. The review serves as a pre-audit, which ensures alignment with the compliance checklist. |
| | High staff turnover | Implementation of the staff retention policy | » The Regulator underwent an Organisational Climate Survey recently, and a report was developed for improvement. » Staff members who exit the Regulator are required to complete exit interview forms, and a report is developed based on the exit forms. The report is discussed at governance committees within the Regulator. » The Regulator has approved Employee Health and Wellness Policy. » A Retention Policy was approved. |
| | Inability to back up and continue services/ business continuity disruptions | Medium-term - ICT to budget and plan for a backup solution in the next financial year. | » The Regulator uses a number of backup measures that are hosted on the Cloud, such as One Drive and SharePoint. |
| Long-term - ICT to establish a disaster recovery site. | | » The disaster recovery site has not been established due to budget constraints. | |

8. Internal Control Unit

- 8.1 There is no Internal Control Unit established in the Regulator. However, the functions of the Internal Control Unit are addressed through available capacity in the Finance and Supply Chain Management units.

9. Internal Audit and Audit Committees

- 9.1 The Regulator attempted to share the Audit Committee and Internal Auditors' functions with the DoJ&CD, but no agreement was secured on the co-sharing arrangement.

10. Separation of the Regulator from DoJ&CD

- 10.1 Memorandum requesting separation from DoJ&CD was approved by DoJ&CD Director-General. The Policy Proposal was also approved by the Members.
- 10.2 The Regulator is in correspondence with the National Treasury regarding the listing of the Regulator, and the separation project plan has been developed.

11. Compliance with Laws and Regulations

- 11.1 The Compliance Universe is currently in its draft form and undergoing consultation.

12. Fraud and Corruption

- 12.1 Currently, the Regulator is using a Whistleblowing Policy of the DoJ&CD, and it is in the process of developing its own policies on whistleblowing and ethics.

13. Minimising Conflicts of Interest

- 13.1 During the period under review, the Declaration of Financial Interests of Members Policy was reviewed and approved. The Members disclosed their financial interests as required in terms of Section 45 of POPIA and in accordance with the approved policy.
- 13.2 For officials who are members of the Senior Management Service (SMS) and Middle Management Service (MMS), the financial disclosures were administered in terms of the Policy Framework on Financial Disclosures issued by the Department of Public Service and Administration (DPSA). Section 45 of POPIA is also utilised by the administration to manage conflicts of interest. Officials doing remunerative work are required to request approval and demonstrate that such work will not result in a conflict of interest.

14. Code of Conduct

- 14.1 The Regulator has a Code of Ethics that guides Members on how to conduct themselves in performing their functions. The staff members are guided by the Code of Conduct of the Public Service. Upon joining the institution, employees are made aware of the Code of Conduct, and a copy of the code of conduct is shared with all employees.
- 14.2 The Regulator is planning to conduct a full induction programme for all employees.

15. Health, Safety and Environmental Issues

- 15.1 The Regulator has an approved Employee Health and Wellness Policy. Health and wellness services are outsourced to an independent health and wellness service provider with a multi-disciplinary team of professionals. The Employee Health and Wellness Programme (EHWP) was launched in July 2022.
- 15.2 The Regulator has office space limitation challenges which pose a health risk to its employees. To mitigate this risk, a hybrid working model was adopted whilst options of getting more space were explored. During the fourth quarter of the financial year, the Regulator procured additional office space and reviewed its hybrid working model.
- 15.3 An Occupational Health and Safety (OHS) Committee was appointed during the fourth quarter to implement the provisions of the OHS Act 85 of 1993. A full program of the committee will be rolled out in the next financial year.

16. Company Secretary

16.1 The Regulator does not have a company secretary.

17. Social Responsibility

17.1 The Regulator did not do any social responsibility activities.

18. Audit Committee Report

18.1 The work of the Internal Audit Committee and Audit Committee is conducted under the umbrella of DoJ&CD.

19. B-BBEE Compliance Performance Information

Has the Regulator applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1 – 8) with regards to the following?

| Criteria | Response Yes / No | Discussion (include a discussion on your response and indicate what measures have been taken to comply) |
|---|-------------------|---|
| Determining qualification criteria for the issuing of licences, concessions, or other authorisations in respect of economic activity in terms of any law? | No | Not applicable (N/A) |
| Developing and implementing a preferential procurement policy? | No | The Regulator utilises the legislation and policy determined by National Treasury. |
| Determining qualification criteria for the sale of state-owned enterprises? | No | N/A |
| Developing criteria for entering into partnerships with the private sector? | No | N/A |
| Determining criteria for the awarding of incentives, grants, and investment schemes in support of Broad-Based Black Economic Empowerment? | No | N/A |

HUMAN RESOURCE MANAGEMENT



1. Introduction

- 1.1 Section 47 of POPIA empowers the Regulator to establish its own administration to assist it in the performance of its functions. The Regulator is also empowered to appoint a suitably qualified and experienced CEO as the Head of Administration and Accounting Officer. The CEO is responsible for the day-to-day management of the operations of the Regulator; oversees all matters pertaining to the establishment of the administration; provides leadership, maintenance, and discipline of staff; as well as implementing decisions of the Members of the Regulator and being accountable thereto.
- 1.2 The CEO is supported by five (5) Executives who are appointed by the Members in consultation with the CEO to assist in the performance of the CEO's functions that may be delegated to them from time to time in accordance with POPIA and PAIA.

2. Overview of Human Resources

2.1 Status of Human Resources in the Regulator

- 2.1.1 The Regulator approved its first organisational structure after consulting with the Minister of Finance, who supported its implementation on a phased-in approach. Phase One (1) of the implementation of the organisational structure started in the financial year 2019/20, during which thirteen (13) positions were filled as at 31 March 2021. During the 2021/2022 and 2022/2023 financial years, the organisational structure was reviewed, and as at the end of the financial year under review, the number of posts in the organisational structure had increased to four hundred and thirteen (413).
- 2.1.2 During the first phase of the implementation of the organisational structure, the top-tier positions of the structure were prioritised.
- 2.1.3 Phase two (2) of the human resources provisioning process saw the addition of twenty-one (21) funded positions in addition to the thirteen (13) positions which were filled as part of phase one (1), which had started in the financial year 2019/2020.
- 2.1.4 During the 2021/22 financial year, Phases Three (3) and Four (4) of the organisational structure were implemented. Fifty-five (55) positions were filled during the two (2) phases. The current staff complement of the Regulator is eighty-nine (89).

2.2 Human Resource Priorities

2.2.1 During the period under review, the following were identified as priorities:

- 2.2.1.1 Implementation of the Human Resources Strategy and Plan.
- 2.2.1.2 Development of Human Resources Policies and Processes.
- 2.2.1.3 Reviewal of the organisational structure.
- 2.2.1.4 Implementation of the Employee of Health and Wellness Programme.

