



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

**Provincial Gazette
Provinsiale Koerant**

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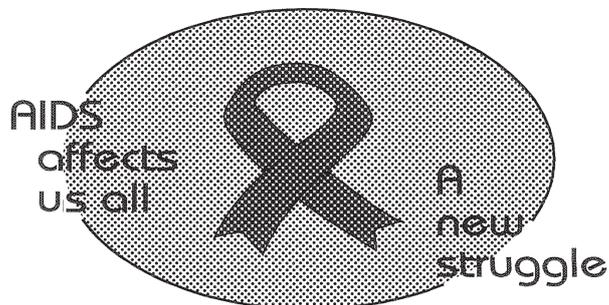
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25 MARCH 2016
25 MAART 2016

No. 2673

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect **from 01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

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Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS

REMINDER

GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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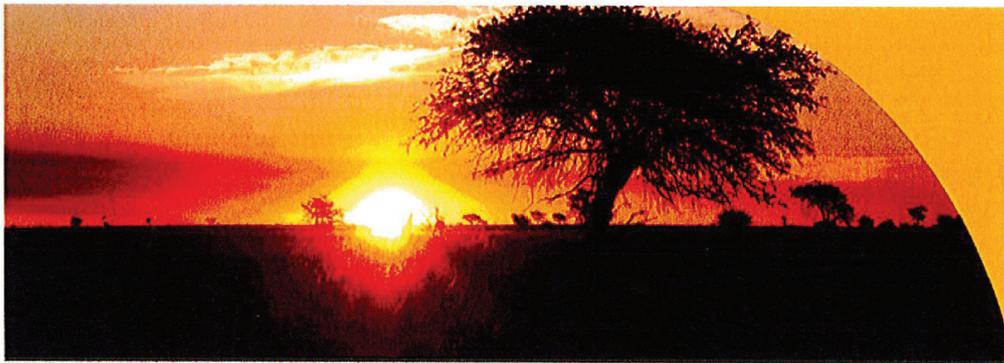
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NOTICE 44 OF 2016

Section 14 manual

Mpumalanga Department of Culture, Sport and Recreation

**MPUMALANGA
DEPARTMENT OF CULTURE, SPORT
AND
RECREATION**



**MANUAL IN TERMS OF SECTION 14 OF
THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000**

(ACT NO.2 OF 2002)

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1. INTRODUCTION

1.1. Purpose of the manual

Section 32(1) (a) of the Constitution of the Republic of South Africa 108 of 1996 provides that everyone has the right of access to “any information held by the state” and section 32(2) of the Constitution creates an obligation on the state to enact national legislation to give effect to this right.

In compliance with section 32(2) of the Constitution, the Promotion of Access to Information Act, 2000 (Act No.2 of 2000) to be referred hereinafter as “The Act” was enacted in order to give effect to the constitutional right of access to information.

Section 14 of the Act imposes an obligation on each and every governmental entity to prepare a manual that would give guidance to the members of the public on how they can access records held by it.

This manual has been prepared in accordance with the provisions of section 14 of the Act in order to give guidance to the members of the public on how they can obtain access to any information that is held by the Department of Culture, Sport and Recreation (to be referred to hereinafter as “the Department”).

1.2. Mandate of the Department

Vision

- Create access to equitable and quality services on culture, sport and information.

Mission

- Through stimulating and developing cultural, sporting and informational capacities of the people.

1.2.1. Strategic objectives

- Acknowledging cultural diversity, cultural heritage and promote unity by affirming, conserving and celebrating people’s way of life whilst establishing culture as an economic investment.
- Creating a reading and learning culture to empower people to make informed decisions.
- Improving the quality of life by maintaining healthy minds and bodies through active participation in culture, sport and recreation.

