

Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 542 Pretoria 13 August 2010 No. 33441

MANUALS

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO

INFORMATION ACT (NO. 2 OF 2000)



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MPUMALANGA DEPARTMENT OF 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 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 crime free Province.

B. MISSION

To improve the safety of communities through mass participation, oversee the performance of the police and the coordination 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 Deputy Director General (Accounting Officer)
- Corporate and Regional Services (Sub-Branch)

Division : Office of the Chief Financial Officer

❖ Division : Human Resource Management

❖ Division : Communication

Division : Legal Service

Division : Planning and Programme Management

Division : Nkangala Regional Office

Division

Gert Sibande Regional Office

Division

Ehlanzeni Regional Office

Subdivision :

Special Programmes

Subdivision :

Security Management

Programme 2: Crime Prevention and Community Police Relations (Sub-Branch)

Division

Social Crime Prevention

❖ Division

Community Policing

Programme 3: Civilian Oversight (Sub-Branch)

:

Division

Monitoring

❖ Division

Evaluation and Research

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

POSTAL ADDRESS

PHYSICAL ADDRESS

Private Bag x 11269 NELSPRUIT

1200

Building No. 4 Ext 2 Government Boulevard

Riverside Park NELSPRUIT

ELECTRONIC ADDRESS OF INFORMATION OFFICER

Inkhoza@mpg.gov.za

TELEPHONE AND FACSIMILE NUMBERS OF INFORMATION OFFICER

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

NAME AND SURNAME OF DEPUTY INFORMATION OFFICERS

Ms. L.L. Nkosi and Mr. J.E. Mabuza

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 NELSPRUIT

ELECTRONIC ADDRESS OF DEPUTY INFORMATION OFFICERS

lmogiba@mpg.gov.za and elvism@mpg.gov.za

TELEPHONE AND FASCIMILE NUMBERS OF DEPUTY INFORMATION OFFICERS

Tel: (013) 766-4074

(013) 766-4055

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.

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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, 2nd 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 PERFOMANCE 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.

Annexure A

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	information	(name	and surname of	information		
			on	(date)		
at		(place)				
Request fee (if any):	R					
Deposit (if any):	R					
Access fee:	R					
	Signature of	information officer/o	leputy Information	Officer		
A Particulars of pub The Information Office	olic body er/Deputy Information (Officer:				
B. Particulars o	f person requesting a	ccess to the record	d			
(a) The particulars of	the person who reques	sts access to the rec	ord must be given	below.		
(b) The address and must be given.	d/or fax number in the	Republic to which t	he information is	to be sent,		
(c) Proof of the capac	city in which the reques	t is made, if applical	ble, must be attach	ed.		
Full names and surna	ame:					
Identity number:						
Postal address:						
Fax number:						
Telephone number: _						
E-mail address:						
Capacity in which	request is made,	when made on	behalf of anothe	er person:		

C. Particulars of person on whose behalf request is made

This sec another		complete	d ONLY if a	request	for informati	ion is made on	behalf of
Full nam	es and surnar	ne:					
Identity r	number:						
D. P	articulars of	record					
	de full particul f that is knowl					d, including the I	reference
this form					nue on a sepa	arate folio and a	ttach it to
	Description	of	record	or 	relevant	part of	the
2. Refere	ence number,	if available	o;				
3. Any fu	rther particula	urs of reco	rd:			<u> </u>	
E. F	ees						
about	quest for acco					ning personal in	formation
(b) You	will be notified	d of the am	ount require	d to be p	aid as the req	uest fee.	
(c) The f	ee payable fo	r access t	o a record d	lepends c	on the form in	which access is	s required
reasonal	ole time requir	ed to sear	ch for and p	repare a i	record.		
(d) If yo exemption		exemption	of the pay	ment of	any fee, ple	ase state the r	eason for
Reason(fees:	s) fo	or ———	exemption	n 	from	payment	of
		······································					

F. Form of access to record

• •	i offit of access to re	COIU		
pro	ou are prevented by a disa vided for in 1 to 4 below, uired.			
Disa	ability:		Form in which re	ecord is required:
Mai	k the appropriate box with	an X.		
NO	TES:			
	Compliance with your requinhich the record is available		ne specified form	may depend on the form
	Access in the form request will be informed if access to			stances. In such a case
	The fee payable for access ch access is requested.	to the record, if any	y, will be determir	ned partly by the form in
1.	If the record is in written or	printed form:		-
	copy of record*	inspection of re	ecord	
	record consists of visual ir s includes photographs, sli		gs, computer-gen	nerated images, sketches,
	view the images	copy of the ima	ages*	transcription of the images*
3. II	record consists of recorde	d words or informat	ion which can be	reproduced in sound:
	listen to the soundtrack(audio cassette)	transcription of (written or prin		
4. li	record is held on compute	r or in an electronic	or machine-read	able form:
	printed copy of record'	printed c information de the record*	opy of erived from	copy in computer readable form* (stiffy or compact disc)
	ou requested a copy or tra y or transcription to be pos		rd (above), do yo	u wish the YES NO
	ase note that postage is p			
	e that <i>if</i> the record is not a language in which the reco		uage you prefer, a	access may be granted in
. uic	Tanuuaue III WIIICII IIIE (ECC	nu is available.		

G. Notice of decision regarding request for access

In which language would you prefer the record?

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 record?	d of the decision regarding your request for a	ccess to the
Signed at	thisday of	20

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

Annexure B

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:
HORIDEN.

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

ne decision against which the internal appeal is lodged with

box:	the decision against which the internal appear is lodged with an X in the appropriate
	Refusal of request for access
	Decision regarding food processined in terms of section 32 of the Act
	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(I) 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
	provided space is inadequate, please continue on a separate page and attach it to this 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
inform	ill be notified in writing of the decision on your internal appeal. If you wish to be ed in another manner, please specify the manner and provide the necessary plars to enable compliance with your request.
State 1	the manner in which you wish to be informed:
Partice	ulars of manner:
Signe	d at

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.

	010.7	priotocopy of an 711 oize page of part thoroun.				
2.	The fe	es for reproduction referred to in regulation 7(1) are as follows:	R			
	(a) For every photocopy of an A4-size page or part thereof					
	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form					
	(c) Fo	r 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.		equest fee payable by every requester, other than a personal ster, referred to in regulation 7(2) is R35,00.				
4.		ccess fees payable by a requester referred to in regulation 7(3) follows:				
	(a) Fo	r every photocopy of an A4-size page or part thereof	R 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					
	(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.

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