2.3 Workforce planning and key strategies to attract and recruit a skilled and capable workforce.

- 2.3.1 POPIA empowers the Regulator to recruit skilled personnel to assist in the performance of its functions. Whilst the Regulator continues to attract and recruit suitably skilled and competent individuals, it has to ensure that such is done in a manner that provides for the advancement of persons disadvantaged by unfair discrimination as stated in section 47(3)(a) of POPIA. During the financial year under review, the Regulator did not receive any funding to implement Phase Five (5) of the organisational structure. However, the structure was reviewed, and a new sub-division was created to deal with security compromises.

2.4 Employee Performance Management

- 2.4.1 The Regulator currently uses the Performance Management and Development Policy of the DoJ&CD which requires that Performance Agreements (PAs) be submitted by 31 May of each financial year. All employees of the Regulator submitted their PAs by 31 May 2022. New employees are expected to submit their PAs three (3) months after the assumption of duty. All newly appointed employees had entered into PAs with the Regulator for the financial year under review. Mid-term performance reviews were conducted for all qualifying employees. Annual Performance Reviews will be finalised during the second quarter of the new financial year. During the fourth (4th) quarter of the 2022/2023 financial year, the Regulator approved its own Performance Management and Development Policy.

2.5 Employee Health and Wellness Programmes (EHWP)

2.5.1 During the year under review, the EHWP was implemented. This programme has been outsourced. The Executive: Corporate Services was designated as the Occupational Health and Safety Officer as provided for in the Occupational Health and Safety Act 85 of 1993. The OHS Committee was appointed.

2.6 Achievements and challenges faced by the Regulator and future Human Resources plans and goals.

2.6.1 **The Regulator achieved the following Human Resource outputs during the period under review:**

- 2.6.1.1 Implementation of the EHWP.
- 2.6.1.2 Implementation of the HR Strategy and Plan.
- 2.6.1.3 Review of the organisational structure.

2.6.2 **The following are the Human Resources Priorities for the next financial year:**

- 2.6.2.1 Review of the Human Resources Strategy and Plan.
- 2.6.2.2 Finalisation of the development of Human Resources Policies and Processes.
- 2.6.2.3 Review of the organisational structure on identified areas of improvement.
- 2.6.2.4 Implementation of the Middle Management Development Programme.

2.6.3 **The following are the identified Human Resources Challenges:**

- 2.6.3.1 Inadequate funding to build capacity in the organisation.
- 2.6.3.2 High staff turnover rate.
- 2.6.3.3 Unresponsive labour market to fill critical positions.

3. Human Resources Oversight Statistics

3.1 Personnel related expenditure

Table 3.1.1: Personnel expenditure by programme

| Table 3.1.1: Personnel expenditure by programme | Total expenditure (R'000) | Personnel expenditure (R'000) | Training expenditure (R'000) | Professional and special services expenditure (R'000) | Personnel expenditure as a % of total expenditure | Average personnel cost per employee (R'000) |
|---|---------------------------|-------------------------------|------------------------------|---|---|---|
| Total | 57 263 | 55 345 | 423 | 0 | 96.65 | 628.92 |

Table 3.1.2: Personnel costs by salary band for the period 1 April 2022 to 31 March 2023

| Salary band | Personnel expenditure (R'000) | % of total personnel cost | No. of employees | Average personnel cost per employee (R'000) |
|---|-------------------------------|---------------------------|------------------|---|
| Lower skilled (Levels 1-2) | 391 | 1 | 3 | 130 |
| Skilled (levels 3-5) | 1 166 | 2 | 6 | 194 |
| Highly skilled production (levels 6-8) | 5 636 | 10 | 17 | 331 |
| Highly skilled supervision (levels 9-12) | 21 575 | 39 | 39 | 553 |
| Senior and Top management (levels 13-16) | 25 778 | 47 | 23 | 1120 |
| Other (e.g.Interns) | 799 | 1 | | |
| Total | 55 345 | 100 | 88 | 628.92 |

Table 3.1.3 Salaries, Overtime, Homeowners Allowance and Medical Aid by programme for the period 1 April 2022 to 31 March 2023

| Programme | Salaries | | Overtime | | Homeowners Allowance (HOA) | | Medical Aid | |
|--------------|----------------|------------------------------------|----------------|------------------------------------|----------------------------|-------------------------------|----------------|---------------------------------------|
| | Amount (R'000) | Salaries as a % of personnel costs | Amount (R'000) | Overtime as a % of personnel costs | Amount (R'000) | HOA as a % of personnel costs | Amount (R'000) | Medical aid as a % of personnel costs |
| Total | 55345 | 100% | 617 | 1% | 607 | 1% | 694 | 1% |

Table 3.1.4 Salaries, Overtime, Homeowners Allowance and Medical Aid by salary band for the period 1 April 2022 and 31 March 2023

| Salary band | Salaries | | Overtime | | Homeowners Allowance | | Medical Aid | |
|--|----------------|------------------------------------|----------------|------------------------------------|----------------------|-------------------------------|----------------|---------------------------------------|
| | Amount (R'000) | Salaries as a % of personnel costs | Amount (R'000) | Overtime as a % of personnel costs | Amount (R'000) | HOA as a % of personnel costs | Amount (R'000) | Medical aid as a % of personnel costs |
| Skilled (level 1-2) | 391 | 1 | - | 0 | 37 | 0 | 6 | 0 |
| Skilled (level 3-5) | 1 166 | 2 | 26 | 0 | 110 | 0.3 | 158 | 0.2 |
| Highly skilled production (levels 6-8) | 5 636 | 10 | 289 | 0 | 255 | 0.4 | 329 | 0.5 |
| Highly skilled supervision (levels 9-12) | 21 575 | 39 | 302 | 0.4 | 205 | 0.3 | 201 | 0.3 |
| Senior management (Levels 13-16) | 25 778 | 47 | - | 0.6 | - | 0 | - | 0 |
| Other (e.g Interns) | 799 | 1 | - | 0 | - | - | - | 0 |
| Total | 55 345 | 100% | 617 | 1% | 607 | 1% | 694 | 1% |

3.2 Employment and Vacancies

Table 3.2.1 Employment and vacancies by programme as at 31 March 2023

| Programme | Number of posts on the approved establishment (funded) | Number of posts filled | Vacancy Rate | Number of employees additional to the establishment |
|------------------------------------|--|------------------------|--------------|---|
| Protection of Personal Information | 16 | 14 | 14% | 0 |
| Promotion of Access to information | 15 | 13 | 15% | 0 |
| Education and Communication | 13 | 12 | 8.3% | 0 |
| OCEO | 14 | 14 | 0 | 0 |
| Corporate Services | 21 | 21 | 0 | 0 |
| Finance | 10 | 10 | 0 | 0 |
| Members | 4 | 4 | 0 | 0 |
| TOTAL | 93 | 88 | 5.7% | 0 |

