



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
LOCAL GOVERNMENT & HOUSING

**THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)
MANUAL**



VERSION 1 NOVEMBER 2007

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1. INTRODUCTION

1.1. The Promotion of Access to Information Act (PAIA) (Act no.2 of 2000) came into effect on 9 March 2001 underlying the importance of access to information for an open, democratic, and transparent society.

1.2. The purpose of this manual is to inform Departmental clients on how to obtain access to records held by the Department of Local Government and Housing, giving effect to Section 14 of the PAIA.

1.3. The objectives of PAIA are thus:

1.3.1 To give effect to the constitutional right of access to any information as stated above;

1.3.2 To set out justifiable limitations on the right of access to information aimed at protecting people's privacy, confidential commercial information and ensuring effective, efficient and good governance;

1.3.3 To balance the right of access to information with all the other rights in the constitution;

1.3.4 To promote a culture of human rights and social justice;

1.3.5 To establish mechanisms and procedures to enable persons to access to records as swiftly, inexpensively and effortlessly as is reasonably possible;

1.3.6 To promote transparency, accountability and effective governance;

1.3.7 To empower and educate everyone to understand their rights in terms of the Act and to understand the functions and operations of the department

1.4. The manual provides an overview of the records held by the Department of Local government and Housing (DLGH) and processes that needs to be followed to access such records.

1.5. The manual will be available in at least three languages spoken within the province.

1.6. All requests for access to information (other than information freely available to the public) should be directed to the Information Officer.

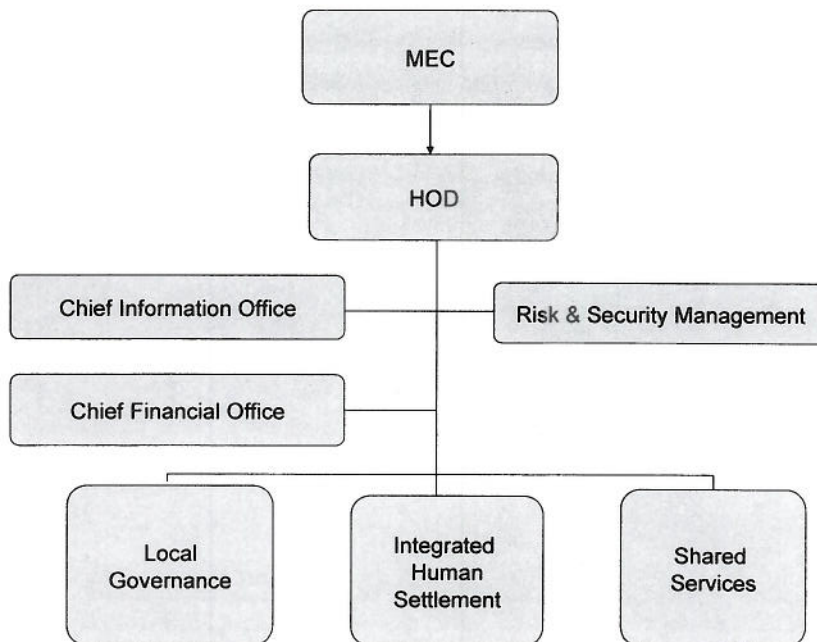
2. THE STRUCTURE, PURPOSE AND FUNCTIONS OF THE DEPARTMENT OF LOCAL GOVERNMENT AND HOUSING

2.1. The structure of the Department

The administrative part of the Department. The HOD is also the Accounting Officer of the Department. There are five main branches in the Department:

- Local Governance,
- Integrated Sustainable and Human Settlement,
- Shared Services,

- Chief Financial Office
- Chief Information Office



The department Head office is in Polokwane and also gives assistance to districts as well as local municipalities in the following areas:

- Capricorn district municipality
- Waterberg district municipality
- Mopani district municipality
- Vhembe district municipality
- Sekhukhune district municipality

2.2. Purpose of the Department

The Department of Local Government and Housing main purpose is to ensure effective administration of developmental Local Governance and Sustainable Human Settlement.

2.3. Functions of the Department of Local Government and Housing.

- 2.3.1. To manage the provision of sustainable and integrated human settlement in the Province
- 2.3.2. To coordinate and provide support to municipalities, monitor the performance thereof, and provide development and planning services.
- 2.3.3. To provide professional support services to the department and municipalities.

