ELECTORAL COMMISSION

ACCESS TO INFORMATION MANUAL

IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT 2 OF 2000)

SOUTH AFRICA

PAIA MANUAL FOR THE ELECTORAL COMMISSION

Contents

Chapter 1
1. The Functions and Structure of the Electoral Commission (Section 14(1)(a)) 3
2. Structure of the Electoral Commission 3
3. Schematic diagram of the structure of the Electoral Commission 4
4. Particulars of the Electoral Commission 4
5. Contact details of Information Officer/s (Section 14(1)(b)) 4
6. Description of remedies available in respect of any Act or failure to act by the Electoral Commission 6
7. The section 10 Guide on how to use the Act (Section 14(1)(b)(i)) 6

Chapter 2: Access to records 8
1. Access to records held by the Electoral Commission (Section 14(1)(b)(ii)) 8
2. Information to be formally requested (Section 14(1)(b)(ii)) 9
3. Request procedures 12
4. Automatic disclosures (Section 14(1)(b)(iii)) 12

Chapter 3: Services Available 14
1. Nature of services (Section 14(1)(b)(iv)) 14

Chapter 4: 15
1. Arrangements allowing for public participation in the formulation of policy and exercising of powers of the Electoral Commission (Section 14(1)(b)(v)) 16

Chapter 5: 16
1. POPIA Considerations 16
2. Purpose of the processing (Section 14(1)(c)(i)) 16
3. Categories of data subjects and categories of information (Section 14(1)(c)(ii)) 17
4. Recipients/categories of recipients to whom personal information may be supplied (Section 14(1)(c)(iii)) 19
5. Planned transborder flows of personal information (Section 14(1)(c)(iv)) 20
6. General description of information security measures (Section 14(1)(c)(v)) 20

Chapter 6: Miscellaneous 22
1. Updating of manual 22
2. Availability of the manual 22

ANNEXURE A Schematic diagram of the structure of the Electoral Commission 23
ANNEXURE B Request for access to Record of Public Body 20
ANNEXURE C Prescribed fees – Public Bodies 24
ANNEXURE D Amendment Dates 27

CHAPTER 1:

PARTICULARS REQUIRED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT (2 OF 2000) ("THE ACT" / "PAIA")

1. THE FUNCTIONS AND STRUCTURE OF THE ELECTORAL COMMISSION (SECTION 14(1)(A))

1.1 The functions of the Electoral Commission as prescribed by section 190 of the Constitution of the Republic of South Africa, 1996, are to:

1.1.1 manage elections of national, provincial and municipal legislative bodies in accordance with national legislation;

1.1.2 ensure that those elections are free and fair; and

1.1.3 declare the results of those elections within a period that must be prescribed by national legislation and that it is as short as reasonably possible.

1.2 The Electoral Commission also has the additional powers and functions prescribed by national legislation, which in terms of Section 5 of the Electoral Commission Act, 51 of 1996, includes the following:

1.2.1 promote conditions conducive to free and fair elections;

1.2.2 promote knowledge of sound and democratic electoral processes;

1.2.3 compile and maintain voters' rolls by means of a system of registering of eligible voters by utilising data available from government sources and information furnished by voters;

1.2.4 compile and maintain a register of parties;

1.2.5 establish and maintain liaison and co-operation with parties;

1.2.6 undertake and promote research into electoral matters;

1.2.7 develop and promote the development of electoral expertise and technology in all spheres of government;

1.2.8 continuously review electoral legislation and proposed electoral legislation, and to make recommendations in connection therewith;

1.2.9 promote voter education;

1.2.10 promote co-operation with and between persons, institutions, governments and administrations for the achievement of its objects;

1.2.11 declare the results of elections for national, provincial and municipal legislative bodies within seven days after such elections;

1.2.12 adjudicate disputes which may arise from the organisation, administration or conducting of elections and which are of an administrative nature; and

1.2.13 appoint appropriate public administrations in any sphere of government to conduct elections when necessary.

2. STRUCTURE OF THE ELECTORAL COMMISSION

2.1 In terms of Section 6 of the Electoral Commission Act, 51 of 1996, the Electoral Commission comprises of five Commissioners (including the Chairperson and Vice-Chairperson).

2.2 The Commission appoints the Chief Electoral Officer who is the head of the administration and the accounting officer.

2.3 The Electoral Commission consists of a national office situated in Centurion and nine provincial offices, one in each of the provinces. In addition, the Electoral Commission has local offices in each municipality.

2.4 The administration performs its functions through the various departments in the national office, the nine provincial offices and local offices. The Chief Electoral Officer (CEO) is assisted by four Deputy Chief Electoral Officers (DCEOs) as well as the nine Provincial Electoral Officers (PEOs) appointed for each province.

