

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

EXTRAORDINARY • BUITENGEWONE

**Provincial Gazette
Kasete ya Profensi**

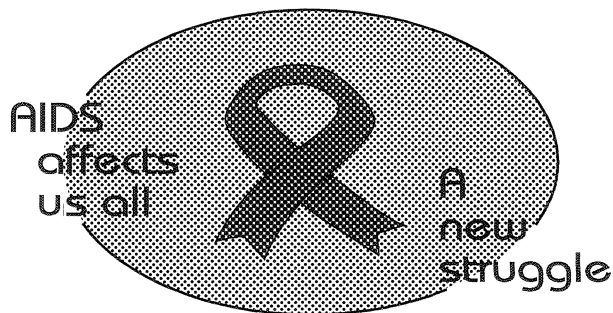
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We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	GENERAL NOTICE		
56	Promotion of Access to Information Act (2/2000): Manual in terms of section 14.....	3	1705

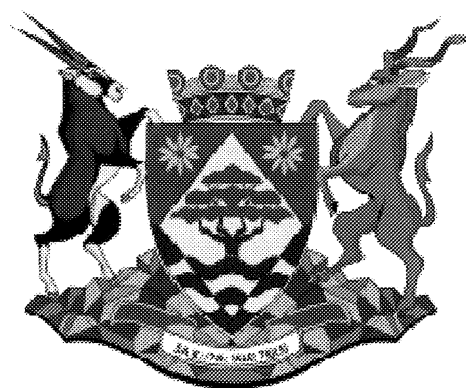
GENERAL NOTICE

NOTICE 56 OF 2013

Office of the Premier: Northern Cape- Section 14 Manual

OFFICE OF THE PREMIER

NORTHERN CAPE PROVINCE



MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT

MAY 2013

Office of the Premier: Northern Cape- Section 14 Manual

FOREWORD

South Africa's commitment to the right of access to information honours our constitutional obligation to give effect to the fundamental right of access to information held by the State or information held in the private domain.

This Act is a milestone development considering the legacy of secrecy we inherited from decades of illegitimate minority rule. With this Act we are turning on the light to bring to an end the secrecy and silence that characterized decades of apartheid rule and administration.


The Promotion of Access to Information Act, No 2 of 2000, provides for the constitutional right of access to information held by the state and private bodies as one of its main objectives.

This right will help to promote transparency, accountability and effective governance of public and private bodies.

In terms of this right, it will also enable our people to participate fully and make informed decisions in the reshaping of our nation through information.

It is further building on our foundation to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

The mandate given to our government by the people of this country was to effect changes, which will improve the quality of life for all South Africans. The Act will significantly add to the firm foundation we are building on in our pursuit of good governance and accountability.



ADV. JUSTICE BEKEBEKE
DIRECTOR-GENERAL
NORTHERN CAPE PROVINCIAL ADMINISTRATION

CONTENTS

1. INTRODUCTION
2. SECTION 10 GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE ACT
3. CONTACT DETAILS
4. STRUCTURE AND FUNCTIONS
5. PROCESS FOR REQUESTING ACCESS TO INFORMATION/RECORDS
6. REMEDIES, APPEAL PROCEDURES AND COURT APPLICATIONS
7. CATEGORISATION AND CLASSIFICATION OF RECORDS
8. RECORDS THAT ARE AUTOMATICALLY AVAILABLE FOR ACCESS
9. SERVICES AVAILABLE FROM OFFICE OF THE PREMIER
10. CONSULTATION, PARTICIPATION AND INFLUENCING POLICY-MAKING
11. UPDATING THE MANUAL
12. AVAILABILITY OF THE MANUAL

Office of the Premier: Northern Cape- Section 14 Manual

1. INTRODUCTION

- 1.1 The key function of the Access to Information Act of 2000 is to create a society where the people of South Africa have the means to access the right to information. This piece of legislation enables all South Africans not only to fully exercise their rights, but more importantly protect all of their rights as set out in the Constitution. The Promotion of Access to Information Act is an important instrument in consolidating the provisions within the Bill of Rights as set out in the Constitution.
- 1.2 The South African constitutional democracy rests on the pillars of freedom, equity and a respect for human dignity. This Act is a vital component within the transformation process, as it cements the foundations that have been laid within the Bill of Rights.
- 1.3 The Promotion of Access to Information Act presents the South African public with the avenue to have recourse to access information from the state and private institutions, thus promoting transparency and accountability.

