

DEPARTMENT OF HUMAN SETTLEMENTS

NO. 1561

15 DECEMBER 2016

**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)*

ISBN Number: 978-0-620-73813-2

2016-2017

**CONTENTS**

FOREWORD .....	iv
DEFINITION OF TERMS .....	vi
1. INTRODUCTION .....	1
2. OBJECTIVES OF THE ACT .....	1
3. PURPOSE OF THE MANUAL .....	2
4. GUIDE ON HOW TO USE PAIA (SECTION 10) .....	2
5. CONTACT INFORMATION .....	2
6. LEGISLATIVE MANDATE INFORMING THE FUNCTIONS OF THE DEPARTMENT.....	4
7. FUNCTIONS AND STRUCTURE OF THE DEPARTMENT OF HUMAN SETTLEMENTS.....	4
7.1 STRATEGIC OVERVIEW .....	4
7.2 ORGANISATIONAL STRUCTURE OF THE DEPARTMENT.....	5
7.3 SERVICES RENDERED BY THE DEPARTMENT.....	6
7.4 PROGRAMMES OF THE DEPARTMENT.....	9
8. ACCESS TO RECORDS HELD BY THE DEPARTMENT.....	11
8.1 CATEGORIES OF RECORDS HELD BY THE DEPARTMENT .....	11
9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION.....	20
9.1 WHO CAN REQUEST INFORMATION? .....	20
9.2 MANNER OF ACCESSING INFORMATION.....	20
9.2.1 AUTOMATICALLY AVAILABLE RECORDS .....	20
9.2.2 TELEPHONIC REQUESTS.....	21
9.2.3 ORAL REQUESTS.....	21
9.3 FORMAL REQUESTS AS PER PAIA REQUIREMENTS .....	21
9.4 TURNAROUND TIMES FOR ATTENDING TO REQUESTS .....	22
9.5 FEES.....	22
9.5.1 NON-REFUNDABLE REQUEST FEE .....	22
9.5.2 ACCESS FEE .....	22
9.5.3 DEPOSITS .....	23
9.5.4 EXEMPTIONS .....	23
10. REFUSED ACCESS AND APPEALS .....	23
10.1 GROUNDS FOR REFUSAL.....	23
10.2 MANDATORY DISCLOSURE IN PUBLIC INTEREST .....	24
10.3 DEEMED REFUSAL OF A REQUEST.....	24
10.4 REMEDIES IF REQUEST FOR ACCESS IS REFUSED .....	24
10.4.1 INTERNAL APPEAL .....	24
10.4.2 LODGING INTERNAL APPEAL.....	24
10.4.3 REFERRAL OF INTERNAL APPEAL TO RELEVANT AUTHORITY .....	25
10.5 APPLICATION TO COURT .....	25
11. AVAILABILITY OF MANUAL .....	25
12. UPDATE AND REVIEW OF MANUAL.....	25

**ANNEXURES**

<b>A</b>	Fees schedule
<b>B</b>	Form A (Request for access to record of public body)
<b>C</b>	Form B (Notice of internal appeal)

## 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.



---

**M TSHANGANA**  
**DIRECTOR-GENERAL**  
**DEPARTMENT OF HUMAN SETTLEMENTS**  
**DATE: 19/09/2016**

**ACRONYMS**

BAS	: Basic Accounting System
BNG	: Breaking New Grounds
CD	: Chief Director
CRU	: Community Residential Programme
CSOS	: Community Scheme Ombud Services
DDG	: Deputy Director-General
DFI	: Development Finance Institutions
DHS	: Department of Human Settlements ("the Department")
DIO	: Deputy Information Officer (designated in terms of section 17 of the PAIA)
EAAB	: Estate Agency Affairs Board
FLISP	: Finance Linked Individual Subsidy Programme
HDA	: Housing Development Agency
HR	: Human Resource
HS	: Human Settlements
HSDG	: Human Settlements Development Grant
HSS	: Housing Subsidy System
IO	: Information Officer (Director-General of the Department)
MEIA	: Monitoring, Evaluation and Impact Assessment
M&E	: Monitoring and Evaluation
MTSF	: Medium Term Strategic Framework
MTEF	: Medium Term Expenditure Framework
NHBRC	: National Home Builders Registration Council
NHFC	: National Housing Finance Corporation
NURCHA	: National Urban Reconstruction and Housing Agency
PAIA	: Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
PDHS	: Provincial Department of Human Settlements
PHP	: People's Human Settlement Process
RHLF	: Rural Housing Loan Fund
SABC	: South African Broadcasting Corporation
SAHRC	: South African Human Rights Commission
SALGA	: South African Local Government Association
SHRA	: Social Housing Regulatory Authority
SLA	: Service Level Agreements
USDG	: Urban Settlement Development Grant

