



human settlements
Department of Human Settlements
FREE STATE PROVINCE

FREE STATE DEPARTMENT OF HUMAN SETTLEMENTS

MANUAL PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000) (the “ACT”)

VISION OF DEPARTMENT

Integrated and sustainable Human Settlements

MISSION OF DEPARTMENTS

The Department will develop cohesive, sustainable and integrated human settlements in the Free State Province.

LEADERSHIP OF DEPARTMENT

The Member of the Executive Council is **Mr MK Makume**

The Head of Department: Human Settlements is **Ms MM Masimene**

A. CONTACT DETAILS

Information Officer: Human Settlements

The Information Officer is the Head of the Department. Her contact details are as follows:

Ms Mosa Masimene

Address: Room 749 OR Tambo House
cor. St Andrews and Markgraaff Streets
BLOEMFONTEIN
9301

PRIVATE BAG X247
BLOEMFONTEIN
9300

Tel.: (051) 403-3883 / 405-4727

Fax: (051) 403-3699

E-mail: hodhs@fshs.gov.za

Website: www.fshs.gov.za

Deputy Information Officer

The person designated to provide information to the public is the Chief Director: Corporate Services or person assisting in that post. He is therefore the Deputy Information Officer for the Department.

Adv NG Sidzamba

Address: Room 1108 OR Tambo House
cnr. St Andrews and Markgraaff Streets
BLOEMFONTEIN
9301

PRIVATE BAG X247
BLOEMFONTEIN
9300

Tel.: (051) 405-4647

E-mail: nomfundo@fshs.gov.za

Website: www.fshs.gov.za

B. THE SECTION 10 GUIDE [*section 14(1)(c)*]

The Information Regulator must update the guide compiled by the Human Rights Commission. Any queries about the guide can be addressed to:

The Information Regulator (South Africa)
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
PO Box 31533, Braamfontein, Johannesburg, 2017

General enquiries email: infoereg@justice.gov.za

C. ACCESS TO THE RECORDS HELD BY THE DEPARTMENT

C.1 Automatic disclosures

The following categories of records are automatically available from the Department and can be accessed at www.fs.gov.za or be obtained from the deputy information officer.

- Strategic Plan
- Business Plan
- Annual Report
- Budget vote of the MEC
- Publications
- Press Releases

C.2 Records that may be requested

The following records may be made available, if all the procedural requirements in the Act relating to the request for access to that record have been met and access to that record is not refused on any grounds for refusal mentioned in the Act. The Deputy Information Officer could be contacted regarding further information on grounds for refusal.

- Minutes of meetings
- Papers delivered by the MEC
- Workshop and Seminar Resolutions
- Published Reports
- Complaints received
- Policy and strategy frameworks
- Employment records
- Budget Statements
- MTEF submissions
- Memoranda and documentation

C.3 The request procedure

- A requester must use the form printed in the *Government Gazette*.
- 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 Department. 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 be 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 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.
- The deputy information officer must inform the requester by notice, requiring the requester to pay the request fee as prescribed 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 information officer has made a decision on the request the requester must be notified of such a decision in the manner requested by them and of any remedies available.
- If the request is granted, then a further access fee must be paid as prescribed.
- The Information Officer has a period of 30 calendar days within which he/she must respond to the request.
- Under certain circumstances, the Information Officer may extend the 30-day period once only and for a further period of 30 days.

D. SERVICES and ORGANISATIONAL FUNCTIONS

D.1 Nature of services

The services of the Department are the following:

- Housing Project Management and Technical Services
- Housing Policy Development, Planning and Research
- Housing Contract and Asset Management
- Housing Capacity Building and Partnership
- Information Settlements and Land Tenure Services
- Information Management and Customer Care Services
- Housing Subsidies and Development
- People Housing Processes
- Social Housing and Rental

D.2 How to gain access to these services

To gain access to the services of the Department, requests must be made to the Head of Department or the Deputy Information Officer.

E. ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWER

- 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.
- 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.
- 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.
- 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.
- Hlasela-TV is placed at the airport, hospitals and other public places on which information regarding the provincial government, including this Department, made available to the public.
- The media is used to provide information to the public.

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

A requester may lodge an internal appeal against the decision of the information officer to the MEC or a person designated by the MEC. A requester may also lodge a complaint at the Information Regulator after he/she has exhausted the internal appeal procedure. Said complaint must be submitted within 180 days of the decision. 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.

G. PROCESSING OF PRIVATE INFORMATION

1. Purpose of use of personal information

- a) To manage human resources;
- b) To manage procurement and finances of the Department;
- c) To manage the bursary function for local and international students;
- d) To manage access control to offices of the Department;
- e) To gather contact information in order to consult and communicate with stakeholders;
- f) To confirm identities to promote good governance and for the detection and prevention of fraud, crime, corruption or other malpractice;
- g) For audit and record keeping purposes;
- h) To report to oversight bodies and national departments;
- i) To keep statistical data for research purposes;
- j) In connection with legal proceedings and legal advice.

The Department shall use personal information only for the purposes for which it was collected and/or agreed with a person. In addition, where necessary your information may be retained for legal, audit or research purposes.

2. Disclosure of information

The Department may disclose personal information to service providers who are involved in the delivery of products or services, e.g. consideration of temporary incapacity leave or information technology services. The Department includes provisions in agreements with service providers to regulate the confidentiality and privacy of information.

Furthermore, the Department may disclose personal information to oversight bodies, national departments, external auditors, pension funds, audit committee members and law enforcement agencies.

The Department may also disclose personal information:

- a) Where there is a duty or a right to disclose in terms of a law or as required by a court order;
- b) In terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000). Requesters must follow the application procedure in terms of the PAIA Manual on website and contact the Information Officer or the Deputy Information Officer. Such access request may be subject to a payment of prescribed fees;
- c) Where it is necessary to protect the rights of the Department.

3. Flow of Information outside borders

In support of the international bursary programme of the Department, personal information of students may be shared with Department of International Affairs, Embassies, Universities, Service Providers who renders services to students. Furthermore, personal information of staff and political office bearers may be shared with Department of International Affairs, Embassies, Service Providers when such persons travel abroad for work related matters. Consent of persons are obtained.

4. Information security

The Department must provide adequate protection for the personal information to prevent unauthorized access and use of personal information. Therefore, the Department is committed to reviewing of security controls and related procedures to ensure that personal information remains protected. The following is relevant in this regard:

- a) Physical security;
- b) Computer and network security;
- c) Record Management;
- d) Investigation of security incidents;
- e) Inclusion of provisions in contracts to regulate confidentiality of personal information.

5. Correction of information

Persons may ask to update, correct or delete any personal information. The Department will require as a minimum a certified copy of an Identity Document to confirm the requester's identity before considering the request to make changes to personal information, where necessary and legally allowed. The Department strives to keep personal information as accurate as possible.

H. UPDATING OF THE MANUAL

The Department will, when 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 (Sesotho, English and Afrikaans) is available at the Office of the Deputy Information Officer.
- The manual is available on the website of the Department at freestateonline.fs.gov.za.