

DEPARTMENT OF HUMAN SETTLEMENTS

MANUAL

IN ACCORDANCE WITH

**PROMOTION OF ACCESS TO INFORMATION ACT (2/2000)
IN TERMS OF SECTION 14 DEPARTMENT OF HUMAN
SETTLEMENTS**



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)*

2017-2018

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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.



M TSHANGANA
DIRECTOR-GENERAL
DEPARTMENT OF HUMAN SETTLEMENTS
DATE: 13/09/2017

ACRONYMS

BAS	: Basic Accounting System
BNG	: Breaking New Ground
CD	: Chief Director
CRU	: Community Residential Unit
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
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
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 agreement
USDG	: Urban Settlements Development Grant

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 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.
12.	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.
13.	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.
14.	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.
15.	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).
16.	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.
17.	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.
18.	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.
19.	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;
- Provide a list of records categories accessible to members of the public by following the processes as stipulated in PAIA sections 11 and 18;
- 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.

South African Human Rights Commission
National Head Office
33 Hoofd Street
Braampark Forum III
Braamfontein
Johannesburg, Gauteng
2001

Telephone number: +27 11 877 3600/3803
Fax number: +27 11 403 0625
Email address: paia@sahrc.org.za
Website: 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
Fax: +27 12 421 2998
Email: 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 Xaba
Telephone: +27 12 444 9055
Fax: +27 86 471 1939
Email: 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

5.4 General information

Postal address: Private Bag X644
PRETORIA
0001

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

Telephone: 0800 146 873
Fax: +27 12 444 9000
Email: info@dhs.gov.za
Website: www.dhs.gov.za

6. LEGISLATIVE MANDATE INFORMING THE FUNCTIONS OF THE DEPARTMENT

- Breaking New Ground (BNG): 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
- Development Facilitation Act, 1995 (Act No. 67 of 1995)
- Division of Revenue Act, 2017 (as Amended)
- 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)
- Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991 as Amended)
- National Development Plan (NDP), Chapter 8
- National Environment Management Act, 1998 (Act No. 107 of 1998 as Amended)
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998, as Amended)
- Public Finance Management Act, 1999 (Act No. 1 of 1999, as Amended)
- 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)
- Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)

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.

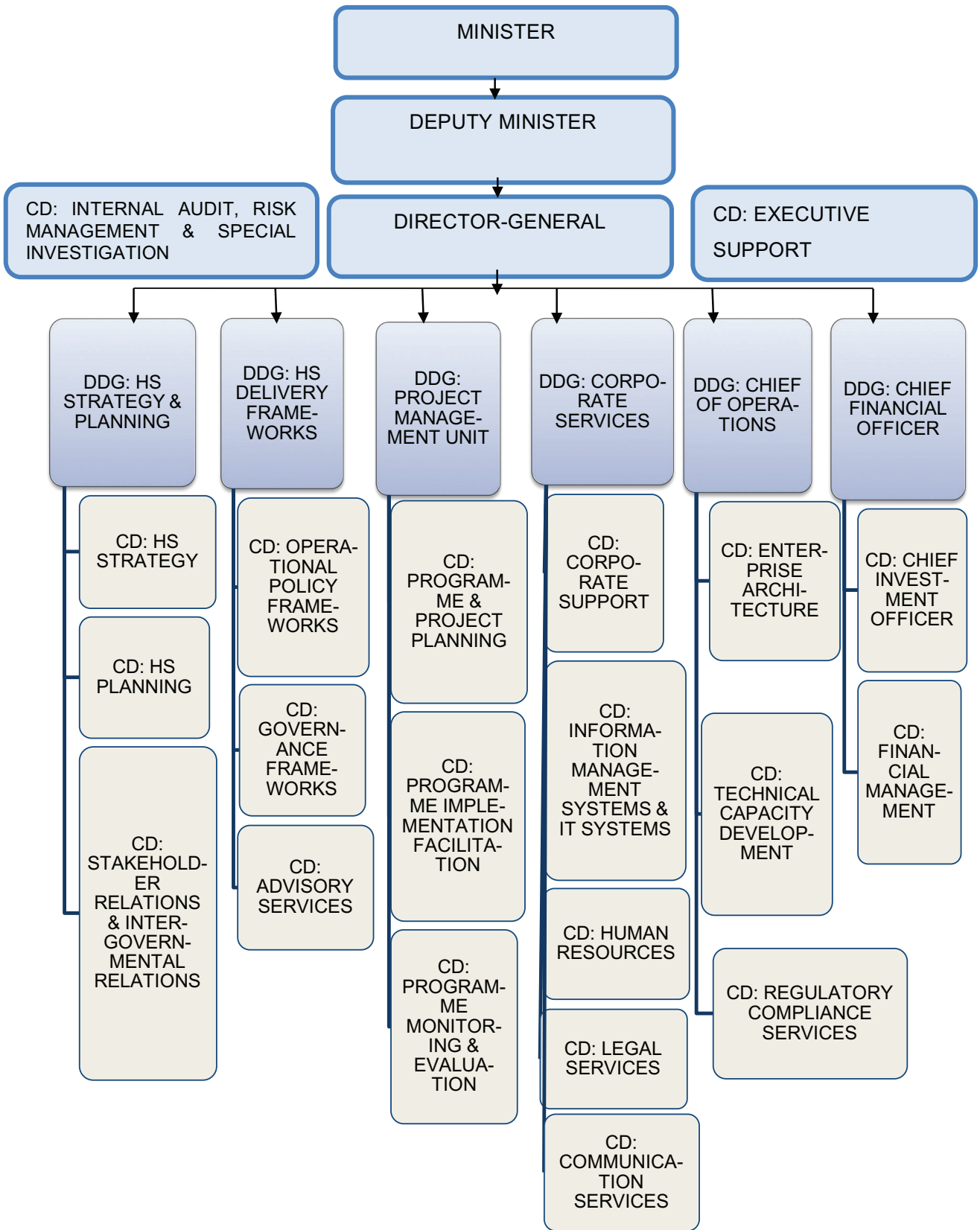
7.1.2 MISSION: To facilitate the creation of sustainable human settlements and improved quality of household life.

