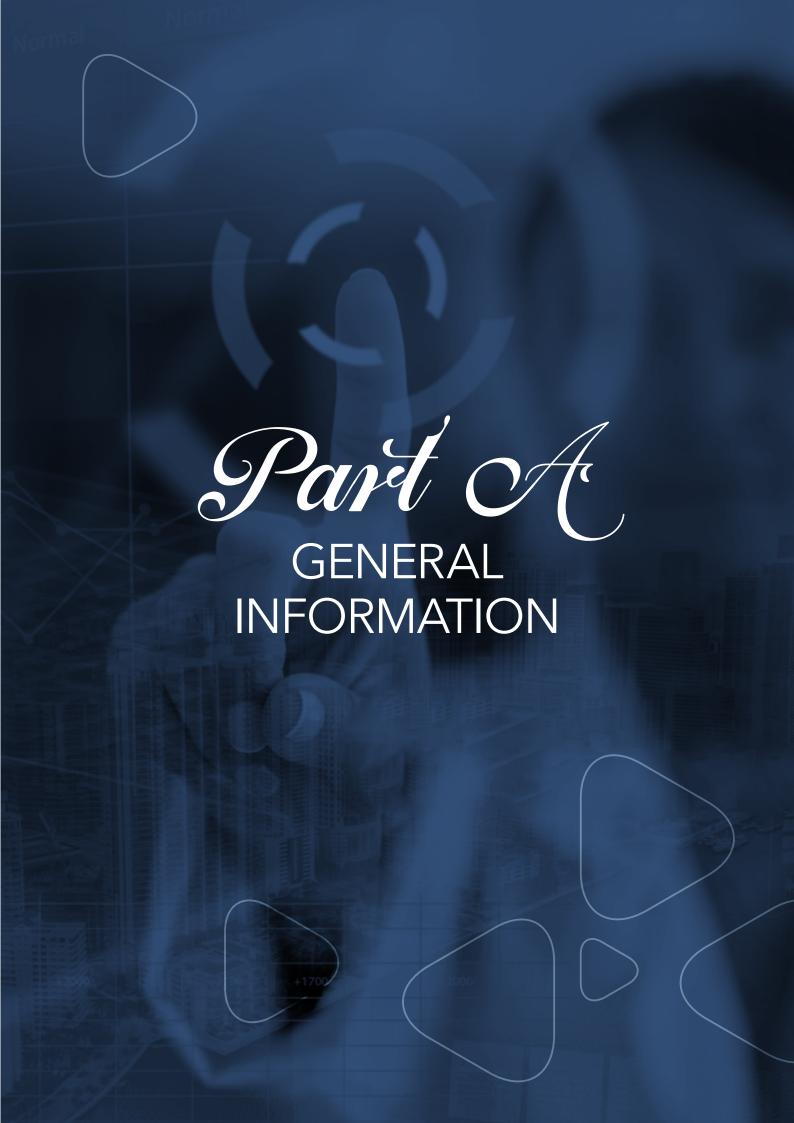




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### **PART A: GENERAL INFORMATION**

### 1. INFORMATION REGULATOR GENERAL INFORMATION

REGISTERED NAME: INFORMATION REGULATOR

REGISTRATION NUMBER: NONE

PHYSICAL ADDRESS: 27 STIEMENS STREET

JD HOUSE

BRAAMFONTEIN JOHANNESBURG

2001

**POSTAL ADDRESS:** P.O.BOX 31533

BRAAMFONTEIN JOHANNESBURG

2017

**TELEPHONE NUMBER:** +27 10 023 5200

EMAIL ADDRESS: enquiries@inforegulator.org.za

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**WEBSITE ADDRESS:** www.justice.gov.za/inforeg/

### 2. LIST OF ABBREVIATIONS/ACRONYMS

AFS	Annual Financial Statements
AGSA	Auditor-General of South Africa
AO	Accounting Officer
BBBEE	Broad Based Black Economic Empowerment
CEO	Chief Executive Officer
CFO	Chief Financial Officer
DOA	Delegation of Authority
DOJ&CD	Department of Justice and Constitutional Development
DPSA	Department of Public Service and Administration
ICT	Information and Communications Technology
LPRITA	Legal, Policy, Research and Information Technology Analysis
мос	Memorandum of Cooperation
MTEF	Medium Term Expenditure Framework
OI	Output Indicators
PAIA	Promotion of Access to Information Act 2 of 2000
PFMA	Public Finance Management Act 1 of 1999
POPIA	Protection of Personal Information Act 4 of 2013
REGULATOR	Information Regulator
SAHRC	South African Human Rights Commission
SCM	Supply Chain Management
SITA	State Information Technology Agency

# 3. FOREWORD BY THE CHAIRPERSON



he financial year under review was a year that brought on a once-in-ageneration global crisis as a result of the Covid-19 pandemic. The pandemic challenged the world, governments, organisations, companies and individuals to find the right and effective responses in order to protect lives and preserve livelihoods. In the most unprecedented way, individuals, government, companies and organisations were all required to play their role in containing the spread of Covid-19 by staying at home, changing their established social practices and finding new ways of working. For the Information Regulator (Regulator) this required a move to a work-from-home arrangement during the first two months of the financial year.

Fortunately there were telecommunications policies and procedures in place to support this new work approach, and an

availability of equipment to support remote working activities. The Regulator was thus able to transition within a week of the lockdown announcement, and continued administrative and financial operations.

The pandemic also necessitated that extraordinary measures be taken by the government to manage and contain the spread of Covid-19. These measures required the limitation of some rights, such as the right to privacy and movement. To ensure that these measures complied with Protection of Personal Information Act No. 4 of 2013 (POPIA), the Regulator issued the Guidance Note on the Processing of Personal Information in the Management Containment of the Covid-19 pandemic. The purpose of the Guidance Note is to provide guidance to public and private bodies and their operators on the

reasonable limitation of the right to privacy when processing personal information of data subjects for the purpose of containing the spread, and reduce the impact, of Covid-19.

In addition, in the fulfilment of its mandate in section 40(1)(b)(iv) and (h)(i) of POPIA, which, amongst others, empowers the Regulator to report to Parliament from time to time on any policy matter affecting the protection of personal information of a data subject, and to do anything incidental or conducive to any of its functions, the Regulator submitted a report to Parliament. In the report, the Regulator requested Parliament to exercise oversight over relevant Cabinet Members to ensure that their officials processed personal information of data subjects during the management of Covid-19 and at the end of the National State of Disaster in accordance with POPIA.

The Regulator was invited by the Select Committee on Security and Justice of the National Council of Provinces to make a submission on the proposed amendments to section 16 of the Electoral Act 73 of 1998-Clause 8 of the Electoral Amendment Bill which deals, amongst others, with the processing of personal information of a voter in the voters' roll. The Bill, which is the outcome of the colloquium which the Regulator co-hosted with the Electoral Commission (IEC) in the last financial year, seeks to ensure that the processing of personal information of voters in the voters' roll complies with POPIA.

During the year under review, the President issued a proclamation to bring into operation the remaining sections of POPIA on 1 July 2020. The proclamation also brought into operation sections 110 and 114 (4) of POPIA on 1 July 2021. The coming into effect of the remaining sections of POPIA was a historic moment because it marked the beginning of the effective realisation of the right to privacy as it relates to the protection of personal information for South Africans. It also meant that the Regulator had to intensify its preparations for 1 July 2020. In this regard, the Regulator developed detailed implementation plans for POPIA and PAIA. In addition, the Regulator adopted the Guidelines to Develop Codes of Conduct and the standard for making and dealing with complaints under approved codes of conduct provided for in section 65 of POPIA. The Guidelines were published in the Government Gazette and are meant to assist public and private bodies to develop their codes of conduct. The Regulator also issued the Guidance Note on applications for Prior Authorisation to guide responsible parties who are currently processing or intend to process personal information which is subject to prior authorisation to ensure that they do so in compliance with POPIA.

Due to the declaration of the national state of disaster and the imposition of regulations on the movement of people and operations of public and private institutions, the Regulator's public education stakeholder engagement mandate was negatively impacted because meetings, workshops and seminars could no longer be held in person. However, the Regulator then heightened the use of digital meetings and social media platforms to ensure continuous engagement with stakeholders and the public. In addition, the Regulator organised webinars to commemorate the International Day for Universal Access to Information on 28 September 2020 and the Data Privacy Day on 28 January 2021.

