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M A N U A L

IN ACCORDANCE WITH

**THE PROMOTION OF ACCESS TO
INFORMATION ACT (NO. 2 OF 2000)**

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OFFICE OF THE PREMIER, MPUMALANGA PROVINCIAL GOVERNMENT

SECTION 14 MANUAL FOR THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

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2. PARTICULARS IN TERMS OF SECTION 14

A. The functions and structure of the Office of the Premier [Section 14(1)(a)]

i) The functions of the Office of the Premier

The Office of the Premier is responsible for political and administrative leadership within the Province as well as the co-ordination of Provincial powers, functions and responsibilities as contemplated in the

Constitution. In this regard the Office of the Premier's functions can be described as follows:

- To support the Premier in discharging the Executive Authority of the Province;
- To render support services to the Premier;
- To provide executive support services to the Premier and the Executive Council;
- To provide support services to the Director-General in his capacity as the accounting officer of the Office of the Premier, including, *inter alia*, administrative services, human resource development services, human resource management services, legal advisory services and labour relations services;
- To drive the Macro Policy and Planning Services for the Province;
- To ensure operational efficiency, corporate compliance and communication;
- To monitor the implementation of policy guidelines in relation to target groups;
- To conduct internal audits and special investigations;
- To manage the financial matters of the Office of the Premier; and
- To manage and co-ordinate protective security in general within the Province.

ii. The structure of the Office of the Premier

The Office of the Premier consists of a Provincial Head Office situated in the capital Nelspruit, as well as regional offices situated in the districts of Gert Sibande and Nkangala.

The Office of the Premier is made up of the Premier who is the political head of the Department and the Director-General who is the accounting officer for the Office of the Premier, whilst the remainder of the establishment in the Office of the Premier consists of the various ranks as prescribed in the Public Service Act.

B. Contact details [Section 14(1)(b)]

Information officer:

Mr. J.M. Rabodila - Director-General: Office of the Premier

Deputy information officers:

- Mr. J.S. Mgidi
Deputy Director-General: Institutional Development
- Mr. T. Mdakane
Deputy Director-General: Macro Policy and Planning

General information:

Address: No. 7
Government Boulevard
Riverside Park
Extension 2
Nelspruit

Postal address: Private Bag X11291
Nelspruit
1200

Telephone: +27 13 766 2168
Fax: +27 13 766 2500
Website: <http://mpumalanga.gov.za>

C. The section 10 Guide on how to use the Act [Section 14(1)(c)]

The guide 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 2700
Houghton
2041

Telephone: +27 11 484-8300
Fax: +27 11 484-1360
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

D. Access to the records held by the Office of the Premier [Section 14(1)(d)]**i. Records that may be requested [Section 14(1)(d)]**

Description of the subjects and categories of records held by the Office of the Premier and the nature of services provided.

The Office of the Premier is divided into several programmes as indicated below. They are (inclusive of the nature of services provided):

STRUCTURE OF THE OFFICE OF THE PREMIER**BRANCH: ADMINISTRATION**

- Premier Support;
- Office of the Director-General;

- Planning and programme management;
- Security Management;
- Internal Audit;
 - Audit assurance services;
 - Performance audit services; and
 - Computer auditing.
- Integrity Management and Forensic Audit Services;
 - Integrity Management;
 - Forensic Audit.
- Executive Council Secretariat;
- Office of the Chief Financial Officer.
 - Management accounting services;
 - Financial accounting services;
 - Risk management services;
 - Supply chain management services; and
 - Records management and auxiliary services.

BRANCH: INSTITUTIONAL DEVELOPMENT

- Strategic Human Resources;
 - Labour Relations;
 - Organizational design and Job Evaluation;
 - Transversal Human Resource Services;
 - Transversal Human Resource Development;
 - Internal Human Resource Services;
 - Talent and HR Information Management;
- Government Communication and Information Services;
 - Corporate Communication Services;
 - Media, Departmental and Information Services;
 - Community Outreach Services;
- Office of the Provincial Government Information Technology Officer;
- Legal Advisory Services;
- Public Service Transformation and Service Delivery Improvement;

BRANCH: MACRO POLICY AND PLANNING

- Policy analysis and research;
 - Policy and Planning;
 - Research Services;
 - Intergovernmental Relations:
 - International Relations; and
 - Protocol Services
- Cluster Coordination;
 - Governance and Criminal Justice System Cluster;
 - Economy, Investment and Employment Cluster;
 - Social Transformation Cluster;
 - Monitoring and Evaluation;
 - Governance and Criminal Justice System Cluster;

- Social Services Cluster;
- Economy, Investment and Employment Cluster;
- System Management;
- Target Groups;
 - Office on the Status of Women;
 - Office on the Status of the Disabled Persons;
 - Office on the Rights of the Child.

ii. Automatic disclosures [Section 14(1)(e)]

Refer to information provided under section 15(1).

iii. The request procedures [(Section 14 (1) (f)]

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

- The requester complies with all the procedural requirements of the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

Nature of the request:

- A requester must use the form that has been printed in the Government Gazette [Government. Notice R187- 15 February 2002] (Form A).
- The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively, if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- If a person asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the State. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].
- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [s 18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].

