



PROMOTION OF ACCESS TO INFORMATION MANUAL

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

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1. DEFINITIONS

1.1 For the purpose of this Manual, unless the context indicates otherwise:

- 1.1.1 **“Access fee”** means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be;
- 1.1.2 **“Data subject”** means the person to whom personal information relates;
- 1.1.3 **‘Department’** means Provincial Treasury;
- 1.1.4 **“Deputy Information Officer or DIO”** means the designated individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request;
- 1.1.5 **Officer with the PAIA Request; ‘GAAP’** means Generally Accepted Accounting Practice;
- 1.1.6 **‘Guide’** means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 04 of 2013, as contemplated in section 10 of PAIA;
- 1.1.7 **‘Programmes’** means forming the new proposed structure of Provincial Treasury comprised of four independent branches;
- 1.1.8 **‘Record’** of, or in relation to a public or private body, means any recorded information- regardless of form or medium; in the possession or under the control of that public or private body respectively; and whether or not it was created by that public or private body, respectively;
- 1.1.9 **‘Information Regulator’** means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;
- 1.1.10 **‘Internal appeal’** means an internal appeal to the relevant authority in terms of section 74;
- 1.1.11 **‘Person’** means a natural person or a juristic person;
- 1.1.12 **‘Personal information’** means information relating to an identifiable natural person, including, but not limited to –
 - a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
 - d) the biometric information of the person;
 - e) the personal opinions, views or preferences of the person;
 - f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual about the person; and
 - g) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years;

1.1.13 **“Public body”** means –

- a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- b) any other functionary or institution when exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
- c) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
- d) exercising a public power or performing a public function in terms of any legislation;

1.1.14 **“Record”** of, or in relation to, a public or private body, means any recorded information –

- a) regardless of form or medium;
- b) in the possession or under the control of that public or private body, respectively; and
- c) whether or not it was created by that public or private body, respectively;

1.1.15 **‘Requester’** means any person making a request for access to a record of Provincial Treasury and in this regard, PAIA distinguishes between two types of requesters for access to information, i.e. Personal Requester, (data subject) and Other Requester;

1.1.16 **“Request for access”**, in relation to -

(a) a public body, means

- (i) any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or
- (ii) a person acting on behalf of the person referred to in subparagraph (i);

(b) a private body, means

- (i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- (ii) a person acting on behalf of the person contemplated in subparagraph(i);

1.1.17 **‘The Act’** means the Promotion of Access to Information Act 2000 (Act No. 2 of 2000) as amended, and includes any regulation made and in force in terms of section 92.

1.1.18 **‘The Manual’** means this manual together with all the annexures and which are available at the Provincial Treasury;

1.1.19 **“Third party”**, in relation to a request for access to -

- (a) a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than –
 - (i) the requester concerned; and
 - (ii) a public body; or

1.1.20 a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (a) and (b) must be construed as a reference to 'natural person'.

2. INTERPRETATIONS

- 2.1.1 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 2.1.2 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 2.1.3 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 2.1.4 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 2.1.5 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;
- 2.1.6 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;
- 2.1.7 insofar as there is a conflict in the interpretation of or application of this Manual and the Act, the Act shall prevail;
- 2.1.8 this Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the Regulator.

3. LIST OF ACRONYMS AND ABBREVIATIONS

- 3.1.1 **'GAAP'** means Generally Accepted Accounting Practices;
- 3.1.2 **'GRAP'** means Generally Recognised Accounting Practice;
- 3.1.3 **'MEC'** means the Member of the Executive Council responsible for Provincial Treasury;
- 3.1.4 **'MFMA'** means the Municipal Finance Management Act of 2003 (Act No. 56 of 2003);
- 3.1.5 **"MTEF"** means Medium-Term Expenditure Framework;
- 3.1.6 **PAIA** means Promotion of Access to Information Act of 2000 (Act No.2 of 2000);
- 3.1.7 **'PFMA'** means the Public Finance Management Act of 1999 (Act No. 1 of 1999); and
- 3.1.8 **'POPIA'** means Protection of Personal Information Act No.4 of 2013.

4. INTRODUCTION

This Manual has been compiled in accordance with the Promotion of Access to Information Act of 2000 (Act No. 2 of 2000) (the Act). The Act prescribes that a public body must provide details of records held by such public body so that any request for information may be accommodated.

The Manual is to serve as a guide on how members of the public can access the information that is being kept in the records of Provincial Treasury. It gives effect to the right of access to information as contained in the Constitution of the Republic of South Africa and the Promotion of Access to Information Act 2 of 2000 (PAIA). This provides for the right of access to information held by the State or other public bodies by members of the public.

The Manual also prescribes the manner in which the information must be accessed. Set out below is the procedure with regard to the lodging of a request for access to the Provincial Treasury's information. The Manual also contains information of the designated Deputy Information Officer who is responsible for handling all the applications that are made for access to information as well as the name of each Programme and its core function and a list of all records kept by the Provincial Treasury.