The Regulator remains concerned about the number of security breaches in South Africa, which continue to rise at an alarming rate. Key amongst these data breaches was the Experian major security breach, which was wildlyreported in the media. An investigation of this breach was commissioned in the year under review.

Following the public outcry on the proposed revised WhatsApp Privacy Policy which was supposed to come into effect on 25 May 2021, the Regulator engaged WhatsApp on compliance of the proposed policy with POPIA. These engagements will undoubtedly continue in the next financial year.

We are making steady progress in the establishment of the Regulator as an independent body. However, the listing of the Regulator in the Public Finance

Management Act 1 of 1999 (PFMA) remains unresolved. The separation of the Regulator from the Department of Justice and Constitutional Development (DoJ&CD), which will ensure the independence of the Regulator, is dependent on this classification. Consultations with the DoJ&CD and National Treasury were held during the year under review. It is hoped that this matter will be resolved in the next financial year.

I wish to thank my colleagues, the members of the Regulator, the Chief Executive Officer, the Executives and staff of the Regulator for continuing the important work of executing the mandate of the Regulator. This work was carried out under challenging Covid-19 pandemic conditions but they did not waiver in their efforts. The Regulator is grateful to the Portfolio Committee on Justice and Correctional Services for championing the strengthening of the institutional formation of the Regulator. We are also highly appreciative of the constant support of the Director-General of the

DoJ&CD, the Deputy Minister of Justice and Constitutional Development Hon. John Jeffery (MP) and the Minister of Justice and Correctional Services, Hon. Ronald Lamola (MP). Without their support, the process of establishing the Regulator would have been near-impossible.

Finally, as my term and that of three (3) other members of the Regulator draws to a close, on my own behalf and on behalf of these members, I wish to thank the National Assembly and the President of the Republic of South Africa for affording us the opportunity to serve the country as the founding members of the Regulator. This is an honour and privilege which we will forever cherish.

Hakula.

**ADV. PANSY TLAKULA** 

**CHAIRPERSON** 

DATE: 21/09/2021

# 4. REPORT OF THE ACCOUNTING OFFICER



### **Financial Reporting**

n terms of section 52 (1) (a) and (b) of POPIA funds of the Regulator consist of the appropriated budget as well as fees as may be prescribed in terms section 111 (1). Since the enforcement powers of the Regulator, in terms of both Promotion

of Access to Information (PAIA) and POPIA, would come into effect in the financial year 2021/22, there were no chargeable services rendered during the 2020/21 financial year. The Regulator, therefore, did not charge any fees. In order to continue with the execution of its mandate, the Regulator only utilised the allocation that was appropriated to it by Parliament.

During the year under review the Regulator received additional resources to carry out its mandate. The budget allocation was increased from R31,3 million in the 2019/20 financial year to R45,4 million in the 2020/21 financial year, enabling the Regulator to recruit employees to conduct the core business of the Regulator, and carry out the requisite support services. It was a major achievement that the Regulator was able to implement Phase Two (2), and begin the implementation of Phase Three (3) of the organisational structure. 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) implementation of the structure which had started in the financial year 2019/2020.

### The expenditure report of the Regulator is depicted below:

	2020/2021			2019/2020		
Economic Classification	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	32251	21462	10789	19517	12339	7178
Goods and services	10546	7387	3159	8994	8995	(1)
Household payments	0	353	(353)	0	0	0
Buildings	0	0	0	38	38	0

	2020/2021			2019/2020		
Economic Classification	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
Machinery and equipment	1600	683	917	2774	1063	1711
Software and intangibles	1100	0	1100	0	0	0
Total	45497	29885	15612	31323	22435	8888

The Regulator did not produce separate Annual Financial Statements (AFS) for the 2020/21 financial year as its financial records form part of the AFS of the DoJ&CD and are audited by the Auditor-General as part of the 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 exenditure report for the twelve (12) months ended on 31 March 2021 indicates actual expenditure of R 29,885 million; being R 21,462 million on Compensation of Employees; R7,387 million on Goods and Services, R 353 thousand related to Household payments (annual leave gratuities for resignations), and R 683 thousand on Machinery and Equipment.

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

- Under spending on compensation of employees was a result of delays in filling the positions of the executives for POPIA and Education & Communication, and resignations of three staff members.
- Underspending on Goods and Services is due to the Communication and Branding Strategy service provider only being appointed in March 2021, and due to lack of utilisation on Travelling and Subsistence, Stationery and Printing, and Training and Development. Overspending on Household payments is due to unplanned resignations of staff.
- Underspending on Machinery and Equipment is due to commitments on office furniture and equipment received but not paid for.
- Underspending on Software and Intangibles is due to delays in contracting to the Automated Complaints System service provider. Specifications were approved and the tender was advertised in March 2021.

No unsolicited bid proposals were advertised or concluded for the year under review. The Regulator utilised the services of the DoJ&CD Bid Adjudication Committee for tenders above R 500 thousand for the period under review.

The National Treasury granted approval for the Regulator to enter into a joint tender for office accommodation with the South African Human Rights Commission (SAHRC). The tender was successfully concluded in January 2021.

### **Summary of performance information**

The Regulator planned eighteen outputs and performance against these outputs is depicted in the table below:

Programme	Number of target Outputs planned	Actual Outputs Achieved	% Achieved
Protection of Personal Information	6	5	83
Promotion of Access to Information	2	2	100
Education & Communication	3	1	33
Legal, Policy, Research Information Technology Analysis	2	0	0
Administration	5	3	60
Total	18	11	61



**ACCOUNTING OFFICER** 

# 5. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT

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

- All information and amounts disclosed throughout the annual report are consistent.
- The annual report is complete, accurate and is free from any omissions.
- The Regulator does not prepare Annual Financial Statements as it is a responsibility under the DoJ&CD.
- 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 2021.

Yours faithfully

**MR. MOSALANYANE MOSALA** 

**ACCOUNTING OFFICER** 

DATE: 21/09/2021

### 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
- Accountability
- Integrity
- Excellence
- Impartiality
- Responsiveness.

### 7. LEGISLATIVE AND OTHER MANDATES

### 7.1 Constitutional Mandate

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

The core functions in terms of POPIA are:

### To provide education by:

- a) Promoting an 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 provide 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 report 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.

### 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 to issue notices in terms of POPIA, and to make assessments on whether public and private bodies comply with the provision 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 this 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 any 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.

### 8. GOVERNANCE ARRANGEMENTS AT THE REGULATOR

### 8.1 Members of the Regulator



Adv. Pansy Tlakula - Chairperson

Adv. Pansy Tlakula is the Chairperson of the Regulator. She was appointed on 1 December 2016 and is serving her first term of office. She chairs the Policy and Governance Committee.



Adv. Lebogang Stroom-Nzama - Full-time Member

Adv. Lebogang Stroom-Nzama is a full-time Member responsible for PAIA. She joined the Regulator on 1 December 2016 and is serving her first term of office. She chairs the Complaints and Investigations Committee.



Adv. Johannes Collen Weapond - Full-time Member

Adv. Johannes Collen Weapond is a full-time Member responsible for POPIA. He was appointed on 1 December 2016 and is serving his first term of office. He chairs the following Committees: Compliance and Monitoring, Corporate Services and Risk Management.



Ms Alison Tilley - Part-time Member

Ms Alison Tilley is a part-time Member responsible for the POPIA was appointed on 1 December 2020 and is serving her first term of office. She chairs the Education & Communication Committee.



Prof Sizwe Snail ka Mtuze - Part-time Member

Prof Sizwe Snail ka Mtuze is a part-time Member responsible for PAIA. He was appointed on 1 December 2016 and is serving his first term of office. He chairs the Legal, Policy, Research and Information Technology Analysis (LPRITA) Committee.

# Management Financial Division Corporate Services Division Communication and Provincial Coordination Division Education, **Chairperson and Chief Executive** Members **Officer** Legal Services, Policy, Research and Infomation Technology Analysis Division 9. ORGANISATIONAL STRUCTURE Access to Information Promotion of Division of Personal Information Division Protection



### **PART B: PERFORMANCE INFORMATION**

### 1. AUDITOR GENERAL'S REPORT: PREDETERMINED OBJECTIVES

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

### 2. OVERVIEW OF THE REGULATOR'S PERFORMANCE

### 2.1 Service Delivery Environment

The Covid-19 pandemic brought about a declaration of the national state of disaster right at the beginning of the financial year. The declaration of the national state of disaster brought with it the imposition of regulations on movement of people and operations of public and private institutions. This limited the execution of tasks related to stakeholder engagements, recruitment, procurement and supply chain management.

