



MEDIA DEVELOPMENT AND DIVERSITY AGENCY

PAIA MANUAL

**Prepared in terms of section 14 of the
Promotion of Access to Information Act 2 of 2000 (as amended)**

DATE OF COMPILATION: 11/03/2024

DATE OF REVISION: 11/03/2025

1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 “**CEO**” Chief Executive Officer
- 1.2 “**DIO**” Deputy Information Officer.
- 1.3 “**IO**” Information Officer;
- 1.4 “**Minister**” Minister of Justice and Correctional Services.
- 1.5 “**PAIA**” Promotion of Access to Information Act No. 2 of 2000 (as Amended).
- 1.6 “**PFMA**” Public Finance Management Act No.1 of 1999 as Amended.
- 1.7 “**POPIA**” Protection of Personal Information Act No.4 of 2013.
- 1.8 “**Regulator**” Information Regulator.

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 Check the nature of the records which may already be available at the Media Development and Diversity Agency, without the need for submitting a formal PAIA request.
- 2.2 Have an understanding of how to make a request for access to a record of the Media Development and Diversity Agency.
- 2.3 Access all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 2.4 Know all the remedies available from the Media Development and Diversity Agency regarding request for access to the records, before approaching the Regulator or the Courts.

- 2.5 The description of the services available to members of the public from the (name of the body), and how to gain access to those services.
- 2.6 A description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 2.7 If the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 2.8 Know if the Media Development and Diversity Agency has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9 Know whether the Media Development and Diversity Agency has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF MEDIA DEVELOPMENT AND DIVERSITY AGENCY

The Media Development and Diversity Agency is a statutory development agency established in terms of the Media Development and Diversity Agency Act, 14 of 2002 (“the MDDA Act”).

3.1 Objectives/Mandate

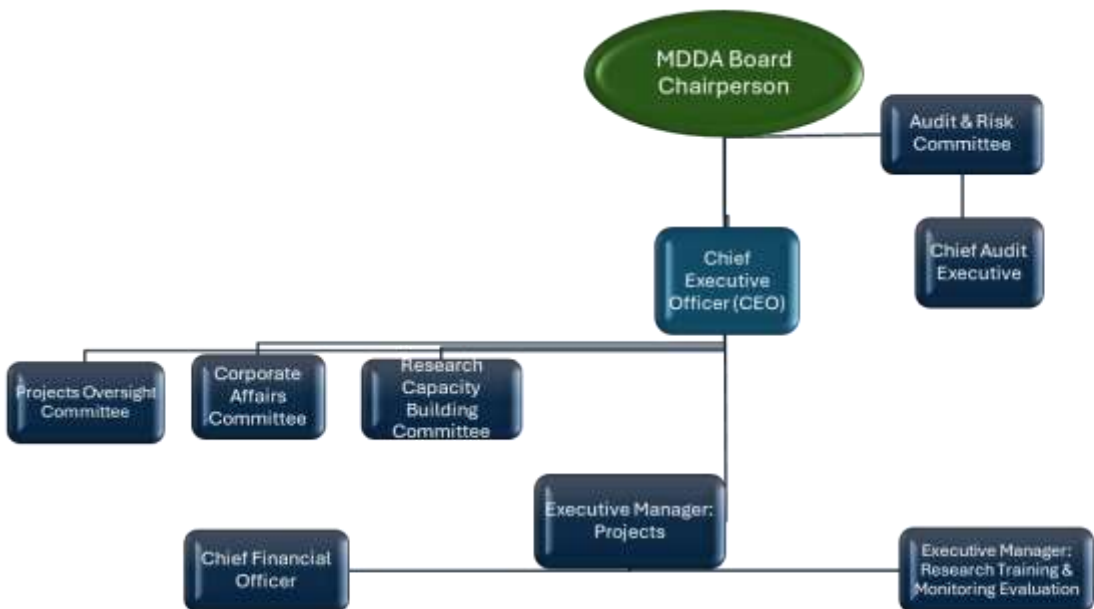
The objective of the Agency is to promote development and diversity in the South African media throughout the country, consistent with the right to freedom of expression as entrenched in section 16 (1) of the Constitution. in particular-

- a) freedom of the press and other media; and
 - b) freedom to receive and impart information or ideas,
- And for that purpose to -

- i. encourage ownership and control of, and access to, media by historically disadvantaged communities as well as by historically diminished indigenous language and cultural groups:
- ii. encourage the development of human resources and training, and capacity building, within the media industry, especially amongst historically disadvantaged groups;
- iii. encourage the channelling of resources to the community media and small commercial media sectors;
- iv. raise public awareness with regard to media development and diversity issues:
- v. support initiatives which promote literacy and a culture of reading;
- vi. encourage research regarding media development and diversity; and
- vii. liaise with other statutory bodies such as the Independent Communications Authority of South Africa and the Universal Service Agency.

