

PROMOTION OF ACCESS TO INFORMATION MANUAL

Prepared in terms of Section 14 of the Promotion of Access to Information Act, No. 2 of 2000

POLICY DOCUMENT CONTROL PAGE

Policy Name	PAIA GUIDELINE
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ORIGINATOR

Custodian	LEGAL SERVICES
Responsible Person	EXECUTIVE LEGAL

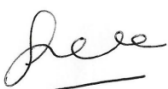
APPROVAL

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POLICY REVIEW

Recommended Review Date	Every year or as required
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THIS MANUAL HAS BEEN ENDORSED BY EXCO FOR APPROVAL BY THE RESPONSIBLE EXECUTIVE:



V. SEWLAL

EXECUTIVE LEGAL AND DEPUTY INFORMATION OFFICER DATE: 23 November 2023

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DEFINITIONS

Term	Definition
Act	Means the Promotion of Access to Information Act, 2 of 2000
Access Fee	A fee prescribed for the purpose of reproduction and for search and preparation; and for the time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure.
Court	<p>the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution; or</p> <p>(b) (i) a High Court or another court of similar status; or</p> <p>(ii) a Magistrate's Court for any district or for any regional division established by the Minister for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), either generally or in respect of a specified class of decisions in terms of this Act, designated by the Minister by notice in the <i>Gazette</i> and presided over by a magistrate, an additional magistrate or a magistrate of a regional division established for the purposes of adjudicating civil disputes, as the case may be, designated in terms of section 91A, within whose area of jurisdiction-</p> <p>(aa) the decision of the information officer or relevant authority of the public body or the head of a private body has been taken;</p> <p>(bb) the public body or private body concerned has its principal place of administration or business; or</p> <p>(cc) the requester or third party concerned is domiciled or ordinarily resident.</p>
DoT	Department of Transport
Information officer	Means the Chief Executive Officer of the Agency or the person who is acting as such.
Manual	Means this PAIA Manual.
Minister	Means the Minister of Transport.
RSR	Means the Railway Safety Regulator ("the RSR") which is a public entity established in terms of Section 4 of the National Railway Safety Regulatory Act, 2002 (Act No.16 of 2002)

Official	Means – (a) the Chief Executive Officer. (b) such other staff as appointed by the Agency; and (c) road transport inspectors.
Person	Means a natural or juristic person.
Personal requester	A requester seeking access to a record.
Public body	Means – (a) any department of state administration in the national or provincial sphere of government or any municipality in the local sphere of government; or (b) any other functionary or institution when – (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or (ii) exercising a public power or performing a public function in terms of any legislation.
Record of or in relation to a public or private body	Means any recorded information – (a) regardless of the form or medium; (b) in the possession or under the control of the RSR; (c) whether or not it was created by the RSR.
Regulator	The Information Regulator
Relevant authority	Means the Minister of Transport
Request for access	Means a request for access to a record of the RSR in terms of Section 11 of the Act.
Requester	Means – (i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or (ii) a person acting on behalf of the person referred to in subparagraph (i).

Personal information we process

The type of personal information that the RSR processes will depend on the purpose for which it is collected. The RSR will disclose to you why the personal information is being collected and will process the personal information for that purpose only, which is done under the RSR specific and detailed processing notices housed on the RSR website. Below is a listing of the personal information that is processed by the RSR, including the category of data subject that it belongs to. The information provided under this section refers to broad categories of information. This list is not exhaustive.

Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.

Juristic persons / entities: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.

Foreign persons / entities: names; contact details; physical and postal, financial information addresses; date of birth; passport number tax related information; nationality; gender; confidential correspondence; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.

Intermediary / Advisor: Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners

Permit Applicants - Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; Vehicle and registration details; nature of cargo and purpose for travel; and other confidential correspondence.

