



co-operative governance
& traditional affairs
MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

INFORMATION MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)



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1. INTRODUCTION

1.1 Purpose of the Information Manual

1.1.1 The Department of Co-operative Governance and Traditional Affairs (hereinafter referred to as "the Department") recognizes and respects the right of access to information as enshrined in the Constitution of the Republic of South Africa, 1996. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereinafter referred to as "PAIA") gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. PAIA sets out procedures attached to such request.

1.1.2 Section 9 of PAIA, however, recognizes that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:-

- The reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

1.1.3 Section 14 of PAIA obliges a public body to compile a Manual, which could assist a person to obtain access to information held by the public body and stipulates the minimum requirements such a Manual has to comply with.

1.1.4 The purpose of this Manual is, therefore, to inform a person on how to obtain access to record held by the Department and thereby giving effect to Section 14 of PAIA.

1.2 The Department

Vision

Responsive, effective, efficient and sustainable co-operative governance system.

Mission

To coordinate, support, monitor and strengthen an integrated co-operative governance system.

Values

Guided by the spirit of Batho Pele, our values are:

- (i) Goal orientated;
- (ii) Professionalism;
- (iii) Learning and development;
- (iv) Responsive;
- (v) Integrity;
- (vi) Honesty; and
- (vii) Excellence in Service Delivery.

The Strategic Objectives of the Department

- (i) To provide effective, financial, technical and administrative support to the Department;
- (ii) To strengthen administrative oversight capacity and accountability of municipalities to perform their developmental responsibilities;
- (iii) To promote good governance and participatory democracy at a local level;
- (iv) To facilitate public access to government information and services to communities through Thusong Service Centres;
- (v) To facilitate and coordinate integrated planning for sustainable infrastructure development and service delivery;
- (vi) To strengthen the institution of Traditional Leadership to promote and contribute to service delivery, socio economic development, nation building, moral regeneration and preservation of culture within their jurisdiction; and
- (vii) To advise Government on policy and legislative development affecting Traditional Leaders and communities, custom, heritage and tradition.

2. STRUCTURE OF THE DEPARTMENT

Organizational Structure

The Department is divided into 5 (five) Programmes, namely:

PROGRAMME 1: ADMINISTRATION

- Office of the MEC
- Corporate Services

PROGRAMME 2: LOCAL GOVERNANCE

- Municipal Administration
- Public Participation
- Capacity Development
- Service Delivery Improvement Unit
- Municipal Performance and Monitoring, Reporting and Evaluation

PROGRAMME 3: DEVELOPMENT & PLANNING

- Strategy Development, Research, Policy and Planning (IDP Coordination)
- Spatial Planning
- Land-Use Management
- Local Economic Development
- Municipal Infrastructure
- Water Services
- Disaster Management

PROGRAMME 4: TRADITIONAL INSTITUTION MANAGEMENT

- Traditional Institution Administration
- Traditional Resource Administration
- Rural Development Facilitation
- Traditional Land Administration

PROGRAMME 5: HOUSE OF TRADITIONAL LEADERS

- Business Support (Administration of the House of Traditional Leaders)
- Committees and Local Houses of Traditional Leaders

3. CONTACT DETAILS OF THE DEPARTMENT**3.1 Switchboard**

Telephone No.: 013 766 6087
Facsimile No.: 013 766 8252

3.2 Information Officer**Mr TP Nyoni**

Head: Co-operative Governance and Traditional Affairs
Telephone No.: 013 766 6237
Facsimile No.: 013 766 8425

3.3 Deputy Information Officers**Ms HG Shube**

Chief Director: Corporate Services
Telephone No.: 013 766 6556
Facsimile No.: 013 766 8425

Ms RV Jones

Director: Legal Services
Telephone No.: 013 766 6266
Facsimile No.: 013 766 8425

3.4 Physical Address

No. 7 Government Boulevard
Riverside Park
Building 6
MBOMBELA
1200

3.5 Postal Address

Private Bag X11304
MBOMBELA
1200

3.6 Website

<http://cgta.mpg.gov.za>

4. THE GUIDE ON HOW TO USE PAIA

The Guide on how to use PAIA is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission

PAIA Unit
Research and Documentation Department
Private Bag X2700
HOUGHTON
2041
Telephone No: 011 484 8300
Facsimile: 011 484 1360
Website: www.sahrc.org.za

5. RECORDS HELD BY THE DEPARTMENT

The Department holds the following records which could be requested in terms of PAIA:

- 5.1 Financial Records;
- 5.2 Personnel Records;
- 5.3 Contract Documents;
- 5.4 Records of the Provincial Committee on Traditional Leadership Claims and Disputes;
- 5.5 Records of the Committee on Traditional Leadership Claims and Disputes Committee within the Provincial House of Traditional Leaders;
- 5.5 Records of the Township Appeal Board and Services Appeal Board.