4. STRUCTURE OF THE MEDIA DEVELOPMENT AND DIVERSITY AGENCY AND FUNCTIONS

4.1 Structure



4.2 Functions

The Media Development and Diversity Agency is established to:

- 4.2.1 help create an enabling environment for media development and diversity that is conducive to public discourse and which reflects the needs and aspirations of all South Africans;
- 4.2.2 redress the exclusion and marginalisation of disadvantaged communities and persons from access to the media and the media industry;
- 4.2.3 promote media development and diversity by providing support primarily to community and small commercial media projects.

5. CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE MEDIA DEVELOPMENT AND DIVERSITY AGENCY

5.1 Chief Information Officer

Name: Shoeshoe Qhu
Tel: (011) 643 - 1100
Email: Shoeshoes@mdda.org.za
Fax number: N/A

5.2 Deputy Information Officer

Name: Dawid Moreroa
Tel: (011) 643 - 1100
Email: Dawid@mdda.org.za
Fax Number: N/A

5.3 Access to information general contacts

Email: info@mdda.org.za

5.4 National / Head Office

Postal Address: P. O. Box 42846, Fordsburg, 2193
Physical Address: 26 Canary Road, Auckland Park,
SABC GSM Building, Auckland Park, 2006.

Johannesburg

Telephone: (011) 643 -1100

Email: info@mdda.org.za

Website: www.mdda.org.za

6. REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MEDIA DEVELOPMENT AND DIVERSITY AGENCY

- 6.1 if the Media Development and Diversity Agency fails to comply with the provisions of PAIA, the requestor or any aggrieved person may, in accordance with section 78¹ of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA), approach the Court with jurisdiction for appropriate relief.
- 6.2 if the requester or third party is aggrieved by the decision of the Information Officer, he or she may, by way of an application and within 180 days, apply to a court for appropriate relief in terms of section 82 of the Act.
- 6.3 Although the Media Development and Diversity Agency is not the kind of a public body where there is an internal appeal process, as referred to in paragraph (a) of the definition of “public body” in section 1 of the Act, it has established the following appeal process, which process is not compulsory and the Requester or third party may opt to approach the court in accordance with paragraph 6.2 above –

6.3.1 Internal Remedies

- 6.3.1.1 An internal appeal can only be lodged, in terms of section 74² of PAIA, with the relevant authority of the Media Development and Diversity Agency (Members of the Agency).

¹ Section 78(1) of PAIA- A requester or third party referred to in section 74 may only apply to a court for appropriate relief in terms of section 82 after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74.

² section 74(1) of PAIA- 1) A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of 'public body' in section 1.

6.3.1.2 However, the requirement of section 74(1) and (2) of PAIA are not exclusive (this is because of the usage of the word “may” in section 74(1) of PAIA) and therefore the Media Development and Diversity Agency has decided to have an internal appeal process, in order to ensure an accountable, responsive and transparent system of governance within the Agency.

6.3.1.3 Accordingly, a requester may lodge an internal appeal against a decision of the Information Officer or Deputy Information Officer on the following grounds –

- 6.3.1.3.1 refusal to grant access to the records;
- 6.3.1.3.2 the tender or payment of the request fee in terms of section 22(1) of PAIA; or
- 6.3.1.3.3 the access fee to be paid is too excessive; or
- 6.3.1.3.4 the tender or payment of a deposit in terms of section 22(2) of PAIA; or
- 6.3.1.3.5 the decision of the Information Officer to grant a request for access; or
- 6.3.1.3.6 an extension of period in terms of section 26(1) of PAIA; or
- 6.3.1.3.7 refusal to grant access to records in a particular form;
- 6.3.1.3.8 requested, in terms section 29 (3) of PAIA;
- 6.3.1.3.9 failure to disclose records; or
- 6.3.1.3.10 refusal to grant request to waive the fees.

6.3.2 A third party may lodge an internal appeal against a decision of the Information Officer or Deputy information Officer to grant a request for access to a record.

6.3.3 In order to appeal against any decision(s) made by the Information Officer or Deputy information Officer, referred to in paragraph 6.3.1.3 and 6.3.2 above, a requester must lodge an internal appeal by completing Form 4. Form 4, attached hereto, must be submitted to the same Information Officer or Deputy information Officer that made the original decision, who is then required to

forward it to the Chairperson, or a Member designated by the Chairperson within ten (10) working days after receipt of an internal appeal³.

