

JOHANNESBURG METROPOLITAN BUS SERVICES



PAIA MANUAL

**Prepared in terms of section 14 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|-------------|---|
| 1.1 | “MD” | Managing Director |
| 1.2 | “CIO” | Chief Information Officer; |
| 1.3 | “IO“ | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000(as Amended; |
| 1.6 | “PFMA” | Public Finance Management Act No.1 of 1999 as Amended; |
| 1.7 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.8 | “Regulator” | Information Regulator; |
| 1.9 | “Metrobus” | Johannesburg Metropolitan Bus Services |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the nature of the records which may already be available at (Metrobus), without the need for submitting a formal PAIA request;
- 2.2 have an understanding of how to make a request for access to a record of Metrobus;
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;

- 2.4 know all the remedies available from Metrobus regarding request for access to the records, before approaching the Regulator or the Courts;
- 2.5 the description of the services available to members of the public from Metrobus and how to gain access to those services;
- 2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know if Metrobus 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
- 2.9 know whether Metrobus has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF THE METROBUS

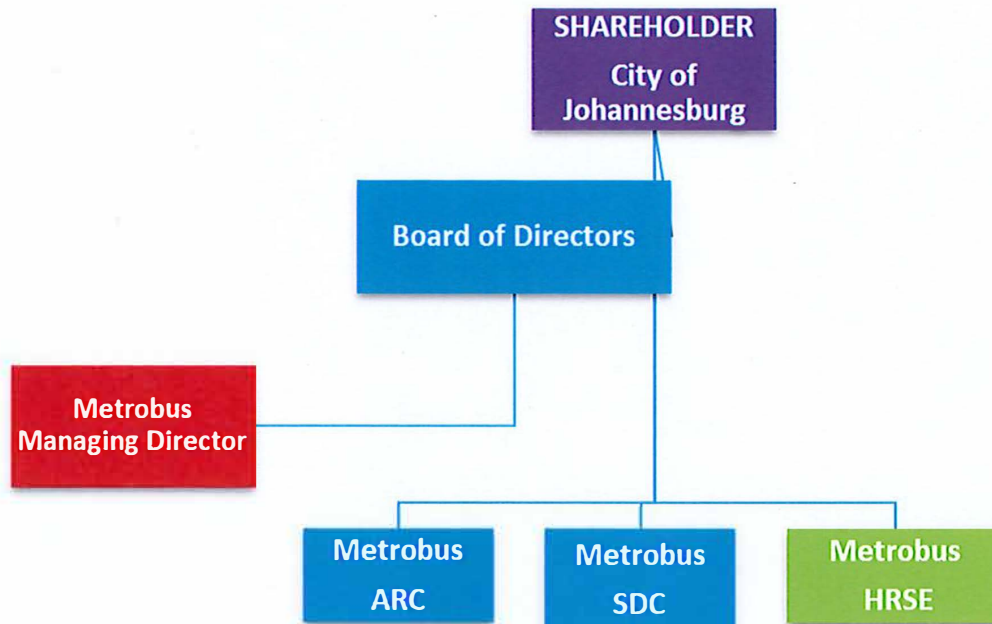
The Johannesburg Metropolitan Bus Services was incorporated in 2000 and is a wholly owned Municipal Entity of the City of Joburg in terms of the Municipal Systems Act 32 of 2000. Metrobus is, accordingly classified as a State Owned Company as contemplated in section 8(2) (a) of the Companies Act.

3.1. Objectives/Mandate

Metrobus was established to play a critical role in delivering safe, reliable, and affordable public transport services. To achieve its objectives, Metrobus was established to promote the common interests of the members of the community falling within the jurisdictional area of the City.

4. STRUCTURE OF METROBUS AND FUNCTIONS

4.1. Structure



Names of Committees:

- Audit & Risk Committee
- Service Delivery Committee
- Human Resources, Social & Ethics Committee

4.2 Functions

The main purpose and object of Metrobus is to provide bus services behalf of the City including amongst others, the following:

- a) developing a bus route plan within the framework of the City's integrated transport plan;
- b) the operational planning & management of the bus transport services;
- c) developing a customer management plan

In addition to above, Metrobus aims to provide any other municipal services assigned to it by the City in terms of the Service Delivery Agreement ("SDA") entered into between Metrobus and the City, as amended from time to time.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF METROBUS

5.1. Chief Information Officer

Name: Luyanda Gidini (Acting Managing Director)
Tel: 011 403 4300/ ext 4047
Email: LGidini@mbus.joburg.org.za
Fax number:

5.2. Deputy Information Officer

Name: Steve Tefo (Acting Chief Information Officer)
Tel: 011 403 4300/ ext 4055
Email: STefo@mbus.joburg.org.za
Fax Number:

5.3 Access to information general contacts

Email:

5.4 National / Head Office

Postal Address: P.O Box 1787
Johannesburg
2000

Physical Address: 1 Raikes Road, Transportation House,
Braamfontein
2001

Telephone: 0800 004 826

Email: customer.serv@mbus.joburg.org.za

Website: www.mbus.joburg.org.za

6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY METROBUS

6.1 In the event of failure to act on a request by Metrobus within 30 days, a requester can pursue any of the options below:

- (a) Lodge an internal appeal with the Information Officer;
- (b) Submit a complaint to the Information Regulator; and
- (c) Approach a court of law for appropriate relief.

