

**ENABLING &  
PROMOTING**

**A RESPONSIBLE  
LIQUOR INDUSTRY**



**EASTERN CAPE**  
**LIQUOR BOARD**

**PROMOTION OF ACCESS TO INFORMATION  
MANUAL, COMPILED IN TERMS OF SECTION 14  
OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT NO 2 OF 2000 (AS AMENDED).**

**PAIA MANUAL**

# Policy Version Control

|                       |   |  |                      |               |
|-----------------------|---|--|----------------------|---------------|
| <b>Title</b>          | Promotion of Access to Information Manual, compiled in terms of Section 14 of the Promotion of Access to Information Act No 2 of 2000 (as amended). |  |                      |               |
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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

|                    |  |
|--------------------|--|
| <b>“ACT”</b>       | Eastern Cape Liquor Act No 10. of 2003 and Regulations.  |
| <b>“BOARD”</b>     | Eastern Cape Liquor Board or ECLB which is a Schedule 3C provincial public entity in terms of the Public Finance Management Act No.1 of 1999 (as amended) and established in terms of section 2 of the Eastern Cape Liquor Act 10 of 2003. |
| <b>“CEO”</b>       | Chief Executive Officer.   |
| <b>“DIO”</b>       | Deputy Information Officer (who is the Senior Manager, Corporate Services at the Eastern Cape Liquor Board).   |
| <b>“ECLB”</b>      | Eastern Cape Liquor Board;   |
| <b>“IO”</b>        | Information Officer (who is the Chief Executive Officer at the Eastern Cape Liquor Board);   |
| <b>“MEC”</b>       | Eastern Cape Member of the Executive Council for Finance, Economic Development , Environmental Affairs and Tourism.  |
| <b>“PAIA”</b>      | Promotion of Access to Information Act No. 2 of 2000 (as amended).   |
| <b>“POLICY”</b>    | Eastern Cape Liquor Board’s PAIA and POPI Policy.  |
| <b>“PFMA”</b>      | Public Finance Management Act No.1 of 1999 (as amended).   |
| <b>“POPIA”</b>     | Protection of Personal Information Act No.4 of 2013 as amended.  |
| <b>“REGULATOR”</b> | Information Regulator.   |
| <b>“REQUESTER”</b> | Any person making a request for access to a record of that public body or a person acting on behalf of the person making a request for access to a record.   |

## **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 the ECLB, 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 the ECLB;
- 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 the ECLB regarding requests for access to the records, before approaching the Regulator or the Courts;
- 2.5 know the description of the services available to members of the public from the ECLB, and how to gain access to those services;
- 2.6 have a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 know if the ECLB 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 the ECLB 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 the ECLB has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

2.10 should be read with the policy for further information.

### **3. ESTABLISHMENT OF THE ECLB.**

3.1. The ECLB is a creature of statute established in terms of section 4 of the Act. Importantly, as a creature of statute, the ECLB has a duty to act in terms of the law and fulfil the objects of the Act as defined in section 2 of the Act. In the execution of its duties, the ECLB derives its powers from the provisions of section 9 of the Act and is confined to act in accordance with the said powers thereof.

3.2. The ECLB is referred to as a Schedule 3C provincial public entity in the PFMA.

3.3. The ECLB acknowledges its legislative duties in terms of PAIA and POPIA. Accordingly, the ECLB endorses the key principles of good governance, transparency and accountability and seeks to comply with the provisions of PAIA and POPIA. In conjunction to this manual, a policy has also been adopted which may be accessed at [www.eclb.co.za](http://www.eclb.co.za).

