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M A N U A L

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Province of the
EASTERN CAPE

OFFICE OF THE PREMIER

**Manual for the Office of the Premier, Province of the Eastern Cape,
in terms of section 14 of the
Promotion of Access to Information Act 2000 (Act No. 2 of 2000)**

1 April 2014

1. Functions of the Office of the Premier (OTP)

The Office of the Premier is the lead Department in the Eastern Cape Provincial Government. It is a department created in terms of the Constitution of the Republic of South Africa, 1996 and the Public Service Act (Act No. 103 of 1994) (Proc. No. 103 of 1994) to enable the Premier to lead the Eastern Cape Government in the service of the public. It is thus mandated to ensure that:

- The Constitution, national and provincial laws, rules and regulations as well as policies, are faithfully and effectively executed;
- Through the Executive Council, the Premier drives the transformation process in the Province;
- The Provincial Government is effectively coordinated; and
- The Office of the Premier strives to be an exemplary and effective centre of the Provincial Administration.

Its main purpose is therefore to provide guidance and focus for the Province as a whole through the development and implementation of policies, and the monitoring and evaluation of the performance of departments in effecting service delivery to the people.

The vision of the Office of the Premier is “Leading development with excellence and integrity”.

The mission of the Office of the Premier is “Co-ordinating functions of the provincial administration through the provision of strategic leadership in policy development, planning and implementation support”.

The Office of the Premier believes in the following values:

- Excellence;
- Integrity;
- Responsiveness;
- Creativity and innovation;
- Inclusivity;
- Professionalism.

2. Structure of the Office of the Premier

The Office of the Premier is structured into four programmes to fulfill its mandate as outlined above and its key strategic objectives are as follows:

- Improved institutional efficiency and good corporate governance in the Office of the Premier;
- Improved implementation of policy, legislation and government programmes;
- Improved policy co-ordination and integrated planning in the Province.

The four programmes in the Office of the Premier are: 1) Administration, but also referred to as Corporate and Operations Support, 2) Institutional Development and Organisational Support, 3) Policy and Governance, 4) Executive Support Services.

2.1 Administration/Corporate and Operations Support

Purpose:

The main purpose of this programme is to provide efficient and effective support to the Premier, the Director-General and the Department in achieving its mandate.

Functions:

- To ensure effective governance and service delivery to citizens of the Eastern Cape through the provision of executive leadership and oversight.

- To render strategic leadership and co-ordination of services to the OTP and the Provincial Administration.
- To provide strategic management support services to the OTP and to manage its performance, as well as monitor the mainstreaming of transformation programmes within the OTP.
- To provide strategic human resources management support to the OTP.
- To provide financial and supply chain management support services.

2.2 Institutional Development and Organisational Support

Purpose:

The main purpose of this programme is to provide institutional development and organizational support services to ensure that the Provincial Government has sufficient capacity to effectively and efficiently deliver on its mandate.

Functions:

- To provide strategic management, consulting and support services with respect to human capital and talent management.
- To provide strategic organisational development consultancy support services to the Province.
- To co-ordinate the development and implementation of strategic human resource development interventions.
- To provide and co-ordinate the provision of an integrated information and communications technology service.
- To co-ordinate the implementation of the provincial anti-corruption programme of action and security management policies.

2.3 Policy and Governance

Purpose:

The main purpose of this programme is to facilitate the integrated implementation of the electoral mandate of the Provincial Government and oversee governance and

service delivery in the Province.

Functions:

- To lead and co-ordinate effective oversight on governance and service delivery in the Province.
- To co-ordinate and facilitate service delivery intervention.
- To lead the co-ordination of policy, planning and research in the Province.

2.4 Executive Support Services

Purpose:

To render effective and efficient executive support services to the Provincial Government, Office of the Premier (OTP), Executive Council and Provincial executive structures through the provision of seamless administrative assistance and implementation of inter-governmental relations, provincial communications, cabinet support and protocol services and legal support services.

Functions:

- To render secretariat support to Cabinet.
- To provide communications support services to the Office of the Premier and Provincial Government.
- To facilitate intergovernmental relations, international relations and stakeholder engagement.
- To ensure compliance with the constitutional and legislation requirements.

3. Contact Details of Information Officers

Information Officer

The Director-General (DG), Mr Mbulelo Sogoni is the information officer in terms of the Promotion of Access to Information Act.

Postal Address : Private Bag X0047, Bhisho, 5605
Physical Address : OTP Building, Independence Avenue, Bhisho
Tel. : (040) 609 6381
Fax. : (040) 639 1419
E-Mail : mandinakhe.baxana@otp.ecprov.gov.za

Deputy Information Officer

The Chief State Law Advisor, Adv. Herlu Smith is the deputy information officer.

Postal Address : Private Bag X0047, Bhisho, 5605
Physical Address : Office of the Chief State Law Advisor
32 Alexandra Road, King William's Town
Tel. : (043) 604 6924
Fax. : (043) 604 6927
E-Mail : melanie.koert@otp.ecprov.gov.za

4. Guide of the South African Human Rights Commission on how to use the Act.

The Guide on how to use the Promotion of Access to Information Act, 2000, will be available from the South African Human Rights Commission.

Queries can be made at:

South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal Address : Private Bag X2700, Houghton, 2041
Tel. : (011) 484 8300
Fax. : (011) 484 1360
E-mail : paia@sahrc.org.za

5. Records

5.1 The Office of the Premier holds the following records:

- Legislation;
- Policy and Procedure Documents;
- Annual Reports;
- Annual Performance Plans;

- State of the Province Address;
- Financial Records;
- Operational Records;
- Internal Correspondence;
- Statutory Records; and
- Records held by officials of the public body.

