

**MPUMALANGA
DEPARTMENT OF COMMUNITY
SAFETY, SECURITY AND LIAISON**



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

INTRODUCTION AND SUMMARY

The Department of Community Safety, Security and Liaison recognizes and respects the rights of access to information of individuals as enshrined in the Constitution of the Republic of South Africa Act and consequently intends to give full effect to the objectives of the Promotion of Access to Information Act (hereafter referred to as PAIA) as not merely an issue of legal compliance, but rather an opportunity to deal with knowledge and information management in a holistic and integrated manner so as to effectively execute its mandate in terms of the Act.

This Manual will assist requesters to identify records and the manner of accessing them in the Department. It is also intended to give guidance on how PAIA can be used to gain access to records, e.g. personal information, organizational records and reports and etc.

The Department places great emphasis on fostering a culture of transparency and accountability and continues to subscribe to the principles of openness, integrity, accountability and responsibility to stakeholders.

The Department recognizes that corporate governance is a dynamic area and, as such, its systems of corporate governance are assessed on an ongoing basis to ensure that they remain relevant and keep up to date with developments.

This is the Department's revised manual in compliance with the Promotion of Access to Information Act No. 2 of 2000 (Section 14) and hope that this will assist you in requesting information from the Department.

In terms of section 53, a request for access to a record of the Department must be made in the prescribed form to the Deputy Information Officers of the Department at the contact details provided in the Manual.

The Form requires the requestor to provide the following:

- Sufficient information to enable the Deputy Information Officers to identify the requestor;
- Sufficient information to enable the Deputy Information Officers to identify the record(s) requested;
- The form of access required;
- The requestor's postal address or fax number;
- Identification of the right sought to be exercised or protected;
- An explanation on why the record is required to exercise or protect that right; and
- The manner in which the requestor wishes to be informed of the decision on the request, if in a manner in addition to written notification; and If the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the Deputy Information Officers.

For a specimen of the request Form see "Annexure A" of the Manual.

Requestors must note that all of the information required in the Form should be provided, failing which the process may be delayed.

A. VISION

A safe, secure and road crash free Mpumalanga Province.

B. MISSION

To improve community and road safety through traffic management, mass mobilization, oversee the performance of the police and provision of security services.

C. VALUES

The Department strives to pursue excellence and professionalism through the following values:

- Diligent, Efficiency and effectiveness;
- Caring, Responsive and Approachable;
- Integrity and honesty;
- Fair and Reasonable; and
- Inclusiveness, Accountability and Transparency.

D. DEPARTMENT'S STRUCTURE AND ITS RELATED FUNCTIONS.

The Department (Public Body) is structured to fulfil its mandate as outlined above. The main Divisions or Branches in the Department consist of the following divisions:-

Programme 1: Administration

- **Office of the Member of the Executive (MEC)**
- **Office of the Head of Department (Accounting Officer)**
 - ❖ Division : Financial Management
 - ❖ Division : Corporate Services
 - ❖ Division : Legal Service
 - ❖ Division :

Programme 2: Civilian Oversight

- ❖ Division : Programme Support
- ❖ Division : Policy and Research

- ❖ Division : Monitoring and Evaluation
- ❖ Division : Promotion of Safety
- ❖ Division : Community Police Relations

Programme 3: Transport Regulation

- ❖ Division : Programme Support
- ❖ Division : Safety Engineering
- ❖ Division : Road Safety Education
- ❖ Division : Traffic Law Enforcement
- ❖ Division : Transport Administration and Licensing
- ❖ Division : Overload Control

Programme 4: Security Management

- ❖ Provincial Security Operations

E. ADDRESSES AND CONTACT DETAILS OF INFORMATION AND DEPUTY INFORMATION OFFICER

POSTAL ADDRESS

Private Bag x 11269
NELSPRUIT
1200

PHYSICAL ADDRESS

Building No. 4 Ext 2
Government Boulevard
Riverside Park
NELSPRUIT

ELECTRONIC ADDRESS OF INFORMATION OFFICER

williamm@mpg.gov.za

TELEPHONE AND FACSIMILE NUMBERS OF INFORMATION OFFICER

Tel: (013) 766-4471
Fax: (013) 766-4600

NAME AND SURNAME OF DEPUTY INFORMATION OFFICERS

Ms. I.T Ngobe.

