



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

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

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

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- |      |                     |   |
|------|---------------------|---|
| 1.1. | <b>"HOD"</b>        | Head of Department;   |
| 1.2. | <b>"Department"</b> | Department of Co-operative Governance and Traditional Affairs;    |
| 1.3. | <b>"DIO"</b>        | Deputy Information Officer;                                       |
| 1.4. | <b>"IO"</b>         | Information Officer;  |
| 1.5. | <b>"PAIA"</b>       | Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); |
| 1.6. | <b>"PFMA"</b>       | Public Finance Management Act, 1999 (Act No.1 of 1999);           |
| 1.7. | <b>"POPIA"</b>      | Protection of Personal Information Act, 2013 (Act No.4 of 2013);  |
| 1.8. | <b>"Regulator"</b>  | Information Regulator;  |
| 1.9. | <b>"SAHRC"</b>      | South African Human Rights Commission.                            |

## 2. PURPOSE OF THE MANUAL

This PAIA Manual is useful for the public to-

- 2.1. check the nature of the records which may already be available at the Department, without the need for submitting a formal PAIA request;
- 2.2. have an understanding of how to request access to a record of the Department;
- 2.3. access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4. know all the remedies available from the Department regarding requests for access to the records, before approaching the Regulator or the Courts;
- 2.5. the description of the services available to members of the public from the Department, and how to gain access to those services;
- 2.6. a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

- 2.7. if the body will process personal information, the purpose of processing personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8. know if the Department has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9. know whether the Department has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### **3. THE DEPARTMENT**

#### *3.1. Vision*

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

#### *3.2. Mission*

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

#### *3.3. Values*

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

#### *3.4. Objectives/Mandate*

The key objectives and mandate include:

- a) To provide effective, financial, technical and administrative support to the Department;



- b) To provide oversight, support, and capacity building to Municipalities to enable effective service delivery and development at the local level;
- c) To monitor and ensure compliance by Municipalities with relevant legislation, policies and regulations related to cooperative governance;
- d) To promote and facilitate cooperative governance between the Provincial Government, Municipalities and Traditional Leadership structures within Mpumalanga Province;
- e) To facilitate public access to Government information and services to communities through Thusong Service Centres;
- f) To facilitate and coordinate integrated planning for sustainable infrastructure development and service delivery;
- g) To recognize and uphold the role of Traditional Leaders and Traditional Communities in accordance with customary law and practices;
- h) To facilitate coordination and cooperation between the Provincial Government and Traditional Leadership on matters affecting Traditional Communities;
- i) To strengthen the instruction of Traditional Leadership to promote and contribute to service delivery, socio economic development, nation building, moral regeneration and preservation of culture within their jurisdiction;
- j) To provide administrative support to the Provincial House and Local Houses of Traditional and Khoi-San Leaders; and
- k) To advise the Government on policy and legislative development affecting Traditional Leaders and Communities, customs, heritage and tradition.

#### **4. STRUCTURE OF THE DEPARTMENT AND FUNCTIONS**

##### **4.1. Organizational Structure**

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

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

- Office of the MEC;
- Corporate Services; and
- Finance.

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

- Municipal Administration;
- Public Participation;
- Capacity Development;
- Service Delivery Improvement Unit;
- Municipal Performance and Monitoring, Reporting and Evaluation; and
- Municipal Financial Support.

#### **PROGRAMME 3: DEVELOPMENT AND PLANNING**

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

#### **PROGRAMME 4: TRADITIONAL INSTITUTIONAL MANAGEMENT**

- Traditional Institution Administration;
- Traditional Resource Administration;
- Rural Development Facilitation; and
- Traditional Land Administration.

#### **PROGRAMME 5: HOUSE OF TRADITIONAL AND KHOI-SAN LEADERS**

- Business Support (Administration of the House of Traditional Leaders); and
- Committees and Local Houses of Traditional and Khoi-San Leaders.