Table 3.2.2 Employment and vacancies by salary band as at 31 March 2023

| Salary band | Number of posts on approved establishment | Number of posts filled | Vacancy Rate | Number of employees additional to the establishment |
|-----------------------------------|---|------------------------|--------------|---|
| Lower skilled (1-2) | 3 | 3 | 0 | 0 |
| Skilled (3-5) | 6 | 6 | 0 | 0 |
| Highly skilled production (6-8) | 17 | 17 | 0 | 0 |
| Highly skilled supervision (9-12) | 42 | 39 | 7.7% | 0 |
| Senior management (13-16) | 25 | 23 | 8.7% | 0 |
| Total | 93 | 88 | 5.7% | 0 |

Table 3.2.3 Employment and vacancies by critical occupations as on 31 March 2023

| Critical occupation | Number of posts on approved establishment | Number of posts filled | Vacancy Rate | Number of employees additional to the establishment |
|-----------------------------------|---|------------------------|--------------|---|
| Senior management (13-16) | 25 | 23 | 8.7% | 0 |
| Highly skilled supervision (9-12) | 42 | 39 | 7.6% | 0 |
| Total | 67 | 62 | 8% | 0 |

3.3 Filling of SMS Posts

Table 3.3.1 SMS post information as at 31 March 2023

| SMS Level | Total number of funded SMS posts | Total number of SMS posts filled | % of SMS posts filled | Total number of SMS posts vacant | % of SMS posts vacant |
|-----------------|----------------------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| Salary Level 16 | 2 | 2 | 100 | 0 | 0 |
| Salary Level 15 | 8 | 8 | 100 | 0 | 0 |
| Salary Level 14 | 2 | 2 | 100 | 0 | 0 |
| Salary Level 13 | 13 | 11 | 85 | 2 | 15 |
| Total | 25 | 23 | 92% | 2 | 8% |

Table 3.3.2 SMS post information as on 30 September 2022

| SMS Level | Total number of funded SMS posts | Total number of SMS posts filled | % of SMS posts filled | Total number of SMS posts vacant | % of SMS posts vacant |
|-----------------|----------------------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| Salary Level 16 | 2 | 2 | 100 | 0 | 0 |
| Salary Level 15 | 8 | 8 | 100 | 0 | 0 |
| Salary Level 14 | 2 | 2 | 100 | 0 | 0 |
| Salary Level 13 | 13 | 11 | 85 | 2 | 15 |
| Total | 25 | 23 | 92% | 2 | 8% |

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2022 to 31 March 2023

| SMS Level | Advertising | Filling of Posts | |
|-----------------|---|---|--|
| | Number of vacancies per level advertised in 6 months of becoming vacant | Number of vacancies per level filled in 6 months of becoming vacant | Number of vacancies per level not filled in 6 months but filled in 12 months |
| Salary Level 16 | 0 | 0 | 0 |
| Salary Level 15 | 2 | 2 | 0 |
| Salary Level 14 | 1 | 1 | 0 |
| Salary Level 13 | 3 | 1 | 2 |
| Total | 6 | 4 | 2 |

Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS posts - Advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2022 to 31 March 2023

| Reasons for vacancies not advertised within six months |
|--|
| N/A |
| Reasons for vacancies not filled within twelve months |
| The positions were advertised three (3) times, and no suitable candidates were identified. |

Table 3.3.5 Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months for the period 1 April 2022 to 31 March 2023

| Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months |
|--|
| No disciplinary steps were taken. The positions were advertised three (3) times, and no suitable candidates were identified. |

3.4 Job Evaluation

Table 3.4.1 Job Evaluation by Salary Band for the period 1 April 2022 to 31 March 2023

| Salary band | Number of posts on approved establishment | Number of jobs evaluated | % of posts evaluated by salary bands | Posts upgraded | | Posts downgraded | |
|--|---|--------------------------|--------------------------------------|----------------|----------------------|------------------|----------------------|
| | | | | Number | % of posts evaluated | Number | % of posts evaluated |
| Lower Skilled (Levels 1-2) | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| Skilled (Levels 3-5) | 6 | 0 | 0 | 0 | 0 | 0 | 0 |
| Highly skilled production (Levels 6-8) | 17 | 0 | 0 | 0 | 0 | 0 | 0 |
| Highly skilled supervision (Levels 9-12) | 42 | 2 | 4.8 | 0 | 0 | 0 | 0 |
| Senior Management Service Band A | 13 | 1 | 7.7 | 0 | 0 | 0 | 0 |
| Senior Management Service Band B | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Band C | 8 | 0 | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Band D | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 93 | 3 | 100% | 0 | 0 | 0 | 0 |

Table 3.4.2 Profile of employees whose positions were upgraded due to their posts being evaluated for the period 1 April 2022 to 31 March 2023

| Gender | African | Asian | Coloured | White | Total |
|--------------|----------|----------|----------|----------|----------|
| Female | 0 | 0 | 0 | 0 | 0 |
| Male | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 |

Table 3.4.3 Employees with salary levels higher than those determined by job evaluation by occupation for the period 1 April 2022 to 31 March 2023

| Occupation | Number of employees | Job evaluation level | Remuneration level | Reason for deviation |
|--|---------------------|----------------------|--------------------|----------------------|
| Total number of employees whose salaries exceeded the level determined by job evaluation | | | | 0 |
| Percentage of total employed | | | | 0 |

Table 3.4.4 Profile of employees who have salary levels higher than those determined by job evaluation for the period 1 April 2022 to 31 March 2023

| Gender | African | Asian | Coloured | White | Total |
|---|----------|----------|----------|----------|----------|
| Female | 0 | 0 | 0 | 0 | 0 |
| Male | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 |
| Employees with a disability | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 |
| Total number of Employees whose salaries exceeded the grades determined by job evaluation | | | | | |
| 0 | | | | | |

3.5 Employment Changes

Table 3.5.1 Annual turnover rates by salary band for the period 1 April 2022 to 31 March 2023

| Salary band | Number of employees at the beginning of period-1 April 2022 | Appointments and transfers into the Information Regulator | Terminations and transfers out of the Information Regulator | Turnover rate |
|--|---|---|---|---------------|
| Lower skilled (Levels 1-2) | 2 | 1 | 0 | 0% |
| Skilled (Levels 3-5) | 6 | 1 | 0 | 0% |
| Highly skilled production (Levels 6-8) | 19 | 6 | 5 | 31% |
| Highly skilled supervision (Levels 9-12) | 39 | 11 | 7 | 19% |
| Senior Management Service Bands A | 13 | 1 | 1 | 9% |
| Senior Management Service Bands B | 1 | 1 | 0 | 0% |
| Senior Management Service Bands C | 3 | 2 | 1 | 14% |
| Senior Management Service Bands D | 1 | 0 | 0 | 0% |
| Members | 5 | 0 | 0 | 0% |
| Total | 89 | 23 | 14 | 17% |

