

SECTION 14 MANUAL: PROMOTION OF ACCESS TO INFORMATION

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MANUAL PREPARED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

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INTRODUCTION

The Promotion of Access to Information Act, 2000 (Act No.2 of 2000) prescribes that a Public Body must provide details of records held by such Body so that any request for information may be accommodated.

The details of records kept by a Public Body are contained in a book commonly known as a manual. The manual therefore relates to the records kept by the Public Body. The records kept pertain to the business/functions of each and every unit. To distinguish between the functions/business of each unit, the records of each unit are numbered differently. Each record also carries a disposal instruction.

Apart from records, also called files, the manual also contains information on the addresses of the Head of the Department as well as the Information Officer/s of the Public Body and also the name of each unit in the Public Body, its core function and a list of all records kept by the Public Body.

<u>VISION</u>

We are a thriving arts, culture and heritage sector contributing to sustainable economic development, leveraging on partnerships for a socially cohesive nation.

MISSION

We enhance job creation by preserving, protecting and developing arts, culture and heritage to sustain our democracy and build our nation.

VALUES OF DEPARTMENT OF ARTS AND CULTURE

- Accountability;
- Integrity;

- · Results-driven;
- Professionalism;
- Humility; and
- Batho Pele principles.

SECTION 10 GUIDE OF ALL MANUALS IN THE REPUBLIC OF SOUTH AFRICA

The South African Human Rights Commission has published the guide as is prescribed by Section 10 of the Promotion of Access to Information Act. The guide is available at the offices of the South African Human Rights Commission.

The PAIA Unit (Promotion of Access to Information) at the South African Human Rights Commission

The Research and Documentation Department Private Bag X2700 HOUGHTON 2014

Telephone:	+27 11 484 8300
Fax:	+27 11 484 0582/1360
Website:	www.sahrc.org.za
E-mail:	PAIA@sahrc.org.za

CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS FOR THE DAC

INFORMATION OFFICER:	Director-General
Postal Address:	Private Bag X 897
	Pretoria
	0001
Street Address:	Kingsley Centre
	481 Stanza Bopape Street
	Corner Steve Biko and Stanza Bopape Streets
	Arcadia
	Pretoria
	0083
Telephone:	+2712 441 3027
Facsimile:	+2712 440 4510
E-mail:	Sibusiso.Xaba@dac.gov.za

Description of functions:

To provide departmental direction to the DAC and to ensure a transparent, accountable, professional and efficient client service, that includes the general public, Parliament and Government.

DEPUTY INFORMATION OFFICER:

Director: Legal Services

Postal Address:

Private Bag X 897 Pretoria 0001

• · · · ·	
Street Address:	Kingsley Street
	481 Stanza Bopape Street
	Corner Steve Biko and Stanza Bopape Streets
	Arcadia
	Pretoria
	0083
Telephone:	+2712 441 3058
Facsimile:	+2712 440 3429
E-mail:	LouisaM@dac.gov.za

Description of functions:

To co-ordinate all matters relating to DAC's legislation and to process requests in terms of the Promotion of Access to Information Act.

DEPUTY INFORMATION OFFICER:

Chief Director: National Archives and Records Services

Postal Address:

Street Address:

Private Bag X 897 Pretoria 0001 24 Hamilton Street Arcadia

Pretoria

0083

 Telephone:
 +2712 441 3200

 Facsimile:
 +2712 323 5287

or

No. 37444 9

Mandy.Gilder@dac.gov.za Archives@dac.gov.za

Website:

www.national.archives.gov.za

Description of functions:

To co-ordinate all matters relating to transparency legislation and to process requests in terms of the Promotion of Access to Information Act directed to the National Archives and Records Service.

