



human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA

PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

*Prepared in terms of section 14 of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)*

2014

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FOREWORD

Section 32 of the Constitution of the Republic of South Africa, 1996 (the Constitution) grants everyone the right of access to any information held by the state or by another person and that is required for the exercise or protection of any right.

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), (PAIA) in realisation of these constitutional rights, specifically-

- charges all public bodies with the responsibility to facilitate public access to information/record(s) under their custody;
- provides a framework and procedures for the public to exercise their constitutional right to information as swiftly, inexpensively and effortlessly as reasonably possible;
- stipulates mechanisms which governmental bodies must put in place, to facilitate access to such information by members of the public; and
- outlines conditions under which restricted access apply, including those relating to personal, commercial, financial, technical or scientific information about a third party; information which may affect court or police proceedings, e.g., police dockets in bail proceedings and certain categories of information about the South African Revenue Service.

There are undoubtedly limitations to public realisation of the rights as stipulated in section 36 of the Constitution and sections 33 to 45 of the PAIA Act, respectively.

In compliance with the statutory requirements of the PAIA and to contribute to the promotion of departmental transparency, accountability and effective governance, the Department of Human Settlements has produced a manual as a mechanism to facilitate public access to information/record(s) under its custody.

It is hoped that this manual will serve as an effective platform/tool for providing the public with the relevant information to enable them to exercise their right of access to information under the custody of the Department.



T ZULU
DIRECTOR-GENERAL
DEPARTMENT OF HUMAN SETTLEMENTS
DATE: 07/11/2014

ACRONYMS

DHS	:	Department of Human Settlements ("the Department")
DIO	:	Deputy Information Officer (designated in terms of section 17 of the PAIA)
HS	:	Human Settlements
IO	:	Information Officer (Director-General of the Department)
PAIA	:	Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
SAHRC	:	South African Human Rights Commission

DEFINITION OF TERMS

	Term	Definition/Description
1.	Access fee	Fee payable by a requester for search, preparation and reproduction of requested records, as prescribed in PAIA section 22(6).
2.	Act	The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). Also referred to as the PAIA or "the Act".
3.	Department	The Department of Human Settlements. Also referred to as DHS.
4.	Deputy Information Officer (DIO)	A person designated by the Director-General to render the public body as accessible as reasonably possible for requesters of its records as prescribed in PAIA section 17(1).
5.	Guide	Document or book produced by the South African Human Rights Commission for the purposes of assisting any person who wishes to exercise any right in terms of the PAIA as prescribed in section 10.
6.	Information Officer (IO)	The Director-General of the Department of Human Settlements as defined in PAIA section 1.
7.	Internal appeal	An appeal against a decision to refuse access to information, as stipulated in PAIA section 74.
8.	Personal information	Information about an identifiable individual, including, but not limited to, information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual as defined in PAIA section 1.
9.	Personal requester	A person seeking access to information/records containing personal information about himself/herself as defined in PAIA section 1.
10.	Protected records	Records that contain sensitive information and cannot be made accessible to the public as per the provisions of PAIA sections 33 to 45.
11.	Public body	Any department of state or administration in the national or provincial sphere of government, any municipality in the local sphere of government or any institution performing a public function in terms of any legislation as defined in PAIA section 1. Also referred to as government body or department.
12.	Record	Any recorded information, in any form or medium under the custody of DHS as defined in PAIA section 1.
13.	Records automatically available	Records that can be accessed without a person having to request access in terms of the Act as stipulated in section 15(1)(a) of PAIA.
14.	Records available on request	Records that can be accessed through following PAIA processes as stipulated in PAIA sections 11 and 18; access to these records may be refused on the basis of sections 33 to 45 of the Act.
15.	Relevant authority	Minister of Human Settlements or the person designated in writing by the Minister to deal with Internal Appeals as defined in PAIA section 1.
16.	Request fee	A non-refundable fee payable by a requester when submitting a request for access as per the provisions of PAIA section 22(1). (Personal requester excluded from paying request fee).
17.	Request for access	A request for access to a record or records held by the Department made in accordance with PAIA sections 8 and 11.
18.	Requester	Any person making a request for access to information or records of DHS or a person acting on behalf of the person requesting information as defined in PAIA section 1.
19.	Third party	Any person, including, but not limited to the government of a foreign state, an international organisation or an organ of that government or organisation other than the requester concerned and a public body as defined in PAIA section 1.
20.	Working days	Any days other than Saturdays, Sundays or public holidays as defined in PAIA section 1.

1. INTRODUCTION

This manual is compiled as a statutory requirement in compliance with the provisions of section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), (PAIA) which mandates all government bodies to compile and publish a manual indicating information/records under its custody that are readily available to the public, as well as those that need to be requested through provisions of the Act.

This manual represents only the National Department of Human Settlements and does not include information/records of the various provincial departments.

2. OBJECTIVES OF THE ACT

The objectives of PAIA according to section 9 are –

- to give effect to the constitutional right of access to information held by the state and any information that is held by another person that is required for the exercise or protection of any rights;
- to give effect to the right of access to information; subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;
- to give effect to the constitutional obligations of the state of promoting a human rights culture and social justice;
- to establish voluntary and mandatory mechanisms or procedures to give effect to the right of access to information in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and
- to promote transparency, accountability and effective governance of all public and private bodies.