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation****2. Department Values**

- Fairness, Commitment, Trust and Loyalty
- Honesty, Integrity and Sincerity
- Interdependence and Team spirit
- Acceptance of roles, each other, the past and a common future
- Common purpose/ common good
- Client orientation and customer focus

3. Departmental priorities

- Accelerating good governance
- Infrastructure development for Sport, Recreation, Arts and Culture
- Ensuring mass participation, Nation building, Reconciliation and patriotism
- Cultural renaissance
- Commissioning Film and Video Research
- Conserving, Restoring and Preserving the Diversity of Heritage
- Acknowledging Cultural Diversity and Promoting unity

4. DESCRIPTION OF THE STRUCTURE AND FUNCTIONS OF THE DEPARTMENT

- ❖ The Department (Public Body) is structured to fulfil its mandate as outlined above:-

4.1 THE OFFICE OF THE MEC

The Office of the MEC is situated at the Head Office. It is responsible to render strategic policy directives within the Department.

4.2 THE OFFICE OF THE HEAD OF DEPARTMENT

The Office of the HOD is responsible to render administrative support on both administrative and policy directives in the department. The Head of the Department is the Information Officer for the Department.

4.3 CHIEF DIRECTORATE: CULTURAL AFFAIRS

To promote cultural diversity for socio-economic development and transformation.

4.4 CHIEF DIRECTORATE: SPORT, RECREATION AND SCHOOL SPORTS

To facilitate and co-ordinate mass participation in sport.

4.5 OFFICE OF THE CHIEF OPERATIONS OFFICER

To manage support functions.

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation****4.6 CHIEF DIRECTORATE: EVENTS MANAGEMENT AND REGIONAL SERVICES**

To manage events and regional support services.

4.7 DIRECTORATE: OFFICE OF THE CHIEF FINANCIAL OFFICER

The office of the Chief Financial Officer is responsible for the effective financial management of the institution, the exercise of sound budgeting and budgetary control practices and the operation of internal controls and the timely production of financial reports.

4.8 DIRECTORATE: ARTS AND CULTURE

To develop and promote arts and culture.

4.9 DIRECTORATE: MUSEUMS AND HERITAGE RESOURCES SERVICES

To Preserve, Conserve, Develop, Manage and promote heritage of the province through museums, monuments and memorial sites as well as support to the Mpumalanga Provincial Heritage Resources Authority (MPHRA) and Mpumalanga Provincial Geographic Names Change Committee (MPGNC).

4.10 DIRECTORATE: LIBRARIES

To manage library services.

4.11 DIRECTORATE: ARCHIVES

To ensure proper management of archives.

4.12 SUB-DIRECTORATE: ARTS

To develop, promote and co-ordinate arts.

4.13 SUB-DIRECTORATE: CULTURE

To develop, promote and support cultural activities.

4.14 SUB-DIRECTORATE: LANGUAGE SERVICES

To co-ordinate language services.

4.15 SUB-DIRECTORATE: FILM SERVICES

To manage and co-ordinate the film industry.

4.16 SUB-DIRECTORATE: INFORMATION RESOURCE PROVISION AND SUPPORT

To co-ordinate the provision and support of information resource.

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation****4.17 SUB-DIRECTORATE: LIBRARY AND INFORMATION SERVICES
PROVISION AND DEVELOPMENT**

To co-ordinate central reference library services and infrastructure of MPLIS.

**4.18 DIVISION: LIBRARY AND INFORMATION COMPUTER NETWORKING
DEVELOPMENT**

To support and facilitate LIS functions within computerized networking systems.

4.19 DIRECTORATE: SPORT AND RECREATION

To ensure mass participation in sporting and recreational activities.

4.20 DIRECTORATE: SCHOOL SPORTS

To co-ordinate school sports.

4.21 SUB-DIRECTORATE: SPORTS

To ensure mass participation in sports.

4.22 SUB-DIRECTORATE: RECREATION

To ensure mass participation in recreation.

4.23 DIRECTORATE: PLANNING AND PROGRAMME MANAGEMENT

To co-ordinate planning and programmes.

4.24 DIRECTORATE: COMMUNICATION

To render communication services to the entire department.

4.25 DIRECTORATE: CORPORATE SERVICES

To render corporate services.

4.26 SUB-DIRECTORATE: SECURITY MANAGEMENT

To provide security management services.