**DEFINITION OF TERMS**

	<b>Term</b>	<b>Definition/Description</b>
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 the 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.	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.
11.	Record	Any recorded information, in any form or medium under the

		custody of DHS as defined in PAIA section 1.
<b>12.</b>	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.
<b>13.</b>	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.
<b>14.</b>	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.
<b>15.</b>	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).
<b>16.</b>	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.
<b>17.</b>	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.
<b>18.</b>	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.
<b>19.</b>	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 Department of Human Settlements (DHS) 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 DHS's 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 (IO) 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 (HRC) 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 HRC.

South African Human Rights Commission

National Head Office

33 Hoofd Street

Braampark Forum III

Braamfontein

Johannesburg, Gauteng

2014

Telephone number: +27 11 877 3600/3803

Fax number: +27 11 403 0625

Email address: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### 5. CONTACT INFORMATION

#### 5.1 Information Officer

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

Director-General: Mr M Tshangana

Telephone: +27 12 421 1486/1312/+27 12 444 5246

Fax: +27 12 421 2998

Email: [InformationOfficer@dhs.gov.za](mailto:InformationOfficer@dhs.gov.za)

#### 5.2 Deputy Information Officer

The Chief Director (CD): 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 12 444 9006  
Fax: +27 86 510 8601  
Email: [DeputyInformationOfficer@dhs.gov.za](mailto:DeputyInformationOfficer@dhs.gov.za)

### **5.3 PAIA Unit**

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

Telephone: +27 12 444 9045/57/58  
Fax: +27 86 471 1939  
Email: [paia@dhs.gov.za](mailto:paia@dhs.gov.za)

### **5.4 General information**

Postal address: Private Bag X644  
PRETORIA  
0001

Physical address: Govan Mbeki House  
240 Justice Mahomed Street  
PRETORIA  
0002

Telephone: +27 12 421 1311  
Fax: +27 12 341 8512/+27 12 444 9000  
Email: [info@dhs.gov.za](mailto:info@dhs.gov.za)  
Website: [www.dhs.gov.za](http://www.dhs.gov.za)

## **6. LEGISLATIVE MANDATE INFORMING THE FUNCTIONS OF THE DEPARTMENT**

- Breaking New Ground: A Comprehensive Plan for the Creation of Sustainable Human Settlements
- Community Schemes Ombud Service Act, 2011 (Act No. 9 of 2011)
- Constitution of the Republic of South Africa, 1996
- Division of Revenue Act, 2015 (Act No. 1 of 2015)
- Estate Agency Affairs Act, 1976 (Act No. 112 of 1976)
- Home Loan and Mortgage Disclosure Act, 2000 (Act No. 63 of 2000)
- Housing Act, 1997 (Act No. 107 of 1997)
- Housing Consumers Protection Measures Act, 1998 (Act No. 95 of 1998)
- Housing Development Agency Act, 2008 (Act No. 23 of 2008)
- Inclusionary Housing Bill (2007)
- Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)
- National Development Plan
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998)
- Public Finance Management Act, 1999 (Act No. 1 of 1999)
- Rental Housing Act, 1999 (Act No. 50 of 1999)
- Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011)
- Social Housing Act, 2008 (Act No. 16 of 2008)