3. SCHEMATIC DIAGRAM OF THE STRUCTURE OF THE ELECTORAL COMMISSION

3.1 The schematic diagram of the structure of the Electoral Commission is set out in Annexure A attached hereto.

4. PARTICULARS OF THE ELECTORAL COMMISSION

Name of body:	Electoral Commission of South Africa
Chairperson of body:	
Commissioners:	Mr Mosotho Moepya (Chairperson)
	Ms Janet Love (Vice Chairperson)
	Mr Glen Mashinini
	Dr Nomsa Masuku
	Judge Dhaya Pillay
Chief Electoral Officer:	Mr. Phatudi Simon Mamabolo (Accounting officer)
Physical Address:	Election House Riverside Office Park 1303 Heuwel Avenue Centurion 0157
Postal address:	Private Bag X112 CENTURION 0046
Telephone No:	(012) 622 5700
Facsimile No:	(012) 622-5784
Website:	www.elections.org.za

5. CONTACT DETAILS OF INFORMATION OFFICER/S (SECTION 14(1)(b))

INFORMATION OFFICER

Mr. Phatudi Simon Mamabolo

Physical Address:	Election House Riverside Office Park 1303 Heuwel Avenue Centurion 0157

Postal address:	Private Bag X112 CENTURION 0046
Telephone No:	(012) 622 5700
Facsimile No:	(012) 622-5784
e-mail address:	mamabolos@elections.org.za

DEPUTY INFORMATION OFFICER (NATIONAL OFFICE)

Mr Masego Sheburi

Contact Information

Physical Address:	Election House Riverside Office Park 1303 Heuwel Avenue CENTURION 0157
Postal address:	Private Bag X112 CENTURION 0046
Telephone No:	(012) 622 5700
Facsimile No:	(012) 622-5784
e-mail address:	sheburim@elections.org.za

DEPUTY INFORMATION OFFICERS (NATIONAL OFFICE)

Corporate Services: Ms Akhtari Henning Riverside Office Park Election House, Ground Floor 1303 Heuwel Avenue, Centurion, 0157 Tel: (012) 622 5700 Fax: (012) 622 5784 E-mail: HenningA@elections.org.za	**Political Party Funding: Mr George Mahlangu** Riverside Office Park Election House, Ground Floor 1303 Heuwel Avenue, Centurion, 0157 Tel: (012) 622 5700 Fax: (012) 622 5784 E-mail: Mahlangui@elections.org.za

Electoral Operation: Mr Masego Sheburi Riverside Office Park Election House, Ground Floor 1303 Heuwel Avenue, Centurion, 0157 Tel: (012) 622 5700 Fax: (012) 622 5784 E-mail: sheburim@elections.org.za	**Outreach: Mr Mawhethu Mosery** Riverside Office Park Election House, Ground Floor 1303 Heuwel Avenue, Centurion, 0157 Tel: (012) 622 5700 Fax: (012) 622 5784 E-mail: MoseryM@elections.org.za

6. DESCRIPTION OF REMEDIES AVAILABLE IN RESPECT OF ANY ACT OR FAILURE TO ACT BY THE ELECTORAL COMMISSION

A requester who is dissatisfied with a decision by the Electoral Commission pertaining to a request for access to a record, may utilise the remedies set out in PAIA and/or POPIA, as applicable, which includes a possible complaint to the Information Regulator or an application to court.

7. THE SECTION 10 GUIDE ON HOW TO USE THE ACT (SECTION 14(1)(B)(I))

7.1 Section 14(1)(c) of the Act calls for a description of the guide referred to in section 10 of the Act, if available, and how to obtain access to it. The guide referred to in section 10 is compiled by the Information Regulator containing such information as may be reasonably required by any person who wishes to exercise any right contemplated in the Act.

7.2 The Information Regulator has published the guide referred to in Section 14(1)(c) of the Act. The guide deals with the following matters:

7.2.1 why access to information is important;

7.2.2 a description of sources of information and how access to information can be obtained;

7.2.3 how to make a request for access to information;

7.2.4 when access to a record may be refused;

7.2.5 general information relating to amendments to the Act, the Regulations, Government Notices and Reports; and

7.2.6 a list of public bodies from whom access to records can be obtained.

7.3 The Information Regulator compiled the guide specifically to assist persons to access records and exercise their right to information.

7.4 The guide is available in each official language free of charge for public inspection during office hours at various places as mentioned below. Any person may request to obtain a copy of the guide. Copies of the guide may be obtained on payment of the access fee which are the prescribed fees for the purposes 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.

7.5 Copies of the guide are available at the following places:

7.5.1 At the head office of the IEC: Riverside Office Park, Election House, Ground Floor, 1303 Heuwel Avenue, Centurion, 0157

7.5.2 At the office of the head of the national department responsible for government communication: Government Communications and Information Services (GCIS)

7.5.3 At the following places of legal deposit as defined in section 6 of the Legal Deposit Act, (54 of 1997)

7.5.3.1 Library of Parliament, Cape Town;

7.5.3.2 The South African Library, Cape Town;

7.5.3.3 Natal Society Library, Pietermaritzburg;

7.5.3.4 The State Library in Tshwane;

7.5.3.5 City Library Services, Bloemfontein;

7.5.3.6 The National Film, Video and Sound Archives, Tshwane;

7.5.3.7 Any other library or institution prescribed by the Minister of Justice and Constitutional Development for the purposes of certain prescribed categories of documents; and

7.5.3.8 Every tertiary education institution established by or under any law.

7.6 Copies of the guide are also available in all official languages at the following offices:

7.6.1 office of information officers of public bodies;

7.6.2 all offices of public bodies;

7.6.3 all Magistrate's Offices;

7.6.4 all offices of the Department of Justice and Constitutional Development;

7.6.5 all post offices; and

7.6.6 in the Government Gazette.