POSTAL ADDRESS AND PHYSICAL ADDRESS OF DEPUTY INFORMATION OFFICERS

POSTAL ADDRESS

Private Bag x 11269
NELSPRUIT

PHYSICAL ADDRESS

Building No.4, Ext 2
Government Boulevard
Riverside Park

ELECTRONIC ADDRESS OF DEPUTY INFORMATION OFFICER

itnkosi@mpg.gov.za

TELEPHONE AND FACSIMILE NUMBERS OF DEPUTY INFORMATION OFFICERS

Tel: (013) 766-4540

(013) 756-6300

Fax: (013) 766-4600/4628

F. DESCRIPTION OF THE GUIDE ON HOW TO USE THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)

The Guide on how to use the Promotion of Access to Information Act is obtainable from the Human Rights Commission, at the following address;-

The South African Human Rights Commission

Entrance 1

Wilds View

Isle of Houghton

Boundry Road

Parktown, Johannesburg

OR

Private Bag X 2700

Houghton

2041

Tel : (011) 484-8300

Fax : (011) 484-7149/1360

Website : www.sahrc.org.za

E-mail : PAIA@sahrc.org.za

G. FACILITATION OF A REQUEST FOR ACCESS TO A RECORD OF A DEPARTMENT

Any person who wishes to obtain access to information held by the public body (Department) may access them by filing in the application form as prescribed in Government Notice No. R 187 of 15 February 2000.

H. RECORDS HELD BY THE DEPARTMENT

The Public body (Mpumalanga Department of Community Safety, Security and Liaison holds the following records which could be requested in terms of the Act -

FINANCE

- Financial reports and statements; and
- Departmental budget.

CORPORATE SERVICES

- Records related to Departmental Human Resource Personnel and the public body's organisational structures;
- Employment practices;
- Skills development or capacity building;
- Records related to contractual documents signed with various service providers, as well as records to or emanating from any legislative requirements e.g. policy framework, etc;
- Records related to service providers contracted by the Department;
- Departmental communication strategy and plans; and
- Departmental Strategic Plans, Implementation Plan and Performance Reports.

CIVILIAN OVERSIGHT

- Records and reports related to monitoring and evaluation of police service;
- Policy documents and legislation on the South African Police Service;
- List of police stations in the Province; and
- Reports on investigations and/or performance carried out at police stations.

SOCIAL CRIME PREVENTION AND COMMUNITY POLICING

- Records related to the Provincial Strategy in combating or reducing social and contact crime in the Province;

- Concept documents on contact crime prevention and mass mobilisation;
- Municipal Safety Plans;
- Tourism Safety Project; and
- Summits and Izimbizo reports.

I. DESCRIPTION OF RECORDS AUTOMATICALLY AVAILABLE TO MEMBERS OF THE PUBLIC AND HOW TO GAIN ACCESS TO SUCH SERVICES

Take note that no notice has yet been published by the Department regarding the categories of records of the Department, which are available without a person having to request access in terms of the procedures in the Promotion of Access to Information Act. However, the records on the website of the Department, www.mpumalanga.gov.za/safetysecurity, are available for viewing or downloading without a person having to make such a request in terms of the said Act.

J. REQUEST PROCEDURE

Granting or refusal of request

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

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

How do I request access to a record?

- A requester must use the form (Form A) that was printed in the Government Gazette (Government Notice R187 of 15 February 2002).
- The requester must also indicate if he or she wants a copy of the record or if he or she to come in and look at the record at the offices of the Department. Alternatively, if the record is not a paper document it can then be viewed in the requested form, where possible.
- If a requester asks for access in particular form (e.g. paper copy, electronic copy, etc) then the requester should get access in that form. This is unless doing so will interfere unreasonably with the running of the Department or damage the record, or infringe a copyright not owned by the Department. If for practical reason access cannot be given in the required form but in another form, then the fee must be calculated according to the way the requester first asked for it.

- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.
- If the requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.
- If the requester is unable to read or write, or has a disability, then the request can be made orally. The information officer must then fill in the form on behalf of such a requester and give them a copy of the completed form.

Fees payable for a request and notification of decision of access

- A 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 request fee.
- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit before further processing of the request.
- The requester may lodge an internal appeal, where appropriate, or an application to court against the payment of a 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.
- If the request is granted then a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until the applicable fees have been paid.

