



social development

MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

PAIA MANUAL

SECTION 14 MANUAL IN TERMS
OF PROMOTION OF ACCESS
TO INFORMATION ACT,
NO 2 OF 2000







MPUMALANGA

Department of Social Development

PAIA

Promotion of Access to Information Act

Manual

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1 Foreword by the Head of Department



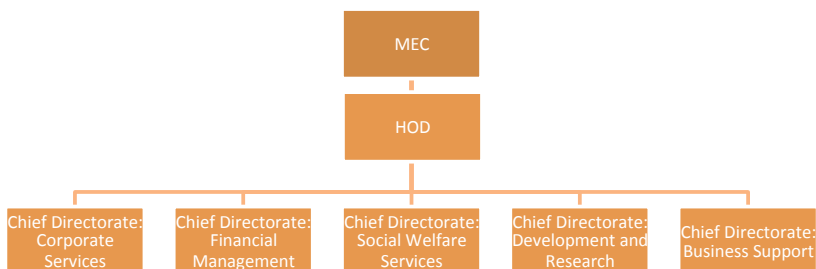
Section 32 of the Constitution guarantees to everyone the right of access to information held by the state and other persons or institutions. The Promotion of Access to Information Act 2 of 2000 (PAIA) provides the framework and procedures for citizens to exercise their constitutional right to information. As one of government's institutions in addressing imbalances of the past, Mpumalanga Department of Social Development is committed to the implementation of PAIA, not merely as a formality to comply with legislation, but to give effect to our mission of building **a caring, humane and developed society**. I hope that this Manual will broaden the public interest and participation in the processes of enhancing services that affect their lives.

A handwritten signature in black ink, which appears to read 'M. Mlangeni', written over a horizontal line.

MS NL MLANGENI
HEAD OF DEPARTMENT

2 The structure and functions of the Department – Sec 14 (1) (a)

- 2.1 The services rendered by the Department are structured into five programmes, i.e. Programme 1 (Administration), Programme 2 (Social Welfare Services), Programme 3 (Children and Families), Programme 4 (Restorative Services) and Programme 5 (Community Development).
- 2.2 Administratively, the Department consists of the Provincial Head Office situated in Nelspruit and three district offices situated in Ermelo, Nelspruit and Witbank.
- 2.3 A schematic diagram of the Departmental top structure is as follows:



3 Contact details of Information Officer – Sec 14 (1) (b)

- 3.1 In order to deal with the provision of information in terms of the Act, the Department has established the following structure:

3.1.1 Information Officer, Ms NL Mlangeni, in her capacity as the Head of Department;

- 3.1.2 Deputy-Information Officer, Ms KCF Ngalo, in her capacity as Chief Director: Corporate Services;
- 3.1.3 PAIA functionary, Mr NH Masha, who will, on behalf of the Information Officer and Deputy Information Officer, co-ordinate all PAIA related activities for access to information, and who can be contacted on the following particulars:

Physical Address	Riverside Boulevard, Son Joy Building, East Block, 1 st Floor, Riverside, Nelspruit, 1200
Postal address	Private Bag X11213, Nelspruit, 1200
Phone	013 766 3436
E-mail	Hosiahm@dsdmpu.gov.za
Website	www.dsdmpu.gov.za

4 Section 10 guide on how to use the Act – Sec 14 (1) (c)

The guide contemplated in Section 10 of the Act, on how to utilise the Promotion of Access to Information Act (2000), is available from the South African Human Rights Commission.

Physical Address	Braampark Forum 3, 33 Hoofd Street, Braamfontein
Phone	011 877 3810
E-mail	tsebulela@sahrc.org.za
Website	www.sahrc.org.za

5 Access to records held by the Mpumalanga Department of Social Development – Sec 15 (1) (e) and Sec 14 (1) (d)

5.1 Automatic Disclosure – Sec 15 (1) (e)

All categories of records that fall within automatic voluntary disclosure in terms of section 15 (1) (e) of the Act are available without a person having to request access in terms of the Act:

Subject	Sub-Category
Strategic Planning, Monitoring and Evaluation	<ul style="list-style-type: none">• Strategic Plans• Annual Reports

