

ECONOMIC DEVELOPMENT DEPARTMENT

NO. 799

04 SEPTEMBER 2015



GAUTENG PROVINCE
ECONOMIC DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

**MANUAL IN TERMS OF THE PROMOTION OF ACCESS
TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)**

TABLE OF CONTENT

- 1. INTRODUCTION**
- 2. SECTION 10 GUIDE ON HOW TO USE THE ACT**
- 3. THE MANDATE OF THE GAUTENG DEPARTMENT OF ECONOMIC DEVELOPMENT**
 - 3.1 VISION OF THE GDED**
 - 3.2 MISSION OF THE GDED**
 - 3.3 VALUE STATEMENT**
- 4. CORE FUNCTIONS OF THE GDED**
- 5. ORGANISATIONAL ENVIRONMENT**
- 6. PUBLIC ENTITIES FOR WHICH THE MEC IS RESPONSIBLE**
- 7. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION**
- 8. SUBJECT AND CATEGORIES OF RECORDS HELD BY THE GDED**
- 9. REQUEST INFORMATION PROCEDURE**
 - 9.1 AUTOMATIC AVAILABLE RECORDS**
 - 9.2 APPLICATION PROCESS**
 - 9.3 FEES**
- 10. REMEDIES WHERE ACCESS TO INFORMATION IS REFUSED**
 - 10.1 REFUSAL OF REQUEST**
 - 10.2 APPEAL**
- 11. AVAILABILITY OF THE MANUAL**
- 12. UPDATING OF THE MANUAL**
- 13. MISSING RECORDS**
- 14. DISPOSAL OF RECORDS**
- 15. GENERAL NOTICE**

1. INTRODUCTION

The Gauteng Provincial Government Department of Economic Development ('the **GDED**') is committed to the compliance with the directives of the Constitution and national legislation like the Promotion of Access to Information Act, 2000 (Act No.2 of 2000) ('the Act'). It endorses the key principles of good governance, transparency and accountability.

The Act gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedures attached to such request.

Section 9 of the Act, however, recognizes that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient and good governance.

Section 14 of the Act obliges public bodies to compile a manual, which would assist a person to obtain access to information held by the public body and stipulates the minimum requirements a manual has to comply with.

The purpose of this manual is to clearly demonstrate the services the GDED provides together with the information necessary to ensure that the processes of information sharing are expeditious and affirming.

2. SECTION 10 GUIDE ON HOW TO USE THE ACT

In order to educate and assist members of the public on how to use the Act, the South African Human Rights Commission was mandated to compile and publish a Guide in all South African languages containing the following information;

- The object of the Act;
- Contact details of the Information Officer and Deputy Information Officer of every public body;

- How to lodge a request for access to a record of a public body;
- The assistance available from the Information Officer of a public body in terms of the Act;
- The assistance available from the Human Rights Commission in terms of the Act;
- All remedies in law available where a requester feels aggrieved by an action of a public body;
- How to obtain access to manuals of public bodies compiled in terms of Section 14 of the Act;
- Information about records that are automatically available from public bodies; and
- The notices issued regarding fees to be paid in relation to request for access.

This guide is available in all the official languages from the South African Human Rights Commission. Members of the public can inspect or make copies of this Guide from the Head Office and any Provincial Offices of the South African Human Rights Commission

Any enquiries regarding this guide should be directed to:

The South African Human Rights Commission

Telephone No.: +27 11 484 8300

Fax No.: +27 11 484 7146/7

E-mail Address: PAIA@sahrc.org.za

Postal Address: PAIA Unit

The Research and Documentation Department

Private Bag X 2700

Houghton

2041

Street Address: PAIA Unit

The Research and Documentation Department

29 Princess of Wales Terrance

Parktown

Johannesburg

Website: www.sahrc.org.za

2.1. General contact details of the GDED

Physical address	:	Matlotlo House 94 Main Street Johannesburg 2000
Postal address	:	Department of Economic Development Private Bag X 091 Marshalltown 2107
Telephone No.	:	011 355 8000
Facsimile No.	:	011 355 8554
Website	:	www.ecodev.gpg.gov.za

3. MANDATE OF THE GDED

The mandate of the GDED is to facilitate, promote economic growth and development in the province, with a targeted commitment to focus on enhancing inclusivity of the economy, while not neglecting to improve its competitiveness.

