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**MANUALS**

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**CONTENT • INHOUD**

*Gazette No    Publication Date    Page No*

**Human Settlements, Department of**

Promotion of Access to Information Act (2/2000): In terms of section 14 Department of Human Settlements 41283    2017-11-30    10

## Closing times for **ORDINARY BI-WEEKLY** **2017** **MANUALS GAZETTE**

*The closing time is **15:00** sharp on the following days:*

- **04 May**, Thursday for the issue of Thursday **11 May 2017**
- **18 May**, Thursday for the issue of Thursday **25 May 2017**
- **01 June**, Thursday for the issue of Thursday **08 June 2017**
- **22 June**, Thursday for the issue of Thursday **29 June 2017**
- **06 July**, Thursday for the issue of Thursday **13 July 2017**
- **20 July**, Thursday for the issue of Thursday **27 July 2017**
- **02 August**, Wednesday for the issue of Thursday **10 August 2017**
- **24 August**, Thursday for the issue of Thursday **31 August 2017**
- **07 September**, Thursday for the issue of Thursday **14 September 2017**
- **20 September**, Wednesday for the issue of Thursday **28 September 2017**
- **05 October**, Thursday for the issue of Thursday **12 October 2017**
- **19 October**, Thursday for the issue of Thursday **26 October 2017**
- **02 November**, Thursday for the issue of Thursday **09 November 2017**
- **23 November**, Thursday for the issue of Thursday **30 November 2017**
- **07 December**, Thursday for the issue of Thursday **14 December 2017**
- **19 December**, Tuesday for the issue of Thursday **28 December 2017**

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwonline.co.za](http://www.gpwonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****EXTRAORDINARY GAZETTES**

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

**NOTICE SUBMISSION PROCESS**

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .  
(Please see *Quotation* section below for further details)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
    - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****QUOTATIONS**

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** GPW's annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za) free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s).

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

**Physical Address:**
**Government Printing Works**

149 Bosman Street

Pretoria

**Postal Address:**

Private Bag X85

Pretoria

0001

**GPW Banking Details:**
**Bank:** ABSA Bosman Street

**Account No.:** 405 7114 016

**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)
**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)
**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)
**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

# DEPARTMENT OF HUMAN SETTLEMENTS

# MANUAL

*IN ACCORDANCE WITH*

**PROMOTION OF ACCESS TO INFORMATION ACT (2/2000)  
IN TERMS OF SECTION 14 DEPARTMENT OF HUMAN  
SETTLEMENTS**



# human settlements

Department:  
Human Settlements  
**REPUBLIC OF SOUTH AFRICA**

## **PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL**

*Prepared in terms of section 14 of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000)*

**2017-2018**

**CONTENTS**

FOREWORD .....	4
<b>ACRONYMS</b> .....	5
DEFINITION OF TERMS.....	6
1. INTRODUCTION .....	8
2. OBJECTIVES OF THE ACT .....	8
3. PURPOSE OF THE MANUAL .....	8
4. GUIDE ON HOW TO USE PAIA (SECTION 10) .....	9
5. CONTACT INFORMATION .....	9
6. LEGISLATIVE MANDATE INFORMING THE FUNCTIONS OF THE DEPARTMENT .....	11
7. FUNCTIONS AND STRUCTURE OF THE DEPARTMENT OF HUMAN SETTLEMENTS	11
7.1 STRATEGIC OVERVIEW.....	11
7.2 ORGANISATIONAL STRUCTURE OF THE DEPARTMENT .....	12
7.3 SERVICES RENDERED BY THE DEPARTMENT.....	13
7.4 PROGRAMMES OF THE DEPARTMENT .....	16
8. ACCESS TO RECORDS HELD BY THE DEPARTMENT.....	17
8.1 CATEGORIES OF RECORDS HELD BY THE DEPARTMENT .....	17
9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION .....	28
9.1 WHO CAN REQUEST INFORMATION?.....	28
9.2 MANNER OF ACCESSING INFORMATION.....	28
9.2.1 AUTOMATICALLY AVAILABLE RECORDS .....	28
9.2.2 TELEPHONIC REQUESTS .....	29
9.2.3 ORAL REQUESTS .....	29
9.3 FORMAL REQUESTS AS PER PAIA REQUIREMENTS.....	29
9.4 TURNAROUND TIMES FOR ATTENDING TO REQUESTS .....	30
9.5 FEES .....	30
9.5.1 NON-REFUNDABLE REQUEST FEE .....	30
9.5.2 ACCESS FEE .....	30
9.5.3 DEPOSITS.....	31
9.5.4 EXEMPTIONS .....	31
10. REFUSED ACCESS AND APPEALS.....	31
10.1 GROUNDS FOR REFUSAL .....	31
10.2 MANDATORY DISCLOSURE IN PUBLIC INTEREST .....	32
10.3 DEEMED REFUSAL OF A REQUEST .....	32
10.4 REMEDIES IF REQUEST FOR ACCESS IS REFUSED .....	32

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10.4.1 INTERNAL APPEAL .....	32
10.4.2 LODGING INTERNAL APPEAL .....	33
10.4.3 REFERRAL OF INTERNAL APPEAL TO RELEVANT AUTHORITY .....	33
10.5 APPLICATION TO COURT .....	33
11. AVAILABILITY OF MANUAL .....	33
12. UPDATE AND REVIEW OF MANUAL .....	33

## FOREWORD

Section 32 of the Constitution of the Republic of South Africa, 1996 (the Constitution) grants everyone the right of access to any information held by the state or by another person and that is required for the exercise or protection of any right.

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), in realisation of these constitutional rights, specifically–

- charges all public bodies with the responsibility to facilitate public access to information/record(s) under their custody;
- provides a framework and procedures for the public to exercise their constitutional right to information as swiftly, inexpensively and effortlessly as reasonably possible;
- stipulates mechanisms which governmental bodies must put in place, to facilitate access to such information by members of the public; and
- outlines conditions under which restricted access apply, including those relating to personal, commercial, financial, technical or scientific information about a third party; information which may affect court or police proceedings, e.g. police dockets in bail proceedings and certain categories of information about the South African Revenue Service.