7.1.3 VALUES

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

- 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, EAAB offices.
Community Schemes Ombud Service (CSOS)	<ul style="list-style-type: none"> • Provide a dispute resolution service for community schemes; • Provide training for conciliators, adjudicators and other employees of the ombud service; • Regulate, monitor and 	Community scheme body corporate, community scheme unit owners and tenants.	DHS, CSOS offices.

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

Institutions	Services	Clients	Obtain information at
(NURCHA)	<p>moderate-income housing, and related community facilities and infrastructure; and</p> <ul style="list-style-type: none"> • Provide programme and fund management services. 		
National Housing Finance Corporation (NHFC)	<ul style="list-style-type: none"> • Provide innovative and affordable housing finance solutions for the low- to middle-income housing market; • Provide the following services: <ul style="list-style-type: none"> ▪ Private rental term loans; ▪ Social housing rental facilities; ▪ Bridging finance to developers; ▪ Wholesale incremental housing facilities; ▪ Wholesale homeownership facilities; and ▪ Administration of the Finance Linked Individual Subsidy Programme (FLISP). 	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"> • Empower low-income households in rural areas to access housing credit; and • Operate as a wholesale lender and thus attain its mandate by providing loans through retail intermediaries to its target market to be utilised for incremental housing purposes. 	Non-banking retail intermediaries.	DHS, PDHS, municipalities, RHLF offices.

Institutions	Services	Clients	Obtain information at
Social Housing Regulatory Authority (SHRA)	<ul style="list-style-type: none"> Regulate the social housing sector in South Africa; and Approve, administer and disburse both institutional investment and capital grants (namely the Restructuring Capital Grant and the Institutional Investment Grant). 	Social housing institutions, private developers.	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 promote efficient and effective administrative processes. To have a capacitated and diverse workforce in a conducive working environment. To have effective and efficient legal support. To have ICT infrastructure that is reliable, secure and available. To promote internal and external communication about human settlements.
Programme 2: Human Settlements (HS) Policy, Strategy and Planning	<p>Purpose: To manage the development of, and compliance with, HS sector delivery and intergovernmental relations frameworks and to oversee integrated HS strategic and planning services.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> To develop HS policies and programmes for improved alignment. To establish and strengthen partnerships for HS development.
Programme 3: Programme Monitoring and Delivery Support	<p>Purpose: To support the execution and to monitor and evaluate the implementation of HS programmes and projects. To manage capacity and skills building in the sector and to provide oversight of public entities.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> To provide implementation support for the delivery of adequate housing.

	<ul style="list-style-type: none"> To enhance sector monitoring and evaluation. To improve support and capacity for the HS sector.
Programme 4: Housing Development Finance	<p>Purpose: To fund the delivery of housing and HS programmes and to manage all matters related to improving access to housing finance and developing partnerships with the financial sector.</p> <p>Strategic objectives:</p> <ul style="list-style-type: none"> To utilise human settlements grants efficiently and effectively and to monitor lending patterns of financial institutions.