## 4.2. Functions

Key functions:

- a) Develop policies, laws and regulations related to co-operative governance between provincial, local and traditional authorities in Mpumalanga.
- b) Monitor and support Municipalities in the Province to ensure compliance with relevant co-operative governance legislation and policies.
- c) Facilitate coordination between the Provincial Government, Local Government and Traditional Leadership structures.
- d) Provide capacity building programs to Municipalities and Traditional Councils on governance, administration and service delivery.
- f) Promote socio-economic development and service delivery in Traditional Community areas.
- g) Advise and support Traditional Leaders in governance and development of their communities.
- h) Allocate funds and resources to Municipalities and Traditional Councils as per funding models.
- i) Conduct research and provide policy advice on co-operative governance and traditional affairs matters.
- j) Any other functions assigned by legislation related to co-operative governance and traditional affairs in Mpumalanga Province.



## 5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE DEPARTMENT

### 5.1. Switchboard

Telephone No.: 013 766 6087

### 5.2. Information Officer

**Mr S Ngubane**

Head: Co-operative Governance and Traditional Affairs

Telephone No.: 013 766 6237

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

### 5.3. Deputy Information Officer

**Ms RV Jones**

Chief Director: Corporate Services

Telephone No.: 013 766 6266

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

### 5.4. Head Office

#### **Physical Address**

No. 7 Government Boulevard

Riverside Park

Samora Machel Building

**MBOMBELA**

1200

#### **Postal Address**

Private Bag X11304

**MBOMBELA**

1200

#### **Website**

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

## 6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DEPARTMENT

### 6.1. Internal Appeal Processes:

Internal remedies include:

- a) Lodging a written complaint/objection with the Head of Department/Accounting Officer for the act/omission in question.
- b) If not resolved, escalate to the Office of the MEC with a formal internal appeal against the decision/action of the Head of Department/Accounting Officer.

### 6.2. External Regulatory/Oversight Bodies:

Depending on the nature of the complaint, the following external bodies could potentially investigate and provide remedies:

- a) Public Protector - For complaints related to maladministration, abuse of power, improper conduct by the Department.
- b) SAHRC - For violations of constitutional human rights like equality, dignity etc.
- c) Regulator - For violations of access to information rights or privacy/data protection laws.
- d) Auditor General - For financial mismanagement or irregularities by the Department.
- e) National Department of Cooperative Governance and Traditional Affairs - To review and intervene on failures by the Department.

### 6.3. Judicial Remedies:

If internal and external remedies are unsatisfactory, the following legal routes may be pursued:

- a) High Court - Judicial review application under PAJA to set aside irrational, unlawful Department decisions.

- b) High Court - Declaratory orders on rights violated and compelling Department to act lawfully.
- c) Equality Court - For cases of unfair discrimination under Promotion of Equality Act.
- d) Labour Court - For employment/labor disputes against the Department.
- e) Constitutional Court - For direct constitutional issues and confirming invalidity of laws/conduct.

The courts can grant interdicts, orders of mandamus, damages, costs and other appropriate relief depending on the nature of the violation or unlawful conduct by the Department.

## **7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

7.1. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

7.2. The Guide is available in each of the official languages.

7.3. The aforesaid Guide contains the description of-

7.3.1. the objects of PAIA and POPIA;

7.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

7.3.2.1. the Information Officer of every public body, and

7.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA;

7.3.3. the manner and form of a request for-

7.3.3.1. access to a record of a public body contemplated in section 13 of PAIA; and

- 7.3.3.2. access to a record of a private body contemplated in section 50 of PAIA;
- 7.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - 7.3.6.1. an internal appeal;
  - 7.3.6.2. a complaint to the Regulator; and
  - 7.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 7.3.7. the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 7.3.9. the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
- 7.3.10. the regulations made in terms of section 92 of PAIA.
- 7.4. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-
  - 7.4.1. upon request to the Information Officer;
  - 7.4.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).



