



destea

department of
economic, small business development,
tourism and environmental affairs
FREE STATE PROVINCE

**MANUAL
FOR
ACCESS TO
INFORMATION**

FOREWORD BY THE HEAD OF DEPARTMENT

The DESTEA, in compliance to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) has prepared this Manual to facilitate the public access to information held by DESTEA. This Manual will provide the public with guidelines for accessing information in possession and keep of DESTEA. This will enable the public to arrive at informed public participation decision making in dealing with the DESTEA.

It is envisaged that DESTEA's process would be advanced by ensuring public participation and thus enable transparency in all our work and decision making. The DESTEA is enjoined to ensure efficacy in governance, administration and remain accountable to the public.

The DESTEA acknowledges that in as much as the Constitution and the Act promotes accountability and transparency, there may be limitations in achieving these noble intentions. These limitations may include amongst others the following:

Protection of privacy

Matters affecting commercial confidentiality

Confidential matters relating to the efficacy and good governance

I hereby undertake that the DESTEA will endeavor to ensure that there is no hindrance in access to information and will observe the values and Chapter 2 of the Constitution.

.....
MBULELO NOKWEQU(Dr)
INFORMATION OFFICER
HEAD OF DEPARTMENT: DESTEA

DATE

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In terms of Section 14 of the Promotion of Access to Information Act 2 of 2000 (“the Act”) the DESTEA hereby makes available the manual for the public. The Manual assist the public in understanding the following information about DESTEA

- (a) Its Functions
- (b) The overall Structure
- (c) Records held
- (d) Accessibility of Records
- (e) Process of accessing records

1. THE PURPOSE

The purpose of this document is to serve as the manual of the Department of Economic, Small Business Development, Tourism and Environmental Affairs as required in terms of the Act, and to provide a reference as to the records held and the procedure that need to be followed to request access to such records.

2. INTRODUCTION

The Department of Economic, Small Business Development, Tourism and Environmental Affairs envisages to improve the socio-economic livelihoods through economic development that is environmentally sustainable and ensure governance system that leads to best practice towards job creation and poverty reduction within the Free State.

The manual covers records held by DESTEA and its operating divisions.

SECTION I: CONTACT PERSON AND ADDRESS DETAILS

In terms of Section 17 the Information Officer has appointed a Deputy Information Officer whose details appear hereunder to ensure that the Act is complied with:

Contact Person : Mr. Mohau Rakaki

Physical Address : 113 St Andrews Street

: St. Andrews Building

: 4th Floor, Room 408

: Bloemfontein

: 9300

Postal Address : 113 St. Andrews
: Bloemfontein
: 9300
Telephone : (051) 400 4712
E-mail address : rakakim@destea.gov.za

SECTION II: GUIDE ON HOW TO USE THE ACT (as required by section 14 (1) (c), as read with section 10)

The Human Rights Commission has compiled a guide, in the terms of Section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide was published in 2005 and access to it, and any amended versions thereof can be found on the website of the South African Human Rights Commission at www.sahrc.org.za, or a hard copy can be obtained directly from the South African Human Rights Commission.

The Human Rights Commission contact details are as follows:

Physical Address : The South African Human Rights Commission
: PAIA Unit
: The Research and Documentation Department
: 29 Princess of Wales Terrace

: Cur York and St. Andrews Street
: Parktown
: Johannesburg

Postal Address : Private Bag X 2700
: Houghton
: 2041
Telephone : (011) 877 3821/3645
Fax : (011) 403 0668
E-mail address : tsebulela@sahrc.org.za
Website : www.sahrc.org.za

Please consider Section 14 for all Categories as prescribed

DESCRIPTION OF THE DEPARTMENT STRUCTURE

The Department is constituted by:

MEC: Administration

Head of Department: Administration

Small Business Development

Business Regulation

Economic Development

Conservation

Environmental Affairs

SECTION III: CATEGORIES OF RECORDS AVAILABLE (as required by section 14 (1) (e))

The following categories of records are automatically available without a person having to request access in terms of this ACT:

1. Human Resources
 - Employment Equity Plan
 - Skills Development Plans submitted to relevant Sector Educators and Training (SETA)
 - Standard terms and Conditions of Employment applicable to all staff
2. Employment benefits
 - Government Employment Pension Fund
 - Government Employee Medical Aid Scheme
3. Auditors
 - The Departments auditors are Auditor General, 19 Donald Murray Ave, Brandwag, Bloemfontein, 9301.

SECTION IV: RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION (as required by Section)

Records are available, where applicable, in accordance with the following current South African Legislation (only to the extent that the relevant Act makes disclosure of records compulsory):

- The Occupational Health and Safety Act No 29 of 1996;
- Labour Relations Act 66 of 1995;
- Employment Equity Act 55 of 1998;
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Companies Act 61 of 1973;
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991;
- Income tax act 58 of 1962;
- Skills Development Act 9 of 1999;

SECTION V: DETAIL TO FACILITATE A REQUEST FOR ACCESS TO RECORDS (as required by Section 29)

Any request for access to records should be submitted on the prescribed form c (a copy of which is attached) which should be sent to the contact person whose names and address details appear in Section thereof.

DESTEA has in its possession the following categories of records on the subject matters referred to hereunder.

