

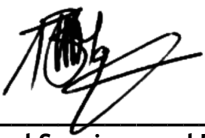
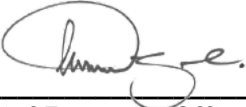

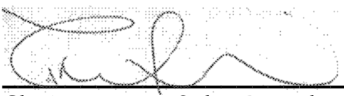
<p>PAIA MANUAL</p> <p>Prepared in terms of Section 14 of the Promotion of Access to Information Act, 2000 (as amended) (“PAIA”)</p>	<p>Effective from</p>	<p>29 March 2022</p>
	<p>Revision date</p>	<p>Annually, as necessary (Section 14(2) of PAIA)</p>
	<p>Prepared by:</p>	 <p>Manager: Legal Services and Board Secretariat Adv. T Ngobese Date: <u>29</u> / <u>03</u> /2022</p>
	<p>Supported by:</p>	 <p>Chief Executive Officer & Information Officer Mr. RM Zwane Date: <u>29</u> / <u>03</u> /2022</p>
	<p>Recommended by on behalf of the Audit & Risk Committee:</p>	 <p>Chairperson of the ARC Committee Mr. M Mbedhli Date: <u>30</u> / <u>03</u> /2022</p>
	<p>Approved by on behalf of the Board of the ECGB (“Board”):</p>	 <p>Chairperson of the Board Ms. T Mackie-Huisman Date: <u>12</u> / <u>May</u> /2022</p>
<p>Applicability</p>	<p>Any Person who wishes to exercise any right contemplated in PAIA and/or the Protection of Personal Information Act, 2013 (“POPIA”).</p>	

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1 INTRODUCTION

- 1.1 This Manual has been prepared in accordance with Section 14 of the Promotion of Access to Information Act, 2000 (as amended) (“PAIA”).
- 1.2 The Manual may be amended from time to time, and as soon as any amendments have been effected, the latest version of the Manual will be published in accordance with PAIA.
- 1.3 Requesters are invited to contact the Information Officer or the Deputy Information Officer of the Eastern Cape Gambling Board (“ECGB”) should they require any assistance in respect of the use or content of this Manual.
- 1.4 The definitions provided in this Manual are solely for the purpose of this Manual.
- 1.5 The Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in PAIA. Requesters are advised to familiarise themselves with the provisions of PAIA before lodging any request with the ECGB.

2 DEFINITIONS AND INTERPRETATION

2.1 Definitions

The following words or expressions will bear the following meanings in this Manual:

- 2.1.1 “**Access fee**” means a fee prescribed for the purposes of Section 22(6) of PAIA;
- 2.1.2 “**Act**” or “**the Act**” means the Eastern Cape Gambling Act, 1997 as amended from time to time together with the applicable regulations;
- 2.1.3 “**Board**” means the Board of the ECGB appointed by the Responsible Member in terms of Section 5 of the Act;
- 2.1.4 “**Data Subject**” means the natural or juristic person to whom Personal Information relates;
- 2.1.5 “**Deputy Information Officer**” or “**DIO**” means the designated individual who is responsible for assisting the Information Officer with the administration of PAIA;
- 2.1.6 “**ECGB**” means the Eastern Cape Gambling Board, a statutory body established in terms of Section 3 of the Act;
- 2.1.7 “**Effective Date**” means the date of approval of this Manual by the Board of the ECGB;

- 2.1.8 “**Employee**” means any person who works for, or provides services on behalf of ECGB, and receives or is entitled to receive remuneration;
- 2.1.9 “**Guide**” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in **PAIA** and/or **POPIA**, as contemplated in Section 10 of PAIA;
- 2.1.10 “**Information Officer**” or “**IO**” means the Chief Executive Officer of the ECGB who is responsible for the administration of PAIA;
- 2.1.11 “**Internal appeal**” means an internal appeal to the relevant authority in terms of Section 74 of PAIA;
- 2.1.12 “**Manual**” means this manual, together with all annexures thereto as amended and made available by the ECGB from time to time;
- 2.1.13 “**PAIA**” means the Promotion of Access to Information Act, 2000 as amended from time to time together with the applicable regulations;
- 2.1.14 “**PAIA Regulations**” means the regulations relating to the Promotion of Access to Information, 2021;
- 2.1.15 “**Personal Information**” has the meaning ascribed thereto under POPIA and specifically includes any form of information that can be used to identify a Data Subject;
- 2.1.16 “**POPIA**” means the Protection of Personal Information Act, 2013 as amended from time to time together with the applicable regulations;
- 2.1.17 “**POPIA Regulations**” means the regulations relating to the the Protection of Personal Information, 2018;
- 2.1.18 “**Processing**” shall bear the meaning ascribed thereto in POPIA and “**Process**” has a corresponding meaning;
- 2.1.19 “**Record**” shall bear the meaning ascribed thereto in PAIA and includes any recorded information under the control of ECGB;
- 2.1.20 “**Regulator**” means the Information Regulator established in terms of Section 39 of POPIA;
- 2.1.21 “**Requester**” means any person or entity (including any Data Subject) requesting access to a Record that is under the control of ECGB;