6.3.4 Period within which to lodge an appeal -

6.3.4.1 An internal appeal form must be delivered or sent to the Information Officer or Deputy information Officer's address or fax number or electronic mail address⁴, contact details of which can be found in paragraph 6 above –

6.3.4.1.1 within 60 days⁵ after the decision was taken;

6.3.4.1.2 within 30 days⁶ after notice is given to the third party of the decision appealed against.

6.3.5 The Appeal must be submitted to the Information Officer who must in terms of PAIA, forward it to the Members of the Regulator, within ten (10) days, together with –

6.3.5.1 his or her reasons for the decision concerned; and

6.3.5.2 the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request, in terms of section 47 (1) of PAIA.

6.3.6 The Appeal must be delivered or sent to any of the contact information listed in paragraph 6 above.

³ section 75(4) of PAIA- As soon as reasonably possible, but in any event within 10 working days after receipt of an internal appeal in accordance with subsection (1), the information officer of the public body concerned must submit to the relevant authority.

⁴ section 75(1)(b) of PAIA- An internal appeal must be delivered or sent to the information officer of the public body concerned at his or her address, fax number or electronic mail address;

⁵ section 75(1)(a)(i) of PAIA- An internal appeal must be lodged in the prescribed form, within 60 days.

⁶ Section 75(1)(a)(ii) of PAIA- An internal appeal must be lodged in the prescribed form, if notice to a third party is required by section 49 (1) (b), within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.

- 6.3.7 The Members may, upon good cause shown, allow the late lodging of the internal appeal. If the Chairperson or a Member designated by the Chairperson is not satisfied with the reasons advanced for late lodging of the appeal, the request will be disallowed on written notice to the person that lodged the internal appeal.
- 6.3.8 A requester lodging an internal appeal against the refusal of his or her request for access may pay the prescribed appeal fee (if any or unless he/she is exempted from paying fees). If the prescribed appeal fee is payable in respect of an internal appeal, the decision on the internal appeal may be deferred until the fee is paid.
- 6.3.9 The Members, must process and decide on the internal appeal within thirty (30) days from the date in which the internal appeal was received by the Information Officer or Deputy Information Officer;

6.4 External Remedies

The decision made by the Members, pertaining to any of the decisions the requester or third party is aggrieved by, is final and the requester or third party may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.

7 GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 7.1 The Media Development and Diversity Agency has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA (“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.
- 7.2 The Guide is available in each of the official languages.
- 7.3 The aforesaid Guide contains the description of-
- 7.3.1 The objects of PAIA and POPIA;

7.3.2 The postal and street address, phone and fax number and, if available, electronic mail address of-

7.3.2.1 The Information Officer of every public body, and

7.3.2.2 Every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA⁷ and section 56 of POPIA⁸;

7.3.3 The manner and form of a request for-

7.3.3.1 Access to a record of a public body contemplated in section 11⁹; and

7.3.3.2 Access to a record of a private body contemplated in section 50¹⁰;

7.3.4 The assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

7.3.5 The assistance available from the Regulator in terms of PAIA and POPIA;

7.3.6 All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

⁷ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

⁸ Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

⁹ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

¹⁰ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if -*

- a) that record is required for the exercise or protection of any rights;*
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and,*
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 7.3.6.1 An internal appeal;
- 7.3.6.2 A complaint to the Regulator; and
- 7.3.6.3 An application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 7.3.7 The provisions of sections 14¹¹ and 51¹² requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8 The provisions of sections 15¹³ and 52¹⁴ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 7.3.9 The notices issued in terms of sections 22¹⁵ and 54¹⁶ regarding fees to be paid in relation to requests for access; and
- 7.3.10 the regulations made in terms of section 92¹⁷.

¹¹ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

¹² Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

¹³ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.

¹⁴ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.

¹⁵ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁶ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁷ Section 92(1) of PAIA provides that – “The Minister may, by notice in the Gazette, make regulations regarding-
(a) any matter which is required or permitted by this Act to be prescribed;
(b) any matter relating to the fees contemplated in sections 22 and 54;
(c) any notice required by this Act;
(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

7.4 Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Media Development and Diversity Agency, during normal working hours. The Guide can also be obtained-

7.4.1 Upon request to the Information Officer;

7.4.2 From the website of the Media Development and Diversity Agency (<https://www.mdda.org.za/infoereg/>).

8. RECORDS AND CATEGORIES OF RECORDS HELD BY THE MEDIA DEVELOPMENT AND DIVERSITY AGENCY.

8.1 Records held by the Media Development and Diversity Agency are generated through each of its divisions, the core operations processes under both PAIA and POPIA and also through the decisions taken by Members.