5. PURPOSE OF PAIA MANUAL

5.1 This Manual is useful for the public to-

- 5.1.1 check the nature of the records which may already be available at Provincial Treasury, without the need for submitting a formal PAIA request;
- 5.1.2 have an understanding of how to make a request for access to a record of Provincial Treasury;
- 5.1.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 5.1.4 know all the remedies available from Provincial Treasury regarding requests for access to the records, before approaching the Regulator or the Courts;
- 5.1.5 know the description of the services available to members of the public from Provincial Treasury, and how to gain access to those services;
- 5.1.6 have a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 5.1.7 know if Provincial Treasury 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;
- 5.1.8 know if Provincial Treasury 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
- 5.1.9 know whether Provincial Treasury has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

6. CONTACT DETAILS OF DEPUTY INFORMATION OFFICER

Mr Daluhlanga Majeke

Head of Department

Tel No: +27 40 1010 161

Email: paia@ectreasury.gov.za

7. HOW TO GAIN ACCESS TO THE MANUAL

The Guide can be obtained at the offices of Provincial Treasury at:

Physical Address: Tyamzashe Main Building (Main Entrance)
Phalo Avenue
Bhisho, 5605

Postal Address: Private Bag X0029,
Bhisho, 5605

Website: www.ectreasury.gov.za

- 7.1 Requests must be hand delivered or emailed to the DIO of Provincial Treasury, who has been delegated by the Information Officer of the Province to attend to all requests on behalf of the Provincial Treasury.
- 7.2 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.
- 7.3 When letters are hand delivered, please ensure that the letters are stamped and signed at Provincial Treasury as proof of delivery and date thereof.

8. STRATEGIC GOALS AND OBJECTIVES

8.1 Vision

We envision a prosperous province supported by sound financial and resource management.

8.2 Mission

Our Mission is to provide strategic and technical leadership in the allocation, management and utilisation of financial resources for socio-economic development in the province.

8.3 Values

We strive for EXCELLENCE through:

- Dedication – we are 100% committed to our work;
- Integrity – we steadfastly adhere to high professional standards;
- Accountability – we take full responsibility for our actions and our work.

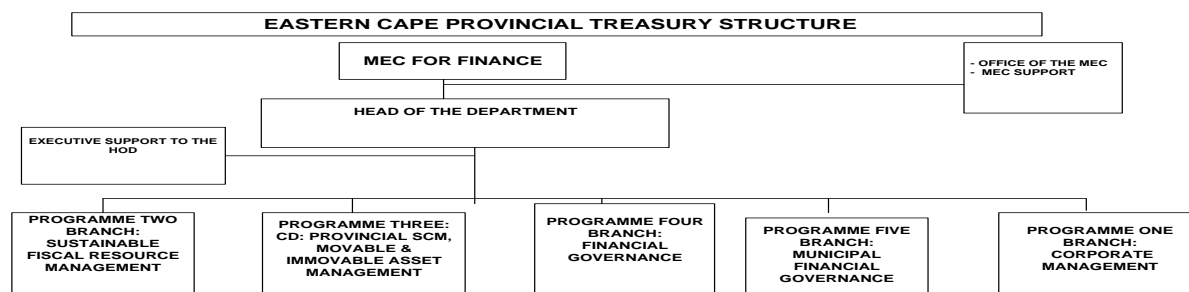
The Provincial Treasury, guided by its mandate as enshrined in the PFMA and MFMA, commits itself to provide strategic and technical leadership in the allocation, management and utilisation of financial resources in order to improve the quality of life in the province.

9. STRUCTURE OF PROVINCIAL TREASURY

The structure of Provincial Treasury consists of the Head Office situated in Bhisho and 6 (six) district offices situated in the six district municipalities of the province, namely:

DISTRICT OFFICES			
1.	Sarah Baartman District Director – Mr. Themba Gwija 4 th Floor; No. 64-66 Govan Mbeki Avenue Central, Port Elizabeth Tel: 083 737 0992	4.	O.R Tambo District Director – Ms Thembisa Mbombo Office 339; Owen Street, 3 rd Floor, KD Building, Mthatha Tel: 060 573 4850
2.	Joe Gqabi District Director – Mr Wongeza Duka 1 st Floor; 20 Coles Street Aliwal North Tel: 083 746 7517	5.	Chris Hani District Director: Ms Joyce Ntshinga Corner Shepstone & Robinson Street, Old Garden Building, Queenstown 5320 Tel: 060 573 4970
3.	Amathole District Director: Ms Pumeza Sikuza No.34, Western Avenue Suite No.4, 1st Floor, Norvia House, East London Tel: 083 741 0477	6.	Alfred Nzo District Director – Ms Sisanda Nzimande Corner Chief Jojo and Ngqubusini Street Mount Ayliff, 4735 Tel: 083 740 7782

10. SCHEMATIC DIAGRAM OF PROVINCIAL TREASURY



11. FUNCTIONS OF PROVINCIAL TREASURY

Provincial Treasury is structured into five Programmes, namely:

11.1 Programme 1 - Administration:

Programme Purpose

Provide leadership and strategic management and appropriate support services to all other programmes.

The Programme consists of five sub-programs, namely:

- **Office of the MEC** - sets priorities and political directives in order to meet the mandate of the department;
- **Management Services** - translates policies and priorities into strategies for effective service delivery, manages and monitors organisational performance and provides legal services and information technology support;
- **Corporate Services** - provides an internal enabling environment and support service to other programmes with regard to human resource management and development, records management, and security and facilities management.
- **Financial Management (Office of the CFO)** – to manage and facilitate the provision of financial, supply chain, asset management and internal control services to the department;
- **Internal Audit and Risk Management**– to manage internal audit and risk management services.

11.2 Programme 2 - Sustainable Resource Management:

Programme Purpose

Allocative efficacy through budget preparations, infrastructure budgeting, expenditure monitoring economic analysis and fiscal policy to all provincial departments, public entities and management of financial assets and liabilities.

The Programme consists of four sub-programmes, namely:

- **Programme Support** - provides strategic leadership in implementing strategies to ensure the programme's contribution in realizing departmental objectives;
- **Economic Analysis** - determines and evaluates economic parameters and socio-economic imperatives within a provincial and macro-economic context;
- **Fiscal Policy** – promotes optimal financial resource allocation and enables government to finance its service delivery obligations, and also promotes sound planning, budgeting, financial management and reporting in Public Entities;
- **Budget Management** - promotes effective optimal resource allocation, manages fiscal assets, optimises liquidity requirements and returns on financial investments and maximizes the latter within acceptable levels of risk.

