

**2023/24**  
Financial  
Year



# ANNUAL REPORT



**INFORMATION  
REGULATOR  
(SOUTH AFRICA)**

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



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2023/2024 FINANCIAL YEAR**

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**PART A: GENERAL INFORMATION**

**1. INFORMATION REGULATOR GENERAL INFORMATION**

Registered Name : Information Regulator (South Africa)

Registration Number : None

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Braamfontein  
Johannesburg  
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2017

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Website Address : [www.info regulator.org.za](http://www.info regulator.org.za)

## 2. LIST OF ABBREVIATIONS/ACRONYMS

AFS	Annual Financial Statements
AGSA	Auditor-General of South Africa
AO	Accounting Officer
AOP	Annual Operational Plan
APP	Annual Performance Plan
BBBEE	Broad-Based Black Economic Empowerment
BEC	Bid Evaluation Committee
BSC	Bid Specification Committee
CEO	Chief Executive Officer
CFO	Chief Financial Officer
DIO	Deputy Information Officer(s)
DMASA	Direct Marketing Association of Southern Africa
DoJ&CD	Department of Justice and Constitutional Development
DPSA	Department of Public Service and Administration
EDUCOM	Education and Communication
EHWP	Employee Health and Wellness Programme
EXCO	Executive Management Committee
HDI	Historically Disadvantaged Individuals
HIV & AIDS	Human Immunodeficiency Virus & Acquired Immunodeficiency Syndrome
HOA	Homeowners Allowance
HROS	Human Resource Oversight Statistics
HRP	Human Resource Plan
ICT	Information and Communications Technology
IDP	Identity Provider
IDS	Intrusion Detection System
IO	Information Officer(s)
IPS	Intrusion Prevention System
IT	Information Technology
LTPT	Listing Transition Project Team
MANCO	Management Committee
MIE	Managed Integrity Evaluation
MMS	Middle Management Service
MPSA	Minister of Public Service and Administration



MTEF	Medium Term Expenditure Framework
MTSF	Medium-Term Strategic Framework
NT	National Treasury
OCEO	Office of the Chief Executive Officer
OE	Organisational Environment
OHS	Occupational Health and Safety
OPP	Office of the Public Protector
PA	Performance Agreements
PAIA	Promotion of Access to Information Act 2 of 2000 as amended.
PFMA	Public Finance Management Act 1 of 1999 as amended.
POPIA	Protection of Personal Information Act 4 of 2013
PPPFA	Preferential Procurement Policy Framework Act 5, of 2000
PWD	People with Disabilities
RCC	Residential Communities Council
SAPS	South African Police Services
SCOPA	Standing Committee on Public Accounts
SITA	State Information Technology Agency
SOP	Standard Operating Procedure
SOPI	Summary of Performance Information
SCM	Supply Chain Management
SMS	Senior Management Services
TORs	Terms of Reference
TVET	Technical Vocational Education & Training
VNP	Virtual Private Network

### **3. FOREWORD BY THE CHAIRPERSON**

The financial year 2023/2024 saw the Information Regulator's (Regulator) enforcement mechanisms efforts gather momentum, with several high-profile decisions issued by the Regulator. These decisions were a result of assessments and investigations carried out by the Regulator on compliance with the Promotion of Access to Information Act No. 2 of 2000 (PAIA) and the Protection of Personal Information Act No. 4 of 2013 (POPIA) following complaints received by the Regulator or following the Regulator's own initiative.

#### **PAIA**

In the year under review, the Regulator conducted own-initiative assessments on one hundred and eight (108) public and private bodies in terms of PAIA. The assessments were conducted on national & provincial government departments, universities, political parties, and JSE-listed companies. South Africa is unique among Access to Information (ATI) laws globally because our law applies not only to information held by public bodies but also to information held by private bodies when that information is required to exercise or protect other rights. Furthermore, our ATI law sets another international gold standard in that it also applies to political parties. With 2024 being the year of the National & Provincial Elections (NPE), the Regulator deemed it fit to play its role in enriching South Africa's democratic process by using the tools at its disposal to encourage political parties to apply the principles of transparency and access to information that are so critical in advancing informed decision-making by the voters.

The Regulator has found that none of the political parties represented in parliament were fully compliant with PAIA, a deeply concerning state of affairs. This underscores the urgent need for political parties to improve their compliance, ensuring transparency and accountability in the democratic process.

#### **POPIA**

We remain pleased with the work done to bolster our capacity and the enforcement programme on POPIA. In the year under review, the Regulator received 1044 complaints from the public. Of these, 637 complaints were resolved. Thirteen (13) responsible parties were assessed for compliance with POPIA, and ten (10) assessments are ready for determination by the Regulator through the issuing of Enforcement Notices.



## **EDUCATION & PUBLIC AWARENESS**

On the promotional side, the Regulator continued its unwavering work of raising public awareness about POPIA, PAIA and the work of the Regulator. The Regulator conducted thirty-six (36) public awareness programmes, twenty-one (21) educational programmes and sixty-five (65) stakeholder engagement sessions throughout South Africa. However, the results from the public opinion survey conducted in the year under review revealed that there is still more work that needs to be done to conscientise the public about the work of the Regulator. For example, the results showed that thirty-three percent (33%) of the sampled population were aware of their right to privacy and that nineteen percent (19%) of the sampled population were aware of the right of access to information.

## **LISTING**

We are pleased to report that the listing of the Regulator in terms of the Public Finance Management Act No. 1 of 1999 as amended (PFMA) has now been resolved. On 24 March 2024, the Minister of Finance listed the Regulator as a Schedule 3A National Public Entity. This is a significant milestone in the evolution of the Regulator. However, careful navigation is required to ensure that the listing does not create new complexities in the expression of the independence and sustainability of the Regulator. Since the listing decision, the Regulator has begun designing its transition programme covering aspects such as financial administration, human resources management, policy and procedures, development, and governance processes. The Regulator has adopted a listing transition plan that spans twelve (12) months from 24 March 2024.

On behalf of the Members of the Regulator and myself, I extend, as always, my sincere gratitude to the Chief Executive Officer (CEO), Mr Mosalanyane Mosala, the Executive Committee (EXCO), the Management Committee (MANCO) and all staff of the Regulator for their hard work and dedication to ensuring that the Regulator truly becomes a world-class organisation. Their dedication has seen the Regulator achieve major strides and become a force to be reckoned with, both domestically and globally, in the areas of promotion of access to information and protection of personal information.

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**ADV. PANSY TLAKULA**

**CHAIRPERSON**

#### 4. REPORT OF THE ACCOUNTING OFFICER (AO)

##### 4.1. Financial Reporting

During the year under review, the Regulator received additional resources to carry out its mandate. The budget allocation was increased from R 100 609 million to R107 953 million in the 2023/24 financial year, enabling the Regulator to achieve its planned targets in terms of its Annual Performance Plan (APP).

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

Table 4.2.1: Expenditure Report

Economic Classification	2023/2024			2022/2023		
	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	73 942	73 706	236	71 702	64 003	7 699
Goods and services	25 836	25 836	-	22 929	22 012	917
Household payments	<b>304</b>	<b>304</b>	-	267	267	-
Buildings	-	-	-	-	-	-
Machinery and equipment	<b>1 100</b>	<b>1 100</b>	-	4 365	1 285	3 080
Software and intangibles	<b>6 744</b>	<b>6 744</b>	-	1 340	1 340	-
Provincial and Local Governments	-	-	-	-	-	-
<b>Total</b>	<b>107 953</b>	<b>107 716</b>	<b>236</b>	<b>100 609</b>	<b>88 913</b>	<b>4 96</b>

4.2.2. The Regulator did not produce separate Annual Financial Statements (AFS) for the 2023/24 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

4.2.3. **The expenditure report for the financial year, which ended on 31 March 2024, indicates an actual expenditure of R 107 716 million or 100% of the available budget made up as follows:**

4.2.3.1. Seventy-three million, seven hundred and six thousand rands (R 73 706 000) or one hundred percent (100%) on Compensation of Employees.

4.2.3.2. Twenty-five million, eight hundred and thirty-six thousand rands (R 25 836 000) or one hundred percent (100%) on Goods and Services,

4.2.3.3. Three hundred and four thousand rands (R 304 000) or one hundred percent (100%) related to Household payments (annual leave gratuities for resignations),

4.2.3.4. One million and one hundred thousand rands (R 1 100 000) or one hundred percent (100%) on Machinery and Equipment.

#### 4.3. **Summary of Performance Information**

4.3.1. The Regulator's performance decreased during the period under review from ninety-one percent (**91%**) in the 2022/23 financial year to eight-nine percent (**89%**) in the 2023/24 financial year under review. The overall performance decreased by two percentage points.

4.3.2. The 2023/24 APP contained twenty (20) output indicators, of which nineteen (19) had planned targets, while one (1) output indicator had no planned targets. Seventeen (17) out of those targets were achieved, and two (2) were not achieved.

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

**Table 4.3.3: Performance against planned targets for financial year 2023/24**

PROGRAMME	TOTAL INDICATORS	TOTAL PLANNED ANNUAL TARGETS	TOTAL UNPLANNED ANNUAL TARGETS	TOTAL ACHIEVED	TOTAL NOT ACHIEVED	ANNUAL PERCENTAGE
Protection of Personal Information	5	4	1 <sup>1</sup>	4	0	100%
Promotion of Access to Information	4	4	0	4	0	100%
Education & Communication	5	5	0	5	0	100%
Legal Services	2	2	0	1	1	50%
Administration	4	4	0	3	1	75%
<b>Total</b>	<b>20</b>	<b>19</b>	<b>1</b>	<b>17</b>	<b>2</b>	<b>89%</b>

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**MR. MOSALANYANE MOSALA**

**ACCOUNTING OFFICER**

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<sup>1</sup> In Programme 1: Protection of Personal Information, there was no request for assessment under the output indicator “**Percentage of responsible parties assessed upon request within the prescribed time frame**”. This planned annual planned target of 50% was not counted during the period under review.

**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, 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 2024.

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**ACCOUNTING OFFICER**

**MR. MOSALANYANE MOSALA**

**DATE:** \_\_\_\_\_

## 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 law to protect the rights of everyone.

### 6.3. Values

The Regulator is committed to the values of transparency, accountability, integrity, excellence, impartiality, and responsiveness in each of these dimensions as follows:

#### 6.3.1. Transparency

We are open about our processes and decisions that affect members of the public and members of staff.

#### 6.3.2. Accountability

We take accountability by owning the decisions we make, using work resources responsibly and appropriately; using, sharing, and disclosing information as intended in accordance with POPIA and PAIA.

#### 6.3.3. Integrity

We act honestly, openly, and consultatively in the performance of our work and use our positions fairly and responsibly.

#### 6.3.4. Excellence

We strive for excellence by exceeding standards for service delivery to public and private bodies and the public in particular.

#### 6.3.5. 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.



6.3.6. **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 the protection, enforcement and fulfilment of the right to privacy and the right of access to information.

7.2. **Legislative Mandate**

7.2.1. **The core functions in terms of POPIA are:**

7.2.1.1. To provide education by:

- Promoting an understanding and acceptance of the lawful processing of personal information.
- Undertaking educational programmes.
- Making public statements.
- Providing advice.

7.2.1.2. To monitor and enforce compliance by:

- Public and private bodies.
- Undertaking research and monitoring developments in information processing and computer technology.
- Examining proposed legislation, subordinate legislation, and policies and providing a report on the results of the examination to the Minister and Parliament.
- 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.
- Conduct assessments with respect to the processing of personal information.
- Monitoring the use of unique identifiers and reporting to Parliament.
- Maintaining and publishing copies of the registers prescribed in POPIA.

- Examining proposed legislation that makes provision for the collection and disclosure of personal information and providing a report on the results of the examination to the Minister responsible for the administration of justice.

7.2.1.3. To consult with interested parties by:

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

7.2.1.4. To handle complaints by:

- Receiving and investigating complaints.
- Gathering information.
- Attempting to resolve complaints through dispute resolution mechanisms;
- Serving notices.

7.2.1.5. To conduct research on:

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

7.2.1.6. In respect of codes of conduct, to:

- Issue, amend or revoke codes of conduct.
- Make guidelines to assist bodies to develop or apply codes of conduct.
- Consider determinations by adjudicators under approved codes of conduct.

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

**7.2.2. The core functions in terms of PAIA are:**

7.2.2.1. In respect of complaints to:

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

7.2.2.2. In respect of investigations to:

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

7.2.2.3. The Regulator is also mandated, in terms of PAIA to,

- Issue notices,
- Make assessments on whether public and private bodies comply with the provision of PAIA.

7.2.2.4. In respect of additional functions to:

- 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.
- The extent that financial and other resources are available-
  - Develop and conduct educational programmes, in particular for disadvantaged communities, on how to exercise the rights contemplated in this Act.
  - Encourage public and private bodies to participate in the development and conduct of educational programmes, and to undertake such programmes themselves.
  - Promote timely and effective dissemination of accurate information by public bodies about their activities.
- Identify gaps in PAIA or any other laws and make recommendations to reform or amend PAIA or any other laws.

7.2.2.5. Make 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.
- Procedures on how private and public bodies make information available electronically.

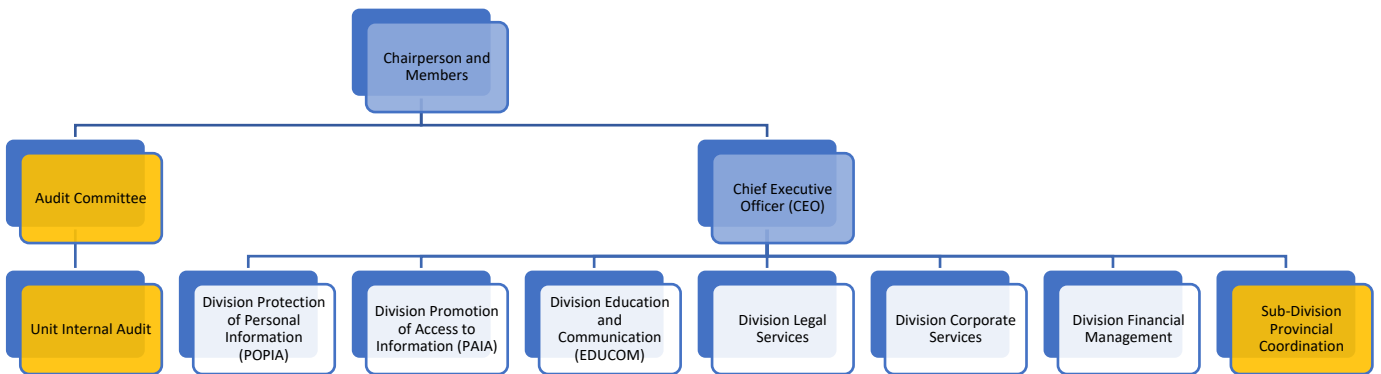
7.2.2.6. Monitor implementation of PAIA.

- 7.2.2.7. If reasonably possible, on request, assist any person wishing to exercise a right of access to information under PAIA.
- 7.2.2.8. Train Information Officers (IO) and Deputy Information Officers (DIO).
- 7.2.2.9. Recommend to a public or private body to make changes in the manner in which it administers PAIA, as the Regulator considers advisable.
- 7.2.2.10. Consult with and receive reports from public and private bodies on problems encountered in complying with PAIA.
- 7.2.2.11. Obtain advice from, consult with, and consider proposals or recommendations from parties in connection with the Regulator's functions.
- 7.2.2.12. 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.
- 7.2.2.13. Enquire into any matter, including any legislation, the common law, and any practice and procedure related to the objects of PAIA.
- 7.2.2.14. Submit, in its annual reports to the National Assembly, information contemplated in section 84 of PAIA.

## 8. ORGANISATIONAL STRUCTURE

8.1. 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**



## **PART B: PERFORMANCE INFORMATION**

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

1.1. The Regulator has not been audited separately as it was still operating under, and uses the policies of, the DoJ&CD during the 2023/24 financial year.

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

#### **2.1. Service Delivery Environment**

2.1.1. The Regulator's flagship community engagement programme, the "Dikopano", initiated in 2022, is maturing to be an impactful programme of *"Taking the Regulator to the People"*. During the year under review, the Regulator hosted two (2) Dikopano programmes. The first engagement was held in the Nkambeni tribal area of Mpumalanga Province, and the second one was held in Kariega, Kwa-Nobuhle, in the Eastern Cape Province. The Dikopano are unmediated community engagement sessions used as a platform for a two-way engagement between the community members and the Regulator so that the Regulator can gain insights into challenges faced by the communities and empower them to exercise their right to privacy and the right of access to information to address those challenges where possible.

2.1.2. Over and above the Dikopano, the Regulator conducted ongoing public awareness sessions which were conducted in eight (8) provinces. The Regulator collaborated with various stakeholders, including municipalities, national and provincial government departments, state entities and other regulators to conduct public awareness activations on the work of the Regulator.

2.1.3. These events were conducted in areas where community members converge and where there is high foot traffic so as to reach a diverse and wide audience. The activations were conducted in areas such as taxi ranks, shopping malls, and service points, including institutions of higher learning such as the Vaal University of Technology Open Day session. Public awareness sessions were also conducted, through exhibitions and information sharing sessions among others.



