



MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) FOR MIDDELBURG HOËRSKOOL

Date issued or re-issued: 25 May 2021 (which should be at least once a year)

1. Middelburg Hoërskool is a public school in terms of the South African Schools Act 84 of 1996 (as amended), and is managed and governed in terms of the provisions of the act as well as the language and admissions policy drafted in terms thereof. The medium of instruction at the school is Afrikaans and English. The school offers education in grades 8 to 12.
2. Postal address: Private Bag x251811, Middelburg, 1050
3. Street address: 1 OR Tambo Street, Middelburg, 1050
4. Telephone number: 013 282 7393
5. The information officer is the school principal, currently Mr Johan Stronkhorst. His e-mail address is jstronkhorst@middies.co.za.

The deputy information officer is the vice-principal. His e-mail address is dosborn@middies.co.za

6. In terms of section 14(1)(c), please note that the South African Human Rights Commission has compiled a guide as required by section 10 of PAIA, and to which this manual must refer. The guide is available on the website of the Human Rights Commission at <http://www.sahrc.org.za/home/index.php?ipkContentID=116>. A hard copy of the guide is also available at the school, and an electronic version on the



website of the school, at www.middies.co.za. A printed copy may also be directly obtained from:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700

Houghton

2041

Telephone: +27 11 484 8300

Fax: +27 11 484 1360

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

7. The subjects on which the school keeps records, and the category of records kept in each case, are as follows:

7.1. Learners

7.1.1. Applications for admission

7.1.2. Waiting lists for admission

7.1.3. Refusal of applications for admission, and appeals against those

7.1.4. Admissions register

7.1.5. Academic records/individual report cards

7.1.6. Personal files for each learner

7.1.7. Class lists

7.1.8. Class timetables

7.1.9. Assessment details

7.1.10. Question papers, answer papers and memoranda for model answers



7.2. Governing body

- 7.2.1. Constitution and code of conduct
- 7.2.2. Language and admissions policies
- 7.2.3. Other policy documents
- 7.2.4. Elections
- 7.2.5. Minutes of meetings
- 7.2.6. Applications in terms of section 36(4) for permission to use the school facilities, correspondence to obtain the MEC's permission, as well as the permission itself
- 7.2.7. Financial records and statements, including bank statements
- 7.2.8. Personal files for educators in so-called governing body posts
- 7.2.9. Employment contracts
- 7.2.10. Duty sheets

7.3. Parents

- 7.3.1. Circulars
- 7.3.2. Correspondence
- 7.3.3. Minutes of parent meetings

7.4. Hostels (where applicable)

- 7.4.1. Applications for lodging
- 7.4.2. Agreements regarding hostel lodging
- 7.4.3. Hostel rules/disciplinary code
- 7.4.4. Personal files for each resident
- 7.4.5. Visitors' book

7.5. The Department

- 7.5.1. Correspondence
- 7.5.2. Circulars from the Department
- 7.5.3. Personal details of educators in departmental posts



7.6. Any other category of information kept

8. The request procedure

8.1. A requester will be granted access to information kept by the school if the request(er) complies with the following:

8.1.1. All procedural prescripts in PAIA in respect of access to the information

8.1.2. If access to the requested information cannot be legally refused on any grounds contained in PAIA

8.1.3. If the prescribed fee is paid, where applicable

8.2. Requests for access must be addressed to the school principal at the contact details above.

8.3. A requester must use the form published in the Government Gazette [GN R187, 15 February 2002] (form A), a copy of which is available from the school and/or <http://www.sahrc.org.za/home/index.php?ipkContentID=28&ipkMenuID=48>.

8.4. The request must contain sufficient details to enable the information officer to determine the following:

- The record(s) requested
- The requester
- The form of access required in accordance with section 29(2)
- Whether the record is required in a particular language
- A postal address or fax number for the requester in the Republic
- Where a written response is requested, whether the requester wishes to be notified of the decision in any other way, and if so, how



- Where the request is made on behalf of someone else, proof of the capacity in which that other person is making the request, to the satisfaction of the information officer

8.5. After the request has been delivered to the information officer, it will be processed within 30 days. If the information officer believes that the request should be refused, he/she must notify the requester accordingly and inform him/her of his/her right to approach the court to have the decision set aside. If the request is favourably considered, the information officer must inform the requester of the applicable fees, if any, as well as the requester's right to approach the court if he/she is not satisfied with the fee levied.

8.6. The requester must also indicate whether the request is for a copy of the information, or to inspect the record in the school's office. If a person requests access in a particular format (such as in printed or electronic format), access should be granted in that format, unless it would unreasonably interfere with any school activity, may damage the record, or may lead to a copyright infringement.

8.7. If, for practical reasons, access cannot be granted in the required format, but in an alternative format, the fee must be calculated based on the format initially requested.

8.8. If the requester has requested information and wishes to receive a written as well as a telephonic response, this should be adhered to.

8.9. If a requester requests information on someone else's behalf, he/she must indicate in which capacity he/she is acting.