11.3 Programme 3 - Asset and Liability Management:

Programme Purpose

To provide policy direction, promote and enforce transparency and effectiveness of supply chain management and asset management in the province.

The Programme consists of two sub-programmes, namely:

- **Programme Support** - provides strategic leadership in implementing strategies to ensure the programmes' contribution in realizing departmental objectives;
- **Asset Management** – to provide policy direction, facilitates the effective and efficient management of physical assets and promotes economic development targeted government procurement.

11.4 Programme 4 - Financial Governance:

Programme Purpose

To promote accountability through comprehensive accounting practices, financial information systems, governance as well as compliance with financial norms and standards in PFMA compliant institutions and financial systems management.

The Programme consists of six sub-programmes, namely:

- **Programme Support** - provides strategic leadership in implementing strategies to ensure the Programme's contribution in realizing departmental objectives;
- **Accounting Services** - to ensure the effective implementation of accounting practices in line with GAAP, GRAP and prepare consolidated financial statements that reflect the financial position of the province;
- **Norms and Standards** - develops and implements financial norms and standards and ensures effective communication.
- **Risk Management** – provides provincial risk profile, develops and monitors the implementation of the Provincial Risk Management Framework;
- **Provincial Internal Audit Services** – coordinates the activities and provide technical support for all provincial internal audit offices & audit committees.
- **Supporting and Interlinked Financial Systems** - to provide for oversight and management of existing financial systems and the transition to the Integrated Financial Management Systems, enhancement of systems to support the business processes of government and provides capacity building in the usage of financial systems aimed at better provincial financial management.

11.5 Programme 5 – Municipal Financial Governance

Provides support to the achievement of sound and sustainable financial management at municipal level through the provision of technical support, and capacity building in the following areas: budgeting, accounting practises, supply chain management, asset management as well as MFMA compliance.

The Programme consists of the three sub-programmes, namely:

- **Programme Support** - Provides strategic leadership in implementing strategies to ensure the programme's contribution in realising departmental objectives.
- **Municipal Budget and Institutional Governance** – to monitor the implementation of the budgeting frameworks, coordinate, monitor and report on MFMA.
- **Municipal Accounting and Reporting** – to monitor compliance with Financial Management and Annual Reporting Framework, monitor the effective and efficient compliance with Financial

Assets and Liability Management, enhance, monitor and enforce transparent and effective SCM and Asset Management.

12 THE INFORMATION REGULATOR GUIDE

12.1 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.

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

12.3 The aforesaid Guide contains the description of-

12.3.1 the objects of PAIA and POPIA;

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

12.3.2.1 the Information Officer of every public body, and

12.3.2.2 every DIO of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

12.3.2.3 the manner and form of a request for-

12.3.2.4 access to a record of a public body contemplated in section 11³; and

12.3.2.5 access to a record of a private body contemplated in section 50⁴;

12.3.3 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

12.3.4 the assistance available from the Regulator in terms of PAIA and POPIA;

12.3.5 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-

12.3.5.1 an internal appeal;

12.3.5.2 a complaint to the Regulator; and 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;

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.*

- 12.3.5.3 the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 12.3.5.4 the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 12.3.5.5 the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 12.3.5.6 the regulations made in terms of section 92¹¹.
- 12.3.6 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-
- 12.3.6.1 upon request to the Information Officer;
 - 12.3.6.2 from the website of the Information Regulator (<https://inforegulator.org.za/paia-guidelines>).

13 REMEDIES AVAILABLE IF PROVISIONS OF PAIA ARE NOT COMPLIED WITH OR IN RESPECT OF AN ACT OR A FAILURE TO ACT BY PROVINCIAL TREASURY

- 13.1 If Provincial Treasury fails to comply with the provisions of PAIA, the requestor or any aggrieved person may, in accordance with section 78¹² of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA), approach the Court with jurisdiction for appropriate relief.
- 13.2 If the requester or third party is aggrieved by the decision of the DIO, he or she may, by way of an application and within 180 days, apply to a court for appropriate relief in terms of section 82 of the Act.

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*

⁷ 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*

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.”*

¹² Section 78(1) of PAIA- *A requester or third party referred to in section 74 may only apply to a court for appropriate relief in terms of section 82 after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74.*

13.3 Internal Remedies

13.3.1 An internal appeal can only be lodged, in terms of section 74¹³ of PAIA, with the MEC.

13.3.2 However, the requirement of section 74(1) and (2) of PAIA are not exclusive (this is because of the usage of the word “may” in section 74(1) of PAIA) and therefore Provincial Treasury has decided to have an internal appeal process, in order to ensure an accountable, responsive and transparent system of governance within Provincial Treasury.

13.3.3 Accordingly, a requester may lodge an internal appeal against a decision of the DIO on the following grounds –

- 13.3.3.1 refusal to grant access to the records;
- 13.3.3.2 the tender or payment of the request fee in terms of section 22(1) of PAIA; or
- 13.3.3.3 the access fee to be paid is too excessive; or
- 13.3.3.4 the tender or payment of a deposit in terms of section 22(2) of PAIA; or
- 13.3.3.5 the decision of the Information Officer to grant a request for access; or
- 13.3.3.6 an extension of period in terms of section 26(1) of PAIA; or
- 13.3.3.7 refusal to grant access to records in a particular form requested, in terms section 29 (3) of PAIA;
- 13.3.3.8 failure to disclose records; or
- 13.3.3.9 refusal to grant request to waive the fees.

13.3.4 A third party may lodge an internal appeal against a decision of the DIO to grant a request for access to a record.

13.3.5 In order to appeal against any decision(s) made by the DIO, referred to in paragraph 13.3.1 and 13.3.2 above, a requester must lodge an internal appeal by completing Form 4, attached hereto, must be submitted to the same DIO that made the original decision, who is then required to forward it to the MEC of within ten (10) working days after receipt of an internal appeal¹⁴.