4.27 SUB-DIRECTORATE: PLANNING

To co-ordinate departmental planning.

4.28 SUB-DIRECTORATE: PROGRAMME MANAGEMENT

To manage departmental programmes.

4.29 SUB-DIRECTORATE: LEGAL SERVICES

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation**

To render legal service to the entire Department including its statutory bodies and interim committees.

4.30 SUB-DIRECTORATE: HUMAN MANAGEMENT AND DEVELOPMENT

To render human resource management and development service.

4.31 SUB-DIRECTORATE: TRANSVERSAL AND EMPLOYEE WELLNESS PROGRAMME

To manage transversal services and employee wellness programme.

4.32 DIVISION: AUXILIARY SERVICES

To render auxiliary services.

4.33 DIVISION: HUMAN PRACTICES AND ADMINISTRATION

To render human resource practices and administration services.

4.34 DIVISION: HUMAN RESOURCE ORGANISATIONAL STRATEGY AND PLANNING

To develop human resource organisational strategy and planning.

4.35 DIVISION: HUMAN RESOURCE UTILISATION AND CAPACITY DEVELOPMENT

To manage utilisation and development of human resources.

4.36 DIVISION: EMPLOYEE RELATIONS AND PEOPLE MANAGEMENT

To manage employee relations and people management.

4.37 SUB-DIRECTORATE: FINANCIAL ACCOUNTING

To render financial accounting services.

4.38 SUB-DIRECTORATE: MANAGEMENT ACCOUNTING

To render management accounting services.

4.39 SUB-DIRECTORATE: SUPPLY CHAIN MANAGEMENT

To render supply chain management services.

4.40 SUB-DIRECTORATE: RISK MANAGEMENT

To render risk management services.

4.41 DIVISION: DEMAND MANAGEMENT

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To render demand management services.

4.42 DIVISION: ACQUISITION MANAGEMENT

To render acquisition management services.

4.43 DIVISION: ASSETS MANAGEMENT

To render asset management services.

4.44 DIVISION: SUPPLY CHAIN PERFORMANCE

To monitor and evaluate the performance of supply chain management.

4.45 SUB-DIRECTORATE: INTERNATIONAL RELATIONS

To facilitate, coordinate and manage international contact, cooperation, bilateral agreements and MOU'S.

To host and develop programs for international co-operation, create opportunities and promote departmental activities on a national and international level.

To render protocol services to the department.

**5. ADDRESSES AND CONTACT DETAILS OF THE
DEPARTMENT/INFORMATION OFFICER AND DEPUTY INFORMATION
OFFICER****DEPARTMENT:****Postal address**

Private bag X11316

Mbombela

1200

Physical address

1&2 Floor 7 Government boulevard

Building no.5

Riverside Park, Extension 2

Mbombela

1200

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation****CONTACT NUMBERS:**

Telephone number: (013) 766 5242

Fax number: (013) 766 8253/5591

❖ INFORMATION OFFICER: MR SW MNISI

Telephone number: (013) 766 5032

Fax number: (013) 766 5575

Email address: NKOSIST@mpg.gov.za

❖ Deputy Information officer:**6. REGIONAL OFFICES OF THE DEPARTMENT****Ehlanzeni Region:**

Telephone number: (013) 7782908/9/10

Fax number: (013) 7782911

Nkangala Region:

Telephone number: (013) 9473674/2880

Fax number: (013) 9472896

Gert Sibande Region:

Telephone numbers: (017) 8816196/3255

Fax number: (017) 8117477

7. GUIDE ON HOW TO USE THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO.2 OF 2000)

- ❖ The guide on how to use the act, inter alia include a description of:-
 - The objects of the act