3. PURPOSE OF THE MANUAL

This manual is intended to:

- Provide information on the Department of Human Settlements' (DHS) structure, functions and services it renders to the public and how to gain access to them;
- Provide information about departmental contact information including details of postal, street and electronic mail addresses; phone and fax numbers of the Information Officer and the designated Deputy Information Officer (DIO);
- Provide a list of automatically available records under departmental custody;
- Outline procedures to be followed by members of the public in accessing information under DHS's custody, in accordance with the provisions of PAIA.

4. GUIDE ON HOW TO USE PAIA (SECTION 10)

The South African Human Rights Commission (SAHRC) compiled a guide on the use of the PAIA as prescribed by section 10 of the Act. The guide is available at the offices of the SAHRC.

PAIA Unit at the South African Human Rights Commission
The Research and Documentation Department
Private Bag X2700
HOUGHTON
2014

Telephone number: +27 11 877 3600

Email address: PAIA@sahrc.org

Website: <http://www.sahrc.org.za>

5. CONTACT INFORMATION

5.1. Information Officer (IO)

As provided for in the Act, the Director-General is the IO.

Director-General: Mr T Zulu
Telephone: +27 12 421 1312
Fax: +27 12 421 2998
Email: InformationOfficer@dhs.gov.za

5.2. Deputy Information Officer (DIO)

The Chief Director: Corporate Support is designated as the DIO, as provided for in section 17(1) of the Act.

Deputy Information Officer: Mr M Moerane
Telephone: +27 12 421 1576
Fax: +27 12 421 1372
Email: DeputyInformationOfficer@dhs.gov.za

5.3. PAIA Unit

The PAIA unit facilitates the provision of public access to departmental information.

Telephone: +27 12 421 1325/1352
Fax: +27 12 421 1428
Email: paia@dhs.gov.za

5.4. General information

Postal address: Private Bag X644
PRETORIA
0001
Physical address: Govan Mbeki House
240 Justice Mohamed Street
PRETORIA
0002
Telephone: +27 12 421 1311
Fax: +27 12 341 8512
Email: info@dhs.gov.za
Website: www.dhs.gov.za

6. LEGISLATIVE MANDATE INFORMING THE FUNCTIONS OF THE DEPARTMENT

- Constitution of the Republic of South Africa, 1996
- Housing Act, 1997 (Act No. 107 of 1997)
- Breaking New Ground: A Comprehensive Plan for the Creation of Sustainable Human Settlements
- Housing Consumer Protection Measures Act, 1998 (Act No. 95 of 1998)
- Housing Development Agency Act, 2008 (Act No. 23 of 2008)
- Public Finance Management Act, 1999 (Act No. 1 of 1999)
- Social Housing Act, 2008 (Act No. 16 of 2008)
- Division of Revenue Act, 2013 (Act No. 2 of 2013)
- Rental Housing Act, 1999 (Act No. 50 of 1999)
- Home Loan and Mortgage Disclosure Act, 2000 (Act No. 63 of 2000)
- Inclusionary Housing Bill
- Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011)
- Community Schemes Ombud Service Act, 2011 (Act No. 9 of 2011)
- Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)
- National Development Plan