3.1 VISION OF THE GDED

The vision of GDED is to be a radically transformed, modernised and re-industrialised economy in Gauteng, manifesting decent work, economic inclusion and equity.

3.2 MISSION OF THE GDED

The Mission of the GDED, in pursuit of its Vision, is to:

- Ensure radical transformation, modernisation and re-industrialisation of the Gauteng economy.

- Provide an enabling policy and legislative environment for equitable economic growth and development.
- Develop and implement programmes and projects that will:
 - revitalise Gauteng's township economies;
 - build new smart, green, knowledge-based economy and industries;
 - ensure decent employment and inclusion in key economic sectors;
 - facilitate radical economic transformation, modernisation and re-industrialisation;
 - include the marginalised sectors of women, youth and persons with disabilities in mainstream economic activities;
 - establish appropriate partnerships for delivery; and
 - ensure the GDED effectively and efficiently delivers on its mandate.

3.3 VALUE STATEMENT

The values of the GDED, informed by its Vision and Mission, are to:

- Serve as a centre of excellence in leading radical economic transformation, modernisation and re-industrialisation of Gauteng's economy.
- Provide ethical, consultative and people-focused services.
- Facilitate equity, redress and access to economic opportunities and decent employment.
- Ensure that Gauteng's economic profile reflects its demographic profile.
- Practice transparent, participatory and good governance at an internal level.
- Foster high levels of professionalism, innovation, effectiveness, efficiency and the practice of Batho Pele amongst the staff of GDED and all its implementation agencies.

4. CORE FUNCTIONS OF THE GDED

The Department is tasked with ensuring that the right environmental framework and initiatives are put in place to foster economic growth and job creation in the province, and thereby push back the boundaries of poverty. The core functions of the Department are modelled around four core programmes which are:

3.1 Programme 1: Administration

The core function of this programme is to provide strategic leadership, support and transversal business solutions to enable the MEC, HOD and GDED to effectively deliver on the mandate of the Department.

The programme is divided into the following sub-programmes:

- Office of the HOD;
- Office of the MEC;
- Financial Management; and
- Corporate Services.

3.2 Programme 2: Integrated Economic Development Services (IEDS)

The programme's core function is to ensure radical economic transformation that addresses the triple policy imperatives of decent work, an inclusive economy and equality. The programme is divided into the following sub-programmes:

- IEDS Management Office;
- Enterprise Development; and
- Regional and Local Economic Development.

3.3 Programme 3: Trade and Industry Development

The programme's core function is to ensure re-industrialisation that addresses the triple policy imperatives of decent work, an inclusive economy and equality. The programme is divided into the following sub-programmes:

- Trade and Investment Promotion; and
- Sector Development.

3.4 Programme 4: Business Regulation and Governance

The programme's core function is to ensure that DED's Agencies, Consumer Affairs, the Gauteng Liquor Board and, the Gauteng Gambling Board are implementing interventions that contribute to the

achievement of the DED's strategic goals. The programme is divided into the following sub-programmes:

- Governance;
- Regulatory Services;
- Consumer Protection;
- Liquor Regulation; and
- Gambling and Betting.

5. ORGANISATIONAL ENVIRONMENT

The GDED consist of a Head Office that is situated in Johannesburg at 94 Main Street and has Consumer and Liquor Regional Offices that are situated across Gauteng Province. The GDED is made up of Office of the MEC and the Office of the Head of Department, which consists of three branches. See attached Organogram (Annexure A).

