

PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

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## PREMIER'S NOTICE

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No. 2

19 February 2010



Province of the  
**EASTERN CAPE**

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**OFFICE OF THE PREMIER**

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**Manual for the Office of the Premier, Province of the Eastern  
Cape, in terms of section 14 of the Promotion of Access to  
Information Act 2000 (Act No. 2 of 2000)**

**January 2010**

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### **1. Functions of the Office of the Premier (OTP)**

The Office of the Premier is the leading Department of the Eastern Cape Provincial Government. It is a department created in terms of the Constitution and the Public Service Act to enable the Premier to lead the Eastern Cape government in the service of the public. It is thus mandated to ensure that:

- The Constitution, national and provincial laws, rules and regulations as well as policies, are faithfully and effectively executed;
- Through the Executive Council, the Premier drives the transformation process in the province;
- Government is effectively coordinated; and
- The Office of the Premier strives to be an exemplary and effective centre of the Provincial Administration.

Its main purpose is therefore to provide guidance and focus for the province as a whole through the development and implementation of policies, and the monitoring and evaluation of the performance of departments in effecting service delivery to the people.

The vision of the Office of the Premier is a "Leader in excellence at the centre of coherent, pro-poor Provincial Administration".

The Mission of the Office of the Premier is "Ensuring responsive, integrated and sustainable service delivery to all in the Eastern Cape through strategic leadership, critical interventions and co-ordinated effective provincial governance".

The Office of the Premier believes in the following values:

- Honesty;
- Integrity;

- Humility;
- Stewardship;
- Respect;
- Loyalty and discipline;
- Diligence and dedication;
- Service before self; and
- Collaboration and mutual support.

## **2. Structure of the Office of the Premier**

The Office of the Premier is structured into 3 Programmes/ Branches to fulfill its mandate as outlined above and its key strategic goals are as follows:

- i. To ensure ongoing transformation of institutional capacity to improve provincial administrative efficiency and effectiveness;
- ii. To establish and manage the Office of the Premier as a learning and best practice organization;
- iii. To facilitate, sound, effective, appropriate and integrated provincial policies, strategies and planning and evaluate the impact thereof;
- iv. To improve the effectiveness and efficiency of cooperative governance;
- v. To meet the communication and information needs of government and the people of the Eastern Cape province;
- vi. To provide effective and efficient support and services to the Provincial Executive Council, the Premier, the Director General, and the Provincial Administration.

The 3 Programmes/ Branches in the Office of the Premier are: 1) Administration, 2) Institution Building and Transformation and 3) Policy and Governance.

### **2.1 Administration**

#### Purpose:

The main purpose of this Programme/ Branch is to provide internal support to the Office of the Premier as a whole and, to provide administrative support to the Provincial Executive Council, the Premier and the Director General to facilitate the achievement of their mandate.

#### Functions:

- The rendering of efficient special executive support services to the Premier.
- The rendering of strategic support, supply chain management/ office administration and cabinet and related committee secretarial support.
- The rendering of financial and departmental risk management services.
- The rendering of internal human resource management support services.

## **2.2 Institution Building and Transformation**

### Purpose:

The main purpose of this Programme/ Branch is to build institutional capacity for delivery as well as to coordinate the transformation of the provincial government into a developmental, citizen oriented organisation that upholds Batho Pele and good governance principles in the delivery of effective and efficient services

### Functions:

- The rendering of consultancy services in respect of organisational development and human resource management to provincial departments.
- The rendering of professional legal consultancy services to provincial departments.
- The development and coordination of implementation of provincial corporate communication policy and strategy.
- Provision and coordination of integrated information communication technology service.
- Development of provincial security and anti-corruption policies and coordinate implementation.

## **2.3 Policy and Governance**

### Purpose:

The main purpose of this Programme/ Branch is to drive and co-ordinate the implementation of the strategic agenda of the Province. It does this by: i) leading and facilitating the development and full implementation of sound, effective, appropriate and integrated provincial plans, policies, strategies and practices in the province, and reporting, monitoring and evaluating the impact thereof; and ii) improving the effectiveness and efficiency of co-operative governance in South Africa and internationally.