2. SECTION 10 GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE ACT

- 2.1 The South African Human Rights Commission has published the guide as prescribed by Section 10 of the Promotion of Access to Information Act. The guide is available at the offices of the South African Human Rights Commission and the Office of the Premier.
- 2.2 The contact details for Human Rights Commission are:

Postal Address: The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag X2700
HOUGHTON
2041

Physical Address: PAIA Unit
The Research and Documentation Department
29 Princess of Wales Terrace
Parktown
JOHANNESBURG

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Office of the Premier: Northern Cape- Section 14 Manual

3. CONTACT DETAILS: OFFICE OF THE PREMIER

3.1 In accordance with the Promotion of Access to Information Act the Director-General is the Information Officer for the Office of the Premier, Northern Cape Provincial Administration. In addition a Deputy Information Officer has been appointed/delegated to assist the Information Officer. The contact details of the Information Officer and the Deputy Information Officers are as follows:

NAME OF THE PUBLIC BODY : Northern Cape Provincial Administration

INFORMATION OFFICER : Adv. J. Bekebeke

DESIGNATION : Director-General

POSTAL ADDRESS : Private Bag X 5016
KIMBERLEY
8300

STREET ADDRESS : Corner of Quinn and Roper
Streets
Kimberley
8300

TELEPHONE NUMBER : 053 - 8382600

FACSIMILE NUMBER : 053 - 8382626

E-MAIL ADDRESS : zlangeveld@ncpg.gov.za

DEPUTY INFORMATION OFFICER : Mr. M. T. Moraladi

DESIGNATION : Deputy Director-General

POSTAL ADDRESS : Private Bag X 5016
KIMBERLEY
8300

STREET ADDRESS : Corner of Quinn and Roper
Streets
Kimberley
8300

TELEPHONE NUMBER : 053 – 8382600

Office of the Premier: Northern Cape- Section 14 Manual

FACSIMILE NUMBER : 053 - 8382626
E-MAIL ADDRESS : jpaulse@ncpg.gov.za

4. STRUCTURE AND FUNCTIONS OF THE OFFICE OF THE PREMIER

- 4.1 The Office of the Premier performs various roles and functions to ensure good governance in the Province. This Office is responsible, amongst other things, for co-ordinating functions of the Provincial Administration and its departments. It also plays a leadership and supportive role to all spheres of government to achieve the common goals of the province and to maintain good Inter-Governmental Relations. The co-ordinating and supportive role played by the Premier provides the province with an integrated approach that enhances service delivery. The Inter-Governmental Relations Forum which is chaired by the Premier allows the Premier to bring together all three spheres of Government in order to further enhance service delivery. Over and above the Office of the Premier co-ordinates and facilitates Provincial Policy Research & Development and Strategic Change Management.
- 4.2 In addition to this, the Office of the Premier also has a departmental and provincial corporate responsibility role that it plays through which it executes legal advisory services, communication services, information technology services, Donor Support and One-Stop Delivery Services.
- 4.3 The organisational structure of the Office of the Premier depicting the number of independent units is attached hereto as Annexure A.

5. PROCESS FOR REQUESTING ACCESS TO INFORMATION/ RECORDS

- 5.1 In terms of the Access to Information Act, 2000, any person has the right amongst others to request access to information/records that are in possession of the State or Public Body. In order to gain access to a record, an individual must complete Annexure B of this manual. This form must be forwarded to the Information Officer/ Deputy Information Officer using the addresses indicated above. Upon receipt of the individual's request, the following process will follow:

Office of the Premier: Northern Cape- Section 14 Manual

- 5.1.1 The Information Officer/Deputy Information Officer will determine whether the person requesting the information is a personal requester or not, i.e. whether the information pertains only to the person requesting the information or not. If the person is a personal requester, no initial fee will be payable. If the information does not pertain only to the person requesting the information, an initial fee of R 35,00 is payable before the process continues. Thus, the request will not be processed until the initial fee has been paid.
- 5.1.2 Once the fee has been paid, the Information Officer/Deputy Information Officer will instruct the relevant personnel to retrieve the concerned record(s).
- 5.1.3 When the record has been retrieved, the Information Officer/Deputy Information Officer will review the document and compare the contents of the record with the grounds of refusal, as prescribed by the Act.
- 5.1.4 Should access be granted, the requester/personal requester will be informed of the costs that are to be paid for the reproduction of the record.
- 5.1.5 Upon payment of the relevant fees, the record/or part thereof that access has been granted to, will be reproduced and forwarded to the person that requested the information.
- 5.1.6 In the event that access to a record is not granted, the person that requested access to the record will be informed that:-
- 5.1.6.1 access has not been granted;

Office of the Premier: Northern Cape- Section 14 Manual

5.1.6.2 reasons for the refusal to grant access to the record;
and

5.1.6.3 he or she may lodge an appeal against the decision to
refuse access to the record.

6. REMEDIES, APPEALS, PROCEDURES AND COURT APPLICATIONS

- 6.1 Should the Information Officer refuse access to any record that is held by the State or that Public Body, the person requesting the information is entitled to appeal the decision.
- 6.2 Should access be granted to a record that involves a third party, the latter is entitled to appeal the decision.
- 6.3 The appeal will be reviewed by the relevant authority in terms of the prescripts of the Promotion of Access to Information Act, 2000.
- 6.4 Should it be found that the request was wrongfully denied, the relevant Authority will reverse the initial decision of the Information Officer and grant access to the record. The requester will then be informed of the decision and the necessary fees that are payable for the reproduction of the record or part thereof.
- 6.5 In the event that the relevant authority supports the decision of the Information Officer not to grant access to the record, the requester will be informed of that decision. The requester will also be informed of further remedies.
- 6.6 Once all internal appeal remedies, as identified by the Public Body have been exhausted, the requester has the right to approach a court of law.

Office of the Premier: Northern Cape- Section 14 Manual

- 6.7 The manner of an internal appeal, appeal fees and applications to court are prescribed by the Act.

7. CATEGORISATION AND CLASSIFICATION OF RECORDS

- 7.1 The records in the Office of the Premier are divided into correspondence records and all records other than correspondence (other records).
- 7.2 Correspondence is controlled and managed in terms of three filing systems approved for use in the office by the Provincial Archives. All correspondence regarding personnel matters is managed by the Uniform Personnel Function Filing System; all other support functions related correspondence is controlled by the Support Function Filing System. The two uniform filing systems are mandatory in all departments in the Northern Cape Provincial Administration (NCPA). All correspondence regarding the line functions of the Office of the Premier is controlled by the approved Line Functions Filing System, which is unique to the Office of the Premier and not in use in any other departments in the NCPA. Individual files opened in terms of these three systems are indicated in the attached Register of Files Opened.
- 7.3 Other records are controlled and managed in terms of the Records Control Schedule, which has not yet been approved by the Provincial Archives.
- 7.4 The Premier's "Ministry" has its own single approved filing system which may not be used by any other units in the Office of the Premier.

8. RECORDS THAT ARE AUTOMATICALLY AVAILABLE FOR ACCESS

- 8.1 The following records may be requested without a formal application for access to information:

Office of the Premier: Northern Cape- Section 14 Manual

- 8.1.1 Annual and other progress reports (See Records Control Schedule and Register of Files Opened);
- 8.1.2 Strategic and Operation plans;
- 8.1.3 Budgets and related documentation (See Records Control Schedule and Register of Files Opened);
- 8.1.4 All policy files created in terms of the Uniform Support Functions Filing System (prefixed by H) and the Uniform Personnel Functions Filing System (prefixed by S);
- 8.1.5 Approved organogram of all departments in the NCPA;
- 8.1.6 Annual Financial Statements of provincial departments;
- 8.1.7 All previously published records (e.g. brochures, newsletters, photographs, calendars etc.);
- 8.1.8 All records published on the NCPA web-site;
- 8.1.9 All records of proceedings of public fora.