7. FUNCTIONS AND STRUCTURE OF THE DEPARTMENT OF HUMAN SETTLEMENTS

7.1. STRATEGIC OVERVIEW

7.1.1. VISION: A nation housed in sustainable human settlements.

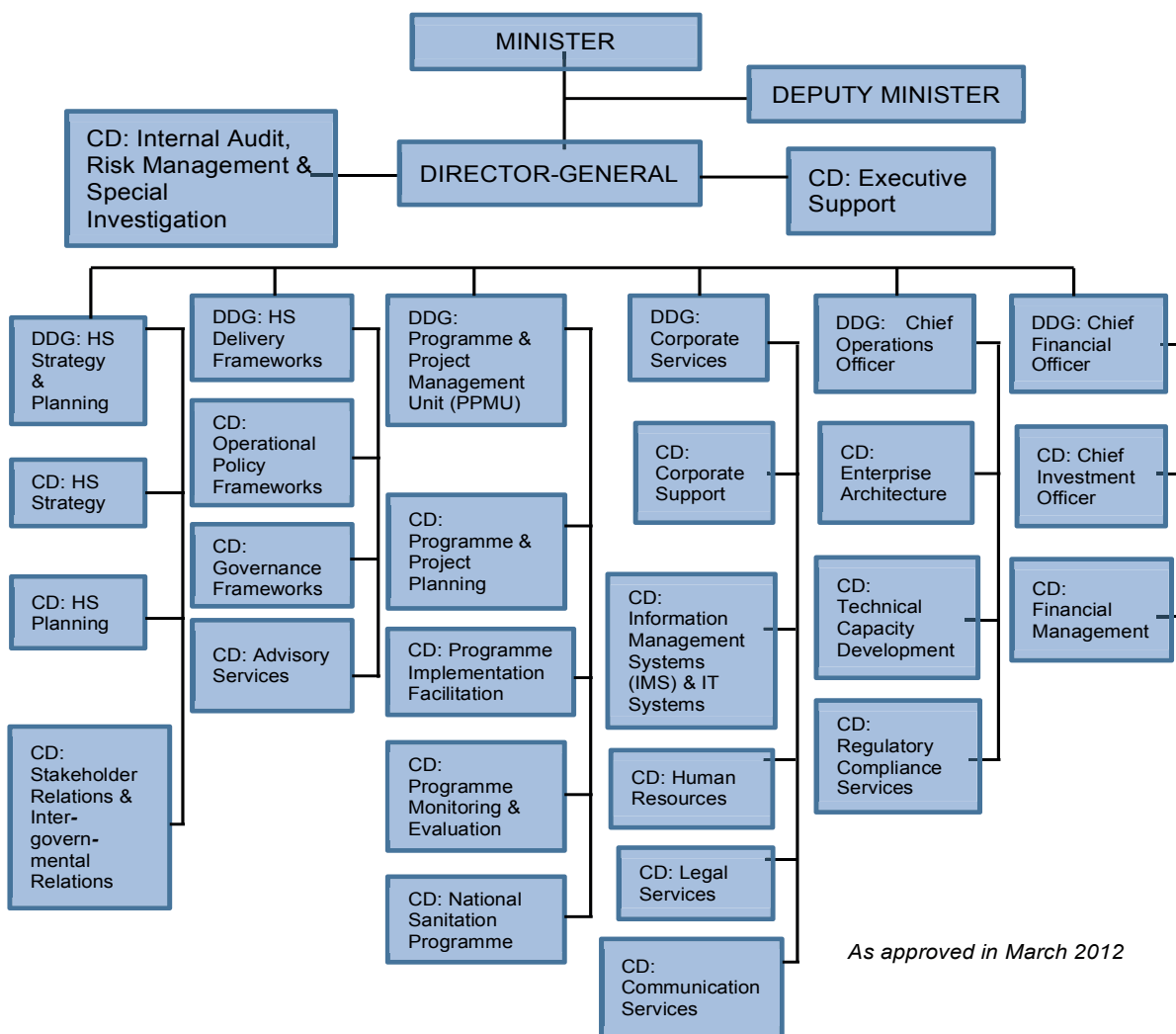
7.1.2. MISSION: To facilitate the creation of sustainable human settlements and improved quality of household life

7.1.3. VALUES

The core values guiding and regulating the Department are based on the Constitution and supporting legislations and includes:

- Accountability
- Fairness and equity
- Choice, quality and affordability
- Sustainability
- Innovation
- *Batho Pele* principles

7.2. ORGANISATIONAL STRUCTURE OF THE DEPARTMENT



7.3. SERVICES RENDERED BY THE DEPARTMENT

The Department primarily:

- Establishes and maintains a policy and legislative framework required for facilitation of a sustainable and integrated human settlements objective in line with government's objective and departmental mandate; and
- Facilitates apportionment of annual allocation to provinces and municipalities for human settlements, infrastructure development and land acquisition.

In addition to the role that provinces and municipalities play with regard to human settlements, the following national institutions were established to facilitate the human settlements related needs of the sector:

Institutions	Services	Clients	Obtain information at
Estate Agency Affairs Board (EAAB)	<ul style="list-style-type: none"> • Regulate, maintain and promote the standard of conduct by estate agents having due regard to the public interest; • Issue fidelity fund certificates to qualifying applicants; • Prescribe the standard of training of estate agents; • Investigate complaints against estate agents and institute disciplinary proceedings against offending estate agents where required; and • Manage and control the estate agents fidelity fund. 	Housing consumers and estate agents	DHS, provincial departments of human settlements (PDHS), municipalities EAAB offices
Housing Development Agency (HDA)	<ul style="list-style-type: none"> • Identify, acquire, hold, develop and release well-located land and buildings. • Provide project management support and housing development services. 	Housing consumers and organs of state (municipalities and metros)	DHS, PDHS, municipalities HDA offices
National Home Builders Registration Council (NHBRC)	To protect the housing consumer and to regulate the home building environment by promoting innovative home building technologies, setting home building standards and improving the capabilities of home builders.	Housing consumers and home builders	DHS, PDHS, municipalities NHBRC offices
National Urban Reconstruction and Housing Agency (NURCHA)	Provide bridging finance to small, medium and established contractors building low- and moderate-income housing, and related community facilities and infrastructure.	Contractors and developers	DHS, PDHS, municipalities NURCHA offices
National Housing Finance Corporation (NHFC)	To provide innovative and affordable housing finance solutions for the low to middle-income housing market; the NHFC achieves its mandate through the facilitation and provision of wholesale financing for various housing tenure for households, depending on their affordability, being; <ul style="list-style-type: none"> • Rental • Home ownership through mortgage loan finance; and • Incremental housing. 	Low-income earners, established housing institutions, non-banking retail intermediaries and banks lending to poor households	DHS, PDHS, municipalities; NHFC offices
Rural Housing Loan Fund (RHLF)	To empower people in rural areas to maximise their housing choices and improve their living conditions with access to credit from sustainable retail lenders.	Low-income rural households	DHS, PDHS, municipalities, RHLF offices

Institutions	Services	Clients	Obtain information at
Social Housing Regulatory Authority (SHRA)	<ul style="list-style-type: none"> Regulating the social housing sector in South Africa; Approval, administration and disbursement of both institutional investment and capital grants (namely the Restructuring Capital Grant). 	Social housing sector	DHS, PDHS, municipalities, SHRA offices