6. RECORDS AUTOMATICALLY AVAILABLE

- 6.1 Strategic Plans;
- 6.2 Annual Performance Plan;
- 6.3 Annual Performance Report;
- 6.4 Service Charter and Service Standards;
- 6.5 Integrated Development Plan (IDP);
- 6.6 Local Government Turnaround Strategy;
- 6.7 Integrated Municipal Support Plan (IMSP);
- 6.8 Notices published in the *Provincial Gazettes*;
- 6.9 Government Forms;
- 6.10 Tender Adverts;

- 6.11 Media Statements;
- 6.12 Speeches;
- 6.13 Legislation administered by the Department;
- 6.14 Departmental Policies (selected);
- 6.15 Section 47 Municipal Reports;
- 6.16 Internal newsletters;
- 6.17 "Know your Traditional Leaders" booklet

7. THE REQUEST PROCEDURE

7.1 Process

- 7.1.1 The requester who wishes to obtain access to information held by the Department has to complete the request form and submit it to the attention of the Information Officer on details in paragraph 3 above. (Request Form attached as "Annexure A").
- 7.1.2 The prescribed form must be completed with enough detailed information to at least enable the Information Officer to identify the record(s) requested, the identity of the requester, the form of access the requester prefers and details thereof.
- 7.1.3 If the requester is unable to read or write, the request for the record can be made orally by the requester. The Information Officer must then complete the form on behalf of such a requester and give him/her the copy thereof.
- 7.1.4 After the request has been submitted to Information Officer, the Information Officer has 30 (thirty) days within which to process the request.
- 7.1.5 If the requester requests information in a particular form (e.g. a paper copy, electronic copy etc.), then the requester should receive access in that form, unless doing so would interfere with the operation of the public body concerned or damage the record or infringe on the copyright not owned by the state.
- 7.1.6 If the requester requests information on behalf of somebody else, the capacity in which the request is made must be indicated.

7.2 Fees payable for a request

7.2.1 PAIA provides for two types of fees:

- (a) A Request Fee, which will be a standard fee; and
- (b) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

7.2.2 The requester who seeks access to a record containing personal information about the requester is not required to pay access fee. Every other requester must pay the required fee, with exception, to requesters classified for the purposes of section 22(8) of PAIA.

7.2.3 The Information Officer must notify the requester, by notice, requiring the requester to pay the prescribed request fee and deposit (if any) before further processing the request;

7.2.4 If the request is granted, a further access fee must be paid for the search, reproduction, preparation and for any time required in excess of the stipulated hours required for search, reproduction and preparation of the record for disclosure.

7.2.5 Access to a record will be withheld until the applicable fees have been paid.

7.2.6 In case where a deposit has been paid and the records cannot be made available, the Department shall refund the deposit amount to the requester.

7.3 Fees in respect of Public Bodies in terms of section 22(2) of PAIA

(Refer to "Annexure B")

8. ARRANGEMENTS ALLOWING INVOLVEMENT IN THE FORMULATION OF POLICY & PERFORMANCE OF FUNCTIONS

The Department maintains a high level of public engagement and interaction with stakeholders through soliciting comments on proposed legislation.

9. REMEDIES WHERE REQUESTS FOR ACCESSES TO INFORMATION IS REFUSED

9.1 Refusal of request

The main grounds for the Department to refuse a request for information relates to the:

- 9.1.1 Mandatory protection of the privacy of a third party who is a natural person, which involve the unreasonable disclosure of personal information of that natural person;**
- 9.1.2 Mandatory protection of the commercial information of a third party, if the record contains:**
 - (a) Trade secrets of that third party;**
 - (b) Financial, commercial, specific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;**
 - (c) Information disclosed in confidence by a third party to the Department, if the disclosure could put that third party to the Department at a disadvantage in negotiation or commercial competition.**
- 9.1.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;**
- 9.1.4 Mandatory protection of the safety of individuals and the protected in terms of any agreement;**
- 9.1.5 Mandatory protection of the safety of individuals and the protection of property;**
- 9.1.6 Mandatory protection of records which would be regarded as privileged in legal proceedings;**
- 9.1.7 Operations of the Department;**
- 9.1.8 The commercial activities of the Department, which may include:**
 - (a) Trade secrets of that third party;**
 - (b) Financial, commercial, specific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;**

(c) Information disclosed in confidence by a third party to the Department, if the disclosure could put that third party to the Department at a disadvantage in negotiation or commercial competition;

(d) A computer programme owned by the Department, which is protected by copyright.