5.2 Records that may be requested – Sec 14 (1) (d)

The following subjects and categories of records may be requested in terms of the procedure contemplated in the Act and this Manual:

Subject	Sub-Category
Social Welfare Services	<ul style="list-style-type: none">• NGO Funding management services• Child and Family Care services• Victim Empowerment services• Substance abuse services• Social Crime Prevention services• Older Persons services• Persons with disabilities' services• Non institutional HIV / AIDS and Social Relief• Transversal social work services

Subject	Sub-Category
Community Development Services	<ul style="list-style-type: none"> • Sustainable livelihood services • NPO Institutional capacity building and support services • Youth Development services • Community Outreach and support services
Financial management services	<ul style="list-style-type: none"> • Finance and tender policies, documents and reports • Supply Chain management and procurement policies • Physical facilities management plans and reports • Building plans • Asset and commitment registers • Transport and maintenance reports
Communication	<ul style="list-style-type: none"> • Newsletters • Brochures / Posters / Pamphlets • Speeches
Human Resource Development and Training	<ul style="list-style-type: none"> • Human Resource Development and Training • Human Resources Plan
Human Resource Management	<ul style="list-style-type: none"> • Organisational Structure • Recruitment reports
Information Management Systems and Technology	<ul style="list-style-type: none"> • IT Governance • Information Technology Operations • Information management • Information Systems • Knowledge Management • Records management services

Subject	Sub-Category
Labour Relations	<ul style="list-style-type: none">• Disciplinary Code and Procedure Manual
Community Development	<ul style="list-style-type: none">• Research and Demographic reports
Business Support Unit	<ul style="list-style-type: none">• Rights of Child and People with Disabilities Framework

5.3 The Request Procedure – Sec 14 (1) (d)

To gain access to the records held by the Mpumalanga Department of Social Development, a request should be made to the Information Officer or Deputy Information Officer listed in Section 2 of this manual.

- Any requester must utilise Form A as printed in Government Gazette Notice R187 of 15 February 2002, a copy of which is annexed hereto as Annexure “B”, to obtain access to a record.
- Copies of the above request form are available upon request from all Departmental offices and the departmental website www.dsdmpu.gov.za.
- The requester should provide sufficient particulars on the request form to enable the Information Officer to identify the requester and records requested.
- The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the Offices of the Department. Alternatively, if the record is not a

document it can be viewed in the requested form, where possible (Sec 29 (2)).

- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any way, e.g. telephone, this must be indicated (Sec 18 (2) (e)).
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated (Sec 18 (2) (f)).
- If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give him/her a copy (Sec 13).
- The requester can submit the request either by means of post, fax, e-mail (see 1.2 above) or submit it at a departmental district office (see list of Departmental Districts Offices Annexure "C").
- If the record requested is not held within the Mpumalanga Department of Social Development, the request will be forwarded to the relevant institution and the requester will be notified accordingly.

A requester may be given access to a record held by the Department of Social Development if he/ she complies with the following:

- the requester complies with all the procedural requirements in the Act relating to the request for access to that record;
- Access to that record is in terms of the requirements of the Promotion of Access to Information Act 2 of 2000.

There are two types of fees required to be paid in terms of the Act, being the request fee and the access/ search fee (Sec 22)

- A request for access to a record, other than a record containing personal information about requestor, will be processed only after a **request fee** has been paid.
 - The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
 - The request payable to public bodies is prescribed here in as fees in respect of public bodies. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
 - After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
 - If the requester is granted then a further access fee must be paid for the search, preparation, and reproduction and for any time that has exceeded

the prescribed hours to search and prepare the record for disclosure.

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

- (i) A single person whose annual income, after permissible deductions, does not exceed **R14 712.00** per annum; and

- (ii) Married persons or a person and his or her life partner whose annual income, after permissible deductions, does not exceed **R27 192.00** per annum.

6 Services available to members of the public - Sec 14 (1) (f)

6.1 Nature of services

The services rendered by the Department can be unpacked as follows:

6.1.1 Programme 1 – Administration by its nature provides institutional leadership and management as well as a variety of transversal support services. These include the areas of the Executing Authority (MEC), Corporate Management which includes office of Head of Department, Human Resource Management, Financial Management (which includes Supply Chain Management), Legal Services, Anti-Fraud and Risk Management, Internal Audit, Strategic Planning, Monitoring & Evaluation and Communication.