Any member of the public may gain access to the services and records of the Department by contacting any of the Department's regional offices or the main office for the necessary application forms and any related assistants. The addresses, Telephone numbers and contact personnel of these offices are as follows:-

Head office

Private Bag x 11269	Bldg.No, 4, 2 nd floor	Tel : (013) 766 4062
NELSPRUIT	Riverside Govt.Complex	Fax: (013) 766 4600
1200		

Nkangala Regional Office

Private Bag x 11269	KwaMhlanga	Tel: (013) 947 3049/3504
KwaMhlanga	Government Complex	Fax (013) 947 3591

Ehlanzeni Regional Office

Private Bag x 11269	No: 25 Roodt Street	Tel: (013) 755 3692
NELSPRUIT	NELSPRUIT	Fax: (013) 752 3198
1200		

Gert Sibande Regional Office

Private Bag x 11269	No: 1 Steenkamp Street	Tel: (013) 624 2204
NELSPRUIT	Secunda	Fax: (013) 624 2249
1200	2302	

L. ARRANGEMENTS ALLOWING INVOLVEMENT IN THE FORMULATION OF POLICY AND PERFORMANCE OF FUNCTIONS

- When proposing new policy or legislation, the Department undertakes to consult with all its stakeholders through inviting comments on published papers and/or workshop/conferences. The processes of participation will differ according to the kind of envisaged policy or legislation or project and will usually be made known before the process commences.
- In case where an administrative action materially and adversely affects-
 - The rights or legitimate expectations of any person; or
 - The rights of the public time,

the prescripts of a procedurally fair administrative action set out in the provisions of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), will be adhered to (sections 4 and 5 in particular).

K. DESCRIPTION OF REMEDIES AVAILABLE TO PERSONS IN RESPECT OF ACTS OR FAILURES TO ACT

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful official acts or omissions by the Department or any of its employees.

- Remedies in respect of acts or failures to act in terms of the Promotion of Access to Information Act: The internal Appeal Authority for purposes of this Act is the MEC for the Department. After exhausting the internal appeal remedy an application may be lodged with a court;
- A public service employee may lodge a grievance or complaint for investigation by the Public Service Commission concerning an official act or omission;
- A person may use labour remedies regarding official acts or omissions of a labour nature, namely dispute of rights;
- A person may lodge a complaint with labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act or the Employment Equity Act;
- A person may lodge a complaint with the Public Protector concerning a suspected or improper official act or omission in terms of the Constitution and the Public Protector Act;
- A person may lodge a complaint with the South African Human Rights Commission concerning an official act or omission that is suspected to constitute a violation of or threat to any fundamental right in terms of the Human Rights Commission Act;
- In order to be protected from reprisals because of the disclosure regarding unlawful or irregular conduct by an employer or a fellow employee, the person in question may follow disclosure procedures in the Protected Disclosures Act; and
- The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act.

Other supportive remedies:

- A person may request reasons for an administrative action in terms of the Promotion of Administrative Justice Act; and
- A person may request access to records of government Department or other public body in terms of Promotion of Access to Information Act.

Duty to report:

- A public service employee, in the course of his or her official duties, is obliged in terms of the Code of Conduct for public service employees to report to the appropriate authorities, fraud, corruption, nepotism, mal-administration and any other acts which constitutes an offences or which is prejudicial to the public interest. An employee, who fails to comply with this, is guilty of misconduct.
- The responsibility of every employer and employee to disclose criminal and any other irregular conduct in the workplace also underpins the Protected Disclosures Act, 2000.

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

Request received by _____ Reference number _____
 officer/deputy _____ (name and surname of information
 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(s) 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.

<u>Disability:</u>		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"/>		<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"/>		<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?			YES
			NO
Please note that postage is payable.			
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

You will be notified 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 thisday of..... 20_____

**SIGNATURE OF REQUESTER OR
PERSON ON WHOSE BEHALF THE
REQUEST IS MADE**

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:

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(l) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

E. Grounds for appeal

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

State the grounds on which the internal appeal is based_____

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

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 in which you wish to be informed:_____

Particulars of manner: _____

Signed at.....thisday 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):**

Annexure C

FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) memory stick/stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(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) memory stick/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 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.