The Regulator used 2020 as a runway year to prepare itself and responsible parties for compliance obligations which would later come into effect with the enforcement powers of the institution in July 2021. During the period under review, the Regulator prepared Guidelines and several Guidance Notes under POPIA. Under PAIA, the Regulator used the period to update the PAIA Guide into 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. The Regulator also consulted extensively with the DoJ&CD in the drafting of the new PAIA regulations.

The Regulator published Guidelines to Develop a Code of Conduct, a standard for making and dealing with complaints under approved codes of conduct and a checklist to render guidance to relevant bodies when developing a code of conduct.

The public education and communications aspect of the Regulator's work is intended to promote an understanding of POPIA and PAIA as enabling instruments for the exercise of the rights to information and privacy. To this extent the Regulator initiated public awareness activities in order to share information on key developments (on POPIA particularly) and provided guidance for interpretation of POPIA in order to support compliance. Due to the Covid19 pandemic some functions of the Education and Communications division, such as conventional stakeholder engagements, which would normally be held in conference venues or at roundtable face-to-face engagements were impacted.

However, the institution continued to promote its work using commercial and local media, where the Chairperson, Members and Executives engaged in media interviews where they shared developments on work of the Regulator. The issuance of media statements, usage of social media platforms such as Twitter and Facebook, and use of digital meeting platforms such as Zoom and MS Teams webinars enabled the Regulator to disseminate information

about its work despite not being able to conduct meetings and events due to Covid-19 lockdown restrictions.

During the financial year 2018/2019 the Regulator approved its first organisational structure and consulted the Minister of Finance on its implementation. The Minister of Finance supported the proposed approach on implementing the organisational structure and recommended that a phased in approach should be considered with the implementation of the structure.

### 2.2 Service Delivery Improvement Plan

The Regulator does not have an approved Service Standards and Service Delivery Improvement Plan at the moment.

### 2.3 Organisational environment

During the financial year 2018/2019 the Regulator approved its first organisational structure after consulting with the Minister of Finance. The structure consists of 378 positions. The Minister of Finance supported the proposed organisational structure on condition that the filling of the positions will be done on a phased-in approach. Phase One (1) of the implementation of the structure started in the financial year 2019/2020 during which thirteen (13) positions were filled as at 31 March 2020. During this phase, the top tier of the structure was prioritised. During the year under review, Twenty One (21) positions were filled as part of Phase Two (2) and, partly, Phase Three (3) of the implementation of the structure. Unfortunately, at the time of implementing Phase Two (2) of the structure, the Chief Executive Officer (CEO) and the Executive for POPIA resigned.

On 14 December 2020, Mr. Mosalanyane Mosala was seconded from the DoJ&CD to act in the position of CEO for a period of six (6) months. The position of Executive POPIA was advertised in February 2021. In preparation for the coming into effect of POPIA, the Regulator prioritised forty three (43) positions for Phase Three (3) of the implementation of the organisational structure. The National Treasury supported this initiative with funding for the prioritised positions. The positions were advertised during the last quarter of the financial year.

At the beginning of the financial year under review, the Regulator did not have sufficient resources needed to set up an operational Education & Communications division and this function relied solely on the efforts of the individual members of the Regulator. Circumstances changed for the better when additional budgetary allocations were made available during the course of the year to enable the Regulator to recruit professionals into the newly formed Education & Communication division. During the last quarter of the financial year a senior manager and two managers, one for public education and one for communications, were appointed and this helped scale up the Regulator's stakeholder engagements and communications efforts extensively.

The management of the Regulator also had scheduled meetings with officials from National Treasury in order to seek advice on the separation of the Regulator from the DoJ&CD. Meetings were held with officials from the Budget office and officials from the Office of the

Accountant General. The advice provided by the officials indicated that the establishment of the Regulator as an independent entity also requires a determination of the classification of the Regulator as an entity in terms of the Public Finance Management Act 1 of 1999 (PFMA).

During the period under review a process was undertaken to develop a Separation Plan primarily covering the Human Resources and Finance areas which entailed identifying key policies, procedures and systems that are needed for the Regulator to operate as an independent institution. Where applicable, accounting policies were developed on the basis of Generally Recognised Accounting Practice (GRAP) standards applicable to entities of a similar type. The policies were developed, however they could not be approved as at the end of the financial year because the Regulator was preparing for the coming into effect of POPIA and PAIA. The Regulator reviewed its approved Separation Strategy during the last quarter of the financial year and extended the time frame of separation to the end of 2023/ 2024 financial year.

### 2.4 Key policy developments and legislative changes

On the 22<sup>nd</sup> of June 2020 the President of the Republic of South Africa, President Cyril Ramaphosa, proclaimed the commencement of certain sections of POPIA. In terms of section 115 of POPIA sections 2 to 38; sections 55 to 109; section 111; and section 114(1), (2) and (3) commenced on 1 July 2020, and sections 110 and 114(4) would commence on the 30 June 2021.

On 26 February 2021, a notice was published in the Government Gazette Notice 75 of 2021 which proclaimed that the effective date of the Guidelines to Develop Codes of Conduct in terms of section 65 of POPIA was the 1 March 2021 and that the Regulations issued in terms of section 112(2) of POPIA, namely Regulation 5 pertaining to the 'Applications for issuing code of conducts' would become effective on 1 March 2021; Regulation 4 would commence on 1 May 2021; and the residual Regulations were to commence on 1 July 2021.

### 3. ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES

### 3.1 Measuring the Impact Statement

Promotion and protection of personal information and the promotion of access to information.

### • During the period under review, the Regulator prepared the-

- Guidelines to develop Codes of Conduct;
- Standard Operating Procedure relating to Codes Of Conduct;
- Guidance Note on Information Officers and Deputy Information Officers;
- PAIA Guide;
- Submission on PAIA Regulations.

### 3.2 Measuring Outcomes

Table 3.1: Regulator's Outcomes

Outcome	Outcome Indicators	Baseline	5 Year targets	Progress towards the achievement of Outcomes
Personal information promoted,	Number of complaints received	271	700	454
protected and respected	Percentage of stakeholders who are aware of the existence of the Regulator	Nil	10% of sampled population	Nil. During the last quarter of the financial year 2022/2023 the first public opinion survey will be conducted in order to establish the percentage of stakeholders that have been made aware of the existence of the Regulator through public education and communications work of the Regulator.
Access to information promoted	Percentage improvement in the compliance with section 32 of PAIA	Not yet determined	25%	Nil. In accordance with the proclamation of section 110 and 114(4) of POPIA, under Proclamation No. R. 21 OF 2020), the Regulator will assume its PAIA functions on 30 June 2021 and therefore the Regulator could not perform any PAIA related functions during the period.

### 4. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION

### 4.1. Programme 1: Protection of Personal Information

### The purpose of the Division is:

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

### The following are the sub-programmes of the Protection of Personal Information Division:

- Complaints and Investigations: This sub-programme is responsible for the handling of complaints and conducting of investigations in accordance with the provisions of POPIA.
- 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.

### Outcomes, outputs, output indicators, targets and actual achievements

One of the main functions of the Complaints & Investigations sub-programme is to receive, assess and investigate complaints. The sub-programme approved a Complaints Management Processes, Standard Operating Procedure (SOP) and Manual in order to guide officials in terms of handling and processing of complaints. The sub-programme further embarked on a process to procure a Complaints Management System however; the bids received were not economically viable from a price point. The Regulator could not therefore implement the electronic Complaint Management System but it is planning to do so during the current financial year. The Regulator could not handle or process complaints as the Regulator would only assume enforcement powers on 1 July 2021.

## Under the sub-programme Compliance and Monitoring, the following were achieved as per the Annual Performance Plan:

- Approved Guidelines for Codes of Conduct were published and implemented;
- Readiness Plan for POPIA was developed, approved and implemented;
- Guidelines for registration of Information Officers were approved and published;
- Drafting of the Guide for POPIA and PAIA commenced

The above Guidelines have made it possible for responsible parties to apply for the issuing of codes of conduct as well as to ensure that they apply for the registration of Information Officers using an online system. What has been observed is that broadly speaking, the Programme managed to achieve these milestones notwithstanding the fact it did not have the required staff compliment. The new Cybercrimes Act No 19 of 2020, which was passed by Parliament in December 2020, is a key part of South Africa's armoury in the fight against cybercrime and we believe that with the full implementation of POPIA such cases will be swiftly dealt with by the Regulator and law enforcement agencies.