- 2.1.4. The Regulator continuously puts effort towards amplifying the dissemination of information about its services to communities from disadvantaged areas by targeting information sharing through community radio stations. Information disseminated on this medium was done over seventy (70) radio stations throughout the country and the message was delivered in all official languages.
- 2.1.5. During the year under review there were significant increases in relation to POPIA complaints lodged as well as the security compromises reported, however the Regulator still managed to achieve its planned targets in spite of these increases.
- 2.1.6. The Regulator resolved one hundred percent (100%) of simple POPIA complaints through mediation and conciliation processes and finalised one hundred percent (100%) of complex POPIA complaints due for finalisation. Eighty (80) complex complaints were investigated and finalised within the prescribed turnaround period of twelve (12) months and five hundred and fifty-seven (557) simple complaints, were resolved within the prescribed period of three (3) months. Two investigation reports were submitted to the Enforcement Committee.
- 2.1.7. In relation to security compromises five hundred and ninety (590) security compromise notifications were received in 2022/2023 financial year while in 2023/24 financial year the notifications increased to one thousand seven-hundred and twenty-seven notifications (1727).
- 2.1.8. The following high-profile security compromise matters were handled by the Regulator:
- 2.1.8.1. *TransUnion*  
Following TransUnion's March 2022 section 22 notification to the Regulator indicating that it had suffered a security compromise, the Regulator conducted an assessment which has found, among others, that TransUnion breached the conditions for the lawful processing of personal information. Consequently, the Regulator issued an Enforcement Notice against TransUnion.
- 2.1.8.2. *South African Police Service (Krugersdorp)*  
The Regulator issued an Enforcement Notice against the South African Police Service (SAPS) for the distribution of personal information of the victims of sexual assault in the Krugersdorp area. The Regulator ordered the SAPS, among other things, to investigate the circumstances that led to this security compromise incident. The SAPS was required to

ensure that that investigation must specify the measures the SAPS has taken to ensure that this incident or any incident of a similar nature does not recur. SAPS complied with the Enforcement Notice, and the matter was closed.

2.1.8.3. *Dis-Chem*

The pharmaceutical company Dis-Chem suffered a security compromise in May 2022 following a brute-force attack that saw the personal information of 3.6 million data subjects' being accessed by unauthorised persons from Dis-Chem's e-Statement Service database. In 2023, the Regulator issued an Enforcement Notice against Dis-Chem following an investigation into the security compromise. The Regulator has completed its assessment of Dis-Chem's compliance with the Enforcement Notice and was satisfied that Dis-Chem is compliant with the recommendations contained in the Enforcement Notice. As a result, the Regulator closed its file on Dis-Chem.

2.1.9. The Regulator received two (2) applications for the issuing of the codes of conduct from major industry players, namely the Residential Communities Council (RCC) and the Direct Marketing Association of Southern Africa (DMASA). These applications were not approved by the Regulator as they did not comply with some of the prescribed requirements for the issuing of the codes of conduct. The submission of these codes of conduct was significant as it provided the Regulator with an opportunity to delve into issues pertinent to these two important industries and their impact on the protection of personal information.

2.1.10. The low level of compliance with POPIA by public and private bodies remains a significant concern. In an effort to address this low-level of compliance the Regulator conducted its own-initiative and targeted assessments in the banking, retail, and public sector institutions. These assessments highlighted the role that the Regulator plays in holding responsible parties accountable, irrespective of the size and revenue of both private and public bodies.

2.1.11. In relation to the promotion of access to information, the Regulator received three hundred and forty (340) complaints (214 against public bodies and 126 against private bodies) and managed to resolve all (100%) simple and complex complaints within the prescribed timelines. Mediation and conciliation processes assisted with the speedy resolution of complaints. However, investigations were also conducted, and eight (8) investigation reports were issued during the period under review.

- 2.1.12. In its endeavour to monitor and encourage compliance with PAIA, the Regulator conducted its own initiative assessments in the national and provincial government departments, Political Parties, Universities, and JSE-listed entities, wherein a total of one hundred and eight (108) bodies were assessed. Partial compliance with PAIA was observed in most bodies, and assessment reports with recommendations for implementation were issued accordingly. All requests for assessment (100%) were also processed and finalised within the prescribed timeline of three (3) months. These assessments have also provided the Regulator with an opportunity to raise awareness about PAIA requirements as well as the importance of compliance thereto.
- 2.1.13. During the year under review, six (6) proposed legislation which may affect the protection of the personal information of data subjects were examined and reports were compiled. The reports were submitted to the Minister of Justice and Correctional Services, and they will assist in ensuring that all proposed legislation or proposed policy of Government align with the POPIA, as it relates to the protection of personal information.

**Below is the list of the proposed legislation examined and reports compiled on:**

- 2.1.13.1. National Identification and Registration Bill, 2022
- 2.1.13.2. Draft Amendment Regulations regarding Children, 2023
- 2.1.13.3. Cybersecurity Bill, 2024
- 2.1.13.4. Draft Regulations on Covid-19 Social Relief of Distress, 2024
- 2.1.13.5. Amendment of the Numbering Plan Regulations, 2016, in terms of Section 68 read with section 4 of the Electronic Communications Act, 2005 (Act No. 36 of 2005)
- 2.1.13.6. Statistics Amendment Bill, 2023

**2.2. Organisational environment**

- 2.2.1. The Regulator is a performance-driven institution and, in its effort to recognise the excellent performance of staff, the CEO, in consultation with the Members of the Regulator, established the Excellence Awards project, which is open to all staff members that are employed in the Regulator on a permanent or contractual basis. The Excellence Awards Policy was developed and approved in December 2022, and the inaugural Excellence Awards were held in September 2023, where various categories were awarded. The Regulator's staff were given an opportunity to vote for the winner in the Employee of the Year category.

2.2.2. During the year under review, the Accounting Officer (AO) put measures in place in the form of Quarterly Performance Review sessions to strengthen the monitoring of Annual Operational Plans (AOP), APP, as well as the Combined Assurance. The Quarterly Review Sessions were held to ensure accountability by Divisions to the AO.

### 2.3. **The work of the Enforcement Committee**

The Enforcement Committee was established in August 2022, in terms of section 50 of POPIA. Its mandate and functions are outlined in sections 92 (1) and 93 of POPIA and section 77(c) (1) (b) of PAIA.

The Committee is responsible for:

- (i) Considering all matters referred to by the Regulator in terms of section 92 of POPIA or section 77 of PAIA and determining findings in respect thereof.
- (ii) Making any recommendation to the Regulator necessary or incidental to any action that should be taken against a responsible party in terms of POPIA or an IO of the public body or head of the private body in terms of PAIA.

In the year under review, the Committee considered the following matters and submitted the Enforcement Reports to the Members for consideration.

The summary of matters tabled is as follows:

Number of matters carried over from the previous financial year	Number of matters tabled	Number of matters withdrawn	Number of matters considered	Number of matters not yet due for finalisation	Number of matters finalised	Number of matters not finalised ( <i>due to their complex nature</i> )
1	10	4	7	2	4	1

The following Enforcement Notices were issued by the Members in the year under review:

No.	MATTER	DIVISION	DATE OF REFERRAL	FINALISATION DATE
1.	Daryl Randall Mocke // Mocking Bull Holdings (Pty) Ltd)	PAIA	07 March 2023	Enforcement Notice issued on 28 July 2023
2.	Beatrice Brock // Bernardino Security Association NPC	PAIA	17 May 2023	Enforcement Notice issued on 24 November 2023
3.	Pickover // Department of Fisheries, Forestry, and the Environment	PAIA	17 June 2023	Enforcement Notice issued on 01 March 2024
4.	Badenhorst // FT Rams Consulting	POPIA	17 November 2023	Enforcement Notice Issued on 21/02/24 via email and on 22/02/24 by hand.



The following matters were withdrawn and therefore no Enforcement Notices were issued on them by the Members in the year under review:

No.	MATTER	DIVISION	DATE OF REFERRAL	FINALISATION DATE
1.	Hardwick Trading // SAMPRA	PAIA	16 November 2023	<b>Withdrawn</b> on 31 January 2024, the private body granted access to records.
2.	Hardwick Trading // Gallo	PAIA	18 December 2023	<b>Withdrawn</b> on 31 January 2024, the private body granted access to records.
3.	OUTA // NNR	PAIA	29 January 2024	<b>Withdrawn</b> on 12 February 2024, the complainant and private body agreed to the findings and recommendations of the investigation report.
4.	Sekeliga NPC//The Competition Commission	PAIA	08 March 2024	<b>Withdrawn</b> on 17 April 2024, the public body granted access to the requested records.

The following matters were not due for issuing of Enforcement Notices on them by the Members in the year under review:

No.	MATTER	DIVISION	DATE OF REFERRAL	FINALISATION DATE
1.	Myburgh // The State Security Agency	PAIA	04 September 2023	Outstanding – the matter is ongoing
2.	Mabore // Blouberg Local Municipality	POPIA	06 March 2024	Not yet due for finalisation at the end of the 2023/2024 financial year.
3.	Rootman // Rustenburg Local Municipality	PAIA	20 March 2024	Not yet due for finalisation at the end of the 2023/2024 financial year.

2.4. **Key policy developments and legislative changes**

2.4.1. PAIA is a 24-year-old legislation, and the Regulator has identified some sections of the Act which require amendments. The proposed amendments are intended to ensure that the enforcement powers in terms of PAIA are equivalent to those provided for in terms of POPIA.

**The key preliminary proposed amendments are, amongst others-**

- 2.4.1.1. Compliance Assessment Report must be deemed an Enforcement Notice to create an effective enforcement mechanism.
- 2.4.1.2. As an independent body, the Regulator must have the power to make regulations and issue directives from time to time.
- 2.4.1.3. In line with other international jurisdictions, the Regulator to impose administrative fines under PAIA, should there be failure to comply with Enforcement Notices.
- 2.4.1.4. The Regulator must have the power to issue Information Notices for the purpose of compliance assessments, and non-compliance with an Information Notice must be an offence.
- 2.4.1.5. The Regulator must have the power to summon or subpoena a person or records when conducting compliance assessment; and
- 2.4.1.6. The Regulator must have the power to conduct search and seizure when conducting compliance assessments and monitoring.

**2.5. Progress towards achievement of institutional impacts and outcomes**

2.5.1. A five-year strategic plan which covers the period between 2022/23-2026/27 was developed based on the Members’ priorities in terms of the Vision 2022-2026 Policy Priorities document. The 2023/24 APP was also developed, and it was the second year of the five-year strategic plan implementation.

**Below are the outcome indicators in the strategic plan and the progress made towards achieving the institutional impacts and outcomes.**

**Table 2.5.1 Progress towards achievement of impacts and outcomes**

<b>Impact statement: All persons are empowered to assert their rights to privacy as it relates to the protection of personal information and access to information.</b>			
<b>Outcome</b>	<b>Outcome Indicators</b>	<b>2023/24</b>	<b>Progress towards the achievement of Outcomes (Narration)</b>
1. Personal Information Protected and Access to Information promoted	1.1. Percentage of complex complaints received, investigated, and completed within the prescribed timeframes (POPIA)	1.1.1. 60% of complex complaints received, investigated, and completed within the prescribed timeframes.	1.1.1.1. The Regulator is developing a Complaints Management System. Phase 1 of the system has been completed. 1.1.1.2. The POPIA division has achieved 100% in respect of complex complaints. 1.1.1.3. Complex complaints are investigated in line with the approved Standard Operating Procedures (SOP). Where a contravention of POPIA has been noted, enforcement action is

Impact statement: All persons are empowered to assert their rights to privacy as it relates to the protection of personal information and access to information.			
Outcome	Outcome Indicators	2023/24	Progress towards the achievement of Outcomes (Narration)
			<p>taken by referring the complaints to the Enforcement Committee.</p> <p>1.1.1.4. Two (2) investigation reports were referred to the Enforcement Committee</p>
	1.2. Percentage of simple complaints received, investigated, and resolved within the prescribed timeframes (POPIA).	1.2.1. 100% of simple complaints received, investigated, and resolved within the prescribed timeframes.	<p>1.2.1.1. The POPIA Division achieved 100% in respect of simple complaints.</p> <p>1.2.1.2. Simple complaints are resolved through mediation between the parties. This ensures that complaints are resolved expeditiously.</p>
	1.3. Percentage of complex complaints received, investigated, and completed within the prescribed timelines. (PAIA)	1.3.1 60% of complex complaints received, investigated, and completed within the prescribed timelines. (PAIA)	<ul style="list-style-type: none"> <li>• In 2023/2024, the PAIA Division achieved 100% in respect of both Complex and Simple complaints.</li> <li>• The Complaints and Investigations' SOP was reviewed to improve efficiency in resolving complaints, through mediation or conciliation, and by conducting investigations.</li> <li>• Eight (8) investigation reports were issued after the investigations were finalised and referred to the Enforcement Committee.</li> </ul>
	1.4 Percentage of Simple Complaints received and resolved within the prescribed timelines. (PAIA)	1.4.1 100% of Simple Complaints received and resolved within the prescribed timelines.	

Impact statement: All persons are empowered to assert their rights to privacy as it relates to the protection of personal information and access to information.			
Outcome	Outcome Indicators	2023/24	Progress towards the achievement of Outcomes (Narration)
	1.5 Percentage of the nationally representative sample of the population who are aware of their right to privacy (as it relates to protection of personal information).	1.5.1 Ten percent (10%) of the nationally representative sample of the population are aware of their right to privacy (as it relates to protection of personal information).	<ul style="list-style-type: none"> <li>The Division successfully finalised the second edition of public opinion surveys to assess the knowledge of the public on the two rights:               <ul style="list-style-type: none"> <li>The right to privacy, and</li> <li>the right of access to information.</li> </ul> </li> <li>The surveys conducted during the year under review were nationally representative, and therefore, the findings were expected to be different from the findings from the 2022/23 financial survey report, which was based on the limited scope of the research project in terms of representativity.</li> <li>The 2023/24 research report indicated that thirty-three percent (33%) of the sampled population were aware of their right to privacy.</li> <li>The research report indicated nineteen percent (19%) awareness about the right of access to information</li> <li>The recommendations from the public opinion surveys have been used as indicators of priority areas that the Education &amp; Communication (EDUCOM) Division</li> </ul>
	1.6 Percentage of the nationally representative sample of the population who are aware of their right of access to information	Ten percent (10%) of the nationally representative sample of the population who are aware of their right of access to information	

<b>Impact statement: All persons are empowered to assert their rights to privacy as it relates to the protection of personal information and access to information.</b>			
<b>Outcome</b>	<b>Outcome Indicators</b>	<b>2023/24</b>	<b>Progress towards the achievement of Outcomes (Narration)</b>
			<p>should focus on in efforts to improve communication, public awareness, and education initiatives.</p> <ul style="list-style-type: none"> <li>• For each of the findings from the survey report there will be actions developed to respond to the findings.</li> </ul>
	1.7. Number of education programmes conducted to promote protection of personal information.	1.7.1. Nine (9) education programmes conducted to promote protection of personal information.	<ul style="list-style-type: none"> <li>• 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 in exercising their right to privacy as it relates to the protection of personal information and the right of access to information.</li> </ul>
	1.8 Number of education programmes conducted to promote access to information.	1.8.1 Nine (9) education programmes conducted to promote access to information.	<ul style="list-style-type: none"> <li>• The Regulator created a balanced delivery of education and awareness activities to the public and stakeholders. The education and training programmes targeted Information Officers and Deputy Information Officers of public institutions to equip them with information and skills to comply with POPIA and PAIA.</li> <li>• During the year under review, a total of twenty-one (21) educational programmes were conducted: eleven (11)</li> </ul>



**Impact statement: All persons are empowered to assert their rights to privacy as it relates to the protection of personal information and access to information.**

Outcome	Outcome Indicators	2023/24	Progress towards the achievement of Outcomes (Narration)
			<p>educational programmes were conducted on POPIA, and ten (10) were conducted on PAIA. This marks an over-achievement of sixteen percent (16%) of the annual target of eighteen (18). The forty-two (42) educational programmes delivered in the first two years of the rollout of the programme mark forty-four percent (44%) achievement towards the MTSF target of ninety-four (94)</p>

## 2.6. Institutional Programme Performance Information

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

#### **Purpose:**

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

#### **The following are sub-programmes within this programme:**

##### **a) Compliance and monitoring sub-programme is responsible for:**

- The monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of POPIA (sections 40 and 89).
- Conducting assessments in terms of section 89 of POPIA to establish whether a public or private body generally complies with the provisions of POPIA.
- Authorise the responsible party to process Special Personal Information in terms of section 27 of POPIA.
- Authorising the responsible party to process the Personal Information of Children in terms of section 35 of POPIA.
- Authorising responsible parties that plan to process personal information in terms of section 57 of POPIA.
- Issuing Codes of Conduct to the responsible parties in terms of section 60 of POPIA.
- Granting exemption to the responsible parties in terms of section 37 or 38 of POPIA.
- Ensuring compliance with an Information Notice.
- Ensuring compliance with an Enforcement Notice.
- Referring non-compliance to Legal Services for criminal action.
- Enforcing the appearance of persons before the Regulator and compelling them to give oral or written evidence on oath and to produce any records and information that the Regulator considers necessary.
- Referring court applications to legal services and monitoring progress.
- Consulting with and receiving reports from public and private bodies on the challenges encountered in complying with POPIA.
- Making general enquiries on any matter, legislation, common law and any practice and procedure concerning the objects of POPIA.
- Monitoring the implementation of POPIA.