3.4 The legislative purpose of the ECLB including its powers and functions are outlined in section 2 of the Act thereto: -

#### ***"2. Objects of Act.***

*The objects of this Act are to make provision for the registration of retail sales and micro-manufacturing of liquor in the Province, to encourage and support the liquor industry and to manage and reduce the socio-economic and other costs of excessive alcohol consumption by creating an environment in which-*

- (a) the entry of new participants into the liquor industry is facilitated;*
- (b) appropriate steps are taken against those selling liquor outside the administrative and regulatory framework established in terms of this Act;*
- (c) those involved in the liquor industry may attain and maintain adequate standards of service delivery;*

- (d) community considerations on the registration of retail premises are taken into account; and*
- (e) the particular realities confronting the liquor industry in the Province can be addressed.*

#### **4. STRUCTURE OF THE ECLB AND FUNCTIONS.**

##### **4.1. Structure**

The ECLB is governed by a Board which is the accounting authority, which is composed as follows in accordance with section 5 of the Act:

*“5. Composition of the Eastern Cape Liquor Board.*

- (1) Subject to subsection (2), the board must consist of no more than five members appointed by the MEC.*
- (2) At least one, but not more than two members of the board must be officers in the Provincial public service.*
- (3) Whenever the MEC is required to appoint any person to the board that is not a person contemplated in subsection (2), he or she must-*
  - (a) publish an invitation in at least two newspapers with wide circulation in the Province, a notice calling for nomination or application and stating the criteria for nomination; and*
  - (b) consider all nominations and applications submitted in response to the notice and appoint a fit and proper person.*
- (4) (a) A member of the board must hold office for the period determined by the MEC at the time of the member's appointment, but not exceeding three years at a time.*
- (b) A member must be eligible for reappointment at the end of his or her first term of office.*
- (c) The MEC may appoint any member of the Board other than a member contemplated in subsection 5 (2) on a full-time contractual basis for a period not exceeding such member's term of office on such terms and conditions as determined by the MEC in consultation with the MEC responsible for finance in the Province.”*

Accordingly, the Board holds the following powers and functions as set out in sections 7 and 9 of the Act:-

7. Personnel and administration of the board.

*(1) The Board must, in consultation with the MEC, establish a staff structure for the Board.*

*(2) The Board must appoint staff in terms of the structure contemplated in subsection (1).*

*(3) The staff contemplated in subsection (2) must be remunerated by the Board on such terms and conditions determined by the Board in consultation with the MEC.*

9. Powers and functions of the board:-

*The board-*

*(a) must consider and approve or refuse applications for the categories of registration contemplated in section 20 (a), (b), (c), (d) or (e)<sup>1</sup>;*

*(b) may cancel, suspend or vary any registration approved by it in the manner contemplated in this Act;*

*(c) may determine conditions applicable to the categories of registration contemplated in section 20 (a), (b), (c), (d) or (e); and*

*(d) must publish in the Provincial Gazette applications received for registration, transfer or removal as prescribed;*

*(e) may exercise any other power and must perform any other duty conferred or imposed on it in terms of this Act."*

