



Western Cape
Government

FOR YOU

**Promotion of Access to Information Manual, 2023
compiled in terms of section 14 of the Promotion of Access to
Information Act (PAIA), 2000 (as amended) for the
Department of the Premier**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

“DIO”	Deputy Information Officer
“DoTP”	Department of the Premier
“HOD”	Head of Department
“IO”	Information Officer
“MEC”	Member of the Executive Committee
“PAIA”	Promotion of Access to Information Act, 2000
“PFMA”	Public Finance Management Act, 1999
“POPIA”	Protection of Personal Information Act, 2013
“PSA”	Public Service Act, Proclamation 103 of 1994
“Regulator”	Information Regulator
“the Constitution”	Constitution of the Republic of South Africa, 1996
“WCG”	Western Cape Government

2. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the nature of the records which may already be available at the Department of the Premier, without the need for submitting a formal PAIA request.
- 2.2 understand how to make a request for access to a record of the Department of the Premier.
- 2.3 obtain all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 2.4 be aware of all the remedies available from the Department of the Premier regarding a request for access to the records, before approaching the Regulator or the Courts.
- 2.5 obtain a description of the services available to members of the public from the Department of the Premier and how to gain access to those services.

- 2.6 obtain a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 2.7 know if the Department of the Premier will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 2.8 know if the Department of the Premier has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied.
- 2.9 know whether the Department of the Premier has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF THE DEPARTMENT OF THE PREMIER

The Department of the Premier is a provincial structure within the public service which is established in terms of section 197 of the Constitution. The Public Service Act (PSA) which gives effect to section 197 of the Constitution provides in section 7 thereof for Offices of the Premier.

3.1 Objectives/Mandate

In terms of section 125 of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), the Premier of a province exercises executive authority, together with the other members of the Executive Council. In relation to the role and mandate of the Department of the Premier in particular, the following constitutional powers of the Premier and Cabinet are most relevant:

- implementing provincial legislation in the province;
- developing and implementing provincial policy;
- coordinating the functions of the provincial administration and its departments;
and
- preparing and initiating provincial legislation.

The Constitution of the Western Cape, 1997 ("the Western Cape Constitution") confers certain powers and duties on the Premier of the province, and the Department provides support to the Premier in carrying out these powers and duties.

The Department of the Premier is established in terms of the Public Service Act, 1994, which, read with the Constitution and the Western Cape Constitution, enables the Premier to lead the WCG in the delivery of services to citizens.

Section 7 of the Public Service Act confers certain powers and duties upon the Director-General of the provincial administration, including:

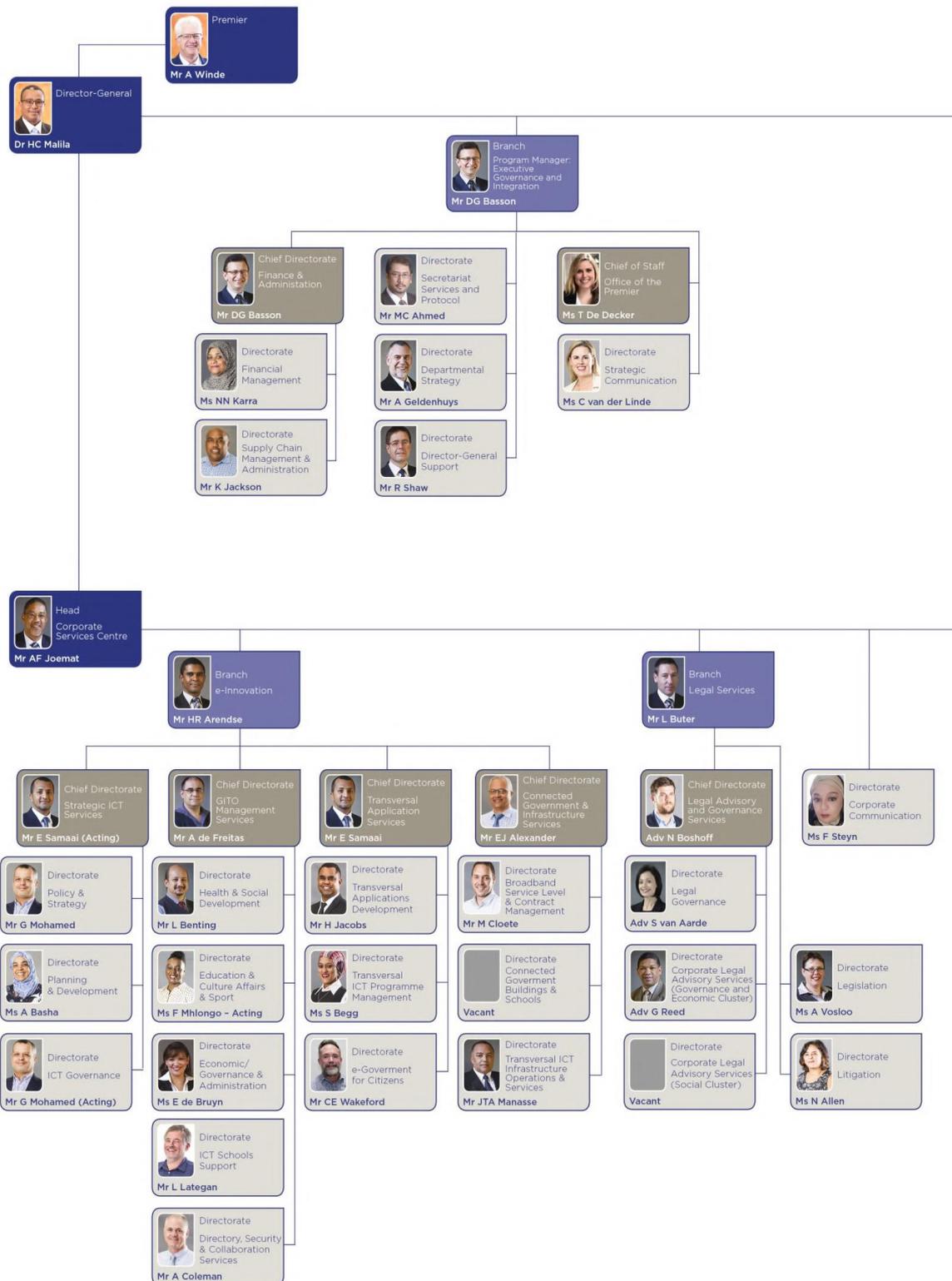
- Secretary to Cabinet;
- intergovernmental relations on an administrative level;
- intragovernmental cooperation, including the coordination of departments' actions and legislation; and
- providing strategic direction on transversal policy matters.