There are undoubtedly limitations to public realisation of the rights as stipulated in section 36 of the Constitution and sections 33 to 45 of the PAIA Act, respectively.

In compliance with the statutory requirements of the PAIA and to contribute to the promotion of departmental transparency, accountability and effective governance, the Department of Human Settlements has produced a manual as a mechanism to facilitate public access to information/record(s) under its custody.

It is hoped that this manual will serve as an effective platform/tool for providing the public with the relevant information to enable them to exercise their right of access to information under the custody of the Department.



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**M TSHANGANA**  
**DIRECTOR-GENERAL**  
**DEPARTMENT OF HUMAN SETTLEMENTS**  
**DATE: 13/09/2017**

**ACRONYMS**

BAS	: Basic Accounting System
BNG	: Breaking New Ground
CD	: Chief Director
CRU	: Community Residential Unit
CSOS	: Community Scheme Ombud Services
DDG	: Deputy Director-General
DFI	: Development Finance Institutions
DHS	: Department of Human Settlements ("the Department")
DIO	: Deputy Information Officer (designated in terms of section 17 of the PAIA)
EAAB	: Estate Agency Affairs Board
FLISP	: Finance Linked Individual Subsidy Programme
HDA	: Housing Development Agency
HS	: Human settlements
HSDG	: Human Settlements Development Grant
HSS	: Housing Subsidy System
IO	: Information Officer (Director-General of the Department)
MEIA	: Monitoring, Evaluation and Impact Assessment
M&E	: Monitoring and Evaluation
MTSF	: Medium Term Strategic Framework
MTEF	: Medium Term Expenditure Framework
NHBRC	: National Home Builders Registration Council
NHFC	: National Housing Finance Corporation
NURCHA	: National Urban Reconstruction and Housing Agency
PAIA	: Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
PDHS	: Provincial Department of Human Settlements
RHLF	: Rural Housing Loan Fund
SABC	: South African Broadcasting Corporation
SAHRC	: South African Human Rights Commission
SALGA	: South African Local Government Association
SHRA	: Social Housing Regulatory Authority
SLA	: Service level agreement
USDG	: Urban Settlements Development Grant

**DEFINITION OF TERMS**

	<b>Term</b>	<b>Definition/Description</b>
1.	Access fee	Fee payable by a requester for search, preparation and reproduction of requested records, as prescribed in PAIA section 22(6).
2.	Act	The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). Also referred to as the PAIA or "the Act".
3.	Department	The Department of Human Settlements. Also referred to as the DHS.
4.	Deputy Information Officer (DIO)	A person designated by the Director-General to render the public body as accessible as reasonably possible for requesters of its records as prescribed in PAIA section 17(1).
5.	Guide	Document or book produced by the South African Human Rights Commission for the purposes of assisting any person who wishes to exercise any right in terms of the PAIA as prescribed in section 10.
6.	Information Officer (IO)	The Director-General of the Department of Human Settlements as defined in PAIA section 1.
7.	Internal appeal	An appeal against a decision to refuse access to information, as stipulated in PAIA section 74.
8.	Personal information	Information about an identifiable individual, including, but not limited to, information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual as defined in PAIA section 1.
9.	Personal requester	A person seeking access to information/records containing personal information about himself/herself as defined in PAIA section 1.
10.	Public body	Any department of state or administration in the national or provincial sphere of government, any municipality in the local sphere of government or any institution performing a public function in terms of any legislation as defined in PAIA section 1. Also referred to as government body or department.

<b>11.</b>	Record	Any recorded information, in any form or medium under the custody of DHS as defined in PAIA section 1.
<b>12.</b>	Records automatically available	Records that can be accessed without a person having to request access in terms of the Act as stipulated in section 15(1)(a) of PAIA.
<b>13.</b>	Records available on request	Records that can be accessed through following PAIA processes as stipulated in PAIA sections 11 and 18; access to these records may be refused on the basis of sections 33 to 45 of the Act.
<b>14.</b>	Relevant authority	Minister of Human Settlements or the person designated in writing by the Minister to deal with internal appeals as defined in PAIA section 1.
<b>15.</b>	Request fee	A non-refundable fee payable by a requester when submitting a request for access as per the provisions of PAIA section 22(1). (Personal requester excluded from paying request fee).
<b>16.</b>	Request for access	A request for access to a record or records held by the Department made in accordance with PAIA sections 8 and 11.
<b>17.</b>	Requester	Any person making a request for access to information or records of DHS or a person acting on behalf of the person requesting information as defined in PAIA section 1.
<b>18.</b>	Third party	Any person, including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation other than the requester concerned and a public body as defined in PAIA section 1.
<b>19.</b>	Working days	Any days other than Saturdays, Sundays or public holidays as defined in PAIA section 1.

## **1. INTRODUCTION**

This manual is compiled as a statutory requirement in compliance with the provisions of section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), which mandates all government bodies to compile and publish a manual indicating information/records under its custody that are readily available to the public, as well as those that need to be requested through provisions of the Act.

This manual represents only the Department of Human Settlements (DHS) and does not include information/records of the various provincial departments.

## **2. OBJECTIVES OF THE ACT**

The objectives of PAIA according to section 9 are—

- to give effect to the constitutional right of access to information held by the state and any information that is held by another person that is required for the exercise or protection of any rights;
- to give effect to the right of access to information; subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;
- to give effect to the constitutional obligations of the state of promoting a human rights culture and social justice;
- to establish voluntary and mandatory mechanisms or procedures to give effect to the right of access to information in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and
- to promote transparency, accountability and effective governance of all public and private bodies.

## **3. PURPOSE OF THE MANUAL**

This manual is intended to:

- Provide information on the DHS's structure, functions and services it renders to the public and how to gain access to them;

- Provide information about departmental contact information including details of postal, street and electronic mail addresses; phone and fax numbers of the Information Officer (IO) and the designated Deputy Information Officer (DIO);
- Provide a list of automatically available records under departmental custody;
- Provide a list of records categories accessible to members of the public by following the processes as stipulated in PAIA sections 11 and 18;
- Outline procedures to be followed by members of the public in accessing information under DHS's custody, in accordance with the provisions of PAIA.