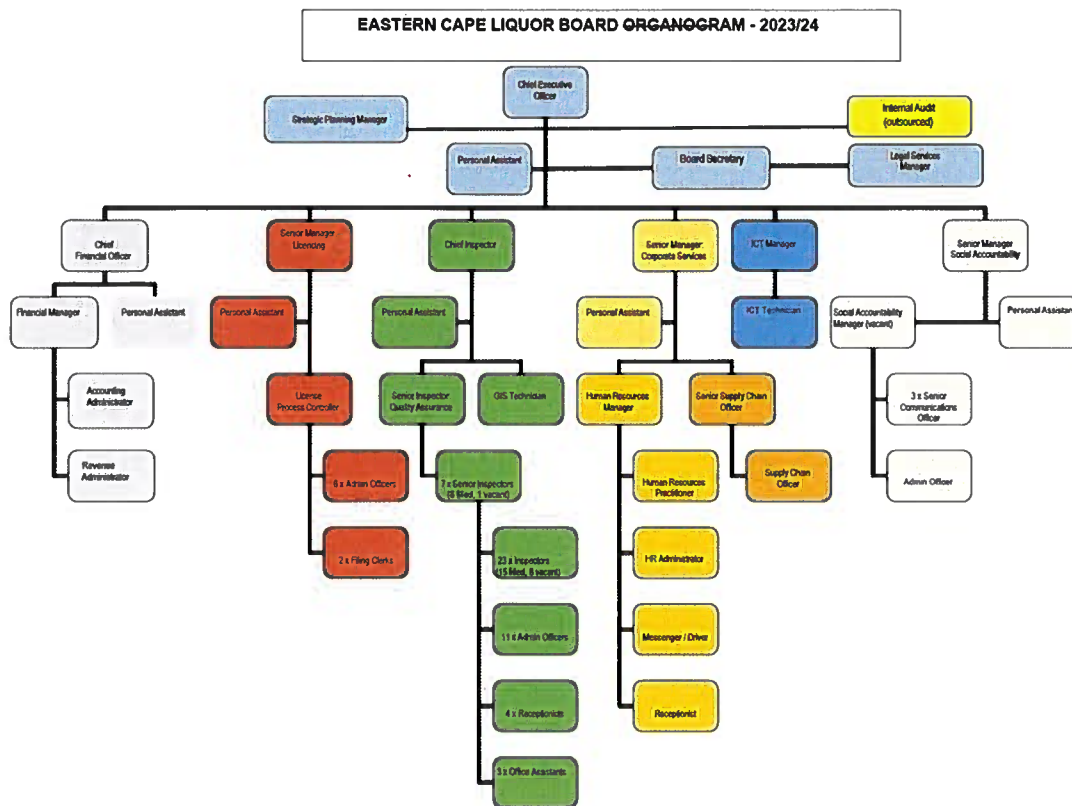
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<sup>1</sup> Categories of registration.

*(a) the retail sale of liquor for consumption off the premises where the liquor is being sold;*  
*(b) the retail sale of liquor for consumption on the premises where the liquor is being sold;*  
*(c) the retail sale and consumption of liquor on and off the premises on which the liquor is being sold;*  
*(d) the retail sale and consumption of liquor at a special event; or*  
*(e) micromanufacturing.*



The organogram of the ECLB staff/secretariat structure is as follows:-



## 4.2 Functions

The function of the ECLB is to regulate the registration of retail sales and micro manufacturing in the Eastern Cape Province. A further function is to ensure compliance of the issued trading conditions including working with key stakeholders such as the South African Police Services. A further function of the ECLB is to advise the MEC.

## 4.3 Divisions/Key Committees

### 4.3.1 Licensing Committee (LC)

The Licensing Committee is a subcommittee of the ECLB and is tasked<sup>2</sup> with the responsibility of considering liquor licence applications, manager appointments, renewals and special event licences for ratification by the ECLB. The LC is made up as follows:

<sup>2</sup> Duly authorised by the Board.

- Chief Executive Officer (CEO);
- Chief Inspector Compliance and Enforcement;
- Senior Manager of Licensing Department; and
- Legal Services Manager.

#### **4.3.2 Office of the CEO**

The purpose of the Office of the CEO is to provide ethical leadership and governance at ECLB. The CEO directs and controls management operations, management meetings for operational matters, policy formulation, regular periodic reporting and strategic planning processes. The CEO also chairs the Licensing Committee, which is an internal committee, whose functions are delegated by the Board to consider applications and make decisions for final ratification by the Board.

#### **4.3.3 Licensing Department (LD)**

The purpose of the Licensing Department (LD) component is to administer all liquor licence applications in the Eastern Cape for consideration by the LC and conveying the outcome thereof. Moreover, it provides an administrative support function to the LC and to accept and process all liquor licence applications for consideration by the LC and processes the outcome thereof. The component provides a support function to both the Compliance and Enforcement (CED) and Social Responsibility (SR) divisions. This support includes the following:-

- providing status updates on pending liquor licence applications;
- providing updates on the validity status of licences;
- providing information on the type of licence and the conditions attached thereto; and
- providing information on the latest approved plans for licenced premises.