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- The postal and street address, phone and fax number and if available, electronic mail address of:
- The Information Officer of every public body and
- The Deputy Information Officer of every public body appointed in terms of section 17(1).
- Such particulars of every private body as are practicable;
- The manner and form of a request for access to a record of a public body contemplated in section 11 and
- Access to a record of a private body contemplated in section 50.
- The assistance available from the Information Officer of a public body in terms of this act;
- The assistance available from the South African Human Rights Commission in terms of this act.
- All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging an internal appeal; and
- An application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision of the head of a private body.
- The provisions of sections 14 and 51 requiring a public body and a private body, respectively to compile a manual and how to obtain access to a manual.
- The provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body respectively.
- The notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access and
- The regulations made in terms of section 92
- According to section 10 of the Act, the South African Human Rights Commission (SAHRC) is responsible for compiling a guide in an easily comprehensible form and manner to assist a person who wishes to exercise any right contemplated in the act.
- This guide has been compiled and is available in all official languages and can be obtained from the SAHRC'S website (www.sahrc.org.za). Any further enquiries with regard to this guide can be directed to SAHRC at:-

Postal address: PAIA Unit: The Research and Document Department

Private Bag X2700

Houghton

2041

Physical address: PAIA Unit: The Research & Document Department

Boundary Road, Isle of Houghton

Wild View, Entrance 1

Houghton

Johannesburg

Telephone: (011) 877 3600**Fax:** (011) 403 0668**Email address:** paia@sahrc.org.za**8. FACILITATION OF A REQUEST FOR ACCESS TO A RECORD OF THE DEPARTMENT**

Section 32 of the Constitution of the Republic of South Africa Act no.108 of 1996, provides that "Everyone has a right of access to any information held by the state and to any information that is held by another person and that is required for the protection and exercise of any right".

Consequently, members of the public or any interested person who wishes to obtain access to information held by the Department may access them by filling the prescribed form as contained in the Government Notice No. R.187 of February 2002. A request for access to a record of the Department should be directed to the Head of the Department.

**9. RECORDS HELD BY THE DEPARTMENT
(SUBJECTS AND CATEGORIES)**

❖ The Department has (Records) information in the following subjects and categories:

9.1 SPORT AND RECREATION

- Appointment of consultants/special advisors
- Reconstruction and development programme
- Promotion strategy
- Regional affairs
- Management of grants-in-aid
- Administration of Acts
- Data base

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- Decorations
- Sport research
- Sport facilities/Equipment/Referee service
- Betting and gambling
- Sport development
- Training
- Competitions and tours
- Sport federations
- Awards
- Youth matters
- Sports councils
- Matters concerning/referred to other institutions/departments
- Hosting of high profiles games
- Signing of service level agreement
- Communications
- Meetings
- Reports
- Procurement

9.2 ARTS AND CULTURE

- Management and administration
- Research
- Community arts and culture
- Festivals and Events
- Language and living culture
- Religious affairs
- Moral regeneration movement

9.3 HERITAGE

- Heritage sites
- Heritage events
- Heritage projects
- Heritage stakeholders
- Heritage NGO'S
- Museums
- Archives
- Mpumalanga Provincial Geographic Names

9.4 LIBRARY AND INFORMATION

- Management and Administration

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- Development services
- Support services
- Regional Library services
- Public Libraries
- Library buildings plans

9.5 PERSONNEL

- Posts control
- Determination of conditions of service
- Vacancies and appointments
- Training and qualifications
- Personnel finance
- Termination of service
- Staff control
- Staff evaluation and grading
- Returns and statistics
- Labour relations
- Domestic/social matters

9.6 COMMUNICATIONS

- Publications
- Publicity
- Reports and returns
- Information

9.7 LEGAL ADVISORY SERVICES

- Certification of legislation
- Comments on legislation and policies
- Provision of legal advice
- Litigation
- Agreements
- Projects
- Meetings
- Specialised courses and seminars

9.8 PLANNING AND PROGRAMME MANAGEMENT

- Budget
- Planning and research
- Communication
- International relations
- Transversal, Employee Health and Wellness programmes

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation****9.9 FINANCE**

- Accounting responsibility
- Budget
- Expenditure
- Revenue
- Authorities
- Banking arrangements
- Misappropriation and fraud
- Application of advances

9.10 SUPPLY CHAIN MANAGEMENT

- Accommodation
- Supplies
- Services
- Disposal of assets
- Asset management
- Procurement procedures
- Registration
- Training