#### **4. GUIDE ON HOW TO USE PAIA (SECTION 10)**

The South African Human Rights Commission (SAHRC) compiled a guide on the use of the PAIA as prescribed by section 10 of the Act. The guide is available at the offices of the SAHRC.

South African Human Rights Commission  
National Head Office  
33 Hoofd Street  
Braampark Forum III  
Braamfontein  
Johannesburg, Gauteng  
2001

Telephone number: +27 11 877 3600/3803  
Fax number: +27 11 403 0625  
Email address: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### **5. CONTACT INFORMATION**

##### **5.1 Information Officer**

As provided for in the Act, the Director-General is the IO.

Director-General: Mr M Tshangana  
Telephone: +27 12 421 1486/1312  
Fax: +27 12 421 2998  
Email: [InformationOfficer@dhs.gov.za](mailto:InformationOfficer@dhs.gov.za)

## 5.2 Deputy Information Officer

The Chief Director (CD): Corporate Support is designated as the DIO, as provided for in section 17(1) of the Act.

Deputy Information Officer: Mr M Xaba  
Telephone: +27 12 444 9055  
Fax: +27 86 471 1939  
Email: [DeputyInformationOfficer@dhs.gov.za](mailto:DeputyInformationOfficer@dhs.gov.za)

## 5.3 PAIA Unit

The PAIA unit facilitates the provision of public access to departmental information.

Telephone: +27 12 444 9045/57/58  
Fax: +27 86 471 1939  
Email: [paia@dhs.gov.za](mailto:paia@dhs.gov.za)

## 5.4 General information

Postal address: Private Bag X644  
PRETORIA  
0001

Physical address: Govan Mbeki House  
240 Justice Mahomed Street  
PRETORIA  
0002

Telephone: 0800 146 873  
Fax: +27 12 444 9000  
Email: [info@dhs.gov.za](mailto:info@dhs.gov.za)  
Website: [www.dhs.gov.za](http://www.dhs.gov.za)

## 6. LEGISLATIVE MANDATE INFORMING THE FUNCTIONS OF THE DEPARTMENT

- Breaking New Ground (BNG): A Comprehensive Plan for the Creation of Sustainable Human Settlements
- Community Schemes Ombud Service Act, 2011 (Act No. 9 of 2011)
- Constitution of the Republic of South Africa, 1996
- Development Facilitation Act, 1995 (Act No. 67 of 1995)
- Division of Revenue Act, 2017 (as Amended)
- Home Loan and Mortgage Disclosure Act, 2000 (Act No. 63 of 2000)
- Housing Act, 1997 (Act No. 107 of 1997)
- Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998)
- Housing Development Agency Act, 2008 (Act No. 23 of 2008)
- Inclusionary Housing Bill (2007)
- Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)
- Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991 as Amended)
- National Development Plan (NDP), Chapter 8
- National Environment Management Act, 1998 (Act No. 107 of 1998 as Amended)
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998, as Amended)
- Public Finance Management Act, 1999 (Act No. 1 of 1999, as Amended)
- Rental Housing Act, 1999 (Act No. 50 of 1999)
- Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011)
- Social Housing Act, 2008 (Act No. 16 of 2008)
- Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)

## 7. FUNCTIONS AND STRUCTURE OF THE DEPARTMENT OF HUMAN SETTLEMENTS

### 7.1 STRATEGIC OVERVIEW

7.1.1 VISION: A nation housed in sustainable human settlements.

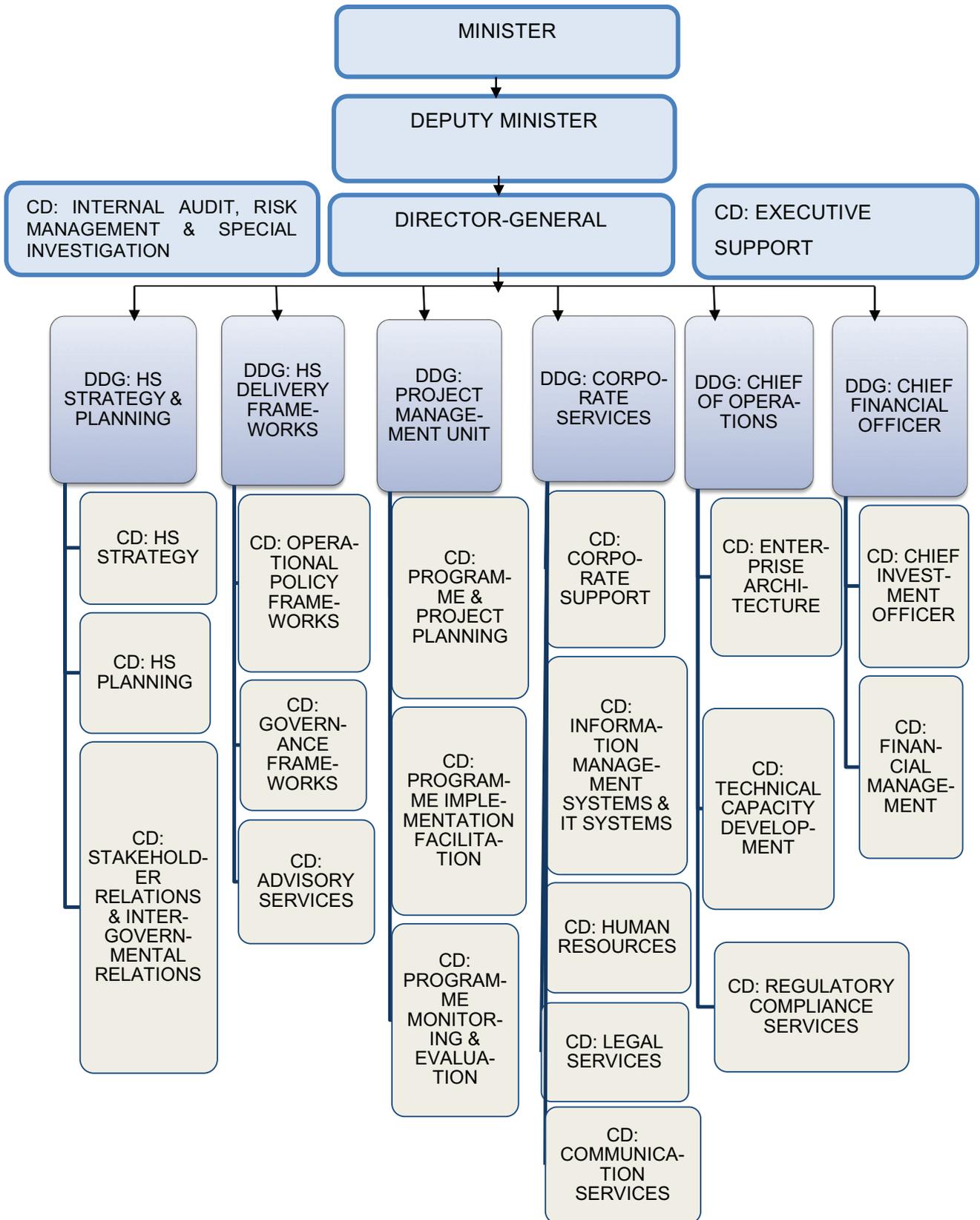
7.1.2 MISSION: To facilitate the creation of sustainable human settlements and improved quality of household life.

