



PAIA MANUAL 2023

**Promotion of Access to Information (PAIA) Manual, 2023
compiled in terms of section 14 of the Promotion of Access
to Information Act, 2000 (as amended) for the Western
Cape Department of Agriculture (WCDoA)**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1.	"DIO"	Deputy Information Officer
1.2.	"DoTP"	Department of the Premier
1.3.	"HoD"	Head of Department
1.4.	"IO"	Information Officer
1.5.	"MEC"	Member of the Executive Committee
1.6.	"PAIA"	Promotion of Access to Information Act, 2000
1.7.	"PFMA"	Public Finance Management Act, 1999
1.8.	"POPIA"	Protection of Personal Information Act, 2013
1.9.	"PSA"	Public Service Act, Proclamation 103 of 1994
1.10.	"Regulator"	Information Regulator
1.11.	"the Constitution"	Constitution of the Republic of South Africa, 1996
1.12.	"WCDaA"	Western Cape Department of Agriculture
1.13.	"WCG"	Western Cape Government

2. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to:

- 2.1.** check the nature of the records which may already be available at the Western Cape Department of Agriculture (WCDaA) without the need for submitting a formal PAIA request.
- 2.2.** understand how to make a request for access to a record of the WCDaA.
- 2.3.** obtain all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 2.4.** be aware of all the remedies available from the WCDaA regarding a request for access to the records, before approaching the Regulator or the Courts.
- 2.5.** obtain a description of the services available to members of the public from the WCDaA, and how to gain access to those services.

- 2.6. obtain a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 2.7. know if the WCDoA will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 2.8. know if the WCDoA has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied.
- 2.9. know whether the WCDoA has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF THE WCDOA

The WCDoA is a provincial structure within the public service which is established in terms of section 197 of the Constitution. The PSA which gives effect to section 197 of the Constitution provides in section 7 thereof for provincial departments.

3.1. Objectives/Mandate

The WCDoA derives its mandate from the Constitution of the Republic of South Africa. Section 40 of the Constitution constitutes government at the national, provincial and local spheres. It also argues that government at these levels should be distinctive, interdependent and interrelated.

It is important to note that Section 41(1) starts to regulate the relationship between the three spheres of government that were created. More specifically, it rules that all spheres of government must:

- a) Secure the well-being of the people of the Republic (Article 41 (b)).
- b) Respect the constitutional status, institutions, powers and functions of government in other spheres (Article 41 (e)).
- c) Not assume any power or function except those conferred on them in terms of the Constitution (Article 41 (f)).
- d) Exercise their powers and performs their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government of another sphere (Article 41 (g)).

It follows that the principle embedded in the Constitution is that three spheres of government are established and that each are awarded certain powers and responsibilities. Furthermore, the one sphere is not a subsidiary of any other

and for this reason the reference to a multi-sphere government in the introduction.

Section 41 (2) of the Constitution rules that an Act of Parliament must eventually be passed to regulate this relationship between the three spheres of Government. From this perspective the Intergovernmental Relations Framework Act was born. In essence this Act, commonly known as the IGR Act, makes provision for a number of platforms where functional and coordination issues can be discussed between the various spheres of Government.

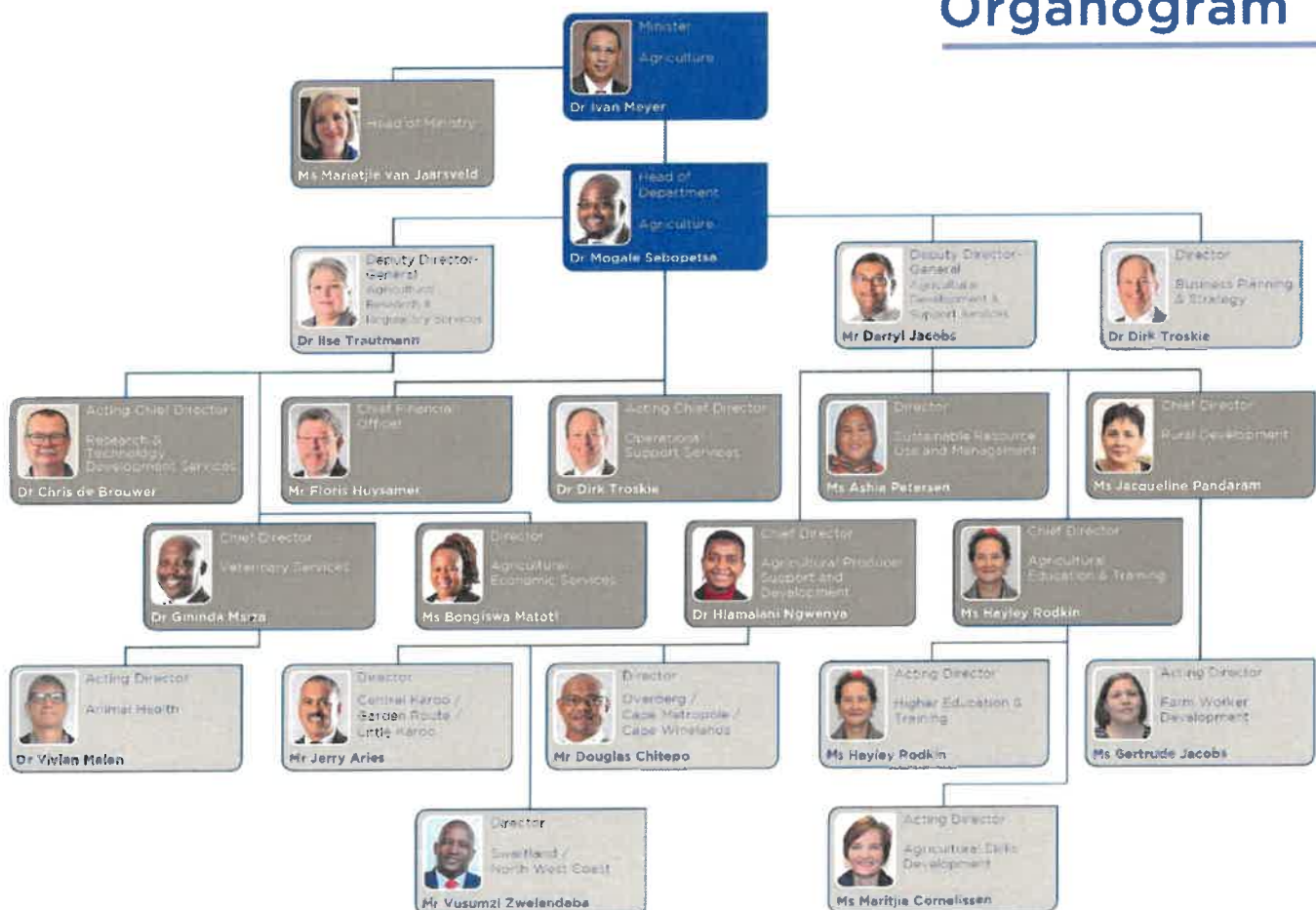
Article 104(1)(b) of the Constitution conveys the power to provinces to pass legislation with regard to any matter with a functional area listed in Schedules 4 and 5 of the Constitution.

