



co-operative governance
& traditional affairs
MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

INFORMATION MANUAL IN TERMS OF SECTION 14 OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)

TABLE OF CONTENTS

1. INTRODUCTION

- 1.1 Purpose of the Manual
- 1.2 Mpumalanga Department of COGTA

2. STRUCTURE OF DEPARTMENT OF COGTA

Organizational Structure

3. CONTACT DETAILS OF THE DEPARTMENT OF COGTA

- 3.1 Switchboard
- 3.2 Information Officer
- 3.3 Deputy Information Officers

4. THE GUIDE ON HOW TO USE THE ACT

5. RECORDS HELD BY THE DEPARTMENT OF COGTA

6. RECORDS AUTOMATICALLY AVAILABLE

7. THE REQUEST PROCEDURE

- 7.1 Fees payable for a request
- 7.2 Fees in respect of Public Bodies in terms of section 22(2) of the Act

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

9. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

- 9.1 Refusal of request
- 9.2 Appeal
- 9.3 Manner of appeal and appeal fees

10. UPDATING AND AVAILABILITY OF THE MANUAL

ANNEXURES

- Annexure A : Prescribed forms for access to records of a public body
- Annexure B : Fees in respect of public bodies
- Annexure C : Notice of internal Appeal form

1. INTRODUCTION

1.1 Purpose of the information Manual

1.1.1 The Mpumalanga Department of Co-operative Governance & Traditional Affairs (**the Department**) recognizes and respects the right of access to information as enshrined in the Constitution of the Republic of South Africa. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereafter referred to as “the Act”) 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 rights. The Act sets out the procedures attached to such request.

1.1.2 Section 9 of the Act, however, 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.

1.2.3 Section 14 of the Act obliges public bodies to compile a 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.

1.2.4 The purpose of this Manual is, therefore, to inform a person on how to obtain access to records held by **the Department** and thereby giving effect to Section 14 of the Act.

1.2 MPUMALANGA DEPARTMENT OF COGTA

Vision

Responsive, effective, efficient and sustainable cooperative governance system

Mission

To coordinate, support, monitor and strengthen an integrated cooperative 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;
- vii) Excellence in Service Delivery.

The Departmental Strategic Objectives

1. To provide effective financial, technical and administrative support to the Department;
2. To strengthen administrative oversight capacity and accountability of municipalities to perform their developmental responsibilities and financial management systems;
3. To promote good governance and participatory democracy at a local level;
4. To facilitate public access to government information to communities through Thusong Service Centres;
5. To facilitate and coordinate integrated planning for sustainable infrastructure development and service delivery;
6. 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;
7. To advise government on policy and legislative development affecting traditional leaders and communities, custom, heritage and tradition.

2. STRUCTURE OF THE DEPARTMENT

2.1 Organizational Structure

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

PROGRAMME 1: ADMINISTRATION

- Office of the MEC
- Corporate Services

PROGRAMME 2: CHIEF DIRECTORATE: LOCAL GOVERNANCE

- Municipal Administration;
- Public Participation;
- Capacity Development;
- Municipal Performance Monitoring Reporting & Evaluation;

PROGRAMME 3: CHIEF DIRECTORATE: DEVELOPMENT & PLANNING

- Integrated Development Planning(IDP)
- Spatial Planning;
- Land-use Management;
- Local Economic Development;
- Municipal Infrastructure;
- Water Services;
- Disaster Management.

PROGRAMME 4: CHIEF DIRECTORATE: TRADITIONAL INSTITUTIONAL MANAGEMENT

- Traditional Institutional Administration;
- Traditional Resource Administration;
- Rural Development Facilitation;
- Traditional Land Administration.

