

GAUTENG GAMBLING BOARD

PROMOTION OF ACCESS TO INFORMATION MANUAL



THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

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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 No.2 of 2000, as amended.
- 1.2 The aim of the Manual is to assist potential Requesters in requesting access to information (documents, records and/or Personal Information) from GGB as contemplated under PAIA.
- 1.3 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 and distributed in accordance with PAIA.
- 1.4 A Requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual.
- 1.5 The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to PAIA.

2. DEFINITIONS

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

- 2.1 **"Data Subject"** means the natural or juristic person to whom Personal Information relates;
- 2.2 **"Employee"** means any person who works for, or provides services to, or on behalf of GGB, and receives or is entitled to receive remuneration;
- 2.3 **"GGB"** means the Gauteng Gambling Board, a statutory body established in terms of section 3 of the Gauteng Gambling Act, No 4 of 1995 as amended;
- 2.4 **"Information Officer"** means the head of the body or any of the designated information officers described in this Manual;
- 2.5 **"Manual"** means this manual, together with all annexures thereto as amended and made available at the offices of GGB from time to time;
- 2.6 **"PAIA"** means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;
- 2.7 **"Personal Information"** has the meaning ascribed thereto under POPIA;
- 2.8 **"POPIA"** means the Protection of Personal Information Act No. 4 of 2013, together with any regulations published thereunder;
- 2.9 **"Processing"** shall bear the meaning ascribed thereto in POPIA;
- 2.10 **"Requester"** means any person or entity (including any Data Subject) requesting access to a record that is under the control of GGB;
- 2.11 **"SAHRC"** means the South African Human Rights Commission; and
- 2.12 **"Third Party"** means any person other than the Requester concerned and GGB.



3. SCOPE OF THE MANUAL

This Manual has been prepared in respect of, and applies to, the Gauteng Gambling Board.

4. DESCRIPTION OF THE GGB'S FUNCTIONS AND STRUCTURE (SECTION 14(1)(A)(I))

4.1 The GGB

The GGB is a statutory body established in terms of section 3 of the Gauteng Gambling Act, No. 4 of 1995. During August 1996, the Gauteng Gambling Act 1995 (Act No. 4 of 1995), was promulgated. This Act legalised other forms of gambling in the Gauteng Province and provided for the establishment of the GGB. The GGB is headed by a Chief Executive Officer.