## **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.

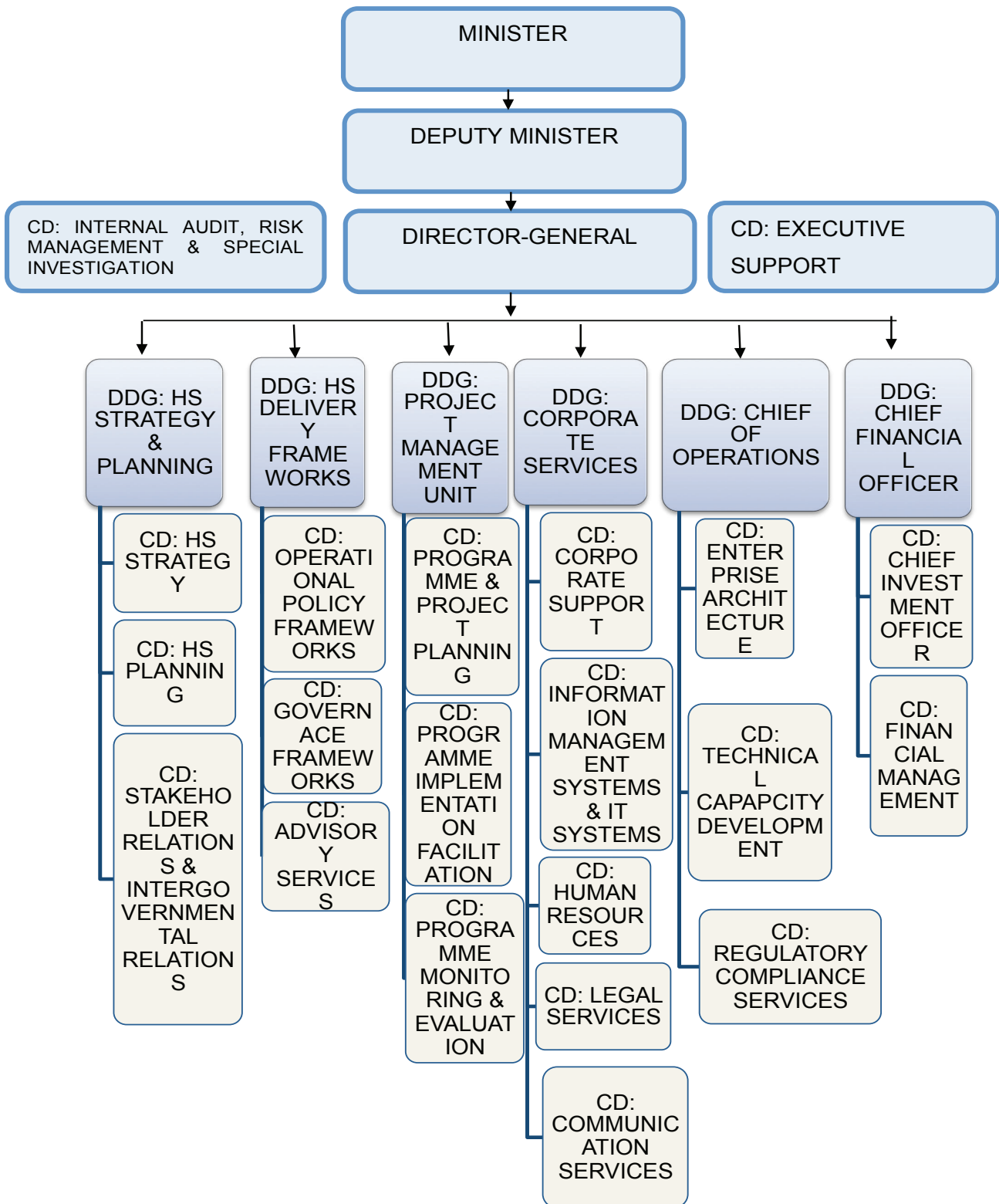
7.1.2 MISSION: To facilitate the creation of sustainable human settlements and improved quality of household life.

### **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:

<b>Institutions</b>	<b>Services</b>	<b>Clients</b>	<b>Obtain information at</b>
Estate Agency Affairs Board (EAAB)	<ul style="list-style-type: none"> <li>• Regulate, maintain and promote the standard of conduct by estate agents having due regard to the public interest;</li> <li>• Issue fidelity fund certificates to qualifying applicants;</li> <li>• Prescribe the standard of training of estate agents;</li> <li>• Investigate complaints against estate agents and institute disciplinary proceedings against offending estate agents where required; and</li> <li>• Manage and control the estate agents fidelity fund.</li> </ul>	Housing consumers and estate agents.	DHS, EAAB offices.
Community Schemes Ombud Service (CSOS)	<ul style="list-style-type: none"> <li>• Provide a dispute resolution service for community schemes;</li> <li>• Provide training for conciliators, adjudicators and other employees of the ombud service;</li> <li>• Regulate, monitor and control the quality of all sectional title schemes governance documentation; and</li> </ul>	Community scheme body corporate, community scheme unit owners and tenants.	DHS, CSOS offices.