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2022 to 31 March 2023

| Critical occupation | Number of employees at the beginning of period-April 2022 | Appointments and transfers into the Information Regulator | Terminations and transfers out of the Information Regulator | Turnover rate |
|--|---|---|---|---------------|
| Highly skilled supervision (Levels 9-12) | 36 | 11 | 7 | 19% |
| Senior Management Service Bands A | 11 | 1 | 0 | 0% |
| Senior Management Service Bands B | 1 | 1 | 0 | 0% |
| Senior Management Service Bands C | 8 | 2 | 1 | 12.5% |
| Senior Management Service Bands D | 2 | 0 | 0 | 0% |
| TOTAL | 58 | 15 | 8 | 14% |

Table 3.5.3 Reasons why staff left the Information Regulator for the period 1 April 2022 to 31 March 2023

| Termination Type | Number | % of Total Termination |
|---|--------|------------------------|
| Resignation | 13 | 100 |
| Total | 13 | 100 |
| Total number of employees who left as a % of total employment | 15% | 15% |

Table 3.5.4 Promotions by critical occupation for the period 1 April 2022 to 31 March 2023

| Occupation | Employees 1 April 2022 | Promotions to another salary level | Salary level promotions as a % of employees by occupation | Progressions to another notch within a salary level | Notch progression as a % of employees by occupation |
|---|------------------------|------------------------------------|---|---|---|
| Professionally qualified and experienced specialists and mid-management | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0% | 0 | 0% |

Table 3.5.5 Promotions by salary band for the period 1 April 2022 to 31 March 2023

| Salary Band | Employees 1 April 2022 | Promotions to another salary level | Salary bands promotions as a % of employees by salary level | Progressions to another notch within a salary level | Notch progression as a % of employees by salary bands |
|--|------------------------|------------------------------------|---|---|---|
| Highly skilled supervision (Levels 9-12) | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0% | 0 | 0% |

3.6 Employment Equity

Table 3.6.1 Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2023

| Occupational category | Male | | | | Female | | | | Total |
|---|-----------|----------|----------|----------|-----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Members* | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 1 | 4 |
| Senior officials and managers | 8 | 0 | 0 | 1 | 9 | 0 | 1 | 0 | 19 |
| Professionally qualified and experienced specialists and mid-management | 19 | 0 | 0 | 0 | 19 | 0 | 1 | 0 | 39 |
| Technicians and associate professionals | 5 | 0 | 0 | 0 | 12 | 0 | 0 | 0 | 17 |
| Clerks | 1 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 6 |
| Elementary occupations | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 3 |
| Total | 33 | 1 | 0 | 1 | 50 | 0 | 2 | 1 | 88 |
| Employees with disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

- » The Regulator has Five (5) Members. One (1) Member, who is African and Male, is not appointed on PERSAL and, therefore, not included in the tables which are sourced from PERSAL data. (PERSAL is a standardized Human Resource and Payroll system for all National Government Departments, Provincial Administrations). The Member is accounted for in the Consultants data in Table 3.15.1 below.

Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2023

| Occupational band | Male | | | | Female | | | | Total |
|---|-----------|----------|----------|----------|-----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Members* | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 1 | 4 |
| Top Management | 4 | | 0 | 1 | 3 | 0 | 0 | 0 | 8 |
| Senior Management | 4 | 0 | 0 | 0 | 6 | 0 | 1 | 0 | 11 |
| Professionally qualified and experienced specialists and mid-management | 19 | 0 | 0 | 0 | 19 | 0 | 1 | 0 | 39 |
| Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents | 6 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 26 |
| Total | 33 | 1 | 0 | 1 | 50 | 0 | 2 | 1 | 88 |

- » The Regulator has Five (5) Members. One (1) Member, who is African and Male, is not appointed on PERSAL and, therefore, not included in the tables which are sourced from PERSAL data. (PERSAL is a standardized Human Resource and Payroll system for all National Government Departments, Provincial Administrations). The Member is accounted for in the Consultants data in Table 3.15.1 below.

Table 3.6.3 Recruitment for the period 1 April 2022 to 31 March 2023

| Occupational band | Male | | | | Female | | | | Total |
|---|----------|----------|----------|----------|-----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Members | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Top Management | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 3 |
| Senior Management | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 |
| Professionally qualified and experienced specialists and mid-management | 3 | 0 | 0 | 0 | 8 | 0 | 0 | 0 | 11 |
| Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 |
| Semi-skilled and discretionary decision making | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Unskilled and defined decision making | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Total | 4 | 0 | 0 | 1 | 20 | 0 | 0 | 0 | 25 |
| Employees with disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Table 3.6.4 Promotions for the period 1 April 2022 to 31 March 2023

| Occupational band | Male | | | | Female | | | | Total |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Professionally qualified and experienced specialists and mid-management | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Employees with disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Table 3.6.5 Terminations for the period 1 April 2022 to 31 March 2023

| Occupational band | Male | | | | Female | | | | Total |
|---|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Top Management | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Senior Management | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Professionally qualified and experienced specialists and mid-management | 3 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 4 |
| Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 3 |
| Semi-skilled and discretionary decision making | 1 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 5 |
| Unskilled and defined decision making | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 4 | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 13 |
| Employees with Disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Table 3.6.6 Disciplinary action for the period 1 April 2022 to 31 March 2023

| Disciplinary action | Male | | | | Female | | | | Total |
|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Written Warning | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Final Written Warning | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Salary Suspension | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dismissal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Table 3.6.7 Skills development for the period 1 April 2022 to 31 March 2023

| Occupational category | Male | | | | Female | | | | Total |
|---|-----------|----------|----------|----------|-----------|----------|----------|----------|-----------|
| | African | Coloured | Indian | White | African | Coloured | Indian | White | |
| Top Management | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 |
| Senior Management | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 3 |
| Professionally qualified and experienced specialists and mid-management | 7 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 13 |
| Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents | 11 | 0 | 0 | 0 | 15 | 0 | 0 | 0 | 26 |
| Semi-skilled and discretionary decision making | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 4 |
| Unskilled and defined decision making | 0 | 0 | 0 | 0 | 3 | 0 | | 0 | 3 |
| Total | 20 | 0 | 0 | 0 | 31 | 0 | 0 | 0 | 51 |
| Employees with disabilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

3.7 Signing of Performance Agreements by SMS Members (excluding the Members)

Table 3.7.1 Signing of Performance Agreements by SMS members as on 31 May 2022

| SMS Level | Total number of funded SMS posts | Total number of SMS members | Total number of signed performance agreements | Signed performance agreements as % of the total number of SMS members |
|-----------------|----------------------------------|-----------------------------|---|---|
| CEO | 1 | 1 | 1 | 100 |
| Salary Level 15 | 5 | 5 | 5 | 100 |
| Salary Level 14 | 2 | 2 | 2 | 100 |
| Salary Level 13 | 13 | 11 | 11 | 100 |
| Total | 21 | 19 | 19 | 100% |

