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Department:  
**Public Works and Roads**  
North West Provincial Government  
Republic of South Africa

**LEGAL RELATED POLICY**  
**(Promotion of Access to Information manual)**  
**2018/19**

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**NAME OF POLICY: PROMOTION OF ACCESS TO INFORMATION MANUAL**  
**DEPARTMENT : PUBLIC WORKS AND ROADS**

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## 1. PREAMBLE

This manual serves to fulfil the North West Department of Public Works and Roads' obligation to foster proper administration, a culture of transparency and accountability by effecting justifiable and reasonable right to access of information by any person who has interest in the department.

## 2. PURPOSE AND OBJECTIVE

The purpose of this policy is to guide the Head of Department and/or the Information Officer as to when and how to release information to members of the public.

To provide access for provincial transport, roads safety services to individuals and communities in the North West Province, as provided for in the Constitution Act 1996, and in particular, Section 27 and 28 thereof.

## 3. LEGISLATIVE FRAMEWORK

- a. Promotion of Access to Information Act, No 2 of 2000;
- b. The Constitution of Republic of South Africa, Act 1996;
- c. Public Service Act, 1994;
- d. Public Service Regulations, 2000 and Resolution 1 and 2

The Promotion of Access to Information Act, No 2 of 2000 (PAIA) is a response to Section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, 108 of 1996, which provides that every person has a right of access to:

- i. Any information held by the State; and
- ii. Any information that is held by another person and that is required for the exercise or protection of any rights.

Section 14 of the Act requires that the Information Officer of a public body must compile a manual, giving information to the public regarding the procedure(s) to be followed in requesting information from the public body for the purpose of exercising or protecting rights.

## 4. SCOPE OF APPLICATION:

The Policy shall apply to all employees within the North-West Department of Public Works and Roads. This includes (Roads Workers – Road camps) if any Construction, engineering and/or, Administration Staff etc.

## 5. CONTACT DETAILS OF THE INFORMATION OFFICER

The Head of Department is the Information Officer in terms of the Promotion of Access to Information Act. His contact details are:

### Mr PAKISO MOTHUPI

Postal address: Private Bag x 2080  
MMABATHO  
2735

Physical address: New Building &  
Old Parliament  
Mmabatho

Email address: [Pakiso@nwpg.gov.za](mailto:Pakiso@nwpg.gov.za)

Telephone: (018) 388 1377

The Deputy Information Officer has been designated and his details are:

**Pule Koeë**

Postal address: Private Bag x 2080  
MMABATHO  
2735

Physical address: New Building &  
Old Parliament  
Mmabatho

Email address: [Pkoeë@nwpg.gov.za](mailto:Pkoeë@nwpg.gov.za)

Telephone: (018) 388 1465  
Fax: 018 388 4314

**6. GUIDES ON HOW TO USE THE ACT**

The guide is made available through the influence of the South African Human Rights Commission and for any comparative study. Please direct any queries to the South African Human Rights Commission.

The PAIA Unit (Promotion of Access to Information) at the South African Human Rights Commission

The Research and Documentation Department  
Private Bag X2700  
Houghton  
2014

Telephone: +27 11 877 3600

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**7. ACCESS TO RECORDS HELD BY THE DEPARTMENT**

**7.1. DESCRIPTION OF PROGRAMMES AND CATEGORIES OF RECORDS HELD BY THE DEPARTMENT**

**7.1.1. RECORDS THAT MAY BE REQUESTED**

For the purpose of facilitating a request in terms of the Act, the subjects on which the Department holds records and the categories of records on each subject are as follows:-

**(a) OFFICE OF THE MEC**

- i. MEC's activities and schedule
- ii. Speeches, reports and statements for the MEC
- iii. Executive Council resolutions, agenda, action list and minutes.
- iv. MINMEC agenda, action list and minutes.
- v. Executive Coordinating Committee resolutions, agenda, action list and minutes
- vi. Executive Management Committee resolutions, agenda, action list and minutes
- vii. Briefing to media and press releases  
Governance structures records and policies