7.4. PROGRAMMES OF THE DEPARTMENT

Programme 1: Administration	<p>Purpose: To provide strategic leadership and administrative support services to the Department.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> To provide executive support to the Office of the Director-General. To manage departmental risks, internal audit, and special investigation services/functions of the Department. To advise on project integration and quality assurance, and provide assistance to the Portfolio Committee. To oversee the enhancement of human settlements (HS) operations through effective enterprise architecture services. To manage and provide financial support services. To oversee the provisioning of corporate services. To manage and coordinate maintenance of building facilities in line with Public Works Guidelines.
Programme 2: Human Settlements Policy, Strategy and Planning	<p>Purpose: To manage the development of and compliance with HS sector delivery frameworks and oversee the implementation of integrated HS strategic and planning services.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> To manage the development and maintenance of HS policy framework (Operational Frameworks). To manage research and compliance with HS governance frameworks (Governance Frameworks). To manage the research and development of the HS macro strategy for the sector (HS Strategy). To manage HS planning frameworks and processes (HS Planning). To manage intergovernmental and sector relations and cooperation for HS development (Stakeholder coordination). To coordinate and facilitate cooperation and collaboration in intergovernmental and sector-wide relationships with stakeholders in support of improved quality living environments. To manage HS development planning processes and support the implementation of HS and housing development planning frameworks. To improve HS outcomes.
Programme 3: Programme Delivery Support	<p>Purpose: To oversee and support the execution of HS programmes and projects.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> To manage the conceptualisation and planning of HS strategic programmes and projects. To oversee and facilitate the implementation and facilitation of HS projects. To manage and monitor the implementation and facilitation of HS projects. To manage the development of technical capacity in the HS sector. To manage regulatory compliance services within the HS sector and provide oversight management over the Department's entities (Regulatory Compliance Services).
Programme 4: Housing	<p>Purpose: To manage and support HS grant management services, mobilise sectoral resources</p>

Development Finance	<p>and identify possible discriminating lending patterns by financial institutions.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> To manage and mobilise sectoral resources and identify possible discriminating lending patterns by financial institutions (Chief Investment Officer). To reflect the conditional grant allocation that is transferred to all provinces (HS development grant). Funding to provinces is based on an allocation formula that takes housing needs, migration and development potential into account. To make contributions to housing institutions. Funds are transferred on the basis of ministerial approval of strategic and business plans. To reflect the indirect conditional grant allocations for household infrastructure in rural areas (Rural households infrastructure grant). To reflect the conditional grants transferred to municipalities for infrastructure to support land production and the upgrading of informal settlements in metropolitan municipalities (Urban settlements development grant).
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8. ACCESS TO RECORDS HELD BY THE DEPARTMENT

Certain records, excluding protected records, are automatically available without having to request access in terms of PAIA. Other records maintained by DHS must be requested from the DIO in terms of the procedures outlined in section 11 and 18 of PAIA.

8.1. CATEGORIES OF RECORDS HELD BY THE DEPARTMENT

DHS records are managed in accordance with the provisions and requirements of the National Archives Act of South Africa, 1996 (Act No. 43 of 1996). Categories of records below are provided in accordance with the approved DHS file plan. Some of the records listed in the categories below may be formally requested, but access to parts of these records or the whole record may be refused on the basis of the provisions of PAIA as stipulated in sections 33 to 45.

***Automatically available:** Records that can be accessed without having to request access in terms of the Act as stipulated in section 15(1)(a) of PAIA.

***Available on request:** Records that can be accessed by following the processes as stipulated in PAIA sections 11 and 18; access to these records may be refused on the basis of sections 33 to 45 of the Act.

***Protected:** Records that contain sensitive information and cannot be made available to the public.

No.	Category	Subject	Automatically available*	Available on request*	Protected*
8.1.1	STATUTORY AND REGULATORY FRAMEWORK	Policies, Acts and regulations	Yes	No	No
		Codes of practice	Yes	No	No
		Standard procedures	No	Yes	No
		Practice notes (HS development grant (HSDG) and urban settlements development grant (USDG))	No	No	Yes
		Departmental publications (includes newsletters, brochures, flyers and posters)	Yes	No	No
		Sectoral transformation (plans, commendations and social and change management)	No	Yes	No

No.	Category	Subject	Automatically available*	Available on request*	Protected*
8.1.2	ORGANISATION AND CONTROL	Departmental functions	Yes	No	No
		Delegation of powers/authority	No	Yes	No
		Establishment matters	No	Yes	No
		Internal policies	No	Yes	No
		Risk management	No	Yes	No
		Anti-fraud and corruption policy framework	Yes	No	No
		Security management	No	No	Yes
		Internal audit	No	Yes	No
		Occupational health and safety matters	No	Yes	No
		Disaster management measures and reports	No	No	Yes
8.1.3	HUMAN RESOURCES	Post control, establishment and planning matters	No	Yes	No
		Determination of conditions of service	Yes	No	No
		Vacancies, appointments and placements	No	Yes	No
		Personnel records/employee health and wellness staff files	No	No	Yes
		Staff retention (retention strategy)	No	Yes	No
		Staff development (plans, engagements, skills and academic programmes, learnerships, bursaries, scholarships, fellowships and reports)	No	Yes	No
		Planning, utilisation, control and monitoring (HR plans, declarations, leave utilisation, overtime, social matters, movements and mobility, and termination of services)	No	Yes	No
		Performance management and development	No	Yes	No
		Labour and employee relation matters	No	No	Yes
		Organisational transformation plans and reports (Employment Equity, <i>Batho Pele</i> , Change Management and Employee Health and Wellness)	No	Yes	No
8.1.4	FINANCIAL MATTERS	Budget (includes estimated allocations for the Department's entities, conditional grants and budget returns)	Yes	No	No