6. PUBLIC ENTITIES FOR WHICH THE MEC IS RESPONSIBLE

- Gauteng Enterprise Propeller
- Gauteng Gambling Board
- Gauteng Growth and Development Agency
- Gauteng Tourism Authority
- Dinokeng and Cradle of Humankind

7. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

The Head of the Department is in terms of section 1 of the Act the Information Officer of the **GDED**.

The contact details of the information officer and the deputy information officers designated in terms of section 17 of the Act are as follows;

Information Officer	:	Ms Phindile Mbanjwa
		Head of the Department
		Private Bag X091
		Marshalltown
		2107

Tel No.: 011 355 8705

Fax No.: 011 355 8554

Deputy Information Officer : Ms Funeka Njobe
Chief Director: Legal Advisory Service
Private Bag X091
Marshalltown
2107

Tel No.: 011 355 8143

Fax No.: 011 355 8028

8. SUBJECTS AND CATEGORIES HELD BY THE GDED

The subjects and categories of records held by the **GDED** are as follows:

- 8.1.** Departmental personnel records;
- 8.2.** Departmental procurement records;
- 8.3.** Departmental financial records;
- 8.4.** Agendas and minutes of internal departmental meetings;
- 8.5.** Departmental reports;
- 8.6.** Departmental publications;
- 8.7.** Internal departmental frameworks and policies;
- 8.8.** Records available in accordance with the Act.

9. REQUEST FOR INFORMATION PROCEDURE

9.1. Automatic available records

The records listed in Annexure B are automatically available without a person having to request access in terms of the Act. This list has been gazetted in terms of section 15 of the Act.

The records listed in Annexure B may be obtained from the Department of Economic Development, Matlotlo House, 94 Main Street, Johannesburg. Where there are sufficient copies available, the record

may be obtained free of charge while stocks last, whereafter a reproduction fee is payable. Some of these records are also available for free on the **GDED** website at www.ecodev.gpg.gov.za.

The re-production fees for automatically available records are as follows:

	R
(a) For every photocopy of an A4-size 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) 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

9.2 Application process

Step 1: The request

Where a person wishes to access information held by the **GDED**, other than records listed in Annexure B, such a person must make a request for access to the relevant information in the prescribed form. This form is available on the **GDED** website at www.ecodev.gpg.gov.za, or may be obtainable upon request from Ms. Funeka Njobe at telephone number 011 355 8143.

The completed requested form may be submitted in the following ways;

By hand:

The Information Officer

The Department of Economic Development

1st Floor, Matlotlo House

94 Main Street

Johannesburg

2000

By post:

The Information Officer
The Department of Economic Development
Private Bag X 091
Marshalltown
2107

By facsimile:

011 355 8554
011 355 8028

A request fee of R35-00, or proof of payment thereof, must accompany the request for information. Payment of the request fee may be made at any commercial bank and deposited in the following ABSA Bank account in favour of the Department of Economic Development:

ABSA Account : 62298137376

Step 2: Validation and acknowledgement

The Information Officer receives and validates the request to see whether the required information is available within the **GDED**. The request is then accepted, rejected or transferred to the rightful keepers of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

Step 3: Information processing

If the request is accepted, the **GDED** will gather and prepare the information and calculate the relevant cost involved. The cost is calculated in terms of paragraph 9.3.

Step 4: Final notification

The requester will be informed of the completion of the request as well as the outstanding fees payable to the **GDED**.

Step 5: Payment and delivery

Once the payment as stipulated in Step 4 is received (following the same payment process as stipulated in Step 1), the information is released to the requester.

General Information

The prescribed form must be duly completed to enable the Information Officer to identify:

- The record or records requested;
- The identity of the requester;
- Which form of access is required, if the request is granted; and
- The postal address or fax number of the requester.

The **GDED** will process the request within 30 days, unless the requester has stated special reasons, which would satisfy the Information Officer that circumstances dictate that the above time periods should not be complied with. The 30-day period within which the **GDED** has to decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of the **GDED** and the information cannot reasonably be obtained within the original 30 day period. The **GDED** will notify the requester in writing should an extension be sought.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The requester must pay the prescribed fee, before any further processing can take place.