8.2 Each division of the Agency generates substantive records which relate specifically to the outputs of the division and operational records in the course of organisational operations.

8.3 The categories of records generated in the Agency are classified in the manner listed below –

8.1.1 according to the file plan for correspondence, files on strategic support, core functions, and operational processes of the Agency;

8.1.2 the Records Control Schedule for other records including publications and audio-visual records and the electronic information systems of the Agency.

8.2 Certain records of the Regulator are acquired in the course of work of the Agency and in certain instances records are received from public and private bodies in accordance with PAIA and POPIA.

8.3 The Media Development and Diversity Agency reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where the Regulator no longer has possession of such record.

8.4 The Media Development and Diversity Agency also reserves the right to create new categories of records where this is necessary. This Manual will be updated to reflect changes in categories of records accordingly.

Subjects on which the body holds records	Categories of records held on each subject
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures; - Advertised posts; - Employees records; - Learning and development e.g.: skills development and training plans - Employment equity plan and statistics
Toolkits and Press Releases	Marketing & Advertising Toolkit; Radio School Newspaper Toolkit; Press releases, Radio and TV Interviews, Statements, Participation details, Official Speeches and Messages

9. CATEGORIES OF RECORDS OF THE MEDIA DEVELOPMENT AND DIVERSITY AGENCY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF SECTION 15(2) OF THE ACT.

Category	Document Type	Available on Website	Available Upon request
Annual Reports	<ul style="list-style-type: none"> • 2023 – 2024 Annual Report • 2021 – 2022 Annual Report • 2020 – 2021 Annual Report • 2019 – 2020 Annual Report • 2018 – 2019 Annual Report • 2017 – 2018 Annual Report • 2015 – 2016 Annual Report 	√	√
Annual Performance Plans	<ul style="list-style-type: none"> • 2023 – 2024 MDDA Annual Performance Plan • 2022 – 2023 MDDA Annual Performance Plan • 2021 – 2022 MDDA Annual Performance Plan • 2020 - 2021 MDDA Annual Performance Plan 	√	√

Strategic Plans	<ul style="list-style-type: none"> • MDDA Strategic Plan 2020/2021 – 2024/2025 • MDDA Revised Strategic Plan 2020 – 2024 	√	√
Research Reports	<ul style="list-style-type: none"> • The Research and Development of a sustainability model for community and small commercial media Report (2022) 	√	√
Toolkits	<ul style="list-style-type: none"> • Marketing & Advertising Toolkit – Radio • School Newspaper Toolkit 	√	√
Press Releases	<ul style="list-style-type: none"> • Grant Applications (Guidelines to using the MDDA Online system for grant funding applications) • Media Statements on Unveiled Brand New Studios (2022) • Media Statements on Annual Funders Breakfasts (2022) 	√	√
Legislation and MDDA Policies	<ul style="list-style-type: none"> • MDDA Act 14 of 2002 • MDDA Regulations 	√	√

	<ul style="list-style-type: none"> • Promotion of Access to Information Act 2 of 2000; • Promotion of Access to Information Amendment Act 54 of - 2002; • Protection of Personal Information Act 4 of 2013; • Promotion of Access to Information Amendment Act 31 of - 2019; 		
Forms	<ul style="list-style-type: none"> • PAIA Forms • Grant Application Forms • Employment Application Forms 	√	√
Strategic Documents (Plans and Report)	<ul style="list-style-type: none"> • Organisational profile (Overview, Objectives, Functions, Architecture) • Annual Reports; • Strategic Plan; • Annual Performance Plan; • Strategic and 	√	√

	<ul style="list-style-type: none"> • Performance Plans; 		
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10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

- 10.1 The Media Development and Diversity Agency, provides support as provided for by the Media Development and Diversity, Act with the purpose of creating an enabling environment for media development and diversity.
- 10.2 The nature of support provided or facilitated by the Agency may be in the form of –
- (a) financial support by –
 - (i) direct subsidies that are cash grants;
 - (ii) emergency funding aimed at strengthening and ensuring the survival of media projects;
 - (b) training opportunities and capacity development in all areas of media production and distribution;
 - (c) conducting feasibility studies for new projects;
 - (d) media research;
 - (e) any indirect support referred to in section 14(1)(d); and
 - (f) identifying, gathering and distributing resources for media development; through agreements with strategic partners.

11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY MEDIA DEVELOPMENT AND DIVERSITY AGENCY.

- 11.1 In the exercise of its powers or performance of its duties in terms of PAIA and POPIA, the public are from time to time invited to make representations or to participate or influence the development of Regulations, Codes of Conduct and Guidelines.