3. CONTACT DETAILS (SECTION 14(1)(b))

Deputy Information Officer	The Head of Department, Local Government and Housing
Assistant Information Officer	Chief Information Officer
Corporate Records Manager	Senior Manager: Corporate Records Management
Physical Address	28 Market Street Polokwane 0700
Postal Address	Private Bag X9485 Polokwane 0700
Telephone	015 – 294 2000
Fax	015 – 295 3463
Email	paia@limdlgh.gov.za
Website	www.limpopo-dlgh.gov.za

Table 1: Contact details of Deputy Information Officer

4. ACCESS TO RECORDS HELD BY THE DEPARTMENT OF LOCAL GOVERNMENT AND HOUSING (Section 14(1) (d)

4.1. Automatically available records (Section 14 (1) (e))

The following are categories of records generated by the Department, which are freely and readily available without having request access in terms of the Act:

<ul style="list-style-type: none"> ▪ Departmental structure ▪ Departmental contact details ▪ Annual reports ▪ Service standards and Norms ▪ Strategic plans ▪ News Letters 	<ul style="list-style-type: none"> ▪ Acts, Policies and Regulations ▪ Circular for advertisement of posts ▪ Posters ▪ Speeches ▪ White Papers ▪ All documents on DLG Internet
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Table 2: Automatically available records

4.2. Records that may be requested (Section 14(1) (d)

The following is a list of records that may be requested in terms of the Act. These records may be requested from the Deputy Information Officer of the Department of Local Government and Housing.

NO.	BRANCH	RECORDS CATEGORY
1.	LOCAL GOVERNANCE	<ul style="list-style-type: none"> ▪ Development and Planning records (i.e. spatial and human settlement planning, local economic development (LED), Land Use, Deeds, IDPs, Infrastructure, Spatial planning) ▪ Municipal infrastructure development records (i.e. municipal infrastructure delivery programme, municipal assets management, free services programmes (fbs), infrastructural administration management) ▪ Local government support records (municipal institutional capacity building services, municipal performance, municipal finance) ▪ Intergovernmental Relations, Public Participation and Governance records (Democratic governance and disaster risk management and emergency)
2.	INTEGRATED SUSTAINABLE HUMAN DEVELOPMENT	<ul style="list-style-type: none"> ▪ Housing Sector Performance and Municipal Support records (human settlement capacity development, municipal housing accreditation, industry and economic development analysis) ▪ Housing Admin and Property Management records (debtors, lease agreements, property disposal, subsidy and claims, asset register) ▪ Social Housing Development records (community based housing, institutional housing) ▪ Housing Project Management records (informal settlement, rural housing, social amenities, housing rectification)
3	SHARED SERVICES	<ul style="list-style-type: none"> ▪ Information Technology records ▪ Financial and supply chain records ▪ Transversal Services records ▪ Strategic management records.
4	CHIEF INFORMATION OFFICE	<ul style="list-style-type: none"> ▪ General and Human Resource records ▪ Communication and Knowledge Management records ▪ Public relations and events records ▪ Municipal communication support records ▪ Library records ▪ Service excellence records

SBU	SECURITY AND COMPLIANCE	<ul style="list-style-type: none"> ▪ Physical security records ▪ Anti-fraud and corruption records ▪ Risk management records
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Table 3: Records that may be requested

5. HOW TO GAIN ACCESS TO RECORDS NOT AUTOMATICALLY AVAILABLE

5.1. The request procedure

- 5.1.1. To gain access to the records held by the Department of Local Government and Housing, a request must be made to the information officer or Deputy Information Officer mentioned in table 1.
- 5.1.2. A requester must be given access to a record of the department
If the requester complies with the following:
 - The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
 - Access to that record is not refused on any ground of refusal mentioned in the Act.

5.2. How to request access to a record:

- 5.2.1. A requester must use the Form "A" that was printed in the Government Gazette (Government Notice R187 of 15 February 2002).
- 5.2.2. The requester must also indicate if the request wants a copy of the record or if the requester wants to come and look at the record at the offices of the department. Alternatively if the record is not a paper document it can then be viewed in the form, where possible. (Section 29 (2))
- 5.2.3. If the requester asks for information in a particular form (e.g. a paper copy, electronic copy etc) then he/she should get information in that form. This is unless doing so would interfere reasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in another form, then the fee must be calculated according to the way that the requester first asked for it. (Section 29 (3) and (4))
- 5.2.4. If in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.
- 5.2.5. If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated. (Section 18 (2) (f))
- 5.2.6. If a requester is unable to read or write, or has a disability, then the request can be made orally. The information officer must then fill in the form on

behalf of such a requester and give them a copy of the completed form.
(Section (13))