4.2 The main functions of the GGB are to:

4.2.1 Oversee and control gambling activities in Gauteng, including:

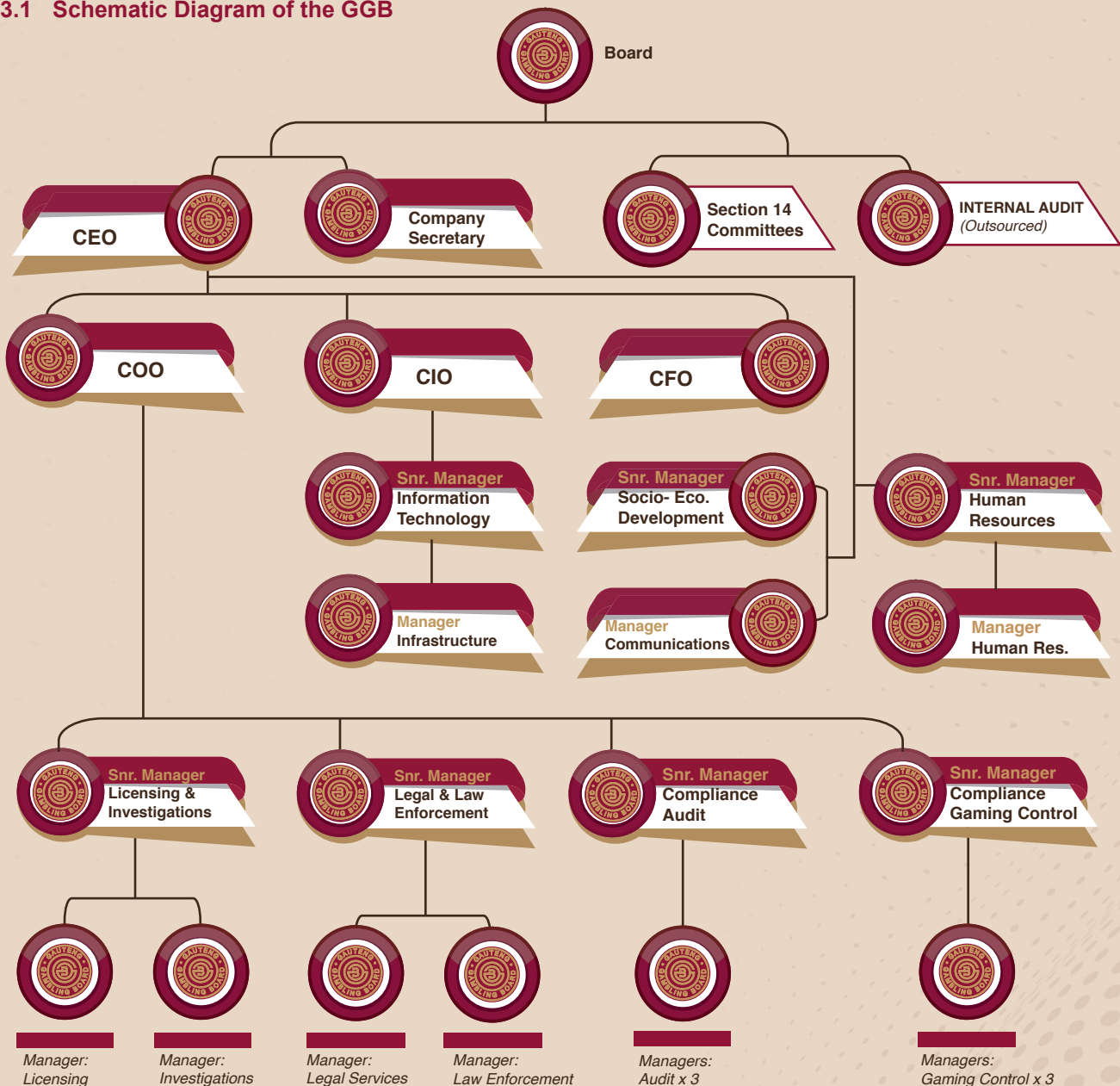
- Licensing of individuals and entities to conduct gambling and related activities.
- Registering of persons engaged in such activities.
- Approval and registering of all gaming devices / equipment.
- Collecting prescribed taxes and levies for the Gauteng Province and other specified beneficiaries.
- Manage and administer the Sports Development Fund.
- Advise the Member of the Executive Council responsible for the Department of Economic Development in the Gauteng Provincial Government on matters relating to gambling.
- Supervise and enforce compliance by the gambling industry with the requirements of the Financial Intelligence Centre Act including:
 - » Conducting inspections in terms of the Financial Intelligence Centre Act 38 of 2001.
 - » Taking disciplinary action for non-compliance.
 - » Reporting to the Financial Intelligence Centre on enforcement.
 - » Supervise and enforce compliance by the gambling industry with the requirements of the National Gambling Act, No. 7 of 2004, including:
 - » Investigation and issuing of national entity and employment licenses; and
 - » Ensuring continuous suitability and compliance with the legislative prescripts by the national licensees to protect the public.
- GGB is listed as a Schedule 3C public entity and is therefore accountable for its revenue and expenditure in terms of the Public Finance Management Act, 1 of 1999. GGB is called to account to the Provincial Legislature annually on its performance and expenditure as a consequence of its listing in terms of this Act.
- Licensing of credible operators and suppliers of gaming equipment, setting and regulating of gaming equipment standards, approval and registration of gaming equipment, registration of suitable persons to be engaged in gambling occupations and ensuing regulatory compliance by licensees on an ongoing basis.
- Receiving and adjudicating complaints from the public arising from gambling disputes or other gambling related activities.
- Collecting gambling taxes and levies on gambling transactions on behalf of the Gauteng Provincial Government and other beneficiaries.



- Eradicating 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.
- Co-operating with other relevant organisations to assist people who fall prey to gambling addiction.
- The GGB discharges its mandate in terms of the following legislation, inter alia:
 - » The National Gambling Act, No. 7 of 2004, as amended
 - » The National Gambling Regulations, as amended
 - » The Gauteng Gambling Act, No. 4 of 1995, as amended
 - » The Gauteng Gambling Regulations, as amended
 - » The Financial Intelligence Centre Act, No. 38 of 2001, as amended
 - » The Public Finance Management Act, No. 1 of 1999, as amended

4.3 THE STRUCTURE OF GGB

4.3.1 Schematic Diagram of the GGB



5. CONTACT DETAILS

Postal Address	:	Private Bag X15, Bramley, 2018
Street Address	:	125 Corlett Drive, Johannesburg, 2018 South Africa
Telephone	:	0115814800
Fax Number	:	0115814900
Information Officer	:	The Chief Executive Officer
Deputy Officer 1	:	The Chief Operating Officer
Deputy Officer 2	:	The Snr. Manager: Legal Services

E-mail: info@ggb.org.za

Web: www.ggb.org.za

6. REMEDIES AVAILABLE

- 6.1 GGB does not have an internal appeal procedure in place to facilitate appeals against decisions of the Information Officer or Deputy Information Officer.
- 6.2 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:
- 6.3 Confirming, amending or setting aside the decision that is the subject of the application;
- 6.4 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;
- 6.5 Granting an interdict, interim or specific relief, a declaratory order or compensation; or costs.