	Programme 1: Protection of Personal Information Outcome Output No. Out	Informa No.	ation Output Indicator	Audited	Audited	Planned Annual	Actual	Deviation	Reasons for
				Actual Performance 2018/2019	Actual Performance 2019/2020	Target 2020/2021	Achievement 2020/2021	from planned target to Actual Achievement	deviations
Draft Guidelines for Codes of Conduct for POPIA	delines of or POPIA	<u></u>	Approved Guidelines for Codes of Conduct	- New Output Indicator (OI)	- (New OI)	Approved Guidelines for Codes of Conduct published and implemented	Achieved		1
Draft a Readiness Plan for the implementation of POPIA	adiness ne ntation of	1.2	Approved Readiness Plan for POPIA	(New OI)	- (New OI)	Readiness Plan for POPIA developed, approved and implemented	Achieved	ı	ı
Draft Guidelines for the registrati of Information Officers	Draft Guidelines for the registration of Information Officers	1.3	Approved Guidelines for the registration of Information Officers	(New OI)	- (New OI)	Guidelines for the registration of Information Officers approved and published	Achieved	1	ı
Update the PAIA Guide to incorporate PC	Update the PAIA Guide to incorporate POPIA	4.1	Update the PAIA Guide to incorporate POPIA	- New (OI)	- (New OI)	Drafting of the Guide for POPIA and PAIA	Achieved	1	ı
Handling of complaints relet to the alleged violations of the protection of personal information	Handling of complaints related to the alleged violations of the protection of personal information	1.5	Approved POPIA Complaints Management Processes, and Manual	(New OI)	(New OI)	Testing and piloting of the Complaints Management Processes, SOP and Manual	Achieved	1	1

Programme 1: P	Programme 1: Protection of Personal Information	Inform	ation						
Outcome	Output	ó Z	No. Output Indicator	Audited Actual Performance 2018/2019	Audited Actual Performance 2019/2020	Planned Annual Target 2020/2021	Actual Achievement 2020/2021	Deviation from planned target to Actual Achievement	Reasons for deviations
	Automated Complaints Management System acquired	1.6	Acquisition and automation of the Complaints Management System (CMS)	(New OI)	(New OI)	Acquisition and automation of the Complaints Management System	Not Achieved Inability to award the b due to unde budgeting.	Inability to award the bid due to under budgeting.	The bidder's price was greater than the budget amount, and therefore the bid could not be
									considered.

Table 4.1: Programme Performance Report for 2020/21 Financial Year

# Strategy to overcome areas of under performance

# Acquisition and automation of the Complaints Management System

The Regulator has engaged with State Information Technology Agency (SITA) to leverage on their current CMS to customise as per requirements from the Regulator.

### 4.2. Programme 2: Access to Personal Information

### The purpose of the Division is:

• To ensure the effective implementation of the promotion of the constitutional right of access to any information held by the state and by any other person, and that is required for the exercise of any rights.

## The following are the sub-programmes of the Promotion of Access to Personal nformation Division:

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

### Outcomes, outputs, output indicators, targets and actual achievements

Section 114(4) of PAIA requires the South African Human Rights Commission (SAHRC) to finalise or conclude its functions referred to in sections 83 and 84 of PAIA, in consultation with the Regulator. In accordance with the above-mentioned provision, the SAHRC and the Regulator concluded a memorandum of cooperation (MOC), in terms of which the parties agreed on a framework to facilitate the effective handover of the PAIA functions from the SAHRC to the Regulator.

In accordance with the MOC, the SAHRC and the Regulator agreed that the SAHRC will finalise or conclude its functions referred to in sections 83 and 84 of PAIA by 30 September 2021. This means that the Regulator will submit, in its annual report, information stipulated in sections 83 and 84 of PAIA as from end of the financial year 2021/22 onwards.

In order to ensure the operating environment is prepared to effectively promote and protect the right to privacy as well as the right of access to information, the Regulator developed a Readiness Plan. The purpose of the Readiness Plan was to identify performance tasks and creating deliverables throughout the implementation period of between July 2020 and March 2021, which will assist the Regulator to determine the readiness state of the organisation and define how close the environment is to the desired readiness state.

The Readiness Plan critically looked at the organisation's capacity to successfully deliver or to perform its functions under PAIA, and initiated appropriate actions or measures to bring a current state of readiness to one of confidence in long-term success of the organisation. All actions or measures identified in the PAIA Readiness Plan have been successfully developed and implemented.

 Table 4.2: Programme Performance Report for 2020/21 Financial Year

Reasons for deviations		
ed ctual		
Planned Annual Actual Achieve- Deviation Target ment from planr 2020/2021 2020/2021 Achieveme	Achieved	Achieved
Planned Annual Target 2020/2021	Memorandum of Cooperation (MOC) Imple- mented	Readiness Plan developed, approved and implemented
Audited Actual Performance 2019/2020	Memorandum of Cooperation (MOC) signed	(New OI)
Audited Actual Performance 2018/2019	(New OI)	(New OI)
Output Indi- cator	Memorandum of Cooperation (MOC) Imple- mented	Approved Readiness Plan for PAIA
ò	2.1	2.2
Output	Develop process 2.1 for PAIA functions handover from the South African Human Rights Commission (SAHRC)	Draft a Readi- ness Plan for the implementation of PAIA
Outcome	Access to information promoted	

# Strategy to overcome areas of under performance

Not applicable, all annual targets have been achieved as planned.

### 4.3. Programme 3: Education and Communication

- The purpose of the Division is:
  - To provide strategic direction for the provision of Education and Communication
- The following are the sub-programmes of the Education and Communication Division:
  - Education and Public Awareness: This sub-programme is responsible for the provision of public education, awareness and stakeholder management.
  - **Communication and Media Relations:** This sub-programme is responsible for the provision of communication, media relations, public liaison and branding services.

### Outcomes, outputs, output indicators, targets and actual achievements

In the financial year under review, the Regulator massively scaled up its public awareness programmes in order to raise awareness about the two laws that are basis of its legal mandate, POPIA and PAIA. The Regulator will inherit in the 2021/2022 financial year the training and promotional mandate from the South African Human Rights Commission in terms of Section 83(2) of the PAIA.

The Regulator had planned to conduct nine (9) training workshops in all provinces, being one workshop per province. This target was surpassed when the Regulator conducted four (4) public awareness activations, produced four (4) media statements, and the Members carried out a combined total of 31 media interviews (on broadcast, online and print media). The cumulative effect of these interventions is that the Regulator managed to reach more South Africans through these interventions than would have been achieved through nine (9) workshops that had been planned. Through this work the Regulator managed to lay a solid foundation for further work aimed at raising awareness of the public about their right to privacy as it relates to the protection of personal information and their right of access to information.

 Table 4.3: Programme Performance Report for 2020/21 Financial Year

ion and Com	nd Commu	nmu		-	-		-		
Output No. Output Audited Indicator Actual Performance 2018/2019	Output Indicator	Output Indicator	Audited Actual Perforn 2018/2	d nance 1019	Audited Actual Performance 2019/2020	Planned Annual Target 2020/2021	Actual Achievement 2020/2021	Deviation from planned target to Actual Achievement	Reasons for deviations
Develop and 3.1 Number of implement public awareness awareness conducted in and arrangement approved Public management Awareness programmes Strategy and aimed at Plan for POPIA promoting	3.1 Number of public awareness sessions conducted in line with the approved Public Awareness Strategy and Plan for POPIA		(New OI)		(New OI)	Nine (9) awareness workshops in all Provinces	Achieved	Target has been overachieved by 30 awareness activities.	Covid19 pandemic hard lockdown restrictions in the first quarter reduced opportunities for faceto-face general public awareness sessions, which made the Regulator to pivot to the extensive use of digital platforms to create public awareness. The digital platforms and media increased reach and frequency of activities.
of personal 3.2 Approved information Communication (New OI) and Branding Strategy and Plan	Approved Communication and Branding Strategy and Plan	oved munication Branding egy and	(New OI)		(New OI)	Develop the Communication and Branding Strategy and Plan	Not achieved	The Communication and Branding Strategy was not developed.	The procurement process to appoint a service provider to develop the strategy was delayed.
3.3 Number of stakeholders engagements held in accordance with the Approved Stakeholder Engagement Strategy and Plan	Number of stakeholders engagements held in accordance with the Approved Stakeholder Engagement Strategy and Plan	ith	57		75	80 Stakeholder engagement held	Not Achieved	40 of the planned stakeholder engagements could not be held.	The hard lockdown restrictions in the first quarter minimised opportunities for direct engagements with targeted stakeholders. Attempts were made to catch up using virtual meeting tools, but this was limited by availability of stakeholders for such sessions.