### 7.1.3 VALUES

The core values guiding and regulating the Department are based on the Constitution and supporting legislations and include:

- Accountability
- Fairness and equity
- Choice, quality and affordability
- Sustainability
- Innovation
- *Batho Pele* principles

**7.2 ORGANISATIONAL STRUCTURE OF THE DEPARTMENT**



### 7.3 SERVICES RENDERED BY THE DEPARTMENT

The Department primarily:

- Establishes and maintains a policy and legislative framework required for facilitation of a sustainable and integrated human settlements objective in line with government's objective and departmental mandate; and
- Facilitates apportionment of annual allocation to provinces and municipalities for human settlements, infrastructure development and land acquisition.

In addition to the role that provinces and municipalities play with regard to human settlements, the following national institutions were established to facilitate the human settlements related needs of the sector:

<b>Institutions</b>	<b>Services</b>	<b>Clients</b>	<b>Obtain information at</b>
Estate Agency Affairs Board (EAAB)	<ul style="list-style-type: none"> <li>• Regulate, maintain and promote the standard of conduct by estate agents having due regard to the public interest;</li> <li>• Issue fidelity fund certificates to qualifying applicants;</li> <li>• Prescribe the standard of training of estate agents;</li> <li>• Investigate complaints against estate agents and institute disciplinary proceedings against offending estate agents where required; and</li> <li>• Manage and control the estate agents fidelity fund.</li> </ul>	Housing consumers and estate agents.	DHS, EAAB offices.
Community Schemes Ombud Service (CSOS)	<ul style="list-style-type: none"> <li>• Provide a dispute resolution service for community schemes;</li> <li>• Provide training for conciliators, adjudicators and other employees of the ombud service;</li> <li>• Regulate, monitor and</li> </ul>	Community scheme body corporate, community scheme unit owners and tenants.	DHS, CSOS offices.

Institutions	Services	Clients	Obtain information at
	<p>control the quality of all sectional title schemes governance documentation; and</p> <ul style="list-style-type: none"> <li>• Take custody of, and preserve and provide public access to scheme governance documentation.</li> </ul>		
Housing Development Agency (HDA)	<ul style="list-style-type: none"> <li>• Identify, acquire, hold, develop and release well-located land and buildings for the development of housing and human settlements; and</li> <li>• Provide project management support and housing development services.</li> </ul>	Housing consumers, developers and organs of state (municipalities and metros).	DHS, provincial department of human settlements (PDHS), municipalities, HDA offices.
National Home Builders Registration Council (NHBRC)	<ul style="list-style-type: none"> <li>• Regulate the home building environment through home enrolment and home builder registration processes;</li> <li>• Protect the housing consumer against structural defects through building inspections and administration of the warranty reserve;</li> <li>• Promote innovative home building technologies; and</li> <li>• Set home building standards and improve the capabilities of home builders through training.</li> </ul>	Housing consumers and home builders.	DHS, PDHS, municipalities, NHBRC offices.
National Urban Reconstruction and Housing Agency	<ul style="list-style-type: none"> <li>• Provide bridging finance to small, medium and established contractors building low- and</li> </ul>	Contractors and developers.	DHS, PDHS, municipalities, NURCHA offices.

Institutions	Services	Clients	Obtain information at
(NURCHA)	<p>moderate-income housing, and related community facilities and infrastructure; and</p> <ul style="list-style-type: none"> <li>• Provide programme and fund management services.</li> </ul>		
National Housing Finance Corporation (NHFC)	<ul style="list-style-type: none"> <li>• Provide innovative and affordable housing finance solutions for the low- to middle-income housing market;</li> <li>• Provide the following services: <ul style="list-style-type: none"> <li>▪ Private rental term loans;</li> <li>▪ Social housing rental facilities;</li> <li>▪ Bridging finance to developers;</li> <li>▪ Wholesale incremental housing facilities;</li> <li>▪ Wholesale homeownership facilities; and</li> <li>▪ Administration of the Finance Linked Individual Subsidy Programme (FLISP).</li> </ul> </li> </ul>	Low-income earners, established housing institutions, social housing institutions, developers, non-banking retail intermediaries and banks lending to poor households.	DHS, PDHS, municipalities, NHFC offices.
Rural Housing Loan Fund (RHLF)	<ul style="list-style-type: none"> <li>• Empower low-income households in rural areas to access housing credit; and</li> <li>• Operate as a wholesale lender and thus attain its mandate by providing loans through retail intermediaries to its target market to be utilised for incremental housing purposes.</li> </ul>	Non-banking retail intermediaries.	DHS, PDHS, municipalities, RHLF offices.

<b>Institutions</b>	<b>Services</b>	<b>Clients</b>	<b>Obtain information at</b>
Social Housing Regulatory Authority (SHRA)	<ul style="list-style-type: none"> <li>Regulate the social housing sector in South Africa; and</li> <li>Approve, administer and disburse both institutional investment and capital grants (namely the Restructuring Capital Grant and the Institutional Investment Grant).</li> </ul>	Social housing institutions, private developers.	DHS, PDHS, municipalities, SHRA offices.