- 2.1.22 **“Request for access”** means a request for access to a Record in terms of Section 11 of PAIA;
- 2.1.23 **“Responsible Member”** means the member of the Executive Council of the Eastern Cape Provincial Government responsible for the administration of the Act;
- 2.1.24 **“Responsible Party”** means a public or private body or any other person which alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;
- 2.1.25 **“SAHRC”** means the South African Human Rights Commission, a state institution listed in Section 181(1)(b) of the the Constitution of the Republic of South Africa, 1996 (as amended); and
- 2.1.26 **“Third Party”** means any person other than the Requester concerned and a public body.

2.2 Interpretation

- 2.2.1 A reference to any statutory enactment shall be construed as a reference to that enactment as at the Effective Date of this Manual and as amended or substituted from time to time.
- 2.2.2 If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual.
- 2.2.3 Where any word or expression is defined within a particular clause, that word or expression shall bear the meaning ascribed to it in that clause wherever it is used in this document.
- 2.2.4 Any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be. “Business day” or “Working day” means any day other than a Saturday, Sunday or Public Holiday as defined in Section 1 of the Public Holidays Act, 1994 (as amended).
- 2.2.5 When any number of days is prescribed in this Manual, the number shall be reckoned exclusive of the first and inclusive of the last day and if the last day is a Saturday, Sunday or Public Holiday, it shall be the next day which is not a Saturday, Sunday or Public Holiday.

- 2.2.6 Words importing any one gender shall include the other gender, and the singular shall include the plural, unless the context indicates otherwise.
- 2.2.7 The use of the word "including" followed by a specific example(s) shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example(s).
- 2.2.8 Should there be a conflict in the interpretation of or application of this Manual and PAIA, the latter shall prevail.

3 SCOPE OF THE MANUAL

This Manual has been prepared in respect of and applies to the Records of the Eastern Cape Gambling Board.

4 PURPOSE OF PAIA MANUAL

This PAIA Manual can be used by Requesters to:

- 4.1 check the nature of the records which may already be available at the ECGB, without the need for submitting a formal PAIA request;
- 4.2 understand how to make a request for access to a Record of the ECGB;
- 4.3 access all the relevant contact details of the persons who will assist Requesters with the Records they intend to access;
- 4.4 know all the remedies available from the ECGB regarding requests for access to the Records, before approaching the Regulator or the Courts;
- 4.5 describe the services available to Requesters as provided by the ECGB, and how to gain access to those services;
- 4.6 outline the description of the Guide, as updated by the Regulator and how to obtain access to it;
- 4.7 understand if the ECGB will process Personal Information, the purpose of processing of same and the description of the categories of Data Subjects, and of the information or categories of information relating thereto;
- 4.8 know if the ECGB has planned to transfer or process Personal Information outside the Republic of South Africa and the recipients or categories of recipients to whom the Personal Information may be supplied; and

- 4.9 know whether the ECGB has appropriate security measures to ensure the confidentiality, integrity and availability of the Personal Information which is to be processed.

5 DESCRIPTION OF THE ECGB'S FUNCTIONS, POWERS AND STRUCTURE

5.1 The ECGB

- 5.1.1 The ECGB is a statutory body established in terms of Section 3 of the Act. The Act legalised gambling in the Eastern Cape Province and provided for the establishment of the ECGB. The ECGB is headed by a Chief Executive Officer.