In the case of certain issues legislative powers are awarded to more than one sphere of government; the so-called concurrent functions.

4. STRUCTURE OF THE WCDa AND FUNCTIONS

4.1. Structure

Organogram



4.2. Functions of the department

4.2.1. Programme: Administration (Programme 1):

4.2.1.1. Office of the MEC:

To set priorities and political directives in order to meet the needs of clients.
(For the efficient running of the MEC's office).

4.2.1.2. Senior Management:

To translate policies and priorities into strategies for effective service delivery, and to manage, monitor and control performance.

Strategic Objective:

To direct the activities of the Department and to strengthen the alignment between the three spheres of government.

4.2.1.3. Corporate Services:

To provide coordination or support services as applicable to the other programmes with regard to human resource management and human capital development, facility support maintenance, registry services, security, and safety.

Strategic Objectives:

To ensure the provision of operational support services for the department, which includes infrastructure support services, i.e. maintenance and accommodation management, daily office support, occupational health and security services, archives and electronic content management services, programme support services, and management of all external human capital development programmes.

4.2.1.4. Financial Management:

To provide effective support service (including monitoring and control) with regard to budgeting, financial accounting, moveable assets, motor fleet service, provisioning and procurement and caretaking of information technology.

Strategic Objective:

Good governance confirmed through efficient financial management and administration and governance embedded processes and systems according to the service delivery needs of the Department.

4.2.1.5. Communication Services:

To focus on internal and external communications of the department through written, verbal, visual and electronic media, as well as marketing and advertising of the departmental services.

Strategic Objective:

Departmental activities effectively communicated.

4.2.2. Programme: Sustainable Resource Use and Management (Programme 2):

Strategic Objective:

The Programme: SRUM delivers a support service to all farmers in the Province, and the major emphasis is to maintain and improve the current natural resources through implementation of projects, application of regulations and communication campaigns. In its endeavours to ensure the overall sustainability of the agricultural sector, the focus is on interventions at farm level. The impact of climate change will be felt by SRUM first and the changes in methodologies to support farmers will force this Programme to remain innovative.

Purpose:

The purpose of the Programme is to provide agricultural support services to farmers in order to ensure sustainable development and management of agricultural resources.

4.2.2.1. Engineering Services:

To provide engineering support (planning, development, monitoring and evaluation) with regard to irrigation technology, on-farm mechanization, value-adding infrastructure, farm structures, and resource conservation management.

Strategic Objective 1:

To promote the optimal and sustainable utilisation of the Western Cape's land and water resources.

Strategic Objective 2:

To render an engineering service to increase production and farming feasibility.

4.2.2.2. LandCare:

To promote the sustainable use and management of natural agricultural resources by engaging in community-based initiatives that support sustainability (social, economic and environmental), leading to greater productivity, food security, job creation and better wellbeing for all.

Strategic Objective:

Promote the conservation of the natural agricultural resources.

4.2.2.3. Land Use Management:

To promote the preservation and sustainable use of agricultural land through the administration of the Subdivision of Agricultural Land Act (SALA) and the Conservation of Agricultural Resources Act (CARA).

Strategic Objective:

Provide comments on subdivision and rezoning of agricultural land applications.

4.2.2.4. Disaster Risk Management:

To provide agricultural disaster risk management support service to clients/farmers.

Strategic Objective:

Provide a disaster management service to our clients, proactively and reactively.

4.2.3. Programme: Agricultural Producer Support and Development (Programme 3):

The purpose of the Programme is to provide support to farmers through agricultural development programmes.

4.2.3.1. Farmer Settlement and Development:

To provide support to smallholder and commercial farmers through sustainable agricultural development.

Strategic Objective:

Land reform facilitated with agricultural support.

4.2.3.2. Extension and Advisory Services:

To provide extension and advisory services to farmers.

Strategic Objective:

To ensure farms become successful business enterprises by increasing the production of agricultural produce for the domestic and international markets.