### Strategy to overcome areas of under performance

### Approved Communication and Branding Strategy and Plan

 The Regulator began the process of advertising and inviting bids for a contract to develop the Communications and Branding Strategy and plan. The development of the Communications and Branding Strategy and plan will be concluded in the third quarter of the 2021/22 financial year.

# Number of stakeholder engagements held in accordance with the approved Stakeholder Engagement Strategy and Plan

 Financial resources have been secured to recruit a designated Stakeholder Engagement Team (one Stakeholder Engagement Manager and one officer) by the end of the 2021/2022 financial year. In the meantime the Public Awareness Manager and the Communications Unit (Senior Manager and Communications Manager) will work jointly to plan and coordinate the stakeholder engagement programme, relying mostly on virtual meeting platforms instead of physical meetings.

### 4.4. Programme 4: Legal, Policy, Research and Information Technology Analysis

### The purpose of the Division is:

• To ensure the rendering of Legal, Policy, Research and Information Technology Analysis services.

## The following are the sub-programmes of the Legal, Policy, Research and Information Technology Analysis Division:

- **Legal Services and Litigation:** This sub-programme is responsible for providing legal advice and representing the Regulator in litigation before courts and similar fora.
- **Policy and Research:** This sub-programme is responsible for the development of policy and the conducting of research.
- Information Technology Analysis: This sub-programme is responsible for managing the provision of research into information processing and computer technology on issues relating to the processing of personal information.

### Outcomes, outputs, output indicators, targets and actual achievements

The Legal, Policy and Research and Information Technology Analysis unit renders legal support to the Regulator. Numerous agreements, contracts and legal opinions have been attended to by the division.

The Regulator was admitted as an amicus curiae in the matter between the President of the Republic of South Africa and Others (Case Number 55578/19). AmaBhungane Centre for Investigative Journalism, seventh (7<sup>th</sup>) Respondent, in the matter made an application to the Constitutional Court arguing constitutional invalidity of the Executive Ethics Code. The Regulator filed a notice to abide in this matter.

The unit was responsible for arranging the public consultations, collating all written public comments, and attending to the final draft of the Guideline to Develop Codes of Conduct which was published in the Government Gazette on the 15 February 2021.

 Table 4.5:
 Programme Performance Report for 2020/21 Financial Year

amme 4: Leg	Programme 4: Legal, Policy, Research Information Technology Analysis	formation	Technology Analysis						
Outcome	Output	Ö	Output Indicator	Audited Actual Performance 2018/2019	Audited Actual Performance 2019/2020	Planned Annual Target 2020/2021	Actual Achievement 2020/2021	Deviation from planned target to Actual Achievement	Reasons for deviations
Personal information promoted, protected and respected	Develop and approve research strategy and plan aimed at ensuring the protection of personal	1.1	Approved and implemented Research Strategy and Plan	- (New OI)	- (New OI)	Research Strategy and Plan developed, approved and implemented	Not Achieved	Research Strategy and Plan developed and not approved.	Further consultation was needed
	information	4.2	Number of research studies conducted in accordance with the Approved Research Strategy and Plan	(New OI)	(New OI)	One (1) Research study conducted in accordance with the Approved Research Strategy and Plan	Not Achieved	The target was not achieved pending the approval of the research strategy and plan	Research Strategy and Plan was not approved

Strategy to overcome areas of under performance

# Approved and implemented Research Strategy and Plan

• The division will conduct consultations with research and academic institutions to benchmark the research strategy and plan to enable finalisation

# Number of research studies conducted in accordance with the Approved Research

• Once the Research Strategy is approved, two research studies will be undertaken in line with the approved research strategy and plan

### 4.5. Programme 5: Administration

### The purpose of the Division is:

• To provide effective and efficient leadership and corporate support services in the dayto-day management of the Regulator.

### ■ The following are the sub-programmes of the Administration Division:

- Office of the Chairperson: This sub-programme is responsible for providing leadership, policy direction, strategic direction, directing the work of the Regulator and staff and the promotion of corporate governance within the Regulator;
- Office of the Chief Executive Officer: The sub-programme is responsible for providing strategic leadership in the effective and efficient day-to-day operational management of the Regulator.
- Corporate Services: The sub-programme is responsible for providing support services in relation to Human Resources, Administrative Services and Information and Communications Technology (ICT);
- Finance and Supply Chain: The sub-programme is responsible for providing efficient and effective Financial and Management Accounting as well and Supply Chain Management.

### Outcomes, outputs, output indicators, targets and actual achievements

The Regulator successfully completed the tender process for relocation of office accommodation in January 2021, in a joint tender with the South African Human Rights Commission. Permission was obtained from the National Treasury for the joint tender.

 Table 4.6: Programme Performance Report for 2020/21 Financial Year

Programme	Programme 5: Administration								
Outcome	Output	o Z	Output Indicator	Audited Actual Performance 2018/2019	Audited Actual Performance 2019/2020	Planned Annual Target 2020/2021	Actual Achievement 2020/2021	Deviation from planned target to Actual Achievement	Reasons for deviations
Personal information promoted, protected and respected	Fully established Administration to enable delivery on the mandate	5.1	Approved Phase Two (2) of the Organisational Structure implemented	Approved and implemented Phase One (1) of the Organisational Structure	Approved Phase Two (2) positions of the Organisational Structure	Approved and implemented Phase Two (2) of the Organisational Structure	Achieved		1
		5.2	Approved prioritised Corporate Services Policies and Guidelines	- (New OI)	List of prioritised Corporate Services Policies in place	Prioritised Corporate Services Policies and Guidelines developed and approved	Not Achieved	Corporate Services Policies were developed	The policies were not approved
		5.3	Approved Delegation of Authority (DOA) Framework	- (New OI)	DOA Framework drafted	DOA Framework approved	Achieved	ı	1
		4.2	Approved prioritised Finance Policies and Guidelines	- (New OI)	List of all the prioritised Finance Policies and Guidelines developed	List of all the prioritised Finance Policies and Guidelines developed	Not Achieved	Finance policies and guidelines were developed but not finalised.	The policies were not approved.
		5.5	Separation Plan (Finance and Human Resources) finalised and implemented	(New OI)	Draft Separation Plan (Finance and Human Resources) from the DoJ&CD developed	Draft Separation Plan (Finance and Human Resources) from the DoJ&CD developed	Achieved		

#### Strategy to overcome areas of under performance

#### Approved prioritised Corporate Services Policies and Guidelines

• The Regulator plans to approve policies within the next three (3) years before separation from the DoJ&CD.

#### Approved prioritised Finance Policies and Guidelines

• The Regulator plans to approve policies within the next three (3) years before separation from the DoJ&CD.

#### 5. CAPITAL INVESTMENT

#### 5.1 Capital investment, maintenance and asset management plan

- The Regulator made progress on implementing the asset management plan.
- Asset holdings increased during the year under review.
- Two laptops were lost due to theft from two employees' vehicles, and the theft was reported to the DoJ&CD under the prescripts of the Departmental Financial Instructions. No further action was taken arising out of the loss of the two laptops as all supporting evidence and affidavits were submitted.
- The Regulator's asset register remained up-to-date during the period under review, by regular reconciliation and liaison with the Asset Management Unit with the DoJ&CD. The Regulator has not established its own asset management unit at the reporting date.
- The current state of the Regulator's capital assets is in good condition, and repairs to computer equipment is undertaken as and when the equipment indicates operational faults.

Infrastructure	2020/21			2019/20			
projects	Final Appropriation R'000	Actual Expenditure R'000	(Over)/ Under Expenditure R'000	Final Appropriation R'000	Actual Expenditure R'000	(Over)/ Under Expenditure R'000	
New and replacement assets	1600	683	917	2774	1063	1711	
Existing infrastructure assets	0	0	0	0	0	0	
» Upgrades and additions	0	0	0	0	0	0	
» Rehabilitation, Renovations and refurbishments	0	0		0	0	0	
» Maintenance and repairs	0	0	0	0	0	0	
Infrastructure transfer	0	0	0	0	0	0	
» Current	0	0	0	0	0	0	
» Capital	0	0	0	0	0	0	
Total	1600	683	917	2774	1063	1711	



## **PART C: GOVERNANCE**

#### 1. INTRODUCTION

Commitment by the Regulator to maintain the highest standards of governance is fundamental to the management of public finances and resources.