9.11 TRANSPORT AND JOURNEY

- Transport
- Journey's
- Removals or storage

10. CATEGORIES OF RECORDS THAT ARE READILY AVAILABLE WITHOUT REQUESTING INFORMATION IN TERMS OF SECTION 15 OF THE ACT

- Request of these records is granted without complying with the procedural requirements of the Act, for instance the Requester is not required to fill out (Form A) that is utilised to request information.
- There's also no request fee payable for these records. Fees will only be payable if copies of the record are to be made, irrespective of the format (hard copy, compact disc, stiffer or cassette recording)

❖ **MANNER OF ACCESS:** (Available on: www.mpumalanga.gov.za/dcsr)

❖ **CATEGORIES OF THE ABOVE-MENTIONED RECORDS**

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- Policy and Budget Speech
- Annual Report
- Various Legislations
- National Symbols booklet
- siSwati Dictionary
- IsiNdebele Bible
- Speeches
- Media releases
- Name changes booklet
- Various forms
- Brochures
- Newsletters
- Policy (Departmental Policies)
- White Papers and Green Papers
- Job advertisements

11. SUBMISSION OF REQUEST FOR ACCESS TO INFORMATION/RECORD

11.1. A request for access to a record held by the Department must meet the following requirements:-

- The request must be submitted in a prescribed form (which is attached to this manual) as **Form A** in (Appendix 1).
- The request must be submitted to the Information Officer or Deputy Information Officer of the Department at his or her contact details stipulated in paragraph 5 of this manual.
- The requester must provide sufficient particulars to enable the official of the Department to identify the record or records requested and the identity of the requester.
- The requester must indicate whether the record concerned is preferred in a particular language.
- The postal address or fax number of the requester must be indicated.
- If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, he/she must state that manner and the necessary particulars to be so informed.
- If the request is made on behalf of a person, proof of the capacity in which the requester is making the request must be provided to the reasonable satisfaction of the Information Officer.

11.2. The Information Officer shall ensure that the request made by the requester conforms with the above mentioned requirements by:-

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- Reducing oral requests into writing on behalf of those requesters who, as a result of illiteracy or disability are unable to reduce their request in writing into the prescribed formats.
- Providing the requester with information that will enable him/her to make a proper request.
- Assisting the requester to file his/her request with the relevant public body if it is apparent to the Information Officer that the request received should have been submitted to another public body or to any of the department's public entities.

11.3. Validation and acknowledgment

- Once the Information Officer has satisfied himself or herself that the request meets the requirements mentioned above, he or she shall within a reasonable time, by notice to the requester acknowledge receipt of the application and indicate that the requester will be required to pay the following prescribed fees:-
 - a. A request fee of **R35,00** (a standard fee applicable to all requests for access to information or records held by any public body, it can however be waived if the information requested relates to the requester's own personal information) and;
 - b. An access fee (a fee comprising of reproduction and administrative costs. The amount payable as access fee shall vary from one request to the other depending on the volume of information requested and time spent in preparing such information or record. Please see (**Appendix 3**) for the list of prescribed fees)

11.4. Processing of requests

- Subsequent to the notice mentioned in subheading 11.3 above, the Information Officer shall finalise the processing of a request as soon as reasonably possible but not later than thirty (30) days of receipt of the said request. The Information Officer may depending on the circumstances of each application-
 - a. transfer the request to another public body
 - b. Defer access to a record
 - c. Extend the time period of dealing with the request
 - d. Call for representations from third parties
 - e. Grant access to the information
 - f. Refuse access to the information

11.4.1. Transfer of request to another public body

- A request for access to information or a record submitted to the Information Officer may be transferred to another public body if one or more of the following prevails:
 - a. If the information or record requested is not in the possession or control of the Department but is in the possession of another government Department or public body;
 - b. If the information or record requested is more closely connected with the functions of another government Department than to the functions of the Department.

- If the requested record or information falls within the ambit of the above mentioned sub-heading, the Information Officer shall-
 - a. Transfer the request to the relevant government department, as soon as reasonably possible but not later than 14 days after the request is received and
 - b. Forward the requested information or record to the relevant department, if the Information Officer is in possession of the requested record and if he or she considers it helpful to do so.