#### **4.3.4 Social Responsibility Division**

The purpose of this component is to provide a communication, marketing, education and awareness service for and on behalf of the ECLB. Actions include, but are not limited to, an up-to-date website, workshops with industry specific stakeholders, information sessions with stakeholders, on-going electronic

communication with the major players in the industry and other specific interventions.

#### **4.3.5 Compliance and Enforcement Division (CED)**

The Compliance and Enforcement component monitors and enforces compliance with the provisions of the Act and other applicable legislation by conducting pre-licencing inspections, routine compliance inspections, the investigation of complaints against non-compliant liquor licenced premises, the issuing of compliance notices, integrated enforcement operations and the direct referral of criminal matters to the criminal justice system *via* the South African Police Services (SAPS).

#### **4.3.6 Office of the Chief Financial Officer (CFO)**

The Office of the CFO component provides strategic financial support to the components of the ECLB to ensure that the ECLB achieves its deliverables. This component strives to ensure compliance with all relevant rules and statutes that govern public sector financial management.

#### **4.3.7 Corporate Services**

The purpose of Corporate Services is to provide strategic and administrative support to the organisation in the areas of Human Resources Management, Corporate Administration and Supply Chain Management. The administrative component prepares documentation pertaining to Human Resources Management, Corporate Administration Management and Supply Chain Management.

#### **4.3.8 Information and Communication Technology (ICT)**

The purpose of ICT Division is to develop and implement internal controls to ensure the appropriate use and availability of ICT services and facilities, as well as effective backup and failsafe contingencies.

#### **4.3.9 Panel of Appeal for Appeals Against Decisions of the ECLB.**

A Panel of Appeal is established in terms of section 10 of the Act as follows:-

- “(1) A panel of appeal for the Province is hereby established.*
- (2) The panel of appeal must consist of at least three, but not more than five, fit and proper persons appointed by the MEC.*
- (3) At least one member of the panel must have a suitable degree of skill and experience in the administration of civil and criminal law matters.*
- (4) Whenever the MEC is required to appoint any member contemplated in subsection (2), he or she must-*
- (a) publish in at least two newspapers with wide circulation in the Province an invitation calling for nomination or application; and*
  - (b) consider all nominations and applications submitted in response to the invitation and appoint members to the board.*
- (5) A member contemplated in subsection (2) must hold office for the period determined by the MEC at the time of the member's appointment, but not exceeding three years at a time, and a member is eligible for reappointment at the end of his or her first term of office.*
- (6) Section 8 must apply with regard to the funds of the panel of appeal.*
- (7) Section 7 must apply with regard to the officers and the administrative and other resources and services required to enable the panel of appeal to perform its functions.*
- (8) The panel of appeal must consider appeals against decisions made by the board.*
- (9) The decision of the panel of appeal is final.”*

It must be highlighted that the Panel of Appeal is an independent body to that of the ECLB. The Panel of Appeal is convened and supported by the office of the MEC. All requests for information and/or records emanating from the Panel of Appeal must be directed to the Registrar of the Panel of Appeals:-

Mrs Zola Nkonki

Tel: 079 897 1578

Email : Zola.Nkonki@dedea.gov.za

Alderwood House, Palm Square Office Park

Bonza Bay Road, Beacon Bay, East London, 5241  
Private Bag X9060, East London, 5200.