Firms- Juristic persons / entities: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration

<p>number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners</p>
<p>Staff, Directors, Executives, Committee members, Employees and related parties : gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; ID number; next of kin; children’s name, gender, age, school, grades; physical and postal address; contact details; opinions, criminal behaviour and/or criminal records; well-being; trade union membership; external commercial interests; medical information.</p>
<p>Website end-users / Application end-users: names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data.</p>
<p>Sharing of personal information</p> <p>The RSR may supply personal Information to the following potential recipients:</p> <ul style="list-style-type: none"> • Management; • Employees; • Operators; • Stakeholders; • Regulators and governmental bodies; and • Other third party recipients <p>This list is not exhaustive.</p>
<p>Cross border exchanges</p> <p>The RSR may disclose personal information we process to any of our overseas associate entities or third-party service providers, with whom we engage in business or whose services or products we elect to use, including cloud services hosted in international jurisdictions. Personal information may also be disclosed where we have a legal duty or a legal right to do so. We will in this regard, endeavour to enter into written agreements to ensure that other parties comply with the POPIA and our confidentiality and privacy requirements</p>
<p>General description of information security measures</p> <p>The RSR employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and</p>

unlawful access to or processing of personal information. These measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up our information technology infrastructure; and

Outsourced service providers who are contracted to implement security controls.

Requests

Any request for access to personal information as per the provisions of POPIA, must be made in accordance with the provisions set out under this PAIA Manual.

You have the right to request the correction, deletion or destruction of your personal information, in the prescribed form, which form is available on our website. We have also attached the prescribed forms to this Manual for your convenience.

You may object to the processing of your personal information in the prescribed form, which form is available on the website of the Information Regulator.

1. INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No. 2 of 2000, (the “PAIA Act”) was enacted in February 2000, giving effect to one’s constitutional right of access to records in terms of section 32 of the Bill of Rights, as contained in the Constitution of South Africa (“the Constitution”).
- 1.2 The purpose of the Act is to give effect to the constitutional right of access to any information or records held by the state, public and private bodies as well as information held by another person that is required for the exercise or protection of any right.

- 1.3 In terms of Section 14 of the Act, all public bodies are required to publish an Information Manual (“PAIA Manual”). This Manual is therefore being published in terms of Section 14 of the Act and it provides an outline of the type of records and the personal information it holds and explains how to submit requests for access to these records.
- 1.4 The Protection of Personal Information Act, 4 of 2013 (“POPIA”), which largely commenced on 1 July 2020, gives effect to a person’s rights to privacy, including the rights to data privacy, and which Act, in accordance with this objective, describes and prescribes a series of conditions which have to be met when personal information is processed and used by another person, which conditions establish the minimum requirements for the processing of personal information.
- 1.5 POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.
- 1.6 POPIA has established the office of the Information Regulator who will oversee and ensure that POPIA and PAIA are complied with by all persons, including individuals, and public and private entities in South Africa.

2. PURPOSE

- 2.1 The purpose of this manual, inter alia, is to outline the type of records and the personal information which the RSR holds and explains how a person who believes they have a right to these records or information must submit a request for access to these records and how the RSR facilitates and handles such requests for access to records and / or information.
- 2.2 The Manual is intended to foster a culture of transparency and accountability within the RSR affording any person the right of access to information to enable such persons to exercise and protect their rights to the full extent required.
- 2.3 This Manual sets out the procedures to be followed and criteria that must be met for anyone (“the Requester”) to request access to records in the possession or under the control of the RSR.
- 2.4 This Manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the requests to RSR in terms of PAIA or POPIA (the Acts).
- 2.5 The Acts and in particular Section 9 of PAIA recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including but not limited to:
 - commercial confidentiality;
 - limitations aimed at reasonable protection of privacy; and
 - effective, efficient, and good governance.

2.6 Requests shall be made in accordance with the prescribed procedures, and on payment, where applicable of the fees provided.