**(b) OFFICE OF HEAD OF DEPARTMENT**

- i. Correspondence regarding National Forum Meetings
- ii. Agenda and minutes of meeting held
- iii. Checklist
- iv. Resolution list
- v. Reports of Committee's deliberations
- vi. Strategic and operational plans.
- vii. Exco Technical Committee
- viii. Social Development Extech-cluster Committee
- ix. Surveys on levels of satisfaction of public
- x. Statistics on customer complaints and enquiries
- xi. Research reports
- xii. Management plans
- xiii. Business plans
- xiv. Communication policies
- xv. Promotion of Access to Information Act 2 of 2000

**(c) CHIEF-DIRECTORATE: CORPORATE SERVICES**

- i. Public Service Act, 103 of 1994
- ii. Labour Relation Act, 66 of 1998
- iii. Skills Development Act, 97 of 1998
- iv. Occupational Health and Safety Act 85 of 1993
- v. Employment Equity Act 55 of 1998
- vi. Employment equity plan
- vii. Grievances
- viii. Suspensions
- ix. Disciplinary cases, outcomes appeals
- x. Dispute resolution and outcomes
- xi. Minutes of Bargaining Council
- xii. Dispute resolution and outcomes
- xiii. Minutes of Bargaining Council
- xiv. Training material for Labour Relations
- xv. Research documentation on labour matters
- xvi. Persal date
- xvii. Provincial policies
- xviii. Advertisements, selections and recruitment documents
- xix. Advertisements, selections and allocation of bursaries
- xx. Curriculum Vitae
- xxi. Application forms
- xxii. Training material
- xxiii. Analysis and evaluation of training impact
- xxiv. Personal files of employees
- xxv. General files regarding advertisement of vacant posts, conditions of employment and interview reports
- xxvi. Departmental forms management policies
- xxvii. Analysis of departmental functional forms
- xxviii. Departmental forms management policies
- xxix. Organisational structures
- xxx. Strategic plans
- xxxi. Performance plans
- xxxii. Job evaluation

**(d) CHIEF DIRECTORATE- FINANCE**

- i. Public Finance Management Act 1 of 1999
- ii. Preferential Procurement Policy Framework Act 5 of 2000
- iii. Division of Revenue Act, 2 of 2006
- iv. Broad Based Black Economic Empowerment Act 53 of 2003

- v. Departmental Tender records and policies
- vi. Financial transactions, records and reports
- vii. Financial Management information
- viii. Departmental budget
- ix. Procurement
- x. Suppliers
- xi. Asset register
- xii. Subsistence and travelling policy
- xiii. Departmental policy on revenue collection.

#### **7.1.2. RECORDS AUTOMATICALLY AVAILABLE [Sec 15(2)]**

Members of the public can access the following categories of information by means of a simple phone call, fax message or E-mail. There is no need to use the more formal and costly processes of the Promotion of Access to Information Act to gain access to the relevant records/ documents

- i. Public service forms
- ii. Published research reports
- iii. Transport, Roads and Community safety promotions material
- iv. Provincial policies, guidelines and protocols for Public Works and Roads
- v. Annual reports
- vi. Media releases
- vii. Copies of major speeches by the MEC
- viii. Draft legislation
- ix. Annual budget
- x. Registration authorities
- xi. NATIS
- xii. Roads
- xiii. Revenue
- xiv. DLTC, VTS
- xv. How to...
- xvi. Accident reports
- xvii. Roads ordinates
- xviii. Road signs

### **8. HOW TO ACCESS "AUTOMATICALLY AVAILABLE" INFORMATION**

Where the website is not an option or is not appropriate, the requester can access documents by contacting the following person:-

Written request can be sent to:

Mr P Mothupi  
Private Bag x 2080  
MMABATHO  
2735

Tel: (018) 388 1377

Fax:

E-mail: [Pakiso@nwpg.gov.za](mailto:Pakiso@nwpg.gov.za)

The requester can either make an arrangement for the document to be sent to him/her or visit the Department to view or collect it.

#### **8.1. REQUEST PROCEDURE**

8.1.1. The information officer shall give requester access to a record of the Department if the requester complies with the following:

- i. The procedural requirement in the Act relating to the request for access to that record; and

- ii. Access to that record is not refused on any ground of refusal mentioned in the Act.