- 11.2 Members of the public can, at any time, make representations to the Media Development and Diversity Agency regarding the conduct of any person that falls within the jurisdiction of any of the agency's mandate.
- 11.3 Members of the public are also encouraged to submit proposals for the development of a Code of Conduct or any legislative reform or representations on any matter affecting the personal information of a data subject. The public are also encouraged to participate in public consultation and stakeholder's engagement arranged by the Media Development and Diversity Agency.
- 11.4 The platform utilised for public participation may either be through public hearings (physical or virtually), email or written submissions.
- 11.5 The inputs and submissions of members of the public are considered intensively during the formulation of the Regulations, Guidelines and Codes of Conduct.
- 11.6 The Agency disseminates information to the public via electronic and print media, government gazettes as well as social media.

12. PROCESSING OF PERSONAL INFORMATION

12.1 Purpose of Processing

12.1.1 The Regulator process personal information of data subjects under its care in the following ways –

12.1.1.1 Fulfilling or executing its statutory obligations under PAIA and POPIA, through –

- a) Receiving of complaints;
- b) investigation of complaints;
- c) conducting compliance assessment;
- d) enforcement mechanism;
- e) processing of application for –
 - i. a codes of conduct;
 - ii. Exemptions;

- iii. Prior Authorisations;
 - iv. Authorisation for processing of special personal information; and
 - v. Authorisation for processing personal information of children.
- f) Staff administration and Job applicants;
 - g) Keeping of accounts and records;
 - h) Procurement process;
 - i) Visitors to any premises of the Regulator;
 - j) Complying with other relevant legislations, such as PFMA, Regulations under it and National Treasury Instruction Notes.

12.2 Categories of Data Subjects and their personal information

The Regulator may process records relating to suppliers, shareholders, contractors, service providers, staff and clients:

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier Identifier/Identity Number and confidential correspondence
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade
Employees / Members / Committee Members	Gender, pregnancy; marital status; race, age, language, education information (qualifications); financial information; employment history; ID numbers; physical and postal address; contact details (contact number(s), fax number, email address); criminal record; well-being and family members, medical, nationality, ethnic or social

	origin, physical or mental health, disability, biometric information of the person, employment history, professional affiliation and references
Contracted Service Providers	Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories, broad-based black economic empowerment (B-BBEE) status, affiliates entities, business strategies.

12.3 The recipients or categories of recipients to whom the personal information may be supplied.

12.3.1 The Media Development and Diversity Agency may supply the personal information of data subject to the Employees of the Agency, as part of executing its statutory mandate.

12.3.2 The Media Development and Diversity Agency may supply the personal information of data subject to the Service Providers who render the following services –

12.3.2.1 Capturing and organising of personal information;

12.3.2.2 Storing of personal information;

12.3.2.3 Sending of emails and other correspondence to the public;

12.3.2.4 Conducting due diligence checks;

12.3.2.5 Conducting criminal checks;

12.3.2.6 Conducting qualification verifications;

12.3.2.7 Forensic investigation and any other investigation relating to the activities of the Regulator;

12.3.2.8 Auditing;

12.3.2.9 Administration of the Provident, Pension Funds and medical aids; and

12.3.2.10 ICT Infrastructure.

12.3.3 The Media Development and Diversity Agency may also supply the personal information of data subjects to –

12.3.3.1 any person whom a complaint has been lodged against.

12.3.3.2 any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction.

12.3.3.3 law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigation.

12.3.3.4 and to Courts, in respect of any matter taken on judicial review.

12.4 Planned transborder flows of personal information.

12.4.1 The Media Development and Diversity Agency has not planned Transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the Agency will ensure that anyone to whom it pass personal information is subject to a law, binding corporate rules or binding

agreement which provides an adequate level of protection, and the third party agrees to treat that personal information with the same level of protection as the Agency is obliged under POPIA.

12.4.2 Any transfer of personal information cross border shall be with data subject's consent, however, should it not be reasonably practicable to obtain data subject's consent, the Regulator shall transfer the personal information if –

12.4.3.1 it will be for the data subject's benefit; and

12.4.3.2 the data subject would have given consent should it have been reasonably practicable to obtain such consent.

12.5 General Description of Information Security Measures.

12.5.1 The Media Development and Diversity Agency continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measures to prevent –

12.5.1.1 loss of, damage to or unauthorised destruction of personal information;
and

12.5.1.2 unlawful access to or processing of personal information.