3. AVAILABILITY OF THE MANUAL

3.1 This Manual is:

3.1.1 available on the RSR website at www.rsr.org.za;

3.1.2 is available for public inspection during normal business hours at the RSR offices detailed below;

3.1.3 is available to any person upon request submitted to the Information Officer or Deputy and upon the payment of a reasonable fee.

4. CONTACT DETAILS

4.1 The RSR's contact details are as follows:

Physical Address

Water Point Office Park

Building 4, Corner Waterfall and Woodmead Drive

Midrand

1685

Email address: Tshepok@rsr.org.za

Postal Address

P O Box 11202

Centurion

0051

Telephone number:

Tel: 010 495 5391

Website:

www.rsr.org.za

Addresses for Regional Offices of RSR

KwaZulu-Natal Eastern Region (Durban)

Regional Technical Manager: Dr Peaceman Sopazi

Physical Address:

Embassy Building (22nd Floor),

199 Anton Lembede Street,

Durban,

4000, SOUTH AFRICA

Tel No : 031 536 6700

Email Address: peacemans@rsr.org.za

Western Cape Coastal Region (Cape Town)

Regional Technical Manager: Mr Ernest Gow

Postal and Physical Address

2 Long Street Building,

2 Long Street 11th Floor,

Cape Town,

8000, SOUTH AFRICA

Tel No : 021 418 2928

Email Address: ernestg@rsr.org.za

5. ORGANISATIONAL STRUCTURE OF THE RSR AND INFORMATION OFFICERS

5.1 Vision

Safe, reliable and sustainable railway operations recognized globally.

5.2 Mission

To oversee and promote safe railway operations through appropriate support, monitoring and enforcement, guided by an enabling regulatory framework.

5.3 Values

Our attitudes and behaviour are guided by the following principles:

Integrity– We instill confidence in our internal and external stakeholders through quality, professional and efficient service delivery.

Transparency – We will openly communicate information.

Fairness– We are consistent in applying policies and procedures and are impartial in how we treat all our employees.

Innovation – We create a conducive environment that allows for the sharing and implementation of new ideas in line with the goals of the RSR.

Timely and accountable delivery – We will make prompt decisions and take appropriate action informed by organizational priorities.

Mutual respect– We engage and treat each other, our customers, as well as our work, with dignity and respect.

Excellence – We strive to excel in every aspect of our business and approach every challenge with a determination to succeed.

5.4 **Mandate**

The Railway Safety Regulator (“the RSR”) is a public entity established in terms of Section 4 of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) as amended. The RSR is governed and controlled by a board of directors, appointed by the Minister of Transport, who hold office for a period of three (3) years. The mandate of the RSR can be summarised as follows:

- To oversee safety of railway transport, while operators remain responsible for managing safety of their operations;
- To promote improved safety performance in order to promote the use of rail;
- To monitor and ensure compliance through the conducting of audits, inspections and occurrence investigations;
- To develop regulations;
- To conclude appropriate co-operative agreements or other arrangement with organs of state to ensure effective management and overseeing of safe railway operations and to minimise duplication;
- To collect and disseminate information relating to safe railway operations;

- To develop, adopt or accept standards for safe railway operations;
- To collaborate with and conclude contracts, where appropriate, with any person, body or institution with the view to furthering the objects of the RSR, including scientific and technical information, and training;
- To promote the harmonization of the railway safety regime of South Africa with SADC railway operations.

5.5 **Functions of RSR**

The Railway Safety Regulator is the custodian of railway safety in South Africa.

The RSR's functions include but not limited to:

- Issuing and managing safety permits;
- Conducting inspections and audits;
- Investigating railway accidents;
- Developing regulations, safety standards and related documents which form the basis of the regulatory regime; and
- Issuing notices of non-conformance and non-compliance and, in future, will impose penalties for non-compliance with the Act and safety standards adopted by the Board of Directors of the RSR.