6.1.2 Programme 2 – Social Welfare Services purpose is to provide integrated developmental Social Welfare Services to the poor and vulnerable in partnership with stakeholders and civil society organizations. This approach incorporates raising community awareness of social concerns and introducing strategies to reduce and prevent those social ills. The programme is further sub-divided into the following main focus areas, i.e.

- Care and services to older persons
- Services to persons with disabilities
- HIV and AIDS
- Social relief

6.1.3 Programme 3 – Child and Family Care Support Services aims to provide comprehensive child and family care and support services to communities in partnership with stakeholders and civil society organisations. The programme is further sub-divided into the following main focus areas, i.e.

- Child care and protection services
- Care and support services to families
- ECD and Partial Care
- Child and Youth Care Centres
- Community Based Care Services for Children

6.1.4 Programme 4 – Restorative Services is aimed at the Provision of integrated developmental social crime prevention and anti-substance abuse services to the most vulnerable in partnership with stakeholders and civil society. The programme is further sub-divided into the following main focus areas, i.e.

- Crime prevention and support
- Victim empowerment
- Substance Abuse, Prevention and Rehabilitation

6.1.5 Programme 5 - Development and Research is provision of sustainable development which facilitates empowerment of households and communities, based on empirical research and demographic information focussed on enabling the most vulnerable citizens access opportunities for sustainable livelihoods. The programme is constituted of the following sub programmes, i.e.

- Youth development
- Sustainable Livelihood
- Institutional Capacity Building
- Research and Demography
- Population Capacity Development and Advocacy
- Women Development

6.2 Gaining access to the services rendered by the Mpumalanga Department of Social Development

6.2.1 The services referred to under 5.1 above, are rendered at various service points throughout the Province.

6.2.2 Find attached as Annexure "C" a list of districts offices.

7 Arrangements allowing for public involvement – Sec 14 (1) (g)

The Department utilises existing structures such as Community Dialogues, Forums, Outreaches, etc. to –

- 7.1 Facilitate public involvement; and
- 7.2 Grant members of the public the opportunity to –
 - 7.2.1 Consult and make representations; and
 - 7.2.2 Participate in the formulation of policy, the exercise of powers and the performance of duties by Departmental officials.

8 Available remedies - Sec 14 (1) (g)

- 8.1 The Mpumalanga Department of Social Development has an internal appeal procedure as stipulated in Sections 74 and 75 of the Act. This would apply to any situation in which the requester / third party wishes to appeal a decision made by the Information Officer with respect to, viz. fees payable; the extension of a period; the form of access; and the refusal of a request to access of a record.
- 8.2 When the requester / third party lodges an internal appeal, the prescribed appeal form (Govt. Notice R187 - 15 February 2002 Form B - Annexure "B") has to be completed and lodged with the Mpumalanga Department of Social Development's Information Officer, who in turn will forward it to the relevant Section for a decision.

8.3 The Mpumalanga Department of Social Development will inform the requester / third party of the outcome of the internal appeal. A requester / third party who is dissatisfied with the outcome of the internal appeal may, within 60 days, submit an application to court for final decision. If no such application is filed within that period, the MEC's decision will be adhered to. If an application is filed at a court, the outcome of the court case will have to be awaited.

9 Other information as prescribed in terms of the Act 14

There is currently no other information available as contemplated in section 14(1)(l) of the Act.

10 Updating, publishing and availability of Section 14 manual

10.1 The manual may be obtained from District offices and the Provincial office (see section 1.2 above for contact details); alternatively, the manual is available on the departmental website at www.dsdpmpu.gov.za.

10.2 The manual will be made available in the following languages, i.e.

- 10.2.1 English
- 10.2.2 IsiSwati
- 10.2.3 IsiNdebele
- 10.2.4 Afrikaans

10.3 The Department may, if necessary, update and publish its manual referred to in Sec 14 (2), at intervals of not more than three years.