12.5.2 The Media Development and Diversity Agency has taken reasonable measures, as contained paragraph 12.5.3 below, to –

12.5.2.1 identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;

12.5.2.2 establish and maintain appropriate safeguards against the risks identified;

12.5.2.3 regularly verify that the safeguards are effectively implemented; and

12.5.2.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

12.5.3 Measures taken by the Regulator includes, amongst others –

12.5.3.1 Access Control;

12.5.3.2 Data Encryption;

12.5.3.3 Defensive Measures;

12.5.3.4 Robust Monitoring, Auditing and Reporting capabilities;

12.5.3.5 Data Backups;

12.5.3.6 Anti-virus and Anti-malware Solutions;

12.5.3.7 Awareness and Vigilance; and

12.5.3.8 Agreements are concluded with Operators to implement security controls.

13. AVAILABILITY OF THE MANUAL

13.1 This Manual is made available in the following three official languages-

13.1.1 English;

13.1.2 Afrikaans; and

13.1.3 Tsonga.

13.2 A copy of this Manual or the updated version thereof, is also available as follows–

13.2.1 on www.mdda.org.za, if any, of the public body;

13.2.2 at the head office of the public body for public inspection during normal business hours;

13.2.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

13.2.4 to the Information Regulator upon request.

13.3 A fee for a copy of the Manual, as contemplated in **annexure B** of the Regulations, shall be payable per each A4-size photocopy made.

14. PRESCRIBED FEES

14.1 Section 22(1) of PAIA states that fees payable for access to records of the Regulator are to be prescribed. The prescribed fees are as set out in annexure B, attached hereto.

14.2 A requester who seeks access to any record may be required to pay a fee, unless an exempted, as referred to in paragraph 14.3 below.

14.3 The requester does not need to pay an access fee¹⁸ to a public body if–

14.3.1 He or she is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R14 712 a year, or

14.3.2 He or she is married and the joint income with his or her partner, after permissible deductions, such as PAYE and UIF, is less than R27 192 per year.

15. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

¹⁸ as per Government Notice R991 of 14 October 2005

- 15.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available¹⁹.
- 15.2 Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

16. DISPOSAL OF RECORDS

- 16.1 The Regulator reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.
- 16.2 Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.
- 16.3 In accordance with section 24(1) of POPIA, the Regulator may, upon receipt of the request from a data subject –
 - 16.3.1 correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
 - 16.3.2 destroy or delete a record of personal information about the data subject that the Regulator is no longer authorised to retain in terms of section 14 of POPIA²⁰.

17. UPDATING OF THE MANUAL

The Audit and Risk Committee will, if necessary, update and publish this Manual annually.

¹⁹ Section 23(1) of PAIA.

²⁰ Section 14 (1) of POPIA- Subject to subsections (2) and (3), records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.

Issued by



Ms. Shoeshoe Qhu

Chief Executive Officer

FORM 1

REQUEST FOR A COPY OF THE GUIDE

[Regulations 2 and 3]

To Media Development & Diversity Agency
 SABC GSM Building, Auckland Park, 2006.
 Johannesburg

E-mail address: info@mdda.org.za
 Tel number: +27 (0)11 643 1100

Or *The information officer

.....

I, Full names:			
In my capacity as (mark with "X"):	Information Officer	<input type="checkbox"/>	Other <input type="checkbox"/>
Name of *Public/Private body (if applicable)			
Postal Address:			
Street Address:			
E-mail address:			
Facsimile:			
Contact numbers:	Tel (W)	<input type="checkbox"/>	Cell <input type="checkbox"/>

hereby request the following copy(ies) of the Guide:

Language (mark with "X")	No of Copies	Language (mark with "X")	No of Copies
Sepedi		Sesotho	
Setswana		siSwati	
Tshivenda		Xitsonga	
Afrikaans		English	
isiNdebele		isiXhosa	
isiZulu			

Manner of collection (mark with "X")

Personal Collection	Postal Address	Facsimile	Electronic Communication (Please Specify)
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Signed at this day of 20

.....

Signature of requester

FORM 2

**REQUEST FOR ACCESS TO RECORD
[Regulation 7]**

Note:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

To *The information officer Email

Fax

.....