5.2 The main functions and powers of the ECGB are to:

- 5.2.1 oversee and control gambling activities in the Eastern Cape, including investigation and licensing of natural and juristic persons to conduct gambling and related activities;
- 5.2.2 promote and enforce compliance and adherence to bid commitments, licence conditions and legislation prior to and after commencement of operations;
- 5.2.3 license credible operators and suppliers of gaming equipment, set and regulate gambling equipment standards, and approve and register gambling equipment;
- 5.2.4 register suitable persons to be engaged in gambling occupations and ensure regulatory compliance by registrants/licensees on an ongoing basis;
- 5.2.5 collect the prescribed gambling taxes and levies on gambling transactions on behalf of the Eastern Cape Provincial Government;
- 5.2.6 advise the Responsible Member on matters relating to gambling and related activities;
- 5.2.7 supervise and enforce compliance by the gambling industry with the requirements of the Financial Intelligence Centre Act, 2001 (as amended) ("FICA") including:
- 5.2.7.1 conducting inspections in terms of FICA;
 - 5.2.7.2 taking disciplinary action for non-compliance; and
 - 5.2.7.3 reporting to the Financial Intelligence Centre ("FIC") on enforcement;

- 5.2.8 supervise and enforce compliance by the gambling industry with the requirements of the National Gambling Act, 2004 (as amended) (“**National Gambling Act**”), including:
 - 5.2.8.1 investigation and issuing of national entity and employment licenses; and
 - 5.2.8.2 ensuring continuous suitability and compliance with the legislative prescripts by the national licensees to protect the public;
- 5.2.9 receive and adjudicate complaints from the public arising from gambling disputes or other gambling related activities;
- 5.2.10 eradicate illegal gambling activities in order to protect the public from unfair business practices, as illegal operators are not subject to regulatory control to ensure fair business practices;
- 5.2.11 co-operate with other relevant organisations to assist people who fall prey to gambling addiction and/or excessive gambling;
- 5.2.12 provide information and education regarding excessive gambling and further inform potential business entrepreneurs about economic opportunities within the provincial gambling sector;
- 5.2.13 guide the generation of information on the provincial gambling industry through empirical research and surveys;
- 5.2.14 implement socio-economic responsibility programmes as guided by the Provincial Anti-Poverty Strategy for the benefit of underprivileged communities in the Province of the Eastern Cape; and
- 5.2.15 to account for its revenue and expenditure as a Schedule 3C public entity in terms of the Public Finance Management Act, 1999 (as amended) (“**PFMA**”). ECGB is called to account to the Legislature annually on its performance and expenditure as a consequence of its listing in terms of the PFMA.

5.3 **Legislative mandate**

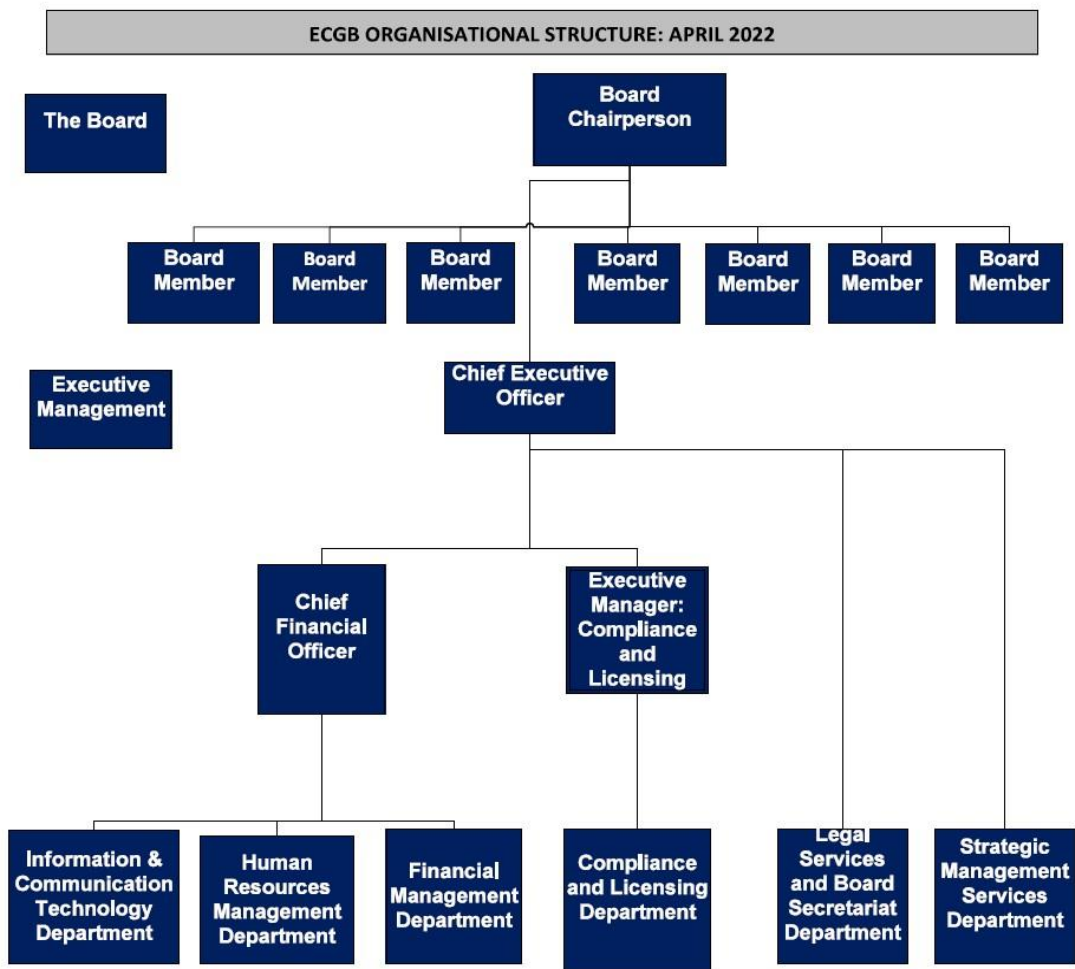
The ECGB discharges its mandate, *inter alia*, in terms of the following legislation:

- 5.3.1 National Gambling Act, 2004 as amended from time to time together with the applicable regulations;

- 5.3.2 Eastern Cape Gambling Act, 1997 as amended from time to time together with the applicable regulations;
- 5.3.3 Financial Intelligence Centre Act, 2001 as amended from time to time together with the applicable regulations;
- 5.3.4 Public Finance Management Act, 1999 as amended from time to time together with the applicable regulations; and
- 5.3.5 Preferential Procurement Policy Framework Act, 2000 as amended from time to time together with the applicable regulations.

5.4 The structure of ECGB

- 5.4.1 The Board of the ECGB is constituted by eight (08) Members appointed by the Responsible Member. The Chief Executive Officer of the ECGB is an *ex officio* Member of the Board but is not entitled to vote.
- 5.4.2 In terms of Section 12 of the Act, the Board shall in the performance of its functions be assisted by:
 - 5.4.2.1 a Chief Executive Officer appointed by the Board in consultation with the Responsible Member;
 - 5.4.2.2 persons appointed by the Chief Executive Officer;
 - 5.4.2.3 officers and employees placed at the disposal of the Board under Section 15(3)(a) of the Public Service Act, 1994 (as amended).
- 5.4.3 In terms of Section 14 of the Act, the Board may appoint one or more committees to enquire into any matter referred to it by the Board and to report on that matter to the Board. The Board has constituted the following committees:
 - 5.4.3.1 Audit & Risk Committee;
 - 5.4.3.2 Compliance, Licensing & Transformation Committee;
 - 5.4.3.3 Finance Committee; and
 - 5.4.3.4 Human Resources & Remuneration Committee.
- 5.4.4 A schematic diagram of the organisational top structure of the ECGB, as it currently exists is reflected overleaf.



6 SERVICES RENDERED BY THE ECGB AS A PUBLIC ENTITY

6.1 The ECGB is mandated to:

- 6.1.1 Receive and investigate applications for licences and registrations pertaining to various sectors of the gambling and betting industry in the Province.
- 6.1.2 Consider licence applications and award licences; and
- 6.1.3 Exercise regulatory authority over the conduct of gambling and betting operations by all entities and persons licensed by it.

6.2 As such, the ECGB renders services to the Province, the gambling and betting industry and the public, by ensuring:

- 6.2.1 Through probity investigations, that only appropriate persons and entities, who meet the applicable legal requirements are licensed to participate in the industry.

- 6.2.2 Through probity investigations, that only appropriate persons, who meet the applicable legal requirements, are licensed to participate in the industry.
 - 6.2.3 Through ongoing oversight, that licensed operations take place in accordance with the prescribed requirements and procedures and operate fairly towards the public.
 - 6.2.4 Through the imposition of licence conditions, that licence holders comply with the undertakings made in their bids or other requirements stipulated by the ECGB and conduct their activities in a socially responsible manner.
 - 6.2.5 Through ongoing research, that the legal framework within which the ECGB operates keeps pace with developments on technological and other levels.
 - 6.2.6 Through enforcement of the law, that illegal gambling activities are detected and prosecuted.
 - 6.2.7 Through consistent and thorough regulation, that the industry functions in a stable and credible environment.
 - 6.2.8 Through regular and detailed compliance audits, that any instances of non-compliance by licence holders are detected and appropriately addressed.
 - 6.2.9 Through regular and comprehensive financial audits, that taxes and levies due to the provincial *fiscus* are accurately calculated and timeously paid.
 - 6.2.10 Through the attendance of both national and international conferences and industry related events, that the ECGB is kept abreast of the latest development in the industry.
- 6.3 The ECGB's services can be accessed through the Information Officer of the ECGB or its offices, the contact details are provided in Clause 7 below.