#### 2. RISK MANAGEMENT

There is a draft policy on risk management in place.

#### 3. FRAUD AND CORRUPTION

There is no fraud and corruption plan in place.

#### 4. MINIMISING CONFLICTS OF INTEREST

During the period under review the Members of the Regulator disclosed their financial interest as required in terms of section 45 of POPIA. At the start of each meeting, the Members as well as the staff of the Regulator declared any interest whether direct or indirect and same was recorded in the attendance registers. With regard to staff who are members of the Senior Management Service and Middle Management Service, the financial disclosures were administered in terms of the Policy Framework on Financial Disclosures issued by the Department of Public Service and Administration (DPSA).

#### 5. CODE OF CONDUCT

The Regulator had during the period under review implemented the Policy on Code of Ethics and Conduct that guided the Members on how to conduct themselves in the performance of their functions. The staff members were guided by the Code of Conduct and Service Charter of the DOJ&CD.

#### 6. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The Regulator developed and approved guidelines for the management of Covid-19 at the workplace during the first quarter of the financial year. The guidelines were developed to ensure compliance with the Covid-19 Regulations and other Occupational Health and Safety Regulations.

## 7. PORTFOLIO COMMITTEES

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
1	Covid-19 Track and Trace Operations	Members were concerned about the track and trace processes related to Covid-19 and the implications for protection of personal information.	Regulator issued a Guidance Note on the processing of personal information in the management and containment of Covid-19 pandemic.	Yes
2	Complaints Management System (CMS)	Members of the Committee enjoined the Regulator to scale up the complaints handling system and move beyond the pilot phase.	The procurement process that was undertaken could not yield the intended results. The Regulator has engaged with SITA to leverage on their current CMS to customise as per requirements from the Regulator.	Yes
3	Availability of Materials in Sign Language & Braille	The issue of availability of public awareness materials on POPIA and PAIA, in formats that cater for people with disabilities, was raised with the Regulator.	The POPIA and PAIA guides will be made available in all official languages and braille.	Yes
4	Operational Readiness Meeting	At its 03 June 2020 meeting the Portfolio Committee had asked the Regulator to present to it by 31 July 2020 a report on what must be done for the Regulator to reach the requisite level of operational readiness.	The Regulator received sufficient funding from the National Treasury and this funding has significantly assisted the Regulator to reach the requisite level of operational readiness as 41 prioritised positions have been filled.	Yes
5	The Regulator and the 4th Industrial Revolution Programme	One of the issues raised with the Regulator by the Portfolio Committee was with regards to the Regulator's role and involvement in the Fourth Industrial Revolution programmes of the government.	The Regulator is not involved with any government Fourth Industrial Revolution programmes.  The Regulator does monitor compliance with POPIA and PAIA and is developing guidance notes relating to online safety and appropriate, reasonable, technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to personal information.  The Regulator is also developing a breach notification form to ensure that the reporting of data breaches is in compliance with the provisions of POPIA.	Yes

#### 8. SCOPA RESOLUTIONS

The Regulator did not appear before SCOPA during the period under review.

#### 9. PRIOR MODIFICATIONS TO AUDIT REPORTS

The Regulator is audited as a component of the DoJ&CD.

#### 10. INTERNAL CONTROL UNIT

There is no Internal Audit Unit at the moment.

#### 11. INTERNAL AUDIT AND AUDIT COMMITTEES

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

#### 12. AUDIT COMMITTEE REPORT

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

#### 13. B-BBEE COMPLIANCE PERFORMANCE INFORMATION

Has the Regulator applied any relevar Levels 1 - 8) with regards to the follow		Good Practice (B-BBEE Certificate
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



## **PART D: HUMAN RESOURCE MANAGEMENT**

#### 1. INTRODUCTION

Section 47 of POPIA empowers the Regulator to establish its own administration to support 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 and oversees all matters pertaining to the establishment of the administration, provides leadership, maintenance and discipline of staff as well as implementing the decisions of Members and accountable thereto.

The CEO is supported by six (6) Executives who are appointed by the Members in consultation with the CEO to assist him/her in the performance of his/her functions that he/she may delegate 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

During the year under review the Regulator filled 21 positions. Nineteen (19) positions are part of Phase Two (2) and two (2) positions are part of Phase Three (3) of the structure. The filling of these positions increased the staff compliment to Thirty Four (34). As at the year end, the Regulator had finalised a list of Forty Three (43) positions that form part of Phase Three (3) of the structure. These positions were advertised during the last quarter of the financial year and the finalisation of the recruitment process will take place in the next financial year.

#### 2.2 Human Resource Priorities

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

- Implementation of Phase Two (2) of the Organisational Structure;
- Finalisation of Phase Three (3) list of positions; and
- Development of Human Resource policies.

# 2.3 Workforce planning and key strategies to attract, and recruit skilled and capable workforce

POPIA empowers the Regulator to recruit skilled personnel to assist it in the performance its functions. Whilst the Regulator continued to attract and recruit suitably skilled and competent individuals it had 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. Furthermore, the Regulator implemented the approved Employment Equity Policy and Plan to ensure

compliance with the above-mentioned provision. At the end of the reporting period, a Human Resource Strategy and Plan had been finalised.

#### 2.4 Employee Performance Management

The Regulator currently uses the Performance Management and Development Policy of the DoJ&CD which requires that Performance Agreements (PAs) are submitted by 31 May of each financial year. All employees of the Regulator submitted performance Agreements by 31 May 2020. New Staff members are expected to submit their PAs three (3) months after assumption of duty. As at the end of the year under review, all newly appointed staff members had entered into Performance Agreements. Midterm performance reviews were conducted for all qualifying Staff members.

#### 2.5 Employee Wellness Programmes

Employee Wellness Programmes have not yet been formally developed for the Regulator, however since the advent of COVID-19, Guidelines for the Governance and Risk Management of the Pandemic in the workplace have been developed in line with the Health and Safety Regulations published by the Department of Employment and Labour, as well as the COVID-19 Guidelines from the DPSA. The Executive: Corporate Service was designated as the Occupational Health and Safety Officer as provided for in the Guidelines.

# 2.6 Achievements and challenges faced by the Regulator as well as future Human Resources Plans and Goals

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

- Filling of twenty one (21) positions which consists of nineteen (19) positions for Phase Two (2) and two (2) positions for Phase Three (3) of the structure;
- Development of ten (10) Human Resource Policies;
- Approval of Phase Three (3) of the structure.

#### The following are the Human Resource Priorities for the next financial year:

- Filling of the Forty Three (43) positions that fall under Phase Three (3) of the Structure;
- Approval and implementation of Human Resource Strategy and Plans;
- Identification of positions that will fall under Phase Four (4) of the Structure; and
- Building capacity in the core business units.

#### The following are the identified Human Resource Challenges

• Inadequate funding to build capacity in the Human Resources and Management Unit.

#### 3. HUMAN RESOURCES OVERSIGHT STATISTICS

#### 3.1 Personnel related expenditure

**Table 3.1.1:** Personnel expenditure by programme for the period 1 April 2020 and 31 March 2021

Regulator	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	29 885	21 462	0	1 281	71,8%	564,8

Table 3.1.2: Personnel costs by salary band for the period 1 April 2020 and 31 March 2021

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)	227	1%	2	113,5
Skilled (level 3-5)	313	1%	2	156,5
Highly skilled production (levels 6-8)	2,545	12%	9	282,7
Highly skilled supervision (levels 9-12)	3,034	14%	8	379,3
Senior and Top management (levels 13-16)	15,343	72%	17	902,5
Total	21,462	100%	38	564,8

**Table 3.1.3** Salaries, Overtime, Home Owners Allowance and Medical Aid by programme for the period 1 April 2020 and 31 March 2021

	Salaries		Ove	Overtime		Home Owners Allowance		Medical Aid	
Programme	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	14,910	69.5%	51	0.2%	461	2,1%	383	1.8%	

**Table 3.1.4** Salaries, Overtime, Home Owners Allowance and Medical Aid by salary band for the period 1 April 2020 and 31 March 2021