#### 7.4 PROGRAMMES OF THE DEPARTMENT

Programme 1: <b>Administration</b>	<p><b>Purpose:</b> To provide strategic leadership and administrative support services to the Department.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>To promote efficient and effective administrative processes.</li> <li>To have a capacitated and diverse workforce in a conducive working environment.</li> <li>To have effective and efficient legal support.</li> <li>To have ICT infrastructure that is reliable, secure and available.</li> <li>To promote internal and external communication about human settlements.</li> </ul>
Programme 2: <b>Human Settlements (HS) Policy, Strategy and Planning</b>	<p><b>Purpose:</b> To manage the development of, and compliance with, HS sector delivery and intergovernmental relations frameworks and to oversee integrated HS strategic and planning services.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>To develop HS policies and programmes for improved alignment.</li> <li>To establish and strengthen partnerships for HS development.</li> </ul>
Programme 3: <b>Programme Monitoring and Delivery Support</b>	<p><b>Purpose:</b> To support the execution and to monitor and evaluate the implementation of HS programmes and projects. To manage capacity and skills building in the sector and to provide oversight of public entities.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>To provide implementation support for the delivery of adequate housing.</li> </ul>

	<ul style="list-style-type: none"> <li>To enhance sector monitoring and evaluation.</li> <li>To improve support and capacity for the HS sector.</li> </ul>
Programme 4: <b>Housing Development Finance</b>	<p><b>Purpose:</b> To fund the delivery of housing and HS programmes and to manage all matters related to improving access to housing finance and developing partnerships with the financial sector.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>To utilise human settlements grants efficiently and effectively and to monitor lending patterns of financial institutions.</li> </ul>

## 8. ACCESS TO RECORDS HELD BY THE DEPARTMENT

Certain records, excluding records that are available on request, are automatically available without having to request access in terms of PAIA. Other records maintained by the DHS must be requested from the DIO in terms of the procedures outlined in sections 11 and 18 of PAIA.

### 8.1 CATEGORIES OF RECORDS HELD BY THE DEPARTMENT

DHS records are managed in accordance with the provisions and requirements of the National Archives Act of South Africa, 1996 (Act No. 43 of 1996). Categories of records below are provided in accordance with the approved DHS file plan. Some of the records listed in the categories below may be formally requested, but access to parts of these records or the whole record may be refused on the basis of the provisions of PAIA as stipulated in sections 33 to 45.

***\*Automatically available:** Records that can be accessed without having to request access in terms of the Act as stipulated in section 15(1)(a) of PAIA.*

***\*Available on request:** Records that can be accessed by following the processes as stipulated in PAIA sections 11 and 18; access to these records may be refused on the basis of sections 33 to 45 of the Act.*

No.	Category	Subject	Automatically available*	Available on request*
8.1.1	STATUTORY AND REGULATORY FRAMEWORK	DHS legislation (Bills, Acts, regulations and international commitments)	Yes	No
		Sectoral transformation (plans, commendations and social and change management)	No	Yes
8.1.2	ORGANISATION AND CONTROL	Internal policies	No	Yes
		Risk management	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Anti-fraud and corruption policy framework	No	Yes
		Internal audits	No	Yes
		Disaster management measures and reports	No	Yes
		DHS annual reports and medium-term strategic framework (MTSF 2014-2019); strategic plans; annual performance plans	Yes	No
		Occupational health and safety matters	No	Yes
		Security management	No	Yes
8.1.3	HUMAN RESOURCE MANAGEMENT	Post control, establishment and planning matters	No	Yes
		Vacancies, appointments and placements	No	Yes
		Personnel records	No	Yes
		Employee health and wellness staff files	No	Yes
		Staff retention	No	Yes
		Staff development (plans, engagements, skills and academic programmes, learnerships, bursaries, scholarships, fellowships and reports)	No	Yes
		Planning, utilisation, control and monitoring (human resources plan, declarations, leave utilisation, overtime, social matters, movements and mobility, termination of services and exits)	No	Yes
		Performance management and development	No	Yes
		Labour and employee relation matters	No	Yes
		Organisational transformation plans and reports (employment equity, <i>Batho Pele</i> , change management and employee health and wellness)	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Organisational transformation (plans, commendations and social and change management)	No	Yes
		Delegation of powers/authority	No	Yes
		Establishment matters (microstructure)	No	Yes
		Establishment matters (macrostructure)	Yes	No
8.1.4	FINANCIAL MATTERS	Basic accounting system (BAS) reports	No	Yes
		Budget (estimates of national expenditure for human settlements)	Yes	No
		Financial compliance (Treasury, Auditor-General, disclosures and declarations)	No	Yes
		Financial audits	Yes	No
		Claims (intergovernmental payments)	No	Yes
		Debtors system	No	Yes
		Conditional grants and funds management (allocations, transfers and devolutions, monitoring and analysis, specific losses and reports)	Yes	No
		Bank matters	No	Yes
		Financial irregularities	Yes	No
		Reconciliation of accounts	No	Yes
		Financial assistance (donations and sponsorships)	Yes	No
		Invoices, statements and payments	No	Yes
		Printed receipts	No	Yes
		Supplementary accounting records	No	Yes
		Journal transactions	No	Yes
		Financial system appraisals	No	Yes
		Pay sheets	No	Yes
		Face value forms, warrant vouchers and cheques	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Registers (include salaries, invoices and payments)	No	Yes
8.1.5	SUPPLY CHAIN MANAGEMENT	Financial statements	Yes	No
		Loss control matters	No	Yes
		Practice notes (HS Development Grant (HSDG) and Urban Settlements Development Grant (USDG))	No	Yes
		Demand and acquisition (quotations, requisitions and acquisitions)	No	Yes
		Bids (proposals, specifications, advertisements, allocations and committees)	No	Yes
		Acquisition and procurement plans	No	Yes
		Registers (include bids, suppliers database records, payment register, stocktaking control sheets, invoices, assets and inventory)	No	Yes
		Orders and payments (systems, invoices, service level agreements (SLAs), stock take on inventory (plans), acquisitions)	No	Yes
		Asset management (allocations, maintenance, disposals, inspections and reports, stocktaking control sheets, assets and inventory)	No	Yes
				Tender information
8.1.6	TRAVEL AND TRANSPORT SERVICES	Local trips and journeys	No	Yes
		Transport (hired and government-owned vehicles)	No	Yes
		Log sheets	No	Yes
8.1.7	FACILITIES MANAGEMENT	Buildings, grounds and properties (needs identification and analysis, planning and design, acquisition and leases of offices and official residences, allocations,	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		maintenance and alienation)		
		Machinery, equipment and other facilities (installation, repairs and maintenance)	No	Yes
		Energy efficiency and maintenance (plan, management, inspections and reports)	No	Yes
		SLA, maintenance, monitoring, inspections and reports (electrical, plumbing, pest control, and hygiene and cleaning services)	No	Yes
8.1.8	INFORMATION SERVICES	PAIA documents	Yes	No
		Knowledge management	No	Yes
		Library management	No	Yes
		Records management (file plans, schedule of records other than correspondence files, transfers, disposals, reports and registry registers)	No	Yes
		Security management	No	Yes
		Occupational health and safety matters	No	Yes
		Housing Subsidy System (HSS) environment (applications, national housing needs register and national housing subsidy database); maintenance, support and training services provided to PDHS	No	Yes
		Development of and support to infrastructure services for the DHS	No	Yes
		Information systems and applications that support the DHS business process and objectives	No	Yes
8.1.9	COMMUNICATION	Communication strategy	No	Yes
		Departmental logo/emblem	No	Yes
		Customer care call centre and presidential hotline matters	No	Yes
		Press releases	Yes	No
		Profiles of Executive Authority	Yes	No