7 KEY CONTACT DETAILS FOR ACCESS TO RECORDS OF THE ECGB

7.1 Information Officer

Name: Mr Reuben Mabutho Zwane
Telephone: +27 43 702 8300
Email: ceo@ecgb.org.za

7.2 Deputy Information Officer

Name: Mr Bonga Litha Jaxa
Telephone: +27 43 702 8300
Email: bongaj@ecgb.org.za
Email: compliance@ecgb.org.za

7.3 Access to information general contacts

Email: communications@ecgb.org.za
Email: compliance@ecgb.org.za

7.4 ECGB Head Office

Postal Address: PO Box 15355
Beacon Bay
East London
5205

Physical Address: ECGB Building
Quenera Park
Quenera Drive
Beacon Bay
East London
5241

Email: communications@ecgb.org.za

Website: <https://www.ecgb.org.za>

8 DESCRIPTION OF REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE ECGB

8.1 The ECGB does not have an internal appeal procedure in place to facilitate appeals against the decisions of the Information Officer or Deputy Information Officer.

8.2 An aggrieved party may by way of application apply to Court for appropriate relief. On hearing such application, the Court may grant any order that is just and equitable including:

8.2.1 confirming, amending or setting aside the decision that is the subject of the application;

8.2.2 requiring the Information Officer to take some action or to refrain from taking such action as the Court considers necessary within the period mentioned in the order; and

8.2.3 granting an interdict, interim or specific relief, a declaratory order, compensation or costs.

8.3 A Requester who is aggrieved by a decision of the Information Officer of the ECGB:

8.3.1 to refuse a request for access;

8.3.2 regarding applicable fees;

8.3.3 regarding an extension of the period to deal with a request for access;

8.3.4 regarding the form of access;

may, in terms of Section 77A of PAIA and within 180 days of the decision, submit a complaint to the Regulator alleging that the decision was not in compliance with PAIA utilising Form 5 of Annexure A to the PAIA Regulations (attached hereto) for appropriate relief.

8.4 A Third Party who is aggrieved by a decision of the Information Officer of the ECGB to refuse a request for access may, in terms of Section 77A of PAIA and within 180 days of the decision, submit a complaint to the Regulator alleging that the decision was not in compliance with PAIA utilising Form 5 of Annexure A to the PAIA Regulations (attached hereto) for appropriate relief.

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

9.1 The Regulator has updated and made available the revised Guide on how to use PAIA as may be required by a Requester who wishes to exercise any right contemplated in PAIA and POPIA. It is available in each of the official languages.

9.2 Members of the public can inspect or make copies of the Guide from the offices of the ECGB during normal working hours. The Guide can also be obtained:

9.2.1 upon request to the Information Officer of the ECGB using Form 1 of Annexure A to the PAIA Regulations (attached hereto);

9.2.2 from the website of the ECGB (<https://www.ecgb.org.za>)

9.2.3 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>); and

9.2.4 at the offices of the Regulator, the details of which are set out below:

Tel: (010) 023 5200

Email: PAIACompliance@infoRegulator.org.za

Address: Information Regulator South Africa
JD House
27 Stiemens Street
Braamfontein
Johannesburg, 2001

Postal: P.O. Box 31533
Braamfontein
Johannesburg, 2017

10 RECORDS HELD BY THE ECGB IN TERMS OF PAIA

10.1 Records that may be requested

This section of the Manual sets out the categories and descriptions of records held by ECGB. The inclusion of any category of Records should not be taken to mean that Records falling within that category will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for access to such Records.

10.1.1 Operational Information and Agreements relating to the following categories:

- Documents relating to the policy, objectives and governance of the ECGB.
- Documents relating to the licensees.
- Directives, resolutions and instructions of the ECGB.
- Agreements with any person, government or administration.
- Rental agreements, title deeds, mortgage bonds and notarial bonds relating to movable and immovable property.
- Memorandums of Understanding.

10.1.2 Finances and Accounting records relating to the following categories:

- Bank account records.
- Books of Account and financial statements.
- Auditor's annual reports.
- Audited financial statements.
- Annual reports, including balance sheet and statement of income and expenditure certified by the Auditor-General South Africa.
- Annual budgets and Annual Performance Plans.
- VAT, SITE and PAYE records.