8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE DPEARTMENT

Subjects on which the body holds records	Categories of records held on each subject
Strategic Documents, Plans, Proposals	<ul style="list-style-type: none"> <li>- Annual Reports;</li> <li>- Strategic Plan;</li> <li>- Annual Performance Plan;</li> <li>- Financial Records;</li> <li>- Contract Documents;</li> <li>- Service Charter and Service Standards;</li> <li>and</li> <li>- Records of the Provincial Committee on Traditional Leadership Disputes and Claims.</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>- HR policies and procedures;</li> <li>- Advertised posts;</li> <li>- Employees records;</li> <li>- Learning and development e.g. skills development and training plans; and</li> <li>- Employment equity plan and statistics.</li> </ul>
Local Governance	<ul style="list-style-type: none"> <li>- Integrated Development Plan (IDP);</li> <li>- Local Government Turnaround Strategy;</li> <li>- Integrated Municipal Support Plan (IMSP);</li> <li>and</li> <li>- Section 47 Municipal Reports.</li> </ul>
General	<ul style="list-style-type: none"> <li>- Notices published in the <i>Provincial Gazette</i>;</li> <li>- Government Forms;</li> <li>- Tender Adverts;</li> <li>- Media Statements;</li> <li>- Speeches;</li> </ul>



	<ul style="list-style-type: none"> <li>- Legislation administered by the Department; and</li> <li>- Internal Newsletter.</li> </ul>
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9. **CATEGORIES OF RECORDS OF THE DEPARTMENT WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

Category	Document Type	Available on Website	Available upon request
Tender document	<ul style="list-style-type: none"> <li>- Advertised tender</li> <li>- Name of successful bidder</li> </ul>	X	
Legislation/Regulations			X
Strategic Documents (Plans and Report)	<ul style="list-style-type: none"> <li>- Organisational profile (Overview, Objectives, Functions, Architecture)</li> <li>- Annual Reports;</li> <li>- Strategic Plan;</li> <li>- Annual Performance Plan;</li> <li>- Strategic and Performance Plans;</li> <li>- Service Charter and Service Standards;</li> <li>- Integrated Development Plan (IDP);</li> <li>- Local Government Turnaround Strategy;</li> <li>- Integrated Municipal Support Plan (IMSP);</li> <li>- Notices published in the <i>Provincial Gazette</i>;</li> <li>- Government Forms;</li> <li>- Media Statements;</li> </ul>	X	

	<ul style="list-style-type: none"> <li>- Speeches;</li> <li>- Section 47 Municipal Reports; and</li> <li>- Internal Newsletters</li> </ul>		
Other	<ul style="list-style-type: none"> <li>- Financial Records;</li> <li>- Personal Records;</li> <li>- Contract Documents;</li> <li>- Records of the Provincial Committee on Traditional Leadership Disputes and Claims; and</li> <li>- Records of the Township Appeal Board and Services Appeal Board.</li> </ul>		X

## 10. THE REQUEST PROCEDURE

### 10.1. Process

- 10.1.1. 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 5 above (**Request Form attached as "Form 2"**).
- 10.1.2. 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.
- 10.1.3. 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.
- 10.1.4. After the request has been submitted to Information Officer, the Information Officer has 30 (thirty) days within which to process the request.

- 10.1.5. If the requester requests information in a particular format (e.g. a paper copy, electronic copy etc.), then the requester should receive access in that format, 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.
- 10.1.6. If the requester requests information on behalf of somebody else, the capacity in which the request is made must be indicated.

## **10.2. Fees payable for a request**

### **10.2.1. 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.

10.2.2. 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.

10.2.3. 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;

10.2.4. 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.

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

10.2.6. 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.

### **10.3. Fees in respect of Public Bodies in terms of section 22(2) of PAIA (Refer to "Annexure A")**

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

### **11.1. Refusal of request**

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

- 11.1.1. 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;
- 11.1.2. 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.
- 11.1.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 11.1.4. Mandatory protection of the safety of individuals and the protected in terms of any agreement;
- 11.1.5. Mandatory protection of the safety of individuals and the protection of property;
- 11.1.6. Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 11.1.7. Operations of the Department;
- 11.1.8. 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.

11.1.9. 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.

11.1.10. The request for information that is clearly vexatious, or which involves an unreasonable diversion of resources shall be refused.

## 11.2. Appeal

11.2.1. 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.

