

INDEPENDENT CERTIFICATION COUNCIL FOR SEED POTATOES

MANUAL PREPARED IN ACCORDANCE WITH SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT (2000), No. 2 OF 2000

1. INTRODUCTION

1.1 This Manual, together with the prescribed form and prescribed fees relating to a request for information, have been prepared and published by the Independent Certification Council for Seed Potatoes (an autonomous national body in the potato industry and herein referred to as "ICCSP") in accordance with the requirements of Section 14 of the Promotion of Access to Information Act (2000), No. 2 of 2000 ("the Act"). Its purpose is to facilitate access to records held by ICCSP to meet the objectives of the Act. The Act sets out the requisite procedural issues in respect of such request.

Payment for these records should be made to ICCSP before a request for access can be executed.

1.2 In addition to the words defined in the other clauses the following words will bear the following meanings in this Manual: -

1.2.1 "**Information Officer**" shall mean the chief executive officer, or equivalent officer, of ICCSP or the person who is acting as such;

1.2.2 "**Deputy Information Officer**" shall mean such person/s designated in terms of section 17 of the Act;

1.2.3 "**Manual**" shall mean this Manual together with all annexures thereto as available at the offices of ICCSP from time to time;

1.2.4 "**SAHRC**" shall mean the South African Human Rights Commission.

2. STRUCTURE AND FUNCTIONS OF PCS (Section 14(1) (a) of the Act)

2.1 On 15 May 1998 the Minister of Agriculture, acting under Section 23 of the Plant Improvement Act, No. 53 of 1976 ("the Plant Improvement Act"), established the South African Seed Potato Certification Scheme ("the Scheme") and designated the ICCSP as the authority to exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed upon ICCSP under the Scheme.

2.2 ICCSP, in terms of Section 24(2)(a) of the Plant Improvement Act, appointed Potato Certification Service NPC (registration number: 1995/005404/08) ("PCS"), to exercise, perform and carry out ICCSP's powers, functions and duties. On 23 October 2012 ICCSP and PCS concluded a Service Delivery Agreement.

2.3 ICCSP is a "*public body*" as defined in Section 1 of the Act, as ICCSP exercises a public power and performs a public function in terms of the Plant Improvement Act. PCS is also a public body for purposes of the Act in so far as PCS, as designated service provider, holds the records of the Scheme.

3. CONTACT DETAILS (Section 14(1) (b) of the Act)

Name of body: Independent Certification Council for Seed Potatoes

Information Officer: Ms Sanette Thiar | sanette@potatocertification.co.za

Deputy Information Officer: Mr André Wessels | andre@potatocertification.co.za

Address: Potato House, 6 De Havilland Crescent, Persequor Technopark, Pretoria

Postal address: Private Bag X 135, PRETORIA, 0001

Telephone: +27 (12) 349 1910 / 1911

Website: www.potatocertification.co.za

4. GUIDE IN TERMS OF SECTION 10 OF THE ACT (Section 14(1) (c) of the Act)

- 4.1 In terms of Section 10 of the Act, a guide has been compiled by SAHRC containing such information as may be required by a person who wishes to exercise any right contemplated in the Act.
- 4.2 The guide is available for public inspection at SAHRC's offices and on SAHRC's website. Further enquiries regarding the guide or any additional information to assist with the making of requests in terms of the Act may be addressed to SAHRC at:

SAHRC
Promotion of Access to Information Unit
Private Bag 2700
Houghton
2041

Tel: +27 11 877 3600
Fax: +27 11 484 1360
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

5. ACCESS TO RECORDS

5.1 Voluntary Disclosure (Section 15(1) of the Act)

The information of the ICCSP is contained in the website of PCS, www.potatocertification.co.za, and is accessible to anyone with access to the Internet. The website *inter alia* contain links to the following:

- 5.1.2.1 General Information ("*About Us*");
- 5.1.2.2 Board and Committees;
 - 5.1.2.2.1 Board of Directors;
 - 5.1.2.2.2 Independent Certification Council for Seed Potatoes;
 - 5.1.2.2.3 National Seed Potato Commission;
 - 5.1.2.2.4 Seed Potato Growers' Forum;
 - 5.1.2.2.5 NUMPRO;
 - 5.1.2.2.6 SAMPRO;
- 5.1.2.3 Certification;
 - 5.1.2.3.1 South African Seed Potato Certification Scheme;
- 5.1.2.4 Production;
- 5.1.2.5 Pests, Diseases and Deviations;
- 5.1.2.6 Documents;
- 5.1.2.7 Seed Potato Grower of the Year;
- 5.1.2.8 Registered Seed Potato Growers;
- 5.1.2.9 Frequently Asked Questions;
- 5.1.2.10 Contact Details.

5.2 Information to be formally requested (SECTION 14(1)(d) of the Act)

PCS, by virtue of its appointment referred to in paragraph 2.2 above, holds the documents and information set out in the Schedule below, which are not available under paragraph 5.1 and which documents and information must be formally requested from PCS in terms of the provisions of the Act. The listing of any subject or category of records should not be construed as an indication that the records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act or the Plant Improvement Act may be applicable to a request for such records.