Institutions	Services	Clients	Obtain information at
	<ul style="list-style-type: none"> <li>Take custody of, preserve and provide public access to scheme governance documentation.</li> </ul>		
Housing Development Agency (HDA)	<ul style="list-style-type: none"> <li>Identify, acquire, hold, develop and release well-located land and buildings for the development of housing and human settlements; and</li> <li>Provide project management support and housing development services.</li> </ul>	Housing consumers, developers and organs of state (municipalities and metros).	DHS, provincial department of human settlements (PDHS), municipalities, HDA offices.
National Home Builders Registration Council (NHBRC)	<ul style="list-style-type: none"> <li>Regulate the home building environment through home enrolment and home builder registration processes;</li> <li>Protect the housing consumer against structural defects through building inspections and administration of the warranty reserve;</li> <li>Promote innovative home building technologies; and</li> <li>Set home building standards and improve the capabilities of home builders through training.</li> </ul>	Housing consumers and home builders.	DHS, PDHS, municipalities, NHBRC offices.
National Urban Reconstruction and Housing Agency (NURCHA)	<ul style="list-style-type: none"> <li>Provide bridging finance to small, medium and established contractors building low- and moderate-income housing, and related community facilities and infrastructure; and</li> <li>Provide programme and fund management services.</li> </ul>	Contractors and developers.	DHS, PDHS, municipalities, NURCHA offices.

Institutions	Services	Clients	Obtain information at
National Housing Finance Corporation (NHFC)	<ul style="list-style-type: none"> <li>• Provide innovative and affordable housing finance solutions for the low- to middle-income housing market;</li> <li>• The NHFC provides the following services:               <ul style="list-style-type: none"> <li>▪ Private rental term loans;</li> <li>▪ Social housing rental facilities;</li> <li>▪ Bridging finance to developers;</li> <li>▪ Wholesale incremental housing facilities;</li> <li>▪ Wholesale homeownership facilities; and</li> <li>▪ Administration of the Finance Linked Individual Subsidy Programme (FLISP)</li> </ul> </li> </ul>	Low-income earners, established housing institutions, social housing institutions, developers, non-banking retail intermediaries and banks lending to poor households.	DHS, PDHS, municipalities, NHFC offices.
Rural Housing Loan Fund (RHLF)	<ul style="list-style-type: none"> <li>• Empower low-income households in rural areas to access housing credit.</li> <li>• Operates as a wholesale lender and thus attains its mandate by providing loans through retail intermediaries to its target market to be utilised for incremental housing purposes.</li> </ul>	Non-banking retail intermediaries	DHS, PDHS, municipalities, RHLF offices.
Social Housing Regulatory Authority (SHRA)	<ul style="list-style-type: none"> <li>• Regulate the social housing sector in South Africa; and</li> <li>• Approve, administer and disburse both institutional investment and capital grants (namely the Restructuring Capital Grant and the Institutional Investment Grant).</li> </ul>	Social housing institutions, private developers.	DHS, PDHS, municipalities, SHRA offices.

#### 7.4 PROGRAMMES OF THE DEPARTMENT

<p>Programme 1: <b>Administration</b></p>	<p><b>Purpose:</b> To provide strategic leadership, governance, oversight and essential support; and to promote a compliant and well-functioning Department and agencies.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>• To provide strategic leadership and have governance and oversight policies in place and functional: the Ministry provides leadership and policy direction to the DHS.</li> <li>• To have financial management and internal controls in place and functional: the Office of the Director-General provides overall management to the DHS and manages departmental risks, internal audit and special investigation services.</li> <li>• To have administration and operational support systems and procedures (human resources, communication, internal audit, corporate support and legal services) in place and functional, and to effectively promote an internally cohesive and stable organisation: Corporate Services provides support to human resource management, information and communication technology, legal services, communications and media services, and corporate support.</li> </ul>
<p>Programme 2: <b>Human Settlements (HS) Strategy, Policy and Planning</b></p>	<p><b>Purpose:</b> To manage the development of HS policies and strategies and to develop and implement a coherent, predictable and transparent regulatory solution that facilitates access to redress the inadequate HS delivery frameworks.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>• To develop and review HS policies and programmes that promote and ensure access for all to adequate housing, and improved quality of living environments and effective coordination of spatial investment decisions.</li> <li>• To review, align and coordinate HS planning between the three spheres of government to promote effective coordination of spatial investment decisions.</li> <li>• To facilitate the development of HS planning frameworks.</li> <li>• To develop stakeholder incentive strategies, and provide cooperative governance among the spheres of government and the sector.</li> <li>• To advise on project integration and quality assurance, and provide assistance to the Portfolio Committee.</li> <li>• To develop HS strategies, and research and evaluate programmes to improve HS outcomes.</li> </ul>