- Handling of enquiries related to POPIA.
- Providing inputs in the compilation of the annual report; and
- Providing inputs to the development, improvement, modernisation, reform, or amendment of POPIA or other legislation impacting on the protection of personal information.

**b) The Security Compromise sub-programme is responsible for the following:**

- The monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of section 22 of POPIA.
- Assessing security compromise notifications in terms of section 22 of POPIA.
- Overseeing and conducting own-initiative assessments as a result of security compromises.
- Overseeing the evidence analysis for security compromises.
- Identification and analysis of trends in relation to security compromises.

**c) Complaints and Investigations is responsible for:**

- Handling of complaints and conducting of investigations in accordance with the provisions of POPIA.
- Providing assistance to any person with submission of their complaints in writing.
- Receiving and investigating complaints about alleged infringements on the right to privacy.
- Initiating own investigations into the interference with the protection of personal information of a data subject.
- Conducting pre-investigation proceedings.
- Resolving complaints by means of dispute resolution mechanisms.
- Conducting investigations.
- Issuing summons and information notices for the appearance of persons before the Regulator, to give oral or written evidence and to produce any records and information that the Regulator considers necessary to conduct an investigation.
- Conducting search and seizure.
- Referring complaints or other matters to the Enforcement Committee; and
- Issuing of the Regulator's information and enforcement notice.

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

**Programme / Sub-programme: Protection of Personal Information**

<b>Outcome</b>	<b>Output</b>	<b>Output Indicator</b>	<b>Audited Actual Performance 2021/2022</b>	<b>Audited Actual Performance 2022/2023</b>	<b>Planned Annual Target 2023/2024</b>	<b>Actual Achievement Performance 2023/2024</b>	<b>Deviation from Planned Annual Target 2023/2024</b>	<b>Reasons for Deviations</b>
Personal Information Protected	Complex complaints received, investigated and finalised.	Percentage of complex complaints received, investigated, and finalised. (POPIA)	50 % of pre-investigated complaints finalised	50% of complex complaints received, investigated, and finalised	60% of complex complaints received, investigated and finalised.	<b>Over-achieved.</b> 100% of complex complaints received, investigated and finalised.	Target exceeded by 40 percentage points.	Prioritisation of complex complaints and actions taken in accordance with the operation (SOP) and additional staff members.
	Simple complaints received, investigated, and resolved within the prescribed timeframes.	Percentage of simple complaints received, investigated, and resolved within the prescribed timeframes.	50 % of pre-investigated complaints finalised within the prescribed timeframes.	100% of simple complaints received, investigated, and resolved within the prescribed timeframes.	100% of simple complaints received, investigated, and resolved within the prescribed timeframes.	<b>Achieved</b> 100% of simple complaints received, investigated, and resolved within the prescribed timeframes.	N/A	N/A

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

Programme / Sub-programme: Protection of Personal Information								
	Responsible parties assessed on compliance with POPIA.	Number of responsible parties assessed on compliance with POPIA.	N/A	4 responsible parties assessed on compliance with POPIA.	12 responsible parties assessed on compliance with POPIA.	<b>Over-achieved.</b> 13 responsible parties assessed on compliance with POPIA.	Target exceeded by 1.	Responsible parties were more cooperative.
	Responsible parties assessed upon request within the prescribed period.	Percentage of responsible parties assessed upon request within the prescribed period.	N/A	N/A	50% responsible parties assessed upon request within the prescribed period.	0% responsible parties assessed upon request within the prescribed period.	No requests were received.	N/A
	Guidance Note on Direct Marketing developed and approved.	Number of Guidance Notes on Direct Marketing developed and approved.	N/A	N/A	1 Guidance Note on Direct Marketing developed and approved.	<b>Achieved</b> 1 Guidance Note on Direct Marketing developed and approved.	N/A	N/A

## 2.6.2. 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.

### List of Sub-Programmes (if applicable):

#### a) Complaints and Investigations is responsible for:

The sub-programme is responsible for the handling of complaints and conducting investigations in accordance with the provisions of PAIA. It comprises the following functions:

- Receiving and investigating complaints about alleged violations of the right of access to information.
- Providing assistance to any person with submission of their complaints in writing.
- Conducting pre-investigation proceedings.
- Resolving complaints by means of dispute resolution mechanisms.
- Conducting investigations.
- Issuing summons for the appearance of persons before the Regulator, to give oral or written evidence and to produce any records and information that the Regulator considers necessary to investigate a complaint.
- Referring investigation reports to the Enforcement Committee for a decision or guidance.
- Conducting search and seizure.
- Serving of the Regulator's information and enforcement notices.

#### b) Compliance and Monitoring is responsible for:

The sub-programme conducts monitoring and enforcement of compliance by public and private bodies in accordance with the provisions of PAIA. It comprises the following functions:

- Compiling and making available a PAIA Guide.

- Conducting assessments of whether a public or private body generally complies with the provisions of the Act insofar as its policies and implementation procedures are concerned.
- Drafting of compliance assessment reports to public and private bodies.
- Ensuring compliance with the Information Notice.
- Ensuring compliance with the Enforcement Notice.
- Referring non-compliance to Legal Services for criminal action.
- Ensuring execution of warrants.
- Enforcing the appearance of persons before the Regulator and compelling them to give oral or written evidence on oath and to produce any records and information that the Regulator considers necessary to investigate complaints.
- Referring court applications to Legal Services and monitoring progress.
- Consulting with and receiving reports from public and private bodies on the problems encountered in complying with this Act.
- Collecting public bodies' reports in terms of Section 32 of PAIA.
- Collecting private bodies' reports in terms of Section 83(4) of PAIA.
- Obtaining a report from the Public Protector, regarding the number, nature and outcome of complaints dealt with by the Public Protector.
- Making general enquiries on any matter, legislation, common law and any practice and procedure concerning the objects of PAIA.
- Monitoring the implementation of PAIA.
- Recommending to a public or private body that it makes such changes in the manner in which it administers PAIA, as the Regulator considers advisable.
- Providing inputs in the compilation of the annual report, as contemplated in section 84 of PAIA.
- Providing inputs to 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
- Developing and updating of procedures in terms of which public and private bodies make information electronically available.

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

<b>Programme: Promotion of Access to Information</b>								
<b>Outcome</b>	<b>Output</b>	<b>Output Indicator</b>	<b>Audited Actual Performance 2021/2022</b>	<b>Audited Actual Performance 2022/2023</b>	<b>Planned Annual Target 2023/2024</b>	<b>Actual Achievement Performance 2023/2024</b>	<b>Deviation from Planned Annual Target 2023/2024</b>	<b>Reasons for Deviations</b>
Access to Information Promoted	Complex complaints received, investigated and completed within the prescribed timelines.	Percentage of complex complaints received, investigated and completed within the prescribed timelines.	100% pre-investigated complaints finalised	100% of Complex complaints investigated and finalised.	60% of Complex complaints received and investigations completed.	<b>Over- Achieved</b> 100% of Complex complaints received, investigated and finalised.	Target exceeded by 40 percentage points.	Improved efficiency through in-house training on resolving complaints through mediation and conciliation, and conducting investigations.
	Simple complaints received and resolved within the prescribed timelines	Percentage of simple complaints received and resolved within the prescribed timelines.	100% pre-investigated complaints finalised.	100% of Simple complaints investigated and resolved.	100% of Simple complaints investigated and resolved.	<b>Achieved</b> 100% of Simple Complaints investigated and resolved.	N/A	N/A



Programme: Promotion of Access to Information								
Outcome	Output	Output Indicator	Audited Actual Performance 2021/2022	Audited Actual Performance 2022/2023	Planned Annual Target 2023/2024	Actual Achievement Performance 2023/2024	Deviation from Planned Annual Target 2023/2024	Reasons for Deviations
	Targeted public and private bodies assessed on compliance with the provisions of PAIA.	Number of targeted public and private bodies assessed on compliance with the provisions of PAIA.	N/A	96 targeted public and private bodies monitored on compliance.	108 targeted public and private bodies assessed on compliance	<b>Achieved</b> 108 targeted public and private bodies assessed on compliance with the provisions of PAIA.	N/A	N/A
	Public and private bodies assessed upon request within the prescribed period.	Percentage of public and private bodies assessed upon request within the prescribed period.	N/A	N/A	50% of public and private bodies assessed upon request.	<b>Over- Achieved</b> 100% of public and private bodies assessed upon request within the prescribed period.	Target exceeded by 50 percentage points.	Improved efficiency through in-house training on conducting compliance assessments

### 2.6.3. 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 in accordance with the provisions of sections 40(1)(a), 40(1)(b)(iv), 40(1)(b)(vii), 40(1)(b)(viii), 40(1)(c)(i) & (ii), 40(1)(e), 40(2) of POPIA and section 83(2) of PAIA.

a) **Communication and Media Relations sub-programme:**

This sub-programme is responsible for the provision of communication, media relations, public liaison and branding services.

#### **Functions**

- Liaising with the media to influence the narrative of the Regulator's work and promote its key messages for the benefit of keeping the public and stakeholders informed. Build relations with the media to build and sustain favourable media coverage.
- Conducting internal communication initiatives to build knowledge on the work of the Regulator amongst the staff and keep them abreast on the organisational developments.
- Creating content and digital platform management: packaging content into products that will be efficiently accessible to all persons and disseminated through digital and traditional platforms.
- Promoting the Regulator's brand through driving marketing initiatives, advertising and events.

b) **Policy and Research sub-programme:**

This sub-programme manages the development of policy and the conduct of applied research.

#### **Functions**

- Managing and undertaking research on the desirability of acceptance of international instruments relating to the protection of personal information.

- Managing and undertaking research on any other matter relating to the protection of personal information and access to information that should be drawn to Parliament's attention.
- Managing research to identify gaps in POPIA and PAIA and make recommendations to reform or amend POPIA and PAIA.
- Informing policy guidelines for public and private bodies; and
- Managing reporting to Parliament on any policy matter affecting the protection of personal information including the need for legislative, administrative or other action necessary to protect the personal information of a data subject.

c) **Stakeholder Management and Engagement sub-programme:**

This sub-programme is responsible for coordinating the Regulator's engagements with stakeholders nationally and internationally.

**Functions**

- Consulting with and receiving reports from public and private bodies on the problems encountered in complying with POPIA and PAIA.
- Obtaining advice from, consulting with, or receiving and considering proposals or recommendations from any public or private body, an official of such a body or member of the public in connection with the Regulator's functions in terms of POPIA and PAIA.

d) **Education and Public Awareness sub-programme:**

This sub-programme is responsible for the design, development and provision of education and public awareness activities.

**Functions**

Functions in terms of the PAIA

- Developing and conducting educational programmes to advance the understanding of the public, in particular, the disadvantaged communities on PAIA and how to exercise the rights contemplated in the Act;
- Encouraging public and private bodies to participate in the development and conduct of programmes referred to in paragraph (i) and undertaking such programmes themselves.

- Promoting timely and effective dissemination of accurate information by public bodies about their activities.
- Training Information Officers and Deputy Information Officers of public bodies.

#### Functions in terms of POPIA

- Providing education by promoting an understanding and acceptance of the conditions for the lawful processing of personal information and of the objects of those conditions.
- Providing education by undertaking educational programmes, for the purpose of promoting the protection of personal information, on the Regulator's own behalf or in co-operation with other people or authorities acting on behalf of the Regulator.
- Providing education by giving advice to data subjects in the exercise of their rights.
- Providing education by providing advice, upon request or on its own initiative, to a Minister or a public or private body on their obligations under the provisions, and generally on any matter relevant to the operation of the Act.
- Providing education by making public statements in relation to any matter affecting the protection of personal information of a data subject or of any class of data subjects.

**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 2021/22	Audited Actual Performance 2022/2023	Planned Annual Target 2023/2024	Actual Achievement Performance 2023/2024	Deviation from Planned Annual Target 2023/2024	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).	N/A	Research report indicating 5% awareness about the right to privacy.	Research report indicating 10% awareness about the right to privacy.	<b>Over-Achieved.</b> Research report indicates 33% awareness about the right to privacy.	Target exceeded by 23 percentage points.	More research participants than hypothesised indicated awareness of their right to privacy, hence 33% instead of the predicted 10% was achieved.
	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.	N/A	Research report indicating 5% awareness about the right of access to information	Research report indicates 10% awareness about the right of access to information.	<b>Over-Achieved</b> Research report indicates 19% awareness about the right of access to information.	Target exceeded by 9 percentage points.	More research participants than hypothesised indicated awareness of their right of access to information; hence, 19% instead of the predicted 10% was achieved.

Programme / Sub-programme: Education and Communication								
Outcome	Output	Output Indicator	Audited Actual Performance 2021/22	Audited Actual Performance 2022/2023	Planned Annual Target 2023/2024	Actual Achievement Performance 2023/2024	Deviation from Planned Annual Target 2023/2024	Reasons for Deviation
	Education programmes conducted to promote the protection of personal information.	The number of education programmes conducted to promote the protection of personal information.	N/A	11 education programmes conducted to promote the protection of personal information.	9 education programmes conducted to promote the protection of personal information.	<b>Over-Achieved.</b> 11 education programmes conducted to promote the protection of personal information.	Target exceeded by 2.	The Regulator stretched beyond 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.	N/A	10 education programmes conducted to promote Access to information.	9 education programmes conducted to promote Access to information.	<b>Over-Achieved.</b> 10 education programmes conducted to promote Access to information.	Target exceeded by 1.	The Regulator stretched beyond 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.	N/A	37 public awareness programmes on information rights.	34 public awareness programmes on information rights	<b>Over-Achieved.</b> 36 public awareness programmes on information rights.	Target exceeded by 2.	The Regulator conducted an additional public awareness programme due to demand.

#### 2.6.4. Programme 4: Legal Services

**Purpose:** To promote the improvement of the right of access to information and the right to privacy by examining any proposed legislation or policy of Government that the Regulator considers may affect the protection of personal information of data subjects and reporting to the Minister of Justice and Correctional Services and Parliament on the results of that examination, in terms of sections 40(1)(b)(iii) and 40(1)(b)(ix) of POPIA.

#### Functions

- Examining any proposed legislation or policy of the Government that may affect the protection of personal information of data subjects and reporting thereon in terms of section 40(1)(b)(iii) of POPIA.
- Examining any proposed legislation that makes provision for the collection or disclosure of personal information by a public or private body in terms of section 40(1)(b)(ix) of POPIA.
- Examining legislation in terms of section 40(1)(b)(ix) by having regard to section 44(2) of POPIA, in any case where the Regulator considers that the information might be used for the purposes of an information matching programme.
- Providing effective and efficient legal and litigation support services to all the Divisions of the Regulator, including but not limited to the drafting of legal opinions, contract vetting and drafting, and conducting litigation matters for and against the Regulator.

**Table 2.5.4: Outcomes, Outputs, Output Indicators, Targets and Actual Achievements**

Programme / Sub-programme: LEGAL SERVICES								
Outcomes	Output	Output Indicator	Audited Actual Performance 2021/2022	Audited Actual Performance 2022/2023	Planned Annual Target 2023/2024	Actual Achievement Performance 2023/2024	Deviation from Planned Annual Target 2023/2024	Reasons for Deviations
Personal information protected and access to information promoted	Section 40 (1) (b) (iii) of POPIA implemented	Number of proposed legislation or policy of Government examined, and reports submitted to the Minister.	N/A	6 proposed relevant legislation examined, and reports submitted.	6 proposed relevant legislation or policy of Government examined, and reports submitted.	<b>Achieved</b> 6 proposed relevant legislation or policy of Government examined, and reports submitted.	N/A	N/A
	Section 32 (6) of POPIA implemented.	Rules concerning the application of Section 32 (1)(b) and (f) of POPIA.	N/A	N/A	Draft Rules concerning the application of Section 32 (1)(b) and (f) of POPIA approved.	<b>Not Achieved</b> Draft Rules concerning the application of Section 32 (1)(b) and (f) of POPIA were not approved.	The processes were changed internally.	The processes of dealing with the Draft Rules were changed internally before the consultation process could start externally with the



Programme / Sub-programme: LEGAL SERVICES								
Outcomes	Output	Output Indicator	Audited Actual Performance 2021/2022	Audited Actual Performance 2022/2023	Planned Annual Target 2023/2024	Actual Achievement Performance 2023/2024	Deviation from Planned Annual Target 2023/2024	Reasons for Deviations
								public and the sector.

**Strategy to overcome underperformance for the output indicator, Rules concerning the application of section 32 (1)(b) and (f) of POPIA.**

- This indicator will be prioritised in the 2024/2025 financial year to address internal changes to process through a working session.
- There will be a consultation with the public and the sector regarding the draft rules.

### 2.6.5. Programme 5: Administration

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

#### List of Sub-Programmes

The following are the sub-programmes within this programme:

- **Office of the Chief Executive Officer (OCEO)**

The sub-programme is responsible for providing effective and efficient strategic leadership in the financial and administrative functions of the Regulator.

**Purpose:** To provide 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).

**Purpose:** To provide efficient and effective governance, ethical leadership and corporate management in the Regulator.

- **Finance (C)**

This sub-programme is responsible for providing financial management and supply chain management services.