Salary band	Salaries		Ove	Overtime		Home Owners 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)	188	1%	-	0.00%	7	0.0%	-	0%	
Skilled (level 3-5)	252	1%	4	0.02%	9	0.0%	-	0%	
Highly skilled production (levels 6-8)	1,844	9%	40	0.16%	88	0.4%	219	1%	
Highly skilled supervision (levels 9-12	2,310	11%	7	0.03%	70	0.4%	89	0,4%	
Senior management (level 13-16)	10,316	47%	-	0.00%	287	1.3%	75	0,4%	
Total	14,910	69,5%	51	0.2%	461	2.1%	383	1,8%	

## 3.2 Employment and Vacancies

Table 3.2.1 Employment and vacancies by programme as on 31 March 2021

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy Rate (%)	Number of employees additional to the establishment
Members	5	5	0	0
Protection of Personal Information	5	3	40	0
Promotion of Access to information	3	3	0	0
Legal, Policy, Research and IT Analysis	3	3	0	0
Education and Communication	4	3	25	0
Administration	19	18	5	0
Total	39	35	10	0

Table 3.2.2 Employment and vacancies by salary band as on 31 March 2021

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)	2	2	0	0
Skilled(3-5)	2	2	0	0
Highly skilled production (6-8)	9	8	11	0
Highly skilled supervision (9-12)	7	7	0	0
Senior management (13-16)	14	11	21	0
Members	5	5	0	0
Total	39	35	10	0

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)	14	11	21	0
Highly skilled supervision (9-12)	5	5	0	0
Total	19	16	16	0

Table 3.2.3 Employment and vacancies by critical occupations as on 31 March 2021

## 3.3 Filling of SMS Posts

Table 3.3.1 SMS post information as on 31 March 2021

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
Head of Regulator	1	1	100	0	0
Salary Level 16	0	0	0	0	0
Salary Level 15	6	4	67	2	33
Salary Level 14	0	0	0	0	0
Salary Level 13	7	6	86	1	14
Total	14	11	79	3	21

**Table 3.3.2** SMS post information as on 30 September 2020

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
Head of Regulator	1	1	100	0	0
Salary Level 16					
Salary Level 15	6	5	83	1	17
Salary Level 14	0	0	0	0	0
Salary Level 13	7	1	14	6	86
Total	14	7	50	7	50

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2020 and 31 March 2021

	Advertising	Filling of Posts			
SMS Level	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		
Head of Regulator	1	1	0		
Salary Level 16	0	0	0		
Salary Level 15	2	0	2		
Salary Level 14	0	0	0		
Salary Level 13	7	6	1		
Total	10	7	3		

**Table 3.3.4** Reasons for not having complied with the filling of funded vacant SMS - Advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2020 and 31 March 2021

Reasons for vacancies not advertised within six months

N/A

Reasons for vacancies not filled within twelve months

N/A

**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 2020 and 31 March 2021

Reasons for vacancies not advertised within six months

N/A

Reasons for vacancies not filled within six months

N/A

#### 3.4 Job Evaluation

Table 3.4.1 Job Evaluation by Salary band for the period 1 April 2020 and 31 March 2021

Salary band	Number of	Number	% of posts	Posts l	Jpgraded	Posts downgraded	
	posts on approved establishment	of Jobs Evaluated	evaluated by salary bands	Number	% of posts evaluated	Number	% of posts evaluated
Lower Skilled (Levels1-2)	2	2	100	0	0	0	0
Skilled (Levels 3-5)	2	2	100	0	0	0	0
Highly skilled production (Levels 6-8)	9	9	100	0	0	0	0
Highly skilled supervision (Levels 9-12)	7	7	100	0	0	0	0
Senior Management Service Band A	7	7	100	0	0	0	0
Senior Management Service Band B	0	0	0	0	0	0	0
Senior Management Service Band C	6	6	100	0	0	0	0
Senior Management Service Band D	1	1	100	0	0	0	0
Total	34	34	100	0	0	0	0

**Table 3.4.2** Profile of employees whose positions were upgraded due to their posts being upgraded for the period 1 April 2020 and 31 March 2021

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 2020 and 31 March 2021

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Total number evaluation	0			
Percentage of		0		

**Table 3.4.4** Profile of employees who have salary levels higher than those determined by job evaluation for the period 1 April 2020 and 31 March 2021

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	۱ 0
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## 3.5 Employment Changes

Table 3.5.1 Annual turnover rates by salary band for the period 1 April 2020 and 31 March 2021

Salary band	Number of employees at beginning of period-1 April 2020	Appointments and transfers into the Regulator	Terminations and transfers out of the Regulator	Turnover rate
Lower skilled ( Levels 1-2)	2	0	0	0
Skilled (Levels3-5)	2	0	0	0
Highly skilled production (Levels 6-8)	5	3	2	33
Highly skilled supervision (Levels 9-12)	2	7	0	0
Senior Management Service Bands A	0	6	0	0

Senior Management Service Bands B	0	0	0	0
Senior Management Service Bands C	5	0	1	22
Senior Management Service Bands D	0	0	0	0
Contracts	1	1	1	1
Total	13	21	4	23

**Table 3.5.2** Annual turnover rates by critical occupation for the period 1 April 2020 and 31 March 2021

Critical occupation	Number of employees at beginning of period-April 2020	Appointments and transfers into the Regulator	Terminations and transfers out of the Regulator	Turnover rate
Highly skilled supervision (Levels 9-12)	2	7	0	0
Senior Management Service Bands A	0	6	0	0
Senior Management Service Bands B	0	0	0	0
Senior Management Service Bands C	5	0	1	20
Senior Management Service Bands D	0	0	0	0
Contracts	1	1	1	100
TOTAL	8	14	2	25

**Table 3.5.3** Reasons why staff left the Regulator for the period 1 April 2020 and 31 March 2021

Termination Type	Number	% of Total Resignations
Death	0	0
Resignation	4	13
Expiry of contract	0	0
Dismissal - operational changes	0	0
Dismissal - misconduct	0	0
Dismissal - inefficiency	0	0
Discharged due to ill-health	0	0
Retirement	0	0
Transfer to other Public Service	0	0
Other	0	0
Total	4	13
Total number of employees who left as a % of total employment	4	13

Table 3.5.4 Promotions by critical occupation for the period 1 April 2020 and 31 March 2021

Occupation	Employees 1 April 2021	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
	0	0	0	0	0
	0	0	0	0	0
TOTAL	0	0	0	0	0

Table 3.5.5 Promotions by salary band for the period 1 April 2020 and 31 March 2021

Salary Band	Employees 1 April 2020	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
Total	0	0	0	0	0

## 3.6 Employment Equity

Occupational category		Male				Fema	le		Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Members	1	1	0	0	1	1	0	1	5
Senior officials and managers	3	0	1	0	1	0	1	0	6
Professionals	0	0	0	0	1	0	0	0	1
Technicians and associate professionals	1	0	0	0	5	0	0	0	6
Clerks	0	0	0	0	0	0	0	0	0
Elementary occupations	0	0	0	0	0	0	0	0	0
Total	5	1	1	0	8	1	1	1	18
Employees with disabilities	0	0	0	0	0	0	0	0	0

**Table 3.6.1** Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2021

**Table 3.6.2** Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2021

Occupational band		Male	;			Fema	ile		Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	3	0	1		1	0	1	0	6
Senior Management	0	0	0	0	0	0	0	0	0
Professionally qualified and experienced specialists and mid-management	0	0	0	0	1	0	0	0	1
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	1	0	0	0	5	0	0	0	6
Total	4	0	1	0	7	0	1	0	13

Table 3.6.3 Recruitment for the period 1 April 2020 to 31 March 2021

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	0	0	0	0	0	0
Senior Management	4	0	0	0	1	0	1	0	6
Professionally qualified and experienced specialists and midmanagement	2	0	0	0	2	0	0	0	4
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	1	0	0	0	2	0	0	0	3
Semi-skilled and discretionary decision making	1	0	0	0	3	0	0	0	4
Unskilled and defined decision making	1	0	0	0	3	0	0	0	4
Total	9	0	0	0	11	0	1	0	21
Employees with disabilities	0	0	0	0	0	0	0	0	0

Table 3.6.4 Promotions for the period 1 April 2020 to 31 March 2021

Occupational		Male	<b>;</b>		Female				Total
band	African	Coloured	Indian	White	African	Coloured	Indian	White	
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 2020 to 31 March 2021