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION

Full names						
Identity number						
Capacity in which request is made <i>(when made on behalf of another person)</i>						
Postal Address						
Street Address						
E-mail address						
Contact numbers	Tel (W)		Facsimile		Cell	
Full names of person on whose behalf request is made <i>(if applicable)</i>						
Identity number						
Postal Address						
Street Address						
E-mail address						

Contact numbers	Tel (W)		Facsimile		Cell	
PARTICULARS OF RECORD REQUESTED						
<i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>						
Description of record or relevant part of the record						

Reference number, if available:						
Any further particulars of record:						

TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>						
---	--	--	--	--	--	--

Record is in written or printed form						
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)						
Record consists of recorded words or information which can be reproduced in sound						
Record is held on a computer or in an electronic, or machine-readable form						

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>						
---	--	--	--	--	--	--

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)						
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)						
Transcription of soundtrack (written or printed document)						

Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	
PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected:	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	
FEES	

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- b) You will be notified of the amount required to be paid as the request fee.
- c) The fee payable for access to a record depends on the form in which access is required and a reasonable time required to search for and prepare a record.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption

Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic Communication <i>(Please specify)</i>

Signed at this day of 20

.....
Signature of requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name and Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

.....
Signature of Information Officer

FORM 4

LODGING OF AN INTERNAL APPEAL

[Regulation 9]

Reference No.

PARTICULARS OF PUBLIC BODY					
Name of Public Body					
Name and Surname of Information Officer					
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL					
Full Names					
Identity Number					
Postal Address					
Contact Numbers	Tel (W)		Facsimile		Cell
Is the internal appeal lodged on behalf of another person?				Yes	No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>					
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)					
Refusal of request for access					
Decision regarding fees prescribed in terms of section 22 of the Act					
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act					
Decision in terms of Section 29(3) of the Act to refuse access in the form requested by the requester					
Decision to grant request for access					
GROUND FOR APPEAL					
<i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. All the additional pages must be signed.)</i>					
State the grounds on which the internal appeal is based					

State any other information that may be relevant in considering the appeal	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic Communication <i>(Please specify)</i>

Signed at this day of 20

.....
Signature of Appellant/Third party

FOR OFFICIAL USE OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by <i>(state rank, name and surname of Information officer)</i>							
Date received							
Appeal accompanied by the reasons for the information office applicable, the particulars of any third party to whom or which submitted by the information officer		's decision and, where the record relates,	<table border="1"> <tr> <td>Yes</td> <td></td> </tr> <tr> <td>No</td> <td></td> </tr> </table>	Yes		No	
Yes							
No							
OUTCOME OF APPEAL							
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>				
	No						
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>				
	No						
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>				
	No						
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>				
	No						

Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			

Signed at this day of 20

.....
Relevant Authority

FORM 5

LODGING OF COMPLAINT

[Regulation 10]

Note

1. This form is designed to assist the Requester (hereinafter referred to as "the Complainant") in requesting a review of a public or private body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the Information Regulator or complete the online complaint form available at <https://www.justice.gov.za/infoereg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part E of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed PAIA form and submit it to the Body.
4. A copy of this form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. Please attach copies of the following documents, if you have them:
 - Copy of the form to the Body requesting access to records;
 - The Body's response to your complaint or access request;
 - Any other correspondence between you and the Body regarding your request;
 - Copy of the appeal form, if your complaint relate to a public body;
 - The Body's response to your appeal;
 - Any other correspondence between you and the Body regarding your appeal;
 - Documentation authorizing you to act on behalf of another person (if applicable);
 - Court order or court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

To	The Information Regulator P.O Box 31533, Braamfontein 2017	E-mail address: infoereg@justice.gov.za	Tel number: +27 (0)10 023 5200
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PARTICULARS OF PERSON ON W

HOSE BEHALF THE INTERNAL APPEAL IS LODGED Mark with an "X"

Complainant Personally
 Representative of Complainant
 Third party

PREREQUISITES			
Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No

Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No
Have you applied to Court for appropriate relief regarding this matter?	Yes		No

FOR INFORMATION REGULATOR'S USE ONLY			
Received by (Full names)			
Position			
Signature			
Complaint Accepted	Yes		No
Reference Number			

DATESTAMPHERE

Postal Address	Facsimile	Other Electronic Communication (Please specify)

PART A: PERSONAL INFORMATION OF COMPLAINANT

Full Names						
Identity Number						
Postal Address						
Street Address						
E-mail Address						
Contact Numbers	Tel (W)		Facsimile		Cell	

PART B: REPRESENTATIVE INFORMATION
(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)

Full names of representative						
Nature of representation						
Identity No./Registration No.						
Postal Address						
Street Address	Tel (W)		Facsimile		Cell	
E-mail Address						

Contact Numbers				
PART C: THIRD PARTY INFORMATION <i>(Please attach letter of authorisation)</i>				
Type of body	Private		Public	
Name of *Public/Private body				
Registration number <i>(if any)</i>				
Name, surname and title of person authorised to lodge complaint				

Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel (W)		Facsimile	Cell

PART D: BODY AGAINST WHICH THE COMPLAINT IS LODGED

Type of body	Private		Public	
Name of *Public/Private body				
Registration Number <i>(if any)</i>				
Name, Surname and Title of person you dealt with at the public or private body to try to resolve your complaint or request to access of information				

Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel (W)		Facsimile	Cell

Reference Number given <i>(if any)</i>				
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PART E: COMPLAINTS
Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions)

Date on which request for access to records submitted	
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body	
Have you attempted to resolve the matter with the organisation?	
If yes, when did you receive it? <i>(Please attach the letter to this application)</i>	
Did you appeal against a decision of the information officer of the public body?	
If yes, when did you lodge an appeal?	
Have you applied to Court for appropriate relief regarding this matter?	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.	

PART F: DETAILED TYPE OF ACCESS TO RECORDS <i>(Please select one or more of the following to describe your complaint to the Information Regulator))</i>		
Unsuccessful appeal: (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	I have appealed against the decision of the public body and the appeal is unsuccessful.	
Unsuccessful application for condonation: (Sections 77A(2)(b) and 75(2) of PAIA)	I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.	
Refusal of a request for access: (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	I requested access to information held by a body and that request was refused or partially refused.	
The body requires me to pay a fee and I feel it is excessive: (Sections 22 or 54 of PAIA)	Tender or payment of the prescribed fee.	
Repayment of the deposit: (Section 22(4) of PAIA)	The tender or payment of a deposit.	

Disagree with time extension: (Sections 26 or 57 of PAIA)	The information officer refused to repay a deposit paid in respect of a request for access which is refused.	
Form of access denied: (Section 29(3) or 60(a) of PAIA)	The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension, or a time extension taken to respond to my access request.	
Deemed refusal: (Section 27 or 58 of PAIA)	I requested access in a particular and reasonable form and such form of access was refused.	
Inappropriate disclosure of a record: (Mandatory grounds for refusal of access to record)	It is more than 30 days since I made my request and I have not received a decision.	

No adequate reasons for the refusal of access: (Section 56(3)(a) of PAIA)	Extension period has expired, and no response was received. Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.	
Partial access to record: (Section 28(2) or 59(2) of PAIA)	My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.	
Fee waiver: (Section 22(8) or 54(8) of PAIA)	Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.	
Records that cannot be found or do not exist: (Section 23 or 55 of PAIA)	I am exempt from paying any fee and my request to waive the fees was refused.	

Failure to disclose records:	The Body indicated that some or all of the requested records do not exist, and I believe that more records do exist.	
No jurisdiction (exercise or protection of any rights): (Section 50(1)(a) of PAIA)	The Body decided to grant me access to the requested records, but I have not received them. The Body indicated that the requested records are excluded from PAIA, and I disagree.	
Frivolous or vexatious request: (Section 45 of PAIA)	The Body indicated that my request is manifestly frivolous or vexatious and I disagree.	
Other: (Please explain):		

PART G: EXPECTED OUTCOME

(How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.)

PART H: AGREEMENTS

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.

- The information in this Complaint Form is true to the best of my knowledge and belief.*
- I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.*
- I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.*
- If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.*

Signed at this day of 20

.....
Complainant/Representative/Authorised Person of Third party

ANNEXTURE B

[Fees]

Fees in Respect of Public Bodies

Description	Amount
1. The request fee payable by every requester	R100.00
2. Photocopy of A4-size page	R1.50 per page or part thereof.
3. Printed copy of A4-size page	R1.50 per page or part thereof.
4. For a copy in a computer-readable form on:	
(i) Flash drive (to be provided by requestor)	R40.00
(ii) Compact disc	
• If provided by requestor	R40.00
• If provided to the requestor	R60.00
5. For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6. Copy of visual images	
7. Transcription of an audio record, per A4-size page	R24.00
8. Copy of an audio record on:	
(i) Flash drive (to be provided by requestor)	R40.00
(ii) Compact disc	
• If provided by requestor	R40.00
• If provided to the requestor	R60.00
9. To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00
	R300.00
10. Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11. Postage, e-mail or any other electronic transfer	Actual expense, if any.

Fees in Respect of Private Bodies

Description	Amount
1. The request fee payable by every requester	R140.00
2. Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3. Printed copy of A4-size page	R2.00 per page or part thereof.
4. For a copy in a computer-readable form on:	
(i) Flash drive (to be provided by requestor)	R40.00
(ii) Compact disc	
• If provided by requestor	R40.00
• If provided to the requestor	R60.00
5. For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6. Copy of visual images	
7. Transcription of an audio record, per A4-size page	R24.00

8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any."