**Purpose:** To provide efficient and effective governance, ethical leadership, and corporate and financial management in the Regulator.

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

<b>Programme / Sub-programme 5 A: OFFICE OF THE CHIEF EXECUTIVE OFFICER</b>								
<b>Outcome</b>	<b>Output</b>	<b>Output Indicator</b>	<b>Audited Actual Performance 2021/2022</b>	<b>Audited Actual Performance 2022/2023</b>	<b>Planned Annual Target 2023/2024</b>	<b>Actual Achievement Performance 2023/2024</b>	<b>Deviation from Planned Annual Target 2023/2024</b>	<b>Reasons for Deviations</b>
Personal information protected and access to information promoted	Recommendations and findings of the Enforcement Committee considered and finalised.	Percentage of recommendations and findings of the Enforcement Committee considered and finalised.	N/A	N/A	100% of recommendations and findings of the Enforcement Committee considered and finalised.	<b>Not Achieved</b> 75% of recommendations and findings of the Enforcement Committee considered and finalised.	25% of recommendations and findings of the Enforcement Committee were not finalised.	The matter, accounting for 25% were considered by the Enforcement Committee, were highly complex and the Regulator had to conduct further investigation on them.

**Strategy to overcome underperformance for the output indicator Percentage of recommendations and findings of the Enforcement Committee considered and finalised.**

- The rules of procedure for the Enforcement Committee will be revised to accommodate strategies on how to deal with highly complex matters.

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

<b>Programme / Sub-programme 5 B: CORPORATE SERVICES</b>								
<b>Outcomes</b>	<b>Output</b>	<b>Output Indicator</b>	<b>Audited Actual Performance 2021/2022</b>	<b>Audited Actual Performance 2022/2023</b>	<b>Planned Annual Target 2023/2024</b>	<b>Actual Achievement Performance 2023/2024</b>	<b>Deviation from Planned Annual Target 2023/2024</b>	<b>Reasons for Deviations</b>
Personal information protected and access to information promoted.	Research on technological changes affecting protection of personal information conducted.	Number of research on technological changes affecting protection of personal information conducted.	-	0	1	<b>Achieved</b>  1 Research report.	N/A	N/A

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

<b>Programme / Sub-programme 5 C: FINANCE</b>								
<b>Outcome</b>	<b>Output</b>	<b>Output Indicator</b>	<b>Audited Actual Performance 2021/2022</b>	<b>Audited Actual Performance 2022/2023</b>	<b>Planned Annual Target 2023/2024</b>	<b>Actual Achievement Performance 2023/2024</b>	<b>Deviation from Planned Annual Target 2023/2024</b>	<b>Reasons for Deviations</b>
Personal information protected and access to information promoted	Allocated budget for goods and services and capital assets spent.	Percentage expenditure on allocated budget annually for goods, and services and machinery and equipment spent.	65% expenditure on allocated budget annually for goods, and services and machinery and equipment spent.	91% expenditure on allocated budget annually for goods, and services and machinery and equipment spent.	95% expenditure on allocated budget annually for goods, and services and machinery and equipment spent.	<b>Over- achieved.</b> 100% expenditure on allocated budget annually for goods, and services and machinery and equipment spent.	Target exceeded by 5 percentage points.	The delayed invoices were timeously reprioritised to ensure the achievement of set targets.
	Goods and Services and Capital Assets procured	Percentage of Goods and Services and Capital Assets procured against approved	65% of Goods and Services and Capital Assets procured against approved procurement plan.	124% of Goods and Services and Capital Assets procured against approved procurement plan.	95% of Goods and Services and Capital Assets procured against approved	<b>Over- achieved.</b> 155% of Goods and Services and Capital Assets procured against approved	Target exceeded by 60 percentage points.	The delayed invoices were timeously reprioritised to ensure the achievement of set targets.

<b>Programme / Sub-programme 5 C: FINANCE</b>								
<b>Outcome</b>	<b>Output</b>	<b>Output Indicator</b>	<b>Audited Actual Performance 2021/2022</b>	<b>Audited Actual Performance 2022/2023</b>	<b>Planned Annual Target 2023/2024</b>	<b>Actual Achievement Performance 2023/2024</b>	<b>Deviation from Planned Annual Target 2023/2024</b>	<b>Reasons for Deviations</b>
		procurement plan.			procurement plan.	procurement plan.		

**2.7. Revenue Collection**

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

**2.8. Capital Investment**

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

## **PART C: GOVERNANCE**

### **1. INTRODUCTION**

1.1 The Members are 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 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**

2.2 During the 2023/24 financial year, the Regulator had three (3) engagements with the National Assembly through two (2) engagements with the Portfolio Committee on Justice & Correctional Services and one (1) engagement with the Portfolio Committee on Planning, Monitoring & Evaluation.



The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
1.	1.1. Appointment of subject experts, and an assessment into reasons for the high staff turnover.	<p>1.1.1. The Committee enquired as to whether the Regulator was still encountering challenges in appointing subject-matter experts, especially on the protection of personal information and ICT specialists. In addition to this query was the question of whether an assessment had been conducted into the reasons for the high staff turnover experienced by the Regulator.</p> <p>The Committee Chairperson stated that the Regulator will be expected to table before</p>	<p>1.1.1.1 The high staff turnover has been identified as a risk and has been elevated as one of its enterprise-wide risks on which the Administration reports on progress on a quarterly basis to its internal oversight committees.</p> <p>1.1.1.2 In the previous financial year, the rate of staff turnover was 14%. It had declined to 4% during the year under review but had gone up again to 14% by the end of the financial year.</p> <p>1.1.1.3 The organisational climate survey is one of the measures that had been put in place to address the risk. It helped to highlight the views of all staff members regarding the organisation. One of the findings from the survey was that members of staff were resigning largely as a result of better remuneration elsewhere.</p> <p>1.1.1.4 The action plan addressed some of the issues raised in the findings of the organisational climate survey report, such as the determination of conditions of service for staff.</p>	N

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
		<p>the Committee the Action Plan for staff retention.</p>	<p>Senior management has been directed to develop and implement divisional plans to action the recommendations from the organisational climate survey report.</p> <p>1.1.1.5 Furthermore, the Regulator has implemented an employee health and wellness programme; training programmes to enhance the skills of staff at the management level; and the introduction of Excellence Awards, which recognises the contribution of top-performing staff.</p> <p><b><u>Progress made as at the end of 31 March 2024</u></b></p> <p>1.1.1.6 The staff turnover for the 2023/24 financial year remained constant at 14%. The regulator is implementing the action plan on the recommendations of the organisational climate survey as follows:</p>	

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
			<p><b>1.1.1.7 Employee Health and Wellness:</b> The Regulator hosted two (2) employee health and wellness sessions for all the staff. The wellness sessions include Health assessments with health professionals, workshops on health matters such as dementia, physical activities and teambuilding sessions. On a monthly basis the appointed service provider, Health First provides the Regulator with feedback regarding the number of staff and immediate family members utilising the wellness services.</p> <p><b>1.1.1.8 Training and Development Management:</b> The Regulator appointed a service provider to conduct training for fourteen (14) Managers on the Middle Management Development Programme. In addition, the Regulator has implemented the following training programmes: Artificial Intelligence, Media Training, Occupational Health and Safety Training, Advanced Report Writing and Minutes Taking, Compliance Management and Microsoft 365.</p>	

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023				
No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
			<p><b>1.1.1.9 Implementation of Retention Policy:</b> The Regulator has implemented pay progression as a way to recognise good performance by staff.</p> <p><b>1.1.1.10 Implementation of the Remote Working Policy:</b> The Regulator has implemented the Remote Working Policy, which allows staff to work remotely.</p>	
2.	2.1. The SAPS victims of sexual assault security compromise.	2.1.1. The Committee enquired whether the Regulator had conducted detailed briefings to law enforcement agencies, especially to SAPS, because there are risks to the personal information of the victims that it	<p><b><u>Progress made as at 31 March 2024</u></b></p> <p>2.1.1.1. A briefing of the senior leadership of the SAPS has been included in the 2024/25 Annual Stakeholder Engagement Plan.</p> <p>2.1.1.2. During the engagement with SAPS, in the investigation of the Krugersdorp victim’s complaint, the Regulator emphasised the need for SAPS to ensure that it had adequate organisational and technical measures to prevent the loss, destruction and unlawful access of personal information. The Regulator directed SAPS to</p>	Yes

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
		<p>interacts with. In the absence of such briefings the Regulator was encouraged to play a larger role in sensitising the government not to spread personal information, in line with POPIA.</p>	<p>provide training to its members. In compliance with the Enforcement Notice that was issued by the Regulator, SAPS has provided the Regulator with proof of training relating to the processing of personal information.</p> <p>2.1.1.3. There is a collaborative effort between the POPIA and EDUCOM Divisions of the Regulator on training government departments on POPIA compliance. This training includes security measures that the respective departments have to put in place to secure the integrity and confidentiality of personal information under its control, to prevent the loss of and unlawful access to personal information.</p> <p>2.1.1.4. During International Day for Universal Access to Information (IDUAI) commemorated in September 2023, the Regulator hosted an engagement session focusing on the scourge of Gender Based Violence and Femicide (GBVF) and how PAIA can be used as a tool to assist victims of GBVF and equip law enforcement organisations to be compliant and promote the right of</p>	

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023				
No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
			access to information. The session also covered compliance with POPIA by law enforcement organisations. In attendance was SAPS, National Prosecuting Authority and community leaders.	
3.	3.1. Department of Justice & Constitutional Development (DoJ&CD) Security Compromise	3.1.1. The Committee enquired about the progress of the investigations into the ransomware attack on the DoJ&CD, whether the Regulator had received the required cooperation from the Department, and if so, what steps had since been taken.	<p><b><u>Progress made as at the end of 31 March 2024</u></b></p> <p>3.1.1.1. An assessment was conducted, which culminated in an Enforcement Notice being issued to DoJ&amp;CD. The DoJ&amp;CD failed to respond to the Enforcement Notice issued to it, and an Infringement Notice was subsequently issued with an administrative fine of R 5 million being imposed on the DoJ&amp;CD. DoJ&amp;CD has since taken the matter on review to the High Court. The matter is ongoing.</p> <p>3.1.1.2. The legislative mandate of the Regulator is confined to ensuring compliance and monitoring with POPIA in terms of section 40 (1)(b)(i) of POPIA. In this regard, the Regulator has been providing training to a number of government departments. This training includes security measures that the respective departments have to put in</p>	No

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
		<p>Following the report that the DoJ&amp;CD security compromise had been caused by its non-renewal of security software licences, the Portfolio Committee enquired about the role that the Regulator was playing in ensuring that government departments regularly renewed their security software licences.</p>	<p>place to secure the integrity and confidentiality of personal information under their control and prevent the loss of and unlawful access to personal information.</p> <p>3.1.1.3. In line with the mandate of the Regulator, responsible parties have been sent letters requesting them to indicate to the Regulator how they complied with POPIA which includes how they comply with section 19 on security safeguards.</p>	
4.	4.1. Other cases of Security Compromises	4.1.1. The Portfolio Committee noted the reports that the Regulator was	<p><b><u>Progress made as at the end of 31 March 2024</u></b></p> <p>4.1.1.1. In the section 89 assessments that have been conducted thus far by the Regulator, there is generally cooperation with the Regulator relating to the enforcement of POPIA.</p>	No

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
		<p>investigating the data breaches at Dis-Chem, Real Promotions, Shoprite, TransUnion and Debt-In. Regarding these cases, the Committee enquired from the Regulator whether it was receiving cooperation from the implicated parties and what proactive approach the Regulator was able to take to assist in</p>	<p>The Regulator is using mechanisms available to it to ensure that there is compliance, such as issuing of summonses (section 81) in instances that warrant that the responsible party be summoned for purposes of adducing additional evidence. The rate of compliance within the public sector, however, remains a concern for the Regulator. The assessments have revealed that the private sector invests significantly in ensuring compliance with POPIA. The Regulator has, through its ongoing stakeholder engagement programme (<i>Dikopano</i>), provided guidance and training to responsible parties and members of the public to ensure compliance with POPIA.</p> <p>4.1.1.2. As part of the collaborative effort between POPIA and EDUCOM Divisions of the Regulator on training government departments and other sectors on POPIA compliance, the training themes include prevention of the security breaches.</p>	



The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
		preventing the breaches.		
5.	5.1. Number of PAIA matters handled	5.1.1. The committee enquired about the number of PAIA matters handled in the year under review.	<p>5.1.1.1. The Regulator stated that the PAIA Division had received a total of three-hundred and sixty-two (362) complaints in 2022/ 2023, with only eighteen (18) not being finalised by 30 September 2023.</p> <p>5.1.1.2. The complaints are usually resolved within a period of twelve (12) months, the majority of which are resolved through alternative dispute resolution processes of conciliation and mediation. Typically, these take three (3) months to resolve.</p> <p>In the year under review, the Regulator issued three (3) investigation reports, which were finalised and referred to the Enforcement Committee.</p> <p><b><u>Progress made as at the end of 31 March 2024</u></b></p> <p>5.1.1.3. In 2023/2024, the PAIA Division received three hundred and forty (340) Complaints and two hundred and twenty-two (222) were finalised, which included eight (8) where</p>	Yes

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
			<p>the investigation reports were referred to the Enforcement Committee. As of 31 March 2024, a hundred and seventeen (117) complaints have been carried over to the new financial year.</p> <p>Eighty-four (84) of these were rejected due to the use of incorrect forms.</p> <p>5.1.1.4. It is worth noting that 12.34% of these matters were resubmitted to the Regulator. While the number of rejections due to incorrect forms is significant, the Regulator has proactively taken steps to address this issue. Whenever a complaint is rejected, it is ensured that the correct form is attached for the resubmission of a request.</p> <p>5.1.1.5. Additionally, if a complainant indicates that the incorrect form was obtained from a private or public body's website, we direct the complainant to the PAIA Compliance subdivision to request an assessment of the PAIA manual of the body.</p>	

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
			<p>5.1.1.6. The EDUCOM team is actively engaging stakeholders and promoting the importance of using the correct prescribed form through various engagements, including Dikopano.</p> <p>5.1.1.7. By taking these measures, the Regulator is not only addressing the challenges but also strengthening the processes and supporting stakeholders in achieving compliance.</p>	
6.	6.1. Poor compliance with PAIA section 32 reporting requirements	6.1.1. The Committee enquired as to reasons for the low number of PAIA section 32 reports by public institutions, and what the Regulator was doing to encourage them to do so. Furthermore, the Committee enquired if	<p>6.1.1.1. The Regulator responded by indicating that the low rate of compliance with section 32 reporting requirements were inexplicable given that the reporting process is very simple and not time-consuming (taking only 10 minutes to complete).</p> <p>6.1.1.2. It was further explained that a notice was issued on 1 April of each year by the Regulator to private and public bodies indicating that the reporting portal was live and that they could submit the reports.</p> <p>6.1.1.3. Regarding remedial action, the Regulator reported that it targets the non-compliant entities for assessment exercises in the subsequent performance period. The</p>	No

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
		<p>the Regulator had sent all the public entities reminders to file their section 32 reports.</p> <p>Additionally, the Committee enquired about the remedial action that would be taken against the public entities for the failure to file their reports.</p> <p>Lastly, the Regulator was asked if PAIA had to be amended to strengthen its ability to ensure that the</p>	<p>assessment reports are issued with recommendations regarding future compliance with the section 32 reporting obligation.</p> <p>6.1.1.4. None of the Technical and Vocational Education and Training (TVET) colleges had complied with the section 32 reporting requirement in the year under review. However, the Regulator has been in contact with the Department of Higher Education and Training to offer support and capacity building initiatives to TVET colleges. The Regulator is scheduling stakeholder engagement sessions with the college principals to alert them to their compliance obligations and offer the officials training workshops.</p> <p>6.1.1.5. With regards to assessments, the Regulator has assessed the provincial and national bodies in terms of their non-compliance with section 32 of the PAIA.</p> <p>6.1.1.6. A meeting had been arranged between the Office of the Public Protector (OPP) and the Regulator to ensure that the OPP complies with its obligation, in line with Section</p>	

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
		<p>reports were filed on time.</p>	<p>83, to submit a report to the Regulator on PAIA matters that it has received in terms of the OPP's complaints process.</p> <p>6.1.1.7. The Regulator confirmed that there was a need to amend PAIA, particularly with regard to granting the Regulator enforcement powers to deal with instances where public and private bodies do not comply, or cooperate, with the Regulator's assessment process. Presently, the Regulator does not have the power under PAIA to issue a subpoena or institute a process of search and seizure. Those processes are only provided during the conduction of an investigation but not an assessment.</p> <p><b><u>Progress made as at the end of 31 March 2024</u></b></p> <p>6.1.1.8. The proposed amendments to PAIA have been drafted and will be taken through proper approval processes.</p>	

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
			<p>6.1.1.9. To promote compliance in relation to the submission of section 32 and 83 (4) Annual Reports for 2024, the Regulator implemented the following measures:</p> <ul style="list-style-type: none"> <li>• The notice for submission was sent to other regulatory and professional bodies for dissemination to their respective members (i.e. the Legal Practice Council, Health Professions Council of South Africa, etc.)</li> <li>• The Notice was also sent to the Forum of South African Directors-General (FOSAD).</li> <li>• A presentation on the requirement to submit annual reports was delivered to SALGA, during a capacity building session.</li> <li>• Awareness was raised during compliance assessments as well as monitoring processes.</li> <li>• Notice was also communicated to bodies which were assessed upon request by interested parties, most of which were Political Parties.</li> <li>• An automatic response was sent to stakeholders, (notifying them of the reporting period) on emails</li> </ul>	