<p>Programme 3: <b>Programme Management Unit</b></p>	<p><b>Purpose:</b> To build, oversee, support and monitor the sector institutional capacity to deliver HS programmes and projects.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>• To build and ensure institutional capabilities and capacity for the execution and delivery of transformed human settlements and to better on spatial targeting.</li> <li>• To develop bolder measures to execute and implement sustainable human settlements, and to provide access to adequate housing in an improved living environment.</li> <li>• To implement projects that will ensure spatial, social and economic integration.</li> <li>• To monitor and evaluate the execution and delivery of HS projects and programmes, and to assess and report on the extent of access to adequate housing in improved living environment.</li> </ul>
<p>Programme 4: <b>Housing Development Finance</b></p>	<p><b>Purpose:</b> To provide funding for the delivery of all HS programmes in line with approved policies, planning and strategies.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>• To manage the housing grant and the HS development grant (USDG/HSDG) in line with approved grant frameworks.</li> <li>• To oversee the planning of strategic HS projects and programmes.</li> <li>• To manage the development of a drastically revised financial regime for housing.</li> <li>• To oversee and facilitate the implementation of HS projects and programmes.</li> <li>• To manage the monitoring and evaluation (M&amp;E), and impact assessment of HS projects, policies and programmes.</li> </ul>
<p>Programme 5: <b>Office of the Chief Financial Officer</b></p>	<p><b>Purpose:</b> To oversee the provisioning of financial management services.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>• To manage and provide financial support services.</li> <li>• To provide overall budgetary and grants management services.</li> <li>• To manage and mobilise sector resources.</li> </ul>
<p>Programme 6: <b>Office of the Chief Operations Officer</b></p>	<p><b>Purpose:</b> To oversee the provision of HS operational services.</p> <p><b>Strategic objectives:</b></p> <ul style="list-style-type: none"> <li>• To oversee the enhancement of HS operations through effective enterprise architecture services.</li> <li>• To manage the development of the technical capacity of the HS sector.</li> <li>• To ensure regulatory compliance in the Department and sector.</li> <li>• To oversee management of housing entities, which includes monitoring and analysing and reporting on financial and non-financial performance and corporate governance.</li> </ul>

## 8. ACCESS TO RECORDS HELD BY THE DEPARTMENT

Certain records, excluding records that are available on request, are automatically available without having to request access in terms of PAIA. Other records maintained by the DHS must be requested from the DIO in terms of the procedures outlined in sections 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.

No.	Category	Subject	Automatically available*	Available on request*
8.1.1	STATUTORY AND REGULATORY FRAMEWORK	DHS legislation (Bills, Acts, regulations and international commitments)	Yes	No
		Sectoral transformation (plans, commendations and social and change management)	No	Yes
8.1.2	ORGANISATION AND CONTROL	Internal policies	No	Yes
		Risk management	No	Yes
		Anti-fraud and corruption policy framework	No	Yes
		Internal audits	No	Yes
		Disaster management measures and reports	No	Yes
		DHS annual reports and medium-term strategic framework (MTSF 2014-2019); strategic plans; annual performance plans	Yes	No
		Occupational health and safety matters	No	Yes
		Security management	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
8.1.3	HUMAN RESOURCE MANAGEMENT	Post control, establishment and planning matters	No	Yes
		Vacancies, appointments and placements	No	Yes
		Personnel records/employee health and wellness staff files	No	Yes
		Staff retention	No	Yes
		Staff development (plans, engagements, skills and academic programmes, learnerships, bursaries, scholarships, fellowships and reports)	No	Yes
		Planning, utilisation, control and monitoring (human resources plan, declarations, leave utilisation, overtime, social matters, movements and mobility, termination of services and exits)	No	Yes
		Performance management and development	No	Yes
		Labour and employee relation matters	No	Yes
		Organisational transformation plans and reports (employment equity, <i>Batho Pele</i> , change management and employee health and wellness)	No	Yes
		Organizational transformation (plans, commendations and social and change management).	No	Yes
		Delegation of powers/authority	No	Yes
		Establishment matters (microstructure)	No	Yes
		Establishment matters (macrostructure)	Yes	No
		8.1.4	FINANCIAL MATTERS	Basic accounting system (BAS) reports
Budget (estimates of national expenditure for human settlements)	Yes			No
Financial compliance (Treasury, Auditor-General, disclosures and declarations)	No			Yes
Financial audits	Yes			No
Claims (intergovernmental payments)	No			Yes
Debtor system	No			Yes