No.	Category	Subject	Automatically available*	Available on request*	Protected*
		Basic accounting system (BAS) (reports)	No	Yes	No
		Financial compliance (Treasury, Auditor-General, disclosures and reports)	No	Yes	No
		Financial audits	No	Yes	No
		Claims	No	Yes	No
		Debtor system	No	Yes	No
		Conditional grant and funds management (allocations, transfers and devolutions, monitoring and analyses, losses and reports)	No	Yes	No
		Bank matters (including deposit books and bank reconciliations)	No	No	Yes
		Financial irregularities	No	Yes	No
		Reconciliation of accounts	No	Yes	No
		Financial assistance (donations and sponsorships)	No	Yes	No
		Invoices, statements and payments	No	Yes	No
		Printed receipts	No	Yes	No
		Supplementary accounting records	No	Yes	No
		Journal transactions	No	Yes	No
		Financial system appraisals	No	No	Yes
		Pay sheets	No	No	Yes
		Face value forms, warrant vouchers and cheques	No	No	Yes
		Registers (includes salaries, invoices and payments)	No	Yes	No
		Financial statements	No	Yes	No
		Loss control matters	No	Yes	No
8.1.5	SUPPLY CHAIN MANAGEMENT	Bids (proposals, specifications, advertisements, allocations and committees)	No	Yes	No
		Demand and acquisition (quotations, requisitions and acquisitions)	No	Yes	No
		Plans (acquisition, procurement and monitoring)	No	Yes	No
		Registers (includes bids, suppliers database records, payment register, stocktaking control sheets, invoices, assets and inventory)	No	Yes	No

No.	Category	Subject	Automatically available*	Available on request*	Protected*
		Orders and payments (systems, invoices, SLAs, stock take on inventory (plans), acquisitions)	No	Yes	No
		Asset management (allocations, maintenance, disposals, inspections and reports, stocktaking control sheets, assets and inventory)	No	Yes	No
8.1.6	TRAVEL AND TRANSPORT SERVICES	Trips and journeys	No	Yes	No
		Transport (hired and government owned)	No	Yes	No
		Log sheets	No	Yes	No
8.1.7	FACILITIES MANAGEMENT	Buildings, grounds and properties (needs identification and analysis, planning and design, acquisition and leases of offices and official residences, allocations, maintenance and alienation)	No	Yes	No
		Equipment and other facilities (installation, repairs and maintenance)	No	Yes	No
		Energy efficiency and maintenance (inspections and reports)	No	Yes	No
		Maintenance, monitoring and inspections	No	Yes	No
8.1.8	INFORMATION SERVICES	Cabinet memoranda	No	No	Yes
		Parliamentary structures (Committees) and questions/replies	No	Yes	No
		Promotion of Access to Information Act	No	Yes	No
		PAIA reports	Yes	No	No
		Records management (file plans, schedule of records other than correspondence files, transfers, disposals, reports and registry registers)	No	Yes	No
		Information management systems (IMS) (identification, analysis development, implementation, maintenance, support, reports and statistics)	No	Yes	No
		Data acquisition and management (informal settlements, delivery figures, rectification, delivery per project, and	No	Yes	No

No.	Category	Subject	Automatically available*	Available on request*	Protected*
		blocked projects)			
		National Housing Subsidy Database (NHSDB) (requests, capturing, deletions, deeds)	No	Yes	No
		Online services (portal, SMS server, housing subsidy system, helpdesk, change requests, national projects)	No	Yes	No
		Spatial and non-spatial information	No	Yes	No
		Knowledge management	No	Yes	No
		Library management	No	Yes	No
		Information technology and systems	No	Yes	No
		Disaster recovery plan	No	No	Yes
8.1.9	COMMUNICATION	Departmental logo/emblem	No	No	Yes
		Communication strategy	No	Yes	No
		Customer care call centre and presidential hotline matters	No	Yes	No
		Press/TV and radio matters	Yes	No	No
		Events, campaigns, launches and publicity programmes (includes speeches and photographs)	Yes	No	No
8.1.10	LEGAL SERVICES	Legal opinions	No	Yes	No
		Appointment of legal experts	No	Yes	No
		Litigation and claims related matters	No	Yes	No
		Prosecutions including serving of lawsuit documents	No	Yes	No
		Contracts, memoranda of understanding and service level agreements	No	No	Yes
8.1.11	MEETINGS, ATTENDING AND HOSTING OF GATHERINGS	Management, corporate, provincial and sector forum meetings (includes, appointment of panel persons to advise the minister, arrangements, agendas, minutes and reports)	No	No	Yes
		Seminars, conferences, symposia and workshops (includes arrangements and minutes)	No	Yes	No
		Commissions, committees	No	No	Yes