13.4 Period within which to lodge an appeal

13.4.1 An internal appeal form must be delivered or sent to the DIO's address or electronic mail address¹⁵, contact details of which can be found in paragraph 6 above –

- 13.4.1.1 within 60 days¹⁶ after the decision was taken;
- 13.4.1.2 within 30 days¹⁷ after notice is given to the third party of the decision appealed against.

¹³ Section 74(1) of PAIA- 1) A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of 'public body' in section 1.

¹⁴ Section 75(4) of PAIA- As soon as reasonably possible, but in any event within 10 working days after receipt of an internal appeal in accordance with subsection (1), the information officer of the public body concerned must submit to the relevant authority.

¹⁵ Section 75(1)(b) of PAIA- An internal appeal must be delivered or sent to the information officer of the public body concerned at his or her address, fax number or electronic mail address;

¹⁶ Section 75(1)(a)(i) of PAIA- An internal appeal must be lodged in the prescribed form, within 60 days

¹⁷ Section 75(1)(a)(ii) of PAIA- An internal appeal must be lodged in the prescribed form, if notice to a third party is required by section 49

(1) (b), within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.

13.5 The MEC or designated official may, upon good cause shown, allow the late lodging of the internal appeal. If the MEC or a designated by the MEC is not satisfied with the reasons advanced for late lodging of the appeal, the request will be disallowed on written notice to the person that lodged the internal appeal.

13.6 A requester lodging an internal appeal against the refusal of his or her request for access may pay the prescribed appeal fee (if any or unless he/she is exempted from paying fees). If the prescribed appeal fee is payable in respect of an internal appeal, the decision on the internal appeal may be deferred until the fee is paid.

13.7 The MEC or his/her designated official, must process and decide on the internal appeal within thirty (30) days from the date in which the internal appeal was received by the DIO.

13.8 Complaint to the Information Regulator

13.8.1 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 DIO of the Provincial Treasury.¹⁸

13.9 Approach Court

13.9.1 Although Provincial Treasury 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.

14 SUBJECTS ON WHICH THE PROVINCIAL TREASURY HOLDS RECORDS

Subjects on which the body holds records	Categories of records held on each subjects
Strategic Documents, Plans, Speeches and official Statements	<ul style="list-style-type: none">- Strategic Plans- Annual Performance Plans- Operational Plans- Service Delivery Improvement Plans- Annual Reports- Policy Speeches
Human Resources and Corporate Services	<ul style="list-style-type: none">- HR Policies and Procedures;- Advertised Posts;- Recruitment Records- Employee Records;- Learning and Development e.g.: Development and Training Plans;- Employment Equity Plan and Statistics;- Newsletters;

¹⁸ Section 77A of PAIA.

	<ul style="list-style-type: none"> - Corporate Information; - Media Statements; - Speeches and Messages; - Wellness Flyers and Posters.
Finance Documents	<ul style="list-style-type: none"> - Financial Statements; - Combined financial Statements; - Audit Reports; - Budgets; <p>Supply Chain Management documents which include bid specifications, bid advertisements, bid registers, bid submissions, bid evaluation reports, bid adjudication reports, letters of appointment, letters to unsuccessful bidders, and asset management records.</p>
Legal Services Documents	<ul style="list-style-type: none"> - Contracts; - Legal Opinions; - Records related to Litigation - Legal Agreements - Legislation; - Policies of the Provincial Treasury

15 RECORDS HELD BY THE PROVINCIAL TREASURY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

15.1 In terms of Section 15(1)(a) of the Act, Provincial Treasury is required to list those records which are automatically available. Such automatically available records usually do not have information which can reasonably be said to be of sensitive nature. In order to access these records, it is not a requirement to fill in the prescribed FORM 2. It is also not a requirement that requestor fees be paid unless voluminous copies of such record needs to be made. Each and every office of Provincial Treasury must provide the means to access records that are automatically available.

15.2 The records on the website of Provincial Treasury: www.ectreasury.gov.za are available for viewing or downloading without a person having to make such a request in terms of the said Act.

Category	Document Type	Available on Website	Available upon request
Procurement	<ul style="list-style-type: none"> - Bid documentation - Forms 	X	Available
Legislation /Regulations	<ul style="list-style-type: none"> - Legislation applicable to Provincial Treasury - Policies and Procedure Documents 	X	Available

Strategic Documents (Plans and Report)	<ul style="list-style-type: none"> - Approved organogram - Annual Reports - Strategic and operational Plans - Annual Performance Plan - Annual reports - Performance Reports - Strategic and Performance Plans 	X	
Media	<ul style="list-style-type: none"> - Policy and Budget Speeches - Publications - Announcements - Media Statements 	X	

A comprehensive list of documents is available on the Provincial Treasury's website: www.ectreasury.gov.za and do not require formal process to access the same.

15.3 Categories of records not automatically available *(These records must be formally requested by lodging a request form* see form on page 16 below)*

- Internal Correspondence
- Executive Management internal sensitive communication
- Security-related information
- Records held by Legal Services Department
- Privileged information held in the course of disciplinary hearings and third party information
- Human Resource Personnel information, including files relating to discipline, medical information, etc.
- Asset disclosures and asset protection procedures
- Service level agreements and employment contracts
- Tender documentation
- Agendas and minutes of meetings and correspondence
- Draft reports, policies and discussions documents
- Invoices and proof of payments

**The records listed in the categories above must be formally requested, but access to parts of these records or the whole record may be refused on legal grounds.*

Provincial Treasury further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources. Access will also be refused where requests are clearly frivolous and/or vexatious.