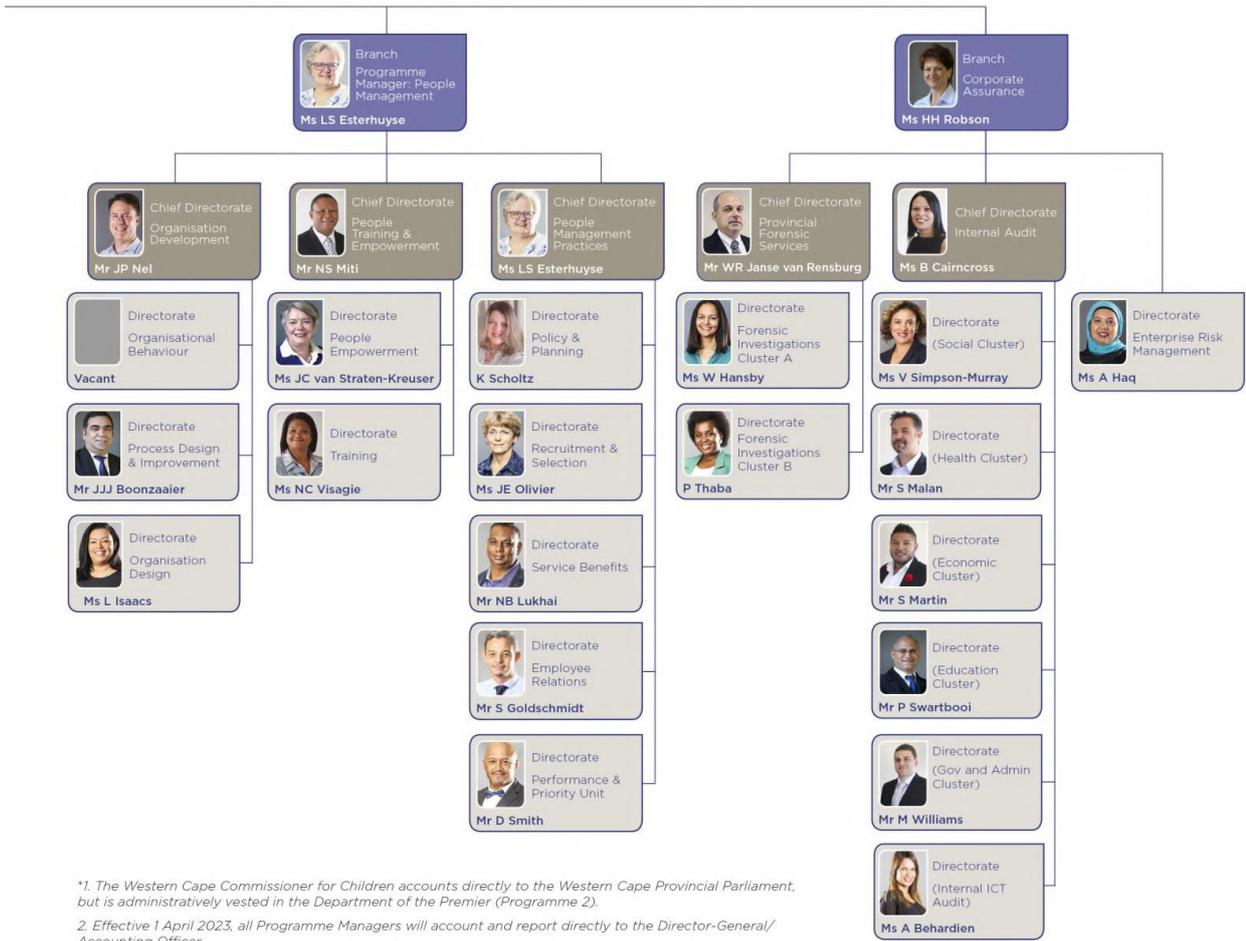
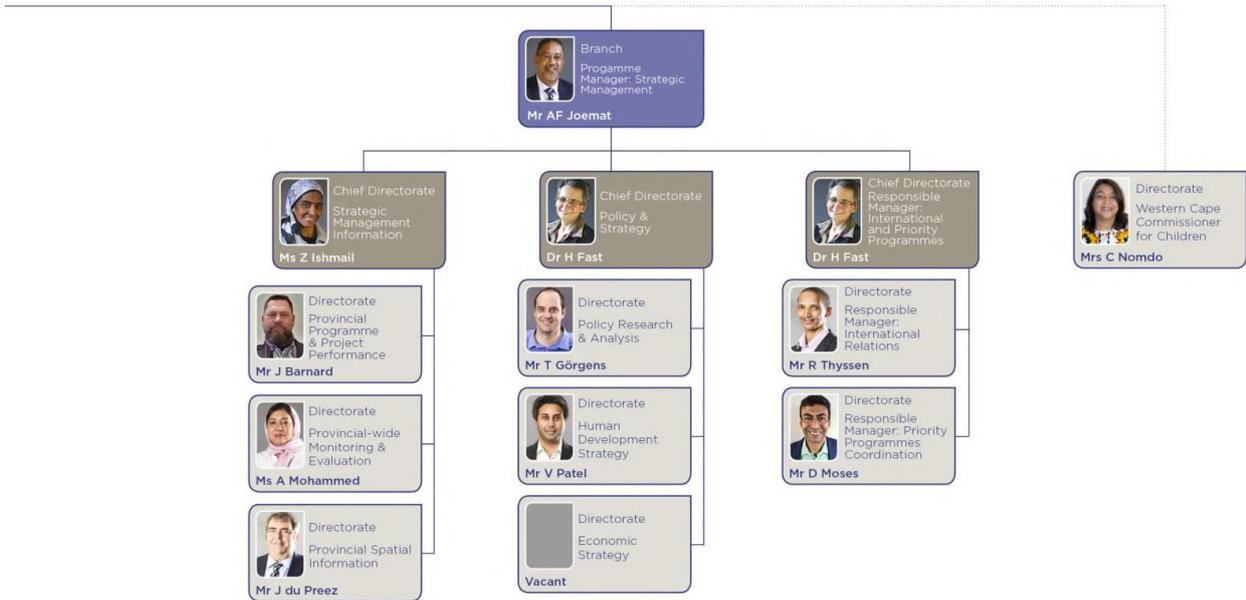
The highest constitutional and legislative responsibility of the Department of the Premier is therefore to coordinate the actions of WCG departments in relation to policy and strategy development, implementation and monitoring and evaluation.