Table 3.7.2 Reasons for not having concluded Performance agreements for all SMS members as on 31 March 2023

| Reasons |
|---------|
| N/A |

Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded Performance agreements as on 31 March 2023

| Reasons |
|---------|
| N/A |

3.8 Performance Rewards

Table 3.8.1 Performance Rewards by race, gender and disability for the period 1 April 2022 to 31 March 2023

| Demographics | Beneficiary Profile | | | Cost | |
|----------------------|-------------------------|---------------------|---------------------------------|--------------|---------------------------|
| | Number of beneficiaries | Number of employees | % of the total within the group | Cost (R'000) | Average cost per employee |
| African, Female | 0 | 0 | 0 | 0 | 0 |
| African, Male | 0 | 0 | 0 | 0 | 0 |
| Asian, Female | 0 | 0 | 0 | 0 | 0 |
| Asian, Male | 0 | 0 | 0 | 0 | 0 |
| Coloured, Male | 0 | 0 | 0 | 0 | 0 |
| Coloured, Female | 0 | 0 | 0 | 0 | 0 |
| Total Black, Females | 0 | 0 | 0 | 0 | 0 |
| Total Black, Males | 0 | 0 | 0 | 0 | 0 |
| White, Female | 0 | 0 | 0 | 0 | 0 |
| White, Male | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 |

Table 3.8.2 Performance Rewards by salary band for personnel below Senior Management Service for the period 1 April 2022 to 31 March 2023

| Salary band | Beneficiary Profile | | | Cost | | Total cost as a % of the total personnel expenditure |
|--|-------------------------|---------------------|------------------------------------|--------------------|---------------------------|--|
| | Number of beneficiaries | Number of employees | % of the total within salary bands | Total Cost (R'000) | Average cost per employee | |
| Lower skilled (Levels 1-2) | 0 | 0 | 0 | 0 | 0 | 0 |
| Skilled (Levels 3-5) | 0 | 0 | 0 | 0 | 0 | 0 |
| Highly skilled production (Levels 6-8) | 0 | 0 | 0 | 0 | 0 | 0 |
| Highly skilled supervision (Levels 9-12) | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 |

Table 3.8.3 Performance Rewards by critical occupation for the period 1 April 2022 to 31 March 2023

| Critical occupation | Beneficiary Profile | | | Cost | |
|--|-------------------------|---------------------|--------------------------------------|--------------------|---------------------------|
| | Number of beneficiaries | Number of employees | % of the total within the occupation | Total Cost (R'000) | Average cost per employee |
| Highly skilled supervision (Levels 9-12) | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Bands A | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Bands B | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Bands C | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Bands D | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 |

Table 3.8.4 Performance-related rewards (cash bonus) by salary band for Senior Management Service for the period 1 April 2022 to 31 March 2023

| Salary band | Beneficiary Profile | | | Cost | | Total cost as a % of the total personnel expenditure |
|-----------------------------------|-------------------------|---------------------|------------------------------------|--------------------|---------------------------|--|
| | Number of beneficiaries | Number of employees | % of the total within salary bands | Total Cost (R'000) | Average cost per employee | |
| Senior Management Service Bands A | 0 | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Bands B | 0 | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Bands C | 0 | 0 | 0 | 0 | 0 | 0 |
| Senior Management Service Bands D | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 |

3.9 Foreign Workers

Table 3.9.1 Foreign workers by salary band for the period 1 April 2022 to 31 March 2023

| Salary band | 01 April 2022 | | 31 March 2023 | | Change | |
|--------------|---------------|------------|---------------|------------|----------|----------|
| | Number | % of total | Number | % of total | Number | % Change |
| Total | 0 | 0 | 0 | 0 | 0 | 0 |

Table 3.9.2 Foreign workers by major occupation for the period 1 April 2022 to 31 March 2023

| Major occupation | 01 April 2022 | | 31 March 2023 | | Change | |
|------------------|---------------|------------|---------------|------------|----------|----------|
| | Number | % of total | Number | % of total | Number | % Change |
| Total | 0 | 0 | 0 | 0 | 0 | 0 |

3.10 Leave utilisation

Table 3.10.1 Sick leave for the period 1 January 2022 to 31 December 2022

| Salary band | Total days | % Days with medical certification | Number of employees using sick leave | % of total employees using sick leave | Average days per employee | Estimated cost (R'000) |
|---|------------|-----------------------------------|--------------------------------------|---------------------------------------|---------------------------|------------------------|
| Lower skilled (Level 1-2) | 12 | 100 | 2 | 66 | 4.0 | 6 |
| Skilled (levels 3-5) | 16 | 100 | 4 | 66 | 2.66 | 14 |
| Highly skilled production (levels 6-8) | 30 | 100 | 9 | 53 | 1.76 | 41 |
| Highly skilled supervision (levels 9 -12) | 127 | 100 | 24 | 61 | 3.17 | 332 |
| Top and senior management (levels 13-16) | 49 | 100 | 12 | 52 | 4.08 | 209 |
| Total | 234 | 100% | 51 | 57.9% | 16.2 | 602 |

Table 3.10.2 Disability leave (temporary and permanent) for the period 1 January 2022 to 31 December 2022

| Salary band | Total days | % Days with medical certification | Number of employees using disability leave | % of total employees using disability leave | Average days per employee | Estimated Cost (R'000) |
|---|------------|-----------------------------------|--|---|---------------------------|------------------------|
| Lower skilled (Level 1-2) | 0 | 0 | 0 | 0 | 0 | 0 |
| Skilled (levels 3-5) | 0 | 0 | 0 | 0 | 0 | 0 |
| Highly skilled production (levels 6-8) | 0 | 0 | 0 | 0 | 0 | 0 |
| Highly skilled supervision (levels 9 -12) | 0 | 0 | 0 | 0 | 0 | 0 |
| Top and Senior management (levels 13 -16) | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 |

Table 3.10.3 Annual Leave for the period 1 January 2022 to 31 December 2022

| Salary band | Total days taken | Number of employees using annual leave | Average per employee |
|--|------------------|--|----------------------|
| Lower skilled (Levels 1-2) | 60 | 3 | 66 |
| Skilled (Levels 3-5) | 63 | 6 | 10.5 |
| Highly skilled production (Levels 6-8) | 238 | 17 | 14 |
| Highly skilled supervision (Levels 9-12) | 400 | 35 | 11.42 |
| Senior management (Levels 13-16) | 193 | 19 | 8.33 |
| Total | 954 | 80 | 11.17 |