4.2.3.3. Food Security:

To support, advise and coordinate the implementation of the National Policy on Food and Nutrition Security.

Strategic Objective:

Facilitate access to affordable and diverse food for the food insecure and vulnerable communities.

4.2.3.4. CASIDRA (Cape Agency for Sustainable Integrated Development in Rural Areas) SOC Ltd:

To support the Department with project implementation and state farm management.

4.2.4. Programme: Veterinary Services (Programme 4):

The purpose of the Programme is to provide veterinary services to clients in order to ensure healthy animals, safe animal products and welfare of the people of South Africa.

4.2.4.1. Animal Health:**Strategic Objective:**

Detection, prevention and control or eradication of significant animal diseases.

4.2.4.2. Export Control:**Strategic Objective:**

Provide an enabling environment for export certification for animals and animal products from the Western Cape Province.

4.2.4.3. Veterinary Public Health:

Strategic Objective:

Fulfil a mandatory legislative role through implementation of the Meat Safety Act (Act 40 of 2000), the Animal Diseases Act (Act 35 of 1984) and other relevant legislation.

4.2.4.4. Veterinary Laboratory Services:

Strategic Objective:

Render an efficient and appropriate veterinary diagnostic service.

4.2.5. Programme: Research and Technology Development Services (Programme 5):

The purpose of the Programme is to render expert and needs-based research, development and technology transfer services impacting on development objectives.

Strategic Objective:

To expand access to appropriately packaged information emanating from research to farmers and clients and to improve on the technical communication effort of the Department.

The purpose of the sub-programmes is as follows:

4.2.5.1. Research:

To improve agricultural production through conducting, facilitating and coordinating medium to long term research and technology development.

Strategic Objectives:

Conduct agricultural research and technology development.

Increase mitigation and adaptation options against climate change for farmers.

Engage with stakeholders to determine relevant research needs.

4.2.5.2. Technology Transfer Services:

To disseminate information on research and technology developed to clients, peers and the scientific community.

Strategic Objective:

Increase access to scientific and technical information on agricultural production practices to farmers and clients.

4.2.5.3. Research Infrastructure Support Service:

To manage and maintain infrastructure facilities for the line function to perform their research and technology transfer functions, i.e. experimental farms.

Strategic Objective:

Increase the on-farm infrastructure support to the research effort and departmental services.

4.2.6. Programme: Agricultural Economic Services (Programme 6):

The purpose of the Programme is to provide timely and relevant agricultural economic services to ensure equitable participation in the economy.

The purpose of the sub-programmes is as follows:

4.2.6.1. Production Economics and Market Support:

To provide production economics and marketing services to agri-businesses.

Strategic Objective:

Provide agricultural stakeholders with agricultural economic advice.

4.2.6.2. Agro-Processing Support:**Purpose:**

To facilitate agro-processing initiatives to ensure participation in the value chain.

Strategic objective:

Agro-processing initiatives performed to support agro-processing.

4.2.6.3. Macroeconomics Support:

To provide macroeconomic and statistical information on the performance of the agricultural sector in order to inform planning and decision-making.

Strategic Objective:

Information activities performed to support sound decision-making.

4.2.7. Programme: Agricultural Education and Training (Programme 7):

The purpose of the Programme is to facilitate and provide agricultural education and training aligned to the National Education and Training Strategy for Agriculture, Forestry and Fisheries (NETSAFF) and adhering to quality standards of the Higher Education Quality Committee in order to establish a knowledgeable, prosperous and competitive agricultural sector.

The purpose of the sub-programmes is as follows:

4.2.7.1. Higher Education and Training (HET):

To provide tertiary agricultural education and training from NQF level 5 and higher to anyone who meets the minimum requirements.

4.2.7.2. Agricultural Skills Development (ASD):

To provide formal and non-formal vocational education and training programmes on NQF levels 1-4 to interested agricultural role-players.

Strategic Objective:

To ensure that agricultural skills development training and accredited Learnership programmes are provided.

4.2.8. Programme: Rural Development (Programme 8):

The purpose of the Programme is to coordinate the development programmes by stakeholders in rural areas.

The purposes of the sub-programmes are as follow:

4.2.8.1. Rural Development Coordination:**Purpose:**

To initiate, plan and monitor development in specific rural areas (CRDP sites) across the three spheres of government in order to address needs that have been identified.

Strategic Objective:

To successfully coordinate the implementation of the national CRDP in the selected rural nodes in the Western Cape.

4.2.8.2. Social Facilitation:

Purpose:

To engage communities on priorities and to institutionalise and support community organisational structures (NGOs etc.)

Strategic Objective:

Facilitate social cohesion and development efforts, as part of the CRDP, in the selected rural development nodes in the Western Cape.

4.2.8.3. Farm Worker Development:

Purpose:

To enhance the image and the socio-economic conditions of agri workers and their family members, through facilitation of training and development initiatives, in order to improve their quality of life.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE WCDoA

5.1. Information Officer

Name: Dr Mogale Sebopetsa
Tel: 021 808 5004
Email: Mogale.Sebopetsa@westerncape.gov.za
Fax number: 021 808 5000

5.2. Deputy Information Officer

Name: Mr Darryl Jacobs
Tel: 021 808 5013
Email: Darryl.Jacobs@westerncape.gov.za
Fax Number: Not applicable

5.3. Access to information general contacts

Email: DOA.Info@westerncape.gov.za

5.4. Head Office

Postal Address: Private Bag X1, Elsenburg, 7607

Physical Address: Muldersvlei Road, Elsenburg, 7607

Telephone: 021 808 5111

Email: DOA.Info@westerncape.gov.za

Website: <https://www.elsenburg.com>

6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE WCDoA

Legislation applicable to the WCDoA may provide for an internal review or appeal procedure. Should this procedure be exhausted, or no provision be made for such procedure, a court may be approached for an appropriate order in terms of the Promotion of Administrative Justice Act, 2000.