## 5. CONTACT DETAILS FOR THE ECLB.

| Head Office      |  |
|------------------|--|
| Postal Address   | P.O Box 15147 Beacon Bay, East London 5020                             |
| Physical Address | Shop 10, Beacon Bay Crossing, Bonza Bay Road, Beacon Bay, East London. |
| Email Address    | <a href="mailto:POPIA@eclb.co.za">POPIA@eclb.co.za</a>                 |
| Website          | <a href="http://www.eclb.co.za">www.eclb.co.za</a>                     |

## 6. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE ECLB.

### 6.1 Information Officer:

Chief Executive Officer: Dr Nombuyiselo Makala  
Office of the CEO  
Tel: 043 700 0900  
Email Address: [sbongile.gotyomba@eclb.co.za](mailto:sbongile.gotyomba@eclb.co.za)

### 6.2 Deputy Information Officer:

Senior Manager of Corporate Services  
Ms Linda Tini  
Tel: 043 700 0900  
Email Address: [linda.tini@eclb.co.za](mailto:linda.tini@eclb.co.za)  
[vuyiswa.cekiso@eclb.co.za](mailto:vuyiswa.cekiso@eclb.co.za)

6.3 Requests must be hand delivered or emailed to the Deputy Information Officer of the ECLB, who has been delegated by the Information Officer of the ECLB to attend to all requests on behalf of ECLB.

6.4. Requesters are encouraged to forward requests for information by way of email where practically possible. When the postal services are utilised, it is imperative that registered mail be used. It is essential that the proof of registered mail must be retained and provided upon request.

6.5. When letters are hand delivered, please ensure that the letters are stamped and signed at ECLB as proof of delivery and date thereof.

## **7. HOW TO MAKE A REQUEST FOR ACCESS TO INFORMATION.**

### **7.1 The Procedure**

7.1.1. A requester must fill out Form 2 attached as Appendix A and submit it, duly completed, to the relevant Deputy Information Officer at the address provided in paragraph 6 above to enable a response to the requester.

7.1.2. The Deputy Information Officer must assist a requester if a requester needs assistance with the process or with completing the forms, including illiterate or disabled requesters.

7.1.3. The form submitted to the Deputy Information Officer must contain all relevant information to enable the Deputy Information Officer to identify the specific information requested.

7.1.4. The requester must also indicate whether he/she wants to secure a copy of the record, to peruse the record at the office of ECLB or, alternatively, to secure the record in another form in which it exists.

7.1.5. The request must not be for records which are subject to the refusal grounds as provided for under Chapter 4 of PAIA .

7.1.6. If, for practical reasons, access cannot be given in a required form but in another form, the fee must be calculated according to the way that the requester first asked for it.

7.1.7. The requester must indicate how he or she wishes to be informed of the decision by the Deputy Information Officer regarding the request for information in a particular manner (i.e. post, telefax, electronic mail) and must therefore provide

the necessary details to be so informed. Please see important notes in respect of use of postal communication in paragraph 6 above as it is critical to receipt and processing of the requests.

7.1.8. If a requester asks for the information on behalf of somebody else, the capacity and proof of authority in which the request is being made must be indicated to the reasonable satisfaction of the Deputy Information Officer , and such mandate should be in writing and duly signed.

7.1.9. The Deputy Information Officer must make a decision within 30 days after receiving a request and notify the requester of the decision.

7.1.10. The Deputy Information Officer may extend the period of 30 days once for a further period of not more than 30 days. ECLB must notify the requester of such extension and the reasons, therefore.

## **7.2. Required attachments**

7.2.1 A requester must be given access to records of ECLB if that request complies with all the procedural requirements, provided that access to that record is not refused on any of the grounds as provided in Chapter 4 of PAIA.

7.2.2 Completed Form 2 (Appendix A).

7.2.3 If the request is made on behalf of another person or juristic person, then proof of the capacity in which the requester is making the request, must be attached to Form 2.

7.2.4. Certified copy of identification of the requester.

7.2.5. Proof of payment of the required fees.

## **7.3. Fees**

7.3.1. A non-refundable request fee of R100.00 (or as may be amended from time to time by way of written notice) is payable in respect of each and every request for access to information or internal appeal submitted to the Deputy Information Officer.

7.3.2. When ECLB receives a request, the requester must be notified, using Form 3 (Appendix B) whether the request is being granted or not and if the request is granted, the requester must be notified to pay the prescribed access fee deposit (if any) as set out in Appendix C, before further processing the request.