Table 3.10.4 Capped leave for the period 1 January 2022 to 31 December 2022

| Salary band | Total days of capped leave taken | Number of employees using capped leave | Average number of days taken per employee | Average capped leave per employee as on 31 March 2023 |
|--|----------------------------------|--|---|---|
| Lower skilled (Levels 1-2) | 0 | 0 | 0 | 0 |
| Skilled (Levels 3-5) | 0 | 0 | 0 | 0 |
| Highly skilled production (Levels 6-8) | 0 | 0 | 0 | 0 |
| Highly skilled supervision (Levels 9-12) | 0 | 0 | 0 | 0 |
| Senior management (Levels 13-16) | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 |

Table 3.10.5 Leave pay-outs for the period 1 April 2022 to 31 March 2023

| Reason | Total amount (R'000) | Number of employees | Average per employee (R'000) |
|---|----------------------|---------------------|------------------------------|
| Leave pay-outs for 2022/23 due to non-utilisation of leave for the previous cycle | 65 | 3 | 22 |
| Capped leave pay-outs on termination of service for 2022/23 | 0 | 0 | 0 |
| Current leave pay-outs on termination of service for 2022/23 | 214 | 6 | 36 |
| Total | 279 | 9 | 31 |

3.11 HIV/AIDS & Health Promotion Programmes

Table 3.11.1 Steps taken to reduce the risk of occupational exposure

| Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any) | Key steps taken to reduce the risk |
|--|--|
| All employees | The Regulator has implemented an Employee Health and Wellness Programme. |

Table 3.11.2 Details of Health Promotion and HIV/AIDS Programmes (tick the applicable boxes and provide the required information)

| Question | Yes | No | Details, if yes |
|---|-----|----|---|
| » Has the Regulator designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position. | x | | Mr S Ledwaba Senior Manager: Human Resources Management & Development |
| » Does the Regulator have a dedicated unit, or has it designated specific staff members to promote the health and well-being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose. | x | | Two (2) employees are allocated this task. R361 000 was allocated to the EHWP. |
| » Has the Regulator introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme. | x | | Yes, Employee Health and Screening Services. HIV Counselling and Testing. Health Screening Services. Employee Counselling Services. Stress Management. |
| » Has the Regulator established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent. | x | | Yes, Mr S Ledwaba and Ms P Penane. |
| » Has the Regulator reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed. | x | | Recruitment and Selection Policy. Employment Equity Policy. |
| » Has the Regulator introduced measures to protect HIV-positive/ Covid-19 positive employees or those perceived to be positive from discrimination? If so, list the key elements of these measures. | x | | Employees do not have to disclose their HIV status or any other related acts. |
| » Does the Regulator encourage its employees to undergo HIV/AIDS Voluntary / Covid-19 Testing? If so, list the results that you have achieved. | x | | Yes, the Regulator held two (2) Employee Health and Wellness Programmes where HIV counselling and testing took place. Circulars and posters are circulated to employees to encourage them to do HIV/AIDS testing |
| » Has the Regulator developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators. | | x | No, monitoring and evaluation on the impact of its health promotion programmes has not been conducted yet. |

3.12 Labour Relations

Table 3.12.1 Collective agreements for the period 1 April 2022 and 31 March 2023

| Subject matter | Date |
|----------------|------|
| None | N/A |

Notes

If there were no agreements, keep the heading and replace the table with the following:

| | |
|---------------------------------------|------|
| Total number of Collective agreements | None |
|---------------------------------------|------|

Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 1 April 2022 to 31 March 2023

| Outcomes of disciplinary hearings | Number | % of total |
|--|----------|------------|
| Correctional counselling | 0 | 0 |
| Verbal warning | 0 | 0 |
| Written warning | 0 | 0 |
| Final written warning | 0 | 0 |
| Suspended without pay | 0 | 0 |
| Fine | 0 | 0 |
| Demotion | 0 | 0 |
| Dismissal | 0 | 0 |
| Not guilty | 0 | 0 |
| Case withdrawn | 0 | 0 |
| Correctional counselling | 0 | 0 |
| Total | 0 | 0 |
| The total number of Disciplinary hearings finalised | | 0 |

Table 3.12.3 Types of misconduct addressed at disciplinary hearings for the period 1 April 2022 to 31 March 2023

| Type of misconduct | Number | % of total |
|--------------------|----------|------------|
| Total | 0 | 0 |

Table 3.12.4 Grievances logged for the period 1 April 2022 to 31 March 2023

| Grievances | Number | % of Total |
|--|----------|-------------|
| Number of grievances resolved | 1 | 50 |
| Number of grievances not resolved | 1 | 50 |
| Total number of grievances lodged | 2 | 100% |

Table 3.12.5 Disputes logged with Councils for the period 1 April 2022 to 31 March 2023

| Disputes | Number | % of Total |
|--|----------|------------|
| Total number of disputes lodged | 3 | 100 |

Table 3.12.6 Strike actions for the period 1 April 2022 to 31 March 2023

| | |
|--|----------|
| Amount recovered as a result of no-work-no-pay (R'000) | 0 |
|--|----------|

Table 3.12.7 Precautionary suspensions for the period 1 April 2022 to 31 March 2023

| | |
|--|---|
| Number of people suspended | 0 |
| Number of people whose suspension exceeded 30 days | 0 |
| Average number of days suspended | 0 |
| Cost of suspension (R'000) | 0 |

3.13 Skills development

Table 3.13.1 Training needs identified for the period 1 April 2022 to 31 March 2023

| Occupational category | Gender | Number of employees as at 1 April 2022 | Training provided at the end of the reporting period | | | Total |
|---|--------|--|--|---|-------------------------|-----------|
| | | | Learnerships | Skills Programmes & other short courses | Other forms of training | |
| Top Management | Male | 7 | 0 | 1 | 0 | 1 |
| | Female | 6 | 0 | 1 | 0 | 1 |
| Senior Management | Male | 4 | 0 | 1 | 0 | 1 |
| | Female | 7 | 0 | 2 | 0 | 2 |
| Professionally qualified and experienced specialists and mid-management | Male | 9 | 0 | 7 | 9 | 7 |
| | Female | 11 | 0 | 6 | 0 | 6 |
| Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents | Male | 15 | 0 | 11 | 0 | 11 |
| | Female | 20 | 0 | 15 | 0 | 15 |
| Semi-skilled and discretionary decision making | Male | 1 | 0 | 0 | 0 | 0 |
| | Female | 5 | 0 | 4 | 0 | 4 |
| Unskilled and defined decision making | Male | 0 | 0 | 0 | 0 | 0 |
| | Female | 3 | 0 | 3 | 0 | 3 |
| TOTAL | | 88 | 0 | 51 | 0 | 51 |