No.	Category	Subject	Automatically available*	Available on request*
		Events, campaigns, launches and publicity programmes (include speeches of the Minister and Deputy Minister and photographs)	Yes	No
		Departmental publications, brochures, newsletters, magazines and posters	Yes	No
		Economic opportunities created by the DHS (in 11 official languages)	Yes	No
		HS programmes and subsidies (in 11 official languages)	Yes	No
		HS 20-year book	Yes	No
		DHS media monitoring (news clippings, copies of media adverts and the television series Breaking New Ground (BNG), which aired on SABC 2)	Yes	No
		Draft White Paper on HS	Yes	No
		Social contracts	Yes	No
		DHS corporate diary	Yes	No
		Guide to owning a government subsidised house	Yes	No
		BNG HS sector journal	Yes	No
		Botshabelo Accord	Yes	No
		Habitat III consultation workshop documents	Yes	No
		Outcome 8	Yes	No
		Publications	Yes	No
		Youth Accord	Yes	No
8.1.10	LEGAL SERVICES	Appointment of legal experts	No	Yes
		Legal opinions	No	Yes
		Claims, litigations and appeals	No	Yes
		Prosecutions, including serving of lawsuit documents	No	Yes
		Contracts, memoranda of understanding and SLAs	No	Yes
		DHS legislation (Bills, Acts, regulations and international commitments)	Yes	No
		Towards Policy Foundation for the Human Settlements	Yes	No

No.	Category	Subject	Automatically available*	Available on request*
		Legislation (White Paper)		
8.1.11	MEETINGS, AND ATTENDING AND HOSTING OF GATHERINGS	Management, corporate, provincial and sector forum meetings (including appointment of panel to advise the Minister, arrangements, agendas, minutes and reports)	No	Yes
		Cabinet memoranda	No	Yes
		Portfolio Committee questions and replies	No	Yes
		Parliament approved replies	Yes	No
8.1.12	M&E AND IMPACT ASSESSMENTS	M&E and impact assessment system matters	No	Yes
		Evaluations, assessments and monitoring reports (include impact, performance, project monitoring and beneficiary occupancy audits)	No	Yes
		Report on the evaluation of the impact of the Rural Housing Programme	Yes	No
		Report on the evaluation of the performance of social and rental housing programmes	Yes	No
		Measuring success in Human Settlements development: an impact evaluation study of the upgrading of informal settlements programme in selected projects in South Africa (report)	Yes	No
		Upgrading of informal settlements	Yes	No
		Rapid appraisal of Outcome 8 Output 1	No	Yes
		Spatial and non-spatial information	No	Yes
		Data acquisition and management (informal settlement delivery figures, rectification, delivery per project, and blocked projects)	Yes	No

No.	Category	Subject	Automatically available*	Available on request*
		M&E and impact assessment: policy and implementation framework for the HS sector	Yes	No
		M&E and impact assessment – 2013/14 to 2018/19	Yes	No
		Environmental implementation plan: DHS 2015-2020	Yes	No
8.1.13	POLICY DEVELOPMENT, ASSISTANCE AND RESEARCH	National Housing Code, 2009	Yes	No
		Comprehensive plan for the creation of sustainable human settlements, 2004	Yes	No
		USDG policy (2015)	Yes	No
		FLISP policy	Yes	No
8.1.14	HS SECTOR PLANNING	Establishment matters relating to housing institutions and entities (entity enabling Acts, Memorandum of Incorporation)	No	Yes
		Entity board matters (names of board members, term of office, shareholder compacts, mandate documents, board charter and terms of references, board evaluation reports, and remuneration)	No	Yes
		Entity plans/reports (strategic plans, annual performance plans)	No	Yes
		Monitoring and review of entities (quarterly reports, annual reports)	No	Yes
		Interventions (appointment of administrators, complaints and resolutions)	No	Yes
		Budget information and transfers (annual budgets, Medium Term Expenditure Framework (MTEF) information, grant allocations, transfers)	No	Yes
8.1.15	PROGRAMME IMPLEMENTATION, SUPPORT AND MONITORING	Facilitation of planning for national catalytic projects	No	Yes
		Planning of new catalytic projects	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Facilitation of planning for National HS projects in mining towns/areas	No	Yes
8.1.16	EQUITY AND PRIORITY PROGRAMMES	Home Loan and Mortgage Disclosure Act, 2000	Yes	No
		Home Loan and Mortgage Disclosure Act, 2000: Home Loan and Mortgage Disclosure Regulations, 2007, Notice 842 of 2007	Yes	No
		Home Loan and Mortgage Disclosure Act, 2000, Amendment Bill, 2016, Notice 247 of 2017	Yes	No
		Office of Disclosure annual report (2015) on the performance of financial institutions	Yes	No
		Quarterly report on the performance of financial institutions	Yes	No
		Booklet – Office of Disclosure Complaints handling procedure manual (in 8 languages: English; Afrikaans; isiZulu; Sepedi; Setswana; isiXhosa; Xitsonga; and Tshivenda)	Yes	No
		8.1.17	HS PROGRAMMES AND PROCESSES	Rental HS programmes: 2007 research report, rental accommodation for public sector professionals, and 2015 impact and evaluation of implementation of social housing programme
Development of private rental projects: National Housing Programme for the provision of basic services to backyard residents and the approved Gauteng Policy on Backyard Rental Housing	No			Yes
Social housing: Social Housing Act, 2008; Social Housing Regulations and social housing policy guidelines	Yes			No
Tribunals	No			Yes
Tenant support	No			Yes