No.	Category	Subject	Automatically available*	Available on request*	Protected*
		and councils (includes reference groups, appointment of members, arrangements, agendas, minutes and reports)			
8.1.12	MONITORING EVALUATION AND IMPACT ASSESSMENTS	Monitoring evaluation and impact assessment system matters	No	Yes	No
		Evaluations, impact assessments and monitoring reports (includes impact, performance, project monitoring and beneficiary occupancy audits)	No	Yes	No
8.1.13	POLICY DEVELOPMENT ASSISTANCE AND RESEARCH	Sectorial policy development and assistance matters (includes housing code matters, policy projects, assistance, interpretation and research)	Yes	No	No
		Sector interventions and assistance (incremental, rural, social and rental interventions)	Yes	No	No
		Research (includes reports)	No	Yes	No
8.1.14	HUMAN SETTLEMENT SECTOR PLANNING	National planning (multiyear development plans, integrated development plans and conditional grant business plans)	No	Yes	No
		Provincial planning (includes multiyear development plans, business plans, instruments and reports)	No	Yes	No
		Municipal planning (includes integrated development plans and programmes, township establishment matters, municipal accreditation and reports)	No	Yes	No
8.1.15	PROGRAMME IMPLEMENTATION SUPPORT AND MONITORING	Blocked, specific and other sector project matters	No	Yes	No
		Upgrading informal human settlements (includes plans, implementation, co-ordination and support)	No	Yes	No
8.1.16	EQUITY AND PRIORITY PROGRAMMES	Equity matters (financial institutions)	No	Yes	No
		Annual reports (lending patterns with regard to home loans)	Yes	No	No
		Home loans and mortgages	No	Yes	No
		Financial Sector Charter	No	Yes	No

No.	Category	Subject	Automatically available*	Available on request*	Protected*
		Facilitation of priority projects funded nationally and provincially	No	Yes	No
8.1.17	HUMAN SETTLEMENTS PROGRAMMES AND PROCESSES	Rental human settlement programmes	No	Yes	No
		Development of private and rental projects	No	Yes	No
		Tribunals	No	Yes	No
		Tenant support	No	Yes	No
		Analysis, impact assessments, monitoring, reviews, statistics and inspection reports	No	Yes	No
		Establishment matters relating to housing institutions and entities	No	No	Yes
		Entity board matters	No	No	Yes
		Entity maintenance matters (includes structural, remuneration and corporate personnel)	No	No	Yes
		Entity plans/report	No	Yes	No
		Interventions with entities	No	Yes	No
		Monitoring and review of entities	No	Yes	No
		People housing process (includes old debts, pipeline rollout unblocking of projects, partnership and dispute matters)	No	Yes	No
		8.1.18	STAKEHOLDER RELATIONS AND MOBILISATION	Engagements, alliances and liaisons (includes matters relating to governmental, commercial, international and multi-lateral alliances)	No
Govan Mbeki Awards	Yes			No	No
Sponsorships for human settlement projects	No			Yes	No
Policy orientation programmes (includes implementation and collaboration)	No			Yes	No
8.1.19	HUMAN SETTLEMENTS CAPACITY DEVELOPMENT	Beneficiary and community empowerment (includes implementation and collaboration, assessments monitoring and evaluation)	No	Yes	No
		Professionalisation of the HS sector (includes business plans, qualifications accreditations, matters relating to training providers and institutions, and management of HS professional bodies)	No	Yes	No

No.	Category	Subject	Automatically available*	Available on request*	Protected*
		HS bursaries and scholarships (includes policy applications and allocations, monitoring and assessments)	No	Yes	No
		Institutional capability development (includes business plans, matters relating to coordination, implementation and support of provincial programmes as well as assessments monitoring and evaluations)	No	Yes	No
		National technical development strategy	No	Yes	No
		Sector capacity development policy	No	Yes	No
		South African Cuban technical support programme	No	Yes	No
		Skills transfer framework	No	Yes	No

9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

The PAIA Unit receives requests for access to information on behalf of the DIO; the Unit assists any person wishing to lodge a request.

For any enquiries regarding lodging of a request for access to information of the Department, the prospective requester may submit a request in writing to **fax number:** 012 421 1428, **email address:** paia@dhs.gov.za or visit the nearest DHS office for assistance.

9.1. WHO CAN REQUEST INFORMATION?

- Any person can request information.
- Personal requesters request information about themselves.
- Requesters requesting information on behalf of another person. (A requester that is acting on behalf of someone else must produce a letter of authority.)

9.2. MANNER OF ACCESSING INFORMATION

9.2.1. VOLUNTARY ACCESS/AUTOMATICALLY AVAILABLE RECORDS

Certain categories of records are automatically available without a person having to request them through PAIA processes as per the provisions of section 15(1)(a) of the Act. Information/records that are automatically available will be made electronically available on the departmental website and at departmental offices in the manner or form requested, should this be reasonable and possible.

9.2.2. TELEPHONIC REQUESTS

DHS also accepts telephonic requests. Any such request made to the DIO or the PAIA Unit at the telephone number given in this manual will be attended to. Officials at the PAIA Unit will complete the prescribed Form A on behalf of the requester and furnish them with a copy thereof.

9.2.3. ORAL REQUESTS

If an individual is unable to complete the prescribed form because of illiteracy or a disability, such person may make the request orally to the DIO.

The DIO at the DHS must reduce the oral request to writing in the prescribed form and provide a copy thereof to the requester.