Questions, complaints, or comments regarding any service delivery by the WCDoA may be made as follows:

Call us: 021 808 5111; (Monday - Friday from 08h00am until 16h30pm)

E-mail us: DOA.Info@westerncape.gov.za

Visit us: Muldersvlei Road, Elsenburg, 7607

(Monday - Friday from 08h00am until 16h30pm)

7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

7.1. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

7.2. The Guide is available in each of the official languages.

7.3. The aforesaid Guide contains the description of-

7.3.1. the objects of PAIA and POPIA;

7.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

7.3.2.1. the Information Officer of every public body, and

- 7.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 7.3.3. the manner and form of a request for-
 - 7.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 7.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 7.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 7.3.6.1. an internal appeal;
 - 7.3.6.2. a complaint to the Regulator; and
 - 7.3.6.3. an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 7.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 7.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 7.3.10. the regulations made in terms of section 92¹¹.
- 7.4.** Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-
- 7.4.1. upon request to the Information Officer;
- 7.4.2. The contact details of the Regulator are in the table below.

The Office of the Information Regulator	
Telephone	Not available
Fax	Not available
E-Mail Address	General inquiries: enquiries@inforegulator.org.za Complaints: PAIAcomplaints.@inforegulator.org.za / Complaints: POPIAcomplaints@inforegulator.org.za

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Postal Address	PO Box 31533 Braamfontein, Johannesburg, 2017
Street Address	J.D. House 27 Stiemens Street Braamfontein, Johannesburg, 2001
Website	https://www.justice.gov.za/infoereg/

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE WCD_oA

The WCD_oA holds records on the following subjects and categories:

CATEGORIES AND SUBJECT MATTER	Programme Requires a request	Programme Automatically available (Open Data)
Organisation and Control (e.g) <ul style="list-style-type: none"> – Reorganisation of functions; – Delegation of Powers; – Planning; – Office instructions and codes; – Organisational Performance Systems – Annual publications on measuring a set of outcome indicators within key (i) policy thematic areas; and (ii) governance indicators; – Reports; – Assessment reports submitted to Cabinet on the WCG communication environment; – Statutory reports submitted to Provincial Treasury; – Policy and Strategy; – Assessment report on the alignment /non-alignment of the Department's APP to the Provincial Strategic Plan (PSP); – Progress report submitted to Cabinet on the implementation of the PSP; – Policy and strategy papers in response to national and provincial strategic imperatives; – Strategic Management Information; – Consolidated reports on key partnerships and engagements. 	Programme 1	
Statutory and Regulatory Framework / Legislation <ul style="list-style-type: none"> – National Constitutional Framework; – International Legislation; 	All programmes	

<ul style="list-style-type: none"> – National Legislation; – Western Cape Provincial Legislation. 		
Human Resource Management <ul style="list-style-type: none"> – Organisational Development; – Departmental (i) organisational behaviour reports; (ii) business process reports; (iii) organisation design reports; – Transversal service delivery intervention reports; – Provincial Training Institute; – Human Resource Management; – Posts Control; – Conditions of Service; – Vacancies and Appointments; – Termination of Service; – Qualifications, Training and Skills Development; – Staff movement; – Staff control; – Employee relations; – Employee Health and wellness; – Behaviour Dynamics; – Human Resource Call Centre; 	Programme 1	
Internal Financial Management <ul style="list-style-type: none"> – Budget – Accounting responsibility – Expenditure – Banking Arrangements – Funds – Corporate Assurance – Internal Audit – Audit reports 	Programme 1	
Supply Chain Management <ul style="list-style-type: none"> – Procurement – Provisioning – Asset management 	Programme 1	
Internal Facilities Management <ul style="list-style-type: none"> – Buildings and Grounds – Equipment and Furniture – Telecommunication services – Occupational Health and Safety 	Programme 1	
Internal Travel and Transport Services <ul style="list-style-type: none"> – Transport 	Programme 1	

Internal Information Services <ul style="list-style-type: none"> – Internal records management – Library management – Information management – Knowledge management – Internal security matters – Centre for E-Innovation 	Programme 1	
Communications <ul style="list-style-type: none"> – Internal communications – Better Together magazines – Speeches and Lectures – Awareness Programmes – Social matters – Participation in events – Publications – Contact details 	Programme 1	
External Relations <ul style="list-style-type: none"> – Networking – Statutory Intergovernmental Structure Support – International Co-operation Agreements – Quarterly reports on strategic international engagements – Provincial Protocol matters 	Programme 1	
Head of Department Support <ul style="list-style-type: none"> – Operational support – Parliamentary issues – Issue Management System – Special Programmes and Projects 	Programme 1	
Human Rights Support <ul style="list-style-type: none"> – Policy – Reports 	Programme 1	
Sustainable Resource Use and Management <ul style="list-style-type: none"> – Project Files of Engineering Services provided (all 6 districts) – Project files of LandCare projects (all 6 districts) – Proof of Evidence (APP) – Internships – Disaster Aid provided – Applications for subdivision and/or rezoning of agricultural land – BID procurements 	Programme 2	