Occupational		Male	;			Fem	nale		Total
band	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	2	0	0	0	0	0	0	0	2
Senior Management	0	0	0	0	0	0	0	0	0
Professionally qualified and experienced specialists and mid-management	0	0	0	0	0	0	0	0	0
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	0	0	0	0	0	0	0	0	0
Semi-skilled and discretionary decision making	0	0	0	0	2	0	0	0	2
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Total	2	0	0	0	2	0	0	0	4
Employees with Disabilities	0	0	0	0	0	0	0	0	0

Table 3.6.6 Disciplinary action for the period 1 April 2020 to 31 March 2021

Disciplinary		Mal	e			Total			
action	African	Coloured	Indian	White	African	Coloured	Indian	White	
	0	0	0	0	0	0	0	0	0

Table 3.6.7 Skills development for the period 1 April 2020 to 31 March 2021

Occupational		Male	<del>)</del>		Female				Total
category	African	Coloured	Indian	White	African	Coloured	Indian	White	
Total	0	0	0	0	0	0	0	0	0
Employees with disabilities	0	0	0	0	0	0	0	0	0

### **3.7 Signing of Performance Agreements by SMS Members**

Table 3.7.1 Signing of Performance Agreements by SMS members as on 31 May 2020

SMS Level	Total number of funded SMS posts	Total number of SMS members	Total number of signed performance agreements	Signed performance agreements as % of total number of SMS members
Director-General/ Head of Regulator	1	1	1	100
Salary Level 16	0	0	0	0
Salary Level 15	6	5	5	100
Salary Level 14	0	0	0	0
Salary Level 13	7	6	6	100
Total	14	12	12	100

**Table 3.7.2** Reasons for not having concluded Performance Agreements for all SMS members as on 31 March 2021

Reasons	
N/A	

**Table 3.7.3** Disciplinary steps taken against SMS members for not having concluded Performance Agreements as on 31 March 2021

Reasons	
N/A	

#### 3.8 Performance Rewards

**Table 3.8.1** Performance Rewards by race, gender and disability for the period 1 April 2020 to 31 March 2021

	E	Beneficiary Profile	Cost		
Race and Gender	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee
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 2020 to 31 March 2021

	Beneficiary Pr	ofile		Cost		Total cost as a % of	
Salary band	Number of	of Number of % of total wi		Total Cost (R'000) Average cost per employee		the total personnel expenditure	
Total	0	0	0	0	0	0	

**Table 3.8.3** Performance Rewards by critical occupation for the period 1 April 2020 to 31 March 2021

Beneficiary Profile				Cost			
Critical occupation	Number of beneficiaries	Number of employees	% of total within occupation		Total Cost (R'000)	Average cost per employee	
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 2020 to 31 March 2021

	Beneficiary Profile			Cost	Total cost as a	
Salary band	Number of beneficiaries		% of total within salary bands		Average cost per employee	% of the total personnel expenditure
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 2020 and 31 March 2021

Salary	01 April 2020		31 March	2021	Change	
band	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 2020 and 31 March 2021

Major 01 April 2020		31 Mar	ch 2021	Change		
occupation	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 2020 to 31 December 2020

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 Skills (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)	3	100%	1	20%	0.5	R8434.60
Top and Senior management (levels 13-16)	56	92%	3	30%	5.6	R307194.60
Total	61	96	4	20%	6.1	R315628.20

**Table 3.10.2** Disability leave (temporary and permanent) for the period 1 January 2020 to 31 December 2020

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)
Total	0	0	0	0	0	0

Table 3.10.3 Annual Leave for the period 1 January 2020 to 31 December 2020

Salary band	Total days taken	Number of Employees using annual leave	Average per employee
Lower skilled (Levels 1-2)			
Skilled Levels 3-5)	26	4	6.5
Highly skilled production (Levels 6-8)	56	8	7
Highly skilled supervision (Levels 9-12)	71	8	10.2
Senior management (Levels 13-16)	119	9	17
Total	272	29	7.8

Table 3.10.4 Capped leave for the period 1 January 2020 to 31 December 2020

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 20ZZ
Total	0	0	0	0

Table 3.10.5 Leave payouts for the period 1 April 2020 and 31 March 2021

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Leave payouts for 2020/21 due to non-utilisation of leave for the previous cycle	R51342.20	2	R25 662.10
Capped leave payouts on termination of service for 2020/21	0	0	0
Current leave payouts on termination of service for 2020/21	R179 238.16	4	R44 809.54
Total	R206 758.39	5	R 77 467,69

## 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	Developed Guidelines for the Management of Covid 19 in the Workplace.
	Safety Measures were put in place
	PPE was procured
	Deep Cleaning and Decontamination of the Workplace

**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
1. 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.	×		Ms HG Shube Executive Corporate Services
2. 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		One employee is allocated this task as an additional responsibility R22 000 was allocated to this responsibility.
3. Has the Regulator introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	×		Yes, the Regulator developed and approved COVID-19 Guidelines and implemented health and safety protocols in the workplace.

Qı	uestion	Yes	No	Details, if yes
4.	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	
5.	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.	х		Employment Equity Policy and Plan
6.	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.	х		Disclosure of names of employees who tests positive is only limited to contacts and consent should be provided.
7.	Does the Regulator encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have you achieved.		x	No but we encourage employees who present symptoms to isolate and work from home if possible.
8.	Has the Regulator developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.		x	

#### 3.12 Labour Relations

Table 3.12.1 Collective agreements for the period 1 April 2020 and 31 March 2021

Subject matter	Date	
N/A	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 2020 and 31 March 2021

Outcomes of disciplinary hearings	Number	% of total
Total	0	0

#### Notes

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

Total number of Disciplinary hearings finalised	NI
Lotal number of Disciplinary hearings finalised	None

**Table 3.12.3** Types of misconduct addressed at disciplinary hearings for the period 1 April 2020 and 31 March 2021

Type of misconduct	Number	% of total
Total	0	0

Table 3.12.4 Grievances logged for the period 1 April 2020 and 31 March 2021

Grievances	Number	% of Total
Number of grievances resolved	1	100
Number of grievances not resolved	0	0
Total number of grievances lodged	1	100

Table 3.12.5 Disputes logged with Councils for the period 1 April 2020 and 31 March 2021

Disputes	Number	% of Total
Total number of disputes lodged	0	0

Table 3.12.6 Strike actions for the period 1 April 2020 and 31 March 2021

Amount recovered as a result of no work no pay (R'000)	0	
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Table 3.12.7 Precautionary suspensions for the period 1 April 2020 and 31 March 2021

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 2020 and 31 March 2021

Occupational	Gender					
category		employees as at 1 April 2020	Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Total		21	0	0	0	0

Table 3.13.2 Training provided for the period 1 April 2020 and 31 March 2021

Occupation al category	Gender	Number of	Traini	ng provided within the rep	porting period	
ai category		employees as at 1 April 2020	Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Total		21	0	0	0	0

#### 3.14 Injury on duty

Table 3.14.1 Injury on duty for the period 1 April 2020 and 31 March 2021

Nature of injury on duty	Number	% of total
Total	0	0

#### 3.15 Utilisation of Consultants

**Table 3.15.1** Report on consultant appointments using appropriated funds for the period 1 April 2020 and 31 March 2021

Project title	Total number of consultants that worked on project		Duration (work days)	Contract value in Rand	
N/A	0			0	0
Total number of projects		Total individual consultants	Т	otal duration Work days	Total contract value in Rand
N/A		0		0	0

**Table 3.15.2** Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs) for the period 1 April 2020 and 31 March 2021

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

**Table 3.15.3** Report on consultant appointments using Donor funds for the period 1 April 2020 and 31 March 2021

Project title	Total Number of consultants	Duration	Donor and contract value
	that worked on project	(Work days)	in Rand
N/A	0	0	0

Total number of projects	Total individual consultants	Total duration Work days	Total contract value in Rand
N/A	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 2020 and 31 March 2021

Project title	Percentage ownership	Percentage management	Number of consultants from HDI
	by HDI groups	by HDI groups	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 2020 and 31 March 2021

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



# **PART E: FINANCIAL INFORMATION**

## 1. REPORT OF THE AUDITOR GENERAL

The Regulator is audited by the Auditor General of South Africa as part of the Vote of the Department of Justice and Constitutional Development. There is no separate auditors report for the Regulator.

## 2. ANNUAL FINANCIAL STATEMENTS

The Regulator does not produce separate AFS as its financial records form part of the AFS of the DOJ&CD.



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