



education

Department of
Education
FREE STATE PROVINCE

FREE STATE DEPARTMENT OF EDUCATION

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

THE VISION OF THE DEPARTMENT

To be a Department that strives to ensure progressive realization of universal schooling, improving quality of education and eliminating disparities amongst Free State citizens.

THE MISSION OF THE DEPARTMENT

To provide an education system that is free, compulsory, universal and equal for all children of the Free State Province.

The MEC is Mr MP Mohale
The Head of Department is Adv TH Malakoane

A. CONTACT DETAILS

Information Officer

Adv TH Malakoane

Address: Room 2106 Fidel Castro Building
Miriam Makeba Street
BLOEMFONTEIN
9301

Postal address: Private Bag x20565
BLOEMFONTEIN
9300

Tel: (051) 404-8430/32

E-mail: hod@fseducation.gov.za

Deputy Information Officer

Mr BC Ngwenya (Acting Director: Legal and Auxiliary Services)

Address: Room 1509 Fidel Castro Building

Postal address: Private Bag X20565
BLOEMFONTEIN
9300

Tel: (051) 404-8456

E-mail: CB.Ngwenya@fseducation.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: inforeg@justice.gov.za

C. ACCESS TO THE RECORDS HELD BY THE DEPARTMENTS

(a) Automatic disclosures

The notice in terms of section 15(2) describing the categories of the records that are available without a person having to request access in terms of the Act is not currently available.

However, the following are records that are published by the department and may be obtained on the website of the Department or at the office of the deputy information officer.

- (i) Annual reports
- (ii) Budget vote of the MEC
- (iii) Annual Performance Plan
- (iv) Press releases
- (v) Policies
- (vi) Budgets
- (vii) Strategic plans

(b) Records that may be requested

- 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
- Memorandums and documents

(c) The request procedures

- A requester must be given access to the record of a public body 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 are not refused on any grounds for refusal mentioned in the Act.
 - 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 Provincial Administration. 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. Information regarding the bank account and reference number can be obtained from the 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 (other than a personal 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 [*section 14(1) (f)*]

i. Nature of services

The services of the Department are the following:

- Education Development and Professional Services
 - Quality Assurance
 - Curriculum services
 - FET colleges and ABET
 - Examination and Assessment
 - Inclusive education
 - Sport and Youth development
- District Management and Governance
 - The Administrative Support Services provides for Strategic Management Services and Corporate Services
- Early Childhood education and Adult Basic Education and Training
- Provision of physical infrastructure for educational and non-educational institutions
- Provision of learning support material for the schools
- Improvement of success rate in the classroom with a particular emphasis on Grade 12
- Development of planning, monitoring and evaluation models for the entire education system

ii. **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 as Information Officer or the Deputy Information Officer.

E. 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.

F. 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: Education 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. 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.