- Upon transfer of the request the Information Officer of the Department shall immediately notify the requester of-
 - a. The transfer, including the identity and contact details of the Information Officer to whom the request has been transferred to;
 - b. The reasons for the transfer; and
 - c. The period within which the request must be dealt with.

11.4.2. Deferral of Access to a Record

- The Information Officer can defer access to a record if:
 - a. That record is to be published within 90 days after the receipt or transfer of the request or for such further period as is required for the printing and translating of the record.

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- b. Access to a record can also be deferred if it is required by law to be published and is yet to be published.
- c. Access to a record can further be deferred if it has been prepared for submission to any legislature or person and has yet to be submitted.
- d. Access may be deferred in the above circumstances for a reasonable period.
- e. The Information Officer must notify the requester within 30 days after notice of deferral is given, that the requester may make representations to him, why the record is required before publication or submission and also of the period of deferral.
- f. If such representations are made, the Information Officer must grant access if there are reasonable grounds for believing that deferral will substantially prejudice the requester if access is deferred.

11.4.3. Extension of a period to deal with a request

- The Information Officer may extend the prescribed period of 30 days for dealing with a request to a further period not more than 30 days if the following circumstances exist:-
 - a. If the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Department.
 - b. If the request requires a search for records in or collection thereof from an office of the department not situated in the same town or city as the office of the Information Officer that cannot reasonably be completed within the original period.
 - c. If consultation among divisions of the department or with another government department is necessary to decide upon the request that cannot reasonably be completed within the original period;
 - d. If more than one of the above mentioned contemplated circumstances exist, making compliance with the original period not reasonably possible or
 - e. The requester consents to the extension.
- If any of the circumstances contemplated above exist; hence the need to extend the original 30 days period, the Information Officer shall as soon as reasonably possible but within 30 days of receipt of the request, issue a notice to the requester advising him or her:-
 - a. Of the period of extension
 - b. Of adequate reasons for extensions and;
 - c. That the requester may lodge an internal appeal or an application with a court of law, as the case may be, against the extension and the procedure for lodging an internal appeal or the application.

11.4.4. Calling of representations from third parties

- The Information Officer considering a request for access to a record that might be a record concerning:-
 - a. Privacy of third parties
 - b. Certain records of the South African Revenue Service
 - c. Commercial information of third parties
 - d. Confidential information of third parties or
 - e. Research information of third parties or of a public body, shall inform the third party to whom the information relates within 21 days as prescribed by the Act and shall call upon the third party to make written representations as required by section 48 of the Act to the Information Officer on either of the following:
 - Why the request should be refused; or
 - Give written consent to release the record within 21 days, after being informed of the request.
 - f. Having given due consideration to the representations of a third party, the Information Officer must decide whether to grant access to the records or not.
 - g. The refusal by the third party to consent does not necessarily mean that the information will be withheld.

11.5. Granting and/or refusal of request11.5.1. If access to information has been granted the requester will be notified:-

- a. That the request has been granted
- b. Of any outstanding access fees to be paid
- c. Of the form in which access will be given and
- d. That he or she lodge an internal appeal against the access fee to be paid or the form of access granted and the procedure and period for lodging such an appeal.
- e. The internal appeal can be lodged within 60 days of receiving the decision from the Information Officer and
- f. The requester must complete **Form B** (see **Appendix 2**) to lodge an internal appeal with the relevant authority of a public body.

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11.5.2. A request for access to information held by the Department may be denied if the requested information falls within the category of information that cannot be disclosed in terms of sections 34(1), 35(1), 36(1), 37(1), 38(a), 39(1), 40, 41(1), and section 45 of the Act.

- If the request for access to information has been denied, the Information Officer shall notify the requester that:-
 - a. The request has been refused and the reasons for the refusal; and
 - b. The requester may lodge an internal appeal to the relevant authority or may approach a court of law for an appropriate relief.