10.1.3 Human Resources records relating to the following categories:

- Policies and procedures.
- Personnel files.

- Contracts, conditions of service and other agreements.
- Pension fund records of the pension fund.
- Medical Scheme Records.

10.1.4 Intellectual property information relating to the following categories:

- Rights in discoveries and inventions and improvements in respect of processes, apparatus and machines made by employees of the ECGB in the course of their employment as employees of the ECGB.
- Rights in a discovery, invention or improvement made by the ECGB in the course of an investigation for or on behalf of another person, government or administration.
- Licence Agreements.

10.2 Records that are automatically available

The following Records of the ECGB are automatically available without a person having to request for access in terms of PAIA:

10.2.1 Records for inspection

- Eastern Cape Gambling Act, 1997 as amended from time to time together with the applicable regulations.
- Eastern Cape Gambling Rules.
- Gambling licences, certificates of approval and certificates of suitability.
- Public notices.
- Public inspection copies of licence applications.
- Annual Reports of the ECGB.
- List of gambling equipment and devices approved by the ECGB.

10.2.2 Records for purchase and copying

- Eastern Cape Gambling legislation.
- ECGB tender documents.

- Public inspection copies of licence applications.

10.2.3 Records free of charge

All Records available on the ECGB's website <https://www.ecgb.org.za> are voluntarily disclosed which include:

- Eastern Cape Gambling legislation.
- Application forms.
- Annual Reports of the ECGB
- Public notices.
- Requests for Applications/Proposals.
- Business Entity Disclosure Forms.
- Personal History Disclosure Forms.

11 REQUEST PROCEDURES

11.1 Records, whether specifically listed in this Manual or not, will only be made available subject to the provisions of PAIA.

11.2 Section 18 of PAIA prescribes the procedure to be followed in making a request for access to Records held by the ECGB. Section 23(1) of POPIA also provides the procedure to access Personal Information held by the ECGB. The manner of access to Personal Information envisaged in Section 23 of POPIA should be in accordance with Section 18 of PAIA.

11.3 A Requester must use Form 2 of Annexure A to the PAIA Regulations (attached hereto) to make a request for access to a Record. Form 2 must be submitted to the Information Officer of the ECGB at his electronic mail address or the physical address of the ECGB as provided in Clause 7 above.

11.4 Disclosure of Records

11.4.1 A Requester will be given access to a Record of the ECGB if the Requester complies with the following:

- 11.4.1.1 the Requester complies with all the procedural requirements in PAIA relating to the request for access to that Record; and

11.4.1.2 access to that Record is not refused on any ground of refusal provided for in PAIA.

11.5 Nature of the request

11.5.1 The Requester must indicate whether the request is to obtain a copy of the Record or whether inspection of the Record at the offices of the ECGB is requested. Alternatively, if the Record is not a document, it can be viewed in the requested form - Section 29(2) of PAIA.

11.5.2 Access should be provided in the particular form and manner requested unless such manner would interfere unreasonably with the running of the ECGB or will damage the Record, or infringes a copyright owned by the state. If for practical reasons, access cannot be given in the required form, but in an alternative manner, the fee must be calculated in accordance with the manner of disclosure first requested by the Requester - Section 29(3) and (4) of PAIA.

11.5.3 If, in addition to a written reply to the request for the Record, the Requester requires to be advised of the decision in any other manner, e.g. by telephone, this must be indicated - Section 18(2)(e) of PAIA.

11.5.4 If a Requester requests the information on behalf of somebody else, the capacity in which the request is made must be indicated - Section 18(2) (f) of PAIA.

11.5.5 If the Requester is unable to read or write, or has a disability, the request may be made orally. In such event, the Information Officer must complete the form on behalf of the Requester and provide the Requester with a copy - Section 18(3) of PAIA.

11.6 Fees payable (Section 22 of PAIA)

11.6.1 There are fees required to be paid in terms of PAIA, being the request fee and the access fee. Attached hereto is Annexure B of the PAIA Regulations which sets out the fees payable.

11.6.2 The Information Officer must notify the Requester by notice, requiring the Requester to pay the prescribed fee (if any) before further processing the request.

11.7 The Information Officer must as soon as reasonably possible, but in any event within 30 (thirty) days after the request is received, decide in accordance with PAIA whether to grant the request and notify the Requester of the decision in the manner requested by the Requester.