No.	Category	Subject	Automatically available*	Available on request*
		Analysis, assessments, monitoring, reviews, reports and statistics on rental projects and programmes	No	Yes
		Establishment matters relating to housing institutions and entities (entity enabling Acts, Memorandum of Incorporation)	No	Yes
		Entity board matters (names of board members, term of office, shareholder compacts, mandate documents, board charter and terms of reference, board evaluation reports and remuneration)	No	Yes
		Entity plans/reports (strategic plans, annual performance plans)	No	Yes
		Monitoring and review of entities (quarterly and annual reports)	No	Yes
		Interventions (appointment of administrators, complaints and resolutions)	No	Yes
		Research (includes reports)	No	Yes
		Facilitation of priority projects funded nationally and provincially	No	Yes
		Community Residential Programme	Yes	No
		Budget information and transfers (annual budget, MTEF information, grant allocations, transfers)	No	Yes
8.1.18	STAKEHOLDER RELATIONS AND MOBILISATION	Engagements, alliances and liaisons (include matters relating to governmental, international and multilateral alliances)	No	Yes
		Govan Mbeki Housing Awards	Yes	No
		Sponsorships for HS projects	No	Yes
		The Enhanced People's Human Settlement Process	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		(EPHP) (includes old debts, pipeline/roll-out unblocking of Enhanced People's Housing Process (EPHP) projects, partnerships and dispute resolutions matters)		
		International relations (study tours, bilateral agreements)	No	Yes
		Seminars, conferences, and summits (include campaigns and workshops)	Yes	No
		Policy orientation programmes (include implementation and collaboration)	No	Yes
8.1.19	HUMAN SETTLEMENTS CAPACITY DEVELOPMENT	Beneficiary and community empowerment (includes implementation and collaboration, assessments, and M&E)	No	Yes
		Professionalisation of the HS sector (includes business plans, qualifications, accreditations, matters relating to training providers and institutions, and management of HS professional bodies)	No	Yes
		HS bursaries and scholarships (include policy applications and allocations, monitoring and assessments)	No	Yes
		Institutional capability development (includes business plans, matters relating to coordination, implementation and support of provincial programmes as well as assessments, and M&E)	No	Yes
		National technical capacity development strategy	No	Yes
		Cuba-South Africa technical support programme	No	Yes
		Skills transfer framework	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Housing Consumer Education	Yes	No
		Training Manuals for Councillors (DHS and the South African Local Government Association)	Yes	No
		Policy framework for women and youth	Yes	No
		Reports on HS, environmental scanning and analysis (economic trends and markets)	Yes	No
		Research (including reports)	No	Yes

## 9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

The PAIA Unit receives requests for access to information on behalf of the DIO and assists any person wishing to lodge a request.

Any enquiries regarding the lodging of request(s) for access to information of the Department should be made by visiting the PAIA Unit at 260 Justice Mahomed Street; sending a fax to 086 471 1939; calling the PAIA Unit at 012 444 9045/57/58; or sending an email to [paia@dhs.gov.za](mailto:paia@dhs.gov.za).

### 9.1 WHO CAN REQUEST INFORMATION?

- Any person can request information.
- Personal requesters requesting information about themselves.
- Requesters requesting information on behalf of another person. A requester that is acting on behalf of someone else must produce a letter of authority.

### 9.2 MANNER OF ACCESSING INFORMATION

#### 9.2.1 AUTOMATICALLY AVAILABLE RECORDS

Certain categories of records are automatically available without a person having to request them through PAIA processes as per the provisions of section 15(1)(a) of the Act. Information/records that are automatically available will be made available on the departmental website, and at departmental offices in the manner or form requested, should this be reasonable and possible.

### 9.2.2 TELEPHONIC REQUESTS

The DHS also accepts telephonic requests. Attention will be given to any such request made to the DIO or the PAIA Unit at the numbers provided in this manual. Officials at the PAIA Unit will complete the prescribed Form A on behalf of the requester and furnish them with a copy thereof.

### 9.2.3 ORAL REQUESTS

If an individual is unable to complete the prescribed form because of illiteracy or a disability, such person may make the request orally to the DIO.

The DIO at the DHS must reduce the oral request to writing in the prescribed form and provide a copy thereof to the requester.

## 9.3 FORMAL REQUESTS AS PER PAIA REQUIREMENTS

### STEP 1: Completing the prescribed access request form

- Obtain the prescribed request form, Form A contained in Annexure B of this manual, which is available on the DHS website or at any office of the DHS upon request.
- Complete the prescribed form in full, clearly indicating the record(s) requested, and sign the request form in the space provided.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made, to the reasonable satisfaction of the DIO.

### STEP 2: Payment

The requester must pay the prescribed request fee if due and when requested to do so by making a deposit into the account number provided below. Persons listed in paragraph 9.5.4 of this manual are exempted from paying the request fees.

