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# INFORMATION MANUAL OF THE DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

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Prepared in accordance with section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) and the Protection of Personal Information Act, 2013 (Act No. 4 of 2013)

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## **1. INTRODUCTION**

### **1.1 Purpose of the Information Manual**

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

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

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

- 1.1.3 Section 14 of PAIA obliges a public body to compile an Information Manual, which could assist a person to obtain access to information held by the public body and stipulates the minimum requirements such a Manual has to comply with.
- 1.1.4 The purpose of this Manual is to inform a person on how to obtain access to records held by the Department and thereby giving effect to section 14 of PAIA.
- 1.1.5 The constitutional right to privacy is sought to be effected through the Protection of Personal Information Act, 2013 (Act No.4 of 2013) (POPI Act). POPI Act seeks to promote the protection of personal information processed by public and private bodies by regulating the manner in which such information is processed.
- 1.1.6 The right to privacy includes the right to protection against the unlawful collection, retention, dissemination and use of personal information.

## 1.2 The Department

### **Vision**

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

### **Mission**

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

### **Values**

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

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

### **The Strategic Objectives of the Department**

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

## **2. STRUCTURE OF THE DEPARTMENT**

### **Organizational Structure**

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

#### **PROGRAMME 1: ADMINISTRATION**

- Office of the MEC
- Corporate Services
- Finance

#### **PROGRAMME 2: LOCAL GOVERNANCE**

- Municipal Administration
- Public Participation
- Capacity Development

- Service Delivery Improvement Unit
- Municipal Performance and Monitoring, Reporting and Evaluation
- Municipal Financial Support

### **PROGRAMME 3: DEVELOPMENT & PLANNING**

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

### **PROGRAMME 4: TRADITIONAL INSTITUTION MANAGEMENT**

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

### **PROGRAMME 5: HOUSE OF TRADITIONAL LEADERS**

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

## **3. CONTACT DETAILS OF THE DEPARTMENT**

### **3.1 Switchboard**

Telephone No.: 013 766 6087

Facsimile No.: 013 766 8252

### **3.2 Information Officer**

**Mr S Ngubane**

Head: Co-operative Governance and Traditional Affairs

Telephone No.: 013 766 6237

Facsimile No.: 013 766 8425

Email Address: SNgubane@mpg.gov.za

### 3.3 Deputy Information Officer

**Ms RV Jones**

Chief Director: Corporate Services

Telephone No.: 013 766 6266

Facsimile No.: 013 766 8425

Email Address: [RJones@mpg.gov.za](mailto:RJones@mpg.gov.za)

### 3.4 Physical Address

No. 7 Government Boulevard

Riverside Park

Samora Machel Building

**MBOMBELA**

1200

### 3.5 Postal Address

Private Bag X11304

**MBOMBELA**

1200

### 3.6 Website

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

## 4. THE GUIDE ON HOW TO USE PAIA

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

**The South African Human Rights Commission**

PAIA Unit

Research and Documentation Department

Private Bag X 2700

**HOUGHTON**

2041

Telephone No: 011 484 8300

Facsimile: 011 484 1360

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## **5. RECORDS HELD BY THE DEPARTMENT**

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

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

## **6. RECORDS AUTOMATICALLY AVAILABLE**

- 6.1 Strategic Plan
- 6.2 Annual Performance Plan
- 6.3 Annual Performance Report
- 6.4 Service Charter and Service Standards
- 6.5 Integrated Development Plan (IDP)
- 6.6 Local Government Turnaround Strategy
- 6.7 Integrated Municipal Support Plan (IMSP)
- 6.8 Notices published in the *Provincial Gazettes*
- 6.9 Government Forms
- 6.10 Tender Adverts
- 6.11 Media Statements
- 6.12 Speeches
- 6.13 Legislation administered by the Department
- 6.15 Section 47 Municipal Reports
- 6.16 Internal newsletters

## **7. THE REQUEST PROCEDURE**

### **7.1 Process**

- 7.1.1 The requester who wishes to obtain access to information held by the Department has to complete the request form and submit it to the attention of the Information Officer on details in paragraph 3 above. (Request Form attached as "Annexure A").