16 PROCEDURE FOR ACCESS TO RECORDS HELD BY THE PROVINCIAL TREASURY

16.1 Section 18 of PAIA prescribes the procedure to be followed in making a request for access to information held by the Provincial Treasury. Section 23(1) of POPIA¹⁹ also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA²⁰.

16.2 A requester or data subject must use the prescribed form, FORM 2, when requesting access to a record or personal information. Form 2 is annexed hereto.,

16.2.1 A data subject is a requester who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of PAIA and POPIA, the Provincial Treasury will provide the requested information, or give access to any record with regard to the data subject's personal information within a reasonable time, (at a prescribed fee, if any) in a reasonable manner and format and in a form that is generally understandable. The prescribed fee²¹ for reproduction of the personal information requested will be charged by the Provincial Treasury;

16.2.2 A person falling in the category of Other Requester is entitled to request access to information pertaining to third parties. However, the Provincial Treasury is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.

16.3 The Form 2 must be addressed and submitted to the Deputy Information Officer by hand, post or e-mail, which details are set out in paragraph 6 above.

16.4 The requester must provide sufficient information of the record(s) requested in order for the Deputy Information Officer, if any, to identify the record(s). The prescribed form must be filled in with enough particularity to at least enable the Deputy Information Officer to identify:

16.4.1 the identity of the requester;

16.4.2 particulars of record requested;

16.4.3 type of record;

16.4.4 form of access; and

16.4.5 manner of access.

16.5 Some additional important points to remember when completing the request form:

16.5.1 each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced;

¹⁹ Section 23(1) of POPIA provides that a data subject, having provided adequate proof of identity, has the right to -
a) request a responsible party to confirm, free of charge, whether or not the responsible party holds personal information about the data subject; and

b) (b) request from a responsible party the record or a description of the personal information about the data subject held by the responsible party, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information

²⁰ Section 25 of POPIA

²¹ Section 23(1)(b)(ii) of the POPIA

- 16.5.2 if records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person;
- 16.5.3 a detailed description of the records being requested must be provided to enable the DIO to identify it accurately.
- 16.6 The requester must indicate, as per section 29(2) of PAIA²², the form of access that is required.
- 16.7 The requester must indicate whether the requested record(s) is preferred in any particular language.
- 16.8 The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
- 16.9 The requester will receive the information in such manner as indicated. Section 29(3) of PAIA²³ indicates that making available the information will depend on whether the request will not interfere unreasonably with the effective administration of the Provincial Treasury, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.
- 16.10 An oral request for access to a record(s) may be made, if the requester does not have a formal education or has a disability. The DIO will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 16.11 The requester will be notified of the prescribed fee payable, if any, the method of payment and the office to which he/she can make such payment or submit proof of payment before a request for information is processed further. Please note that the requester is exempted from paying an access fee²⁴ to the Provincial Treasury, if:
- 16.11.1 the requester is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than **R14 712** a year, or the requester is married and his/her joint income, after permissible deductions, such as PAYE and UIF, is less than **R27 192** per year.
- 16.12 The request for information will, in terms of Section 25 of PAIA, be processed by the DIO within 30 days after receipt of the request or as soon as is reasonably possible, whereafter the DIO will inform the requester of his/her decision, either to grant or reject the request for access to records. The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.

²² Section 29(2)(a) of PAIA provides that "record must be provided in written or printed form or visual images or printed transcriptions, by supplying a copy of the record or by making arrangements for the inspection of the record.

²³ Section 29(3) of PAIA provides that- If a requester has requested access in a particular form, access must, subject to section 28, be given in that form, unless to do so would

(a) interfere unreasonably with the effective administration of the public body concerned;

(b) be detrimental to the preservation of the record; or

(c) amount to an infringement of copyright not owned by the State or the public body concerned.

²⁴ as per Government Notice R991 of 14 October 2005

16.13 Section 26 of PAIA²⁵ prescribes the instances where the period of thirty (30) days referenced in Section 25 of PAIA²⁶, may be extended once for a further 30 days. The period of 30 days may be extended once for a further period of not more than 30 days, if –

16.13.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Provincial Treasury;

16.13.2 the request requires a search for records in, or collection thereof from, an office of the Provincial Treasury not situated in the same town or city as the office of the DIO and cannot reasonably be completed within the original period;

16.13.3 consultation among divisions of the Provincial Treasury or with another public body is necessary or desirable to decide upon the request and such decision-making process cannot reasonably be completed within the original period;

16.13.4 more than one of the circumstances contemplated in paragraphs 16.17.1, 16.17.2 and 16.17.3 exist in respect of the request making compliance with the original period not reasonably possible; or

16.13.5 the requester consents in writing to such extension.

16.14 If the period has been extended, the information officer must as soon as possible and within 30 days of first receiving the request inform the requester of that extension.

16.15 If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or is granted in an unacceptable form, the requester may lodge an internal appeal as per Section 74 of PAIA.

16.16 Section 74 of PAIA allows for appeals against the decision of the DIO of the Provincial Treasury and the appeal processes (which are not compulsory) are detailed in paragraph 13.3 above.

16.17 According to Section 78 of PAIA, a requester or third party referred to in Section 74, may only apply to a Court for appropriate relief in terms of Section 82 of the Act, after having exhausted the internal appeal procedure against a decision of the DIO. As indicated in paragraph 13.3 above, appeal processes are not compulsory and the requester or third party may, at any time, within the prescribed period of 180 days, approach the court for appropriate relief.

²⁵ Section 26(1) - The information officer to whom a request for access has been made or transferred, may extend the period of 30 days referred to in section 25 (1) (in this section referred to as the 'original period') once for a further period of not more than 30 days, if -
(a) the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the public body concerned;
(b) the request requires a search for records in, or collection thereof from, an office of the public body not situated in the same town or city as the office of the information officer that cannot reasonably be completed within the original period;
(c) consultation among divisions of the public body or with another public body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
(d) more than one of the circumstances contemplated in paragraphs (a), (b) and (c) exist in respect of the request making compliance with the original period not reasonably possible; or
(e) the requester consents in writing to such extension.