12 PUBLIC PARTICIPATION PROCESSES IN THE FORMULATION OF POLICY OR EXERCISE OF POWERS OR PERFORMANCE OF DUTIES

- 12.1 The Provincial Legislature invites comments from the general public in the event of proposed amendments to the Act and the Regulations promulgated thereunder. Similarly, the ECGB invites comments from the general public on any proposed amendments to the Rules of the ECGB.
- 12.2 When considering and awarding gambling licences, the ECGB involves the public in such processes, by:
 - 12.2.1 Publishing applications for licences that have been received in the *Provincial Gazette* and newspapers circulating in the relevant district/area; and
 - 12.2.2 Interested parties are invited to lodge written objections or comments to licence applications. Should the ECGB decide to hold a public hearing in relation to any licence application, the public is invited to make oral representations at such hearing.
- 12.3 In addition to the above, members of the public can, at any time make representations to the ECGB regarding the conduct of any person or entity regulated by the ECGB.
- 12.4 The public is also encouraged to submit proposals for policy or legislative reform. These are considered by the ECGB and where necessary, the ECGB advises the Responsible Member for purposes of legislative amendments.

13 ACCESS TO PERSONAL INFORMATION

- 13.1 POPIA provides that a Data Subject may, upon proof of identity, request the Responsible Party (i.e., the ECGB in this case) to confirm, free of charge, all the Personal Information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.
- 13.2 POPIA also provides that where the Data Subject is required to pay a fee for services provided to him/her, the Responsible Party must provide the Data Subject with a written estimate of the payable amount before providing the service and may require that the Requestor pay a deposit for all or part of the fee.
- 13.3 Grounds for refusal of the Data Subject's request are set out in PAIA.
- 13.4 POPIA provides that a Data Subject may at any time, object to the processing of Personal Information by ECGB, on reasonable grounds relating to his/her particular situation, unless

legislation provides for such Processing. The Data Subject must complete Form 1 of the POPIA Regulations (attached hereto) and submit it to the Information Officer of the ECGB at the postal or physical address or electronic mail address set out in Clause 7 above.

- 13.5 A Data Subject may also request ECGB to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of Personal Information about the Data Subject that ECGB is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- 13.6 A Data Subject that wishes to request a correction or deletion of Personal Information or the destruction or deletion of a Record of Personal Information must submit a request to the Information Officer of the ECGB at the postal or physical address or electronic mail address set out in Clause 7 above using Form 2 of the POPIA Regulations (attached hereto).

14 PURPOSE OF THE PROCESSING

- 14.1 In terms of POPIA, Personal Information must be processed for a specified purpose.
- 14.2 The ECGB will Process Personal Information only in ways that are for, or compatible with, the purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.
- 14.3 ECGB will retain Personal Information only for as long as is necessary to accomplish ECGB's legitimate business purposes or for as long as may be permitted or required by applicable law.
- 14.4 ECGB uses the Personal Information it collects for following non-exhaustive purposes, as more fully set out in the ECGB's Data Privacy Policy located at the the ECGB's website <https://www.ecgb.org.za>:
 - 14.4.1 For the purpose of licensing gambling and other related gaming activities;
 - 14.4.2 For the purpose of onboarding its service providers;
 - 14.4.3 For purposes of implementing contractual agreements;
 - 14.4.4 For the execution of supervisory functions;
 - 14.4.5 For employment-related purposes such as recruiting staff, administering payroll, background checks, etcetera;

- 14.4.6 For internal audit purposes (i.e., ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
 - 14.4.7 For complying with tax laws;
 - 14.4.8 For external audit purposes. For this purpose, ECGB engages external service providers and, in so doing, shares Personal Information of the Data Subjects with Third Parties;
 - 14.4.9 For keeping accounts of records;
 - 14.4.10 For such other purposes to which the Data Subject may consent from time to time; and
 - 14.4.11 For such other purposes as authorised in terms of applicable law.
- 14.5 The ECGB will not use the Personal Information which it collects for any purposes other than those purposes specified herein.