7.7 The guide is furthermore available at all offices and on the website of the Information Regulator, (https://inforegulator.org.za/).

7.8 Any queries relating to the guide may be directed to:
The Information Regulator
JD House
27 Siemens Street
Braamfontein
2001
Tel No: +27 11 023 5200
E-mail: enquiries@inforegulator.org.za

CHAPTER 2:
ACCESS TO RECORDS

1. ACCESS TO RECORDS HELD BY THE ELECTORAL COMMISSION (SECTION 14(1)(b)(ii))

1.1 Records are kept in accordance with various pieces of legislation, of which the following are the most pertinent:

1.1.1 Constitution of the Republic of South Africa, 1996;

1.1.2 Electoral Commission Act, 51 of 1996;

1.1.3 Electoral Act, 73 of 1998;

1.1.4 Local Government: Municipal Electoral Act, 27 of 2000;

1.1.5 Electoral Laws Amendment Act, 34 of 2003;

1.1.6 Electoral Commission Amendment Act, 14 of 2014;

1.1.7 Electoral Laws Second Amendment Act, 40 of 2003;

1.1.8 Electoral Amendment Act, 18 of 2013;

1.1.9 General Laws (Loss of Membership of National Assembly, Provincial Legislature or Municipal Council) Amendment Act, Act 55 of 2008;

1.1.10 Local Government: Municipal Structures Act, 117 of 1998;

1.1.11 Local Government: Municipal Demarcation Act, 27 of 1998;

1.1.12 Local Government: Municipal Electoral Regulations - 2011 Amendment;

1.1.13 Local Government: Municipal Electoral Amendment Act, 2010;

1.1.14 Local Government: Municipal Structures Amendment Act, 2 of 2002;

1.1.15 Income Tax Act, 58 of 1962 (section 75 (1));

1.1.16 Unemployed Insurance Act, 30 of 1966 (sections 32 and 33) Value-Added Tax Act, 89 of 1991 (section 55);

1.1.17 Compensation for Occupational Injuries and Diseases Act, 130 of 1993 (section 81);

1.1.18 Labour Relations Act, 66 of 1995 (sections 98, 99 and 205);

1.1.19 Basic Conditions of Employment Act, 75 of 1997 (sections 29 (4) and 31);

1.1.20 Employment Equity Act, 55 of 1998 (section 26);

1.1.21 Skills Development Levies Act, 9 of 1999 (section 13);

1.1.22 Protection of Personal Information Act, 4 of 2013 (**POPIA**);

1.1.23 Public Finance Management Act, 1 of 1999;

1.1.24 Political Funding Act of 6 of 2018;

1.1.25 Occupational Health and Safety Act, 85 of 1993; and

1.1.26 The National Archives and Record Service of South Africa Act, 43 of 1996.

2. INFORMATION TO BE FORMALLY REQUESTED (SECTION 14(1)(b)(ii))

The Electoral Commission holds the following categories of records related to the undermentioned subjects:

2.1 Electoral related documents

2.1.1 The Electoral Act 27 of 1998, provides that the voters' roll may only be used for election purposes (section 91(1)(d) of the Electoral Act) (**"the Electoral Act"**). During every election, including by-elections, any voter may inspect the voters' roll at designated venues published in the Government Gazette. Copies of the voters' roll are also made available to political parties for purposes of elections. To use the voters' roll for purposes other than election purposes constitutes a criminal offence (section 16(2A) and section 98(a) of the Electoral Act).

2.1.2 The same applies in respect of copies of maps of voting districts (section 63 of the Electoral Act) and the inspection thereof during election periods. The maps are available for inspection at the National Office of the Electoral Commission. Similar provisions relating to municipal elections are found in the Local Government: Municipal Electoral Act (27 of 2000).

2.1.3 All documents related to the registration of political parties in terms of section 15 (Regulations for the Registration of Political Parties) of the Electoral Commission Act, 1996, as well as nomination forms for candidates, party lists, election timetables, legal notices published in Provincial Gazettes and the Government Gazette in terms of the applicable electoral laws and election results of all elections managed by the Electoral Commission, are available for inspection, subject to the Chief Electoral Officer's powers to dispose of election material.

2.2 Library records

2.2.1 The library of the Electoral Commission consists of a collection of works of a general nature and includes books on various electoral and constitutional related topics. The library material and collection of books and journals are either purchased or donated items.

2.2.2 Persons wishing to make use of the facilities may do so, however access is strictly by appointment only. No material may be taken on a loan-basis. Any costs that are incurred will be for the account of the user.