The Office of the Premier also keeps official records which are other than correspondence records and are available for access, namely:

- Intengu Magazine;
- Masincokole Newsletter;
- Wellness Flyers and Posters;
- Anti-Fraud and Corruption Stickers;
- Booklets;
- Pamphlets; and
- DVD's of Official Events

The Office of the Premier has not yet published a notice in terms of Section 15(2) of the Act. As and when a notice is published, this Manual will be updated to incorporate same.

5.2 Records Automatically available

The records on the website of the Province of the Eastern Cape (www.ecprov.gov.za) are available for reviewing or downloading without a person having to make such a request in terms of the said act.

6. Arrangement for Public Participation in Policy Formulation

The Office of the Premier is part of the executive arm of the Provincial Government of the Eastern Cape.

Where policy formulation will emanate in legislation, the Office of the Premier solicits public comment on the policy by publication in the Provincial Gazette for public comment and may also facilitate the holding of public hearings.

Members of the public may furthermore indirectly influence policy formulation by communicating with their elected representatives and attending sessions of the Provincial Legislature.

7. Request Procedure

(a) 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:

- All the procedural requirements in the Act relating to the request for access to that record.
- Access to that record is not refused on any ground of refusal mentioned in the Act.

(a) How does one 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), a copy of which is annexed hereto as Annexure A.
- The request for access to information must be made to the Deputy Information Officer at the address, fax number or electronic mail address provided above.
- The requester must provide sufficient detail of the information requested on the request form to enable the Information Officer to identify the information or records and the requester.
- The requester must also indicate if he/she wants a copy of the record or if he/she wants to come in and peruse the record at the offices of the public body. Alternatively if the record is not a paper document it can then be viewed in the requested form. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe on a copyright not owned by the state. If, for practical reasons, access cannot be given in their required form but in another form, the fee must be calculated according to the way that the requester first asked for it.
- The requester must indicate if he or she wishes to be informed of the decision of the Office of the Premier regarding the request for information in a particular manner (i.e. post, telefax, and electronic mail) and provide the necessary details to be so informed.
- If a requester asks for the information on behalf of somebody else, the capacity and proof of the capacity in which the request is being made must be indicated to the satisfaction of the Information Officer.

- If a requester is unable to read or write or has a disability, the request can be made orally. The Information Officer must then fill in the form on behalf of such a requester and supply the requester with a copy of the completed form.

(c) Fees payable for a request and notification of decision on access

- A requester who seeks access to record containing personal information about him/herself is not required to pay the request fee. Every other requester must pay the request fee of R35.
- The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or 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 in.
- If the request is granted, then a further access fee must be paid for 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 all the applicable fees have been paid. The fees are prescribed by legislation. A copy of the current applicable fees payable as per Part II of Notice 187 in the Government Gazette of 15 February 2002 are annexed hereto as Annexure B.

(d) Any requester who is not satisfied with decision by the Information Officer/Deputy Information Officer can lodge an appeal, in relation to:

- Fees charged
- Extension of period by the Information Officer or Deputy Information Officer
- Provision of information or record in particular form in which it was requested
- Refusal of request for access.

8. Appeal Procedure

An internal appeal in terms of section 74 and 75 of the Act, must be lodged in a prescribed form (see annexure C) within 60 days of the decision.

- The internal appeal in prescribed form must be delivered or sent to the Information Officer/Deputy Information Officer together with an appeal fee.
- The subject of the internal appeal must be identified and reasons for the internal appeal must be stated and may include any other relevant information known to the appellant.
- The Information Officer/Deputy Information Officer must then submit the internal appeal together with his or her reasons for the decisions concerned to the appeal authority who will advise the relevant appellant that the appeal is being considered.
- When deciding the appeal, the appeal authority may confirm the appeal or substitute the decision for a new one.
- Furthermore, the requester may apply to a court for appropriate relief after the internal appeal procedure against the decision of the Information Officer has been exhausted [Section 78(1)].

9. Availability of Manual

A copy of this Manual is made available as prescribed in Section 14 (3) of the Act in the following manner:

- A copy in three official languages being English, Afrikaans and isiXhosa, has been made available to the South African Human Rights Commission;
- The manual is available on the website of the Province of the Eastern Cape at www.ecprov.gov.za.

MR. MBULELO SOGONI
DIRECTOR-GENERAL
OFFICE OF THE PREMIER

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	
Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).	Reference number:
Request fee (if any):	R
Deposit (if any):	R
Access fee:	R
SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER	

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number:

D. Particulars of record

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

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

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

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

Reason for exemption from payment of fees:

F. Form of access to record

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

Disability:

Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:

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

1.

If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2.

If record consists of visual images— (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
view the images	copy of the images*	transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:			
listen to the soundtrack (audio cassette)	transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:			
printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)	
*if you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES NO
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

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

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

Signed at

this

day of

20

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

Annexure B**PART II
Government Gazette Notice 187 of 15 February 2002****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) 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 regulations 7(2) is R35,00.

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

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

Annexure C**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

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26 (1) of the Act
<input type="checkbox"/>	Decision in terms of section 29 (3) of the Act to refuse access in the form requested by

	the requester
	Decision to grant request for access

E. Grounds for appeal

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

State the grounds on which the internal appeal is based:

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

F. Notice of decision on appeal

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

State the manner:

Particulars of manner:

Signed at _____ this _____ day of _____ 20____

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:**OFFICIAL RECORD OF INTERNAL APPEAL:**

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

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

OUTCOME OF APPEAL:

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

DATE

RELEVANT AUTHORITY

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