PROGRAMMES WITHIN THE DEPARTMENT

ADMINISTRATION	The purpose of this programme is to provide core support services, including administrative, financial, human resources, communications, marketing and monitoring and evaluation services.
PERFORMING ARTS	This programme is responsible for mainstreaming the role of arts, culture and heritage in social and economic development. It plays a special role in facilitating opportunities for women, youth and people with disabilities.
<u>NATIONAL LANGUAGE</u> SERVICES	This programme is designed to develop, promote and protect the official languages of the Republic of South Africa and enhance the linguistic diversity of the country through policy formulation and implementation. The programme renders translation and editing services to government, coordinates and monitors government language structures and develops multilingual terminologies to support communication in the official languages.
<u>CULTURAL</u> DEVELOPMENT	This programme aims to make a contribution to job creation, poverty reduction, skills transfer and wealth creation. The purpose of the programme is to stimulate the development of opportunities in South African arts and culture through mutually beneficial partnerships that will result in the sustainability of the sector. The programme recognises that the future of cultural expression lies in the development of new audiences and markets.

HERITAGE PROMOTION	This programme aims to develop and monitor the implementation of policy, legislation and strategic programmes for the identification, conservation and promotion of cultural heritage for socio-economic development.
NATIONAL ARCHIVES AND LIBRARY SERVICES	The aim of this programme is to develop the archival and information resources of South Africa and in so doing to strengthen good governance through full and open access to such resources.

SECTION 14

RECORDS IN THE POSSESSION OF THE DAC, WHICH ARE AUTOMATICALLY AVAILABLE

INTRODUCTION

This chapter deals with the provisions of section 14(1) (d) of the Promotion of Access to Information Act, which prescribes that a body must provide details of records in its possession in order to give effect to requests for access to information.

Included in this manual is the subject of files. Files are the tools used to preserve records in the DAC. Each file has a number and a brief description of the records kept in the file as well as the subject of the file. **Very important** – each file has its own number, the opening and closing dates and the disposal instruction of that file. The disposal instruction is important because it determines what must happen with the file after a specific period of time has lapsed, e.g. A10 would mean that the file must be sent to NASA (National Archives of South Africa) 10 (ten) years after the closing date on the file cover.

ACCESS TO RECORDS IN TERMS OF SECTION 14(1) (e)

The Minister must, in terms of section 15(2), publish in the Government Gazette a notice of records that are automatically available.

This chapter describes in general terms the records that are automatically available. This information is also available on the website of the DAC: <u>www.dac.gov.za</u>.

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)

1. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR INSPECTION IN TERMS OF SECTION 15 (1) (a)(i)

Profile:

- The DAC's vision, mission, values and strategic goals
- Premise, promise and pledge
- Legislative mandate

Speeches:

- Minister's speeches
- Deputy Minister's speeches
- Former principals' speeches
- The President's speech
- Other speeches including those by the former Ministers.

Legislation/Policies:

- The DAC's legislative mandate
- Legislation administered by the DAC, including Acts, Bills, White Paper and Policies

Publications:

- Most requested publications concerning the DAC including:
 - Annual reports and annual performance plans
 - Strategic plans
 - o General reports

- Parliamentary updates
- o Other publications

Media Releases

Events:

The DAC's annual calendar of events

Projects:

- General information on the various projects and programmes undertaken by the DAC, including:
 - Heritage Projects
 - Arts, Social Development and Youth Programme
 - Flag in Every School Project

Forms:

Downloadable DAC forms

Tenders:

- General information on DAC tenders including:
 - o Advertised Tenders:- bid number, description and closing date
 - Past Tenders:- bid number, description, list of bids received and date closed
 - Awarded Bids:- bid number, description and who awarded to.
 - Cancelled / Expired bids

Vacancies:

- General information on vacancies in the DAC
- Circulars of advertised posts

<u>Links:</u>

- Links to DAC stakeholders including:
 - Arts and Culture Organisations

- Arts Institutions
- Libraries and Archives
- Museum reporting to the Minister of Arts and Culture
- o Related links
- o Other links

2. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii)

 The list of records above, subject to the payment of the fee prescribed in item 2 of Part II of Annexure A of the regulations relating to the Promotion of Access to Information

3. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR COPYING IN TERMS OF SECTION 15 (1) (a)(ii)

• The list of records above, subject to the payment of the fee prescribed in item 2 of Part II of Annexure A of the regulations relating to the Promotion of Access to Information

4. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15 (1) (a)(iii)

• The list of records above and where the record is available free of charge

MANNER OF ACCESS TO AUTOMATICALLY AVAILABLE RECORDS

Section 15 of the Promotion of Access to Information Act prescribes that the DAC must publish in the Government Gazette the schedule (list) of records that are automatically available in the DAC. Requests for these records are not by filling out the prescribed Form A that is utilized to request information. There is also no requester fees payable for these records. The fees payable are only where copies of the record are to be made, irrespective of whether it is in hard copy format, compact disc, stiffy drive, cassette recording, etc.