ANNEXURES

Annexure A: List of district offices

11 List of Districts Offices

1. GERT SIBANDE DISTRICT

Name of Office	Physical Address	Postal Address	Telephone Numbers	Fax Number
Gert Sibande District Office	102 Wedgewood and Industrial street, Ermelo, 2350	Private Bag X9074, Ermelo	017 819 7672	071 819 7198

2. EHLANZENI DISTRICT

Name of Office	Physical Address	Postal Address	Telephone Numbers	Fax Number
Ehlanzeni District Office	No 2 Thekwane South, Karino	Private Bag X 11241, Nelspruit, 1200	013 755 4036	013 753 3795

3. NKANGALA DISTRICT

Name of Office	Physical Address	Postal Address	Telephone Numbers	Fax Number
Nkangala District Office	Piet Koornhof Building, Justice Street Emalahleni, 1035	Private Bag X 7213, Witbank, 1035	013 653 5022 013 656 6262	013 656 0671

ANNEXURE B

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by _____
(state rank, name and surname of information officer/deputy information officer) on
_____ (date) at _____ (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION
OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____
3. Any further particulars of record: _____

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: _____ _____ _____	Form in which record is required: _____ _____ _____
-------------------------------------	---

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
--	---

2. If record consists of visual images -
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*
--	--	---

3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)
--	--

4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> copy in computer readable form* (stiffy or compact disc)
--	---	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>		
In which language would you prefer the record? _____		

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? _____

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

20 No. 23119

GOVERNMENT GAZETTE, 15 FEBRUARY 2002

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

**STATE YOUR REFERENCE
NUMBER:** _____

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- (a) *The particulars of the person who lodge the internal appeal must be given below.*
- (b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

Capacity in which an internal appeal on behalf of another person is lodged: _____

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

E. Grounds for appeal

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **You must sign all the additional folios.***

State the grounds on which the internal appeal is based: _____

State any other information that may be relevant in considering the appeal: _____

22 No. 23119

GOVERNMENT GAZETTE, 15 FEBRUARY 2002

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: _____

Particulars of manner: _____

Signed at _____ this _____ day of _____, 20 _____

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on _____ (date) by _____
_____ (state rank,
name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information
officer's decision and, where applicable, the particulars of any third party to whom or
which the record relates, submitted by the information officer/deputy information
officer on _____ (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION: _____

DATE

RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
FROM THE RELEVANT AUTHORITY ON (date): _____

ACCESS TO RECORDS OF PUBLIC BODIES

FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 6(c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

		R
(a)	For every photocopy of an A4-size page or part thereof	0,60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,40
(c)	For a copy in a computer-readable form on -	
	(i) compact disc	40,00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	22,00
	(ii) For a copy of visual images	60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
	(ii) For a copy of an audio record	17,00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

		R
(1)(a)	For every photocopy of an A4-size page or part thereof	0,60
(b)	For every printed copy of an A4-size page or part	

- | | | |
|--|--|------|
| | thereof held on a computer or in electronic or machine readable form | 0,40 |
|--|--|------|
- (c) For a copy in a computer-readable form on -
- | | | |
|------|--------------|-------|
| (i) | stiffy disc | 5,00 |
| (ii) | compact disc | 40,00 |
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof
- | | | |
|--|--|-------|
| | | 22,00 |
|--|--|-------|
- (ii) For a copy of visual images
- | | | |
|--|--|-------|
| | | 60,00 |
|--|--|-------|
- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof
- | | | |
|--|--|-------|
| | | 12,00 |
|--|--|-------|
- (ii) For a copy of an audio record
- | | | |
|--|--|-------|
| | | 17,00 |
|--|--|-------|
- (f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
- (2) For purposes of section 22(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.







DEPARTMENTAL INFORMATION

PHYSICAL ADDRESS: Son Joy Building, Boulevard Street, Riverside Park
Nelspruit, 1200,

POSTAL ADDRESS: Private Bag X 11213, Nelspruit, 1200,

TELEPHONE NUMBER/S: +27 13 766 3428 FAX NUMBER: +27 13 766 3456/7

www.dsdmpu.gov.za