²⁶ Section 25 of PAIA deals with the requirement for a decision on request to be taken within 30 days and the requirement of notifying the requester about the decision to his or her request.

16.18 A requester, who is aggrieved by the decision of the information officer of the Provincial Treasury under PAIA, cannot lodge a complaint with the Provincial Treasury and must proceed in accordance with paragraph 13.3.10 above.

16.19 Fees

16.19.1 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 DIO.

16.19.2 When Provincial Treasury 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 C13, before further processing the request²⁷.

16.20 Payment method

16.20.1 Every requester who is not a personal requester must pay the required request fee. The requester must deposit the request fee into Provincial Treasury's bank account (details below). It is important to note the provisions of section 22(1) of the Act to the effect that no request may be processed unless a request fee is paid.

16.20.2 Exemption may be granted in respect of requesters who meet the criteria for exemption as determined by PAIA²⁸. 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.

16.20.3 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.

16.20.4 A requester who is dissatisfied with the fees charged may lodge an internal appeal against such decision, as set out in paragraph 13.3 above.

16.20.5 Fees must be paid into Provincial Treasury's bank account. The proof of the deposit slip must be forwarded to the relevant email address before any request can be processed. The deposit must be correctly referenced.

16.20.6 The bank details for Provincial Treasury's PAIA fees:

Bank name:	ABSA BANK
Account Name:	Provincial Treasury
Account number:	41-0021-5187
Bank name:	ABSA
Branch:	ABS EC PUBLIC SECTOR

²⁷ Section 22(1) of PAIA

²⁸ GNR.991 of 14 October 2005 issued under section 22 (8) of PAIA

Brach code: **632005**
Reference number: PAIA (Initial & Surname)
Proof of Payment emailed to: lindelwa.bosman@ectreasury.gov.za.

17 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

17.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available²⁹.

17.2 If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in Provincial Treasury's possession but is lost or damaged or does not exist then the DIO must by way of an affidavit notify the requester that it is not possible to give access to that record.

17.3 The affidavit must give a full account of all steps taken to find the record in question or to determine whether the record exists, including communicating with every person who conducted the search on behalf of the DIO.

18 DISPOSAL OF RECORDS

18.1 The DIO reserves the right to lawfully dispose of certain records in terms of authorities obtained from the Provincial Archives and Records.

18.2 Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

18.3 In accordance with section 24(1) of POPIA, the DIO may, upon receipt of the request from a data subject –

18.3.1 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

18.3.2 destroy or delete a record of personal information about the data subject that the Regulator is no longer authorised to retain in terms of section 14 of POPIA³⁰.

19 PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY PROVINCIAL TREASURY

19.1 Where policy formulation will emanate in legislation, Provincial Treasury solicits public comment on the policy by publication in the Provincial Gazette for public comment and may also facilitate the holding of public hearings.

²⁹ Section 23(1) of PAIA

³⁰ Section 14 (1) of POPIA- Subject to subsections (2) and (3), records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.

19.2 Members of the public may furthermore indirectly influence policy formulation by communicating with their elected representatives and attending sessions of the provincial legislature.

20 SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC AND HOW TO GAIN ACCESS TO THOSE SERVICES

None

21 PROCESSING OF PERSONAL INFORMATION

21.1 Purpose of processing

21.1.1 Provincial Treasury processes personal information related to the functions and activities of the Provincial Treasury, which are set out in paragraph 11 above.

21.2 Description

21.2.1 A description of the categories of data subjects and of the information or categories of information relating thereto is set out in the table below:

Categories of Data Subjects	Personal Information that may be processed
Natural Persons	Name and surname; contact details (contact telephone number(s), fax number, email address); residential, postal and/or business address; unique identifying number; location information; race; gender; sex; pregnancy; marital status; national, ethnic or social origin; colour; sexual orientation; age; physical or mental health; well-being; disability; religion; conscience; belief; culture; language; birth; confidential correspondence; education; medical, financial, criminal or employment history.
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 as is required in public service prescripts and policies.

21.3 Recipient

21.3.1 The recipients or categories of recipients to whom the personal information may be supplied is set out in the table below:

Category of personal information	Recipients or Categories of Recipients
Identity numbers, names, addresses, employment and educational history for criminal checks	South African Police Services and other law enforcement agencies
Qualifications, for qualification verifications	South African Qualifications Authority
Identity numbers, names, and addresses	Suppliers and service providers (including legal representatives in litigation matters) with whom Provincial Treasury has a contractual relationship to have access to personal information
Employee information	Banks and other financial institutions, pension fund administrators, trade unions

21.4 Trans-border flow

21.4.1 Provincial Treasury has not planned for any trans-border flow of personal information. Should it, however, become necessary to transfer personal information to another country for any lawful purposes, Provincial Treasury will ensure that anyone to whom it passes personal information is subject to a law, binding corporate rules or a binding agreement which provides an adequate level of protection, and the third party agrees to treat that personal information with the same level of protection as the Provincial Treasury is obliged to under POPIA.

21.4.2 Any trans-border flow of personal information shall be with the data subject's consent or if the transfer is necessary for the conclusion or performance of a contract concluded between Provincial Treasury and a third party in the interest of the data subject. However, should it not be reasonably practicable to obtain the data subject's consent, Provincial Treasury shall transfer the personal information if the transfer if it will be for the data subject's benefit and the data subject would have given consent should it have been reasonably practicable to obtain such consent.