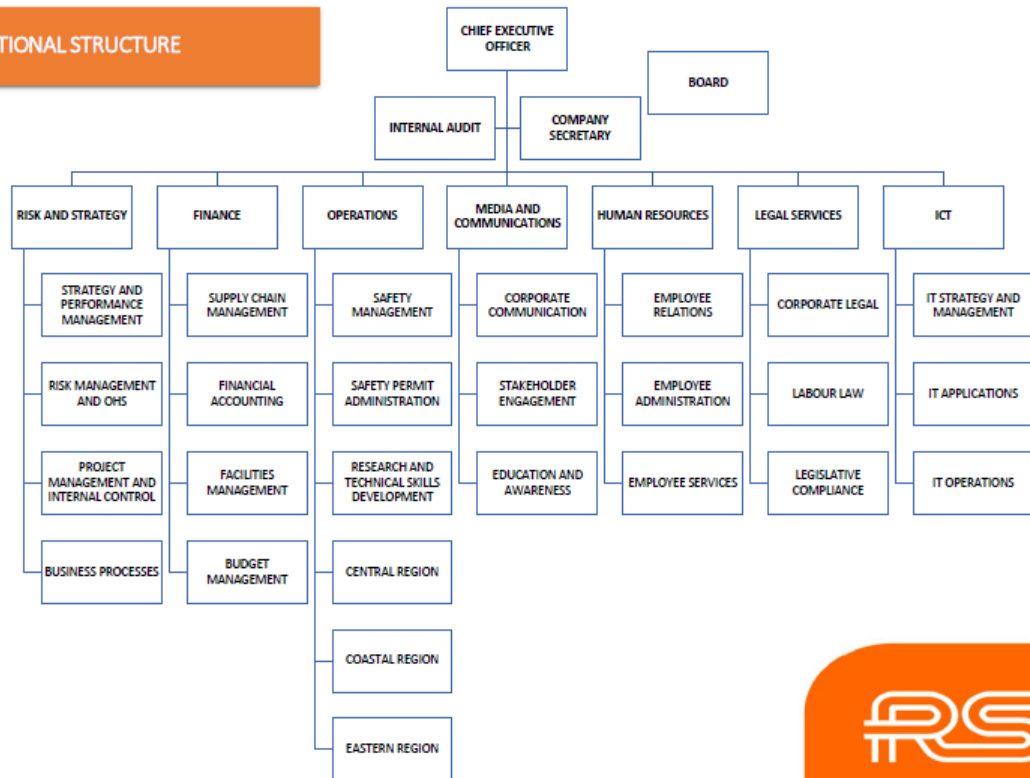
5.6 **Structure of RSR**

The Railway Safety Regulator is a statutory person established in terms of section 4 of the National Railway Safety Regulator Act, 16 of 2002 as amended. It comprises of a board, a chief executive officer and staff.

The members of the board are appointed by the Minister of Transport. The board consists of a minimum of seven and a maximum of 13 members.

The RSR has seven (7) departments, which work in a collaborative manner to ensure the realization of the vision and mission of the RSR. The departments are managed by the Executive Heads.

MACRO ORGANISATIONAL STRUCTURE



RSR Organogram (2022)

5.7 **The RSR Information Officer and Deputy Information Officers are as follows:**

Information Officer

Name: Mmuso Selaledi

Address: Building 4 Waterfall Point Office Park, Cnr Waterfall and Woodmead, Waterfall city, Midrand 1685

Tel: (010) 495-5391

Email: mmuso.selaledi@rsr.org.za

Deputy Information Officer

Name: Varsha Sewlal

Address: Building 4 Waterfall Point Office Park, Cnr Waterfall and Woodmead, Waterfall city, Midrand 1685

Tel: (010) 495-5391

Email: varsha.sewlal@rsr.org.za

Addresses for Regional Offices of RSR

KwaZulu-Natal Eastern Region (Durban)