In terms of a decision taken by Cabinet in 2010, the Department of the Premier is responsible for the delivery of a range of corporate services to WCG departments. This creates a shared responsibility for corporate governance between the Department and WCG departments. Given its role as corporate services provider, the Department is viewed as the custodian and protector of good governance in the WCG together with the Provincial Treasury and the Department of Local Government.

4. STRUCTURE OF THE DEPARTMENT OF THE PREMIER AND FUNCTIONS

4.1 Structure at 28 February 2023





*1. The Western Cape Commissioner for Children accounts directly to the Western Cape Provincial Parliament, but is administratively vested in the Department of the Premier (Programme 2).
 2. Effective 1 April 2023, all Programme Managers will account and report directly to the Director-General/Accounting Officer.

4.2 Functions

The Department of the Premier enables the other twelve Western Cape Government (WCG) departments to render services to the citizens of the Western Cape. This is done by performing its core functions of providing policy and strategy guidance and support through the following six programmes:

4.2.1 Programme 1: Executive Governance and Integration

Executive Governance and Integration delivers strategic governance enablement services to the Premier, Cabinet, Director-General, the Provincial Top Management and the Department of the Premier's Executive Committee by ensuring effective decision-making and effective communication by the Executive.

The following functions are delivered in terms of this programme:

Subprogramme 1.2: Office of the Premier: To provide operational support to the Premier. Operational support largely entails office administration, correspondence management, media liaison, parliamentary support, diary management and a reception service, as well as a household support service at the official residence.

Subprogramme 1.3: Executive Council Support: To manage the provision of secretariat, logistical and decision support services to the Cabinet, the Premier's intergovernmental relations forums, the provincial top management and the Department of the Premier's executive committee. The Sub-programme further deals with provincial protocol matters and administers the provincial honours.

Subprogramme 1.4: Departmental Strategy: To provide strategic management, coordination and governance support services by facilitating the departmental strategic management processes, and the safety and security arrangements for the department.

Subprogramme 1.5: Office of the Director-General: To provide operational support to the Director-General. The Sub-programme provides strategic operational and administrative support services to the Director-General, manages departmental responses to parliamentary questions and assists with communication between the Director-General and relevant role players and to institutionalise Knowledge Management in the department.

Subprogramme 1.6: **Financial Management:** To ensure effective budget management, departmental financial accounting services and the application of internal control measures, as well as the management of provisioning, assets, procurement and the departmental records and general support services.

Subprogramme 1.7: **Strategic Communication.** To coordinate external communication and public engagement to ensure that the Western Cape Government communicates its strategic goals and service delivery outcomes to the people of the Western Cape.

Sub-programme 5.5: **Corporate Communication:** Coordinates communication messaging to ensure that the strategic goals of the WCG are communicated to the people of the Western Cape. It also provides a communication advisory and support services to Departments and the Provincial Executive, ensuring quality, efficient, innovative and effective communication messaging that supports the WCG in achieving its overall strategic objectives.

4.2.2 Programme 2: Provincial Strategic Management

Provincial Strategic Management leads and coordinates provincial strategic management through policy and strategy support, leveraging data and evidence and institutionalising strategic programmes across the WCG.

Subprogramme 2.2 **Policy and Strategy:** To coordinate, support and promote innovative and evidence-based policy and strategy development, planning, implementation, and review.

Subprogramme 2.3 **Strategic Management Information:** Within the role of a Provincial Data Office, the programme leads in institutionalising data-led and evidence-based approaches for learning and decision-making and to support and enable provincial departments to implement, adopt best practices and drive innovation. The strategic approach to data development is building strategic partnerships with suppliers, producers and users of data, policy makers and technology to increase the access and use of quality data and evidence for results and transparency.

Subprogramme 2.4 **Strategic Programmes:** To lead and coordinate the institutionalization of strategic programmes in support of key Provincial strategic priority areas such as energy, safety, jobs and wellbeing.

4.2.3 Programme 3: People Management (Corporate Service Centre)

The programme renders a transversal people management service consisting of organisational development, training and empowerment, and people practices. The following functions are delivered in terms of this programme:

Subprogramme 3.2: **Organisation Development:** To coordinate the development of the required level of organisational capacity to enhance citizen-centric delivery. CD OD facilitates this by specifically defining and developing the people and work organisation capacities across the WCG. This relates to competency definition and development, organisational design (process and structure) optimisation, enabling a citizen-centric culture, employee wellness and building transversal change navigation capability.

Subprogramme 3.3: **People Training and Empowerment:** To provide relevant and responsive skills training and development.

Subprogramme 3.4: **People Management Practices:** To provide effective, efficient and professional people management practices through strategic business partnerships and transactional excellence.