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
			<p>received on the PAIA Support email as well as the team members responsible for annual reports.</p> <ul style="list-style-type: none"> <li>• Social media promotions / banners were also used as a tool to invite the submission of annual reports.</li> <li>• Communication (letter) was sent to the OPP.</li> </ul>	
7.	7.1. Employment of People with Disabilities	7.1.1. The Committee enquired whether the Regulator would be able to meet the 2% target for employment of People with Disabilities (PWD).	<p>7.1.1.1. The Regulator conceded that it had struggled to meet its target for the employment of PWDs.</p> <p><b><u>Progress made as at the end of 31 March 2024</u></b></p> <p>7.1.1.2. The Employment Equity Advisory Committee was appointed this financial year to assist in meeting the 2% target for employment of people with disabilities. The employment equity plan was reviewed to set targets for the 2024/2025 to 2025/2026 financial year with regards to employing people with disabilities.</p>	No

The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
8.	8.1. Public Awareness	8.1.1. The Committee commended the Regulator on improvements in provision of public awareness material for people with disabilities.	<p>8.1.1.1. The Regulator has continued to rollout the Dikopano Programme during which the senior leadership of the Regulator visits some of the most remote areas of South Africa to create awareness about its work and services. At the time of compilation of this report, the Regulator had visited KwaZulu-Natal, Mpumalanga, Limpopo and Gauteng, and will visit the Eastern Cape by the end of the fourth quarter of FY 2023/24.</p> <p>8.1.1.2. In 2022 the Regulator published a number of key documents, such as the PAIA training manuals in braille for people who are blind and produced YouTube videos with sign language interpretation. The programme has continued in the 2023/24 financial year. This will include a cartoon series.</p> <p><b><u>Progress made as at the end of 31 March 2024</u></b></p> <p>8.1.1.3. The Regulator routinely develops and disseminates infographics on digital platforms, and these are designed</p>	Yes



The dates of the engagements are as follows: 10 May 2023, 12 October 2023, 05 December 2023

No.	Subject	Details	Response by the Regulator	Resolved (Yes/No)
			<p>to be easy to read and therefore enhance popular understanding of POPIA and PAIA.</p> <p>8.1.1.4. Additionally, the Regulator has produced a 12-part series of short videos, which are being shared on our various platforms. These mini videos unpack crucial aspects of POPIA. The videos will continue to be shared in sub-parts on the various digital platforms of the Regulator to ensure effective education on the Regulator’s work and services. In the 2024/25 financial year the Regulator will produce the same series on PAIA.</p> <p>8.1.1.5. The Regulator is producing an animated series on the work of the Regulator. The first of the four-part series has been completed, the rest will be completed in the 2024/25 financial year.</p> <p>8.1.1.6. Lastly, the Regulator conducted the Dikopano provincial roadshow in the Eastern Cape on 14-17 November 2023.</p>	

**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**

**6.1 Risk Management Committee**

- 6.1.1. The Regulator will establish the Risk Management Committee in the 2024/25 financial year.

**6.2 Statutory Committees of the Regulator**

**6.2.1 Ordinary Meetings**

- 6.2.1.1 The Ordinary Meeting is the highest decision-making body of the Regulator. It is established in terms of section 51 of POPIA, and it is chaired by the Chairperson of the Regulator, Adv. Pansy Tlakula.
- 6.2.1.2 The Regulator holds Ordinary Meetings once a quarter, consequently, four (4) Ordinary meetings were held in the year under review.

**6.2.2 Special Meetings**

- 6.2.2.1 Special Meetings are held at the request of the Chairperson, or of the Members, to deal with urgent and special matters. Special Meetings are chaired by the Chairperson of the Regulator, Adv. Pansy Tlakula.
- 6.2.2.2 The Regulator held twenty-five (25) Special Meetings in the year under review.

**6.2.3 Section 50 Committee**

- 6.2.3.1 The Enforcement Committee is the Committee established in terms of section 50 of POPIA. The Enforcement Committee is chaired by an independent chair, Adv. Helen Fourie.

6.2.3.2 The Committee held seven (7) meetings in the year under review.

#### **6.2.4 Section 49 Committees**

6.2.4.1 The Members have established six (6) committees that are constituted in accordance with section 49 of POPIA and structured according to the needs of the Regulator to assist the Members to carry out their oversight role.

6.2.4.2 Each committee has Terms of Reference (TORs) and reports to the Ordinary Meeting. The TORs set out each Committee's roles and responsibilities and ensure continued relevance to the mandate of the Regulator. The Committees are:

##### **6.2.4.2.1 Policy, Governance, and International Cooperation Committee**

The Policy, Governance, and International Cooperation Committee is responsible for overseeing the policy and governance systems of the Regulator and promoting cooperation of the Regulator with international sister organisations. The Committee is also responsible for overseeing the implementation and reporting of the combined assurance model of the Regulator.

The Committee is chaired by Adv. Pansy Tlakula. In the 2023/2024 financial year, the Committee met four (4) times.

##### **6.2.4.2.2 Corporate Services Committee**

The Corporate Services Committee provides oversight in the administration and management of Human Resources, Finances, and Information Technology.

The Chairperson of the Corporate Services Committee is Adv. Lebogang Stroom. At the end of the 2023/2024 financial year, the Committee met four (4) times and held working sessions.

##### **6.2.4.2.3 Compliance and Monitoring Committee**

The Compliance and Monitoring Committee provides oversight in the monitoring of compliance by public and private bodies in line with the provisions of the PAIA and POPIA.

The Committee is chaired by Adv. Collen Weapond. In the year under review the Committee met four (4) times and held working sessions.

#### **6.2.4.2.4 Complaints and Investigations Committee**

The purpose of the Complaints and Investigations Committee is to 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.

The Committee is chaired by Adv. Collen Weapond. In the year under review the Committee met four (4) times and held working sessions.

#### **6.2.4.2.5 Education and Communication Committee**

The Education and Communication Committee oversees the education, public awareness, stakeholder relations management and communication services of the Regulator.

The Committee is chaired by Ms. Alison Tilley. In the year under review the Committee met four (4) times and held working sessions.

#### **6.2.4.2.6 Legal, Policy, and Research Committee**

The Legal, Policy and Research Committee oversees the Legal, Policy and Research sub-divisions of the Regulator.

The Committee is chaired by Mr. Mfana Gwala. In the year under review the Committee met five (5) times and held working sessions.

### **6.2.5 The Executive Committee and committees established in terms of Section 47(1) POPIA**

The below Committees are established by the CEO. These Committees operate according to the approved TORs:

#### **6.2.6 Executive Committee Meeting (EXCO)**

6.2.6.1 The purpose of EXCO is to manage the business and affairs of the organisation as set out in POPIA, PAIA, PFMA, Charter of Roles and Responsibilities of Members of the Information Regulator, and the Regulator's Delegation of Authority

Framework. The Committee operates according to approved terms of reference and is chaired by Mr Mosalanyane Mosala, the CEO of the Regulator.

- 6.2.6.2 During the period under review the Committee held fourteen (14) meetings which includes two (2) EXCO, eleven (11) Extended Exco and one (1) Special EXCO.

**The Executive Committee sub-committee listed below were operational during the period under review.**

**6.2.7 Management Committee (MANCO)**

6.2.7.1 This Committee operates according to approved terms of reference and was chaired by Advocate Boikanyo, the Executive responsible for POPIA.

6.2.7.2 During the period under review the Committee held six (6) meetings.

**6.2.8 Information and Communication Technology Steering Committee**

6.2.8.1 This Committee operates according to approved terms of reference and was chaired by Advocate Boikanyo. The purpose of the Committee is to provide ensure that the five pillars of ICT Governance are met such as strategic alignment, risk management, performance management, and value delivery. The Committee plays an oversight role to the development and implementation of the ICT Strategy and plans.

**6.2.9 Regional Control Committee**

6.2.9.1 The Regional Control Committee was chaired by Mr Ntsumbedzeni Nemasisi, the Executive responsible for PAIA. The objective of the Regional Control Committee is to ensure that procurement of goods or services in the Regulator is done in accordance with a system which is fair, equitable, transparent, competitive and cost-effective.

6.2.9.2 The mandates of the Regional Control Committee are the: -

- appointment of the Bid Specification Committee (BSC) and Bid Evaluation Committee (BEC) Members.
- approval of the Bid Specifications or TORs.

- adjudication of bids and recommendation of the appointment of the successful bidder to the CEO; and
- consideration of and making recommendations to the CEO in respect of any deviations.

#### **6.2.10 Loss and Control Committee**

6.2.10.1 The Loss Control Committee held meetings during the 2023/2024 financial year, in terms of its approved TORs and was chaired by Mr Jaco Jansen, the Chief Legal Officer.

6.2.10.2 The Loss Control Committee made recommendations to the CEO on the most appropriate actions to take where losses were incurred. This included recommendations on lost or stolen laptops by officials of the Regulator.

#### **6.2.11 Asset Disposal Committee**

6.2.11.1 This Committee appointed by the CEO and was chaired by Ms Helen Shube, the Executive responsible for Corporate Services. The TORs were developed for the Asset Disposal Committee and approved by the CEO. The Asset Disposal Committee is responsible for the redundant, obsolete and unserviceable assets within the Regulator. In the year under review, it held one (1) meeting and one (1) workshop/training session for the committee members. No assets were disposed during the year under review.

#### **6.2.12 Skills Development Committee**

6.2.12.1 The Committee was chaired by Ms Vuyiswa Ramosangwana, the Chief Information Officer, made recommendations to the CEO on the approval of the Workplace Skills Plan. The Committee also monitored the training budget.

#### **6.2.13 Budget Committee**

6.2.13.1 This Committee was chaired by Ms Glen Zulu, the Chief Financial Officer. The Terms of Reference were developed for the committee and approved by the CEO. The committee's mandate is informed by section 39 of the Public Finance Management Act of 1999, as amended, as read with Section 26.1 of the Treasury Regulations. The role of the Committee is to:

- Oversee the budget process and consider and propose the annual budget allocations

- Ensure the Regulator's budget is aligned with the Regulator's Strategic Plan and Annual Performance Plan (APP)
- Evaluate additional budget requests for branches
- Monitor the Regulator's expenditure
- Make recommendations for reprioritisation of the budget of the Regulator
- Formulate strategies and interventions for improving the organisational financial position
- Ensure that the Regulator's budget processes are coordinated in an integrated manner.

**6.2.14 Occupational Health and Safety Committee (OHS)**

6.2.14.1 This Committee was appointed by the CEO and it is chaired by Mr. Gift Shikwambana, the Manager: Facilities Management. The Occupational Health and Safety Committee is responsible for the implementation of the Occupational Health and Safety Act within the Regulator.

**7. PROGRESS ON MITIGATION ACTIONS**

OUTCOME	KEY RISKS	RISK MITIGATION	PROGRESS
<p>1. Personal information protected and Access to information promoted</p>	<p>1.1. Inadequate processes and SOPs</p>	<p>1.1.1. SOP Manuals to be developed for each division.</p>	<p>1.1.1.1. The core divisions (POPIA, PAIA, EDUCOM) processes and SOPs were developed and approved. 1.1.1.2. The support divisions (OCEO, Legal Services, Office of the CFO and Corporate Services) are in the process of finalising their processes and SOPs for approval.</p>
	<p>1.2. Inadequate compliance with communications protocol (when imparting information to the public).</p>	<p>1.2.1. Develop an SOP. 1.2.2. Draft Communication Policy.</p>	<p>1.2.1.1. Communication and Media SOP developed and approved. 1.2.2.1. Communication Policy developed and approved.</p>
	<p>1.3. Governance failures.</p>	<p>1.3.1. To develop and approve the Governance Guide. 1.3.2. To hold a discussion with each programme. 1.3.3. To validate documentation submitted by programmes. 1.3.4. To provide compliance reports.</p>	<p>1.3.1.1. The Governance Guide was developed. 1.3.2.1. Inputs and discussions were held with each programme. 1.3.3.1. Review sessions were held on a quarterly basis to validate portfolios of evidence. 1.3.4.1. Reports are submitted to all governance structures.</p>



OUTCOME	KEY RISKS	RISK MITIGATION	PROGRESS
		1.3.5. Performance information to be included as a chapter in the Governance Guide.	1.3.5.1. Performance information was included in the Governance Guide.
	1.4. Inadequate implementation of mitigation plans.	1.4.1. Reporting on high-level comparative reports. 1.4.2. Combined Assurance Value Chain to be included in Governance Guide.	1.4.1.1. High level reports tabled at governance structures of the Regulator. 1.4.2.1. Combined Assurance was included in the Governance Guide.
	1.5. Non-listing of Regulator.	1.5.1. To hold a discussion with the National Treasury (NT). 1.5.2. To develop a business case to be submitted to NT. 1.5.3. To approve the separation strategy	1.5.1.1. A meeting was held with the NT. The Regulator was listed as a Schedule 3A PFMA Public Entity as of 26 March 2024.
	1.6. High Staff Turnover	1.6.1. Implementation of Employee Wellness Programme. 1.6.2. People Management Training.	1.6.1.1. The Employee Health and Wellness Policy is being implemented. Two (2) Employee Health and Wellness sessions were held during the 2023/2024 financial year. 1.6.2.1. Managers attended Middle Management Development Training.

OUTCOME	KEY RISKS	RISK MITIGATION	PROGRESS
		<p>1.6.3. Coaching and Mentoring of Managers.</p> <p>1.6.4. Adherence to the values of the Regulator.</p> <p>1.6.5. Career development plans.</p> <p>1.6.6. Emotional Intelligence workshops/training for Managers</p>	<p>1.6.3.1. Managers are being coached and mentored on a daily basis.</p> <p>1.6.4.1. Staff are adhering to the Values of the Regulator.</p> <p>1.6.5.1. Five (5) members of staff have been awarded bursaries. Special leave has been granted for developmental purposes in line with Regulator’s Leave Policy. All staff have personal development plans.</p> <p>1.6.6.1. Action Plan on the implementation of the recommendation Organisational Climate Survey has been approved. The action plan is currently being implemented.</p> <p>1.6.6.2. Retention Policy is being implemented. Fifteen (15) members of staff were rewarded with payment of pay progression. The Excellence Awards were held where high-performing staff were recognised.</p>
	1.7. Security Compromises	1.7.1. Implementation of ICT Security policy.	1.7.1.1. The ICT Policy has been drafted and taken through MANCO and EXCO. By the end of the financial year, it had been brought to the Corporate Services Committee.

OUTCOME	KEY RISKS	RISK MITIGATION	PROGRESS
		<p>1.7.2. Access Management policies.</p> <p>1.7.3. Security controls such as Firewalls, Intrusion Detection System (IDS), Intrusion Prevention System (IPS) and Patch Management solution.</p> <p>1.7.4. VPN policies</p> <p>1.7.5. Biometric systems in critical areas</p>	<p>1.7.2.1. No Access Management Policy has been drafted; however, access management is covered in the ICT Policy.</p> <p>1.7.3.1. Security controls such as Firewalls, IDS, IPS and patch management solutions have been implemented.</p> <p>1.7.4.1. No policy drafted yet. Currently, only ICT staff have access to VPN.</p> <p>1.7.5.1. Biometric systems have been implemented in critical areas of ICT.</p>
	1.8. Inadequate office space	1.8.1. Request for additional office space.	1.8.1.1. 11 <sup>th</sup> floor at J.D House was secured, and an addendum to the main lease agreement was signed between Mutodo Properties and the Regulator.
	1.9. Unauthorised, irregular, fruitless and wasteful expenditure	1.9.1. Training of Senior Managers and Managers on Financial Management and SCM.	<p>1.9.1.1. Finance and SCM provided training to committees' financial management and SCM processes.</p> <p>1.9.2.1. All procurement strictly adhered to procurement prescripts and all deviations were tabled before the Regional Control Committee for recommendation to the CEO.</p> <p>1.9.3.1. Draft financial manuals were developed.</p>

OUTCOME	KEY RISKS	RISK MITIGATION	PROGRESS
		<p>1.9.2. Monitoring of procurement practices. Developing Financial Manuals.</p> <p>1.9.3. Establishment of SCM committees, i.e. BSC, BEC and Regional Control Committee.</p>	<p>1.9.3.2. SCM Committees were established.</p>
	<p>1.10. Loss of assets (theft, damage, negligence)</p>	<p>1.10.1. Implement manual assets management system.</p> <p>1.10.2. Implement effective asset management practices.</p>	<p>1.10.2.1. Implemented manual asset management systems and developed office assets list for every office in the Regulator.</p> <p>1.10.2.1. Conducted assets verification.</p> <p>1.10.2.2. Theft and Loss Committee was established.</p>
	<p>1.11. Under/overspending of the budget</p>	<p>1.11.1. Develop a detailed procurement plan.</p> <p>1.11.2. Drive procurement from the Finance Division.</p> <p>1.11.3. Fill funded and vacant posts timeously.</p>	<p>1.11.1.1. A detailed procurement plan was developed and approved (signed) by the CEO.</p> <p>1.11.1.2. The Finance Division issued a circular to Divisions to submit procurement memos and specifications.</p> <p>1.11.3.1. SCM posts filled by the Human Resources function.</p> <p>1.11.3.2. Budget Committee was established.</p>
	<p>1.12. Delays in processing tenders (above 1 million)</p>	<p>1.12.1. Procurement plan to be approved by the end of</p>	<p>1.12.2.1. Procurement plan was approved by the CEO on 1 February 2023.</p>

OUTCOME	KEY RISKS	RISK MITIGATION	PROGRESS
		<p>March of each financial year.</p> <p>1.12.2. Train officials on Bid Committees.</p>	<p>1.12.2.1. Training was conducted on Bid Committees by NT.</p> <p>1.12.2.2. Regional Control Committee was established.</p>
	<p>1.13. Inability to appoint service providers timeously</p>	<p>1.13.1. Procurement plan to be approved by the end of March of each financial year.</p> <p>1.13.2. Establishment of SCM committees, i.e. BSC, BEC and Regional Control Committee.</p> <p>1.13.3. Issue Request for Quotations (RFQ's) /Request for Procurement (RFP's) to not less than ten (10) prospective bidders for submission of quotations.</p> <p>1.13.4. Monitor the procurement plans and demand plans.</p>	<p>1.13.1.1. Procurement plan was approved by the CEO on 1 February 2023.</p> <p>1.13.2,1. SCM Committees were established.</p> <p>1.13.3.1. RFQs/ RFPs were issued to not less than ten (10) prospective bidders for submission of quotations.</p> <p>1.13.4.1. Procurement and demand plans were monitored through monthly and quarterly SCM reports.</p>

**8. INTERNAL CONTROL UNIT**

8.1 The internal control unit has been established, and its purpose is to ensure that internal controls are in place to provide reasonable assurance that the Regulator has accounted for all financial transactions and that all financial transactions are free of errors and fraud. This unit also ensures that the transactions are accurate, valid, and complete, as well as being compliant with applicable laws and regulations to ensure reliable financial reporting. In addition, the internal control unit ensures that the Regulator complies with Treasury Regulations in terms of reporting and coordinates audits by AGSA.