7.3.3 Exemption may be granted in respect of requesters who meet the criteria for exemption as determined by PAIA.<sup>3</sup>

7.3.4 This exemption does not apply in respect of persons that are legally represented, even in circumstances where contingency fee agreements have been entered into by the requester and his/her legal representation.

7.3.5. Access to a copy of the records will be withheld until all the applicable fees have been paid in full. There is an exception for prior exempted requesters in this regard.

7.3.6. A requester who is dissatisfied with the fees charged may lodge an internal appeal against such decision, as set out in paragraph 8.1 below.

7.3.7. Fees must be paid into ECLB's bank account. The deposit must be correctly referenced, and proof of each payment must be submitted to ECLB.

7.3.8. The bank details for ECLB's PAIA fees:

ABSA BANK

ACCOUNT NAME: EASTERN CAPE LIQUOR BOARD

ACCOUNT NUMBER: 411 266 7310

REFERENCE PAIA (initial and surname)

PROOF OF PAYMENT: [linda.tini@eclb.co.za](mailto:linda.tini@eclb.co.za)

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<sup>3</sup> GNR.991 of 14 October 2005 issued under section 22 (8) of PAIA.



## **8. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE EASTERN CAPE LIQUOR BOARD.**

### **8.1 Internal Appeal**

8.1.1 Where a requester is dissatisfied with the outcome of a request for access to information, the requester may lodge an internal appeal against the decision of the Deputy Information Officer by completing and delivering Form 4 (Appendix D) within 60 days to the Deputy Information Officer.

8.1.2. An internal appeal may be lodged against any one of the following decisions of the Deputy Information Officer

8.1.2.1. Refusing a request for access;

8.1.2.2. Fees charged;

8.1.2.3. Extension of period to deal with a request and;

8.1.2.4. Access in a particular form.

8.1.3. The requester must pay the prescribed internal appeal fee (where applicable) when lodging the appeal. The decision on the internal appeal may, however, be deferred until the fee is paid.

8.1.4. As soon as reasonably possible, but within (3) three working days after receipt of an internal appeal, the Deputy Information Officer must submit the internal appeal to the Information Officer.

8.1.5. The Information Officer must make a decision on the internal appeal within 30 days after the internal appeal was delivered to the Deputy Information Officer.

### **8.2. Complaint to the Information**

8.2.1. A requester may submit a complaint to the Information Regulator by duly completing and delivering Form 5 (Appendix E), but only after that requester exhausted the internal appeal procedure against a decision of the Deputy Information Officer of the ECLB.

### 8.3 Approach to Court

8.3.1 Although ECLB recommends that requesters try to resolve disputes about access to information without approaching the courts, a requester may, if still aggrieved, approach a court after the internal appeal process.

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

9.1. 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.

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

9.3. The aforesaid Guide contains the description of-

9.3.1. the objects of PAIA and POPIA;

9.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

9.3.2.1. the Information Officer of every public body, and

9.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>4</sup> and section 56 of POPIA<sup>5</sup>;

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<sup>4</sup> 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.*

<sup>5</sup> 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.*

- 9.3.3. the manner and form of a request for-
  - 9.3.3.1. access to a record of a public body contemplated in section 11<sup>6</sup>; and
  - 9.3.3.2. access to a record of a private body contemplated in section 50<sup>7</sup>;
- 9.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 9.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 9.3.6. 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-
  - 9.3.6.1. an internal appeal;
  - 9.3.6.2. a complaint to the Regulator; and
  - 9.3.6.3. an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

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<sup>6</sup> 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.

<sup>7</sup> 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.

- 9.3.7. the provisions of sections 14<sup>8</sup> and 51<sup>9</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 9.3.8. the provisions of sections 15<sup>10</sup> and 52<sup>11</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 9.3.9. the notices issued in terms of sections 22<sup>12</sup> and 54<sup>13</sup> regarding fees to be paid in relation to requests for access; and
- 9.3.10. the regulations made in terms of section 92<sup>14</sup>.