## **8.2. NATURE OF THE REQUEST**

- i. A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187-15 February 2002] (Form A).
- ii. The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the records at the offices of the Department. Alternatively, if the record is not a document, it can then be viewed in the manner specified or as requested in the request form, where possible [s 20(2)].
- iii. If a person asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the Department, or damage the record, or infringe a copyright not owned by the State. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].
- iv. If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [s18(2)(f)].
- v. If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].
- vi. If a requester is unable to read or write, or has a disability, then they can make the request for the record to be made orally. The information Officer must then fill in the form on behalf of such a requester and give them a copy [s 18(3)]. OR BRAIL WRITING

## **8.3. FEES REQUIRED TO BE PAID IN TERMS OF THE ACT, BEING THE REQUEST FEE AND THE ACCESS FEE s22**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- i. The Information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- ii. The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the Court against the tender or payment of the request fee.
- iii. After the Information Officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- iv. If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

## **9. SERVICE AVAILABLE TO THE PUBLIC**

### **9.1. NATURE OF SERVICES**

- i. Transport services
- ii. Transport promotions
- iii. Provide internal corporate services

- iv. Participation in Governance For a
- v. Reporting to the Legislature on provincial and departmental issues
- vi. Input into and comments on proposed provincial Transport legislation
- vii. Advice to and referral of enquiries of the community and other stakeholders

## **9.2. HOW TO GAIN ACCESS TO THESE SERVICES**

- i. Reports, meeting and workshops
- ii. Invitations and publications
- iii. Invitations and through meetings
- iv. Meetings and workshop
- v. Departmental website, E-mail and circulation of hard copies
- vi. Meetings and workshops
- vii. Reports, meeting, telephone and workshops

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

- i. Existing consultation arrangements
- ii. Workshops, Conferences and Seminars
- iii. Media releases- Ad hoc
- iv. Ad-hoc meetings as and when required by customers
- v. Imbizo
- vi. Radio/ TV Talk shows
- vii. Executive Council Memorandum
- viii. Regular Exco an Exco Committee meetings
- ix. Quarterly and monthly meetings
- x. Regular Extech meetings
- xi. Standing Committee meetings
- xii. Annual report
- xiii. Coordination Structures like the Social Development Cluster

## **11. REMEDIES**

[Section 14(1) (h)]

In the instance where there is no compliance with the provisions of the Act by the Department, the requester may appeal against a decision made by the Information Officer or deputy information officer.

## **12. LIMITATION OF PROMOTION OF ACCESS TO INFORMATION ACTS, 2 OF 2000**

Promotion of Access to information to information Act, 2 of 2000 define both mandatory and discretionary grounds for refusing access. It does address the protection of personal information. It regulates the management and use of personal information. It will on the one hand, open access to personal information for the person's concerned, and on the other hand, restrict access to such information for others. South Africa's constitution also recognizes citizens' right of access to information held by any person to the extent that access is required for the exercise of protection of a constitutional right.

## **13. AVAILABILITY OF THE MANUAL**

[Section 14(3)]

In terms of Section 4(1) of Regulation No. R.187 of 15 February 2002, this policy will be made available in the following manner:

- i. A copy in English shall be available at the South African Human Rights Commission and at the office of the Department
- ii. A copy shall be published in the Government Gazette in English.



#### 14. PRESCRIBED FEES FOR THE DEPARTMENT

(Part ii of notice 187 in the government gazette published on the 15 February 2002 fees in respect of public bodies)

14.1. 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.

14.2. The fees for reproduction referred to in regulation 7(1) 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<br>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<br>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<br>Page or part thereof  | R12.00 |
| (ii) For a copy of an audio record   | R17.00 |
15. The request fee payable by every requester, other than a personal requester, referred to in regulations 7(2) is R35.00
16. The access fees payable by a requester referred to in regulation 7(3) are as follows:
- |   |        |
|---|--------|
| 1. (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<br>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 transaction of visual images, for an A4-size page<br>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<br>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,<br>excluding the first hour, reasonably required for such search and preparation. |        |

2. For purpose of Section 22(2) of the Act, the following applies:
  - a. Six hour 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.
3. The actual postage is payable when a copy of a record must be posted to a requester.  
(Annexure B of notice 187 in the government gazette published on the 15 February 2002)

**APPROVED/NOT APPROVED**

**Mr Pakiso Mothupi**

**Head of Department (HOD)**

23/05/2018

**Date**