- If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give him or her a copy [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee [Section 22].

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request the requester must be notified of such 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 the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

E. Services available to the general public [Section 14(1)(f)]

i. Services available

PUBLIC SERVICE TRANSFORMATION AND SERVICE DELIVERY IMPROVEMENT

- The development of a transformation communication strategy to ensure effective communication around transformation issues in the Province.
- Monitor and evaluate the adherence of Departments to the Provincial priorities as identified by the Executive Council.
- Facilitate awareness campaigns to ensure transformation and understanding of the requirements thereof.

TARGET GROUPS - OFFICE ON THE STATUS OF DISABLED PERSONS

- To facilitate the development of an integrated and inclusive Provincial Programme of Action on Disability aimed at improving service delivery towards persons with disabilities.

- To facilitate and co-ordinate training programmes, and capacity building initiatives for organizations of persons with disabilities and disabled persons in general and Provincial Government.
- To co-ordinate and create a platform for information exchange with provincial departments, Offices on the Status of Disabled Persons, and other structures.
- To coordinate and implement public awareness, information and education activities which will raise the profile on the abilities of persons with disabilities.
- To facilitate equal opportunities for persons with disabilities through the implementation of best practice model projects.

TARGET GROUPS - OFFICE ON THE STATUS OF WOMEN

- To develop a provincial gender policy.
- To monitor and evaluate the implementation of a gender policy within provincial departments.
- Co-ordinate Calendar activities related to Gender mainstreaming.
- To co-ordinate the development of empowerment on Job Creation for women.
- Facilitate the co-ordination of empowerment workshops.
- To co-ordinate and facilitate Self Help Projects.
- To initiate developmental projects for rural and urban women.

EXECUTIVE COUNCIL SECRETARIAT

- Provide Secretarial support services to the Executive Council, Technical Committees, Cluster Meetings, Ad-hoc Committees, Executive Council Outreach Programme and Cluster Committees.
- Implement and ensure security of Executive Council information and documentation.
- Provide Administrative support services to the Director-General as Secretary to the Executive Council.

ii. How to gain access to these services

To gain access to the services at the Office of the Premier, requests must be made to the Director-General of the Office of the Premier.

Information Officer:

Mr. J.M. Rabodila - Director-General: Office of the Premier

General information:

Address: No. 7
Government Boulevard
Riverside Park
Extension 2
Nelspruit
1200

Postal address: Private Bag X11291
Nelspruit
1200

Telephone: +27 13 766 2168
Fax: +27 13 766 2500
Website: <http://mpumalanga.mpu.gov.za>

F. Arrangement allowing for public involvement in the formulation of policy and the exercise of power [Section 14(1)(g)]

At the Office of the Premier arrangements for public involvement would include -

Executive Council Secretariat – Regular Executive Council Outreach Programmes and Premier’s Co-ordinating Forums which involve engaging in dialogue with communities and local business persons in the various regions of the Province.

Office on the Status of Disabled Persons - This Unit maintains a close relationship with structures of people with disabilities culminating in events such as the Mpumalanga Premier’s Disability Achievers Awards.

Office on the Status of Women – Liaison with local women empowerment structures for economic advancement of women in the Province. In addition to this the Unit conducts symposiums on issues that affect women from matters like access to land by rural women, capacity building and training, and other programmes that impact directly on the enhancement of women in the Province.

Research – The interaction with communities in pre-and post Executive Council Outreach Programme visits to determine the needs of communities.

Communication – The Unit facilitates and co-ordinates the launch of a variety of communication activities, which provide access to government information. The Unit also interacts with the media on issues affecting the Province.

Private Secretariat – This Unit co-ordinates the Premier’s Diary in order to ensure that stakeholders as diverse as international dignitaries, national ministers, local government leaders, business, labour, youth, women and

traditional leaders, as well as a wide variety of other organisations, are afforded the opportunity to meet and discuss topical issues with the Premier.

State Law Advisers – All Provincial Bills and Regulations are published for public comments in the *Provincial Gazette* prior to the introduction thereof in the Provincial Legislature.

Workshops - The public may attend and make representations at workshops and seminars, especially focussing on the youth, the disabled and women.

Submissions and Reports - The State of the Province Address, the Office of the Premier's Budget and Policy Speech, the Office's monthly and quarterly reports, as well as the Office of the Premier's Annual Report, are open to the public and media.