4.2.4 Programme 4: Centre for e-Innovation

The Centre for e-Innovation enables service excellence to the people of the Western Cape through information Communication Technologies including Strategic ICT; GITO Management; connected government and infrastructure; and transversal application services. The following functions are performed in terms of this programme:

Sub-programme 4.2: **Strategic ICT Services:** To render strategic ICT services to the WCG, focusing on planning and development, the coordination of the Corporate Governance of ICTs as well as the Digital Government agenda which includes enhancing the citizen's experience platforms.

Sub-programme 4.3: **GITO Management Services:** To provide transversal ICT services to the WCG, which includes the management of the IT service desk as well as IT service management to the Ce-I client departments. This Sub-programme is also responsible

for the distributed computing environment and department-specific IT solutions and systems.

Sub-programme 4.4: **Connected Government and Infrastructure Services**: To provide connectivity to WCG sites through the Broadband initiative; provide free internet connectivity to citizens through Public WiFi Hotspots and managing the WCG's transversal ICT infrastructure.

Sub-programme 4.5: **Transversal Applications Services**: To provide transversal applications development services which include WCG Mobile Applications Platforms.

4.2.5 Programme 5: Corporate Assurance

Corporate Assurance provides assurance functions that comprise enterprise risk management, internal audit, provincial forensic, and corporate communication services.

Programme 5's services are delivered by its sub-programmes, namely:

Sub-programme 5.2: **Enterprise Risk Management**: To improve WCG governance through embedded risk management. The Directorate: Enterprise Risk Management renders risk management services to the departments of the WCG and ultimately executes the responsibilities of departmental Chief Risk Officers.

Sub-programme 5.3: **Internal Audit**: To improve WCG governance through improved business processes. The Chief Directorate: Internal Audit (IA) independently evaluates the adequacy and effectiveness of control activities for areas included in the Internal Audit Plans for all departments in the WCG with the ultimate intent of improving citizen-facing processes.

Sub-programme 5.4: **Provincial Forensic Services**: To improve WCG governance through the prevention of and responding to fraud and corruption. The Chief Directorate: Provincial Forensic Services (PFS) renders reactive and proactive forensic services to all departments in the WCG. It aims to create a zero-tolerant environment towards fraud, theft and corruption by means of its proactive programmes agreed upon with each department annually, which include fraud risk assessments, a data analytics project, fraud and corruption awareness sessions with employees and engagements with the public, issuing electronic newsletters and display of other anti-fraud communications to employees and the public. The aim is to display anti-fraud

and corruption material at centres across WCG visible to the public to serve as a preventative measure and to encourage whistle-blowing.

4.2.6 Programme 6: Legal Services

Legal Services provides legal services transversally, which includes legislative drafting, collation of comments on draft national legislation, litigation management, rendering of legal opinions, drafting and vetting of contracts and legal technical correspondence, conducting of legal governance assessments and provision of legal training.

The programme provides for the following functions to be delivered:

Sub-programme 6.2: Legal Advisory and Governance Services: To provide corporate legal advisory and governance services to Members of the Executive and provincial departments. The functions relate to the provision of formal legal opinions and legal advice; rendering of advice on correspondence of a legal technical nature; provision of legal input into Cabinet submissions; ensuring legally sound contracts; and representing provincial departments at forums on legal matters.

Sub-programme 6.3: Legislation: To provide in the legislative drafting requirements of the Provincial Executive. The main functions include the drafting and certifying of provincial legislation; ensuring an integrated approach in respect of provincial legislation with intra- or intergovernmental implications; providing input on draft national legislation and subordinate legislation; and drafting provincial subordinate legislation.

Sub-programme 6.4: Litigation: To provide a legal support service in respect of litigation, working in conjunction with the Office of the State Attorney. The functions relate to the provision of legal advice in respect of litigation instituted by or against Members of the Executive and/or provincial departments; attending to referrals to the State Attorney; managing the preparation of Constitutional Court, Supreme Court of Appeal, High Court, Labour Appeal Court, and Labour Court cases; assisting with consultations with advocates; keeping a database of litigation by or against the Western Cape Government; and advising on contingent liabilities.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE DEPARTMENT OF THE PREMIER

5.1 Information Officer

Name: DR HARRY CLIFTON MALILA
Tel: 021 483 6032
Email: Harry.Malila@westerncape.gov.za
Fax number: N/A

5.2 Deputy Information Officer

Name: DRIKUS GERHARDUS BASSON
Tel: 021 483 2583
Email: Drikus.Basson@westerncape.gov.za
Fax Number: N/A

5.3 Head Office

Postal Address: P.O. Box 659
Cape Town
8000

Physical Address: 1st Floor, 15 Wale Street
Cape Town
8001

Telephone: 021 483 6032

Email: director-general@westerncape.gov.za

Website: <https://www.westerncape.gov.za/dept/department-premier>

6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DEPARTMENT OF THE PREMIER

Legislation applicable to the Department (as set out in its Departmental Annual Performance Plan) may provide for an internal review or appeal procedure. Should this procedure be exhausted, or no provision be made for such procedure, a court may be approached for an appropriate order in terms of the Promotion of Administrative Justice Act, 2000.

Questions, complaints or comments regarding any service delivery by the Department of the Premier may be made as follows:

Call: 0860 142 142 - Monday to Sunday from 7am to 7pm.

Fax: 021 483 7216

E-mail: service@westerncape.gov.za

Visit the Contact Centre at 9 Wale Street, Cape Town – Monday to Friday from 8:00am to 3.30pm and Saturday from 8am to 12pm.

7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

7.1 The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

7.2 The Guide is available in each of the official languages.

7.3 The aforesaid Guide contains the description of-

7.3.1 the objects of PAIA and POPIA;

7.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

7.3.2.1 the Information Officer of every public body, and

- 7.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 7.3.3 the manner and form of a request for-
- 7.3.3.1 access to a record of a public body contemplated in section 11³; and
- 7.3.3.2 access to a record of a private body contemplated in section 50⁴;
- 7.3.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 7.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 7.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- 7.3.6.1 an internal appeal;
- 7.3.6.2 a complaint to the Regulator; and
- 7.3.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

decision by the Regulator or a decision of the head of a private body.