### Functions:

- The development of provincial policies, coordination of implementation and impact monitoring.
- The promotion of cooperative and seamless government across all spheres.
- Facilitate effective implementation of constitutional mandates with regard to gender, youth and people with disabilities.
- Coordination of premier's priority programmes.

### 3. Contact details of information officers

The Director-General (DG), Sibongile Muthwa is the Information Officer in terms of the Promotion of Access to Information Act.

#### Information Officer

Postal Address : Private Bag X0047, Bhisho, 5605  
Physical Address : ECDC Building, Independence Avenue, Bhisho  
Tel. : (040) 609 6381  
Fax. : (040) 639 1419  
E-Mail : [babalwa.shushu@otp.ecprov.gov.za](mailto:babalwa.shushu@otp.ecprov.gov.za)

#### Deputy Information Officer:

The Deputy Director- General (DDG) – Administration, Mr. Nceba Adonis is the Deputy Information officer.

Postal Address : Private Bag X0047, Bhisho, 5605  
Physical Address : ECDC Building, Independence Avenue, Bhisho  
Tel. : (040) 609 6391  
Fax. : (040) 609 6327  
E-Mail : [brehnela.comely@otp.ecprov.gov.za](mailto:brehnela.comely@otp.ecprov.gov.za)

### 4. Guide of the South African Human Rights Commission on how to use the Act.

The Guide on how to use the Promotion of Access to Information Act, 2000, will be available from the South African Human Rights Commission.

Queries can be made at:

#### South African Human Rights Commission

##### PAIA Unit

The Research and Documentation Department

Postal Address : Private Bag X2700, Houghton, 2041  
Tel. : (011) 484 8300  
Fax. : (011) 484 1360  
E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **5. Records**

### **5.1 The Office of the Premier holds the following records:**

- Legislation;
- Policy and Procedure Documents;
- Annual Reports;
- Annual Performance Plans;
- State of the Province Address;
- Financial Records;
- Operational Records;
- Internal Correspondence;
- Statutory Records; and
- Records held by officials of the public body.

The Office of the Premier also keeps official records which are other than correspondence records and are available for access, namely:

- Intengu Magazine;
- Masincokole Newsletter;
- Wellness Flyers and Posters;
- Anti-Fraud and Corruption Stickers;
- Booklets;
- Pamphlets; and
- DVD's of Official Events

The Office of the Premier has not yet published a notice in terms of Section 15(2) of the Act. As and when a notice is published, this Manual will be updated to incorporate same.

### **5.2 Records Automatically available**

The records on the website of the Province of the Eastern Cape [www.ecprov.gov.za](http://www.ecprov.gov.za) and the Premier of the Province of the Eastern Cape <http://otp.ecpg.gov.za> are available for reviewing or downloading without a person having to make such a request in terms of the said act.

## **6. Arrangement for Public Participation in Policy Formulation**

The Office of the Premier is part of the executive arm of the Provincial Government of the Eastern Cape.

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

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

## **7. Request Procedure**

### **(a) Granting or refusal of request:**

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

- All the procedural requirements in the Act relating to the request for access to that record.
- Access to that record is not refused on any ground of refusal mentioned in the Act.

### **(b) How does one request access to a record:**

- A requester must use the form (Form A) that was printed in the Government Gazette (Government Notice R187 of 15 February 2002), a copy of which is annexed hereto as Annexure A.
- The request for access to information must be made to the Deputy Information Officer at the address, fax number or electronic mail address provided above.
- The requester must provide sufficient detail of the information requested on the request form to enable the information officer to identify the information or records and the requester.
- The requester must also indicate if he/she wants a copy of the record or if he/she wants to come in and peruse the record at the offices of the public body. Alternatively if the record is not a paper document it can then be viewed in the requested form. This is unless doing so would interfere unreasonably with the running of the public body, concerned, or damage the record, or infringe on a copyright not owned by the state. If, for practical reasons, access



cannot be given in their required form but in another form, the fee must be calculated according to the way that the requester first asked for it.