In the case of such records already placed with the National Archives of South Africa, the records will be made available in compliance with laws applicable to the perusal of such records:

- The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
- The Protection of Information Act, 1982 (Act No. 84 of 1982)
- The National Archives and Records of South Africa, 1996 (Act No.43 of 1996)

SECTION 5

ACCESS TO RECORDS IN TERMS OF SECTION 14(1) (d)

Records in the DAC are preserved by placing the record in a file. All records are named and preceding the name of the record is a numerical number, which is the file number.

1. ORGANIZATIONAL RECORDS

Areas covered by the records: the information relates to all divisions of the DAC including individual divisions, of the DAC records. The matters contained in these files include policy issues, security measures relating to both human and structural assets of the DAC's divisions, storage of security information and communication policy internally and externally.

Records on other government institutions and departments – information contained includes policy on the above.

Security measures

This includes the security of buildings and personnel, dignitaries, Minister, receipts from other Departments and matters not specifically provided for.

2. ACCOMMODATION

These files describe policy on official office accommodation.

3. STORES, EQUIPMENT AND PUBLICATIONS

Files/records pertaining to official buildings and offices, as well as provisioning administration, which includes existing acquisitioning policy.

4. COMMUNICATION

These files/records deal with policies of telecommunication instruments, postal and transport services, purchases, use and related matters.

5. FINANCE

Files/records pertaining to the fiscal policy of the DAC relating to structures of decision, vote accounts, financial controls, collection of debts, irrevocable monies, receipts and various payments, PFMA Regulations.

6. STAFF

Correspondence relating to individual staff is dealt with in each staff member's respective file. Files are for general correspondence on named subjects.

There are divisions within the DAC that are independent and would have their own manual, however the DAC still keeps records and coordinates appointments, remuneration and such issues shall also reflect as records in the possession of the DAC.

These files have records of staff, their conditions of service, staff evaluation, training, promotions, salaries and benefits, awards, staff collective bargaining issues, collective bargaining structures, dispute resolution structures and methods, registrations and affiliations to other bodies, recreation and catering, parking and garaging policies.

7. ADMINISTRATION, CONTROL AND SERVICES

Administration files contain records on Parliamentary services, directives by the Minister and head of department, evaluation of service by the DAC, control of records, appointment of staff, statistics, government publications, controls, employees assistance programme, social interaction and language matters.

8. LEGAL SERVICES

Matters relating to legal administration of the DAC including legal opinions, contract drafting, litigation management, legislation review and compliance management.

9. INTERNAL AUDIT MATTERS

Reports, policies and programmes under the audit division internal audit charter, profile report, safety net, education manual, business risk identification workshops, special report of the Attorney General, various reports, King Report on corporate governance, annual financial statements, annual reports, budget planning documents.

10. STATISTICS

OTHER PUBLICATIONS

RECORDS KEPT BY THE MINISTRY

1. DOMESTIC MATTERS

- POLICY
- OFFICE ACCOMODATION
- SUPPLIES AND SERVICES
- TRAVEL AND TRANSPORT
- ACCOMODATION ARRANGEMENTS
- COMMUNICATIONS
- PRESS CONFERENCES, PRESS RELEASES AND STATEMENTS
- OFFICE MANAGEMENT