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

## **7.2 Fees payable for a request**

- 7.2.1 PAIA provides for two types of fees:
- (a) A Request Fee, which will be a standard fee; and
  - (b) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 7.2.2 The requester who seeks access to a record containing personal information about the requester is not required to pay access fee. Every other requester must pay the required fee, with exception, to requesters classified for the purposes of section 22(8) of PAIA.
- 7.2.3 The Information Officer must notify the requester, by notice, requiring the requester to pay the prescribed request fee and deposit, if any, before further processing the request;

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

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

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

7.3 **Fees in respect of Public Bodies in terms of section 22(2) of PAIA  
(Refer to “Annexure B”)**

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

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

## **9. REMEDIES WHERE REQUEST FOR ACCESS TO INFORMATION IS REFUSED**

### **9.1 Refusal of request**

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

9.1.1 Mandatory protection of the privacy of a third party who is a natural person, which involve the unreasonable disclosure of personal information of that natural person;

9.1.2 Mandatory protection of the commercial information of a third party, if the record contains:

- (a) Trade secrets of that third party;
- (b) Financial, commercial, specific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- (c) Information disclosed in confidence by a third party to the Department, if the disclosure could put that third party to the Department at a disadvantage in negotiation or commercial competition.

- 9.1.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 9.1.4 Mandatory protection of the safety of individuals and the protected in terms of any agreement;
- 9.1.5 Mandatory protection of the safety of individuals and the protection of property;
- 9.1.6 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 9.1.7 Operations of the Department;
- 9.1.8 The commercial activities of the Department, which may include:
  - (a) Trade secrets of that third party;
  - (b) Financial, commercial, specific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - (c) Information disclosed in confidence by a third party to the Department, if the disclosure could put that third party to the Department at a disadvantage in negotiation or commercial competition;
  - (d) A computer programme owned by the Department, which is protected by copyright.
- 9.1.9 The research information of the Department or third party, if its disclosure would disclose the identity of the Department, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 9.1.10 The request for information that is clearly vexatious, or which involves an unreasonable diversion of resources shall be refused.

## **9.2 Appeal**

- 9.2.1 The requester may lodge an internal appeal against a decision of the Information Officer of the Department –
  - (a) to refuse a request for access; or

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

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

### **9.3 Manner of appeal and appeal fees**

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

- (a) Within 60 (sixty) days;
- (b) If notice to a third party is required by section 49(1)(b) of PAIA, within 30 (thirty) days after notice is given to the appellant of the decision appealed against, or if notice to the appellant is not required, after the decision was taken;
- (c) It must be delivered or sent to the Information Officer of the Department at his address, or fax number;
- (d) It must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;
- (e) If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed.

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

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

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

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

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

## 10. THE PROTECTION OF PERSONAL INFORMATION ACT

### 10.1 Important definitions in terms of POPI Act:

- (a) Data subject- a person to whom personal information relates;
- (b) Responsible party- a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information. In this regard, the responsible party relates to the Department.

10.2 Chapter 3 of Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPI Act) provides 8 minimum conditions for the lawful processing of personal information by a responsible party, namely, accountability, processing limitation, purpose specification further processing limitation, information quality, openness, security safeguard, data subject participation. The afore-mentioned conditions may not be deviated from unless specific exclusions outlined in POPI Act apply, based on unique circumstances.

10.3 To carry out its constitutional and organisational functions, the Department requires personal information relating to both juristic and natural persons. The Department determines which information is processed and the manner in which such information is processed.

10.4 The Department, as the Responsible Party herein, will ensure that the personal information of a Data Subject is processed in a manner which is lawful, fair and transparent.

10.5 Any personal information processed by the Department must be processed only for the purpose for which it was collected and the Department must have a legal basis for such processing. Personal information will not be processed for secondary purposes unless it is incidental to the original purpose unless it is incidental to the main purpose.

- 10.6 The Department will only collect personal information which is relevant to the purpose for which it was collected and such information will not be kept for longer than required.
- 10.7 Confidentiality is of utmost importance when processing personal information, hence, the Department has security measures in place to ensure that personal information is protected against unauthorized access, loss, destruction or damage.
- 10.8 In terms of section 5 of POPI Act, the Data Subject has the following rights:
- 10.8.1 The right to be notified that his, her or its personal information is being collected in accordance with section 18 of POPI Act or has been accessed by an unauthorized person as provided for in terms of section 22 of POPI Act;
- (i) The right to request for his, her or its personal information to be corrected, destroyed or deleted in terms of section 24;
  - (ii) The right to reasonably object to the processing of his, her or its personal information in terms of section 11(3)(a);
  - (iii) The right to submit a complaint to the Regulator regarding any alleged interference with the protection of his, her or its personal information in terms section 74.