7.3.7 the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

7.3.8 the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

7.3.9 the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

7.3.10 the regulations made in terms of section 92¹¹.

7.4 Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

7.4.1 upon request to the Information Officer;

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

7.4.2 from the website of the Regulator (<https://www.inforegulator.org.za>). The contact details of the Regulator are in the table below.

The Office of the Information Regulator	
Telephone	Not available
Fax	Not available
E-Mail Address	General inquiries: enquiries@inforegulator.org.za Complaints: PAIAComplaints@inforegulator.org.za POPIAComplaints@inforegulator.org.za
Postal Address	P O Box 31533 Braamfontein, Johannesburg, 2017
Street Address	J.D. House 27 Stiemens Street Braamfontein, Johannesburg, 2001
Website	https://www.inforegulator.org.za

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE DEPARTMENT OF THE PREMIER

The Department of the Premier holds records on the following subjects and categories:

CATEGORIES AND SUBJECT MATTER	Programme Requires a request
<p>Organisation and Control</p> <ul style="list-style-type: none"> - Reorganisation of functions - Delegation of Powers - Planning - Office instructions and codes - Organisational Performance Systems - Annual publications on measuring a set of outcome indicators within key (i) policy thematic areas; and (ii) governance indicators - Reports - Assessment reports submitted to Cabinet on the WCG communication environment 	<p>Programme 3</p> <p>Programme 1 & 3</p> <p>Programme 1</p> <p>Programme 1</p> <p>Programme 1</p> <p>Programme 2</p> <p>Programme 1</p>

<ul style="list-style-type: none"> - Statutory reports submitted to Provincial Treasury - Policy and Strategy - Assessment report on the alignment /non-alignment of the Department's APP to the Provincial Strategic Plan (PSP) - Progress report submitted to Cabinet on the implementation of the PSP. - Policy and strategy papers in response to national and provincial strategic imperatives - Strategic Management Information - Consolidated reports on key partnerships and engagements 	<p>Programme 1</p> <p>Programme 2</p>
<p>Statutory and Regulatory Framework / Legislation</p> <ul style="list-style-type: none"> - National Constitutional Framework - International Legislation - National Legislation - Western Cape Provincial Legislation 	<p>Programme 1</p>
<p>Human Resource Management</p> <ul style="list-style-type: none"> - Organisational Development - Departmental (i) organisational behaviour reports; (ii) business process reports; (iii) organisation design reports - Transversal service delivery intervention reports - Provincial Training Institute - Human Resource Management - Posts Control - Conditions of Service - Vacancies and Appointments - Termination of Service - Qualifications, Training and Skills Development - Staff movement - Staff control - Employee relations - Employee Health and wellness 	<p>Programme 3</p>

<ul style="list-style-type: none"> - Behaviour Dynamics - Human Resource Call Centre 	
<p>Internal Financial Management</p> <ul style="list-style-type: none"> - Budget - Accounting responsibility - Expenditure - Banking Arrangements - Funds - Corporate Assurance - Internal Audit - Audit reports 	Programme 1
<p>Supply Chain Management</p> <ul style="list-style-type: none"> - Procurement - Provisioning - Asset management 	Programme 1
<p>Internal Facilities Management</p> <ul style="list-style-type: none"> - Buildings and Grounds - Equipment and Furniture - Telecommunication services - Occupational Health and Safety 	Programme 1
<p>Internal Travel and Transport Services</p> <ul style="list-style-type: none"> - Transport 	Programme 1
<p>Internal Information Services</p> <ul style="list-style-type: none"> - Internal records management - Library management - Information management - Knowledge management - Internal security matters - Centre for E-Innovation 	Programme 1
<p>Centre for e-Innovation</p> <ul style="list-style-type: none"> - ICT Plans - WCG digital skills training opportunities available to citizens - Resolution rate of IT service requests - WCG sites upgraded to minimum network speeds of 100 mbps 	Programme 4

<ul style="list-style-type: none"> - WCG sites provided with free Public WiFi Hotspots - Services available on citizen mobile application platform - WCG citizen-facing services or service channels digitalised 	
<p>Communication</p> <ul style="list-style-type: none"> - Internal communication - FOR YOU magazines - Speeches and Lectures - Awareness Programmes - Social matters - Participation in events - Publications - Contact details 	Programme 1
<p>Legal Services</p> <ul style="list-style-type: none"> - Bi-annual analysis of provincial litigation matters - Annual report on the provincial legislative drafting programme 	Programme 6
<p>Attending and hosting meetings and other gatherings</p> <ul style="list-style-type: none"> - Auxiliary functions - Line functions 	All programmes
<p>Secretariat Services - Secretariat support</p>	Programme 1
<p>External Relations</p> <ul style="list-style-type: none"> - Networking - Statutory Intergovernmental Structure Support - International Co-operation Agreements - Quarterly reports on strategic international engagements - Provincial Protocol matters 	Programme 2
<p>Director-General Support</p> <ul style="list-style-type: none"> - Operational support - Parliamentary issues - Enterprise Content Management 	Programme 1

– Special Programmes and Projects	
Human Rights Support	
– Policy	Programme 2
– Reports	

9. CATEGORIES OF RECORDS OF THE DEPARTMENT OF THE PREMIER WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii).

Documents that are available for download from the WCG portal at <https://www.westerncape.gov.za> free of charge in terms of section 15(1)(a)(iii) are marked with an asterisk.