2.2.3 The following categories of books and journals are kept in the Electoral Commission's library:

2.2.3.1 asset management;

2.2.3.2 business economics and business management;

2.2.3.3 legal documents;

2.2.3.4 international constitutions;

2.2.3.5 corporate governance;

2.2.3.6 democracy related books and materials;

2.2.3.7 e-commerce and economics;

2.2.3.8 voter education related materials;

2.2.3.9 election material, national and international;

2.2.3.10 financial management;

2.2.3.11 fleet management;

2.2.3.12 government reports, local government reports, material related to municipal structures;

2.2.3.13 human rights;

2.2.3.14 gender related books and documents;

2.2.3.15 corporate health;

2.2.3.16 history;

2.2.3.17 human resources;

2.2.3.18 politics;

2.2.3.19 procurement and logistics;

2.2.3.20 work-skills and communication;

2.2.3.21 reference books, magazines and journals;

2.2.3.22 knowledge management;

2.2.3.23 security related material;

2.2.3.24 law reports; and

2.2.3.25 legal textbooks.

2.3 **Communications material**

2.4 **Additional materials kept by the Electoral Commission:**

2.4.1 annual reports, reports and strategic documents;

2.4.2 campaign materials;

2.4.3 councillor lists;

2.4.4 court rulings;

2.4.5 floor crossing results;

2.4.6 forms for voters and parties and candidates;

2.4.7 research and statistics;

2.4.8 records related to campaign proposals, strategic plans and advertising plans;

2.4.9 internal communication material such as newsletters, documentation of events, programmes, launches, commemorations and invitations;

2.4.10 media relations documents including media releases, briefing packs and monitoring reports;

2.4.11 publications and reports, including election reports and election timetables;

2.4.12 speeches;

2.4.13 corporate brochures;

2.4.14 material and promotional items; and

2.4.15 registration and election materials which includes posters and pamphlets; and

2.4.16 voter education material and guidelines.

2.5 **Archives**

Internal documents within the organisation, including reports, minutes, incoming and outgoing correspondence, memoranda, facsimile's, maps, photographs, pamphlets and other promotional material are kept in the documentation department of the Electoral Commission in accordance with the provisions of the National Archives and Record Service of South Africa Act, (43 of 1996).

2.6 **Finances**

Inspection of financial documents will be within the sole discretion of the Chief Electoral Officer who is also the Accounting Officer of the Electoral Commission. Those are retained in terms of the provisions of the National Archives and Record Service of South Africa Act, (43 of 1996). This includes the MTEF budgets of the organisation, strategic plans and MTEF submissions.

2.7 **Procurement**

2.7.1 The Electoral Commission, being a Chapter 9 institution in terms of the Constitution of South Africa, is subject to the provisions of the Preferential Procurement Policy Framework Act, 5 of 2000 and all procurement is done in terms of this Act and related legislation.

2.7.2 The Electoral Commission also operates an e-procurement system which is accessible on the Internet on the following website: www.votaquotes.elections.org.za.

2.7.3 Information relating to procurement documentation, procurement policies, tenders received, tender evaluations and related procurement information is kept at the National Office of the Electoral Commission.

2.8 **Human resources**

Information related to employee records, employment equity reports, policies and related documents is kept at the National Office of the Electoral Commission.

2.9 **Training materials**

Training material used for electoral democracy education projects, school projects and electoral training and in-house capacity building is kept at the National Office of the Electoral Commission.

2.10 **Legal**

Legislation, Government Gazettes, contracts and court judgments are kept at the National Office of the Electoral Commission.

3. REQUEST PROCEDURES

3.1 Access to information listed above is subject to the provisions of PAIA and POPIA and shall be requested by:

3.1.1 completing the prescribed Form A ("request form") contained in Annexure B attached hereto; and

3.1.2 payment of the prescribed fee as stated in Annexure C attached hereto. However, a requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.

3.2 The requester must indicate if the request is for a copy of the record or if the requester wants to inspect the record at the offices of the Electoral Commission.

3.3 Access to the aforesaid information will only be granted to the requester in a manner requested, unless such manner would unreasonably interfere with the running and operation of the Electoral Commission or damage its records or infringe its copyright.

3.4 If for practical reasons, access cannot be given in the requested manner but in an alternative manner, then the fee for access will be calculated according to the manner that the requester had requested.

3.5 If the requester is unable to read or write, or has a disability, he/she can request the record orally, in which event the Deputy Information Officer/Information Officer will complete the form on behalf of that requester and furnish the requester with such completed form.

3.6 The requester must clearly indicate on the request form:

3.6.1 the wish to be informed of the success of the request telephonically or in any other manner; and

3.6.2 the capacity in which the request is made in the event the information is requested on behalf of somebody else.

3.7 After the Deputy Information Officer/Information Officer has made a decision on a request, the requester will be notified of the decision in the manner requested.