Regional Technical Manager: Dr Peaceman Sopazi

Physical Address:

Embassy Building (22nd Floor),

199 Anton Lembede Street,

Durban,

4000, SOUTH AFRICA

Tel No : 031 536 6700

Email Address: peacemans@rsr.org.za

Western Cape Coastal Region (Cape Town)

Regional Technical Manager: Mr. Ernest Gow

Postal and Physical Address

2 Long Street Building,

2 Long Street 11th Floor,

Cape Town,

8000, SOUTH AFRICA

Tel No : 021 418 2928

Email Address: ernestg@rsr.org.za

5.8 Requests for information must be directed to the Information Officer or relevant Deputy Information Officers at the contact details listed above:

6. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

6.1 In order to assist those who are not familiar with PAIA or POPIA, a Guide that contains information to assist one in understanding how they may exercise their rights under PAIA (“the Guide”) is available in all the South African official languages.

6.2 The Information Regulator 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.

6.3 The Guide is available in each of the official languages.

6.4 The aforesaid Guide contains the description of-

6.4.1 the objects of PAIA and POPIA;

6.4.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

6.4.2.1 the Information Officer of every public body, and

6.4.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA² ;

¹ 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.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the*

- 6.4.3 the manner and form of a request for-
 - 6.4.3.1 access to a record of a public body contemplated in section 11³; and
 - 6.4.3.2 access to a record of a private body contemplated in section 50⁴;
- 6.4.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 6.4.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 6.4.6 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-
 - 6.4.6.1 an internal appeal;
 - 6.4.6.2 a complaint to the Regulator; and
 - 6.4.6.3 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;
- 6.4.7 the provisions of sections 14⁵ and 51⁶requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 6.4.8 the provisions of sections 15⁷and 52⁸providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 6.4.9 the notices issued in terms of sections 22⁹ and 54¹⁰regarding fees to be paid in relation to requests for access; and
- 6.4.10 the regulations made in terms of section 92¹¹.

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.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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;

- 6.5 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 Regulator, during normal working hours. The Guide can also be obtained-
- 6.5.1 upon request to the Information Officer;
- 6.5.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 6.6 The Information Regulator's Guide is currently available on the following site:

[Guide on how to use the Promotion of Access to Information Act 2 of 2000, as amended \[Oct 2021\].](#)

This Guide will specifically assist a person on how to access his/her personal information in terms of s23 of POPIA.

PAIA Guides in other Languages

[Afrikaans](#) – [isiNdebele](#) – [isiXhosa](#) – [isiZulu](#) – [Siswati](#) – [Sepedi](#) – [Sesotho](#) – [Setswana](#) – [Tshivenda](#) – [Xitsonga](#)

- 6.7 If you have any queries, or need a copy of the Guide, please contact the Information Regulator directly at:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

General enquiries: enquiries@inforegulator.org.za.

(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.”
(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. RECORDS AUTOMATICALLY AVAILABLE WITHOUT A REQUEST TO ACCESS

7.1 The following information is freely available for inspection, without a requester making a formal request in terms of PAIA:

7.1.1 General

7.1.1.1 The RSR's Publications and all annual Reports

- General Information pertaining to the RSR and Information regarding the services rendered
- Information available on the RSR's website:

7.1.1.2 All records above are only available for free subject to availability of stock in print at any given time

7.1.2 Personnel

7.1.2.1 The following information is automatically available to employees of the RSR and need not be requested in accordance with the formal procedure as outlined in section 10.

- Personnel records are available to the employee concerned;
- RSR policies, manuals, and related documents.

8. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS

8.1 The following records are not automatically available and the formal procedure as outlined in section 10 should be followed in order to access the records. These records include the following:

8.1.1 Finance and Administration

- Minutes of the meetings of the RSR
- Minutes of the Subcommittees
- Minutes of Staff meetings
- Minutes of the Management meetings
- Accounting records, books and documents
- Interim and annual financial records
- Tender and Bid documentation
- Service Level Agreements
- Details of Auditors
- Bid Evaluation Committee minutes and scoring
- Bid Adjudication minutes
- Bid documents
- Supply Chain Management Policy
- Asset registers
- VAT and PAYE records

8.1.2 Human Resources

- Personal files of employees
- Contracts, Conditions of Services and other agreements
- Employment Equity Plan
- Human Resources Policy
- Disciplinary records and documentation pertaining to disciplinary proceedings
- Medical scheme records
- Employee wellness records

8.1.3 Operations

- Minutes of the Operational Committee (Opco) meetings of the RSR
- Minutes of Staff meetings
- Departmental Policies and procedures
- Details of Operators on the Operators Database (Name, Contacts, Category, Class, Type)
- Annual Permit Fees Projections (Detailed annual determination prior publication/gazetted)
- Audits and Inspections Reports
- Human Factors audit reports
- Directives (improvements and prohibition – Opened and Closed) reports
- Contraventions issued
- Departmental records, books and documents
- Asset registers
- Service level agreements/ Memorandum of Understanding
- Operator Agreements
- Data sharing agreements

8.1.4 Safety Management and Investigation

- Data pertaining to Operational Occurrence and Security incidents, including reports containing analysis, trends and any other such which are not contained in the State of Safety reports already published for public consumption.
- Research reports, excluding those that have been approved for publication on the RSR website or for distribution through other approved communication methods.
- Decisions of the/ on the RSR's safety assessments of new works and technology developments.
- Third Party information, including all documents provided through Official Requests for Information.
- Occurrence investigation policy and procedure
- Occurrence investigation reports
- Board of enquiry reports
- All the directives issued (Improvement and prohibition)

- Third party information
- Non-compliance letters
- Compliance letters

8.1.5 **RSR Board and Company Secretary**

- Board and subcommittee Minutes
- Audio recordings of Board and subcommittee meetings
- Transcripts of Board and subcommittee meetings
- Board documents i.e. submissions, reports & policies; and meeting packs
- Details of Board members i.e. contact numbers and physical addresses

8.1.6 **Risk and Strategy**

- Business Continuity Plans
- Risk Registers
- Business Continuity policy operational plans
- Departmental performance report and
- Guideline for managing performance

9. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

9.1 In addition to the records set out under section 9, a number of records are available, on request, in terms of but not limited to the laws detailed under Annexure "Laws" attached hereto.

10. REQUEST PROCEDURE

10.1 The Requestor must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.

10.2 A request for access to a record must be made on the prescribed form, annexed hereto, (See Annexure "A") and submitted to the Information Officer or the Deputy Information Officer at his / her address, e-mail address or fax number provided above.

10.3 The Requester must provide sufficient detail on the request form to enable the Information Officer or the Deputy Information Officer to identify the record requested and the Requestor.

10.4 The Requestor must state what record or information is required and the reason that he/she requires the information or record in order to protect or exercise a right and clearly state what the nature of the right is so to be exercised or protected. Following this, the Requestor must provide sufficient detail to enable the RSR to identify:

10.4.1 The record(s) requested.

10.4.2 The identity of the Requestor(attach the identity document of the requestor) (and, if an agent is lodging the request, proof of capacity).

10.4.3 The form of access required and specify a South African postal address, email address or fax number.

10.5 When completing a request on the prescribed form, the Requestor should also indicate:

10.5.1 the preferred language if applicable;

10.5.2 whether the Requestor wishes to be informed of the decision in another manner in addition to a written reply.