PCS holds records on the following subjects and categories:

RECORDS	SUBJECT / CATEGORY
Corporate Affairs and Human Resources	<ul style="list-style-type: none"> - Public records (including without limitation the Constitution of the Independent Certification Council for Seed Potatoes, the Memorandum of Incorporation of PCS, the documents registered at the Companies and Intellectual Property Commission in respect of PCS, particulars on the directors of PCS and such other documents as PCS is required to hold under the Companies Act, No. 71 of 2008). - Employee records of PCS - Employment Contract in respect of PCS's employees
Strategy and Commercial	<ul style="list-style-type: none"> - General contract documentation - Insurance Policies
Finance and Governance	<ul style="list-style-type: none"> - Audited financial statements of PCS - Tax records of PCS - Management accounts of PCS - PCS' Asset register
Administrative	<ul style="list-style-type: none"> - Protocol - Applications for the registration of an area of land or a container or containers in a greenhouse as a unit

6. THE REQUEST PROCEDURE

- 6.1 Use PCS' prescribed Form A Request for Access to Record of Public Body published on 15 February 2002 in the Government Gazette in terms of Section 18(1) of the Act as Annexure B to Notice R187. Form A is attached hereto as Schedule 1.
- 6.2 The requester must also indicate if the request is for a copy of the record or if the requester wants to view the record/s at the offices of the PCS in the manner prescribed in Section 29(2) of the Act.
- 6.3 A requester will be granted access to the record in the form requested, subject to the provisions of Section 29(3) and (4) of the Act. If the form requested will interfere unreasonably with the effective administration of ICCSP or PCS, be detrimental to the preservation of the record or amount to the infringement of copyright not owned by ICCSP and/or PCS, access can be granted in an alternative form. The fee charged would not exceed what would have been charged if that requester had been given access in the form requested.
- 6.4 If a requester wishes to be informed in terms of Section 18(2)(e) of the Act of the decision on the request in addition to the written reply in any other manner, the manner and particulars to be so informed should be stated.

- 6.5 If the request is made on behalf of a person, proof of the capacity in which the requester is making the request should be submitted in terms of Section 18(2)(f) of the Act to the reasonable satisfaction of the Information Officer.
- 6.6 Section 18(3) of the Act provides for a request by an individual who because of illiteracy or a disability is unable to make a request, to make that request orally. The Information Officer shall reduce the oral request to writing in the prescribed form and provide a copy thereof to the requester.
- 6.7 Fees for requests for access to record would be levied according to Section 22 of the Act. The fee structure is attached as Schedule 2.
- 6.8 PCS reserves the right to charge an additional fee for information withdrawn from the database.

7. NOTICE(S) IN TERMS OF SECTION 15(2) OF THE ACT (Section 14(1) (e) of the Act)

A notice in terms of Section 14(1)(e) of the Act has not been published.

8. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC AND HOW TO GAIN ACCESS TO THOSE SERVICES (Section 51(1) (f) of the Act)

- 8.1 Reference is made to paragraph 2 above.
- 8.2 PCS exercises the powers, performs the functions and carries out the duties conferred upon, assigned to and imposed upon ICCSP under the Scheme.

9. DESCRIPTION OF ANY ARRANGEMENT OR PROVISION FOR A PERSON (OTHER THAN A PUBLIC BODY REFERRED TO IN PAR (a) OR (b)(i) OF THE DEFINITION OF 'PUBLIC BODY' IN THE ACT) BY CONSULTATION, MAKING REPRESENTATION OR OTHERWISE, TO PARTICIPATE IN OR INFLUENCE -

- (i) **THE FORMULATION OF POLICY; OR**
- (ii) **THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES, BY THE BODY (Section 14(1) (g) of the Act)**

- 9.1 Reference is made to paragraph 2 above.
- 9.2 The Minister of Agriculture, acting under Section 23 of the Plant Improvement Act, established the Scheme and designated ICCSP as the authority to exercise the powers, perform the functions and carry out the duties conferred upon, assigned to and imposed upon ICCSP under the Scheme. Under the circumstances ICCSP does not have any arrangement or provision for a person to make representations or otherwise, or to participate in or influence, the formulation of policy, the exercise of powers or the performance of the duties.

10. REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE BODY (Section 14(1) (h) of the Act)

10.1 Internal Remedies

ICCSP does not have an internal appeal procedure. The decision made by the Information Officer is final, and a requester will have to exercise the external remedies referred to in paragraph 10.2 below if the request for information is refused and/or if the requester is not satisfied with the answer supplied by the Information Officer.

10.2 External Remedies

Section 78(2)(c) of the Act provides for a requester aggrieved by a decision on a request for access to apply within 180 days of such decision to a Court with jurisdiction for appropriate relief in terms of Section 82 of the Act. The procedure is set out in the Promotion of Access to Information Rules published on 9 October 2009 in the Government Gazette in terms of Rule 79 of the Act as Notice R967.

11. REVIEW OF DOCUMENTATION

This document will be reviewed annually.