**9. INTERNAL AUDIT AND AUDIT COMMITTEES**

9.2 The Internal Audit and Audit Committees will be established in the new financial year.

**10. SEPARATION OF THE REGULATOR FROM DOJ&CD**

10.1 In accordance with section 48(1)(c) of the PFMA, the Regulator was listed in the PFMA as a schedule 3A National Public Entity on 25 March 2024.

10.2 To ensure a smooth transition of the Regulator from operating as a branch of the DoJ&CD to being an independent national public entity, the Regulator has established a Listing Transition Project Team (LTPT) to oversee the above-mentioned transition. A Listing Transition Project Plan has been approved and progress in the implementation of the Listing Transition Project Plan will be submitted to Parliament in accordance with section 39 of POPIA.

**11. COMPLIANCE WITH LAWS AND REGULATIONS**

11.1 The Compliance Universe for the Regulator was approved in March 2024. Compliance with laws and regulations will be monitored on a quarterly basis in the new financial year.

**12. FRAUD AND CORRUPTION**

12.1 The Regulator is in the process of developing the whistleblowing and ethics policies to deal with fraud and corruption.

**13. MINIMISING CONFLICTS OF INTEREST**

13.1 The Members disclosed their financial interests as required in terms of section 45 of POPIA and in accordance with the approved Disclosure of Interest Policy of Members.

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. The Code of Conduct for the Regulator has been developed.

14.2 The Comprehensive induction programme for all staff has been developed.

**15. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES**

15.1 Health and wellness services have been outsourced to an independent health and wellness service provider with a multi-disciplinary team of professionals. Two (2) Employee Health and Wellness Sessions were held.

15.2 The Regulator has developed and is implementing the Remote Working Policy.

15.3 The Occupational Health and Safety (OHS) Committee has been appointed to implement the provisions of the OHS Act 85 of 1993 as per the Facilities

Management Plan of the Regulator. The following activities in the facilities management plan have been implemented:

15.3.1 Training has been provided to the OHS Committee by an accredited service provider.

15.3.2 Drills have been conducted for all staff in the Regulator.

15.3.3 Quarterly meetings were held by the OHS Committee.

15.3.4 Conducted OHS inspections.

## **16. COMPANY SECRETARY**

16.1 The Regulator does not have a company secretary.

## **17. SOCIAL RESPONSIBILITY**

17.1 The Regulator conducted a social responsibility activity during its provincial roadshow in the Mpumalanga Province. The activity was conducted in July during Mandela Month, and thus, the Regulator participated in the global act of goodwill. The activity was hosted at the Thembalakhe Early Childhood Development Centre (creche), where the Regulator gave the creche a facelift by patching up the dilapidated establishment and painting it. The children and staff of the creche had a shortage of supplies, such as learning materials, toys, books, and food, which the Regulator supplied. The creche was also provided with a donation for three (3) months of electricity and water supply. The act of goodwill was done in partnership with local businesses in Hazyview.

## **18. AUDIT COMMITTEE REPORT**

18.1 There is no Audit Committee report for the year under review.

## **19. B-BBEE COMPLIANCE PERFORMANCE INFORMATION**

19.1 During the year under review, the total procurement value was R11 595 million. The procurement distribution for the previously disadvantaged groups was as follows: 80% of procurement was awarded to black-owned businesses, 32% was awarded to women, 14% was awarded to youth, 4% to rural businesses and 2% was awarded to the unemployed group.



## **PART D: 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 AO. 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 of the Regulator and is 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 at the Regulator**

- 2.1.1. Phase One (1) of the implementation of the structure started in the financial year 2019/2020, during which thirteen (13) positions were filled as of 31 March 2021. The Regulator approved its first organisational structure after consulting with the Minister of Finance. The structure was consulted with the Minister of Finance, who supported its implementation on a phased-in approach.
- 2.1.2. During 2021/2022 and 2022/2023 financial years, the organisational structure was reviewed and as at the end of the year under review, the number of posts had increased to four hundred and thirteen (413).
- 2.1.3. During this phase, the top tier of the structure was prioritised.
- 2.1.4. 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.
- 2.1.5. During the 2021/2022 financial year phase three (3) and phase four (4) of the organisational structure was implemented. Fifty-five (55) positions were filled during the two phases. The staff complement for the 2023/2024 financial year is ninety (90).

## 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 Framework and Plan
- 2.2.1.2 Review of Human Resources Framework and Plan
- 2.2.1.3 Approval of Organisational Climate Survey Recommendations
- 2.2.1.4 Development of human resources policies and processes
- 2.2.1.5 Implementation of the Employee of Health and Wellness Programme
- 2.2.1.6 Implementation of Middle Management Development Programme
- 2.2.1.7 Development of the Induction Programme

### 2.2.2 Workforce planning and key strategies to attract and recruit skilled and capable workforce.

- 2.2.2.1 POPIA empowers the Regulator to recruit skilled personnel to assist in the performance of 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.
- 2.2.2.2 During the financial year under review the Regulator recruited staff in the newly created Security Compromise sub-division (POPIA). In order for the Regulator to attract capable and skilled workforce, the scope was widened to utilise headhunting and online recruitment agencies.
- 2.2.2.3 During the financial year under review, the Regulator did not receive any funding to implement phase five (5).

### 2.2.3 Employee Performance Management

- 2.2.3.1 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.

2.2.3.2 All staff of the Regulator had submitted PAs by 31 May 2023. New staff are expected to submit their PAs three (3) months after the assumption of duty. As at the end of the year under review, all newly appointed staff had entered into PAs. Midterm performance reviews were conducted for all qualifying staff. Annual Performance Reviews will be finalised during the second quarter of the 2024/25 financial year.

2.2.3.3 During the fourth quarter of the 2023/2024 financial year, fifteen (15) members of staff were paid performance rewards.

#### **2.2.4 Employee Health and Wellness Programmes**

2.2.4.1 During the year under review, the Employee Health and Wellness Programmes (EHWP) was implemented. This programme has been outsourced to an external service provider to provide health and wellness services to the Regulator staff. Two (2) Employee and Wellness Sessions were conducted.

2.2.4.2 The Executive Corporate Services and in absentia, the Acting Executive Corporate Services were designated as the OHS Officer as provided for in the Occupational Health and Safety Act 85 of 1993. The OHS Committee was appointed.

### **2.3. Achievements and challenges faced by the Regulator as well as future Human Resources Plans and Goals**

#### **2.3.1. The Regulator achieved the following Human Resource outputs during the period under review:**

2.3.1.1. Implementation of Employee Health and Wellness Programme

2.3.1.2. Implementation of Human Resource Framework and Plan

2.3.1.3. Development of the induction programme

2.3.1.4. Implementation of Middle Management Development Programme

2.3.1.5. Implementation of training identified in the workplace skills development plan

#### **2.3.2. The following are the Human Resources Priorities for the next financial year:**

2.3.2.1. Approval of the Induction Programme

- 2.3.2.2. Finalising the development of human resources policies and processes.
- 2.3.2.3. Reviewal of the organisational structure.
- 2.3.2.4. Development of Employee Health and Wellness Framework.

**2.3.3. The following are the identified Human Resource Challenges**

- 2.3.3.1. Inadequate funding to build capacity in the organisation.
- 2.3.3.2. High staff turnover rate.
- 2.3.3.3. Unresponsive labour market to fill critical positions.

### 3. HUMAN RESOURCES OVERSIGHT STATISTICS (HROS)

#### 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)
<b>Total</b>	<b>73 942</b>	<b>73 706</b>	<b>527</b>	<b>0</b>	<b>99%</b>	<b>819</b>

Table 3.1.2: Personnel costs by salary band for the period 1 April 2023 and 31 March 2024

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)	748	1%	3	249
Skilled (level 3-5)	1 466	2%	6	244
Highly skilled production (levels 6-8)	6728	10%	15	448
Highly skilled supervision (levels 9-12)	34 284	46%	43	797
Senior and Top management (levels 13-16)	30 480	41%	23	1325
<b>Total</b>	<b>73 706</b>	<b>100%</b>	<b>90</b>	<b>N/A</b>

**Table 3.1.3 Salaries, Overtime, Homeowners Allowance and Medical Aid by programme for the period 1 April 2023 and 31 March 2024**

Programme	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
<b>Total</b>	<b>73 706</b>	<b>96%</b>	<b>729</b>	<b>1%</b>	<b>783</b>	<b>1%</b>	<b>1317</b>	<b>2%</b>

**Table 3.1.4 Salaries, Overtime, Homeowners Allowance and Medical Aid by salary band for the period 1 April 2023 and 31 March 2024**

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)	748	1%	2	0.2%	40	0.2%	136	1%
Skilled (level 3-5)	1 466	2%	3	0.2%	108	0.4%	143	0.2%
Highly skilled production (levels 6-8)	6 728	10%	377	0.5%	292	0.3%	418	0.6%
Highly skilled supervision (levels 9-12)	34 284	46%	347	0.1%	343	0.1%	620	0.2%
Senior management (level 13-16)	30 480	41%	-	-	-	-	-	-
<b>Total</b>	<b>73 706</b>	<b>100%</b>	<b>729</b>	<b>1%</b>	<b>783</b>	<b>1%</b>	<b>1 317</b>	<b>2%</b>

### 3.2 Employment and vacancies

Table 3.2.1 Employment and vacancies by programme as on 31 March 2024

Programme	Number of posts on approved establishment (funded)	Number of posts filled	Vacancy Rate%	Number of employees additional to the establishment
Protection of Personal Information	21	20	5	0
Promotion of Access to Information	14	12	17	0
Education and Communication	14	12	17	0
OCEO	14	12	17	0
Corporate Services	21	19	10	0
Finance	11	11	0	0
Members	4	4	0	0
<b>TOTAL</b>	<b>99</b>	<b>90</b>	<b>10 %</b>	<b>0</b>

**Table 3.2.2 Employment and vacancies by salary band as on 31 March 2024**

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	15	13.3	0
Highly skilled supervision (9-12)	48	43	11.6	0
Senior management (13-16)	25	23	8.7	0
<b>Total</b>	<b>99</b>	<b>90</b>	<b>10%</b>	<b>0</b>



**Table 3.2.3 Employment and vacancies by critical occupations<sup>[1]</sup> as of 31 March 2024**

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)	2	2	0	0
Highly skilled supervision (9-12)	3	3	0	0
<b>Total</b>	<b>5</b>	<b>5</b>	<b>0%</b>	<b>0</b>

<sup>[1]</sup> Information and Communications Technology positions are classified as “critical occupations” in line with the National Treasury Annual Report Guide for National and Provincial Governments 2021 page 43 and Department of Higher Education and Training in the National Scars Skills List, Notice 380 of 2014 Para 10

### 3.3 Filling of SMS Posts

**Table 3.3.1 SMS post information as on 31 March 2024**

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	7	88	1	14.3
Salary Level 14	2	2	100	0	0
Salary Level 13	13	12	92	1	8
<b>Total</b>	<b>25</b>	<b>23</b>	<b>92%</b>	<b>2</b>	<b>8%</b>

**Table 3.3.2 SMS post information as on 30 September 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	12	92	1	8
<b>Total</b>	<b>25</b>	<b>24</b>	<b>96%</b>	<b>1</b>	<b>4%</b>

**Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2023 and 31 March 2024**

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	0	0	0
Salary Level 14	1	1	0
Salary Level 13	1	1	1
<b>Total</b>	<b>2</b>	<b>2</b>	<b>1</b>

**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 2023 and 31 March 2024**

Reasons for vacancies not advertised within six months
N/A

Reasons for vacancies not filled within twelve months
The Regulator has been advertising position in the newspapers. Due to declining readership for newspapers, the Regulator could not attract a pool of applicants. The Regulator has started advertising with online media.

**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 2023 and 31 March 2024**

Reasons for vacancies not advertised within six months
N/A

Reasons or vacancies not filled within 12 months.
N/A

### 3.4 Job Evaluation

Table 3.4.1 Job Evaluation by Salary band for the period 1 April 2023 and 31 March 2024

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)	48	0	0	0	0	0	0
Senior Management Service Band A	13	0	0	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
<b>Total</b>	<b>99</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.4.2 Profile of employees whose positions were upgraded due to their posts being upgraded for the period 1 April 2023 and 31 March 2024**

Gender	African	Indian	Coloured	White	Total
Female	0	0	0	0	0
Male	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.4.3 Employees with salary levels higher than those determined by job evaluation by occupation for the period 1 April 2023 and 31 March 2024**

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 2023 and 31 March 2024**

Gender	African	Indian	Coloured	White	Total
Female	0	0	0	0	0
Male	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Employees with a disability</b>	0	0	0	0	0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Total number of Employees whose salaries exceeded the grades determined by job evaluation	<b>0</b>
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### 3.5 Employment Changes

**Table 3.5.1 Annual turnover rates by salary band for the period 1 April 2023 and 31 March 2024**

Salary band	Number of employees at beginning of period-1 April 2023	Appointments and transfers into the Information Regulator	Terminations and transfers out of the Information Regulator	Turnover rate
Lower skilled (Levels 1-2)	3	0	0	0
Skilled (Levels 3-5)	6	1	1	16.6%
Highly skilled production (Levels 6-8)	17	0	2	0
Highly skilled supervision (Levels 9-12)	39	10	7	17,94%
Senior Management Service Bands A	11	2	2	15%
Senior Management Service Bands B	2	1	1	50%
Senior Management Service Bands C	5	0	0	0
Senior Management Service Bands D	1	0	0	0
Members	4	0	0	0
<b>Total</b>	<b>88</b>	<b>14</b>	<b>13</b>	<b>14.7%</b>

**Table 3.5.2 Annual turnover rates by critical occupation<sup>[1]</sup> for the period 1 April 2023 and 31 March 2024**

Critical occupation	Number of employees at beginning of period-April 2023	Appointments and transfers into the Information Regulator	Terminations and transfers out of the Information Regulator	Turnover rate
Highly skilled supervision (Levels 9-12)	3	1	0	0%
Senior Management Service Bands A	1	0	0	0%
Senior Management Service Bands B	1	1	1	50%
Senior Management Service Bands C	0	0	0	0%
Senior Management Service Bands D	0	0	0	0
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>20%</b>

Information and Communications Technology positions are classified as “critical occupations” in line with the National Treasury Annual Report Guide for National and Provincial Governments 2021 page 43 and Department of Higher Education and Training in the National Scars Skills List, Notice 380 of 2014 Para 10

**Table 3.5.3 Reasons why staff left the Information Regulator for the period 1 April 2023 and 31 March 2024**

Termination Type	Number	% of Total Termination
Death	0	0
Dismissal	0	0
Resignation: <i>According to the Exit Interview Report, staff resigned from the Regulator due to concerns about lower salaries and lack of human capacity, which leads to high workload.</i>	13	100
Retirement	0	0
Total	13	100
Total number of employees who left as a % of total employment	<b>14.44%</b>	<b>14.44%</b>

**Table 3.5.4 Promotions by critical occupation for the period 1 April 2023 and 31 March 2024**

Occupation	Employees 1 April 2023	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
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



**Table 3.5.5 Promotions by salary band for the period 1 April 2023 and 31 March 2024**

Salary Band	Employees 1 April 2023	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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 3.5 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 2024**

