



the premier

Office of the Premier
FREE STATE PROVINCE

FREE STATE OFFICE OF THE PREMIER

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

THE VISION OF THE DEPARTMENT

Leading Free State Province towards service excellence.

THE MISSION OF THE DEPARTMENT

To provide strategic direction and co-ordinate integrated service delivery within government in the Free State.

The Premier is Mr MA Dukwana

The Head of Department is the Director General, Mr KF Ralikontsane

A. CONTACT DETAILS

Information Officer

Mr Kopung F Ralikontsane

Address: Room 448 OR Tambo House
cor. St Andrew and Markgraaff Streets
BLOEMFONTEIN
9301

Postal address: PO Box 517
BLOEMFONTEIN
9300

Tel: (051) 405-5801/3

Fax: (051) 405-5671

E-mail: dq@fspremier.gov.za

Deputy Information Officer

Adv KJC Ditira (Chief Director: Legal Services)

Address: Room 633 OR Tambo House
cor. St Andrew and Markgraaff Streets
BLOEMFONTEIN
9301

Postal address: PO Box 517
BLOEMFONTEIN
9300

E-mail: [kuni.ditira@fspremier.gov.za/](mailto:kuni.ditira@fspremier.gov.za)
nolette.tebrugge@fspremier.gov.za

Website: freestateonline.fs.gov.za

B. THE SECTION 10 GUIDE

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: inforeg@justice.gov.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 of the Premier include the following:

- (i) Departmental personnel records
- (ii) Departmental procurement records
- (iii) Departmental financial records
- (iv) Agendas and minutes of meetings
- (v) Reports
- (vi) Publications
- (vii) Internal departmental policies
- (viii) Records on legal issues
- (ix) Provincial policies
- (x) Internal memoranda and documentation which supports functions of Department
- (xi) Speeches of the Premier
- (xii) Bursary records
- (xiii) Planning records

(b) Request for information

(i) Automatic disclosures

The following table sets out the records that are automatically available and the manner of access available in terms of section 15 of PAIA:

AVAILABLE FOR PURCHASING	
<i>Provincial Gazette</i>	Copies available at Room 341, OR Tambo House, Tel. (051) 405 5217/4237
AVAILABLE FOR COPYING	
Annual Reports	*Copies available on request from Deputy Information Officer
Government News	*Copies available on request from Deputy Information Officer
State of Province Address	*Copies available on request from Deputy Information Officer
Budget Speech of Premier	*Copies available on request from Deputy Information Officer
Annual Performance Plan	*Copies available on request from Deputy Information Officer
Press releases	*Copies available on request from Deputy Information Officer
Policies	*Copies available on request from Deputy Information Officer
Budgets	*Copies available on request from Deputy Information Officer
Strategic plans	*Copies available on request from Deputy Information Officer
Free State Growth and Development Strategy (FSGDS)	*Copies available on request from Deputy Information Officer
Quarterly Legal Review	*Copies available on request from Deputy Information Officer
Legal Corner	*Copies available on request from Deputy Information Officer
Acts, regulations and provincial notices	*Copies available on request from Deputy Information Officer
*Copies to be provided against payment per page in the prescribed amount, unless it can be electronically send, which will then free of charge.	
AVAILABLE FREE OF CHARGE	
Application forms for employment	Office visit (Human Resource Advice, Co-ordination and Management, Ground Floor, OR Tambo House)
Newsletters and publications, where available	Office visit (Media Strategy and Liaison, 2 nd Floor, OR Tambo House)

(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*.
- 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 as prescribed.

- 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.

D. SERVICES AVAILABLE DIRECTLY TO THE PUBLIC

The purpose of the Department is not mainly to deliver services directly to the public, but to give strategic direction and co-ordinate services in the Free State Provincial Government. However, the Department provides the following services directly to the public:

TYPE OF SERVICE	HOW/WHERE IS SERVICE PROVIDED
1. Information to public	<p>1. Thusong Service Centres:</p> <p>Kopanong Service Centre in Trompsburg</p> <p><u>Tel.</u> (051) 713 0189</p> <p>Mohokare Service Centre in Zastron</p> <p><u>Tel.</u> (051) 673 1671</p> <p>Service Centre at Ratlou Complex in Thaba Nchu</p> <p><u>Tel.</u> 079 710 9914 (personal)</p> <p>Namahadi Service Centre in QwaQwa</p> <p><u>Tel.</u> (058) 789 1147</p> <p>Phuthaditjhaba Thusong Service Centre in QwaQwa</p> <p><u>Tel.</u> (058) 713 2422</p>

E. ORGANISATIONAL STRUCTURE AND FUNCTIONS OF THE DEPARTMENT

The Department of the Premier consist of 4 programmes, namely:

1. Programme 1: Administration

This programme provides effective management and administrative support to the Premier and the Executive Council to achieve government's goals and priorities. The programme consists of the following components: Premier Support, Executive Secretariat Services, and Office of the Director-General, Security Advice/Co-ordination, Internal Audit, Financial Management Services and Special Programmes.

2. Programme 2: Institutional Development

Programme 2 strives to ensure the achievement of the objectives of Department of the Premier through the provision and maintenance of well trained and capacitated human resources, facilitating and coordinating the building of transverse capacity within the provincial government through training and skills development, providing strategic direction and rendering and co-ordinating of legal services in the Free State Provincial Government.

3. Programme 3: Policy and Governance

This Programme is the epicentre of provincial policy coordination and the provisioning of strategic direction. The Programme consists of: Intergovernmental Relations and Provincial Strategic Planning, Policy and Research, Provincial Intervention and Monitoring and Evaluation.

4. Provincial Monitoring and Evaluation

To give effect to the vision of the Department to lead the Free State Province towards Service Excellence and the mission of the Department to provide strategic direction and coordinate integrated service delivery within government in the Free State. This programme aims to drive Free State government performance through M&E and manage and coordinate in an integrated manner.

More details regarding the functions of the Department is set out on freestateonline.fs.gov.za.

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 to submit inputs with regard to matters affecting their rights.
5. Public information screens are placed at certain 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 Premier or a person designated by the Premier. 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. 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.

H. 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.

I. UPDATING OF THE MANUAL

The Department will, when necessary, update this manual.

J. 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 at the Office of the DIO, Room 633 OR Tambo House, cor. St Andrew and Markgraaff Streets, as well as on the website of the Department at freestateonline.fs.gov.za.