No.	Category	Subject	Automatically available*	Available on request*
		Conditional grants and funds management (allocations, transfers and devolutions, monitoring and analysis, specific losses and reports)	Yes	No
		Bank matters	No	Yes
		Financial irregularities	Yes	No
		Reconciliation of accounts	No	Yes
		Financial assistance (donations and sponsorships)	Yes	No
		Invoices, statements and payments	No	Yes
		Printed receipts	No	Yes
		Supplementary accounting records	No	Yes
		Journal transactions	No	Yes
		Financial system appraisals	No	Yes
		Pay sheets	No	Yes
		Face value forms, warrant vouchers and cheques	No	Yes
		Registers (includes salaries, invoices and payments)	No	Yes
8.1.5	SUPPLY CHAIN MANAGEMENT	Financial statements	Yes	No
		Loss control matters	No	Yes
		Practice notes (HSDG)	No	Yes
		Demand and acquisition (quotations, requisitions and acquisitions)	No	Yes
		Bids (proposals, specifications, advertisements, allocations and committees)	No	Yes
		Acquisition and procurement plans	No	Yes
		Registers (includes bids, suppliers database records, payment register, stocktaking control sheets, invoices, assets and inventory)	No	Yes
		Orders and payments (systems, invoices, service level agreements (SLAs), stock take on inventory (plans), acquisitions)	No	Yes
		Asset management (allocations, maintenance, disposals, inspections and reports, stocktaking control sheets, assets and inventory)	No	Yes
8.1.6	TRAVEL AND	Local trips and journeys	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
	TRANSPORT SERVICES	Transport (hired and government-owned vehicles)	No	Yes
		Log sheets	No	Yes
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
		Machinery, equipment and other facilities (installation, repairs and maintenance)	No	Yes
		Energy efficiency and maintenance (plan, management, inspections and reports)	No	Yes
		SLA, maintenance, monitoring, inspections and reports (electrical, plumbing, pest control, and hygiene and cleaning services)	No	Yes
8.1.8	INFORMATION SERVICES	Promotion of Access to Information (Section 32 Reports; PAIA Manual; section 15 List)	Yes	No
		Knowledge management	No	Yes
		Library management	No	Yes
		Records management (file plans, schedule of records other than correspondence files, transfers, disposals, reports and registry registers)	No	Yes
		Security management	No	Yes
		Occupational health and safety matters	No	Yes
		Housing Subsidy System (HSS) environment (applications, national housing needs register and national housing subsidy database); maintenance, support and training provided to PDHS	No	Yes
		Development of and support to infrastructure services for the DHS	No	Yes
		Information systems and applications that support the DHS business process and objectives	No	Yes
8.1.9	COMMUNICATION	Communication strategy	No	Yes
		Departmental logo/emblem	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Customer care call centre and presidential hotline matters	No	Yes
		Press releases	Yes	No
		Profiles of Executive Authority	Yes	No
		Events, campaigns, launches and publicity programmes (includes speeches of the Minister and Deputy Minister and photographs)	Yes	No
		Departmental publications, brochures, newsletters, magazines and posters	Yes	No
		Economic opportunities created by the DHS (in 11 official languages)	Yes	No
		HS programmes and subsidies (in 11 official languages)	Yes	No
		HS 20-year book	Yes	No
		DHS media monitoring (news clippings, copies of media adverts and the television series Breaking New Ground (BNG), which aired on SABC 2)	Yes	No
		Draft White Paper on HS	Yes	No
		Social contract for the development of sustainable human settlements	Yes	No
		DHS corporate diary	Yes	No
		Guide to owning a government subsidised house	Yes	No
8.1.10	LEGAL SERVICES	Appointment of legal experts	No	Yes
		Legal opinions	No	Yes
		Claims, litigations and appeals	No	Yes
		Prosecutions, including serving of lawsuit documents	No	Yes
		Contracts, memoranda of understanding and SLAs	No	Yes
		DHS legislation (Bills, Acts, regulations and international commitments)	Yes	No
8.1.11	MEETINGS, AND ATTENDING AND HOSTING OF GATHERINGS	Management, corporate, provincial and sector forum meetings (including, appointment of panel to advise the minister, arrangements, agendas, minutes and reports)	No	Yes
		Cabinet memoranda	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Portfolio Committee questions and replies	No	Yes
		Parliament approved replies	Yes	No
8.1.12	M&E, AND IMPACT ASSESSMENTS	M&E, and impact assessment system matters	No	Yes
		Evaluations, assessments and monitoring reports (includes impact, performance, project monitoring and beneficiary occupancy audits)	No	Yes
		Report on the evaluation of the impact of the Rural Housing Programme	Yes	No
		Report on the evaluation of the performance of social and rental housing programmes	Yes	No
		<i>Measuring success in Human Settlements development: an impact evaluation study of the upgrading of informal settlements programme in selected projects in South Africa</i>	Yes	No
		Upgrading of informal settlements	Yes	No
		Rapid appraisal of Outcome 8 Output 1	No	Yes
		Spatial and non-spatial information	No	Yes
		Data acquisition and management (informal settlement delivery figures, rectification, delivery per project, and blocked projects)	Yes	No
		Monitoring, Evaluation and Impact Assessment (MEIA) Policy and Implementation Framework for the Human Settlement Sector.	Yes	No
		Monitoring Evaluation and Impact Assessment 2013/14 to 2018/19: Policy & Implementation Framework for the Human Settlements Sector	Yes	No
		Environmental implementation plan: DHS 2015–2020	Yes	No
8.1.13	POLICY DEVELOPMENT,	National Housing Code, 2009	Yes	No