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

- 9.4.1. upon request to the Information Officer;

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<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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

<sup>11</sup> 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

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> 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.”

- 9.4.2. from the website of the Regulator  
<https://info regulator.org.za/portal-posts/>

## **10. DESCRIPTION OF THE SUBJECTS ON WHICH THE ECLB HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE ECLB.**

The following documents and records are held by the ECLB: -

### Office of the CEO

Governing Board meeting minutes and records  
Legislation  
Annual financial report  
Annual performance plan  
Strategic plan

### Social responsibility

Communication  
Media Affairs  
Stakeholder Engagements

### Corporate Services

Human Resource Management  
Organisation and Control  
Internal Facilities Management  
Registry  
Supply Chain  
Informational Technology  
Usage records

### Financial Administration

Accounting records  
Asset registers  
Banking details and bank account, Debtor/creditor statements and invoices,

Financial policies and procedures, VAT records, PAYE records, Audit reports  
Compliance and Enforcement

Inspections

Investigations

Complaints

Enforcement Operations

Liaison with National, Provincial and Local Government

Licencing Administration

All liquor licence applications

Liquor licence application objections

Licence Committee meetings

**11. CATEGORIES OF RECORDS OF THE ECLB WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS.**

| <b>DESCRIPTION OF CATEGORIES OF</b> | <b>MANNER OF ACCESS TO RECORDS</b>   |
|-------------------------------------|--|
| Annual Report                       | Hard copies of these records are available free of charge from the Eastern Cape Liquor Board, Shop 10, Beacon Bay Crossing, Beacon Bay, East London.<br><br>Electronic copies of these records are available on the Eastern Cape Liquor website: <a href="https://www.eclb.co.za/">https://www.eclb.co.za/</a> . |
| Strategic Plans                     | Same as above  |
| Annual Performance Plan             | Same as above  |
| Copies of liquor licences           | Hard copies of these records are available at a fee as detailed in the Eastern Cape Liquor Board Regulations obtainable from   |

|                                     |   |
|-------------------------------------|---|
|                                     | the offices of the Eastern Cape Liquor Board, Shop 10, Beacon Bay Crossing, Beacon Bay, East London.  |
| Copies of liquor licence conditions | Hard copies of these records are available at a fee as detailed in the Eastern Cape Liquor Board Regulations obtainable from the offices of the Eastern Cape Liquor Board, Shop 10, Beacon Bay Crossing, Beacon Bay, East London. |
| Copies of approved floor plans      | Hard copies of these records are available hereto and are obtainable from the offices of the Eastern Cape Liquor Board, Shop 10, Beacon Bay Crossing, Beacon Bay, East London.  |
| Database of ECLB liquor licences    | Soft copies of this database (pdf format) are available free of charge from the Eastern Cape Liquor Board Shop 10, Beacon Bay Crossing, Beacon Bay, East London. Soft copies may be emailed in PDF format.                        |
| Copies of the educational pamphlets | Hard copies and soft copies available free of charge from the Eastern Cape Liquor Board Shop 10, Beacon Bay Crossing, Beacon Bay, East London. Soft copies may be emailed in PDF format.  |

## **10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE ECLB AND HOW TO GAIN ACCESS TO THOSE SERVICES.**

The following services are available to the public.

- To administer liquor regulation in the Eastern Cape Province;
- To receive applications for liquor licences;

- To issue licences;
- Training liquor licence holders, communities and prospective liquor licence holders on the liquor legislation;
- In-house enquiries desk function that services telephonic enquiries, e-mail enquiries and walk-in enquiries; and
- Investigating complaints against non-compliant licence holders within the ECLB's mandate.

Guides and/or further information on the above functions may be accessed from the ECLB's website, [www.eclb.co.za](http://www.eclb.co.za).

