

PROVINCIAL TREASURY



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

SECTION 14 MANUAL

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

FOURTH VERSION

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1. INTRODUCTION.

Limpopo Provincial Treasury was established during December 2004 after the two former departments (i.e. Department of Finance and Economic Development) was reconfigured.

The promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (Act) was promulgated in March 2001 to promote a South African society in which all citizens have meaningful access to information, to enable them to fully exercise their rights and foster a culture of transparency and accountability in public and private bodies.

2. LEGISLATIVE MANDATE

This manual is compiled in compliance with Section 14 of the Act.

3. SCOPE OF APPLICATION.

This manual is applicable to all employees of the Department.

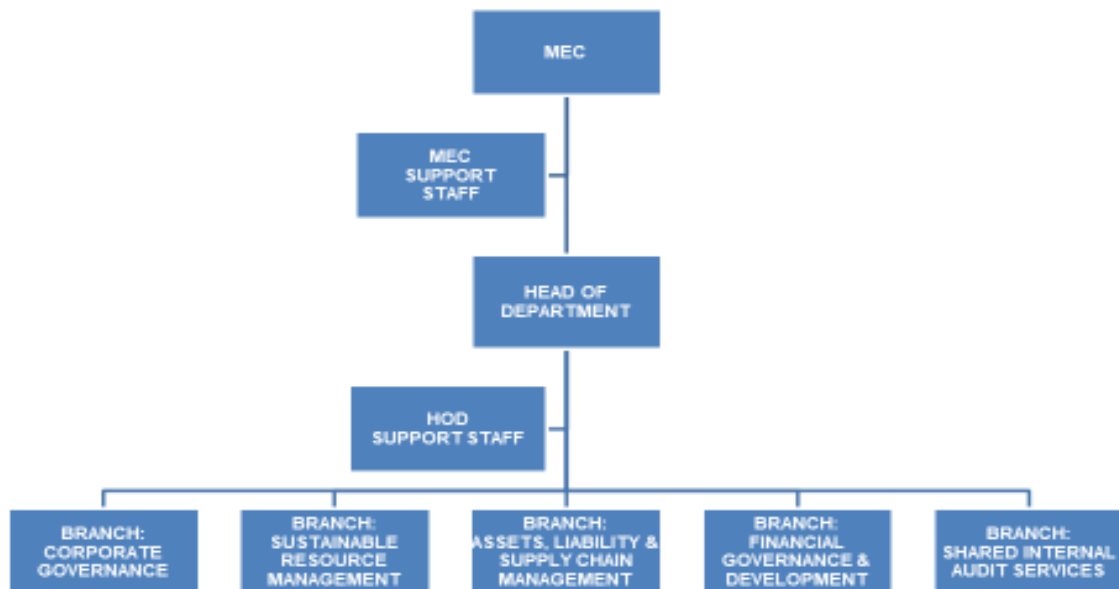
A copy of this manual is available for inspection at no cost. Viewing may also be made on Limpopo Government Website (www.limpopo.gov.za).

4. AVAILABILITY OF THE MANUAL

The manual will be made available in the following languages:

- English
- Afrikaans
- Sepedi
- Tshivenda
- Tsonga

5. ORGANISATIONAL STRUCTURE



6. VISION, MISSION, FUNCTIONS AND SERVICES OF DEPARTMENT

6.1. VISION

Excellence in Public Resource Management for Socio-Economic development.

6.2. MISSION

Empowering Provincial and Local Government for sustainable service delivery through good governance and sound public resource management.

6.3. FUNCTIONS

The following functions of the Department are prescribed by section 18(1) and (2) of the Public Finance Management Act, 1999 (Act No. 1 of 1999):

- “(1) A provincial treasury must –
- (a) prepare the provincial budget;
 - (b) exercise control over the implementation of the provincial budget;
 - (c) promote and enforce transparency and effective management in respect of revenue, expenditure, assets and liabilities of provincial departments and provincial public entities; and
 - (d) ensure that its fiscal policies do not materially and unreasonably prejudice national economic policies.
- (2) A provincial treasury –
- (a) must issue provincial treasury instructions not inconsistent with the Public Finance Management Act (PFMA);
 - (b) must enforce the PFMA and any prescribed national and provincial norms and standards, including any practice and uniform classification system, in provincial departments;
 - (c) must comply with the annual Division of Revenue Act, and monitor and assess the implementation of that Act in provincial public entities;
 - (d) must monitor and assess the implementation in provincial public entities of national and provincial norms and standards;
 - (e) may assist provincial departments and provincial public entities in building their capacity for efficient, effective and transparent financial management;
 - (f) may investigate any system of financial management and internal control applied by a provincial department or a provincial public entity;
 - (g) must intervene by taking appropriate steps, which may include the withholding of funds, to address a serious or persistent material breach of the PFMA by a provincial department or a provincial public entity;
 - (h) must promptly provide any information required by the National Treasury in terms of the PFMA; and

- (i) may do anything further that is necessary to fulfil its responsibilities effectively.”