## **10.9 Purpose of Processing**

The Department only collects personal information for a specific, explicitly defined and lawful purpose, for activities related to the functions of the Department, which include, but not limited to:

- (a) Recruitment;
- (b) Procurement;
- (c) Survey;
- (d) Provision of services;
- (e) Financial disclosure;
- (f) Security vetting;
- (g) Support to municipalities;

- (h) Support to Traditional Council.

#### **10.10 Categories of data subjects**

The Department processes information relating to, but not limited to the under-mentioned categories of data subjects:

- (a) Employees (may include family members);
- (b) Prospective employees;
- (c) Former employees;
- (d) Service Providers/suppliers;
- (e) Bidders;
- (f) Stakeholders, such as Traditional Leaders, Municipal senior management;
- (g) Traditional Councils;
- (h) Clients/members of the public.

#### **10.11 Categories of Information**

The Department processes information relating to, but not limited to the under-mentioned categories:

In respect of natural persons-

- (a) Names, identity numbers;
- (b) Residential addresses;
- (c) Contacts details;
- (d) Qualifications;
- (e) Criminal records;
- (f) Banking details;
- (g) Financial planning information;
- (h) Financial obligations;
- (i) Medical records;
- (j) Remuneration;
- (k) Performance records;
- (l) Religion;
- (m) Citizenship;
- (n) Assets of employees\Service Providers;

- (o) Contractual agreements (other remunerative work).

In respect to juristic persons-

- (a) Company name;
- (b) Registration details;
- (c) Banking details;
- (d) Financial details;
- (e) Tax details;
- (f) Contractual agreements (current or former clients).

#### **10.12 Recipients of information**

The Department may share personal information with, but not limited to the under-mentioned recipients, depending on the nature of information

- (a) Law enforcement agencies;
- (b) Other Government Departments;
- (c) Persons submitting requests;
- (d) Members of the public;
- (e) Financial/pension fund institutions;
- (f) Auditor General;

#### **10.13 Transfer of personal information outside the Republic**

The Department envisages that it may require to transfer personal information to third parties who are situated in foreign countries. Should such transfer be necessary, the Department shall only do so as stipulated hereunder:

- (1) The Department may not transfer personal information to the third party who is in another country unless-
  - (a) The third party is subject to law, binding corporate rules or law binding agreement which provide an adequate level of protection that effectively upholds principles of reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to data subject;
  - (b) The data subject consents to the transfer;



- (c) The transfer is necessary for performance of a contract between the Department and the third party;
- (d) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Department and the third party;
- (e) The transfer is for the benefit of data subject, and –
  - (i) it is not reasonably practically possible to obtain the consent of the data subject to that transfer;
  - (ii) If it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

#### **10.14 Security measures implemented by the Department**

The Department undertakes to institute, apply, maintain and comply with the following data protection measures:

- (a) Memorandum of Understanding between the Department and the Provincial Treasury on services rendered by the State Information Technology Agency, in respect of electronic data kept through PERSAL, BAS, etc
- (b) Approved Department's PERSAL User Account Manual Procedure;
- (c) Lockable cabinets for storage of physical files;
- (d) Non-disclosure declarations by officials;

### **11. UPDATING AND AVAILABILITY OF THE MANUAL**

- 11.1 The Department undertakes to, if necessary, update this Manual at intervals of not more than 1 (one) year and/or when the need arises;
- 11.2 Section 14(3) of PAIA, read with Regulation No. R187 of 15 February 2002 prescribes that the Manual of a public body must be made available in the following manner:
  - 11.2.1 A copy will be made available to the South African Human Rights Commission and every Regional Office of the Department;

11.2.2 The Manual will be accessible through the website of the Department. In this regard, this manual will be accessible on the Department's website, at, <http://cgta.mpg.gov.za>

APPROVED AT MBOMBELA ON THIS 4<sup>th</sup> DAY OF July 2023



**MR S NGUBANE**  
**HEAD: CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**