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

## 11.3. Manner of appeal and appeal fees

11.3.1. An internal appeal must be lodged in the prescribed form (**Internal Appeal Form attached as “Form 4”**):

- (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;



- (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.

11.3.2. 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.

11.3.3. 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.

11.3.4. 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.

## **12. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE DEPARTMENT AND HOW TO GAIN ACCESS TO THOSE SERVICES**

### **12.1. Powers, duties and functions**

Key powers, duties, and functions of the Department:

- a) **Local Government Support:** The Department provides support and oversight to Municipalities in the Province, ensuring they fulfill their constitutional obligations and deliver services effectively to communities.
- b) **Traditional Affairs:** The Department is responsible for managing the relationship between the Provincial Government and Traditional Leaders, as well as supporting Traditional Communities and promoting their development.

- c) Disaster Management: The Department plays a role in coordinating disaster management efforts and supporting Municipalities in responding to and mitigating the impact of disasters.
- d) Spatial Planning and Land Use Management: The Department is involved in spatial planning and land use management, working with Municipalities to ensure sustainable development and spatial transformation.

#### 12.2. How to gain access to the Department's services

Members of the public can access services from the Department through the following channels:

- a) Website: The Department's website (<https://cogta.mpg.gov.za/>) provides information on various programs, services, and contact details for different divisions.
- b) Provincial and District Offices: the Department has regional offices located in different districts of Mpumalanga, where members of the public can visit or contact for specific inquiries or services related to their area.
- c) Municipal Offices: For services related to local government, such as municipal services or traditional affairs, members of the public can contact or visit their respective municipal offices, which work in collaboration with the Department.

### 13. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY DEPARTMENT

There are several ways in which the public can participate in or influence the formulation of policies or the exercise of powers and duties by the Department:

- 13.1. Public Consultations: Government Departments often conduct public consultations to gather feedback and opinions from citizens, stakeholders, and interested parties on proposed policies, regulations, or legislative changes. These consultations may involve public meetings, online surveys, or invitations for written submissions.

- 13.2. **Advisory Committees and Expert Panels:** Departments may establish advisory committees or expert panels that include representatives from the public, industry, academia, or civil society organizations. These committees provide advice and recommendations on specific policy areas or issues.
- 13.3. **Public Hearings and Parliamentary Committees:** Parliamentary Committees may hold public hearings or inquiries, allowing individuals and organizations to present their views and provide testimony on matters within the Department's purview.
- 13.4. **Petitions and Public Campaigns:** Citizens can initiate petitions or organize public campaigns to raise awareness and support for specific policy issues or concerns, which may influence the Department's decision-making process.
- 13.5. **Request for Information:** Members of the public can submit a request for access to information, records and documents related to policy formulation or decision-making processes, which can inform their participation and advocacy efforts (PAIA request).
- 13.6. **Online Platforms and Social Media:** Many government bodies now use online platforms, social media channels, or dedicated websites to engage with the public, solicit feedback, and share information about policy developments or decision-making processes.

#### **14. PROCESSING OF PERSONAL INFORMATION**

- 14.1. **Important definitions in terms of POPIA:**
  - (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.
- 14.2. **Chapter 3 of Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPIA)** 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 POPIA apply, based on unique circumstances.

- 14.3. 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.
- 14.4. 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.
- 14.5. 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.
- 14.6. 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.
- 14.7. 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.
- 14.8. In terms of section 5 of POPIA, the Data Subject has the following rights:
  - 14.8.1. The right to be notified that his, her or its personal information is being collected in accordance with section 18 of POPIA or has been accessed by an unauthorized person as provided for in terms of section 22 of POPIA;
  - (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.