No.	Category	Subject	Automatically available*	Available on request*
	ASSISTANCE AND RESEARCH	Comprehensive plan for the creation of sustainable human settlements, 2004	Yes	No
		FLISP policy	Yes	No
		Policy framework for women and youth	Yes	No
		Reports on HS environmental scanning and analysis (economic trends and markets)	Yes	No
		People's Housing Process Policy	Yes	No
		Research (includes reports)	No	Yes
8.1.14	HS SECTOR PLANNING	National planning (multi-year national housing development plans, integrated HS development plans and conditional grant business plans)	No	Yes
		Provincial planning (includes multiyear housing development plans, business plans, instruments and reports).	No	Yes
		Municipal planning (includes integrated development plans, urban settlements development grant plans, built environment performance plans, HS plans and programmes, township establishment matters, municipal accreditation and reports)	No	Yes
		Facilitation of priority projects funded nationally and provincially	No	Yes
8.1.15	PROGRAMME IMPLEMENTATION , SUPPORT AND MONITORING	Blocked projects	No	Yes
		Upgrading informal human settlements (includes plans, implementation, coordination and support)	No	Yes
		Housing Project Process Guide	Yes	No
		Planning of new catalytic projects	No	Yes
		Facilitation of planning for national HS projects in mining towns/areas	No	Yes
8.1.16	EQUITY AND PRIORITY PROGRAMMES	Annual reports on home loan lending patterns	Yes	No
		Equity matters (financial institutions)	Yes	No
		Booklet – Office of Disclosure: Complaints handling procedure manual	Yes	No