3.8 The process to be followed should a request for access be denied is set out in Chapter 5 below.

4. AUTOMATIC DISCLOSURES (SECTION 14(1)(b)(iii))

4.1 Information on the following topics, subject to the provisions of POPIA is available, without formal request on the Electoral Commission's website and in the form of brochures:

4.1.1 the functions and responsibilities of the Electoral Commission;

4.1.2 services rendered by the Electoral Commission;

4.1.3 election results;

4.1.4 statistical information on the registration of voters;

4.1.5 information on political parties;

4.1.6 lists containing names of candidates nominated in an election;

4.1.7 details and locations of voting stations for each election;

4.1.8 amounts disbursed to represented parties and independents in terms of the Political Funding regime;

4.1.9 amounts disclosed by parties and independents from direct donations;

4.1.10 published reports including annual and associated election reports;

4.1.11 general information pertaining to the Electoral Commission (booklets, pamphlets, posters);

4.1.12 selected procurement information; and

4.1.13 newsletters.

CHAPTER 3:
SERVICES AVAILABLE

1. NATURE OF SERVICES (SECTION 14(1)(b)(iv))

1.1 The Electoral Commission renders the following services to members of the public:

1.1.1 manage elections of legislative bodies

1.1.2 ensure that any election is free and fair

1.1.3 promote conditions conducive to free and fair elections

1.1.4 promote knowledge of sound and democratic electoral processes

1.1.5 compile and maintain voters' roll by means of a system of registering of eligible voters by utilising data available from government sources and information furnished by voters

1.1.6 compile and maintain a register of parties

1.1.7 establish and maintain liaison and co-operation with candidates and representatives

1.1.8 undertake and promote research into electoral matters

1.1.9 develop and promote the development of electoral expertise and technology in all spheres of government

1.1.10 continuously review electoral laws and proposed electoral laws, and to make recommendations in connection therewith

1.1.11 promote voter education

1.1.12 promote co-operation with and between persons, institutions, governments and administrations for the achievement of its objectives

1.1.13 declare the results of elections for national, provincial and municipal legislative bodies within seven days after such elections

1.1.14 adjudicate disputes which may arise from the organisation, administration or conducting of elections and which are of an administrative nature

1.1.15 appoint appropriate public administrations in any sphere of government to conduct elections when necessary

1.1.16 allocation and quarterly disbursement of payments to the represented political parties and independent representatives

1.2 How to gain access to the services of the Electoral Commission

Most of the above mentioned services can be accessed through the Information Officers whose contact details are set out in Chapter 1.

CHAPTER 4:

1. **ARRANGEMENTS ALLOWING FOR PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND EXERCISING OF POWERS OF THE ELECTORAL COMMISSION (SECTION 14(1)(b)(v))**

1.1 At the Electoral Commission, arrangements for public involvement include:

1.1.1 voter education workshops, school projects - the public may attend and make inputs at these workshops;

1.1.2 reports - the Annual Report and Election Reports of the Electoral Commission are open to the public for scrutiny and comment;

1.1.3 regulations issued by the Commission are published for public comment before they are finalised;

1.1.4 policy determination are open to public participation e.g determination of number of seats in legislatures and the determination of regional seats in the National Assembly;

1.1.5 Government Gazettes - these are published on a regular basis and the public is provided with the opportunity to give input into principles/policies to be adopted by the Electoral Commission;

1.1.6 specific stakeholders - Political Party Liaison Committee meetings are held regularly where input on electoral processes and draft regulations are provided by political parties;

1.1.7 general stakeholders - debriefing meetings to formulate policy are held regularly after elections which provide opportunities to stakeholders to participate by making proposals on policy; and

1.1.8 Parliamentary Portfolio Committee Meetings - the public attends these meetings and provide input and comment on the matters discussed.

CHAPTER 5:
PROTECTION OF PERSONAL INFORMATION ACT

1. POPIA CONSIDERATIONS

1.1 For the purposes of facilitating a request for personal information, the information below includes details of the purpose of the processing of personal information by the Electoral Commission, a description of the categories of data subjects and of the information or categories of information relating to data subjects held by the Electoral Commission, the recipients or categories of recipients to whom personal information may be supplied, planned transborder flows of personal information, and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Electoral Commission to ensure the confidentiality, integrity and availability of the information which is to be processed.

1.2 In terms of POPIA, a requester to whom certain personal information relates may request the Electoral Commission to confirm, free of charge, whether or not it holds personal information about that particular requester.

1.3 A requester may make a request that the Electoral Commission provides the record or a description of the personal information about the requester which is held by it, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time, in a reasonable manner, and format, at a fee, and in a form that is generally understandable.

2. PURPOSE OF THE PROCESSING (SECTION 14(1)(c)(i))

Data subject category	Broad description of purposes of processing
Political parties	The Electoral Commission collects and processes personal information for fulfilling or executing its statutory obligations under the Electoral Act, 1998 (Act No. 73 of 1998) and Political Funding Act 6 of 2018. The Electoral Commission collects and processes personal information for, amongst others, the following purposes: - a) To process applications for political parties' registration and nomination of Candidates b) Registration of donors to political parties and contributors to the MPDF
Registered voters	The Electoral Commission collects and processes personal information for, amongst others, the following purposes: - a) Compiling of the national common voters' roll that lists all the eligible voters in an election and is therefore one of the cornerstones of free and fair elections b) Ensuring that voters are registered in voting districts linked to the voters' place of ordinary residence, c) Ensure that only voters who are registered in an area vote in elections affecting the area.
Election candidates	The Electoral Commission collects and processes personal information for, amongst others, the following purposes: - a) Compiling of the National, Provincial, Regional and Municipal election list of candidates;