Table 3.13.2 Training provided for the period 1 April 2022 to 31 March 2023

| Occupational category | Gender | Number of employees as at 1 April 2022 | Training provided at the end of the reporting period | | | Total |
|---|--------|--|--|---|-------------------------|-----------|
| | | | Leaverships | Skills Programmes & other short courses | Other forms of training | |
| Top Management | Male | 7 | 0 | 1 | 0 | 1 |
| | Female | 6 | 0 | 1 | 0 | 1 |
| Senior Management | Male | 4 | 0 | 1 | 0 | 1 |
| | Female | 7 | 0 | 2 | 0 | 2 |
| Professionally qualified and experienced specialists and mid-management | Male | 9 | 0 | 7 | 0 | 7 |
| | Female | 11 | 0 | 6 | 0 | 6 |
| Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents | Male | 15 | 0 | 11 | 0 | 11 |
| | Female | 20 | 0 | 15 | 0 | 15 |
| Semi-skilled and discretionary decision making | Male | 1 | 0 | 0 | 0 | 0 |
| | Female | 5 | 0 | 4 | 0 | 4 |
| Unskilled and defined decision making | Male | 0 | 0 | 0 | 0 | 0 |
| | Female | 3 | 0 | 3 | 0 | 3 |
| TOTAL | | 88 | 0 | 51 | 0 | 51 |

3.14 Injury on duty

Table 3.14.1 Injury on duty for the period 1 April 2022 to 31 March 2023

| Nature of injury on duty | Number | % of total |
|---------------------------------|----------|-------------|
| Lateral Humeral Codyle Fracture | 1 | 100% |
| Total | 1 | 100% |

3.15 Utilisation of Consultants

Table 3.15.1 Report on consultant appointments using appropriated funds for the period 1 April 2022 and 31 March 2023

| Project title (and number of projects) | Total number of consultants that worked on the project | Duration (workdays) | Contract value in Rand |
|--|--|---------------------|------------------------|
| Recruitment of employees (1) | 1 | 30 Days | R 358 528 |
| Employee Health and Wellness (1) | 1 | 160 Days | R 315 898 |
| Managed Integrity Evaluation (MIE) (1) | 1 | 260 Days | R 11 811.65 |
| Research and Advisory Services (3) | 3 | 90 Days | R 1 710 360.00 |
| Enforcement committee members (1) | 14 | 242 Days | R 524 740.69 |
| Member of the Regulator (1) | 1 | 120 Days | R 247 622.89 |
| Total | 21 | 902 Days | R 3 168 961.23 |

Table 3.15.2 Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs) for the period 1 April 2022 and 31 March 2023

| Project title | Percentage ownership by HDI groups | Percentage management by HDI groups | Number of consultants from HDI groups that work on the project |
|--------------------------------|------------------------------------|-------------------------------------|--|
| Recruitment of Employees | 100% | 100% | 1 |
| Employee Health and Wellness | 100% | 100% | 1 |
| MIE | 100% | 100% | 1 |
| Research and advisory services | 75% | 75% | 3 |
| Enforcement committee members | 88% | 88% | 14 |
| Member of the Regulator | 100% | 100% | 1 |
| Total | 92% | 92% | 3 |

Table 3.15.3: Report on consultant appointments using Donor funds for the period 1 April 2022 to 31 March 2023

| Project title | Total Number of consultants that worked on the project | Duration (Workdays) | Donor and contract value in Rand |
|--------------------------|--|-------------------------|----------------------------------|
| N/A | 0 | 0 | 0 |
| Total number of projects | Total individual consultants | Total duration Workdays | Total contract value in Rand |
| 0 | 0 | 0 | 0 |

Table 3.15.4: Analysis of consultant appointments using Donor funds, in terms of Historically Disadvantaged Individuals (HDIs) for the period 1 April 2022 to 31 March 2023

| Project title | Percentage ownership by HDI groups | Percentage management by HDI groups | Number of consultants from HDI groups that work on the project |
|---------------|------------------------------------|-------------------------------------|--|
| N/A | 0 | 0 | 0 |

3.16 Severance Packages

Table 3.16.1 Granting of employee-initiated severance packages for the period 1 April 2022 to 31 March 2023

| Salary band | Number of applications received | Number of applications referred to the MPSA | Number of applications supported by MPSA | Number of packages approved by Information Regulator |
|--------------|---------------------------------|---|--|--|
| Total | 0 | 0 | 0 | 0 |

FINANCIAL INFORMATION



1. Report of the Auditor General

The Regulator is audited by the Auditor-General of South Africa as part of the budget vote of the DoJ&CD. There is no separate auditor's report for the Regulator.

2. Annual Financial Statements

The Regulator does not produce separate Annual Financial Statements (AFS) as its financial records form part of the AFS of the DoJ&CD.

PROMOTION OF ACCESS TO INFORMATION ACT REPORT (SECTION 84)



1. As part of its compliance monitoring mandate on how effectively the public and private bodies are giving effect to the Constitutional right of access to any information, and for the purpose of reporting to the National Assembly in accordance with Section 84 of PAIA, the Regulator is therefore empowered to receive the annual report from the: –

- 1.1 public bodies regarding the statistics on how the public bodies have processed requests for access to any information held by that body.
- 1.2 private bodies regarding the statistics on how the private bodies have processed requests for access to any information in its possession or under its control and that is required for the exercise or protection of any rights; and
- 1.3 Public Protector, regarding-
 - 1.3.1 the number of complaints lodged with the Public Protector in respect of a right conferred or duty imposed by PAIA; and
 - 1.3.2 the nature and outcome of those complaints

2. Recommendations for the development, improvement, modernisation, reform, or amendment of PAIA or other legislation or common law having a bearing on access to information held by public and private bodies, respectively, processing of a request for access to information.

- 2.1 The Regulator is in the process of reviewing PAIA and any other relevant legislation having a bearing on the right of access to any information held by public and private bodies, including the process for requesting access thereto.

3. Recommendations for procedures in terms of which public and private bodies make information electronically available- section 83(3)(a)(ii) of PAIA.

- 3.1 The Regulator has developed and published the procedures for making public and private bodies' information electronically available.