- The requester must indicate if he or she wishes to be informed of the decision of the Office of the Premier regarding the request for information in a particular manner (ie. post, telefax, electronic mail) and provide the necessary details to be so informed.
- If a requester asks for the information on behalf of somebody else, the capacity and proof of the capacity in which the request is being made must be indicated to the satisfaction of the Information Officer.
- If a requester is unable to read or write or has a disability, the request can be made orally. The information officer must then fill in the form on behalf of such a requester and supply the requester with a copy of the completed form.

#### **(c) Fees payable for a request and notification of decision on access**

- A requester who seeks access to record containing personal information about him/herself is not required to pay the request fee. Every other requester must pay the request fee of R35.
- The Information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted, then a further access fee must be paid for reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until all the applicable fees have been paid. The fees are prescribed by Legislation. A copy of the current applicable fees payable as per Part II of Notice 187 in the Government Gazette on 15 February 2002 are annexed hereto as Annexure B.

**(d) any requester who is not satisfied with decision by the Information Officer/Deputy Information Officer can lodge an appeal, in relation to:**

- Fees charged
- Extension of period by the Information officer or Deputy Information Officer
- Provision of information or record in particular form in which it was requested
- Refusal of request for access.

## **8. Appeal Procedure**

An internal appeal in terms of section 74 and 75 of the Act, must be lodged in a prescribed form (see annexure C) within 60 days of the decision.

- The internal appeal in prescribed form must be delivered or sent to the Information Officer/Deputy Information Officer together with an appeal fee.
- The subject of the internal appeal must be identified and reasons for the internal appeal must be stated and may include any other relevant information known to the appellant.
- The information Officer/Deputy Information Officer must then submit the internal appeal together with his or her reasons for the decisions concerned, to the appeal authority who will advise the relevant appellant that the appeal is being considered.
- When deciding the appeal, the appeal authority may confirm the appeal or substitute the decision for a new one.
- Furthermore, the requester may apply to a court for appropriate relief after the internal appeal procedure against the decision of the information officer has been exhausted. [Section 78(1)]

## **9. Availability of Manual**

A copy of this Manual is made available as prescribed in Section 14 (3) of the Act in the following manner:

- A copy in each of the three official languages being English, Afrikaans and isiXhosa, has been made available to the South African Human Rights Commission;
- The manual is available on the website of the Office of the Premier at <http://otp.ecpg.gov.za>.

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**DR. S MUTHWA**  
**DIRECTOR GENERAL**  
**OFFICE OF THE PREMIER**

**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]

<b>FOR DEPARTMENTAL USE</b>	
	Reference number:
Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).	
Request fee (if any):	R
Deposit (if any):	R
Access fee:	R
SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER	

**A. Particulars 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 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.

Disability:

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.

<b>1.</b>	
<b>If the record is in written or printed form:</b>	
copy of record*	inspection of record

<b>2.</b> <b>If record consists of visual images—</b> (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"/>		<input type="checkbox"/>	transcription of the images*
<b>3.</b> <b>If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
<b>4.</b> <b>If record is held on computer or in an electronic or machine-readable form:</b>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
*if you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>			YES NO
<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>			
In which language would you prefer the record?			

**G. Notice of decision regarding request for access**

*You will be notified in writing 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/PERSON ON  
WHOSE BEHALF REQUEST IS MADE

**Annexure B**

**PART II  
Government Gazette Notice 187 of 15 February 2002**

**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5 (c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulations 7(2) is R35,00.

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

(2) For purposes of section 22(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

**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**

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26 (1) of the Act
<input type="checkbox"/>	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 \_\_\_\_\_ this \_\_\_\_\_ day 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):