G. The remedies available if the provisions of this Act are not complied with [Section 14(1)(h)]

Refusal of Request

The main grounds for the Office of the Premier to refuse a request for information relates to the –

- Mandatory protection of the privacy of information held by the Office of the Premier, which would involve the unreasonable disclosure of such information;
- Mandatory protection of the commercial information of the Office of the Premier, if the record contains -
 1. trade secrets of the Office of the Premier;
 2. financial, commercial, scientific or technical information, which disclosure could likely cause harm to the financial or commercial interests of the Office of the Premier; and
 3. Information disclosed in confidence by the Office of the Premier to the institution, if the disclosure could put the Office of the Premier at a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of the Office of the Premier if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The commercial activities of the institution, which may include -
 1. trade secrets of the Office of the Premier;
 2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Office of the Premier;
 3. information which if disclosed could put the Office of the Premier at a disadvantage in negotiations or commercial competition; and

4. a computer programme which is owned by the Office of the Premier, and which is protected by copyright;
- The research information of the Office of the Premier, if its disclosure would disclose the identity of the Office of the Premier, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

Appeal

A requester may lodge an appeal against a decision of the information officer of the Office of the Premier –

- to refuse a request for access; or
- taken in terms of section 22, 26(1) or 29(3) of the Act,

in relation to that requester with the relevant authority.

A third party may lodge an internal appeal against a decision of the information officer of the Office of the Premier to grant a request for access.

Manner of appeal, and appeal fees

- An appeal –
 - must be lodged in the prescribed form –
 1. within 60 days;
 2. if notice to a third party is required, 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;
 3. must be delivered or sent to the information officer of the Office of the Premier at his address, fax number or electronic mail address;
 4. must identify the subject of the appeal and state the reasons for the appeal and may include any other relevant information known to the appellant;
 5. if, in addition to a written reply, the appellant wishes to be informed of the decision on the appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;
 6. if applicable, must be accompanied by the prescribed appeal fee; and
 7. must specify a postal address or fax number.
- If an appeal is lodged after the expiry of the period referred to, the relevant authority must, upon good cause shown, allow the late lodging of the appeal.
- If that relevant authority disallows the late lodging of the appeal, he or she must give notice of that decision to the person who lodged the appeal.

- A requester lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any).
 - If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.
 - As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the information officer of the Office of the Premier must submit to the relevant authority –
 1. the appeal together with his or her reasons for the decision concerned; and
 2. 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.
- H. **Other information as prescribed in terms of the Act [Section 14(1)(i)]**

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be placed here.

I. **Updating of the manual [Section 14(2)]**

The Office of the Premier undertakes to update and publish its manual referred to in Section 14(1), at intervals of not more than a year.

J. **Availability of manual [Section 14(3)]**

Section 14(1) of the Act, read with Regulation No. R. 187 of 15 February 2002, prescribes in section 4(1) that the manual of a public body must be made available in the following manner:

A copy will be made available to the South African Human Rights Commission, and the Head of every regional office of the Office of the Premier.

The manual will be published in the *Provincial Gazette*, which will be finalised by the Government Printer.

In addition to this the Office of the Premier's manual will be accessible through the Provincial Government Website on www.mpumalanga.gov.za

3. Prescribed fees for public bodies

PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 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 regulation 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. | |

4. Prescribed forms for access to a record of a public body.

**ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY
2002**

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 2]

FOR DEPARTMENTAL USE

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 recorded below.

(b) Furnish an address and/or fax number in the Republic to which information must be sent.

(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 therefore.

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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an "X".

NOTES:

(a) Your indication as to the required form of access depends 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*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

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)
--------------------------	-------------------------	--------------------------	---	--------------------------	---

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.</p>	YES	NO
<p><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></p>		
<p>In which language would you prefer the record?</p>		

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 thereof 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

OFFICE OF THE PREMIER, MPUMALANGA PROVINCIAL GOVERNMENT

SECTION 15

VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF RECORDS

For inspection in terms of legislation other than this Act:

None

For purchase or copying from the body:

None

From the Office of the Premier free of charge:

- Annual Reports;
- Strategic Plans;
- Asset Register;
- Organisational Structure;
- Budget Reports;
- Strategic Development Improvement Plan;
- Provincial Growth and Development Plan; and
- Departmental Service Standards.

How to obtain access to such records

Access to the abovementioned records can be obtained through a written application to the Information Officer or the Deputy Information Officer or via the Office of the Premier's Website.

OFFICE OF THE PREMIER, MPUMALANGA PROVINCIAL GOVERNMENT

SECTION 32

REPORTS TO HUMAN RIGHTS COMMISSION

The information officer must annually submit to the Human Rights Commission a report stating in relation to the Office of the Premier the following:

- The number of requests for access received.

Two requests were received.

- The number of requests for access granted in full.

One request was granted in full.

- The number of requests for access granted in terms of section 46.

One request.

- The number of requests for access refused in full and refused partially and the number of times each provision of this Act was relied on to refuse access in full or partial.

One request was refused in full in terms of section 44(1)(a)(i) of the Act.

- The number of cases in which the periods stipulated in section 25(1) was extended in terms of section 26(1).

Nil

- The number of internal appeals lodged with the relevant authority and the number of cases in which, as a result of an internal appeal, access was given to a record.

One internal appeal was lodged. However, on appeal the request was also refused.

- The number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27.

Nil

- The number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77(7).

Nil

- Such other matters as may be prescribed.

Nil

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