21.5 Information Security Measures

21.5.1 Provincial Treasury continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking measures to prevent:

- loss of, damage to or unauthorised destruction of personal information; and
- unlawful access to or processing of personal information.

21.5.2 Provincial Treasury has taken reasonable measures, as referred to in paragraphs 15.5.1 and 15.5.3, to:

- identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;
- establish and maintain appropriate safeguards against the risks identified;
- regularly verify that the safeguards are effectively implemented; and

- ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

21.5.3 Measures taken by Provincial Treasury include:

- 21.5.3.1 Access Control;
- 21.5.3.2 Data Encryption;
- 21.5.3.3 Defensive Measures;
- 21.5.3.4 Robust Monitoring, Auditing and Reporting Capabilities;
- 21.5.3.5 Data Backups;
- 21.5.3.6 Anti-virus and Anti-malware Solutions;
- 21.5.3.7 Awareness and Vigilance; and
- 21.5.3.8 Agreements concluded with Operators to implement security controls.

22 AVAILABILITY OF THE MANUAL

22.1 This Manual is available in the following three official languages-

- 22.1.1 English;
- 22.1.2 Xhosa; and
- 22.1.3 Afrikaans

22.2 The Manual in all three official languages is available as follows-


- 22.2.1 on the website: <https://www.ectreasury.gov.za>
- 22.2.2 at the head office for public inspection during normal business hours;
- 22.2.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 22.2.4 to the Information Regulator.

22.3 A fee for a copy of the Manual, as contemplated in Appendix C shall be payable per each A4-size photocopy made.

23 UPDATING OF THE MANUAL

23.1 Provincial Treasury will, if necessary, update and publish this Manual annually.

Issued by:


MR DALUHLANGA MAJEKE
HEAD OF DEPARTMENT
PROVINCIAL TREASURY

24/06/2024
DATE

APPENDIX A – FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7.]

Note:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Deputy Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full names:			
Identity number:			
Capacity in which request is made (<i>when made on behalf of another person</i>):			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (<i>if applicable</i>):			
Identity number:			
Postal Address:			

Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular:		
PARTICULARS OF RECORD REQUESTED <i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available:			
Any further particulars of record:			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>			

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected:	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES

- a) A request fee must be paid before the request will be considered.
b) You will be notified of the amount of the access fee to be paid.
c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
d) If you qualify for exemption of the payment of any fee, please state the reason for exemption

Reason:	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (<i>state rank, name and surname of Deputy Information Officer</i>)	
Date received:	
Access fees:	
Deposit (if any):	

.....
Signature of Deputy Information Officer

APPENDIX B – FORM 3

OUTCOME OF REQUEST AND OF FEES PAYABLE

[\[Regulation 8.\]](#)

Note:

1. If your request is granted the-
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

TO:

Your request, dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public (*including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form*) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B of the Regulations.

OR

2. You requested:

Printed copies of the information (*including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form*)

Written or printed transcription of virtual images (*this includes photographs, slides, video recordings, computer-generated images, sketches, etc.*)

Transcription of soundtrack (*written or printed document*)

Copy of information on flash drive (*including virtual images and soundtracks*)

Copy of information on compact disc drive (*including virtual images and soundtracks*)

Copy of record saved on cloud storage server

3. To be submitted:

Postal services to postal address

Postal services to street address

Courier service to street address

Facsimile of information in written or printed format (*including transcriptions*)

E-mail of information (*including soundtracks if possible*)

Cloud share/file transfer

Preferred language:

(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)

Kindly note that your request has been:

☐

Approved

☐

Denied, for the following reasons:

4. Fees payable with regards to your request:

Item
Photocopy
Printed copy
For a copy of a computer readable form on: (i) Flash Drive To be provided by requester (ii) Compact Disc If provided by requester If provided to the requester
For a transcription of visual images per A4-size page
Copy of visual images
Transcription of an audio record, per A4-size
For a copy of an audio record (i) Flash Drive To be provided by requester (ii) Compact Disc If provided by requester If provided to the requester
Postage, e-mail or any other electronic transfer:
TOTAL:

5. Deposit payable (if search exceeds six hours):

☐

Yes

Hours of search	
-----------------	--

The amount must be paid into the following Bank account:

Name of account holder:

Bank name: ABSA BANK

Account Name: Provincial Treasury

Account number: 41-0021-5187

Bank name: ABSA

Branch: ABS EC PUBLIC SECTOR

Branch code: 632005

Reference number: PAIA (Initial & Surname)

Proof of Payment emailed to: lindelwa.bosman@ectreasury.gov.za

Signed at _____ this _____ day of _____ 20 _____

*Deputy Information
Officer*

APPENDIX C – FEES

[Fees]

Fees in Respect of Public Bodies

	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 • 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 • 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.

Fees in Respect of Private Bodies

	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 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 • 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 • 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	R145.00 R435.00
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."

APPENDIX D – INTERNAL APPEAL

FORM 4

LODGING OF AN INTERNAL APPEAL

[\[Regulation 9.\]](#)

Reference number: _____

PARTICULARS OF PUBLIC BODY				
Name of public body:				
Name and surname of Deputy Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full names:				
Identity number:				
Postal address:				
Contact numbers:	Tel. (B):		Facsimile:	
	Cellular:			
E-mail Address:				
Is the internal appeal lodged on behalf of another person?			Yes	No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>				
Full names:				
Identity number:				
Postal address:				
Contact numbers:	Tel. (B):		Facsimile:	
	Cellular:			
E-mail Address:				
DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>				
Refusal of request for access:				
Decision regarding fees prescribed in terms of section 22 of the Act:				
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26 (1) of the Act:				
Decision in terms of section 29 (3) of the Act to refuse access in the form requested by the requester:				
Decision to grant request for access:				
GROUNDS FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form, all the additional pages must be signed.)</i>				
State the grounds on which the internal appeal is based:				