9.1.9 The research information of the Department or third party, if its disclosure would disclose the identity of the Department, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

9.1.10 The request for information that is clearly vexatious, or which involves an unreasonable diversion of resources shall be refused.

9.2 Appeal

9.2.1 The requester may lodge an internal appeal against a decision of the Information Officer of the Department –

(a) to refuse a request for access; or

(b) taken in terms of section 22, 26(1) or 29(3) of PAIA, in relation to that requester, with the relevant authority.

9.2.2 A third party may lodge an internal appeal against a decision of the Information Officer of the Department, to grant a request for access.

9.3 Manner of appeal and appeal fees

9.3.1 An internal appeal must be lodged in the prescribed form (**Refer to “Annexure C”**):

(a) Within 60 days;

(b) If notice to a third party is required by section 49(1)(b) of PAIA, within thirty (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;

(c) It must be delivered or sent to the Information Officer of the Department at his address, or fax number;

(d) It must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;

(e) If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed.

9.3.2 If an appeal is lodged after the expiry of the period referred to, the MEC must, upon good cause shown, allow the late lodging of the appeal.

9.3.3 If the MEC disallows the late lodging of the appeal, she/he must give notice of that decision to the person who lodged the appeal.

9.3.4 As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the Information Officer of the Department must submit the following to the MEC:

(a) The appeal together with his or her reasons for the decision concerned;

(b) If the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

10. UPDATING AND AVAILABILITY OF THE MANUAL

10.1 The Department undertakes to, if necessary, update this Manual at intervals of not more than 1 (one) year.

10.2 Section 14(1) of PAIA, read with Regulation No. R187 of 15 February 2002 prescribes that the Manual of a public body must be made available in the following manner:

10.2.1 A copy will be made available to the South African Human Rights Commission and every Regional Office of the Department;

10.2.2 The Manual will be accessible through the website of the Department on <http://cgta.mpg.gov.za>

APPROVED AT MBOMBELA ON THIS 27th DAY OF July 2017


MR TP NYONI
HEAD: CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Annexure A

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

Request received by _____ Reference number _____
officer/deputy _____ information officer on _____
_____ at _____ (place) _____ (date)

Request fee (if any): R.....

Deposit (if any): R

Access fee: R.....

..... Signature of information officer/deputy Information Officer

A. Particular of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

(a) 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.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(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(s) for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

<u>Disability:</u>	Form in which record is required:
--------------------	-----------------------------------

Mark the appropriate box with an X.

NOTES:

(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images -
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc:

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack(audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record'	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
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Postage is payable.
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.

In which language would you prefer the record?

G. Notice of decision regarding request for access

You will be notified whether your request has been approved/ denied. If you wish to be informed in another
manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at this day of..... 20_____

**SIGNATURE OF REQUESTER OR PERSON ON
WHOSE BEHALF THE REQUEST IS MADE**

Annexure B

FEES IN RESPECT OF PUBLIC BODIES IN TERMS OF SECTION 22

DESCRIPTION	AMOUNT (R)
The Request Fee payable by every requester, other than a personal requester.	R 35.00
Copy of the Manual, as contemplated in regulation 5(c) (for every photocopy of an A4 size page or part thereof.)	R 0.60
The fees for reproduction referred to in regulation 7(1) are as follows:	
1) for every photocopy of an A4-size page or part thereof.	R 0.60
2) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.40
3) For a copy in a computer-readable form on - (i) memory stick/stiffy disc (ii) compact disc	R 5.00 R 40.00
4) For a transcription of visual images, (i) for an A4-size page or part thereof (ii) For a copy of visual images	R 22.00 R 60.00
The access fees payable by a requester referred to in regulation 7(3) are as follows:	
1) For every photocopy of an A4-size page or part thereof	R 0.60
2) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.40
3) For a copy in a computer-readable form on - (i) memory stick/stiffy disc (ii) compact disc	R 5.00 R 40.00
4) For a transcription of an audio record, (i) for an A4-size page or part thereof (ii) For a copy of an audio record	R 12.00 R 17.00
To search for and prepare the record for disclosure for each hour or part of hour, excluding the first hour, reasonably required for such search and preparation.	R 15.00 per hour or part thereof
The actual postage is payable when a copy of a record must be posted to a requester.	Actual cost

Annexure C

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act 2000 (Act No. 2 of 2000))
[Regulation 8]

STATE YOUR REFERENCE
NUMBER:

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- (a) *The particulars of the person who lodge the internal appeal must be given below.*
- (b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

	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(l) 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

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based _____

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

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: _____

Particulars of manner: _____

Signed at.....thisday of 20_____

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on:

.....
..... (date) by (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION: _____

.....DATE
RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON (date):