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	9	0	0	1	8	1	0	0	19
Professionally qualified and experienced specialists and mid-management	22	0	0	0	20	0	1	0	43
Technicians and associate professionals	5	0	0	0	10	0	0	0	15
Clerks	1	0	0	0	5	0	0	0	6

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Elementary occupations	0	0	0	0	3	0	0	0	3
<b>Total</b>	<b>37</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>48</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>90</b>
<b>Employees with disabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2024:

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	0	0	1	0	0	0	5
Senior Management	5	0	0	1	7	1	0	0	14

Professionally qualified and experienced specialists and mid-management	22	0	0	0	20	0	1	0	43
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	6	0	0	0	18	0	0	0	24
<b>Total</b>	<b>37</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>48</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>90</b>

**Table 3.6.3 Recruitment for the period 1 April 2023 to 31 March 2024**

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	0	0	0		0	0	0	0	0
Senior Management	1	0	0	0	1	1	0	0	3
Professionally qualified and experienced specialists and mid-management	6	0	0	0	4	0	0	0	10
Skilled technical and academically qualified workers, junior management,	0	0	0	0	0	0	0	0	0

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
supervisors, foremen and superintendents									
Semi-skilled and discretionary decision-making	0	0	0	0	1	0	0	0	1
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>14</b>
<b>Employees with disabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Table 3.6.4 Promotions for the period 1 April 2023 to 31 March 2024

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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Employees with disabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Table 3.6.5 Terminations for the period 1 April 2023 to 31 March 2024

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	1	0	1	0	2
Professionally qualified and experienced specialists and mid-management	4	0	0	0	3	0	0	0	7
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	0	0	0	0	2	0	0	0	2
Semi-skilled and discretionary decision-making	0	0	0	0	1	0	0	0	1
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>13</b>
<b>Employees with Disabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Table 3.6.6 Disciplinary action for the period 1 April 2023 to 31 March 2024

Disciplinary action	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Written Warning	1	0	0	0	0	0	1	0	2
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
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>

**Table 3.6.7 Skills development for the period 1 April 2023 to 31 March 2024**

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, foremen 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
<b>Total</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>31</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>51</b>
<b>Employees with disabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 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 2023**

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
CEO	1	1	1	100
Salary Level 15	5	5	5	100
Salary Level 14	2	1	1	100
Salary Level 13	13	12	12	100

<b>Total</b>	<b>21 (Excluding Members)</b>	<b>19</b>	<b>19</b>	<b>100%</b>
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**Table 3.7.2 Reasons for not having concluded Performance agreements for all SMS members as on 31 March 2024**

<b>Reasons</b>
N/A

**Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded Performance agreements as on 31 March 2024**

<b>Reasons</b>
N/A

### 3.8 Performance Rewards

Table 3.8.1 Performance Rewards by race, gender and disability for the period 1 April 2023 to 31 March 2024

Demographics	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee
African, Female	7	7	47%	67	100
African, Male	7	7	47%	90	13
Indian, Female	1	1	6%	17	17
Indian, Male	0	0	0	0	0
Coloured, Male	0	0	0	0	0
Coloured, Female	0	0	0	0	0
<b>Total Blacks, Female</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Blacks, Male</b>	<b>7</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>
White, Female	0	0	0	0	0
White, Male	0	0	0	0	0
<b>Total</b>	<b>15</b>	<b>15</b>	<b>100%</b>	<b>174</b>	<b>N/A</b>



**Table 3.8.2 Performance Rewards by salary band for personnel below Senior Management Service for the period 1 April 2023 to 31 March 2024**

Salary band	Beneficiary Profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee	
Lower skilled (Levels 1-2)	2	3	66	3	0.83	0.3%
Skilled (Levels 3-5)	1	6	17	2	0.83	0.1%
Highly skilled production (Levels 6-8)	2	15	13	8	0.25	0.4%
Highly skilled supervision (Levels 9-12)	4	43	9	42	1	0.1%
<b>Total</b>	<b>9</b>	<b>67</b>	<b>13 %</b>	<b>55</b>	<b>N/A</b>	<b>0.9%</b>

**Table 3.8.3 Performance Rewards by critical occupation for the period 1 April 2023 to 31 March 2024**

Critical occupation	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Senior Management Service Bands A	4	12	33%	69	18
Senior Management Service Bands B	0	2	0	0	0
Senior Management Service Bands C	2	7	29%	50	14
Senior Management Service Bands D	0	2	0	0	0
<b>Total</b>	<b>6</b>	<b>23</b>	<b>26%</b>	<b>119</b>	<b>N/A</b>

**Table 3.8.4 Performance related rewards (cash bonus), by salary band for Senior Management Service for the period 1 April 2023 to 31 March 2024**

Salary band	Beneficiary Profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of 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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 3.9 Foreign Workers

Table 3.9.1 Foreign workers by salary band for the period 1 April 2023 and 31 March 2024

Salary band	01 April 2023		31 March 2024		Change	
	Number	% of total	Number	% of total	Number	% Change
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Table 3.9.2 Foreign workers by major occupation for the period 1 April 2023 and 31 March 2024

Major occupation	01 April 2023		31 March 2024		Change	
	Number	% of total	Number	% of total	Number	% Change
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 3.10 Leave utilisation

Table 3.10.1 Sick leave for the period 1 January 2023 to 31 December 2023

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)	32	100	3	100	10.6	6
Skilled (levels 3-5)	22	100	4	66	5.5	14
Highly skilled production (levels 6-8)	106	100	14	93	7.6	41
Highly skilled supervision (levels 9 - 12)	142	100	30	70	4.7	332
Top and Senior management (levels 13-16)	57	100	10	43	5.7	209

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)
<b>Total</b>	<b>359</b>	<b>100%</b>	<b>61</b>	<b>67.7%</b>	<b>5.9</b>	<b>602</b>

**Table 3.10.2 Disability leave (temporary and permanent) for the period 1 January 2023 to 31 December 2023**

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 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)	0	0	0	0	0	0
Top and Senior management (levels 13-16)	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.10.3 Annual Leave for the period 1 January 2023 to 31 December 2023**

Salary band	Total days taken	Number of Employees using annual leave	Average per employee
Lower skilled (Levels 1-2)	64	3	21.3
Skilled Levels 3-5)	94	6	15.7
Highly skilled production (Levels 6-8)	243	15	16.2
Highly skilled supervision (Levels 9-12)	626	43	14.5
Senior management (Levels 13-16)	365	23	15.9
<b>Total</b>	<b>1392</b>	<b>90</b>	<b>15.5</b>

**Table 3.10.4 Capped leave for the period 1 January 2023 to 31 December 2023**

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 2024
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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.10.5 Leave pay-outs for the period 1 April 2023 and 31 March 2024**

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Leave pay-outs for 2023/24 due to non-utilisation of leave for the previous cycle	0	0	0
Capped leave pay-outs on termination of service for 2023/24	0	0	0
Current leave pay-outs on termination of service for 2022/23	R 306	10	30
<b>Total</b>	<b>R306</b>	<b>10</b>	<b>30</b>

### 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 the 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
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.	x		Mr S Ledwaba Senior Manager: Human Resources Management & Development
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		Two (2) members of staff are allocated this task. R361000 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.	x		Yes, Employee Health and Screening Services. HIV Counselling and Testing. Health Screening Services. Employee Counselling Services. Stress Management.
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		Yes. The members of the Committee are Mr S Ledwaba and Ms P Penane, representing the staff of the Regulator.
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.	x		Recruitment and Selection Policy Employment Equity Policy

Question	Yes	No	Details, if yes
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.	x		Staff do not have to disclose their HIV status or any other related information.
7. Does the Regulator encourage its employees to undergo HIV/AIDS Voluntary / Covid-19 Testing? If so, list the results that you have achieved.	x		<p>Yes, The Regulator held two (2) Employee Health and Wellness Programmes where HIV counselling and testing.</p> <p>Circulars, posters and pamphlets are circulated to staff to encourage them to test for HIV/AIDS.</p>
8. 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 of the impact of its health promotion programme has not yet been conducted.



### 3.12 Labour Relations

**Table 3.12.1 Collective agreements for the period 1 April 2023 and 31 March 2024**

Subject matter	Date
None	N/A

#### Notes

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

<b>Total number of collective agreements</b>	<b>None</b>
----------------------------------------------	-------------

**Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 1 April 2023 and 31 March 2024**

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	0	0
Verbal warning	0	0
Written warning	2	100%
Final written warning	0	0
Suspended without pay	0	0
Fine	0	0
Demotion	0	0
Dismissal	0	0
Not guilty	0	0

Outcomes of disciplinary hearings	Number	% of total
Case withdrawn	0	0
Correctional counselling	0	0
<b>Total</b>	<b>2</b>	<b>100%</b>
<b>Total number of Disciplinary hearings finalised</b>		<b>0</b>

Table 3.12.3 Types of misconduct addressed at disciplinary hearings for the period 1 April 2023 and 31 March 2024

Type of misconduct	Number	% of total
<b>Total</b>	<b>0</b>	<b>0</b>

Table 3.12.4 Grievances logged for the period 1 April 2023 and 31 March 2024

Grievances	Number	% of Total
Number of grievances resolved	0	0
Number of grievances not resolved	0	0
<b>Total number of grievances lodged</b>	<b>0</b>	<b>0%</b>

Table 3.12.5 Disputes logged with Councils for the period 1 April 2023 and 31 March 2024

Disputes	Number	% of Total
<b>Total number of disputes lodged</b>	<b>1</b>	<b>100</b>

Table 3.12.6 Strike actions for the period 1 April 2023 and 31 March 2024

<b>Amount recovered as a result of no work no pay (R'000)</b>	<b>0</b>
---------------------------------------------------------------	----------

**Table 3.12.7 Precautionary suspensions for the period 1 April 2023 and 31 March 2024**

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 2023 and 31 March 2024**

Occupational category	Gender	Number of employees as at 1 April 2023	Training provided at the end of the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Top Management	Male	6	0	4	0	4
	Female	6	0	5	0	5
Senior Management	Male	4	0	3	0	3
	Female	7	0	2	0	2
Professionally qualified and experienced specialists and mid-management	Male	19	0	12	0	12
	Female	20	0	13	0	13
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	Male	5	0	4	0	4
	Female	12	0	7	0	7

Occupational category	Gender	Number of employees as at 1 April 2023	Training provided at the end of the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Semi-skilled and discretionary decision-making	Male	1	0	0	0	0
	Female	5	0	2	0	2
Unskilled and defined decision-making	Male	0	0	0	0	0
	Female	3	0	0	0	0
<b>TOTAL</b>		<b>88</b>	<b>0</b>	<b>52</b>	<b>0</b>	<b>52</b>

Table 3.13.2 Training provided for the period 1 April 2023 and 31 March 2024

Occupational category	Gender	Number of employees as at 1 April 2023	Training provided at the end of the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Top Management	Male	6	0	4	0	4
	Female	6	0	5	0	5
Senior Management	Male	4	0	3	0	3
	Female	7	0	2	0	2
Professionally qualified and experienced specialists and mid-management	Male	19	0	12	0	12
	Female	20	0	13	0	13
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	Male	5	0	4	0	4
	Female	12	0	7	0	7
	Male	1	0	0	0	0

Occupational category	Gender	Number of employees as at 1 April 2023	Training provided at the end of the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Semi-skilled and discretionary decision-making	Female	5	0	2	0	2
Unskilled and defined decision-making	Male	0	0	0	0	0
	Female	3	0	0	0	0
<b>TOTAL</b>		<b>88</b>	<b>0</b>	<b>52</b>	<b>0</b>	<b>52</b>

### 3.14 Injury on duty

Table 3.14.1 Injury on duty for the period 1 April 2023 and 31 March 2024

Nature of injury on duty	Number	% of total
N/A	0	0
	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

### 3.15 Utilisation of consultants

Table 3.15.1 Report on consultant appointments using appropriated funds for the period 1 April 2023 and 31 March 2024

Project title	Total number of consultants that worked on project	Duration (workdays)	Contract value in Rand
Employee Health and Wellness (Health First)	1	260	R 367 800.00
Managed Integrity Evaluation (MIE)	1	260	R 7 209 .35
Recruitment Services	1	260	R 233 611.00

Project title	Total number of consultants that worked on project	Duration (workdays)	Contract value in Rand
Member of the Regulator (1)	1	260	R 296 489.07
Enforcement Committee Members	14	260	R 744 317.82
Research and Advisory Services	3	260	R 1 507 187.00
Accountants and Auditors	1	260	R 212 500.00
Translators and Transcripts	2	260	R 188 864. 50
<b>Total</b>	<b>24</b>	<b>1040</b>	<b>R 3 547 978.54</b>

**Table 3.15.2 Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs) for the period 1 April 2023 and 31 March 2024**

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
Employee Health and Wellness	100	100	1
MIE	33.63	33.63	1
Member of the Regulator (1)			1
Enforcement Committee Members			14
Research and Advisory Services			3
Accountants and Auditors			1
Translators and Transcripts			2
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>24</b>

**Table 3.15.3 Report on consultant appointments using Donor funds for the period 1 April 2023 and 31 March 2024**

Project title	Total Number of consultants that worked on 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 2023 and 31 March 2024**

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 2023 and 31 March 2024**

Salary band	Number of applications received	Number of applications referred to the Minister of Public Service and Administration (MPSA)	Number of applications supported by MPSA	Number of packages approved by Information Regulator
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## **PART E: FINANCIAL INFORMATION**

### **1. REPORT OF THE AUDITOR GENERAL**

1.1. The Regulator is audited by the AGSA as part of the budget vote of the DoJ&CD. There is no separate auditor's report for the Regulator.

### **2. ANNUAL FINANCIAL STATEMENTS**

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



**PART F: PROMOTION OF ACCESS TO INFORMATION ACT REPORT (SECTION 84)**

**1. INTRODUCTION**

1.1 To enable the Regulator to monitor how effectively the public bodies are giving effect to the constitutional right of access to any information, the Regulator is empowered, in terms of section 32 of PAIA, to receive annual reports from public bodies regarding the statistics on how each public body has processed requests for access to any information held by the body.

1.2 Section 84 of PAIA provides that the Regulator may request the heads of private bodies to furnish annual reports about requests for access to records of the body, for the purpose of-

1.2.1 monitoring how effectively the private bodies are giving effect to the constitutional right of access to information that is required for the exercise or protection of any rights; and

1.2.2 its annual report to the National Assembly.

1.3 The Regulator may, in terms of section 83((3) of PAIA,

1.3.1 make 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 requests for access to information; and

1.3.2 for the purposes of the annual report to the National Assembly in terms of section 84 (b) (x) of PAIA, request the Public Protector to submit to the Regulator, the following information-

1.3.2.1 the number of complaints lodged with the Public Protector in respect of a right conferred or duty imposed by PAIA; and

1.3.2.2 the nature and outcome of those complaints.

**2. ANNUAL REPORT**

The Regulator is, in terms of section 84 of PAIA, required to report on the following, in its annual report to the National Assembly-

**2.1 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 requests for access to information**

2.1.1 In order to give effect to the independence of the Regulator and also to ensure that it has effective regulatory powers when conducting compliance assessment, the Regulator is in the process of reviewing PAIA.

2.1.2 The proposed amendment of PAIA will be submitted to the DoJ&CD for further processing in the 2024/25 financial year.