### PAYMENT METHOD

Account name	Department of Human Settlements
Bank	Standard Bank
Account number	010160310
Branch name	Pretoria, Van der Walt Street
Branch code	010145
Reference	Promotion of Access to Information Act

**STEP 3: Submission of request**

The requester must submit the application form to the DIO through the PAIA Unit at the address, fax number or email address provided in this manual. The request form should be accompanied by proof of payment for the request fee. No proof of payment is attached by people qualifying for exemption, but the reasons for exemption should be clearly stated on the form.

**9.4 TURNAROUND TIMES FOR ATTENDING TO REQUESTS**

In terms of section 25 of the Act, the DHS must decide whether to grant or refuse a request and give notice with reasons to that effect within 30 days of receipt of the request.

The 30 days within which the DHS has to decide whether to grant or refuse the request may be extended once for a period of not more than 30 days if the request is for large amounts of information or if the request requires a search for information held at another office of the DHS and the information cannot be reasonably obtained within the original period of 30 days.

The DHS must notify the requester in writing if an extension is required.

**9.5 FEES**

The Act provides for two types of fee, namely:

**9.5.1 NON-REFUNDABLE REQUEST FEE**

A requester, other than a personal requester, requesting access to information held by the Department will be required to pay the prescribed request fee of R35, 00, as specified on Form A, before the request will be processed. Persons listed under paragraph 9.5.4 of this manual are exempted from paying request fees.

The DIO will withhold a record(s) until the requester concerned has paid the applicable fees, if any.

**9.5.2 ACCESS FEE**

- An access fee is payable in all instances where a request for access to information is granted for reproduction costs and, if applicable, the postal fee and the time reasonably required to search for and prepare the record for disclosure.
- Persons listed under paragraph 9.5.4 of this manual are exempted from paying an access fee.

- A requester requesting copies of records that are publicly available does not have to pay the request fee of R35,00, but must pay the access fee for reproduction, if applicable.

The DIO will withhold a record until the requester has paid the applicable fees, if any.

### **9.5.3 DEPOSITS**

If the search for a record(s) and the preparation of the record(s) for disclosure, including arrangements to make it available in the requested format, would require more than the hours prescribed for this purpose in the regulations, the DIO must by notice require the requester to pay as a deposit the prescribed portion (not more than a third) of the access fee which would be payable if the request is granted.

If a deposit has been paid in respect of a request for access which is then refused, the DIO of the DHS will refund the deposit to the requester.

### **9.5.4 EXEMPTIONS**

The following persons are exempted from paying the access fee contemplated in section 22(6) of the Act:

- A single person whose annual income after permissible deductions does not exceed R14 712,00 per annum.
- Married persons or life partners whose combined annual income after permissible deductions does not exceed R27 192,00 per annum.
- Where the cost of collecting any fee in respect of the search and preparation of a record for disclosure exceeds the amount charged, such fee does not apply.
- The search and preparation cost does not apply to the personal records of a requester.
- The request and access fees do not apply to records requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998), or the Regulations made under section 44 of that Act.

## **10. REFUSED ACCESS AND APPEALS**

### **10.1 GROUNDS FOR REFUSAL**

The DHS may refuse a request for access to its information if the requested information relates to:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased individual.
- Mandatory protection of certain records of South African Revenue Service.
- Mandatory protection of commercial information of a third party.
- Mandatory protection of certain confidential information and protection of certain other confidential information of a third party.
- Mandatory protection of safety of individuals and protection of property.
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings.
- Mandatory protection of records privileged from production in legal proceedings.
- Defence, security and international relations of the Republic.
- Economic interests and financial welfare of the Republic and commercial activities of the Department.
- Mandatory protection of research information of a third party and protection of research information of the Department.
- Operations of the Department.
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources of the Department.

## **10.2 MANDATORY DISCLOSURE IN PUBLIC INTEREST**

A request for access to a record that could otherwise be refused on the grounds for refusal in terms of PAIA may be granted, however, in circumstances where the disclosure of the record is in the public interest, and if such public interest clearly outweighs the harm contemplated in the grounds for refusal.

## **10.3 DEEMED REFUSAL OF A REQUEST**

If the DIO fails to give a decision on a request for access to the requester within the prescribed 30-day period, the DIO will be deemed to have refused such a request. The requester may then lodge an internal appeal against such refusal.

## **10.4 REMEDIES IF REQUEST FOR ACCESS IS REFUSED**

### **10.4.1 INTERNAL APPEAL**

A requester aggrieved by a decision of the DIO to refuse a request for access to information may lodge an internal appeal with the Minister of Human Settlements against the said decision.

#### **10.4.2 LODGING INTERNAL APPEAL**

An internal appeal:

- Must be lodged within 60 days after the requester is informed of the decision taken on the request.
- Must be completed on the prescribed internal appeal form contained in Annexure C of this manual, which is also available on the DHS website [[www.dhs.gov.za](http://www.dhs.gov.za)], or from any office of the DHS, upon request.
- Must be completed in full on the prescribed internal appeal form indicating the decision against which the internal appeal is lodged.
- Must be signed in the space provided on the internal appeal form.
- Must be submitted to the DIO through the contact details or address provided in this manual.

#### **10.4.3 REFERRAL OF INTERNAL APPEAL TO RELEVANT AUTHORITY**

- The DIO must, within 10 working days of receipt of an internal appeal, refer the internal appeal, together with reasons for his or her decision regarding the request, to the relevant authority.
- The relevant authority must consider and decide on the internal appeal within 30 days after the notice of internal appeal is received.
- The decision of the relevant authority must confirm or set aside the decision of the DIO or, where applicable, substitute a new decision for it.

#### **10.5 APPLICATION TO COURT**

A requester who has been unsuccessful in an internal appeal may, within 180 days of receipt of notice of the decision regarding the internal appeal, apply to the court for appropriate relief as stipulated in section 78(2).

### **11. AVAILABILITY OF MANUAL**

**11.1** This manual will be made available in three official languages on the DHS website, at all departmental offices and to the Human Rights Commission.

**11.2** This manual may be published in the *Government Gazette*.

### **12. UPDATE AND REVIEW OF MANUAL**

This manual will be reviewed by the Department annually and as and when necessary and may be updated and published as contemplated in PAIA.

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