No.	Category	Subject	Automatically available*	Available on request*
		(in 8 languages: English; Afrikaans; isiZulu; Sepedi; Setswana; isiXhosa; Xitsonga and Tshivenda)		
		Home loans and mortgages	Yes	No
8.1.17	HS PROGRAMMES AND PROCESSES	Rental HS programmes: 2007 research report, rental accommodation for public sector professionals, and 2015 impact and evaluation of implementation of social housing programme	No	Yes
		Development of private rental projects: National Housing Programme for the provision of basic services to backyard residents and the approved Gauteng Policy on Backyard Rental Housing	No	Yes
		Social housing: Social Housing Act, 2008; Social Housing Regulations and social housing policy guidelines	Yes	No
		Tribunals	No	Yes
		Tenant support	No	Yes
		Analysis, assessments, monitoring, reviews, reports and statistics on rental projects and programmes	No	Yes
		Establishment matters relating to housing institutions and entities (entity enabling Acts, Memorandum of Incorporation)	No	Yes
		Entity board matters (names of board members, term of office, shareholder compacts, mandate documents, board charter and terms of reference, board evaluation reports and remuneration)	No	Yes
		Entity plans/reports (strategic plans, annual performance plans)	No	Yes
		Monitoring and review of entities (quarterly and annual reports)	No	Yes
		Interventions (appointment of administrators, complaints and resolutions)	No	Yes
		Research (includes reports)	No	Yes
		Facilitation of priority	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		projects funded nationally and provincially		
		Community Residential Programme{CRU}	Yes	No
		Budget information and transfers (annual budget, medium-term expenditure framework (MTEF) information, grant allocations, transfers)	No	Yes
8.1.18	STAKEHOLDER RELATIONS AND MOBILISATION	Engagements, alliances and liaisons (includes matters relating to governmental, international and multilateral alliances)	No	Yes
		Govan Mbeki Housing Awards	Yes	No
		Sponsorships for HS projects	No	Yes
		The Enhanced People's Human Settlement Process (EHP) (includes old debts, pipeline/roll-out unblocking of PHP-projects, partnerships and dispute resolutions matters)	No	Yes
		International relations (study tours ,bilateral agreements)	No	Yes
		Seminars, conferences, symposia and summits (includes campaigns and workshops)	Yes	No
		Policy orientation programmes (includes implementation and collaboration)	No	Yes
8.1.19	HUMAN SETTLEMENTS CAPACITY DEVELOPMENT	Beneficiary and community empowerment (includes implementation and collaboration, assessments, and M&E)	No	Yes
		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
		HS bursaries and scholarships (includes policy applications and allocations, monitoring and assessments)	No	Yes
		Institutional capability	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		development (includes business plans, matters relating to coordination, implementation and support of provincial programmes as well as assessments, and M&E)		
		National technical capacity development strategy	No	Yes
		Cuba-South Africa technical support programme	No	Yes
		Skills transfer framework	No	Yes
		Housing Consumer Education Manual	Yes	No
		Training manuals for councillors (DHS and the S ALGA)	Yes	No
		Introduction to HS management	Yes	No

## 9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

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

Any enquiries regarding the lodging of request(s) for access to information of the Department should be made by visiting the PAIA Unit at 260 Justice Mahomed Street; sending a fax to 086 471 1939; calling the PAIA Unit at 012 444 9045/57/58; or sending an email to [paia@dhs.gov.za](mailto:paia@dhs.gov.za).

### 9.1 WHO CAN REQUEST INFORMATION?

- Any person can request information.
- Personal requesters requesting 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 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 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

The DHS also accepts telephonic requests. Attention will be given to any such request made to the DIO or the PAIA Unit at the numbers provided in this manual. 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(s) 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, the 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 the 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 period of 30 days.

The DHS must notify the requester in writing if an extension is required.

**9.5 FEES**

The Act provides for two types of fee, 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 will be processed. Persons listed under paragraph 9.5.4 of this manual are exempted from paying request fees.

The DIO will withhold a record(s) 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 must pay the 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(s) and the preparation of the record(s) 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 (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 which is then refused, the DIO of the DHS will refund the deposit to the requester.

### 9.5.4 EXEMPTIONS

The following persons are exempted from paying the access fee contemplated in section 22(6) of the Act:

- 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 the Regulations made under section 44 of that Act.

## 10. REFUSED ACCESS AND APPEALS

### 10.1 GROUNDS FOR REFUSAL

The 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 other 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 day period, 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 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 be completed on the prescribed internal appeal form contained in Annexure C of this manual, which is also available on the DHS website [[www.dhs.gov.za](http://www.dhs.gov.za)], or from any office of the DHS, upon request.
- Must be completed in full on the prescribed internal appeal form indicating the decision against which the internal appeal is lodged.
- Must be signed in the space provided on the internal appeal form.
- Must be submitted to the DIO through the contact details or address provided in this manual.

#### 10.4.3 REFERRAL OF INTERNAL APPEAL TO RELEVANT AUTHORITY

- The DIO must, within 10 working days of receipt of an internal appeal, refer the internal appeal, together with reasons for his or her 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 confirm or set aside the decision of the DIO or, where applicable, substitute a new decision for it.

#### 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 DHS website, at all departmental offices 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 may be updated and published as contemplated in PAIA.