9. SERVICES THAT ARE AVAILABLE TO THE PUBLIC

- 9.1 The Office of the Premier does not primarily render services to the public. However, it can be said indirectly through its support to line departments that offer direct service to the public it does. The services rendered by the Office of the Premier can be categorised and summarised as follows:

Office of the Premier: Northern Cape- Section 14 Manual

9.1.1 Direct services to the public

- 9.1.1.1 The **Office on the Status of Disabled Persons (OSDP)** assists the Public on issues concerning disabilities and disabled persons in the workplace. The Office of the Premier also manages the integrated strategy for people with disabilities within the Northern Cape, in collaboration with the OSDP.
- 9.1.1.2 Through the **Office on the Status of Woman**, the Office of the Premier advances campaigns the rights of women and gender equality in the provincial administration, as well as civil society at large.
- 9.1.1.3 This Office also funds, co-ordinates and facilitates the development at local, regional and provincial level, in-line with policies of economic growth and human development.
- 9.1.1.4 In order to facilitate an effective and efficient service delivery, the **One Stop Service Delivery Project** was initiated. This is an effort to afford the Communities easier access to services that they need by offering different services at one venue located within their immediate vicinity.
- 9.1.1.5 **The Chief Directorate: Information, Communication Technology** also assists graduates during and after their studies by recruiting candidates to in-service training within the Information Technology unit.

Office of the Premier: Northern Cape- Section 14 Manual

- 9.1.1.6 **The Communications Directorate** ensures that all communities, including public servants, receive as much information as possible. All concepts and other information are contained in the Northern Cape Government Web-Site (<http://www.northern-cape.gov.za>) and the website of the Office of the Premier s a department (<http://premier.ncpg.gov.za>)
- 9.1.1.7 The Directorate of the **Office of the Rights of the Child** ensures development and protection of children through the promotion of their rights.

9.2 Indirect services to the public

- 9.2.1 The Information Technology (IT) Directorate ensures that all computerised equipment within all provincial departments are in a good working order. Although some departments have their own IT units, the centralised IT unit, within the Office of the Premier, continues to render functional and procurement support to the provincial IT personnel. Through the maintenance of IT systems, the departments, such as the Departments of Health and Social Services and Population Development, are able to render a more effective and efficient service to the public.
- 9.2.2 This Directorate also assists various Public Bodies, such as schools, with the layout and installation of computer equipment. In doing so, it ensured that pupils receive an education of a high standard.
- 9.2.3 The Organisational Development unit is responsible for the restructuring of departments ensuring optimal utilisation of

Office of the Premier: Northern Cape- Section 14 Manual

personnel. This unit also performs other studies, such as, office layouts, policy development, skills audits, activity sampling, etc. It is the key function of this unit to ensure that all departments function in the most cost effective and efficient manner. The services of this unit have also been extended to other public bodies for example Municipalities. Through the performance of their core function, organisational development, the unit ensures that the services that are rendered to the public are of the highest quality.

9.2.4 **The Policy and Planning Unit** ensures that policy implementation is monitored and evaluated. This unit is responsible for the implementation of various policies, such as the Disability Strategy etc.

9.2.5 **The Human Resources Management and Human Resources Development Unit** ensure that the personnel within the Office of the Premier are well trained and skilled in order to give effect to the mission and vision of the Office of the Premier.

9.2.6 **The Legal Advisory Services Unit** renders comprehensive, co-ordinated legal advisory services to the Northern Cape Provincial Administration including the Executive Council and assist municipalities to ensure compliance with the law in order to minimize litigation. The public occasionally seeks and receives legal advice from the Unit.

*Office of the Premier: Northern Cape- Section 14 Manual***10. CONSULTATION, PUBLIC PARTICIPATION AND INFLUENCING POLICY-MAKING**

Through the "**Cabinet meets the People**" programme, the Executive Council interacts with the public and these interactions influence the formulation of policy and the performance of their duties. Further to this, the Executive Council's decision making is *inter alia* being informed and guided by the needs of the communities expressed during the meeting sessions, placed in their order of priority.

11. UPDATING THE MANUAL

The manual shall be updated should the information contained herein become obsolete. The Office of the Premier will increase the number of languages in which the manual is published in line with its Provincial Language Policy.

12. AVAILABILITY OF THE MANUAL

12.1 The manual including the Annexures shall be available from the Office of the Premier and Provincial Departments.

12.2 A copy of the manual will also be available from the offices of the South African Human Rights Commission.