- 8.10. The information officer must render free and reasonable assistance to a requester who indicates that he/she wishes to submit an application for information, in order to ensure that the requester complies with the prescribed procedures for such an application.
- 8.11. If a requester cannot read or write or has another disability, he/she may request the record verbally. In such a case, the information officer or his/her deputy must complete the form and hand a copy to the requester, following which the request shall be dealt with like any other request in terms of PAIA.
- 8.12. The information officer may extend the period of 30 days by up to another 30 days.
- 8.13. If the request for access is refused, the information officer must furnish sufficient reasons for such refusal, although without referring to the content of the requested information in such reasons.
- 8.14. There is no internal appeal against an information officer's decision to refuse a request. The requester must make use of the remedies provided for in Chapter 2 of Part 4 of PAIA by bringing a court application within 30 days after the requester has been notified of the information officer's decision.
- 8.15. Fees payable
- 8.15.1. Two types of fees are payable in terms of section 22 of PAIA, namely the request fee and the access fee.



- 8.15.2. A requester who wishes to receive access to a record containing personal information of such requester does not have to pay any fee. Requesters who earn less than R14 712 per year, or less than R27 192 per year together with their partners, also do not have to pay any request fee. All other requesters apart from personal requesters must pay the prescribed request fee.
- 8.15.3. The information officer or his/her deputy must ask the non-personal requester by way of a notice to pay the prescribed request fee (if any) before the request will be processed.
- 8.15.4. The prescribed request fee payable to the school will be the amount stipulated in the relevant Government Gazette (annexed to this manual). The requester may bring a court application against the payment of a fee.
- 8.15.5. If the request is granted, a further access fee becomes payable for the search for, preparation and reproduction of the information, as well as any time spent on searching for and preparing the record for disclosure in excess of the allocated time, in accordance with the tariffs in the aforementioned Government Gazette.
- 8.15.6. Access to records will be withheld until all applicable fees have been paid.
- 8.16. Services available to members of the public, and how to gain access to such services

The provision of education at the school is intended for learners of school-going age who qualify and are admitted based on the school's language and admissions policy, and who also comply with the prescripts of the Schools Act and any applicable provincial legislation. No services are therefore rendered to the general public. Basic education is a constitutional right enforceable against the state, and not against the school.



- 8.17. Arrangements or provisions for a person (other than a state department), by consultation, making representations or otherwise, to participate in or influence the formulation of policy, the exercise of powers or the performance of duties

The school is professionally managed by the school principal, subject to the prescripts contained in the Schools Act, provincial education legislation, regulations promulgated at national and provincial level, national and/or provincial policies, norms, standards and guidelines, as well as legitimate instructions from the provincial education department. The governance and non-professional management of the school are vested in the statutorily elected governing body, which inter alia consists of elected parents. The governing body determines the school's language and admissions policy. If the governing body so wishes, members of the public may however be co-opted. This leaves no room for outsiders to participate in or influence the formulation of policy for the school, the exercise of powers or the performance of duties, unless a member of the public has been so co-opted. A governing body does however consider the interests of the school's feeder community, also in determining policy.

- 8.18. A description of all remedies available in respect of an act or a failure to act by the school

8.18.1. Governing body decisions with a detrimental effect on another person may be reviewed in terms of the provisions of the Promotion of Administrative Justice Act 3 of 2000 (PAJA) (as amended).

8.18.2. In terms of common law, the school itself is responsible for fulfilling the school's contractual obligations towards third parties.

8.18.3. The state is responsible for any damages arising from the school's breach of contract or unlawful action, excluding an act or failure to act in



respect of any enterprise or business operated on the authority of a public school in order to supplement the school fund of a public school in terms of section 36 of the

Schools Act (including the hosting of practical educational activities in relation to such enterprise or business).

9. Any other prescribed information

9.1. This manual is available in English and Afrikaans.

9.2. Copies of the manual are available in pamphlet format from the school principal as well as on the school website, www.middies.co.za.



Annexure A

REGULATIONS

GNR.187 of 15 February 2002: Regulations regarding the Promotion of Access to Information

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

The Minister for Justice and Constitutional Development has, under [section 92](#) of the Promotion of Access to Information Act, 2000 (Act [No. 2 of 2000](#)), made the regulations in [the Schedule](#).

Annexure A

GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act [No. 89 of 1991](#)), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I

FEES IN RESPECT OF GUIDE

1. The fee for a copy of the guide as contemplated in [regulations 2 \(3\) \(b\)](#) and [3 \(4\) \(c\)](#) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II

FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in [regulation 5 \(c\)](#) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in [regulation 7 \(1\)](#) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffer disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in [regulation 7 \(2\)](#) is R35,00.



4. The access fees payable by a requester referred to in [regulation 7 \(3\)](#) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of section 22 (2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

PART III FEES IN RESPECT OF PRIVATE BODIES

- The fee for a copy of the manual as contemplated in [regulation 9 \(2\) \(c\)](#) is R1,10 for every photocopy of an A4-size page or part thereof.
- The fees for reproduction referred to in [regulation 11 \(1\)](#) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

- The request fee payable by a requester, other than a personal requester, referred to in [regulation 11 \(2\)](#) is R50,00.



4. The access fees payable by a requester referred to in [regulation 11 \(3\)](#) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
(2) For purposes of section 54 (2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	