10.6 If a request is made on behalf of another person, then the Requestor must submit proof of the capacity in which the Requestor is making the request to the reasonable satisfaction of the Information Officer or delegate and pay the prescribed requester Fee. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

- 10.7 The RSR will use its best endeavours, within thirty (30) days of receipt of a request, to decide whether to grant or decline the request and give notice with reasons to that effect.
- 10.8 Where the RSR using its best endeavours is unable to comply with the request within the thirty (30) day period within which RSR has to decide whether to grant or refuse the request, i.e. where a request is for a large number of information, or the request requires a search for information held at another office of the RSR and the information cannot reasonably be obtained within the original thirty (30) day period, then the RSR has the right to extend such period for a further period of not more than thirty (30) days.
- 10.9 The RSR will notify the Requestor in writing should an extension be sought.
- 10.10 A Requestor shall be informed, in writing, whether access is granted or denied.
- 10.11 The RSR may refuse a request for information on the following grounds:
 - 10.11.1 Mandatory protection of privacy of a third party who is a natural person.
 - 10.11.2 Mandatory protection of the commercial information of a third party.
 - 10.11.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
 - 10.11.4 Mandatory protection of the safety of individuals and protection of property.
 - 10.11.5 Mandatory protection of the commercial activities of the RSR.
 - 10.11.6 Research information of the RSR or a third party, if its disclosure would disclose the identity of the RSR, the Researcher or the subject matter of the research and would place the research at a disadvantage.
 - 10.11.7 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

11. PARTICIPATION IN THE FORMULATION OF THE POLICY/EXERCISE OF POWERS/ PERFORMANCE OF DUTIES

- 11.1 The RSR, with the support of the relevant committees, adopts, develops, issues and prescribes rules, policy and procedures which have to be followed as set out in the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002)
- 11.2 Prior to the prescription of the above pronouncements, the RSR publishes the proposed documents for comments by interested and/or affected parties. It is through this publication process that interested persons may make representations or participate in or influence the formulation of the policy, the exercise of RSR powers or the performance by the RSR of its duties.

12. DESCRIPTION OF REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE RSR

The Act provides for two types of procedures of appeal, namely: internal and external

12.1 Internal Appeal

The dissatisfied requester may internally appeal the decision made by the information officer to the Secretary of the Board of Directors on the prescribed form. The outcome of the appeal will be made known to the requester within a reasonable time.

12.2 External Appeal

A requester who is unhappy with the outcome of the internal appeal and refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. The same applies to a third party who is dissatisfied with the information officer's decision to grant a request for information, may within 30 days of knowledge of their grievance, apply to court for relief. The court of first instance will be the High Court.

13. UPDATING THE MANUAL

The RSR will update and publish this Manual as and when required, but at least once a year.

14. AVAILABILITY OF THE MANUAL

14.1 This Manual will be available in three official languages, namely, English, SeSotho and isiZulu.

14.2 The Manual is available on the RSR website or at the RSR offices.

14.3 This Manual is approved and signed by the Executive Legal and Deputy Information Officer of Railway Safety Regulator.

ANNEXURE “ LAWS ”

RECORDS KEPT IN TERMS OF THE OTHER LEGISLATION

- Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act 19 of 2006 (Science)
- Administrative Adjudication of Road Traffic Offences Act 46 of 1998 (Transport)
- Advertising on Roads and Ribbon Development Act 2 of 1940 (Environment and Conservation)
- Apportionment of Damages Act 34 of 1956 (Contract and Delict)
- Arbitration Act 42 of 1965 (Procedural Law)
- Auditing Profession Act 26 of 2005 (Professions)
- Basic Conditions of Employment Act 75 of 1997 (Labour)
- Broad-Based Black Economic Empowerment Act 53 of 2003 (Constitutional Law)
- Broadcasting Act 4 of 1999 (Communication)
- Companies Act 71 of 2008 (Corporate Law)
- Compensation for Occupational Injuries and Diseases Act 130 of 1993 (Labour)
- Competition Act 89 of 1998 (Commercial Law)
- Constitution of the Republic of South Africa 108 of 1996 (Constitutional Law)
- Consumer Protection Act 68 of 2008 (Commercial Law)
- Conventional Penalties Act 15 of 1962 (Contract and Delict)
- Copyright Act 98 of 1978 (Commercial Law)
- Council for Medical Schemes Levies Act 58 of 2000 (Health)
- Counterfeit Goods Act 37 of 1997 (Commercial Law)
- Criminal Procedure Act 51 of 1977 (Procedural Law)
- Cross Border Road Transportation Act 4 of 1998 (Roads)
- Customs and Excise Act 91 of 1964 (Revenue)