**2.2 Overall statistics on how the public bodies are giving effect to the constitutional right of access to any information, in terms of section 84(a) of PAIA.**

Out of eight hundred and fifty-three (853) public bodies (National Departments, Provincial Departments, Local Government, Public Entities, Universities and TVET Colleges), only two hundred and seventy-eight (278) public bodies have submitted their PAIA annual reports to the Regulator, and the overall compliance percentage is about thirty-three percent (33%). Below is the detailed breakdown of access to information statistics relating to the request for access to the records of the public bodies-

**2.2.1 National Government Departments**

There are forty (40) National Departments in South Africa, and thirty-three (33) out of forty (40) National Departments have submitted their annual reports to the Regulator, and their compliance percentage is about eighty-two percent (82%). Below is the breakdown of access to information statistics-

Number of submissions: 33 out of 40		
1	The number of requests for access received	25845
2	The number of requests for access granted in full	22752
3	The number of requests for access granted in terms of section 46	4152
4	The number of requests for access refused in full	870
5	The number of requests for access refused partially	637
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	3234
7	The number of internal appeals lodged with the relevant authority	455
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	155
9	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	388
11	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	388
12	The number of applications to every court which were lodged on the grounds that an internal appeal was regarded as having been dismissed in terms of section 77 (7)	388

2.2.2 **Provincial Government Departments**

There are one hundred and twelve (112) Provincial Departments in South Africa, and sixty-eight (68) out of one hundred and twelve (112) Provincial Departments have submitted their annual reports to the Regulator, and their compliance percentage is about sixty-one percent (**61%**). Below is the breakdown of each category for the provincial government departments -

Number of submissions: 68 out of 112		
1	The number of requests for access received	28154
2	The number of requests for access granted in full	19699
3	The number of requests for access granted in terms of section 46	356
4	The number of requests for access refused in full	562
5	The number of requests for access refused partially	53
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	957
7	The number of internal appeals lodged with the relevant authority	2659
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	488
9	The number of internal appeals which were lodged on the grounds that a request for access was regarded as having been refused in terms of section 27	116
11	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	116
12	The number of applications to every court which were lodged on the grounds that an internal appeal was regarded as having been dismissed in terms of section 77 (7)	116

### 2.2.3 Municipalities

There are two-hundred and fifty-seven (257) Municipalities in South Africa, and only fifty-one (51) out of two-hundred and fifty-seven (257) Municipalities have submitted their annual reports, and their Compliance Percentage is about twenty percent (20%). Below is the breakdown of each category of the Municipalities-

#### 2.2.3.1 Metropolitan Municipalities

Number of submissions: 7 out of 8		
1	The number of requests for access received	845
2	The number of requests for access granted in full	345
3	The number of requests for access granted in terms of section 46	4
4	The number of requests for access refused in full	233
5	The number of requests for access refused partially	104
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	185
7	The number of internal appeals lodged with the relevant authority	42
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	14
9	The number of internal appeals which were lodged on the grounds that a request for access was regarded as having been refused in terms of section 27	13
11	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	13
12	The number of applications to every court which were lodged on the grounds that an internal appeal was regarded as having been dismissed in terms of section 77 (7)	13

2.2.3.2

**District Municipalities**

Number of submissions: 9 out of 44		
1	The number of requests for access received	23
2	The number of requests for access granted in full	14
3	The number of requests for access granted in terms of section 46	5
4	The number of requests for access refused in full	4
5	The number of requests for access refused partially	2
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	0
7	The number of internal appeals lodged with the relevant authority	1
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	0
9	The number of internal appeals which were lodged on the grounds that a request for access was regarded as having been refused in terms of section 27	0
11	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
12	The number of applications to every court which were lodged on the grounds that an internal appeal was regarded as having been dismissed in terms of section 77 (7)	0

2.2.3.3

**Local Municipalities**

Number of submissions: 35 out of 202		
1	The number of requests for access received	657
2	The number of requests for access granted in full	506
3	The number of requests for access granted in terms of section 46	38
4	The number of requests for access refused in full	67
5	The number of requests for access refused partially	48
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	17
7	The number of internal appeals lodged with the relevant authority	24
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	3
9	The number of internal appeals which were lodged on the grounds that a request for access was regarded as having been refused in terms of section 27	7
11	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	7
12	The number of applications to every court which were lodged on the grounds that an internal appeal was regarded as having been dismissed in terms of section 77 (7)	7

2.2.4

**Public Entities**

There are three hundred and seventy-one (371) PFMA listed public entities in South Africa, and one hundred and forty-one (141) out of three hundred and seventy-one (371) of the listed public entities have submitted their annual reports to the Regulator, and their compliance percentage is about thirty-eight percent (38%). Below is the breakdown of each schedule of listed public entities –

2.2.4.1

**Constitutional Institutions**

There are nine (9) Constitutional Institutions listed under Schedule 1, and 5 out of 9 Constitutional Institutions have submitted their annual reports to the Regulator, and their compliance percentage is about fifty-six percent (56%). Below is the breakdown statistics of requests for access to the records of the Constitutional Institutions-

Schedule 1		
1	The number of requests for access received	32
2	The number of requests for access granted in full	3
3	The number of requests for access granted in terms of section 46	0
4	The number of requests for access refused in full	26
5	The number of requests for access refused partially	3
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	1
7	The number of internal appeals lodged with the relevant authority	0
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	0
9	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
11	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
12	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

2.2.4.2

**Major Public Entities**

There are twenty-one (21) Major Public Entities listed under Schedule 2, and 10 out of 21 Major Public Entities have submitted their annual reports to the Regulator, and their compliance percentage is about forty-eight per cent (48%). Below is the breakdown statistics of requests for access to the records of the Major Public Entities-

Schedule 2		
1	The number of requests for access received	235
2	The number of requests for access granted in full	108
3	The number of requests for access granted in terms of section 46	30
4	The number of requests for access refused in full	45
5	The number of requests for access refused partially	17
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	19
7	The number of internal appeals lodged with the relevant authority	14
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	3
9	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	12
11	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	12
12	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)	12



2.2.4.3

**National Public Entities**

There are hundred and seventy-one (171) Major Public Entities listed under Schedule 3A, and seventy-four (74) out of hundred and seventy-one 171 National Public Entities have submitted their annual reports to the Regulator, and their compliance percentage is about forty-three percent (43%). Below is the breakdown statistics of request for access to the records of the National Public Entities.

Schedule 3A		
1	The number of requests for access received	8641
2	The number of requests for access granted in full	6828
3	The number of requests for access granted in terms of section 46	85
4	The number of requests for access refused in full	1495
5	The number of requests for access refused partially	34
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	432
7	The number of internal appeals lodged with the relevant authority	17
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	8
9	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	4
11	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	4
12	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)	4

2.2.4.4

**National Government Business Enterprises**

There are twenty-one (21) National Government Business Enterprises listed under Schedule 3B, and ten (10) out of twenty-one (21) National Government Business Enterprises have submitted their annual reports to the Regulator, and their compliance percentage is about forty-eight per cent (48%). Below is the breakdown statistics of request for access to the records of the National Government Business Enterprises -

Schedule 3B		
1	The number of requests for access received	48
2	The number of requests for access granted in full	40
3	The number of requests for access granted in terms of section 46	7
4	The number of requests for access refused in full	6
5	The number of requests for access refused partially	1
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	5
7	The number of internal appeals lodged with the relevant authority	3
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	0
9	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
11	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
12	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

**2.2.4.5**

**Provincial Public Entities**

There are fifty-four (**54**) Provincial Public Entities listed under Schedule 3C, and sixteen (16) out of fifty-four (54) Provincial Public Entities have submitted their annual reports to the Regulator, and their compliance percentage is about thirty percent (30%). Below is the breakdown statistics of requests for access to the records of the Provincial Public Entities-

Schedule 3C		
1	The number of requests for access received	39
2	The number of requests for access granted in full	28
3	The number of requests for access granted in terms of section 46	2
4	The number of requests for access refused in full	4
5	The number of requests for access refused partially	4
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	2
7	The number of internal appeals lodged with the relevant authority	2
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	1
9	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
11	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
12	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

2.2.4.6

**Provincial Government Business Enterprises**

There are eighteen (18) Provincial Government Business Enterprises listed under schedule 3D, and seven (7) out of eighteen (18) Provincial Government Business Enterprises have submitted their annual reports to the Regulator, and their compliance percentage is about thirty-nine percent (39%). Below is the breakdown statistics of requests for access to the records of the Provincial Government Business Enterprises –

Schedule 3D		
1	The number of requests for access received	21
2	The number of requests for access granted in full	18
3	The number of requests for access granted in terms of section 46	0
4	The number of requests for access refused in full	1
5	The number of requests for access refused partially	0
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	0
7	The number of internal appeals lodged with the relevant authority	0
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	0
9	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
11	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
12	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

2.2.4.7

**Public Universities**

There are twenty-six (26) Public Universities in the Republic, and sixteen (16) out of twenty-six (26) Public Universities have submitted their annual reports to the Regulator, and their compliance percentage is about sixty-two percent (62%). Below is the breakdown statistics of requests for access to the records of the Public Universities–

Public Universities		
1	The number of requests for access received	185
2	The number of requests for access granted in full	125
3	The number of requests for access granted in terms of section 46	0
4	The number of requests for access refused in full	29
5	The number of requests for access refused partially	19
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	17
7	The number of internal appeals lodged with the relevant authority	1
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	6
9	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
11	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
12	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

**2.2.4.8**

**Public TVET Colleges**

There are fifty (50) registered Public TVET Colleges in South Africa, and three (3) out of fifty (50) Public TVET Colleges have submitted their annual reports to the Regulator, and their compliance percentage is about six percent (6%). Below is the breakdown statistics of requests for access to the records of the Public TVET Colleges –

Public TVET Colleges		
1	The number of requests for access received	3
2	The number of requests for access granted in full	3
3	The number of requests for access granted in terms of section 46	3
4	The number of requests for access refused in full	0
5	The number of requests for access refused partially	0
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	0
7	The number of internal appeals lodged with the relevant authority	0
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	0
9	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
11	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
12	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

2.2.4.9

**Legislatures**

There are ten (10) legislative structures at national and provincial level in South Africa: Parliament and nine (9) provincial legislatures. Of these only two (2) out of ten (10) submitted their annual reports to the Regulator, and their compliance percentage is about twenty percent (20%). Below is the breakdown of how the national and provincial legislative structures in South Africa have given effect to the constitutional right of access to information-

Parliament and Provincial Legislatures,		
1	The number of requests for access received	6
2	The number of requests for access granted in full	5
3	The number of requests for access granted in terms of section 46	0
4	The number of requests for access refused in full	2
5	The number of requests for access refused partially	1
6	The number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1)	3
7	The number of internal appeals lodged with the relevant authority	1
8	The number of cases in which, as a result of an internal appeal, access was given to a record or a part thereof	1
9	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
11	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
12	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

**2.3 Statistics on how the Regulator has given effect to the constitutional right of access to any information in its possession, during the 2023/2024 financial year**

The Regulator received five (5) requests for access to the records during the period under review, and all requests were refused in accordance with the grounds for refusal contemplated in Chapter 4 of Part 2 of PAIA. Below is the breakdown of how the Regulator has given effect to the constitutional right of access to its information-

items	Description	No
1.	The number of requests for access received	5
2.	The number of requests for access granted in full	0
3.	The number of requests granted (in terms of section 46)	0
4.	The number of requests for access refused in full	5
5.	The number of requests for access refused partially	0
6.	The number of cases in which the periods were extended (in terms of section 26(1), as stipulated in section 25) – This request was refused in full and is included under the item above: “The number of requests for access refused in full”.	1
7.	The number of internal appeals lodged with the relevant authority	0
8.	The number of cases in which, as a result of an internal appeal, access was granted to a record	0
9.	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
10.	Number of complaints received by the Regulator (216 against public bodies and 126 against private bodies)	340
11.	The number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77(7)	0



**2.4 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.**

About 34 460 private bodies (including Political Parties) submitted their PAIA Annual Reports to the Regulator, as detailed below-

**2.4.1 Private Bodies (Excluding Political Parties)**

Number of submissions: 34 449		
1	The number of requests for access received	122198
2	The number of requests for access granted in full	114669
3	The number of requests for access granted in terms of section 70	18063
4	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	5467
5	The number of cases in which the periods stipulated in section 56 (1) were extended in terms of section 57(1);	383
8	The number of applications made to every court	25
9	The number of decisions of every court appealed against and the outcome thereof	13

**2.4.2 Political Parties**

Below are the statistics on how the Political Parties have given effect to the constitutional right of access to any information in its possession, during the 2023/2024 financial year-

Number of submissions: 11 out of 52 (Compliance Percentage: 21%)		
1	The number of requests for access received	8
2	The number of requests for access granted in full	3
3	The number of requests for access granted in terms of section 70	1
4	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	0
5	The number of cases in which the periods stipulated in section 56 (1) were extended in terms of section 57(1);	0
6	The number of applications made to every court	2
7	The number of decisions of every court appealed against and the outcome thereof	1

**2.5. 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.**

The OPP has, once again, failed to submit its annual report to the Regulator, as prescribed in section 84 (b) (x) of PAIA. As a result, the Regulator is unable to report to parliament in this regard.

**2.6. Overall statistics on how the public and private bodies are giving effect to the constitutional right of access to any information.**

A total of 186 934 requests for access to the records of public and private bodies were processed in the year under review. The public bodies received 64728 requests, the private bodies received 122198 requests and political parties received eight (8) requests. Of these requests 165 171 were granted. The public bodies granted access on 50 499 (78%) of the requests they received, the private bodies granted 114 669 requests (94%) and the political parties granted three (3) requests (38%). Accordingly, eighty-eight percent 88% of all requests for access processed by public, private bodies and political parties were granted.

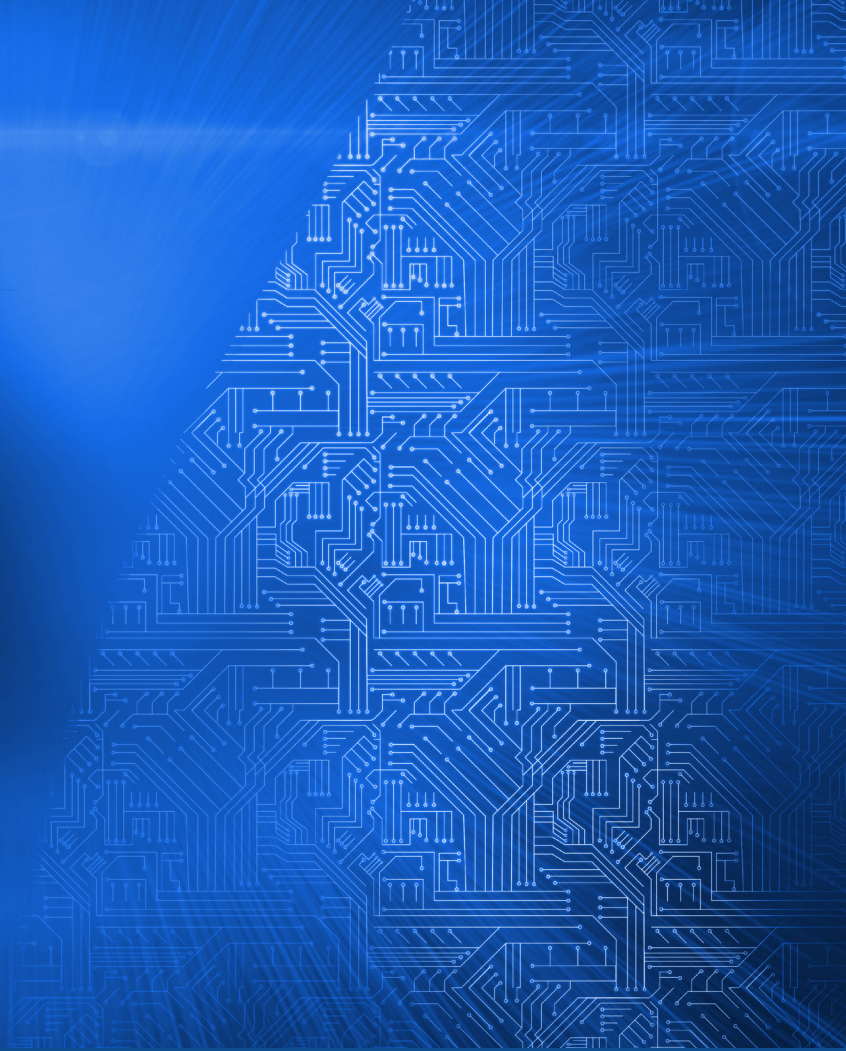
About 22 775 of requests for access to the records of the public and private bodies were granted in the public interest. Of these, the public bodies granted 4 711 requests in the public interest (9%), the private bodies granted 18 063 requests (16%) and political parties granted one (1) request (33%).

In total, 9 393 of all requests received by the public bodies, private bodies and political parties were rejected during the year under review (5%). Of these, the public bodies rejected 3 926 requests in full or partially (6%), the private bodies rejected 5467 requests (4%) and the political parties did not reject any requests in full or partially (0%).

Below is the breakdown of the Overall statistics on how the public and private bodies are giving effect to the constitutional right of access to any information:

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 (section 46)	The number of requests refused in full and partially	The number of cases in which the period was extended in terms of section 26(1)	The number of internal appeals lodged	The number of cases in which, access was given after appeal	The number of appeals lodged on deemed refusals	The number of court applications	The number of applications to court challenging the decision of the relevant authority OR Number of decisions of every court appealed against
National Departments	25845	22752	4152	1507	3234	455	155	388	0	0
Provincial Departments	28154	19699	356	615	957	2659	488	116	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 (section 46)	The number of requests refused in full and partially	The number of cases in which the period was extended in terms of section 26(1)	The number of internal appeals lodged	The number of cases in which, access was given after appeal	The number of appeals lodged on deemed refusals	The number of court applications	The number of applications to court challenging the decision of the relevant authority OR Number of decisions of every court appealed against
<b>Municipalities</b>	1525	865	47	121	202	67	17	20	0	
<b>Constitutional</b>	32	3	0	29	1	0	0	0	0	0
<b>Major Entities</b>	235	108	30	62	19	14	3	0	0	0
<b>National Public Entities</b>	8641	6828	85	1529	432	17	8	4	0	0
<b>National Government Business Enterprises</b>	48	40	7	7	5	3	0	0	0	0
<b>Provincial Public Entities</b>	39	28	2	8	2	2	1	0	0	0
<b>Provincial Government Business Enterprises</b>	21	18	0	0	0	0	0	0	0	0
<b>Universities</b>	185	125	29	48	17	1	6	0	0	0
<b>TVET Colleges</b>	3	3	3	0	0	0	0	0	0	0
<b>Private Bodies</b>	122198	114669	18063	5467	383	N/A	N/A	N/A	25	13
<b>Political Parties</b>	8	3	1	0	0	N/A	N/A	N/A	2	1
<b>TOTAL</b>	<b>186 934</b>	<b>165 171</b>	<b>22 775</b>	<b>9 393</b>	<b>5 252</b>	<b>3 218</b>	<b>672</b>	<b>528</b>	<b>27</b>	<b>14</b>



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