<ul style="list-style-type: none"> – Coordinating Committee on Agricultural Water minutes – Register of files – Asset register – S & T claims – Quotations – Provincial Water Liaison Committee minutes – WC Water Supply Strategic Committee – Various water study projects 		
Agricultural Producer Support and Development <ul style="list-style-type: none"> – Programme Project Files (all 6 districts) – Proof of Evidence (APP) – Departmental Project Allocation Committee (DPAC) Meetings – Commodity Files – Commodity Project Allocation Committee Meetings (CPAC) – Smart Pen / Xcallibre File – Manstrat – Comprehensive Agricultural Support Programme (CASP) – Extension Revitalisation Programme (ERP) – Ilima Letsema – Public Service Commission – Mechanisation – Mentorship – Interdepartmental Task Team on Food Security – Provincial Restitution Steering Committee – Provincial Grants Committee (DRDLR) – CASIDRA 	Programme 3	
Veterinary Services <ul style="list-style-type: none"> – Client personal information – Laboratory reports – Research results – Epidemiology Reports – Filing (Record Keeping incl personnel files) – List of registered abattoirs – List of authorised meat inspectors/examiners – List of Sterilisation plants – List of abattoirs approved for hides & skins export – List of intermediate stores for hides & skins export – Line function Annual Report Animal Health – Reports on outbreaks of animal diseases – Animal census report – Animal disease Contingency Plans and Standard Operating Procedures – Reports on animal disease surveillance 	Programme 4	

<ul style="list-style-type: none"> – Reports on animal disease prevention and vaccination actions – Detailed records of exports and export establishments 		
Research and Technology Development Services <ul style="list-style-type: none"> – Research projects – Research results – Filing (Record Keeping incl personnel files) – Proof of evidence (APP) – Minutes of management and staff meetings – Records on soil, water, plant and animal feed analysis – Client personal information – Laboratory reports – Client personal information – Business plans – Service Level Agreement – Reports – Payments – Asset register – S & T Claims – Invoice and claims file – Transfer payments – Departmental research committee meetings – Work requests for on-farm maintenance – Maintenance lists for project execution by the Department of Public Works and Transport – Reports, Statistics 	Programme 5	
Agricultural Economic Services <ul style="list-style-type: none"> – Land Reform survey information – Purchased subscription data – Quantec data – Technofresh data – Crop price data – Livestock product price data – Livestock breed auction data – Agricultural land value data – Game species auction data 	Programme 6	
Agricultural Education and Training <ul style="list-style-type: none"> – Admission/Graduation records – Logis payments files – Bursary Files – Examination papers – Examination answer sheets – Labour relations files – Hostel Files – Students Statistics 	Programme 7	

<ul style="list-style-type: none"> - Student Files - Files on student related matters. - Tender contracts - Exam results - Catering information - Financial reports - Invoice and claims files - Facilities Management files - S&T claims - Asset register - Government Cars - Minutes of the staff meetings. - Minutes of Departmental Chairs Meetings - Marks Meetings - Prospectus - Programme Self Evaluation - Subject Evaluation - Files Short Courses - Quotation files - Sport & Recreation for students - Injury on duty files - Marketing - Thusongs, Exhibitions, Career Exhibitions) 		
<p>Rural Development</p> <ul style="list-style-type: none"> - Programme Project Files (all active CRDP wards) - Proof of Evidence (APP) - Departmental Project Allocation Committee (DPAC) Meetings - Interdepartmental Steering Committee meetings - PSO 11: Working group 4 Meetings - Casidra - Client personal information - Business plans - Service Level Agreement - Reports - Payments - Asset register - S & T Claims - Invoice and claims file - Transfer payments - Farm Worker of the Year Competitions - Farm Worker Summits (National and Provincial) - Farm Worker Referral Register - Minutes of the staff meetings - Programme Project Files (all 6 districts) - Proof of Evidence (APP) - Departmental Project Allocation Committee (DPAC) Meetings - Logis payments files - Labour relations files 		

<ul style="list-style-type: none"> - Catering information - Financial reports - Monthly reports - Quarterly reports - Invoice and claims files - Facilities Management files - S&T claims - Asset register - Government Cars 		
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9. CATEGORIES OF RECORDS OF THE WCD_oA WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii).

Documents that are available for download from the WCG portal at www.elsenburg.com free of charge in terms of section 15(1)(a)(iii), are marked with an asterisk.

Description of categories of records automatically available in terms of section 15(1)(a)	Manner of access to records section 15(1)(b)
<ul style="list-style-type: none"> a) Annual Reports* b) Annual Performance Plans* c) 5 Year Strategic Plans* d) Organisational structure* e) Citizen's Report* f) Budget: Estimates and Revenue and Expenditure. Organisational Structure g) Service delivery implementation plan h) Service Charter* i) Service Standards* <p>The following information is available on the website www.elsenburg.com</p> <ul style="list-style-type: none"> j) About the Department k) Events l) Media m) Radio Elsenburg n) Events Calendar o) Services p) Research and Development 	<p>Copies of these records are available free of charge from the Agriculture Branch, Private Bag X1, Muldersvlei Road, Elsenburg</p>

q) Agricultural Development Centres r) Information Sheets s) Elsenburg College	
t) Western Cape Government Provincial Gazettes	https://www.westerncape.gov.za/general-publication/provincial-gazettes-2016

10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE WCD_oA AND HOW TO GAIN ACCESS TO THOSE SERVICES

The Public Body renders the following services directly to the public:

Services rendered by the WCD _o A	How to access these services
<p>The WCD_oA has both internal and external clients.</p> <p>The internal clients of the organisation consist of the Ministry and WCD_oA, the organisation's top management, other directorates and sub directorates within the organisation (e.g. researchers, extension officers and training staff).</p> <p>The external clients consist of farmers (agricultural producers and their organisations), rural communities, consumers of agricultural products, other national and provincial government departments, processors, dealers and suppliers of agricultural supplies, financial institutions, oversees trade-partners, non-governmental organisations, tertiary training institutions, other agriculturists, city planners, consultants, farm workers, urban-agriculturists, private veterinarians, nature conservation organisations, research trusts, statutory boards, students and municipalities.</p> <p>The organisation renders services on request of clients or through marketing of services during personal contact, farmers days, extension sessions, as well as by means of information technology (the Internet). Marketing strategies with regards to the establishment and rendering of services must be optimally distributed to suit the needs of consumers but also according to the availability of finances and human resources. There exists a different relationship with regard to services between supplier and consumer, with the client relying on the supplier for advice, the client prefers more direct contact and negotiation with this organisation.</p> <p>A copy of the Department's Service Charter is attached per Appendix B and it may be accessed online via the following link:</p>	<p>Access the WCD_oA webpage at https://www.westerncape.gov.za</p> <p>Access the WCD_oA portal https://www.elsenburg.com</p> <p>All services can be accessed by contacting the Department at:</p> <p>Telephone Number: 021-808 5111</p> <p>FAX: 021- 808 5000</p> <p>Website: https://www.elsenburg.com</p>

11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY WCD_oA

South Africa has three distinct spheres of government. National government consists out of a number of departments and statutory bodies. At the same time provinces, being a distinctive sphere of government, have their own range of organs of state (departments and statutory bodies) accountable only to the Provincial Parliament. At local level, still within the geographical area of provinces, the three types of municipalities (local, district and metro/city) have their own set of functions, responsibilities and lines of accountability.

There are currently three organisations representing smallholder farmers in the Province. The first is the Western Cape Branch of the National African Farmers Association (NAFU) and the second is the African Farmers Association of South Africa (AFASA). There are also a range of other organisations such as Black African Farmers Association of South Africa (BAFASA) and United South African Agricultural Association (USAAA).

The majority of commercial farmers belong to a farmers associations or industry organisation which jointly forms Agri Western Cape and eventually Agri South Africa.

12. PROCESSING OF PERSONAL INFORMATION

12.1. Purpose of the Processing

12.1.1. Personal Information is processed to comply with the Public Body's constitutional and legislative mandates as set out in its Annual Strategic, Business and Performance Plans available at www.elsenburg.com

12.1.2. Personal Information is used for:

- Human resources and employment purposes such as (1) recruitment, selection and placement; (2) administration of compensation and benefits; (3) performance management and training; and (4) government reporting.
- Risk management which includes physical and electronic security and access control;
- Planning;
- Procurement of goods and services; and
- Rendering of services.

12.2. Description of the categories of Data Subjects, information processed and recipients thereof

DATA SUBJECTS	INFORMATION	RECIPIENTS
Prospective employees, current employees, consultants, interns and volunteers	<ul style="list-style-type: none"> - Name, identification number, biographical information; - Contact details; - Educational, employment and criminal history; - Biometric and health information; - Psychometric assessments; and - References, background checks. 	Relevant Provincial and National Government Departments and their agents.
Current employees, consultants, interns	<ul style="list-style-type: none"> - Account information; - Performance reports; and - Skills/training reports. 	Relevant Provincial and National Government Departments and their agents
Prospective and current suppliers, service providers, contractors, sub-contractors and business partners	<ul style="list-style-type: none"> - Name, identification number/company registration number; - Relevant registration number; - Contact details; - Financial history; - References, background checks; - Account information; and - Performance reports. 	Relevant Provincial and National Government: <ul style="list-style-type: none"> - Departments; - Public Entities; - Business Enterprises and their agents.
Service users (clients / customers) and visitors.	<ul style="list-style-type: none"> • Name, identification number, biographical information • Contact details • Compliments or complaints 	Relevant Provincial and National Government: <ul style="list-style-type: none"> - Departments - Public Entities; - Public Enterprises; and their agents.

12.3. Planned transborder flows of personal information

- Region Country bi-lateral member of Regional Leaders Forum: Bavaria Germany, Burgundy France, Georgia USA, Maharashtra India, Quebec Canada, Sao Paulo Brazil, Shandong China, Upper Austria
- Agricultural Professional Fellowship Program: USA
- Trade exhibitions

12.4. General Description of Information Security Measures to be implemented by the WCDoA to ensure the confidentiality, integrity and availability of the information

12.4.1. The integrity and confidentiality of personal information is protected against anticipated threats and unauthorised access by employing security safeguards that are reasonable and appropriate to the identified risks and the sensitivity of the information.

12.4.2. These safeguards include the following:

12.4.2.1. Organisational measures:

- The Head of Department takes overall responsibility for the security of all Departmental information.
- The Departmental Security Manager manages this security function in WCDoA on behalf of the HoD.
- The Chief Information Officer (CIO) of the Department of the Premier (DoTP) ensures that appropriate measures are in place to safeguard ICT infrastructure, networks and systems. This includes taking responsibility for third parties that develop, access or use WCG ICT infrastructure, networks and systems.
- A Chief Information Security Officer (CISO) of DoTP assesses and documents enterprise information risk and manages the risk in respect of ICT infrastructure, networks and systems.
- Safekeeping and security responsibilities are included in the responsibilities of employees working with personal information and they have to adhere to information security laws, policies, plans and procedures.
- Security incidents are reviewed and reported on.