## **11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE ECLB.**

In terms of section 2(d) of the Act, the ECLB must take into account community considerations in the consideration of applications for liquor licences. In respect of section 22 of the Act, the ward committee is legislatively mandated to consult with the community where the proposed outlet is situated. This is to ascertain the community's viewpoints and/or objections. When policy is drafted for the Eastern Cape Province that will result in liquor legislation, the public (including stakeholders, communities, the industry and licence holders) are extensively involved in this process by means of public participation, thereby being provided opportunity to influence policy formulation. During ECLB training initiatives and social accountability campaigns, the greater public are also educated about their participation in the licencing process and their rights to lodge objections. The ECLB also has a complaint toll free number and whatsapp number for all complaints including those relating to public involvement in the formulation of policy or the exercise of powers or performance of duties by the ECLB:-

ECLB Toll Free line – 080 000 0420

WhatsApp – 076 403 6223



## 12. PROCESSING OF PERSONAL INFORMATION

### 12.1 Purpose of Processing

The ECLB is empowered in terms of its Act and associated Regulations to process personal information in respect of liquor licence application and/or matters related or incidental thereto. Moreover, the ECLB collects, stores and processes personal information pertaining to data subjects including its employees, suppliers, applicants, objectors, complainants and other stakeholders. The type of information collected and processed will depend on the purpose for which it is collected and will be processed for that scope of application only. Whenever appropriate, the ECLB will inform the data subject of the information required, the purpose thereof, the rights of participation and the other relevant provisions contained at law.

For further and in-depth information, please refer to the policy which may be accessed on [www.eclb.co.za](http://www.eclb.co.za).

### 12.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

The ECLB is empowered in terms of its enabling legislation to process personal information in respect of the administrating and consideration of a licence application, promotion of new entrants to the industry and attending to complaints regarding trading, including but not limited to working with key stakeholders such as the South African Police Services.

| <b>Categories of Data Subjects</b>   | <b>Personal Information that may be Processed</b>   |
|--|---|
| Natural Persons<br>Applicants,<br>objectors,<br>complainants,<br>attendees of events ,<br>campaigns, | Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence |

| <b>Categories of Data Subjects</b>                 | <b>Personal Information that may be Processed</b>   |
|--|---|
| meetings, tenderers suppliers, and related persons |   |
| 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:**

| <b>Category of personal information</b>        | <b>Recipients or Categories of Recipients</b>                          |
|--|--|
| Identity number and names, for criminal checks | South African Police Services, Department of Home Affairs and gazetted |

| Category of personal information                | Recipients or Categories of Recipients  |
|---|---|
|   | in the Provincial Government Gazette, other oversight or law-enforcement agencies such as the Public Protector. |
| Names as detailed in community consultation     | Consideration of licence applications, verification of the community consultation                               |
| Qualifications, for qualification verifications | South African Qualifications Authority  |
| Tax and Legislative Compliance                  | Registration on Central Supplier Database   |

#### 12.4 Planned transborder flows of personal information

There is no planned transborder flow of personal information, as the ECLB electronically stores all information on a sever which is located in the Republic of South Africa.

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

The ECLB holds policies for the manual storage and electronic storage, handling and retention of personal information, including an incident response plan. The electronic storage of information is safeguarded by the use of data encryption, anti-virus and password protection solutions.

### 13. AVAILABILITY OF THE MANUAL

13.1 This Manual is made available in the following three official languages and is available on the ECLB's website-

13.1.1 English;

13.1.2 isiXhosa; and

13.1.3 Afrikaans.

13.2 A copy of this Manual and the translation thereof , is also available as follows-

13.2.1 on [www.eclb.co.za](http://www.eclb.co.za) ,

13.2.2 at ECLB's head office and district offices 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

The ECLB will, if necessary, update and publish this Manual annually.


Prepared by:



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Legal Services Manager

Date: *27 November 2024*

Recommended by:



Dr. N. Makala  
Chief Executive Officer

Date:.....

Approved by:



Mr. M. Gobingca  
Board Chairperson

Date:.....