11.5.3 If the Information Officer has not responded to the requester's request **within 30 days** of receipt of the said request, it must be deemed that the request has been refused; such an act may also allow the requester to invoke the internal appeal or court procedures, as applicable.

11.5.4. If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in the possession of the Department but cannot be found or does not exist, the Information Officer shall by way of an affidavit notify the requester that it is not possible to give access to the said record. For the purposes of the Act, this notice will be regarded as a decision to refuse access. If the record is subsequently found, the requester concerned will be given access to it unless access thereto is refused in terms of the Act.

11.6 Severability of the record

- Severability is all about separation, deletion or masking of information contained in a record.
- The Information Officer can separate, delete or mask part of the information contained in a record.
- This happens where certain information contained in a record cannot be released.
- The Information Officer can reasonably sever parts of that record and withhold that which may or must be refused in accordance with the grounds for refusal in the Act.
- By reasonable severing of the record, the Information Officer must ensure that the integrity of the record is not compromised to lose its meaning.

11.7 Language of access

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- When access to a record is granted, the requester must be given access in the language that he/she prefers, if it so exists.
- Where the record does not exist in the preferred language or the requester has not indicated the language in which he/she would prefer, the record must be given in any language in which it exists.

11.8 Form of access

- Where access to a record is granted and after payment of the access fee, the requester can access the record in the following manner:-
 - If the record is in a written or printed form, by receiving a copy or inspecting the record.
 - If the record is in visual images or printed transcriptions of those images, arrangements should be made for the requester to view the images or to have copies or transcriptions thereof,
 - Where information is recorded and can be reproduced in the form of sound, arrangements can be made for the requester to hear those sounds. Where written and or printed transcriptions of those sounds can be produced, such transcriptions are supplied. The public body has to give access in this manner only if it has the equipment, which is ordinarily available to it.
 - Where a record is held on a computer or in electronic or machine-readable form, a copy thereof has to be given to the requester.
 - If the requester is disabled and that disability prevents him/her from reading, viewing or listening to the record concerned, the Information Officer must take the reasonable steps to make the record available in a form that it is capable of being read, viewed or heard by the requester.
 - The requester may, however not be required to pay an access fee, which is more than the fee he would have been required to pay but for the disability.
 - Where the requester can access the record by way of inspecting, viewing or hearing, the requester may make copies of or transcribe the record using the requester's equipment.

11.9 Services available to members of the public

- ❖ The following services are available to the general public in Mpumalanga province:-
 - Assistance with regard to grants pertaining to sports, recreation, arts and culture activities;
 - Advise with regard to legislation on sport, recreation, arts and culture (National and Provincial legislation) and
 - Advise with regard to policies on sport, recreation, arts and culture (National and Provincial policies).

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation****11.10 Arrangements by consultation, representations to participate or influence policy formulation or the exercise of power or performance of duties by the department****11.10.1 Policy formulation**

Any person (other than a public body referred to in paragraph (a) or (b) (i) of the definition of public body in section 1 of the Act) may participate in policy or legislative drafting of the public body through consultative public hearings on matters that may have fundamental implications on that person, or through the submission of comments on draft legislation, policies and regulations that are being proposed by the Department in the provincial gazette from time to time.

Invitations for public hearings for people to attend hearings for any proposed draft legislation and amendments to policies and legislation are usually made via notices in the print and electronic media. Information can also be obtained from the Department's Communication Office or the Office of the Head of the Department.

11.10.2 Exercise of power and performance of duties

The Department annually hosts sport, recreation, arts and culture indaba's whereby all relevant stakeholders are invited to make inputs/ suggestions about the exercise of power and the performance of duties by the Department. Through the outreach programme, the MEC visit communities in the province and addresses them on issues pertaining to sport, recreation, arts and culture.