7. OTHER INFORMATION HELD BY GGB AS MAY BE PRESCRIBED

None

8. GUIDE ON HOW TO USE THE ACT TO ACCESS INFORMATION

A guide on how to use PAIA has been compiled by the SAHRC in terms of section 10 of PAIA and is available on the SAHRC website (www.sahrc.org.za). Any queries should be directed to:

The Information Regulator of South Africa

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

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

E-mail: infoereg@justice.gov.za / complaints.IR@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/index.html>



9. INFORMATION HELD BY GGB IN TERMS OF PAIA

9.1 This section of the Manual sets out the categories and descriptions of records held by GGB. 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 such records.

9.2 Operational Information and Agreements relating to the following categories:

- Documents relating to the policy, objectives and governance of GGB.
- Documents relating to the licensees.
- Directives, resolutions and instructions of the GGB.
- 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.

9.3 Finances and Accounting records relating to the following categories:

- Bank account records.
- Books of Account and financial statements.
- Auditor's annual report.
- Audited financial statements.
- Annual report, including balance sheet and statement of income and expenditure certified by the Auditor-General.
- Annual budget and Annual Performance Plan as provided for in the GGB Constitution.
- VAT, SITE and PAYE records.

9.4 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 established under the Associated Institutions Pension Fund Act, 1963.
- Medical Scheme Records.

9.5 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 GGB in the course of their employment as employees of the GGB.
- Rights in a discovery, invention or improvement made by the GGB in the course of an investigation for or on behalf of another person, government or administration.
- Patents and patent applications.
- Licence Agreements.

10. REQUEST PROCEDURES

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

10.2 A Requester must use the prescribed form to make a request for access to a record. This must be made to the Information Officer of GGB at his/her address or fax number or electronic mail address. The prescribed form is attached hereto as Annexure 1.

10.3 Disclosure of records

10.3.1 A Requester must be given access to a record of a public body if the Requester complies with the following:

- The Requester complies with all the procedural requirements in PAIA relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal provided for in PAIA.

10.4 Nature of the request

11.4.1 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 public body is requested. Alternatively, if the record is not a document, it can be viewed in the requested form – section 29(2).

10.4.2 Access should be provided in the particular form and manner requested unless such manner would interfere unreasonably with the running of the public body concerned or damages 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).

10.4.3 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).

10.4.4 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).

10.4.5 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).

10.5 Fees payable (Section 22)

10.5.1 There are types of fees required to be paid in terms of PAIA, being the request fee and the access fee. Attached hereto as Annexure 2 is a schedule setting out the fees payable.

10.5.2 The Information Officer must notify the Requester (other than a personal requester) by notice, requiring the Requester to pay the prescribed fee (if any) before further processing the request.

10.6 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 requested of the decision in the manner requested by the Requester.

11. VOLUNTARY DISCLOSURES

All information available on the GGB website <https://www.ggb.org.za/> is voluntarily disclosed including the current Annual Report (annual financial statements, Report by the Auditor-General, Report on Corporate Governance and Executive Report).

12. ACCESS TO PERSONAL INFORMATION

12.1 POPIA provides that a Data Subject may, upon proof of identity, request the responsible party to confirm, free of charge, all the 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.

12.2 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.

- 12.3 Grounds for refusal of the data subject's request are set out in PAIA.
- 12.4 POPIA provides that a Data Subject may object, at any time, to the processing of Personal Information by GGB, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The Data Subject must complete the prescribed form attached hereto as Annexure 3 and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.
- 12.5 A Data Subject may also request GGB 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 GGB is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- 12.6 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 at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as Annexure 4.

13. PURPOSE OF THE PROCESSING

- 13.1 In terms of POPIA, data must be processed for a specified purpose.
- 13.2 GGB 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.
- 13.3 GGB will retain Personal Information only for as long as is necessary to accomplish GGB's legitimate business purposes or for as long as may be permitted or required by applicable law.
- 13.4 GGB uses the Personal Information it collects for following non-exhaustive purposes, as more fully set out in the GGB Privacy Policy located at www.ggb.org.za –
- » For the purpose of licencing gambling and other related gaming activities;
 - » For the purpose of onboarding its service providers;
 - » For purposes of implementing contractual agreements;
 - » For the execution of supervisory functions;
 - » For employment-related purposes such as recruiting staff, administering payroll, background checks, etc.
 - » 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);
 - » For complying with tax laws;
 - » For external audit purposes. For this purposes, GGB engages external service providers and, in so doing, shares Personal Information of the Data Subjects with Third Parties;
 - » For keeping accounts of records;
 - » For such other purposes to which the Data Subject may consent from time to time; and
 - » For such other purposes as authorised in terms of applicable laws.
- 13.5 GGB will not use the Personal Information which it collects for any purposes other than those purposes specified herein.