HEAD OF DEPARTMENT'S OFFICE

- General Correspondence
- Internal reports and communications
- Policy documents
- Strategy documents
- Financial reports
- Statutory records

CHIEF FINANCIAL OFFICER

The Accounting Directorate maintains financials and management accounts for DESTEA and operating divisions. The Accounting directorate records comprise the following main categories:

- Accounting records
- General correspondence
- Management records
- PAYE records
- Consolidation records
- Internal reports and communications

- Technical records
- Departmental administration records
- Risk management records
- General administration records
- Audit reports and supporting working papers
- Annual Financial Statements
- Banking records
- Assist register
- Rental Agreements
- Invoices

INTERNAL AUDIT

The Internal Audit function is being exercised by the Departmental Internal Audit Directorate. This Directorate's purpose is to provide independent assurance that risks are being appropriately managed. Internal Audit Records pertaining to the company comprise the following main categories:

- General correspondence
- Employee records
- General HR policies and procedures
- Training records
- Pension records
- Employee benefits records
- Labour relations records
- Statutory records
- Employment equity records
- Contracts

LEGAL SERVICES DIRECTORATE

The Legal Services provides assistance with all Departments legal matters material to DESTEA and its operating units. Legal Services records comprise the following categories;

- Working files
- Agreements
- Statutory records
- Litigation records
- Legal records
- Legal Opinions
- Internal reports and communications

ENVIRONMENTAL AFFAIRS & CONSERVATION DIRECTORATE

The Environmental Affairs and Conservation Directorate conduct workshops on the implementation of EIA regulations and processes and compliance thereof. They also grant authorization in terms of NEMA on application for Environmental Impact Assessments. The following records are kept by this directorate:

- Records on public participations
- Applications for EIA
- Permits for hunting
- Records of Decisions
- Internal reports and communications

ECONOMIC DEVELOPMENT DIRECTORATE

The Economic Development Directorate provides the development of Socio-economy of the Free State by ensuring poverty reduction with the Province. The Economic Development directorate records comprise:

- General Correspondence
- Financial records and budgets
- Internal reports and communication
- Research records, documentation and diagram
- Customer records
- Consumer Affairs
- Consumer Court

SECTION VI: ACCESS REQUESTS PROCEDURE AND PRESCRIBED FEES

A request for access to records must be made in the prescribed Form C (a copy of which is attached herein) which should be sent to the Deputy Information Officer at the address, fax number or electronic mail address given above.

Please note an initial, non-refundable request fee of R35.00 (inclusive of VAT) is payable on submission. This fee is not applicable to personal requests, i.e. individual seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record.

Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

(a) Notification of extension period (if required) the Act, the 30 (thirty) days period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances (details will be provided together with the notification of such extension)

(b) The access fee and/or deposit

The applicant will be informed of the access fee (if any) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

(c) Decision on request

The applicant will be informed whether or not the application for access has been denied or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a court against the refusal of the application as well as the procedure (including the period) for lodging such application.

(d) Grounds for refusal

- The Department may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Department holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure.
- Protecting commercial information that the Department (for example financial, commercial scientific or technical information that may harm the commercial or financial interests of the Department or third party).
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme.
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;

- Disclosure of the record would put the Department at a disadvantage in contractual or other negotiations ;
- The record contains information about research being carried out or about to be carried out on behalf of a third party or the Department.

(e) Records that cannot be found or do not exist.

If the Department has search for a record and it is believed that the record either does not exist or cannot be found, the register will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

(f) Third party information

- If access is requested to a record that contains information about a third party, the Department is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.
- In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider those reasons in determining whether access should be granted or not.

FORM C

REQUEST FOR ACCESS TO RECORDS OF THE DEPARTMENT

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

(Act No.2 of 2000))

[Regulation 10]

A. PARTICULARS OF DEPARTMENT

The Head

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 surname: _____

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 a record containing 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 therefore.

Reason for exemption of payment for the fee: _____

F. FORM OF ACCESS TO THE RECORD:

If you are prevented by a disability to era, view or listen to the record in the form of access provided for in 1 to 4 hereunder, 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:

Compliance with your request in the specified from may depend on the form in which the record is available.

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.

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	
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2. If the record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images		Copy the images		transcription of the images*	
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3. If the 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 the 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 or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	No
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G. Particulars of right to be exercised or protected:

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. Indicate which right is to be exercised or protected: _____

2. Explain why the record requested is required for the exercise of protection of the aforementioned right: _____

H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS:

You will be notified in writing whether your request has been approved / 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.

ANNEXURE B

FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows: R0, 60 for every photocopy of an A4-size page or part thereof
 - (a) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,40
 - (b) For a copy in a computer-readable form on -
 - (i) stiffy disc R5,00
 - (ii) compact disc R40,00
 - (c)
 - (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
 - (ii) For a copy of visual images R60, 00.
 - (d)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00
 - (iii) For a copy of an audio record R17,00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:
 - (a) For every photocopy of an A4-size page or part thereof R0,60
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form R0,40
 - (c) For a copy in a computer-readable form on –
 - (i) stiffy disc R5,00
 - (ii) compact disc R40,00
 - (d)
 - (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
 - (ii) For a copy of visual images R60,00
 - (e)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00

- (ii) For a copy of an audio record R17,00
 - (f) To search for and prepare the record for disclosure R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
- 5.** For purposes of section 22(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
 - (c) The actual postage is payable when a copy of a record must be posted to a requester.

ANNEXURE C

FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows: R 0,60 for every photocopy of an A4-size page or part thereof.
 - (a) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,40
 - (b) For a copy in a computer-readable form on -
 - (i) stiffy disc R5,00
 - (ii) compact disc R40,00
 - (c)
 - (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
 - (ii) For a copy of visual images R60,00
 - (d)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00
 - (ii) For a copy of an audio record R17,00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:
 - (a) For every photocopy of an A4-size page or part thereof R0,60
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form R0,40.
 - (c) For a copy in a computer-readable form on -

- (i) stiffy disc R5,00
- (ii) compact disc R40,00

- (d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
- (ii) For a copy of visual images R60,00

- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 12,00
- (ii) For a copy of an audio record 17,00

- (f) To search for and prepare the record for disclosure R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

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

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

- (c) The actual postage is payable when a copy of a record must be posted to a requester.