**5.3. Fees payable for a request and notification of decision on access
(Section 22)**

- 5.3.1. A requester who seeks access to a record containing personal information about him/her is not required to pay the request fee. Every other requester must pay the request fee of R35-00.
- 5.3.2. The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.
- 5.3.3. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of fees.
- 5.3.4. After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- 5.3.5. If the request is granted then a further request fee must be paid for the reproduction and for search, preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- 5.3.6. Access to a record will be withheld until all the applicable fees have been paid.

6. SERVICES OFFERD BY THE DEPARTMENT

6.1. Nature of services

NO	BRANCH	SERVICE
1.	LOCAL GOVERNANCE SERVICES	<ul style="list-style-type: none"> • Development and planning • Municipal infrastructure development • Local government support • Intergovernmental relations, Public Participation and Governance
2.	INTEGRATED HUMAN SETTLEMENT SERVICES	<ul style="list-style-type: none"> • Housing Sector Performance and Municipal Support • Housing Administration and Property Management • Social housing development • Housing • Project Management

3	SHARED SERVICES	<ul style="list-style-type: none"> • Strategic Human resource management • Information systems and technology • Financial and supply chain management • Research and policy development, labour relations, employee wellness and legal. • Strategic planning
4	CHIEF INFORMATION OFFICER	<ul style="list-style-type: none"> • Communication, public relations and events services • Knowledge management services • Library services • Records management services • Service excellence
SBU	RISK AND SECURITY MANAGEMENT	<ul style="list-style-type: none"> • Investigations, follow-up fraud cases • Risk management issues • Compliance issues

6.2. How to gain access to these services

6.2.1. Procedural requirements for the request:

A request for access to a record must be made on the prescribed form (form A as appears on the back of this manual) to the Information Officer or Deputy Information Officer at the following address:

Deputy Information Officer	The Head of Department, Local Government and Housing
Physical Address	28 Market Street Polokwane 0700
Postal Address	Private Bag X 9485 Polokwane 0700
Telephone	015 – 294 2000
Fax	015 - 295 3463
E-mail	paia@limdlgh.gov.za

6.2.2. The requester must provide sufficient information on the request form to enable the Departmental Information Officer to provide the correct information.

6.2.3. The requester should indicate his/her preferential language and specify his/her contact details.

6.2.4. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request.

6.2.5. If a requester is unable to complete the prescribed form due to disability or illiteracy, such a person may make the request orally.

7. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH [SECTION 14(1) (H)]

7.1. Internal Appeals Against Decisions

7.1.1. Right of internal appeal to Executing Authority

An internal appeal against a decision of the Information Officer or Deputy Information Officer may be lodged with the MEC for Local Government and Housing, Limpopo, or the person designated in writing by the MEC, on any of the following grounds:

- a refusal to grant access, or
- a decision taken in terms of sections 22, 26(1) or 29(3)

A third party may lodge an internal appeal against a decision of the information officer or deputy information officer to grant a request for access.

7.1.2. Manner of internal appeal

An internal appeal must:

- be lodged in the prescribed, Form (attached hereto) within 60 days; if notice to a third party is required by section 49 (1) (b), within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken;
- be delivered or sent to the information officer or deputy information officer at his or her address, fax number or electronic mail address;
- identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;
- if, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be informed of;
- if applicable, be accompanied by the prescribed appeal fee referred to in subsection (3); and
- Specify a postal address or fax number.

An internal appeal which is lodged after the expiry of the prescribed period may, on good cause shown, be allowed by the MEC or the person designated in writing by the MEC.

7.2. Applications to court

7.2.1. Applications regarding decisions of the MEC or the person designated in writing by the MEC.

- A requester or third party referred to in section 74 may only apply to a court for appropriate relief in terms of section 82 after that requester or third party has exhausted the internal appeal procedure against a decision of the MEC or the person designated in writing by the MEC of the Department as provided for in section 74.
- A requester - that has been unsuccessful in an internal appeal or aggrieved by a decision of the MEC to disallow the late lodging of an internal appeal in terms of section 75 (2); may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.
- A third party - that has been unsuccessful in an internal appeal to the relevant authority of a public body; or aggrieved by a decision of the information officer or the MEC in the above paragraph may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

8. UPDATING OF THE MANUAL

The department may if necessary, update the manual at least once per year when need arises.