11.10.3 Remedies in respect of non-performance by the Department

Any person who feels aggrieved by the failure of the Department to act (omission) or in respect of an act (commission) on the part of the Department to deliver according to its mandate, may lodge a complaint with the following but not limited institutions:-

The Director-General: Office of the Premier

Mpumalanga Provincial Government

Building No.2

Government Boulevard

Private Bag x11291

Mbombela

1200

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation****Lodgement of complaints with: the Public Protector**

Postal Address: Office of the Public Protector

Private Bag X677

Pretoria

0001

Physical Address: 175 Lunnon Street

Hillcrest Office Park

0083

Tel: (012) 366 7000

Fax: (012) 362 3473

The South African Human Rights Commission

Postal Address: Private Bag X2700

Houghton

2041

Physical Address: Boundary Road, Isle of Houghton

Wild View, Entrance 1

Houghton

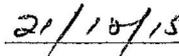
Johannesburg

Tel: (011) 877 3600

Fax: (011) 403 0668



SIGNATURE: HOD (DCSR)



DATE

APPENDIX: 1

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
 (Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by

name and surname of information officer/deputy information officer on

(date) at

(place)

Request fee (if any): R.....

Deposit (if any): R

Access fee: R.....

.....Signature of information officer/deputy
 Information Officer

A Particulars of public body

The Information Officer/Deputy Information Officer:

Section 14 manual**Mpumalanga Department of Culture, Sport and Recreation****B Particulars of person requesting access to the record**

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*

The requester must sign all the additional folios.

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:

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3 Any further particulars of record:

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

<u>Disability:</u>	Form in which record is required:
Mark the appropriate box with an X. NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	
1. If the record is in written or printed form:	
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):	
<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images* <input type="checkbox"/> transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:	

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	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record'	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES NO
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

You will be notified whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at thisday of..... 20

SIGNATURE OF REQUESTER 1 PERSON ON WHOSE BEHALF REQUEST IS MADE

APPENDIX: 2

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE NUMBER:

A. Particulars of public body:

The Information Officer/Deputy Information Officer:

B. Particulars of requester/ third party who lodges the appeal:

- a) The particulars of the person who lodge the internal appeal must be recorded below.
- b) Proof of the capacity in which the request is made, if applicable, must be attached.
- c) If the appellant is a third party person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surnames: _____

Identity number: _____

Postal address: _____

Fax/Tel number: _____

E-mail address: _____

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Capacity in which request is made, when made on behalf of another person:

C. Particulars of requester:

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and Surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box.

	Refusal of request.
	Decision regarding fees in terms of section 22 of the Act.
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act.
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester.
	Decision to grant request for access.

E. Grounds for Appeal:

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

State any other information that may be relevant in considering the appeal:

F. Notice of Decision on Appeal:

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: _____

Particulars of manner: _____

Signed at _____ on this _____ day of _____ 20__

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:
OFFICIAL RECORD OF INTERNAL APPEAL:
 Appeal received by: Rank on this
 Of:20.....
 At

Appeal accompanied by the reasons for the Information Officers / Deputy Information Officers decision and where applicable, the particulars of any third party to whom or which the record relates, submitted by the Information Officer / deputy Information Officer on (date) to the relevant authority.

OUTCOME OF APPEAL:
 Decision of Information Officer/ Deputy Information Officer confirmed/ new decision substituted
 New decision:

Relevant Authority: _____
 Date: _____
 Date received by Information Officer/ Deputy Information Officer from the relevant authority on: _____

APPENDIX 3**PRESCRIBED FEES:**

In terms of PAIA Regulations, NO.R.187 15 February 2002

The following fees are prescribed in terms of part II of Notice 187 of the Government Gazette dated 15 February 2002:

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.
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 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 disk R40, 00
 - d. (i) for a transcription of visual images,
For an A4-size 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 page or part thereof R12, 00
(ii) For a copy of an audio record R17, 00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.
4. 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 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 page
Or part thereof. R22, 00

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- (ii) For a copy of visual images. R60, 00
- (e). (i) For a transcription of an audio record, for an A4-size page,
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, excluding the first hour, reasonably required for such search and preparation.
- 2) For purposes of section 22(2) of the Act, the following applies:
- a. Six hours 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.

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Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Provincial Legislature: Mpumalanga**, Private Bag X11289, Room 114, Civic Centre Building,
Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.