6.1.1 Internal appeal

The process of lodging an appeal is as follows:

- i. Should a requester not be satisfied with the decision of the Deputy Information Officer or there is deemed refusal of a request, the requester is entitled to lodge an internal appeal in respect of that decision or deemed refusal.
- ii. The internal appeal must be noted in writing using the form annexed marked "**Annexure 1**" hereto (**Form B**).
- iii. The requester must set out the grounds for the appeal in respect of each record sought. The internal appeal must generally be lodged within sixty (60) days of the receipt of the Deputy Information Officer's decision, or the date of the deemed refusal.
- iv. The appeal must be lodged in person or by e-mail, facsimile or post with the Deputy Information Officer, whose particulars are detailed at paragraph 8 above. The Deputy Information Officer will then forward the requestor's appeal, together with the reasons for his decision, to Metrobus's relevant authority for a decision.

6.1.2 Information Regulator or any regulatory body

The process for lodging a complaint with the Information Regulator is as follows:

- i. In the event of a request being denied or where there is no response from Metrobus within 30 days, the requester may send a complaint to the Information Regulator to the e-mail PAIAComplaints@infoeregulator.org.za.

6.1.3 Approach the Court with jurisdiction for appropriate relief.

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

7.1. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

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

7.3. The aforesaid Guide contains the description of-

7.3.1. the objects of PAIA and POPIA;

- 7.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
- 7.3.2.1. the Information Officer of every public body, and
- 7.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 7.3.3. the manner and form of a request for-
- 7.3.3.1. access to a record of Metrobus contemplated in section 11³; and
- 7.3.3.2. access to a record of Metrobus contemplated in section 50⁴; **"Annexure 2" hereto (Form A).**
- 7.3.4. the assistance available from the Information Officer of Metrobus in terms of PAIA and POPIA;
- 7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- 7.3.6.1. an internal appeal;

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 7.3.6.2. a complaint to the Regulator; and
- 7.3.6.3. an application with a court against a decision by the information officer of Metrobus, a decision on internal appeal or a decision by the Regulator or a decision of the head of Metrobus;
- 7.3.7. the provisions of sections 14⁵ and 51⁶ requiring Metrobus, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by Metrobus, respectively;
- 7.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 7.3.10. the regulations made in terms of section 92¹¹.

7.4. Members of the public can inspect or make copies of the Guide from the offices of Metrobus, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

7.4.1. upon request to the Information Officer;

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

8. CATEGORIES OF RECORDS OF METROBUS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category	Document Type	Available on Website
Tender documents	<ul style="list-style-type: none">- Advertised tender and request for quotations- Standard bidding documents- Name of successful bidder	X
Strategy and Governance Documents	<ul style="list-style-type: none">- Annual Integrated Reports- Quarterly Performance Assessment Reports- Press releases- Organisation profile- Strategy documents- Annual Performance Plans- Board of Directors and Management team- Organisational profile (Overview, objectives and functions)- Metrobus partners and associate	X
Human Resources	<ul style="list-style-type: none">- Job opportunities- Apprentice and internship programmes- Advertised posts	X
Legislation /Regulations	<ul style="list-style-type: none">- Legislative framework and all applicable legislation	X

9. CATEGORIES OF RECORDS OF METROBUS WHICH ARE AVAILABLE WITH A PERSON HAVING TO REQUEST ACCESS

Category	Document Type
Human Resources Records	<ul style="list-style-type: none"> - Employment contracts - Employment Equity Plan - Medical Aid records - Pension/Provident Fund records - Disciplinary proceedings records - Salary records - Disciplinary code - Leave records - Training records - Training Manuals - Recruitment and selection records
Financial records	<ul style="list-style-type: none"> - Annual Financial Statements - Accounting Records - Banking Records - Bank Statements - Paid Cheques - Electronic banking records - Rental Agreements - Invoices - UIF records - PAYE Records - Documents issued to employees for income tax purposes - Records of payments made to SARS on behalf of employees - All other statutory compliance documents
Legal records	<ul style="list-style-type: none"> - Agreements and contracts - Litigation documents
Company records	<ul style="list-style-type: none"> - Minutes of Board and Board committee - Minutes of other Committees within the organisation (Bid Committees, Policy Review Committee, EE Committee & Labour Management Forum etc.)