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

No.	Category	Subject	Automatically available*	Available on request*
		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
8.1.3	HUMAN RESOURCE MANAGEMENT	Post control, establishment and planning matters	No	Yes
		Vacancies, appointments and placements	No	Yes
		Personnel records	No	Yes
		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

No.	Category	Subject	Automatically available*	Available on request*
		Organisational 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	No	Yes
		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
		Debtors system	No	Yes
		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

No.	Category	Subject	Automatically available*	Available on request*
		Registers (include salaries, invoices and payments)	No	Yes
8.1.5	SUPPLY CHAIN MANAGEMENT	Financial statements	Yes	No
		Loss control matters	No	Yes
		Practice notes (HS Development Grant (HSDG) and Urban Settlements Development Grant (USDG))	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 (include 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
				Tender information
8.1.6	TRAVEL AND TRANSPORT SERVICES	Local trips and journeys	No	Yes
		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,	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		maintenance and alienation)		
		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	PAIA documents	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 services 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
		Customer care call centre and presidential hotline matters	No	Yes
		Press releases	Yes	No
		Profiles of Executive Authority	Yes	No

No.	Category	Subject	Automatically available*	Available on request*
		Events, campaigns, launches and publicity programmes (include 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 contracts	Yes	No
		DHS corporate diary	Yes	No
		Guide to owning a government subsidised house	Yes	No
		BNG HS sector journal	Yes	No
		Botshabelo Accord	Yes	No
		Habitat III consultation workshop documents	Yes	No
		Outcome 8	Yes	No
		Publications	Yes	No
		Youth Accord	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
		Towards Policy Foundation for the Human Settlements	Yes	No

No.	Category	Subject	Automatically available*	Available on request*
		Legislation (White Paper)		
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
		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 (include 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
		Measuring success in Human Settlements development: an impact evaluation study of the upgrading of informal settlements programme in selected projects in South Africa (report)	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

No.	Category	Subject	Automatically available*	Available on request*
		M&E and impact assessment: policy and implementation framework for the HS sector	Yes	No
		M&E and impact assessment – 2013/14 to 2018/19	Yes	No
		Environmental implementation plan: DHS 2015-2020	Yes	No
8.1.13	POLICY DEVELOPMENT, ASSISTANCE AND RESEARCH	National Housing Code, 2009	Yes	No
		Comprehensive plan for the creation of sustainable human settlements, 2004	Yes	No
		USDG policy (2015)	Yes	No
		FLISP policy	Yes	No
8.1.14	HS SECTOR PLANNING	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 references, board evaluation reports, and remuneration)	No	Yes
		Entity plans/reports (strategic plans, annual performance plans)	No	Yes
		Monitoring and review of entities (quarterly reports, annual reports)	No	Yes
		Interventions (appointment of administrators, complaints and resolutions)	No	Yes
		Budget information and transfers (annual budgets, Medium Term Expenditure Framework (MTEF) information, grant allocations, transfers)	No	Yes
8.1.15	PROGRAMME IMPLEMENTATION, SUPPORT AND MONITORING	Facilitation of planning for national catalytic projects	No	Yes
		Planning of new catalytic projects	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Facilitation of planning for National HS projects in mining towns/areas	No	Yes
8.1.16	EQUITY AND PRIORITY PROGRAMMES	Home Loan and Mortgage Disclosure Act, 2000	Yes	No
		Home Loan and Mortgage Disclosure Act, 2000: Home Loan and Mortgage Disclosure Regulations, 2007, Notice 842 of 2007	Yes	No
		Home Loan and Mortgage Disclosure Act, 2000, Amendment Bill, 2016, Notice 247 of 2017	Yes	No
		Office of Disclosure annual report (2015) on the performance of financial institutions	Yes	No
		Quarterly report on the performance of financial institutions	Yes	No
		Booklet – Office of Disclosure Complaints handling procedure manual (in 8 languages: English; Afrikaans; isiZulu; Sepedi; Setswana; isiXhosa; Xitsonga; and Tshivenda)	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
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

No.	Category	Subject	Automatically available*	Available on request*
		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 projects funded nationally and provincially	No	Yes
		Community Residential Programme	Yes	No
		Budget information and transfers (annual budget, MTEF information, grant allocations, transfers)	No	Yes
8.1.18	STAKEHOLDER RELATIONS AND MOBILISATION	Engagements, alliances and liaisons (include 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	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		(EPHP) (includes old debts, pipeline/roll-out unblocking of Enhanced People's Housing Process (EPHP) projects, partnerships and dispute resolutions matters)		
		International relations (study tours, bilateral agreements)	No	Yes
		Seminars, conferences, and summits (include campaigns and workshops)	Yes	No
		Policy orientation programmes (include 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 (include policy applications and allocations, monitoring and assessments)	No	Yes
		Institutional capability development (includes business plans, matters relating to coordination, implementation and support of provincial programmes as well as assessments, and M&E)	No	Yes
		National technical capacity development strategy	No	Yes
		Cuba-South Africa technical support programme	No	Yes
		Skills transfer framework	No	Yes

No.	Category	Subject	Automatically available*	Available on request*
		Housing Consumer Education	Yes	No
		Training Manuals for Councillors (DHS and the South African Local Government Association)	Yes	No
		Policy framework for women and youth	Yes	No
		Reports on HS, environmental scanning and analysis (economic trends and markets)	Yes	No
		Research (including reports)	No	Yes

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.

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 does 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], 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.