PROGRAMME 5: CHIEF DIRECTORATE: HOUSE OF TRADITIONAL LEADERS

- Administration of House of Traditional Leaders (Business support);
- Committees & Local Houses of Traditional Leaders;

3. CONTACT DETAILS OF THE DEPARTMENT OF COGTA

3.1 SWITCHBOARD

Tel No.: 013 766 6087

Facsimile No. 013 766 8252

3.2 INFORMATION OFFICER

Mr C.M Chunda

Information Officer

Tel No.: (013) 766 6237

Facsimile No.: (013) 766 8425

3.3 DEPUTY INFORMATION OFFICERS

Ms H.G. Shube

Chief Director: Corporate Services

Tel No.: (013) 766 6556

Facsimile No.: (013) 766 8425

Ms R.V. Jones

Director: Legal Services

Tel No. : (013) 766 6266

Facsimile No. :(013)766 8425

4. THE GUIDE ON HOW TO USE THE ACT

The Guide on how to use the Act 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: 011 484 8300

Fax: 011 484 1360

Website: www.sahrc.org.za

5. RECORDS HELD BY THE DEPARTMENT OF COGTA

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

- 5.1 Departmental Strategic Plans, Implementation Plan and Performance Report;
- 5.2 Departmental Financial Records;
- 5.3 Departmental Annual Report;
- 5.4. Departmental Personnel Records;
- 5.5 Departmental reports relating to Summits and Workshops;
- 5.6 Departmental Policies,

- 5.7 Legal prescripts administered by the Department of Co-operative Governance and Traditional Affairs;
- 5.8 Section 47 Municipal Reports;
- 5.9 Contractual documents
- 5.10 Records of the Provincial Committee on Traditional Leadership Disputes and Claims.
- 5.11 Records of the Land-Use Rights and Township Board

6. RECORDS AUTOMATICALLY AVAILABLE

- 6.1 Departmental Annual Performance Plan
- 6.2 Departmental Strategic Plan
- 6.3 Departmental Service Charter and Service Standards
- 6.4 Integrated Development Plan (IDP) Documents
- 6.5 Local Government Turnaround Strategy
- 6.6 Integrated Municipal Support Plan(IMSP)
- 6.7 Notices published by the Department in the Provincial Gazettes;
- 6.8 Government Forms
- 6.9 Tender Adverts
- 6.10 Media Statements and Invitations;
- 6.11 Speeches

7. THE REQUEST PROCEDURE

- a. 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 the contact details stated above (Request Form attached as "Annexure "A")
- b. The prescribed form must be filled in with enough detailed information to at least enable the Information Officer to identify the record(s) requested, the identity of the requester, which form of access is required and the postal address or fax number of the requester.
- c. 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 fill in the form on behalf of such a request and give him or her copy.

- d. After lodging the request with the Information Officer, the application will be processed within 30 days.
- e. 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 unreasonably with the running of a public body concerned or damage to the record or infringe on the copyright not owned by the state.
- f. If the requester requests information on behalf of somebody else, the capacity in which the request is being made, must be indicated.

7.1 Fees payable for a request

7.1.1 The Act 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.

7.1.2 The requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester must pay the required fee, with exception, to requesters classified for the purpose of section 22(8) of the Act.

7.1.3 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.

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

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

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

7.2 Fees in respect of Public Bodies in terms of section 22(2) of the Act

Refer to "Annexure B"

8. ARRANGEMENTS ALLOWING INVOLVEMENT IN THE FORMULATION OF POLICY & PERFORMAMCE OF FUNCTIONS

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

9. REMEDIES WHERE REQUESTS 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:

- 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;
- 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 negotiations or commercial competition.
- Mandatory protection of confidential information of third parties 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;
- Operations of **the Department**;
- The commercial activities of **the Department**, which may include:
 - a. Trade secrets of the Department;
 - b. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of **the Department**;
 - c. Information which, if disclosed could put **the Department** at a disadvantage in negotiations or commercial competition;

- d. A computer programme which is owned by **the Department**, and which is protected by copyright;
- The research information of **the Department** or a 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.

Requests for information that are clearly frivolous or vexatious, or which involve 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), in relation to that requester, with the relevant authority.

9.2.2 A third party may lodge an internal appeal to the relevant authority, 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 (**see Annexure “C”**)

- a. Within 60 days;
- b. If notice to a third party is required by section 49(1)(b) of the Act, 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;
- c. It must be delivered or sent to the Information Officer of **the Department** at his or her addresses, 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.