9.3. FORMAL REQUESTS AS PER PAIA REQUIREMENTS

STEP 1: Completing the prescribed access request form

- Obtain the prescribed request form, Form A contained in Annexure B of this manual, which is available on the DHS website or at any office of the DHS upon request.
- Complete the prescribed form in full clearly indicating the record or records requested and sign the request form in the space provided.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made, to the reasonable satisfaction of the DIO.

STEP 2: Payment

The requester must pay the prescribed request fee if due and when requested to do so by making a deposit into the account number provided below. Persons listed in paragraph 9.5.4 of this manual are exempted from paying the request fees.

PAYMENT METHOD

Account name	Department of Human Settlements
Bank	Standard Bank
Account number	010160310
Branch name	Pretoria, Van der Walt Street
Branch code	010145
Reference	Promotion of Access to Information Act

STEP 3: Submission of request

The requester must submit the application form to the DIO through the PAIA Unit at the address, fax number or email address provided in this manual. The request form should be accompanied by proof of payment for the request fee. No proof of payment is attached by people qualifying for exemption, but the reasons for exemption should be clearly stated on the form.

9.4. TURNAROUND TIMES FOR ATTENDING TO REQUESTS

In terms of section 25 of the Act, DHS must decide whether to grant or refuse a request and give notice with reasons to that effect within 30 days of receipt of the request.

The 30 days within which DHS has to decide whether to grant or refuse the request may be extended once for a period of not more than 30 days if the request is for large amounts of information, or if the request requires a search for information held at another office of the DHS and the information cannot be reasonably obtained within the original 30 days.

DHS must notify the requester in writing should an extension be required.

9.5. FEES

The Act provides for two types of fees, namely:

9.5.1. NON-REFUNDABLE REQUEST FEE

A requester, other than a personal requester, requesting access to information held by the Department will be required to pay the prescribed request fee of R35,00, as specified on Form A, before the request is processed further. Persons listed under paragraph 9.5.4 of this manual are exempted from paying request fees.

The DIO will withhold a record until the requester concerned has paid the applicable fees (if any).

9.5.2. ACCESS FEE

- An access fee is payable in all instances where a request for access to information is granted for reproduction costs and, if applicable, the postal fee and the time reasonably required to search for and prepare the record for disclosure.
- Persons listed under paragraph 9.5.4 of this manual are exempted from paying an access fee.
- A requester requesting copies of records that are publicly available does not have to pay the request fee of R35,00, but will pay an access fee for reproduction, if applicable.

The DIO will withhold a record until the requester has paid the applicable fees (if any).

9.5.3. DEPOSITS

If the search for a record and the preparation of the record for disclosure, including arrangements to make it available in the requested format, would require more than the hours prescribed for this purpose in the regulations, the DIO must by notice require the requester to pay as a deposit the prescribed portion (being not more than a third) of the access fee which would be payable if the request is granted.

If a deposit has been paid in respect of a request for access that was refused the DIO of DHS will refund the deposit to the requester.

9.5.4. EXEMPTIONS

The following persons and circumstances are exempted from payment of an access fees:

- A single person whose annual income after permissible deductions does not exceed R14 712,00 per annum.
- Married persons or life partners whose combined annual income after permissible deductions does not exceed R27 192,00 per annum.
- Where the cost of collecting any fee in respect of the search and preparation of a record for disclosure exceeds the amount charged, such fee does not apply.
- The search and preparation cost do not apply to the personal records of a requester.
- The request and access fees do not apply to records requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998), or section 44 of its regulations.

10. REFUSED ACCESS AND APPEALS

10.1. GROUNDS FOR REFUSAL

DHS may refuse a request for access to its information if the requested information relates to:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased individual.
- Mandatory protection of certain records of South African Revenue Service.
- Mandatory protection of commercial information of a third party.

- Mandatory protection of certain confidential information and protection of certain confidential information of a third party.
- Mandatory protection of safety of individuals and protection of property.
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings.
- Mandatory protection of records privileged from production in legal proceedings.
- Defence, security and international relations of the Republic.
- Economic interests and financial welfare of the Republic and commercial activities of the Department.
- Mandatory protection of research information of a third party and protection of research information of the Department.
- Operations of the Department.
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources of the Department.

10.2. MANDATORY DISCLOSURE IN PUBLIC INTEREST

A request for access to a record that could otherwise be refused on the grounds for refusal in terms of PAIA may be granted, however, in circumstances where the disclosure of the record is in the public interest, and if such public interest clearly outweighs the harm contemplated in the grounds for refusal.

10.3. DEEMED REFUSAL OF A REQUEST

If the DIO fails to give a decision on a request for access to the requester within the prescribed 30 days the DIO will be deemed to have refused such a request. The requester may then lodge an internal appeal against such refusal.

10.4. REMEDIES IF REQUEST FOR ACCESS IS REFUSED

10.4.1. INTERNAL APPEAL

A requester aggrieved by a decision of the DIO to refuse a request for access to information may lodge an internal appeal with the Minister of the Department of Human Settlements against the said decision.

