



# FREE STATE FREE STATE PROVINCIAL TREASURY

## MANUAL PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)

### THE VISION OF THE DEPARTMENT

Your partner in financial management and service excellence in the public sector, for a better life for all in the Free State

### THE MISSION OF THE DEPARTMENT

To instil prudent financial management and good governance

The MEC is Ms G Brown  
The HOD is Mr MNG Mahlatsi

#### A. CONTACT DETAILS

##### Information Officer

**Mr MNG Mahlatsi**

Address: Tsebo Building  
Fichardt Street 29495  
BLOEMFONTEIN  
9301

Postal address: Private Bag X20537  
BLOEMFONTEIN  
9300

Tel: (051) 405-4443  
Fax: (051) 403-3756  
E-mail: [executivepa@treasury.fs.gov.za/](mailto:executivepa@treasury.fs.gov.za)  
[secretary.ceo@treasury.fs.gov.za](mailto:secretary.ceo@treasury.fs.gov.za)

## Deputy Information Officer

### **Mr S.B. Mhlambi**

Address: Room 401 4<sup>th</sup> Floor  
Fidel Castro Building  
55 Miriam Makeba Street  
BLOEMFONTEIN  
9301

Postal address: Private Bag X20537  
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Tel: (051) 405-5031  
Fax: (051) 405-4462  
E-mail: [smhlambi@treasury.fs.gov.za](mailto:smhlambi@treasury.fs.gov.za)

### **B. THE SECTION 10 GUIDE**

The South African Human Rights Commission has compiled a guide on how to use the Act. Any queries about the guide can be addressed to:

PAIA Unit  
Research and Documentation Department  
South African Human Rights Commission  
Private Bag X2700  
HOUGHTON  
2041

Tel: (011) 877 3821/3645  
Fax: (011) 403 0668  
E-mail: [tsebulela@sahrc.org.za](mailto:tsebulela@sahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### **C. ACCESS TO THE RECORDS HELD BY THE DEPARTMENT**

#### **(a) Subjects and categories of records**

The subjects and categories of records held by the Department include the following:

- Minutes of meetings
- Papers delivered by the MEC and other personnel
- Workshops and seminars
- Reports
- Books
- Complaints received
- Press releases
- Policies
- Employment records
- Procurement policies
- Budgets
- Strategic plans
- MTEF submissions

- Procurement documents
- (b) Request for information
- (i) Automatic disclosures

The following table sets out the records that are automatically available and the manner of access available:

| <b>AVAILABLE FOR COPYING</b> |  |
|------------------------------|--|
| Annual Reports               | Also available on Website ( <a href="http://www.freestateonline.fs.gov.za">www.freestateonline.fs.gov.za</a> ) |
|                              | *Copies available on request from Deputy Information Officer   |

(ii) The request procedures for other requests

- A requester must be given access to the record of the Department if the requester complies with the following:
  - 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 grounds for refusal mentioned in the Act. The Deputy Information Officer may be contacted to provide further information regarding grounds of refusal.
  - A requester must use the form printed in the *Government Gazette*. A copy is attached.
- The requester must also indicate if the request is for a copy of the record or if the requester wants to peruse the record at the offices of the Deputy Information Officer.
- Alternatively, if the record is not a document it may be viewed in the requested form, if possible.
- If a person asks for access in a particular form the requester should be given access in the manner requested. Acceding to the request should not interfere unreasonably with the running of the Department, or damage the record, or infringe upon a copyright not owned by the State. If, for practical reasons access cannot be given in the required form but in an alternate manner, the fee must not be more than the fee calculated according to the person's first request.
- If, in addition to a written reply to their request for the record, the requester wishes to be told about the decision in any other way, e.g. by telephone, this must be indicated.
- If a requester asks for the information on behalf of somebody else, the capacity in which the request is being made should be indicated.

- If a requester is unable to read or write, or has a disability, they may make the request for the record orally. The Deputy Information Officer must fill in the form on behalf of the requester and give them a copy.
- Two types of fees have to be paid in terms of the Act, the request fee and the access fee. Information regarding the bank account and reference number can be obtained from the Deputy Information Officer. A requester is also made aware that the Minister has exempted certain categories of persons from paying access fees and could obtain further information regarding such exemptions from the Deputy Information Officer.
- A requester who seeks access to a record must pay the required request fee of R35.
- The Deputy Information Officer must inform the requester by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The requester may lodge an internal appeal, if appropriate, or an application to the court against the tender or payment of the request fee.
- After the Deputy Information Officer has made a decision on the request the requester must be notified of such a decision in the manner requested by them.
- If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for the time exceeding the prescribed hours of searching and preparing the record for disclosure. The fees are prescribed by legislation and are attached hereto.

#### **D. SERVICES AVAILABLE DIRECTLY TO THE PUBLIC**

The purpose of the Department is not mainly to deliver services directly to the public. The services of the Department are the following:

- Provincial Expenditure and Revenue Management
- Cash Flow Management
- Local Government and Public Entities Management
- Logistics Management
- Provincial Accounting Management
- Salary Administration
- Financial Systems
- Manage transversal functions on behalf of the Province
- Assist municipalities
- Provincial procurement

## **E. ORGANISATIONAL STRUCTURE OF THE DEPARTMENT**

The Department consist of the following programmes, namely:

### **1. Programme 1: Administration**

To provide leadership, strategic management in accordance with legislation, regulations and policies as well as to ensure that there is appropriate support service to all other programmes

### **2. Programme 2: Sustainable Resource Management**

To provide professional advice and support to the MEC for Finance on Provincial Economic Analysis, Fiscal Policy, Public Finance and Management of the Annual Budget

### **3. Programme 3: Asset and Liability Management**

To promote effective management of provincial assets and liabilities

### **4. Programme 4: Financial Governance**

To promote and enforce financial governance in the provincial government

### **5. Programme 5: Municipal Finance Management**

To support and promote compliance to Municipal Finance Management Act

## **F. ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWER**

1. Campaigns, etc are arranged on regular intervals throughout the Province. The purpose is to bring about face-to-face provincial government interaction with communities to explain and account on policies, programs and projects.
2. In terms of the Rules and Orders of the Provincial Legislature, legislation is published for public comment before being tabled. The public is given an opportunity to make written representations or to appear before different portfolio committees.
3. Different provincial laws make provision for members of the public to nominate members who are to serve on certain committees. These representatives could influence decision-making.
4. In drafting of regulations, the public are also invited in terms of the provisions of the Promotion of Administrative Justice Act, 2000, to submit inputs with regard to matters affecting their rights.
5. Hlasela-TV is placed at the airport, hospitals and other public places on which information regarding the provincial government is made available to the public.
6. The media is used to provide information to the public.

**G. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH**

A requester or third party may lodge an internal appeal against the decision of the Deputy Information Officer within 60 days to the MEC or a person designated by the MEC. The appeal must be submitted to the Office of the Deputy Information Officer, who must in terms of the Act forward it to the appeal authority. Furthermore, the requester may apply to a court for appropriate relief after the requester has exhausted the internal procedure. Fees are also prescribed for this process and such fees are also included on attached list of fees.

**H. UPDATING OF THE MANUAL**

The Department will, if necessary, update this manual.

**I. AVAILABILITY OF THE MANUAL**

The manual of the Department is made available in the following manner:

- A copy in each of the three official languages must be made available to the South African Human Rights Commission; and every office of that public body.
- The manual is to be published in Sesotho, English and Afrikaans.
- The manual is available on the website of the Department at [www.freestateonline.fs.gov.za](http://www.freestateonline.fs.gov.za).