9. AVAILABILITY OF THE MANUAL

The manual will be made available in at least three of the following languages:

- English
- Sepedi
- Tsonga
- Tshivhenda

10. PRESCRIBED FEES FOR THE DEPARTMENT

PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002 PRESCRIBES FEES IN RESPECT OF THE GOVERNMENT BODIES AS FOLLOWS:

- 10.1. The fee for a copy of the guide as contemplated in regulations 2(3) (b) and 3(4) (c) is R0, 60 for every photocopy of an A4-size page or part thereof.
- 10.2. The fees for reproduction referred to in regulation 7(1) are as follows:

No.	Reproduction	Fees
1.	For every photocopy of an A4-size page or part thereof	0,60
2.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
	For a copy in a computer-readable form on- <ul style="list-style-type: none"> • stiffy disc • compact disc 	5,00 40,00
	For a transcription of visual images, for an A4-size page or part thereof	22,00
	For a copy of visual images	60,00
	For a transcription of an audio record, for an A4-size page or part thereof	12,00
	For a copy of an audio record	17,00

10.3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.

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

Access	Fees
For every photocopy of an A4-size page or part thereof	0,60
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
For a copy in a computer-readable form on- <ul style="list-style-type: none"> • Stiffy disc • Compact disc 	5,00 40,00
For a transcription of visual images, for an A4-size page or part thereof	22,00
For a copy of visual images	60,00
For a transcription of an audio record, for an A4-size page or part thereof	12,00
For a copy of an audio record	17,00
To search for and prepare the record for disclosure,	15, 00 for each hour or part of an hour, excluding the first hour reasonably required for such search and preparation.

10.5. For purposes of section 22(2) of the Act, the following applies:

10.5.1. Six hours as the hours to be exceeded before a deposit is payable; and

10.5.2. One third of the access fee is payable as a deposit by the requester.

10.6. The actual postage is payable when a copy of a record must be posted to a requester.

11. AUTHORIZATION

This PAIA Manual was approved by The Head of Department of Local Government and Housing.

M. D. Masimbye
Acting HOD

23/11/07.

12. PRESCRIBED FORM FOR ACCESS TO A RECORD OF THE DEPARTMENT

Form A - Request for access to record of DLGH

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

FORM A

For Departmental Use

Reference number: _____

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

Request fee (if any): R.....

Deposit (if any): R.....

Access fee: R

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of the Department

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surnames:

Identity number: _____ Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

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

C. Particulars of person on whose behalf request is made

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

Full names and surname: _____ Identity number: _____

D. Particulars of record

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

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

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. Fees

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

F. Form of access to record

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

Disability	Form in which record is required
------------	----------------------------------

Mark the appropriate box with an X.

NOTES:

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

1. If the record is in written or printed form:

Copy of record*	Inspection of record
-----------------	----------------------

2. If record consists of virtual images-

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

View the images	Copy the images*	Transcription of the images*
-----------------	------------------	------------------------------

3. If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette)	Transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

Printed copy of record*	Printed copy of information derived from the record*	Copy in computer readable form* (stiffy or compact disc)
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* If you requested a copy of transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
--	-----	----

A Postal fee is payable

Note that if the record is not available in the language you prefer, access may be granted in the

language in which the record is available.

In which language would you prefer the record? _____

G. Notice of decision of regarding request for access

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

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

Signed at _____ this _____ day of _____ 20 _____

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

Form B

Notice of internal appeal

(Section 75 of the Promotion of Access to information Act, 2000 (Act 2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE

NUMBER: _____

A. Particulars of the Department

The information Officer/Deputy Information Officer:

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

- (a) The particulars of the person who lodge the internal appeal must be given below.
- (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: _____

Identity number: _____ Postal address: _____

_____ Fax number: _____

_____ Telephone number: _____

E-mail address: _____

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

C. Particulars of requester

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

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

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

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

E. Grounds for appeal

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

State the grounds on which the internal appeal is based: _____

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

F. Notice of decision on appeal

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

State the manner: _____

Particulars of manner: _____

Signed at _____ this _____ day of _____ 20 _____

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on _____ (date) by _____

_____ (state rank, name and surname of information officer/deputy information officer).

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

OUTCOME OF APPEAL:

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

NEW DECISION: _____

DATE _____

RELEVANT AUTHORITY

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