12.4.2.2. Physical measures:

- Access to facilities and equipment is controlled and auditable.
- Access points are limited with provision for physical security controls, such as window bars, grilles, shutters and security doors. Where required access points are enhanced by the use of intruder detection systems, guard services and/or closed-circuit television surveillance.
- Access is controlled and monitored through a combination of manned guarding, electronic access control systems, ID access cards, visitor management systems, biometric activation doors, turnstiles and entry & egress searching.

12.4.2.3 Technical measures

- The Information Security standards issued for the public service is adhered to.
- Agreements concluded with third parties include the protection of the integrity and confidentiality of information by the third parties.
- Risks are assessed during the development of new applications and systems, when changing existing systems, when changing business processes and when areas of concern are identified.
- Risk to the ICT infrastructure, networks and systems is managed through vulnerability and threat testing and awareness, audit controls, incident management and security awareness training.

12.4.2.4 Similar safeguards are required from service providers, suppliers and business partners who receive personal information from or on behalf the WCG during their relationship with WCDa.

13. ACCESSIBILITY AND AVAILABILITY OF THIS MANUAL

- 13.1.** The manual is available in English, Afrikaans and Xhosa for viewing between 8.00 and 16.30 Mondays to Fridays (excluding public holidays) at:

HEAD OF DEPARTMENT - INFORMATION OFFICER

Dr Mogale Sebopetsa

Tel: +27 21 808 5005

Fax: +27 21 808 5000

E-Mail: Mogale.Sebopetsa@westerncape.gov.za

DEPUTY DIRECTOR GENERAL - DEPUTY INFORMATION OFFICER

Mr Darryl Jacobs

Tel: +27 21 808 5013

Fax: +27 21 808 7622

E-mail: Darryl.Jacobs@westerncape.gov.za

Address: Western Cape Department of Agriculture, Muldersvlei Road, Elsenburg.

- 13.2.** The manual and Afrikaans and Xhosa translations thereof, may be accessed online through the World Wide Web by visiting the following web address:

<https://www.elsenburg.com/paia-manuals/>

14. UPDATING OF THE MANUAL

The Western Cape Department of Agriculture will, if necessary, update and publish this manual annually.

Issued by



Dr MF Sebopetsa

Head of Department: Western Cape Department of Agriculture

23 January, 2023

APPENDIX A:
GUIDANCE ON ACCESS TO RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE

1 COMPLETION OF APPLICATION FORM, PAYMENT OF FEES and FORM OF ACCESS – sections 18, 19, 22, 29 and 31.

1.1 Application form

- A prescribed form (attached as **FORM 2** must be completed by the requester and submitted to the Information Officer/Deputy Information Officer.
 - If a requester cannot read or write or complete the form due to a disability, the request may be made orally. The Information Officer/Deputy Information Officer will then complete Form 2 on behalf of the requester, keep the original and give the requester a copy thereof.
 - A request may be made on behalf of another person but then the capacity in which the request is made must be indicated on Form 2. The requester must also submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer/Deputy Information Officer.
 - A requester (data subject) seeking to confirm whether his/her personal information is held by the public body or the identities of third parties who had access or requires access to his/her own personal information must provide proof of their identity and is required to supply a certified copy of their identity document for authentication purposes.

1.2 Fees

- The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by the regulations made in terms of PAIA.
(Attached as **FEE SCHEDULE**) The following fees are payable:
 - Request fee of R100.00 for each request;
 - Access fee for the reasonable time spent to search for and prepare the record, if it takes more than an hour to search and prepare a record. A deposit, of not more than a third of the total access fee, may be required. However, the full access fee is payable before access is granted; and
 - For making copies of the record.

1.3 Applicants who are exempt from paying a request fee:

- A maintenance officer/investigator requesting access to a record for a maintenance investigation or inquiry in terms of the Maintenance Act, 1998 (or regulations made in terms thereof.)
- A person requesting a record that contains his/her personal information.

1.3 Applicants who are exempt from paying an access fee:

- A person requesting a record that contains his/her personal information.
- A single person whose annual income does not exceed R14 712 per annum.
- Married persons, or a person and his or her life partner whose annual income does not exceed R27 192.

1.4 Form of access

- A requester must indicate on Form 2 if a copy or an inspection of the record is required.
 - If a copy is required, the requester must indicate the form thereof (e.g., printed or electronic) and the preferred language (where the record is available in more than one language). The Department does not translate records that are only available in one language.
- The record will be provided in the requested format unless it is impractical, or it will unreasonably interfere with the running of the Department's business

2 DECISION TO GRANT OR REFUSE ACCESS – Sections 25 and 26

2.1 Time period to make a decision

The Information Officer/ Deputy Information Officer must as soon as reasonably possible after receipt of the R100,00 and the completed Form 2, but at least within **30 days** of receipt thereof, decide whether to grant or refuse the request and notify the requester of the decision.

2.2 Extension of time period

The Information Officer / Deputy Information Officer may extend the period of 30 days, **once** for a further period of **30 days** in the following circumstances:

- the request is for a large number of records or requires a search through a large number of records and attending to the request unreasonably interferes with the department's activities;
- the request requires a search for records from an office that is not in the same town or city as that of the Information officer/Deputy Information Officer;
- consultation is required with other departments of the WCG or other public bodies to decide upon the request; or
- the requester consented to an extension.

3. RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES – sections 47, 48

3.1 Notification:

The Information Officer/Deputy Information Officer must take all reasonable steps to inform a third party as soon as possible, but at least within **21 days**, of receipt of any request for a record that contains:

- a third party's personal information;

- a third party's trade secrets;
- a third party's financial, commercial, scientific or technical information and disclosure would likely cause commercial or financial harm to the third party;
- information supplied by a third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;
- information supplied in confidence by a third party and disclosure would (i) amount to a breach of a duty of confidence owed to the third party in terms of an agreement; or (ii) reasonably prejudice the future supply of similar information which should, in the public interest, be supplied; or
- information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent or the research subject matter.

3.2 Third Party representations and consent

Within **21 days** of the notification (3.1 above) a third party may either (i) make written or oral representations to the Information Officer/ Deputy Information Officer why the request should be refused; or (ii) give written consent for the disclosure of the record.

3.3 Decision on representation for refusal

The Information Officer/ Deputy Information Officer must as soon as reasonable possible, but at least within **30 days** after the notification (3.1 above) decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester of the decision.

4. **INTERNAL APPEAL – sections 74 and 75**

4.1 Requester

A requester may lodge an internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access (see 2 above);
- pay a fee (see 1.2 above);
- extend the period to give access (see 2.2 above).

4.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party (see 3 above).

4.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (**Form 4** attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

5. COMPLAINT TO INFORMATION REGULATOR – sections 77A and 77B

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal a complaint may be lodged to the Information Regulator.

5.1 Requester

- A requester may complain to the Regulator in respect of:
 - an unsuccessful internal appeal;
 - a disallowed late appeal;
 - a refusal of a request for access to information;
 - a decision about fees;
 - a decision to extend the time to deal with a request; or
 - a decision to provide access in a particular form.

5.2 Third party

- A third party may complain to the Information Regulator in respect of:
 - an unsuccessful internal appeal,
 - any grant of a request for access to information.

5.3 Format

A complaint to the Information Regulator must be made in writing in the prescribed form (**Form 5** attached) within **180 days** of the decision giving rise to the complaint.

6. APPLICATION TO COURT – section 78

6.1 A requester or third party may apply to court for appropriate relief if

- an internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.

6.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case may be.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile

	Cellular	
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>		
Description of record or relevant part of the record:		
Reference number, if available		
Any further particulars of record		
<p align="center">TYPE OF RECORD (Mark the applicable box with an "X")</p>		
Record is in written or printed form		
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)		
Record consists of recorded words or information which can be reproduced in sound		
Record is held on a computer or in an electronic, or machine-readable form		
<p align="center">FORM OF ACCESS (Mark the applicable box with an "X")</p>		
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)		
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)		
Transcription of soundtrack (written or printed document)		
Copy of record on flash drive (including virtual images and soundtracks)		

Copy of record on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (<i>Please specify</i>)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

ANNEXURE B FEES

Fees in Respect of Public Bodies

<u>Item</u>	<u>Description</u>	<u>Amount</u>
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc . If provided by requestor . If provided to requester	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from the Service Provider
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24,00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc . If provided by requestor . If provided to the requestor	R40,00 R40,00 R60,00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100,00 R300,00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another person?		Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed 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	
GROUNDS FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>				
Date received:				
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				<div style="border: 1px solid black; text-align: center; width: 30px; margin: 0 auto;">Yes</div> <div style="border: 1px solid black; text-align: center; width: 30px; margin: 0 auto;">No</div>
OUTCOME OF APPEAL				
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

COMPLAINT FORM

FORM 5

[Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@justice.gov.za or complete online complaint form available at <https://www.justice.gov.za/infoereg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body's response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body's response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT (Mark with an "X")

☐

Complainant Personally

☐

Representative of Complainant

☐

Third Party

PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY

Received by: (Full names)				
Position				
Signature				
Complaint accepted	Yes		No	
Reference Number				

Date stamp	
------------	--

Postal address	Facsimile	Other electronic communication (<i>Please specify</i>)

PART A PERSONAL INFORMATION OF COMPLAINANT			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		

PART B REPRESENTATIVE INFORMATION <i>(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)</i>			
Full Names of Representative			
Nature of representation			
Identity Number / Registration Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PART C THIRD PARTY INFORMATION <i>(Please attach letter of authorisation)</i>			
Type of Body	Private	Public	
Name of Public / Private Body			
Registration Number (if any)			
Name, Surname and Title of person authorised to lodge a complaint			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile
	Cellular		

PART D BODY AGAINST WHICH THE COMPLAINT IS LODGED			
Type of body	Private	Public	
Name of public / private body			
Registration number (if any)			

Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
Reference Number given (if any)				
PART E COMPLAINT <i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)</i>				
Date on which request for access to records submitted.				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.				
Have you attempted to resolve the matter with the organisation?	Yes		No	
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the information officer of the public body?	Yes		No	
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				
PART F DETAILED TYPE OF ACCESS TO RECORDS <i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>				
Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	I have appealed against the decision of the public body and the appeal is unsuccessful.			
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.			
Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	I requested access to information held by a body and that request was refused or partially refused.			
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	Tender or payment of the prescribed fee.			
	The tender or payment of a deposit.			
Repayment of the deposit (Section 22(4) of PAIA) in respect of a request for access which is refused.	The information officer refused to repay a deposit paid in respect of a request for access which is refused.			
Disagree with time extension (Sections 26 or 57 of PAIA)	The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.			

Form of access denied (Section 29(3) or 60 (a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record) .	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/ unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access (Section 56(3) (a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	
Other (Please explain)		
PART G EXPECTED OUTCOME		
How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
PART H AGREEMENTS		

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

- ☐ I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.
- ☐ The information in this Complaint Form is true to the best of my knowledge and belief.
- ☐ I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.
- ☐ I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information

Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.

☐

If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party