14. CATEGORIES OF DATA SUBJECTS AND OF THE PERSONAL INFORMATION RELATING THERETO

- 14.1 GGB collects Personal Information directly from the Data Subject and/or from Employees, members, Third Parties, service providers, and where GGB obtains Personal Information from Third Parties, GGB 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 GGB is permitted to do so in terms of the applicable laws. This list of categories is non-exhaustive.

14.2 Examples of Third Parties from whom Personal Information is collected includes any third party who GGB conducts its business with; regulatory bodies; verification agencies; other companies providing services to GGB and where GGB makes use of publicly available sources of information.

14.3 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

15. RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED

- 15.1 Depending on the nature of the data, GGB may supply information or records to the following categories of recipients:
- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
 - Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e.
 - The Competition Commission in terms of the Competition Act No. 89 of 1998);
 - South African Revenue Services, or another similar authority;
 - Anyone making a successful application for access in terms of PAIA;
 - Subject to the provisions of POPIA and the National Credit Act No. 34 of 2005, GGB 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 GGB operates; and
 - Any person who conducts business with GGB, in the ordinary course of business.
- 15.2 GGB will comply with POPIA before transferring Personal Information to a Third-Party who is not a contractor of GGB. Before transferring Personal Information to a Third-Party contractor, such as an authorised service provider, GGB will obtain assurances from the Third-Party that it will Process Personal Information in a manner consistent with POPIA. Where GGB learns that a Third-Party contractor is using or disclosing Personal Information in a manner contrary to POPIA, GGB will take reasonable steps to prevent such use or disclosure.

16. PLANNED TRANS-BORDER FLOWS

In carrying out any cross-border transfers, GGB shall adhere to the provisions of POPIA.

17. INFORMATION SECURITY MEASURES

- 17.1 The security and confidentiality of Personal Information is important to the GGB. The GGB has implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.
- 17.2 GGB is committed to ensuring that its security measures which protect Data Subject's Personal Information are continuously reviewed and updated where necessary.
- 17.3 In Processing any Personal Information, GGB shall comply with the following minimum technical and organisational security requirements –
- 17.3.1 Physical Access – Access to Personal Information is restricted in GGB's offices and only to those Employees who need the Personal Information to perform a specific job / task.
- 17.3.2 Unique User Identification – Employees each have a unique user ID assigned to them, subject to strict confidentiality undertakings in terms of GGB's password and confidentiality policy.
- 17.3.3 Passwords – GGB shall ensure that there are passwords required for any access to Personal Information in line with its password policy.
- 17.3.4 Physical access and privileges – GGB ensures that access to Personal Information is limited to Employees on a "need to know" basis, and GGB's Employees are required to strictly utilise their unique user ID and applicable passwords to access same.
- 17.3.5 Back-ups – GGB 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.
- 17.3.6 Malware protection – GGB ensures that its environment has comprehensive malware protection software employed, which software is specifically designed to protect GGB from the most recent malware infections.
- 17.3.7 Vulnerability scanning – GGB frequently conducts vulnerability scanning in order to assess whether Personal Information is adequately protected from external threats.

18. UPDATING OF THIS MANUAL

This Manual will be updated whenever amendments to the current information need to be reflected and/or annually.

19. AVAILABILITY OF THE MANUAL

- 19.1 This Manual is available on GGB's website, at the head office of GGB for public inspection during normal business hours, to any person upon request and upon the payment of a reasonable amount and to the Information Regulator upon request.
- 19.2 Copies may also be requested from the South African Human Rights Commission and the Government Gazette.

20. REQUEST TO THE MINISTER FOR COMPILATION OF ONE MANUAL (SECTION 14(4)(A))

This Manual is compiled solely on behalf of GGB and no requests for combined manuals with other constitutional or public bodies have been submitted to the Minister.

21. EXEMPTION FROM THE MINISTER FROM ANY PROVISION OF SECTION 14 OF THE ACT

GGB is not exempt from any provision of this section.

22. PRESCRIBED FORMS AND FEE STRUCTURE

The forms and fee structure prescribed under PAIA and the forms prescribed under POPIA are available in the annexures to this manual.