	b) Making available the details of candidates to enable objections against candidates who are bared by the Constitution from holding elected office; c) Compiling and the publication of the designated representatives in terms of item 14 Schedule 1A of the Electoral Act. d) Compiling and publication of the List of Elected Councillors
Election officials, applicants for employment and employees	The Electoral Commission collects and processes personal information for, amongst others, the following purposes: - HR policies and procedures; - Advertised posts; - Employees records; - Learning and Development e.g.: Skills Development and Training Plans, Employment Equity Plan and Statistics
Contractors / service providers	The Electoral Commission collects and processes personal information for, amongst others, the following purposes: - Supply Chain Management, Procurement Plans, Specific Tenders & Contracts, Risk Management, Audit and, Finance Management.

3. **CATEGORIES OF DATA SUBJECTS AND CATEGORIES OF INFORMATION (SECTION 14(1)(c)(ii))**

Data subjects	**Categories of Information**
Political parties	Identity numbers Party registration numbers Contact details (contact number(s), fax number, email Banking details Confidential correspondence Physical and postal addresses Financial information Founding documents Authorised signatories Name or Logo of the Party Third Party Appointment Letter from SARS Electronic banking records All other statutory compliances
voters	Name and surname Identity number Residential address Telephone number

	Email address
Election candidates	Name and surname ID number
Election officials, applicants and employees	Name and surname ID number / passport number Contact details Next of kin details Race Age Gender Language Nationality Marital status Education information Employment history Political activity Credit history Criminal record Disability Biometric information Bank account details Health information (re sick leave and incapacity administration) Pregnancy (for purposes of administration of maternity leave) Views or opinions of others about the employee (e.g. for purposes of performance management) Doctor certificate
Contractors / service providers	Company registration details Tax related information and VAT numbers Name of entity Name of directors Shareholders Contact details and addresses Financial information Founding document Authorised signatories B-BBEE status Affiliated entities Trademark name or logo of the company Appointment Letter from SARS Contact Details (contact number(s), fax number, email

	Banking Details Confidential correspondence Physical and postal addresses BID Documents, Contracts, Purchase Orders, Quotations, Tenders, Terms of Reference and Leases, List of applicants for Tenders, List of Tenders Awarded.

4. **RECIPIENTS/CATEGORIES OF RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED (SECTION 14(1)(c)(iii))**

Data subjects	**Likely recipients**
Political parties	The Electoral Commission may supply the personal information of data subject to the Employees of the Electoral Commission, as part of executing its statutory mandate. The Electoral Commission may supply the personal information of data subject to the Service Providers who render the following services – Forensic investigation and any other investigation relating to the activities of the Electoral Commission. The Electoral Commission may also supply the personal information of data subjects to - any person whom a complaint has been lodged against; any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction; law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigation; and to Courts, in respect of any matter taken on judicial review.
Registered voters	The Electoral Commission may supply the personal information of data subject to the political parties, independent candidate and any interested individual; for the inspection of the voters' roll. The Electoral Commission may also supply the personal information of data subjects to - any person whom a complaint has been lodged against; law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigation; and to Courts, in respect of any matter taken on judicial review.
Election candidates	The Electoral Commission may supply the personal information of data subject to the Employees of the Electoral Commission, as part of executing its statutory mandate The electoral commission publishes names of candidates for objections to the qualification or otherwise of the candidate to stand for election in terms of the Constitution.

Election officials, applicants for employment and employees.	The Electoral Commission may supply the personal information of data subject to the Service Providers who render the following services - Capturing and organising of personal information; Storing of personal information; due diligence checks; political acceptability of election officials Conducting criminal checks; Conducting qualification verifications;
Contractors / service providers	The Electoral Commission may supply the personal information of data subject to the Employees of the Electoral Commission, as part of executing its statutory mandate.

5. **PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION (SECTION 14(1)(c)(iv))**

Yes	**No**
If yes, which jurisdictions:	X

6. **GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES (SECTION 14(1)(c)(v))**

Technical Measures	**Organisational measures**
1. The Electoral Commission employs two sets of firewalls (perimeter and Core) from different brands 2. Authentication – Access to the IEC network must be authenticated through a username/user-id and password. 3. Authorization – Access to the IEC network and applications systems must be through a pre-authorized username/user-id 4. Network Segmentation – The IEC network is segmented, each segment has specific access rights. Only authorized usernames and applications have access to each segment. 5. Cyber Security – Access to the IEC network is controlled through two sets of firewalls, a Perimeter and a Core network firewall. All access is controlled via the two sets of firewalls 6. On the perimeter firewalls – Unified Threat Management (UTM) service (Antivirus, Anti-Bot, Intrusion Prevention System / Intrusion Detection System (IPS/IDS), Application Control and content filtering) 7. On the core firewalls –Threat Emulation (Sandboxing) and Extraction - analyzes content (like an email and its attached files), pinpoints malicious files, and removes them before getting into the IEC 8. On the core firewalls, other Modules (Antivirus, Anti-Bot, IPS/IDS, Application Control are also in place)	1. Consolidated ICT Security Policy 2. User Account Management Policy 3. Risk Management Policy 4. IEC Cybersecurity Incident Response Plan 5. Physical Security – access to the building is restricted with security guards and access gates 6. Access to the server room and critical infrastructure is restricted to specified and pre-authorized persons.