State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of appellant/third party

FOR OFFICIAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: (state rank, name and surname of Deputy Information Officer)							
Date received:							
Appeal accompanied by the reasons for the Deputy Information Officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the Deputy Information Officer:			<table border="1"> <tr><td>Yes</td><td></td></tr> <tr><td>No</td><td></td></tr> </table>	Yes		No	
Yes							
No							
OUTCOME OF APPEAL							
Refusal of request for access. Confirmed?	Yes		New decision (if not confirmed)				
	No						
Fees (Sec 22). Confirmed?	Yes		New decision (if not confirmed)				
	No						

Extension (Sec 26 (1)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Access (Sec 29 (3)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Request for access granted. Confirmed?	Yes		New decision (if not confirmed)	
	No			

Signed at _____ this _____ day of _____ 20 _____

Relevant authority

APPENDIX E – COMPLAINT

FORM 5 LODGING OF COMPLAINT

[Regulation 10.]

Note:

- This form is designed to assist the Requester (hereinafter referred to as "the Complainant") in requesting a review of a public or private body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the Information Regulator or complete the online complaint form available at <https://www.justice.gov.za/infoereg/>.*
1. *PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part E of this complaint form.*
 2. *It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed PAIA form and submit it to the Body.*
 3. *A copy of this form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.*
 4. *The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.*
 5. *Please attach copies of the following documents, if you have them:*
 - *Copy of the form to the Body requesting access to records;*
 - *The Body's response to your complaint or access request;*
 - *Any other correspondence between you and the Body regarding your request;*
 - *Copy of the appeal form, if your complaint relates to a public body;*
 - *The Body's response to your appeal;*
 - *Any other correspondence between you and the Body regarding your appeal;*
 - *Documentation authorizing you to act on behalf of another person (if applicable);*
 - *Court order or court documents relevant to your complaint, if any.*
 6. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
 - 7.

TO: The Information Regulator
P.O Box 31533
Braamfontein,
2017

E-mail address: infoereg@justice.gov.za

Tel number: +27 (0) 10 023 5200

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT
(Mark with an "X")

☐

Complainant
personally

☐

Representative of complainant

☐

Third party

PREREQUISITES				
Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Deputy Information Officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY				
Received by: (Full names)				
Position:				
Signature:				
Complaint accepted:	Yes		No	
Reference Number:				

Date stamp

Postal address	Facsimile	Other electronic communication (Please specify)

PART A PERSONAL INFORMATION OF COMPLAINANT				
Full names:				
Identity number:				
Postal Address:				
Street Address:				
E-mail Address:				
Contact numbers:	Tel. (B):		Facsimile	
	Cellular			
PART B REPRESENTATIVE INFORMATION (Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)				
Full names of representative:				
Nature of representation:				
Identity number/Registration number:				
Postal Address:				

Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular		
PART C THIRD PARTY INFORMATION <i>(Please attach letter of authorisation)</i>			
Type of body:	Private		Public
Name of *public/private body:			
Registration number (if any):			
Name, surname and title of person authorised to lodge complaint:			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular		
PART D BODY AGAINST WHICH COMPLAINT IS LODGED			
Type of body:	Private		Public
Name of *public/private body:			
Registration number (if any):			
Name, surname and title of person you dealt with at the private/public body to try to resolve your complaint or request to access of information.			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular		
Reference number given (If any):			
PART E COMPLAINT <i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions)</i>			

Date on which request for access to records submitted:				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body:				
Have you attempted to resolve the matter with the organisation?	Yes		No	
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the Deputy Information Officer of the public body?	Yes		No	
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				
PART F DETAILED TYPE OF ACCESS TO RECORDS <i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>				
Unsuccessful appeal: (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	<i>I have appealed against the decision of the public body and the appeal is unsuccessful.</i>			
Unsuccessful application for condonation: (Sections 77A(2)(b) and 75(2) of PAIA)	<i>I have filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.</i>			
Refusal of a request for access: 77A (2) (c) (i) or 77A (2) (d) (i) or 77A (3) (b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>			
The body requires me to pay a fee and I feel it is excessive: (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>			
	<i>The tender or payment of a deposit.</i>			
Repayment of the deposit: (Section 22 (4) of PAIA)	<i>The Deputy Information Officer refused to repay a deposit paid in respect of a request for access which is refused.</i>			
Disagree with time extension: (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>			
Form of access denied: (Section 29 (3) or 60 (a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>			
Deemed refusal: (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>			
	<i>Extension period has expired and no response was received.</i>			

Inappropriate disclosure of a record: (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access: (Section 56 (3) (a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal were given, including the provisions of this Act, which were relied upon for the refusal.</i>	
Partial access to record: (Section 28 (2) or 59 (2) of PAIA)	<i>Access to only part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver: (Section 22 (8) or 54 (8) of PAIA)	I am exempt from paying any fee and my request to waive the fees was refused.	
Records that cannot be found or do not exist: (Section 23 or 55 of PAIA)	The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.	
Failure to disclose records:	The Body decided to grant me access to the requested records, but I have not received them.	
No jurisdiction (exercise or protection of any rights): (Section 50 (1) (a) of PAIA)	The Body indicated that the requested records are excluded from PAIA, and I disagree.	
Frivolous or vexatious request: (Section 45 of PAIA)	The Body indicated that my request is manifestly frivolous or vexatious and I disagree.	
Other: (Please explain):		
<p align="center">PART G EXPECTED OUTCOME</p> <p>How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.</p>		
<p align="center">PART H AGREEMENTS</p>		

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

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I agree that the information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.

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The information in this Complaint Form is true to the best of my knowledge and belief.

☐

I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.

☐

I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.

☐

If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party