#### **14.9. 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.

#### **14.10. 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.

#### **14.11. 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).

#### **14.12. 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;

#### **14.13. 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:

- (a) The Department may not transfer personal information to the third party who is in another country unless-
  - (i) 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;
  - (ii) The data subject consents to the transfer;
  - (iii) The transfer is necessary for performance of a contract between the Department and the third party;
  - (iv) 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;
  - (v) The transfer is for the benefit of data subject, and –
    - (aa) it is not reasonably practically possible to obtain the consent of the data subject to that transfer;
    - (bb) If it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

#### **14.14. 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;

To ensure the confidentiality, integrity, and availability of personal information, the Department undertakes to implement the following information security measures:

(e) Access Controls

- (i) Implement robust authentication mechanisms, such as strong passwords, multi-factor authentication, or biometric authentication, to restrict access to authorized personnel only.
- (ii) Enforce the principle of least privilege, granting access to information and systems strictly on a need-to-know basis.
- (iii) Regularly review and update access rights to ensure that only authorized personnel have access to sensitive information.

(d) Data Encryption

- (i) Implement strong encryption algorithms (e.g., AES-256, RSA) for data at rest (stored data) and data in transit (data being transmitted over networks).
- (ii) Employ secure key management practices, including regular key rotation and secure storage of encryption keys.
- (iii) Encrypt sensitive data, including personal information, before transmitting or storing it.

(c) Network Security

- (i) Implement firewalls and intrusion detection/prevention systems to monitor and control network traffic.
- (ii) Regularly update and patch network devices and software to address known vulnerabilities.

- (iii) Segment the network into separate zones (e.g., public, private, and sensitive data zones) to limit access and minimize the impact of a potential breach.
- (d) Anti-virus and Anti-malware Solutions
  - (i) Deploy and regularly update anti-virus and anti-malware solutions on all systems, including servers, workstations, and mobile devices.
  - (ii) Implement regular system scans and real-time protection against viruses, trojans, worms, and other malicious software.
  - (iii) Establish procedures for promptly addressing and mitigating identified threats.
- (e) Physical Security
  - (i) Implement access controls and monitoring for sensitive areas, such as data centers and server rooms.
  - (ii) Employ secure storage solutions (e.g., locked cabinets, safes) for physical records and backup media containing sensitive information.
  - (iii) Implement secure disposal methods (e.g., shredding, degaussing) for sensitive information and media when no longer needed.
- (f) Backup and Disaster Recovery
  - (i) Implement regular and secure backups of data, applications, and systems.
  - (iii) Store backup data in a secure, off-site location to protect against physical disasters or incidents.
  - (iii) Establish and test disaster recovery plans to ensure the availability of critical systems and data in the event of an incident or disaster.
- (g) Security Awareness and Training



- (i) Provide regular security awareness training to all personnel, including employees, contractors, and third-party partners, to educate them on security best practices, potential threats, and their responsibilities in protecting sensitive information.
- (h) Incident Response and Management
  - (i) Develop and maintain an incident response plan to effectively detect, respond to, and recover from security incidents.
  - (ii) Establish procedures for reporting, investigating, and mitigating security incidents, including data breaches.
  - (iii) Regularly review and update the incident response plan based on lessons learned and evolving threats.
- (i) Third-Party Risk Management
  - (i) Conduct due diligence and assess the security practices of third-party vendors, service providers, and partners who may have access to sensitive information.
  - (ii) Establish contractual agreements and service-level agreements (SLAs) that define security requirements and responsibilities.
  - (iii) Regularly monitor and review the security posture of third-party entities.
- (j) Continuous Monitoring and Improvement
  - (i) Implement security monitoring tools and processes to continuously assess the effectiveness of security controls and identify potential vulnerabilities or threats.
  - (ii) Regularly review and update security policies, procedures, and controls to align with evolving threats, regulatory requirements, and industry best practices.



## 15. AVAILABILITY OF THE MANUAL

15.1 This Manual is also made available in the following official languages-

15.1.1 Siswati

15.1.2 Xitsonga

15.2 A copy of this Manual or the updated version thereof, is also available as follows-

15.2.1 on (<https://cogta.mpg.gov.za/>), if any, of the public body;

15.2.2 at the head office of the public body for public inspection during normal business hours;

15.2.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

15.2.4 to the Information Regulator upon request.

15.3 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## 16. UPDATING OF THE MANUAL

The Department undertakes to, if necessary, update and publish this Manual annually.

APPROVED AT MBOMBELA ON THIS 5<sup>th</sup> DAY OF JUNE 2024

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