Procurement service records	<ul style="list-style-type: none"> - Tender invitation records - Tender submissions - Tender process documents - Procurement policy - Asset Register - Goods and services procurement records
Audit and Risk Management records	<ul style="list-style-type: none"> - Internal Audit reports - Compliance reports - Operational risk management reports; - Risk management policies - External Audit reports

10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM METROBUS AND HOW TO GAIN ACCESS TO THOSE SERVICES

10.1 Powers, duties and function

- i. Metrobus was established to play a critical role in delivering safe, reliable, and affordable public transport services.
- ii. To achieve its objectives, Metrobus was established to promote the common interests of the members of the community falling within the jurisdictional area of the City.
- iii. The main purpose and object of Metrobus is to provide bus services behalf of the City including amongst others, the following:
 - (a) developing a bus route plan within the framework of the City's integrated transport plan;
 - (b) the operational planning & management of the bus transport services; and
 - (c) developing a customer management plan.
- iv. In addition to above, Metrobus aims to provide any other municipal services assigned to it by the City in terms of the Service Delivery Agreement ("SDA") entered into between Metrobus and the City, as amended from time to time.

Information Booklet Link: <https://content.mbus.joburg.org.za/data/mbus-booklet-2023-new.pdf>

11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY METROBUS

Contributions to enhance the duties/mandate of Metrobus bus may be forwarded to the Chief Information Officer. Metrobus prides itself in being part of the City of Joburg Metropolitan Municipality (the Shareholder). Inputs or considerations to the mandate of Metrobus are channelled through the Integrated Development Plans sessions and/or forwarded to the Accounting Officer of the City of Joburg or the Member of the Mayoral Committee responsible for transport and will find expression in the policy, where possible.

12. PROCESSING OF PERSONAL INFORMATION

12.1 Purpose of Processing

Metrobus processes Personal Information related to the functions or activities of Metrobus, inter alia for:

- i. General business administration purposes such as processing of Personal Information for payroll processes, recruitment purposes, pension, medical aid, disciplinary action, training etc;
- ii. Contractual obligations with suppliers and service providers;
- iii. Purposes of criminal and/or civil legal proceedings;
- iv. Statistical or research purposes with regard to transport;
- v. Complying with obligations imposed by law;
- vi. Communicating with Data Subjects by email, letter, telephone, SMS; and
- vii. Verifying and updating information at its disposal.

12.2 Categories of Data Subjects and of the information or categories of information relating thereto

Metrobus generally process personal information relating to, but not limited to:

Categories of Data Subjects	Personal Information that may be processed by Metrobus
Natural Persons	Names and surnames, residential and postal addresses, date of birth, tax related information, confidential correspondence, identifying numbers, email addresses, telephone numbers, medical information, criminal or employment history, biometric

	information, personal opinions, information relating to race, gender, sex, marital status, nationality of person, language, ethic, colour, disability of person, biometric information, information relating to education, Pension Fund records, Performance appraisals, disciplinary records, leave records, training records, remuneration and salary records, medical aid records, deductions from salaries, banking and financial records
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees	Gender, pregnancy; marital status; race, age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person.

12.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Identity number, name & surname and employee number for medical aid membership	Medical Aid Schemes

Identity number, name & surname and employee number for recruitment related assessment	Psychometric Assessment
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12.4 Planned transborder flows of personal information

12.4.1 A responsible party in the Republic may not transfer personal information about a data subject to a third party who is in a foreign country unless—
The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that:

- 12.4.1.1. Effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person;
- 12.4.1.2. Includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
- 12.4.1.3. The data subject consents to the transfer;
- 12.4.1.4. The transfer is necessary for the performance of a contract between the data subject and the responsible party, or for the implementation of pre-contractual measures taken in response to the data subject's request;
- 12.4.1.5. The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; or
- 12.4.1.6. The transfer is for the benefit of the data subject, and—
 - i. It is not reasonably practicable to obtain the consent of the data subject to that transfer; and
 - ii. If it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

12.5 Description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

Metrobus deploys up to date technology to safeguard confidentiality and ensure integrity of Personal Information under its control. Metrobus information security measures includes:

- i. Firewalls;

- ii. Encryptions;
- iii. Logical access control;
- iv. Non-Disclosure Agreements (NDAs) for employees, services providers and third parties Metrobus may share information with;
- v. Physical access control;
- vi. Secure hardware and software; and
- vii. Confidentiality and data privacy clauses in agreements concluded with suppliers and service providers.

12.6 Objection to the processing of personal information

A data subject objecting to the processing of their personal information must do so using Annexure 3 (**Form 1**)

12.7 Request for correction or deletion of personal information or destroying or deletion of record or personal information

A request to correct, delete, destroy a personal information or record of personal information Annexure 4 (**Form 2**)

13. AVAILABILITY OF THE MANUAL

13.1 This Manual is made available in the following three official languages-

13.1.1 English;

13.1.2 IsiZulu; and

13.1.3 Afrikaans

13.2 A copy of this Manual or the updated version thereof, is also available as follows-

13.2.1 on the organisations website www.mbus.joburg.org.za;

13.2.2 at the head office of Metrobus for public inspection during normal business hours;

13.2.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

13.2.4 to the Information Regulator upon request.

14. UPDATING OF THE MANUAL

Metrobus will, if necessary, update and publish this Manual annually.

Issued by



Luyanda Gidini
Acting Managing Director