15 CATEGORIES OF DATA SUBJECTS AND OF THE PERSONAL INFORMATION RELATING THERETO

- 15.1 The ECGB collects Personal Information directly from the Data Subject and/or from Employees, Third Parties, service providers, and where the ECGB obtains Personal Information from Third Parties, ECGB will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where ECGB is permitted to do so in terms of the applicable laws. This list of categories is non-exhaustive.
- 15.2 Examples of Third Parties from whom Personal Information is collected includes any Third Party with whom the ECGB conducts its business; regulatory bodies; verification agencies; other companies providing services to the ECGB and where the ECGB makes use of publicly available sources of information.
- 15.3 The Personal Information relating thereto is as follows:

Data Subject	Information to be processed
Licensees - Juristic Persons/Entities	Names of contact persons, name of legal entity, physical and postal address and contact details, registration number, founding documents, tax related information, authorised signatories

Employees	Gender, marital status, ethnicity, age, language, education information, financial information, employment history, ID number, physical and postal address, contact details, criminal behaviour
Service Providers	Names of contact persons; name of legal entity, physical and postal address and contact details, registration number, founding documents, tax related information, authorised signatories, beneficiaries, ultimate beneficial owners
Other Third Parties	Names of contact persons; name of legal entity, physical and postal address and contact details, registration number, founding documents, tax related information, authorised signatories, beneficiaries, ultimate beneficial owners

16 RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED

16.1 Depending on the nature of the Personal Information, the ECGB may supply information or records to the following categories of recipients:

16.1.1 Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;

16.1.2 Any Court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules;

16.1.3 the Competition Commission in terms of the Competition Act, 1998 (as amended);

16.1.4 South African Revenue Services, or another similar authority;

16.1.5 Anyone making a successful application for access in terms of PAIA;

16.1.6 Subject to the provisions of POPIA and the National Credit Act, 2005 (as amended), the ECGB may share information about a client's creditworthiness with any credit bureau or credit providers, industry association or other association for an industry in which the ECGB operates; and

16.1.7 Any person who conducts business with the ECGB, in the ordinary course of business.

16.2 The ECGB will comply with POPIA before transferring Personal Information to a Third-Party who is not a contractor of the ECGB. Before transferring Personal Information to a Third-Party contractor, such as an authorised service provider, the ECGB will obtain written assurances from the Third-Party that it will Process Personal Information in a manner consistent with POPIA. Where the ECGB learns that a Third-Party contractor is using or

disclosing Personal Information in a manner contrary to POPIA, the ECGB will take reasonable steps to prevent such use or disclosure.

17 PLANNED TRANSBORDER FLOWS

The ECGB may disclose Personal Information it processes to any of its overseas regulatory counterparts. In carrying out any cross-border transfers, the ECGB shall adhere to the provisions of POPIA.

18 INFORMATION SECURITY MEASURES

18.1 The security and confidentiality of Personal Information is incredibly important to the ECGB. The ECGB has implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.

18.2 The ECGB is committed to ensuring that its security measures which protect Data Subject's Personal Information are continuously reviewed and updated where necessary.

18.3 In Processing any Personal Information, the ECGB shall comply with the following minimum technical and organisational security requirements:

18.3.1 Physical Access - Access to Personal Information is restricted in ECGB's offices and only given to those Employees who need access to it to perform a specific job/task.

18.3.2 Unique User Identification - Employees each have a unique user ID assigned to them, subject to strict confidentiality undertakings in terms of the ECGB's password and confidentiality policy.

18.3.3 Passwords - The ECGB shall ensure that there are passwords required for any access to Personal Information in line with its password policy.

18.3.4 Physical access and privileges - The ECGB ensure that access to Personal Information is limited to Employees on a "need to know" basis, and the ECGB's Employees are required to strictly utilise their unique user ID and applicable passwords to access same.

18.3.5 Back-ups - The ECGB ensures that all Personal Information is backed-up regularly, based on operational or legal requirements, and that back up testing is conducted regularly in order to ensure that Personal Information can be recovered in the event that such Personal Information is lost, damaged or destroyed.

18.3.6 Malware protection - The ECGB ensures that its environment has comprehensive malware protection software employed, which software is specifically designed to protect the ECGB from the most recent malware infections.

18.3.7 Vulnerability scanning - The ECGB frequently conducts vulnerability scanning in order to assess whether Personal Information is adequately protected from external threats.

19 UPDATING OF THIS MANUAL

This Manual will be updated whenever amendments to it are necessary and/or annually.

20 AVAILABILITY OF THE MANUAL

20.1 This Manual is available in three official languages namely English, Afrikaans and isiXhosa.

20.2 This Manual is available on the ECGB's website <https://www.ecgb.org.za> and at the head office of the ECGB for public inspection during normal business hours, to any person upon request and the payment of the prescribed amount and to the Regulator also upon request.

21 PRESCRIBED FORMS AND FEE STRUCTURE

The forms and fee structure prescribed under PAIA and the forms prescribed under POPIA are attached to this Manual.

PAIA ANNEXURE B

FEES

Fees in Respect of Public Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service Provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.