Description of categories of records automatically available in terms of section 15(1)(a)	Manner of access to records section 15(1)(b)
(a) Register in terms of regulation 7(1) of the Executive Ethics Code (published in terms of Proclamation 41 of July 2000 of Ethics Act 1998 (see regulation 7(5))	The public part of the register referred to in (a) is available through the Secretary of Cabinet. The public part of the records may be viewed in the Office of the Director-General, 1 st Floor, 15 Wale Street, Cape Town between 08h00 and 15h00, Monday to Friday.
(b) Annual Reports (c) Annual Performance Plans (d) Provincial Strategic Plans	Records referred to in (b) to (d) are available for inspection at the Office of the Director-General, 15 Wale Street, Cape Town between 08h00 and 15h00 Monday to Friday or obtainable on the Department's website: https://www.westerncape.gov.za/dept/department-premier

<p>(e) The training prospectus</p> <p>(f) Organisational Structure</p> <p>(g) Service delivery implementation plan</p> <p>(h) Job descriptions</p>	<p>Record (e) is available for inspection at the Provincial Training Institute, Kromme Rhee, Stellenbosch between 08h00 and 15h00, Monday to Friday or on the website:</p> <p>https://mygov.westerncape.gov.za/files/atoms/files/PTI_Prospectus_April%202022.pdf</p> <p>Records referred to in (f) to (h) are available for inspection at the Office of the Chief-Director, Organisational Development, 9th Floor, Golden Acre Building, Cape Town - between 08:00 and 15:00, Monday to Friday</p>
<p>(i) Western Cape Government Provincial Gazettes</p>	<p>The Western Cape Provincial Government Gazettes may be accessed on the Western Cape Government website:</p> <p>https://www.westerncape.gov.za/general-publication/provincial-gazettes-2023</p>

10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE DEPARTMENT OF THE PREMIER AND HOW TO GAIN ACCESS TO THOSE SERVICES

The Department renders the following services directly to the public:

Services rendered by the Department of the Premier	How to access these services
<p>Integrated e-government information and communication technology services through various service interface channels, namely:</p>	<p>Call: 0860 142 142 (8am to 4pm)</p> <p>Please call me: 0797691207</p> <p>SMS: 079 769 1207 (standard rates apply)</p> <p>Visit: 9 Wale Street, Cape Town</p> <p>E-mail: service@westerncape.gov.za</p>
<p>WCG portal</p>	<p>Access the WCG portal webpage at https://www.westerncape.gov.za</p>

<p>WCG Contact Centre:</p> <ul style="list-style-type: none"> - Call Centre; - Contact Centre: 	<p>Call: 0860 142 142 Monday to Friday 8am to 4pm at a cost of a local telephone call from anywhere in South Africa</p> <p>Visit 9 Wale Street, Cape Town, weekdays 8am to 4pm</p>
<p>(i) Cape Access e-Centres: where members of less privileged and rural communities are given basic computer training and access to: - (a) computers; (b) e-mail; (c) the internet; (d) government information and services; (e) job, business and research information and printing.</p>	<p>Access the Cape Access webpage at: https://www.westerncape.gov.za/cape-access/ for the location and hours of these centres or obtain information from the WCG Contact Centres</p>

11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE DEPARTMENT OF THE PREMIER

Provincial Policies that have an external impact will require Public Participation and the process to be followed will be approved of by the Provincial Cabinet on a case-by-case basis.

12. PROCESSING OF PERSONAL INFORMATION

12.1 Purpose of the Processing

12.1.1. Personal Information is processed to comply with the Department's constitutional and legislative mandates as set out in its Strategic, and Annual Performance Plans available at <https://www.westerncape.gov.za/dept/department-premier>

12.1.2. Personal Information is used for:

- Human resources and employment purposes such as (1) recruitment, selection and placement; (2) administration of compensation and benefits; (3) performance management and training; and (4) government reporting;

- Risk management which includes physical and electronic security and access control;
- Planning;
- Procurement of goods and services; and
- Rendering of services.

12.2 Description of the categories of Data Subjects, information processed and recipients thereof

DATA SUBJECTS	INFORMATION	RECIPIENTS
Prospective employees, current employees, consultants, interns and volunteers	<ul style="list-style-type: none"> - Name, identification number, biographical information; - Contact details; - Educational, employment and criminal history; - Biometric and health information; - Psychometric assessments; and - References and background checks. 	Relevant Provincial and National Government Departments and their agents.
Current employees, consultants, interns	<ul style="list-style-type: none"> - Account information; - Performance reports; and - Skills/training reports 	Relevant Provincial and National Government Departments and their agents
Prospective and current suppliers, service providers, contractors, sub-contractors and business partners	<ul style="list-style-type: none"> - Name, identification number/company registration number; - Relevant registration number; - Contact details; - Financial history; - References, background checks; - Account information; and 	Relevant Provincial and National Government: <ul style="list-style-type: none"> - Departments; - Public Entities; - Business Enterprises; and their agents.

	- Performance reports.	
Service users (clients / customers) and visitors	<ul style="list-style-type: none"> • Name, identification number, biographical information • Contact details • Compliments or complaints 	Relevant Provincial and National Government: <ul style="list-style-type: none"> - Departments - Public Entities; Public Enterprises; and their agents.

12.3 Planned transborder flows of personal information

12.3.1 Personal information is collected from:

- 12.3.1.1 Suppliers: CVs collected with bids, bid form information, shareholder information, contracts entered into which contain personal information of suppliers, SLAs;
- 12.3.1.2 Staff: Personnel data as well as Declaration of Interest documents from Bid Committee meetings containing personal information of staff;
- 12.3.1.3 Citizens who contact the WCG Contact centre.

12.3.2 Storage of information:

- 12.3.2.1 The information mentioned in paragraphs 12.3.1.1 and 12.3.1.2 above is stored manually as well as on the Electronic Content Management (ECM) system which is cloud-based. The primary ECM data (document/ records) is stored at the George Data Centre (SITA). Some additional functionality exists on ECM, and this data is stored in the WCG Azure environment. The Microsoft Azure cloud-based data residency is stored within South African borders at data centers located geographically in South Africa.
- 12.3.2.2 Information of citizens who contact the WCG Contact centre is captured on the Citizen/Customer Relationship Management (CRM) system. The data is located in Amsterdam which adheres to the General Data Protection Regulation of the European Union.