9. Web Application Firewall – protection against OWASP Top 10 at both upstream DDOS mitigation and on the perimeter firewall 10. Upstream Distributed Denial of Service (DDOS) at an external third-party service provider and on the perimeter firewall 11. Anti-Virus protection on end user machines 12. Endpoint Detect and Response (EDR) on end-user machines 13. Access to the network with any computer must be pre-authorized	

CHAPTER 6:
MISCELLANEOUS

1. **UPDATING OF MANUAL**

1.1 The Electoral Commission will, if necessary, update and publish its Manual annually. The amendment dates to the Manual are indicated in Annexure E, attached hereto.

2. **AVAILABILITY OF THE MANUAL**

2.1 The regulations made in terms of the Act prescribe that:

2.2 "(a) The Information Officer of a public body must:

2.2.1 (i) Make available a copy of the Manual in at least the three official languages in which the Manual is compiled as required by section 14 of the Act, to

2.2.1.1 (aa) The Human Rights Commission; and

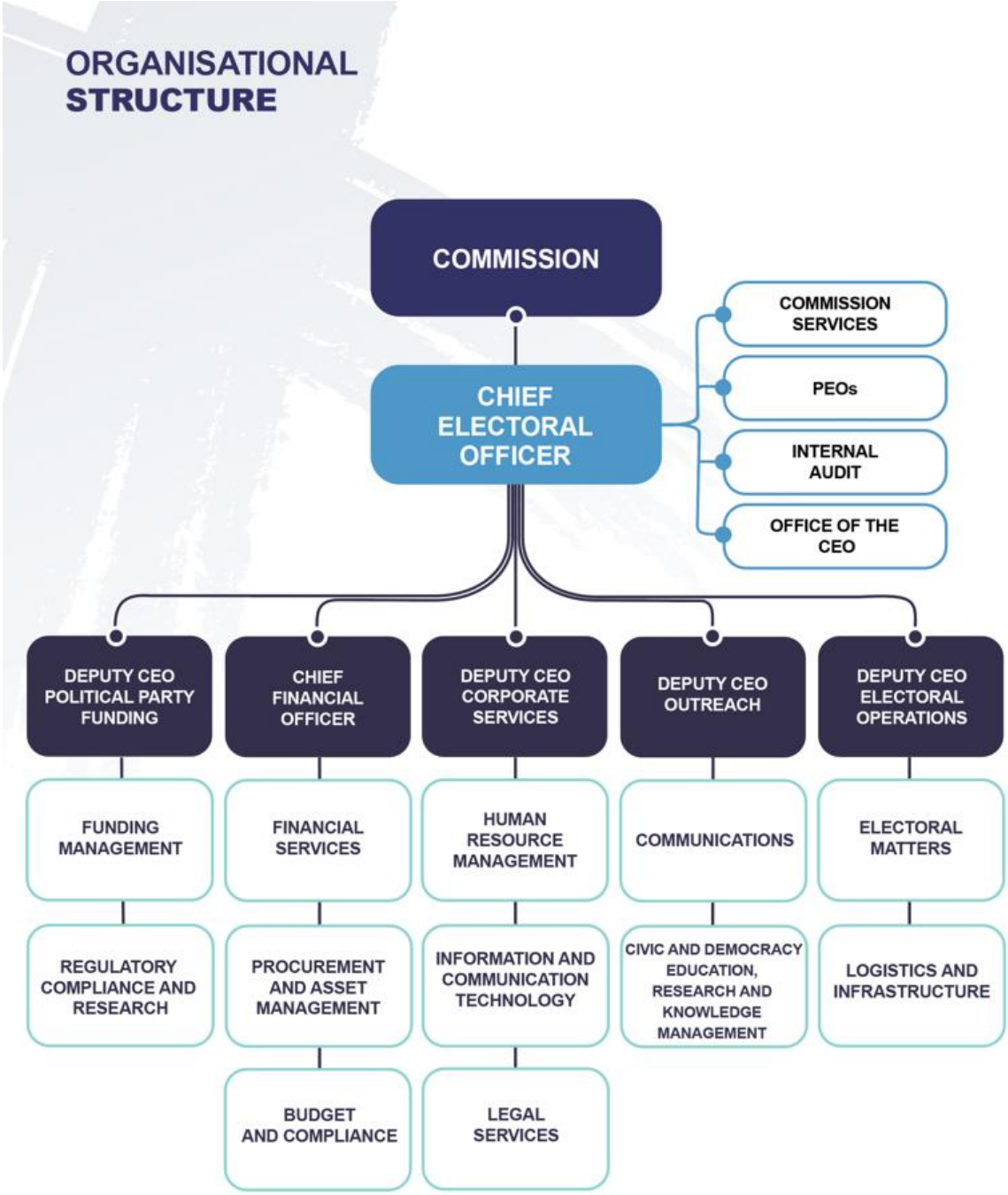
2.2.1.2 (bb) The head of office of every office of that public body; and

2.2.2 (ii) make available the manual on the website, if any, of the public body; and

2.3 (b) The information officer of a public body may publish the manual in three official languages in the Gazette."