10.4.2. LODGING INTERNAL APPEAL

An internal appeal:

- Must be lodged within 60 days after the requester is informed of the decision taken on the request.
- Must complete the prescribed internal appeal form contained in Annexure C of this manual, which is also available on the DHS website [www.dhs.gov.za], or from any office of the DHS, upon request.
- Must complete the prescribed internal appeal form in full indicating the decision against which the internal appeal is lodged.
- Sign the internal appeal form in the space provided.
- Submit the internal appeal to the DIO through the contact details or address provided in this manual.

10.4.3. DEPUTY INFORMATION OFFICER REFERRAL OF THE INTERNAL APPEAL TO RELEVANT AUTHORITY

- Within 10 working days of receipt of an internal appeal the DIO must refer it together with reasons for the decision regarding the request, to the relevant authority.

- The relevant authority must consider and decide on the internal appeal within 30 days after the notice of internal appeal is received.
- The decision of the relevant authority must either confirm or set aside the decision of the DIO, and where applicable substitute the decision on the request.

10.5. APPLICATION TO COURT

A requester who has been unsuccessful in an internal appeal may, within 180 days of receipt of notice of the decision regarding the internal appeal, apply to the court for appropriate relief as stipulated in section 78(2).

11. AVAILABILITY OF MANUAL

11.1. This manual will be made available in three official languages on the website of the Department, every office of Department and to the Human Rights Commission.

11.2. This manual may be published in the *Government Gazette*.

12. UPDATE AND REVIEW OF MANUAL

This manual will be reviewed by the Department annually and as and when necessary and will be updated and published as contemplated in PAIA.

Annexure "A"

4 No. 22125

GOVERNMENT GAZETTE, 9 MARCH 2001

**GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING**

**DEPARTMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE**

No. R. 223

9 March 2001

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000
REGULATIONS RELATING TO THE PROMOTION OF ACCESS TO
INFORMATION**

The Minister for Justice and Constitutional Development has, under section 92 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), made the regulations in the Schedule.

SCHEDULE

Definition

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates -

"the Act" means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Form of request

2. A request for access to a record, as contemplated in section 18(1) of the Act, must be made in the form of Form A of the Annexure.

Fees for records of public body

3. (1) The fee for reproduction, referred to in section 15(3) of the Act, is 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

(5) 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.

Form of request

A request for access to a record, as contemplated in section 53(1) of the Act, must be made in the form of Form B of the Annexure.

Fees for records of private body

5. (1) The fee for reproduction referred to in section 52(3) of the Act, is as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(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	20,00
(ii) For a copy of an audio record	30,00

(2) The request fee payable by a requester, other than a personal requester, referred to in section 54(1) of the Act is R 50, 00.

(3) The *access* fees payable by a requester referred to in section 54(7) of the Act, unless exempted under section 54(8) of the Act, are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
(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	20,00
(ii) For a copy of an audio record	30, 00
(f) To search for the record for disclosure, R30, 00 for each hour or part of an hour reasonably required for such search.	

(4) The actual postal fee is payable when a copy of a record must be posted to a requester.

(5) For purposes of section 54(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.

Notice of internal appeal

6. Notice of an internal appeal, as contemplated in section 75(1) of the Act, must be lodged in the form of Form C of the Annexure.

Appeal fees

7. The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, as contemplated in section 75(3)(a) of the Act, is R 50,00 .

8 No 22125

GOVERNMENT GAZETTE, 9 MARCH 2001

Value - added tax

- 8 Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value added tax to all fees prescribed in terms of these regulations.

Commencement

- 9 These regulations shall come into operation on 9 March 2001.

Annexure "B"



REPUBLIC OF SOUTH AFRICA

J750

**National Department of Human Settlements
PAIA Request Form A for Access to a Record(s) of Public Body**

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 6]

FOR DEPARTMENTAL USE

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

DEPUTY INFORMATION OFFICER

A. Particulars of public body

Send or deliver your completed Request Form to:

PAIA Centre Contact Detail			
Postal Address:	The Deputy Information Officer: M Moerane National Department of Human Settlements Private Bag X644 PRETORIA Republic of South Africa 0001		
Street Address: (For delivery by hand)	The Deputy Information Officer: M Moerane Govan Mbeki 240 Justice Mahomed Street PRETORIA		
Fax Number	- +27(0)12 421 1428/(086) 402 7628		
Email Address	paia@dhs.gov.za		
Office Hours:	07:30 - 09:30 09:45 - 12:15 13:00 - 14:30 14:45 - 16:00	Cashier Hours:	10:00 - 11:00 14:00 - 14:30

1

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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 i.e. the type of record(s) e.g. minutes etc...:

.....

4. Department/Directorate where the record is held (if known)

.....

.....

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, the request fee is R35,00.
- (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:

.....

.....

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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:
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p> <p>d) if the record does not exist in the preferred language or no preference has been indicated by the requestor, access will be given in the language in which the record exists [section 31].</p> <p>e) A search and preparation fee of the requested record is R15,00 for each hour or part of an hour, excluding the first hour</p>	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
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
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?					

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?

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

Signed at this day..... of year.....

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

FORM B

NOTICE OF INTERNAL APPEAL

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

[Regulation 8]

<p>STATE YOUR REFERENCE NUMBER: _____</p>
--

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- | |
|--|
| <p><i>a) The particulars of the person who lodge the internal appeal must be given below.</i></p> <p><i>b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.</i></p> <p><i>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.</i></p> |
|--|

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

Capacity in which an internal appeal on behalf of another person is lodged: _____

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate 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): _____	