12.3.2.3 All information is secure and accessible only to legitimate users.

12.4 General Description of Information Security Measures to be implemented by the Department of the Premier to ensure the confidentiality, integrity and availability of the information

12.4.1 The integrity and confidentiality of personal information is protected against anticipated threats and unauthorised access by employing security safeguards that are reasonable and appropriate to the identified risks and the sensitivity of the information.

12.4.2 These safeguards include the following:

12.4.2.1 Organisational measures:

- The Director-General (DG) takes overall responsibility for the security of all Departmental information.
- The Departmental Security Manager manages this security function on behalf of the DG supported by a DotP Security Committee.
- The Chief Information Officer (CIO) ensures that appropriate measures are in place to safeguard ICT infrastructure, networks and systems. This includes taking responsibility for third parties that develop, access or use WCG ICT infrastructure, networks and systems.
- A Chief Information Security Officer (CISO) assesses and documents enterprise information risk and manages the risk in respect of ICT infrastructure, networks and systems.
- Safekeeping and security responsibilities are included in the responsibilities of employees working with personal information and they have to adhere to information security laws, policies, plans and procedures.
- Security incidents are reviewed and reported on.

12.4.2.2

Physical measures:

- Access to facilities and equipment is controlled and auditable.
- Access points are limited with provision for physical security controls, such as window bars, grilles, shutters and security doors. Where required access points are enhanced by the use of intruder detection systems, guard services and/or closed-circuit television surveillance.
- Access is controlled and monitored through a combination of manned guarding, electronic access control systems, ID access cards, visitor management systems, biometric activation doors, turnstiles and entry & egress searching.

12.4.2.3

Technical measures:

- The Information Security standards issued for the public service is adhered to.
- Agreements concluded with third parties include the protection of the integrity and confidentiality of information by the third parties.
- Risks are assessed during the development of new applications and systems, when changing existing systems, when changing business processes and when areas of concern are identified.
- Risk to the ICT infrastructure, networks and systems is managed through vulnerability and threat testing and awareness, audit controls, incident management and security awareness training.

12.4.3

Similar safeguards are required from service providers, suppliers and business partners who receive personal information from or on behalf of the WCG during their relationship with DotP.

13. ACCESSIBILITY AND AVAILABILITY OF THIS MANUAL

13.1 This manual is available in English, Afrikaans and Xhosa for viewing between 08h00 and 16h00 Mondays to Fridays (excluding public holidays) at the Office of the Deputy Information Officer Mr Drikus Basson at: First Floor, Provincial Legislature Building, 15 Wale Street, Cape Town

13.2 This manual and Afrikaans and Xhosa translations thereof, may be accessed online by visiting the following web address:

<https://www.westerncape.gov.za/dept/department-premier/documents/guides/P>

14. UPDATING OF THE MANUAL

The Department of the Premier will, if necessary, update and publish this manual annually.

Issued by

**DR HC MALILA
DIRECTOR-GENERAL
DATE:**

APPENDIX A:
GUIDANCE ON ACCESS TO RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE

1. COMPLETION OF APPLICATION FORM, PAYMENT OF FEES and FORM OF ACCESS – sections 18, 19, 22, 29 and 31.

1.1 Application form

- A prescribed form (attached as **FORM 2** must be completed by the requester and submitted to the Information Officer/Deputy Information Officer.
 - If a requester cannot read or write or complete the form due to a disability, the request may be made orally. The Information Officer/ Deputy Information Officer will then complete Form 2 on behalf of the requester, keep the original and give the requester a copy thereof.
 - A request may be made on behalf of another person but then the capacity in which the request is made must be indicated on Form 2. The requester must also submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer/Deputy Information Officer.
 - A requester (data subject) seeking to confirm whether his/her personal information is held by the public body or the identities of third parties who had access or requires access to his/her own personal information must provide proof of their identity and is required to supply a certified copy of their identity document for authentication purposes.

1.2 Fees

- The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by the regulations made in terms of PAIA. (Attached as **FEE SCHEDULE**) The following fees are payable:
 - Request fee of R100.00 for each request;
 - Access fee for the reasonable time spent to search for and prepare the record, if it takes more than an hour to search and prepare a record. A deposit, of not more than a third of the total access fee, may be required. However, the full access fee is payable before access is granted; and
 - For making copies of the record.

1.3 Applicants who are exempt from paying a request fee:

- A maintenance officer/investigator requesting access to a record for a maintenance investigation or inquiry in terms of the Maintenance Act, 1998 (or regulations made in terms thereof.)

- A person requesting a record that contains his/her personal information.

1.4 Applicants who are exempt from paying an access fee:

- A person requesting a record that contains his/her personal information.
- A single person whose annual income does not exceed R14 712 per annum.
- Married persons, or a person and his or her life partner whose annual income does not exceed R27 192.

1.5 Form of access

- A requester must indicate on Form 2 if a copy or an inspection of the record is required.
 - If a copy is required, the requester must indicate the form thereof (e.g., printed or electronic) and the preferred language (where the record is available in more than one language). The Department does not translate records that are only available in one language.
- The record will be provided in the requested format unless it is impractical, or it will unreasonably interfere with the running of the Department's business

2. DECISION TO GRANT OR REFUSE ACCESS – Sections 25 and 26

2.1 Time period to make a decision

The Information Officer/ Deputy Information Officer must as soon as reasonably possible after receipt of the R100,00 and the completed Form 2, but at least within **30 days** of receipt thereof, decide whether to grant or refuse the request and notify the requester of the decision.

2.2 Extension of time period

The Information Officer / Deputy Information Officer may extend the period of 30 days, **once** for a further period of **30 days** in the following circumstances:

- the request is for a large number of records or requires a search through a large number of records and attending to the request unreasonably interferes with the department's activities;
- the request requires a search for records from an office that is not in the same town or city as that of the Information officer/Deputy Information Officer;
- consultation is required with other departments of the WCG or other public bodies to decide upon the request; or
- the requester consented to an extension.

3. RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES – sections 47, 48

3.1 Notification:

The Information Officer/Deputy Information Officer must take all reasonable steps to inform a third party as soon as possible, but at least within **21 days**, of receipt of any request for a record that contains:

- a third party's personal information;
- a third party's trade secrets;
- a third party's financial, commercial, scientific or technical information and disclosure would likely cause commercial or financial harm to the third party;
- information supplied by a third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;
- information supplied in confidence by a third party and disclosure would (i) amount to a breach of a duty of confidence owed to the third party in terms of an agreement; or (ii) reasonably prejudice the future supply of similar information which should, in the public interest, be supplied; or
- information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent or the research subject matter.

3.2 Third Party representations and consent

Within **21 days** of the notification (3.1 above) a third party may either (i) make written or oral representations to the Information Officer/ Deputy Information Officer why the request should be refused; or (ii) give written consent for the disclosure of the record.

3.3 Decision on representation for refusal

The Information Officer/ Deputy Information Officer must as soon as reasonable possible, but at least within **30 days** after the notification (3.1 above) decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester of the decision.

4. INTERNAL APPEAL – sections 74 and 75

4.1 Requester

A requester may lodge an internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access (see 2 above);
- pay a fee (see 1.2 above);

- extend the period to give access (see 2.2 above).

4.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party (see 3 above).

4.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (**Form 4** attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

5. **COMPLAINT TO INFORMATION REGULATOR – sections 77A and 77B**

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal a complaint may be lodged to the Information Regulator.

5.1 Requester

- A requester may complain to the Regulator in respect of:
 - an unsuccessful internal appeal;
 - a disallowed late appeal;
 - a refusal of a request for access to information;
 - a decision about fees;
 - a decision to extend the time to deal with a request; or
 - a decision to provide access in a particular form.

5.2 Third party

- A third party may complain to the Information Regulator in respect of:
 - an unsuccessful internal appeal,
 - any grant of a request for access to information.

5.3 Format

A complaint to the Information Regulator must be made in writing in the prescribed form (**Form 5** attached) within **180 days** of the decision giving rise to the complaint.

6. **APPLICATION TO COURT – section 78**

6.1 A requester or third party may apply to court for appropriate relief if

- an internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.

6.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case may be.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			
Street Address			

E-mail Address	
Contact Numbers	Tel. (B) <input type="text"/> Facsimile <input type="text"/>
	Cellular <input type="text"/>
PARTICULARS OF RECORD REQUESTED	
<p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>	
Description of record or relevant part of the record:	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
Reference number, if available	<input type="text"/>
Any further particulars of record	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	<input type="checkbox"/>
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	<input type="checkbox"/>
Record consists of recorded words or information which can be reproduced in sound	<input type="checkbox"/>
Record is held on a computer or in an electronic, or machine-readable form	<input type="checkbox"/>

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	

Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
<p>a) A request fee must be paid before the request will be considered.</p> <p>b) You will be notified of the amount of the access fee to be paid.</p> <p>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.</p> <p>d) If you qualify for exemption of the payment of any fee, please state the reason for exemption</p>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	

<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

ANNEXURE B FEES

Fees in Respect of Public Bodies

<u>Item</u>	<u>Description</u>	<u>Amount</u>
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc . If provided by requestor . If provided to requester	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from the Service Provider
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24,00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc . If provided by requestor . If provided to the requestor	R40,00 R40,00 R60,00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100,00 R300,00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another person?	Yes		No	
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED

(mark the appropriate box with an "X")

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	

GROUNDS FOR APPEAL

(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)

State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>					
Date received:					
Appeal accompanied by the reasons for the 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:				Yes	
				No	
OUTCOME OF APPEAL					
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

COMPLAINT FORM

FORM 5

[Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@justice.gov.za or complete online complaint form available at <https://www.justice.gov.za/inforeg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body's response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body's response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT

(Mark with an "X")

Complainant Personally

Representative of Complainant

Third Party

PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY			
Received by: (Full names)			
Position			
Signature			
Complaint accepted	Yes		No
Reference Number			
Date stamp			

Postal address	Facsimile	Other electronic communication (Please specify)	

PART A PERSONAL INFORMATION OF COMPLAINANT			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		

PART B REPRESENTATIVE INFORMATION			
<i>(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)</i>			
Full Names of Representative			
Nature of representation			
Identity Number / Registration Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PART C THIRD PARTY INFORMATION			
<i>(Please attach letter of authorisation)</i>			
Type of Body	Private		Public
Name of Public / Private Body			
Registration Number (if any)			
Name, Surname and Title of person authorised to lodge a complaint			
Postal Address			
Street Address			

E-mail Address			
Contact Numbers	Tel. (B):		Facsimile
	Cellular		

**PART D
BODY AGAINST WHICH THE COMPLAINT IS LODGED**

Type of body	Private		Public	
Name of public / private body				
Registration number (if any)				
Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
Reference Number given (if any)				

**PART E
COMPLAINT**
Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)

Date on which request for access to records submitted.				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.				
Have you attempted to resolve the matter with the organisation?	Yes		No	
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the information officer of the public body?	Yes		No	
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				

**PART F
DETAILED TYPE OF ACCESS TO RECORDS**
(Please select one or more of the following to describe your complaint to the Information Regulator)

Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	<i>I have appealed against the decision of the public body and the appeal is unsuccessful.</i>	
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	<i>I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.</i>	
Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>	
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>	
	<i>The tender or payment of a deposit.</i>	
Repayment of the deposit (Section 22(4) of PAIA) <i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	
Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	
Form of access denied (Section 29(3) or 60 (a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record) .	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/ unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access (Section 56(3) (a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	
Other (Please explain)		

**PART G
EXPECTED OUTCOME**

How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.

**PART H
AGREEMENTS**

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

- I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.
- The information in this Complaint Form is true to the best of my knowledge and belief.
- I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.
- I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.
- If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party