ANNEXURE A

Schematic diagram of the structure of the Electoral Commission



ANNEXURE B

Request for access to Record of Public Body

SCHEDULE A

FORM 2

REQUEST FOR ACCESS TO RECORD

(Section 18(1) of the Promotion of Access to Information Act, 2000)

[Regulation 6]

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

_____

_____

_____

_____

(Address)

E-mail address: _____

Fax number: _____

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 *(when made on behalf of another person)*:					
Postal address:					
Street address:					
E-mail address:					
Contact numbers:	Tel. (B):		Facsimile:		

	Cellular:				
Full names of person on whose behalf request is made *(if applicable):*					
Identity number:					
Postal address:					
Street address:					
E-mail address:					
Contact numbers:	Tel. (B):		Facsimile:		
	Cellular:				

PARTICULARS OF RECORD REQUESTED *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.)*	
Description of record of relevant part of the record:	
Reference number, if available:	
Any further particulars of record:	

TYPRE OF RECORD *(Mark the applicable box with an "X".)*	
Record is in written or printed form.	
Record comprises of 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 *(Mark if applicable box with an "X")*	

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 disk drive *(including virtual images and soundtracks).*	
Copy of record saved on cloud storage server.	
MANNER OF ACCESS *(Mark the applicable box with an "X.)*	
Personal inspection of record at registered address of public/private body *(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).*	
Postal services to postal address.	
Postal services to street address.	
Courier service to street address.	
Facsimile of information in written or printed format *(including transcriptions).*	
E-mail of information *(including soundtracks if possible).*	
Cloud share/file transfer.	
Preferred language: *(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.*	
FEES	
a) A request fee must be paid before the request will be considered. *b) You will be notified of the amount of the access fee to be paid.* *c) The fee payable for access to a record depends on the form in which access is required and the 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 *(Please specify)*

Signed at _____this _____day of _____ 20 _____.

_____

Signature of requester/person on whose behalf request is made

---

FOR OFFICIAL USE

Reference number:	
Request received by *(state rank, name and surname of information).*	
Date received:	
Access fees:	
Deposit (if any):	

_____

Signature of information officer

ANNEXURE C

Prescribed fees – Public Bodies

Fees

The access fees for reproduction of information that is automatically available from the IEC (a section 15 request), are as follows:

(a)	For every photocopy/printed black and white copy of an A4-size page or part thereof.	R1,50
(b)	For every printed copy of an A4-size page or part thereof	R1,50
(c)	For copy in a computer-readable form 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
(d)	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsources, will depend on quotation from service provider.
(e)	For a copy of visual images	Service to be outsources, will depend on quotation from service provider.
(f)	For a transcription of an audio record, for an A4-size page	R24,00
(g)	Copy of an audio record, per A4-size page (i) flash drive (to be provided by requestor (ii) compact disc - If provided by requestor - If provided to be requestor	 R40,00 R40,00 R60,00

The <u>request fee and access fees</u> for information which needs to be requested in terms of PAIA and/or POPIA (a section 18 request) are as follows:

(a)	**Request fee payable by every requester**	**R100.00**
(b)	For every photocopy/printed black and white copy of an A4-size page or part thereof	R1,50
(c)	For every printed copy of an A4-size page or part thereof	R1,50
(d)	For copy in a computer-readable form 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

(e)	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsources, will depend on quotation from service provider.
(f)	For a copy of visual images	Service to be outsources, will depend on quotation from service provider.
(g)	For a transcription of an audio record, for an A4-size page	R24,00
(h)	For a copy of an audio record (i) Flash drive (to be provided by requestor) (ii) Compact disk - If provided by requestor - If provided to the requestor	 R40,00 R40,00 R60,00
(i)	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably. To not exceed a total cost of:	R100,00 R300,00
(j)	Deposit: if search exceeds 6 hours	One third of amount per request calculated in terms of items (b) to (h).
(k)	Postage, e-mail or any other electronic transfer	Actual expense, if any.

The request fee must be paid before the request will be considered.

Where a request for access to a record or records held by the IEC is granted, the requester also has to pay an access fee for the reproduction of the record or records and for the search for and the preparation of the records for disclosure. The access fee amount depends on the form in which access is required and the reasonable time required to search for and prepare the record. The requester will be notified of the amount of the access fee. The IEC is entitled to withhold a record until the required access fees have been paid.

The information officer may inform the requester to pay, as a deposit, a portion of the access fee (not exceeding one third of the amount payable) if the request is granted and if the search for the record and the preparation of the record for disclosure would in the information officer's opinion require more than six hours.

If a request is granted, the deposit (if any), is payable before the request will be processed and the requested record or portion thereof will only be released once proof of full payment is received.

ANNEXURE D

Amendment Dates

- FEBRUARY 2015
- OCTOBER 2024