2. PARLIAMENTARY MATTERS, CABINET AND COMMITTEES

- PARLIAMENT
- CABINET
- CABINET MEMOS

3. DEPARTMENTAL MATTERS

- NATIONAL OFFICE
- REGIONAL OFFICES
- OTHER STATUTORY APPOINTMENTS
- STATUTORY INSTITUTIONS
- OVERSEAS TRIPS
- HUMAN RIGHTS
- INTERNATIONAL RELATIONS
- INTER-GOVERNMENTAL FORUM

4. PARTY POLITICAL MATTERS

5. MINISTERIAL PRIVATE MATTERS

SECTION 6

REQUEST PROCEDURE

Telephonic requests

Informal (telephonic) requests are not forbidden by the Act. Any such request made to the information Officer/Deputy Information Officer/s at the telephone number/s given in this manual will be attended to unless the Information Officer/Deputy Information Officer/s indicates that the provisions of the Act must be carried out – in this case, Form A must be completed.

Voluntary access

Information that is automatically available shall be made available either at the offices of the DAC or in the manner or form requested, should this be reasonable and possible. The manner of access shall include perusal with copying of material if needed and copying at the prescribed fee.

Access to visual, audio-visual material with transcription, dubbing and/or copying facilities available if required.

Section 14 (1) (d) requests

- A requester must complete the form similar to the one printed in the Government Gazette (Govt. Notice R187 15 February 2002 Form A).
- The requester must indicate the form or manner of access sought as prescribed by section 29.

- The DAC shall endeavour to give access in the form requested unless this would tamper with the smooth running of the DAC.
- Giving access, the DAC shall give due consideration to the preservation of material, infringement of copyright and a fee as prescribed shall be paid before a request is processed and before access is given.
- A requester representing another must give details of the capacity in which they act.
- A requester who can't read or write may present the request orally and the information Officer/Deputy Information Officer is obliged to assist such a requester.

SECTION 7

PAYMENT OF FEES IN TERMS OF THE ACT

Personal requester: Anyone who seeks information pertaining to her/himself is called a personal requester and is exempted from paying the requester's fee.

Requester: The request fee payable to any public body is R35-00 as prescribed by the Regulation Act. In addition if any copies or transcripts are requested, those will be charged according to the fee structure as prescribed by the Regulations and the Information Officer/Deputy Information Officer may charge for the time spent on processing the request.

SECTION 8

PAYMENT METHOD

All payments shall be made in the form of cash payable at any Magistrate's Court and/or Regional Office or by deposit into the bank account of the Department.

The banking details for the DAC are as follows:

Department of Arts and Culture ABSA Bank Limited Account No: 4056183858 Branch Name: Electronic Settlement CNT Branch No: 632005 Reference No: PAIA + Surname and initials of Requester

IMPORTANT: No request may be processed unless the request fee where applicable has been paid – section 22(1) of the Act. Proof of payment can be e-mailed to <u>Marelizeg@dac.gov.za</u> or faxed to her on <u>086 529 5603.</u>

SECTION 9

REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH

The Act provides for an internal appeal procedure in terms of sections 74 and 75. The Minister is the relevant authority to review any decision taken on appeal.

An aggrieved party still has an opportunity to approach the courts if dissatisfied with the decision of the relevant authority.

SECTION 10

UPDATING THE MANUAL

The manual shall be updated within twelve months after publication of this first manual.

The Department of Arts and Culture shall publish the manual in all official languages.

SECTION 11

AVAILABILITY OF THE MANUAL

The manual shall be available in places prescribed by the Legal Deposit Act, and at the offices of the South African Human Rights Commission and the Department itself.

ANNEXURE A

FORM A

REQUEST FOR ACCESS TO RECORDS OF THE DEPARTMENT

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

FOR DEPARTMENTAL USE:

Reference number:
Request received by (state rank, name and surname of information officer / deputy information officer)
atat
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 recorded below.

- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (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:
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

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:	ability: Form in which record is required:				
NOTES: (a) Compliance (b) Access in the in another fo	e form requested may rm.	be refused in certa	ain circumstances. In s	such a case yo	n which the record is available u will be informed if access will be granted ch access is requested.
1. If the record is	in written or printed fo	rm:	.		
	Copy of record*		1	Inspection of	frecord
2. If record consideration etc.)	sts of visual images: (This includes photo	ographs, slides, video	recordings, cor	nputer- generated images, sketches,
	View the images		Copy of the images*		Transcription of the images*
5. If record consi	sts of recorded works	or information that	can be reproduced in	sound:	
Listen to the soundtrack (audio cassette)			Transcription document)	of soundtrack*(Written or printed	
4. If record is held	d on computer or in an	electronic or mac	hine-readable form:	-	
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form*(stiffy or compact disc)
	a copy or transcription tion to be posted to yo			YES	NO
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. In which language would you prefer the record?					

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.....day of

Signature of requester / person on whose behalf request is made

ANNEXURE: B

s.

SCHEDULE OF PRESCRIBED FEES

(a)		1 2 2 2 2
	For every photocopy of an A4-size page or part thereof:	R0,60
(b)	For every printed copy of an A4-size page or part thereof held on	R0,40
(C)	a computer or in electronic or machine-readable form: For a copy in a computer-readable form on:	
	(i) stiff disc	R5,00
	(ii) compact disc	R40,00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof:	R22,0
	(ii) For a copy of visual images	R60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof:	R12,00
	(ii) For a copy of an audio record:	R17,00
	The request fee payable by every requester, other	R35,0
	than a personal requester, referred to in regulation	0.
	7(2).	
	The access fees payable by a requester referred to in regulation	
	7(3) are as follows:	
1.	(a) for every fees payable of an A4-size page or	
	part thereof	R0.60
		K0.00
	(b) for every printed copy of A4-size page or	50.40
	part thereof held on a computer or in electronic	R0.40
	readable form	
	(c) For copy in a computer-readable on-	1
		R5 00
		R5.00
	(i) Stiffy disk	R5.00
		R5.00
	(i) Stiffy disk	
	(i) Stiffy disk (i) Compact disk	R40.00
	(i) Stiffy disk	
	(i) Stiffy disk (i) Compact disk	R40.00
	(i) Stiffy disk (i) Compact disk	R40.00

	(e) For a transaction of an audio record-	R12.00
	(i)) for a copy of A4-size page or part thereof(ii) for a copy of an audio	R17.00
(f) To search for and prepare the record for disclosure, for	
	each hour or part of an hour, excluding the first hour,	R15.00
	reasonably required for such search and preparation	for
		each
		hour
(2)	For purposes of section 22(2) of the PAIA, the following applies:	
	(a) Six hours as the hours to be exceeded before a deposit is payable	
	(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	

ANNEXURE C

PRESCRIBED FORM FOR INTERNAL APPEAL

FORM B

NOTICE OF INTERNAL APPEAL

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

Forms can also be accessed from THE DEPARTMENT's website: www.TheDepartment.gov.za/documents/other/PIA

REFERENCE NUMBER:

^Mote: A person who lodges an internal appeal may have to pay an appeal fee. If an appeal fee is payable, the decision of a internal appeal may be deferred until the fee is paid.

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 is lodging the internal appeal must be completed 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 stated 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:				
This section must be completed ONLY if a third party (other than the requester) is lodging 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 determined in terms of Section 22 of PAIA.
	Decision regarding the extension of the period within which request must be dealt with in terms of Section 26(1) of PAIA.
	Decision in terms of Section 29(3) of PAIA to refuse access in the form as 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 folio and attach it to this form. You must sign all the additional folios.

State the grounds upon 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:

Particulars of manner;

Signed at: this	dav	/ of

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:			
Appeal received on:			
(state rank, name and surname of information officer/deputy information officer). accompanied by the reasons for the information officer/deputy information officer where applicable, the particulars of any third party to whom or which the records, information officer/deputy information officer on	r's decision and, , submitted by		
OUTCOME OF APPEAL:			
DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER C SUBSTITUTED BY NEW DECISION:	ONFIRMED/		
NEW DECISION:			
DATE:			
RELEVANT AUTHORITY:			
DATE RECEIVED BY THE INFORMATION OFFICER / DEPUTY INFORMATION THE RELEVANT AUTHORITY:	OFFICER FROM		