9.3 Fees

The Act provides for two types of fees:

- (a) a request fee, which will be a standard fee; and
- (b) an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the Information Officer, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the relevant fees as indicated below.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangement to make it available in the requested form.

If the deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

The access fees payable are as follows:

- (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-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 (per hour or part of an hour, excluding the first hour, reasonably required for such search and preparation)..... 15.00
- (2) The actual postage is payable when a copy of a record must be posted to a requester.

10. REMEDIES WHERE REQUEST FOR ACCESS TO INFORMATION IS REFUSED

10.1 Refusal of request

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

- (1) Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- (2) Mandatory protection of the commercial information of a third party, if the record contains:
 - trade secrets of that third party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and/or

- information disclosed in confidence by a third party to the **GDED**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- (3) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- (4) Mandatory protection of the safety of individuals and the protection of property;
- (5) Mandatory protection of records which would be regarded as privileged in legal proceedings;
- (6) Operations of the **GDED**;
- (7) The commercial activities of the **GDED**, which may include:
 - trade secrets of **GDED**;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the **GDED**;
 - information which, if disclosed could put the **GDED** at a disadvantage in negotiations or commercial competition; and/or
 - a computer programme which is owned by the **GDED**, and which is protected by copyright;
- (8) The research information of the **GDED** or third party, if its disclosure would disclose the identity of the **GDED**, the researcher or the subject matter of the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10.2 Appeal

- (1) A requester may lodge an internal appeal against a decision of the Information Officer of the **GDED** -
 - (a) to refuse a request for access; or
 - (b) taken in terms of section 22, 26(1) or 29(3), in relation to that requester, with the Member of the Executive

Council (MEC) responsible for Economic Development, Environment, Agriculture and Rural Development.

- (2) A third party may lodge an internal appeal against a decision of the Information Officer of the **GDED** to grant a request for access.

An internal appeal must be lodged in the prescribed form:

- within 60 days;
- if notice to a third party is required, within 30 days after notice is given to the appellant of the decision appealed against;
- it must be delivered or sent to the Information Officer of the **GDED** at his or her addresses, or fax number;
- it must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;
- if, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed; and/or
- if applicable, must be accompanied by the prescribed appeal fee, and must specify a postal address or fax number.

The prescribed form for an internal appeal is available on the **GDED** website at www.ecodev.gpg.gov.za , or may be obtained upon request from the Deputy Information Officer at telephone number 011 355 8143.

If an appeal is lodged after the expiry of the period referred to, the MEC must, upon good cause shown, allow the late lodge of the appeal.

If the MEC disallows the late lodging of an appeal, he or she must give notice of that decision to the person who lodged the appeal.

A requester lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any).

If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.

As soon as reasonably possible, but in any event within 10 working days after receipt of an appeal, the Information Officer of the **GDED** must submit the following to the MEC:

- the appeal together with his or her reasons for the decision concerned;
- if the appeal is against the refusal or granting of a request for access, the name, postal address, telephone and facsimile number and electronic mail address (whichever is available) of any third party that must be notified of the request.

11. AVAILABILITY OF THE MANUAL

The manual is also available in Afrikaans, Sesotho and isiZulu. The manual is available as the GDED offices and on the website at: www.ecodev.gpg.gov.za.

12. UPDATING OF THE MANUAL

This manual will be updated whenever amendments to current information need to be reflected, or annually.

13. MISSING RECORDS

Requestors have the right to receive a response on affidavit for records which cannot reasonably be located, but to which a requestor would have had access had the record been available.

14. DISPOSAL OF RECORDS

The GDED reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.

Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

15. GENERAL NOTE

The GDED reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where the GDED no longer has possession of such record, and to create new categories of records where this is necessary. This manual will be updated to reflect changes in categories of records accordingly.