4. Overall statistics on how the public bodies are giving effect to the constitutional right of access to any information,

4.1 One hundred and ninety-five (195) public bodies submitted their annual reports in terms of section 32 of PAIA, as follows-

Table 4.1: Number and % of public bodies that complied with the Section 32 requirement.

| Type of Public Entity | Number of public bodies | Number of Public Bodies submitted the Report | Compliance Percentage |
|--|-------------------------|--|-----------------------|
| National Departments | 42 | 23 | 54.7% |
| Provincial Departments | 107 | 66 | 61.6% |
| Municipalities | 257 | 36 | 14% |
| Constitutional Institutions (including the Regulator) | 11 | 6 | 54.5% |
| Schedule 2 – Major Entities | 21 | 10 | 47.6% |
| Schedule 3 – Part A (National Public Entities) | 164 | 20 | 12.2% |
| Schedule 3 Other Public Entities (National Government Business Entities) | 21 | 6 | 28.5% |
| Schedule 3 Other Public Entities (Provincial Public Entities) | 57 | 8 | 14% |
| Schedule 3 Other Public Entities (Provincial Government Business Entities) | 19 | 7 | 36.8% |
| Universities | 26 | 13 | 50% |
| TVET Colleges | 50 | 0 | 0% |
| Total | 775 | 195 | 25% |

Table 4.1.1: Breakdown of overall access to information statistics for Public Bodies

| Type of body | The number of requests received. | The number of requests granted in full. | The number of requests for access granted in the Public Interest | The number of requests refused in full and in partial. | The number of cases in which the period was extended | The number of internal appeals lodged with the relevant authority and the number of cases in which access was given to a record or part thereof. | The number of appeals lodged on deemed refusals | The number of complaints lodged against the body with Information Regulator | The number of decisions of the Information Regulator reviewed. | The number of applications made to every court and the number of decisions of every court appealed against | The number of applications to every court which were lodged on the ground that an internal appeal was regarded as having been dismissed |
|--|----------------------------------|---|--|--|--|--|---|---|--|--|---|
| National Departments | 31 169 | 24 011 | 2 552 | 1 461 | 2 698 | 851 | 569 | 76 | 0 | 0 | 162 |
| Provincial Departments | 30 347 | 22 066 | 68 | 165 | 883 | 2 310 | 0 | 90 | 0 | 0 | 1 030 |
| Municipalities | 1 097 | 650 | 11 | 0 | 24 | 1 | 19 | 83 | 0 | 0 | 1 |
| Schedule 1 Constitutional | 26 | 5 | 0 | 6 | 4 | 0 | 0 | 1 | 0 | 0 | 0 |
| Schedule 2 Major Entities | 92 | 18 | 1 | 29 | 20 | 8 | 0 | 3 | 0 | 0 | 3 |
| Schedule 3 Part A National Public Entities | 17 449 | 0 | 1 | 2 859 | 229 | 3 | 8 | 29 | 0 | 0 | 0 |
| Schedule 3 Part B National Government Business Enterprises | 36 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Schedule 3 Part C Provincial Public Entities | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 |

| Type of body | The number of requests received. | The number of requests granted in full. | The number of requests for access granted in the Public Interest | The number of requests refused in full and in partial. | The number of cases in which the period was extended | The number of internal appeals lodged with the relevant authority and the number of cases in which access was given to a record or part thereof. | The number of appeals lodged on deemed refusals | The number of complaints lodged against the body with Information Regulator | The number of decisions of the Information Regulator reviewed. | The number of applications made to every court and the number of decisions of every court appealed against | The number of applications to every court which were lodged on the ground that an internal appeal was regarded as having been dismissed |
|--|----------------------------------|---|--|--|--|--|---|---|--|--|---|
| Schedule 3 Part D Provincial Government Business Enterprises | 55 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Universities | 259 | 80 | 10 | 38 | 17 | 10 | 0 | 3 | 0 | 0 | 0 |
| TVET Colleges | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| TOTAL | 80 556 | 46 833 | 2 649 | 4 556 | 3 875 | 3 183 | 596 | 291 | 0 | 0 | 196 |

5. Statistics on how the private bodies are giving effect to the constitutional right of access to any information that is required for the exercise or protection of any rights, in terms of section 83(4) of PAIA.

5.1 The total number of private bodies that submitted their annual report in terms of section 84(3) of PAIA is twenty thousand two hundred (20 200), and their reports are as follows-

Table 5.1: Number of access to information requests processed by private bodies.

| PRIVATE BODIES (Statistics on access to information processed during the 2022/2023 financial year) | |
|---|---------|
| Description | Numbers |
| The number of requests for access received; | 40974 |
| The number of requests for access granted in full | 32990 |
| The number of requests for access granted in terms of section 70; | 1777 |
| The number of requests for access refused in full and refused partially, and the number of times each provision of this Act was relied on to refuse access in full or partially | 1142 |
| The number of cases in which the periods stipulated in section 56 (1) were extended in terms of section 57(1); | 152 |
| Number of complaints lodged against the body with the Information Regulator | 71 |
| Number of decisions of the information Regulator reviewed against | 0 |
| The number of applications made to every court. | 28 |
| The number of decisions of every court appealed against and the outcome thereof | 14 |

6. Number of complaints lodged with the Public Protector in respect of a right conferred or duty imposed by PAIA and the nature and outcome of those complaints.

6.1 The Public Protector has failed to submit to the Regulator its Report, in terms of section 84(b)(x) of PAIA, despite having been requested to do so by the Regulator in accordance with section 83(3)(h) of PAIA.

7. Statistics on how the Regulator has given effect to the constitutional right of access to any information in its possession during the 2022/23 Financial Year.

Table 7.1: Statistics on requests for information to, and processed by, the Regulator.

| Overall statistics on how the Regulator has given effect to the constitutional right of access to any information in its possession during the 2022/23 financial year | |
|---|---------|
| Description | Numbers |
| The number of requests for access received; | 7 |
| The number of requests for access granted in full | 3 |
| The number of requests for access granted in terms of section 46; | 0 |
| The number of requests for access refused in full | 4 |
| The number of requests for access refused partially | 0 |
| The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1); | 0 |
| The number of internal appeals lodged with the relevant authority | 0 |
| The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof | 0 |
| The number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27 | 0 |
| Number of decisions of the Regulator reviewed against | 0 |
| The number of applications made to every court and the outcome thereof and the number of decisions of every court appealed against and the outcome thereof | 0 |
| The number of applications to every court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7); | 0 |

Table 8: Breakdown of overall access to information statistics for public & private bodies

| Type of body | The number of requests received. | The number of requests granted in full. | The number of requests for access granted in the Public Interest | The number of requests refused in full and in partial. | The number of cases in which the period was extended | The number of internal appeals lodged with the relevant authority and the number of cases in which access was given to a record or part thereof. | The number of appeals lodged on deemed refusals | The number of complaints lodged against the body with Information Regulator | The number of decisions of the Information Regulator reviewed. | The number of applications made to every court and the number of decisions of every court appealed against | The number of applications to every court which were lodged on the ground that an internal appeal was regarded as having been dismissed |
|----------------|----------------------------------|---|--|--|--|--|---|---|--|--|---|
| Public Bodies | 80 556 | 46 833 | 2 649 | 4 556 | 3 875 | 3 183 | 596 | 291 | 0 | 0 | 1 196 |
| Private Bodies | 40 974 | 32 990 | 1 777 | 1 142 | 152 | 0 | 0 | 71 | 0 | 28 | 14 |
| Total | 121 530 | 79 823 | 4 426 | 5 698 | 4 027 | 3 183 | 596 | 362 | 0 | 28 | 1 210 |

» **NOTE:** Although private bodies are not required to have an appeals process, some bodies have chosen to incorporate their internal appeal process and have filed reports in that regard.

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