- Debt Collectors Act 114 of 1998 (Legal Administration)
- Designs Act 195 of 1993 (Commercial Law)
- Electronic Communications Act 36 of 2005 (Communication)
- Electronic Communications and Transactions Act 25 of 2002 (Communications)
- Employment Equity Act 55 of 1998 (Labour)
- Financial Intelligence Centre Act 38 of 2001 (Criminal Law)
- Hazardous Substances Act 15 of 1973 (Health)
- Identification Act 68 of 1997 (Citizenship)
- Immigration Act 13 of 2002 (Citizenship)
- Import and Export Control Act 45 of 1963 (Commercial Law)
- Income Tax Act 58 of 1962 (Income Tax)
- Insolvency Act 24 of 1936 (Estates)
- Institution of Legal Proceedings against certain Organs of State Act 40 of 2002(Procedural Law)
- Justices of the Peace and Commissioners of Oaths Act 16 of 1963 (Legal Administration)
- Labour Relations Act 66 of 1995 (Labour)
- Legal Metrology Act 9 of 2014 (calibration)
- Long-term Insurance Act 52 of 1998 (Financial Institutions and Insurance)
- Measurement Units and Measurement Standards Act 18 of 2006 (Science)
- Medical Schemes Act 131 of 1998 (Health)
- Medicines and Related Substances Control Act, No 101 of 1965(Health)
- Merchandise Marks Act 17 of 1941 (Commercial Law))
- National Credit Act 34 of 2005 (Contract and Delict)
- National Environmental Management Act 107 of 1998 (Environment and Conservation)
- National Environmental Management: Air Quality Act 39 of 2004 (Environment and Conservation)

- National Environmental Management: Waste Act 59 of 2008 (Environment and Conservation)
- National Health Act 61 of 2003 (Health)
- National Railway Safety Regulator Act No 16 of 2002 (Transport)
- National Roads Act 54 of 1971 (Transport)
- National Road Safety Act 9 of 1972 (Transport)
- National Road Traffic Act 93 of 1996 (Transport)
- National Water Act 36 of 1998 (Resources)
- Occupational Health and Safety Act 85 of 1993 (Labour)
- Pension Funds Act 24 of 1956 (Welfare and Pensions)
- Prescription Act 68 of 1969 (Procedural Law)
- Prescribed Rate of Interest Act 55 of 1975 (Contract and Delict)
- Private Security Industry Regulation Act 56 of 2001 (Professions)
- Promotion of Access to Information Act 2 of 2000 (Constitutional Law)
- Regulation of Interception of Communication and Provision of Communications- Related Information Act 70 of 2002 (Communication)
- Road Traffic Act 29 of 1989 (Transport)
- Skills Development Act 97 of 1998 (Labour)
- Skills Development Levies Act 9 of 1999 (Labour)
- South African Passports and Travel Documents Act (Citizenship)
- Standards Act 8 of 2008 (Science)
- Tobacco Products Control Act 83 of 1993 (Health)
- Trade Marks Act 94 of 1993 (Commercial Law)
- Trade Practices Act 76 of 1976 (Commercial Law)
- Transfer Duty Act 40 of 1949 (Revenue)
- Unemployment Insurance Act 63 of 2001 (Labour)
- Unemployment Insurance Contributions Act 4 of 2002 (Labour)

- Value-Added Tax Act 89 of 1991 (Revenue)
- Water Services Act 108 of 1997 (Resources)