6.4. SERVICES

The Department offers the following services to the general public: -

6.4.1. Employee Utilisation and Capacity Building

- Provision of bursaries according to skills development needs for the Department
- Provision of learnerships /internships on courses relevant to the Department
- Reintegration programme

6.4.2. Sustainable Resource Management

- Conduct Provincial and Municipal Socio-Economic Research and Analysis; and
- Formulate the Provincial Budget
- Monitor Provincial and Municipal Budget and Expenditure

6.4.3. Financial Governance and Systems Development

- Ensure the provision of Accounting Services to the Provincial Departments and Municipalities
- Ensure the development and implementation of Financial Systems in Provincial Departments and Municipalities

6.4.4. Assets, Liabilities and Supply Chain Management

- Facilitate the effective and efficient management of Physical and Financial Assets in Provincial Departments and Municipalities
- Facilitate the effective and efficient management of Liabilities in Provincial Departments and Municipalities
- Ensure management of Supply Chain in Municipalities and Provincial Departments

7. CONTACT DETAILS OF THE INFORMATION OFFICER

The Head of Department is the Information Officer in terms of the Act.

Information Officer : **Head of Department**
Telephone No. : **(015) 298 7000**
Email : io@treasury.limpopo.gov.za

Deputy Information Officer : **Records Manager**
Telephone No. : **015 298 7000**
Email : dio@treasury.limpopo.gov.za

Fax No. : **015 295 7010**

GENERAL INFORMATION

Postal Address
Private Bag X9486
POLOKWANE
0700

Street Addresses
46 Hans van Ransburg Street
POLOKWANE
0700

Telephone Numbers (Switch Board)
(015) 298 7000

Fax Number
(015) 295-7010

8. DESCRIPTION OF AND ACCESSIBILITY TO THE GUIDE

Section 10 of the Act provides a guide on how to use the Act. Copies are also available at the following addresses:

South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag X 2700

Houghton

2041

Telephone: 011-484 8300

Fax: 011 484 1360

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

9. UPDATING OF THE MANUAL

The Department may, if necessary, update and publish its manual referred to in subsection (1) of Section 14, at intervals of not more than a year.

10. RECORDS

10.1 DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS IN POSSESSION OF THE DEPARTMENT

For purposes of facilitating a request in terms of the Act, the subjects and categories of records in possession of the department are as follows: (Section 14 (1) d)

SUBJECT	FUNCTION	CATEGORY OF RECORDS
Financial Administration.	Rendering of Financial, Security and Risk management services.	• Budget reports and Medium Term Expenditure Framework (MTEF) submissions. • Revenue, Bank, Cash and payment of accounts statements. • Supply chain management/procurement orders and requisitions for goods /services. • Asset register.
Corporate Services.	Provision of sound corporate services.	• Applications for employment. • Human Resource strategic plan and personnel files. • Leave plans and records. • Skills development plan. • Labour saving devices and telecommunication records. • Annual reports to South African Human Rights Commission (SAHRC) and quarterly reports to Office of the Premier (i.r.o. PAIA manual) • Records for Information technology equipment and users. • Law Journals and Labour Relations Act. • Security and MISS inspection reports

Strategic planning and co-ordination.	Management of Strategic planning, programmes and communications	• Service delivery improvement reports. • Employee Assistance Programme (EAP) records. • HIV- AIDS reports. • Citizen's report • Departmental performance reports. • Organisational Structure • Departmental Policies • Newsletters. • Departmental Strategic Plan • Procedure /Process Manuals
Sustainable Resource Management	Administration of Provincial Parastatal and Municipal Budget and Expenditure	• Revenue report • Revenue policies • Provincial and Parastatal Budget and Expenditure report
Financial Governance and System Development	Administration of Accounting Services and Systems Development in Provincial Departments	• Policies • Practice notes

10.2 RECORDS AUTOMATICALLY AVAILABLE (section 14 (1) (e))

The following are records available without a person having to request access in terms of the Act: -

- Organisational Structure
- Departmental contact numbers
- Application Forms for employment
- Departmental Policies
- Acts and Regulations governing the department's mandate
- Procedure /Process Manuals
- Citizen's report.
- Service standards.

- Service delivery charter.
- Strategic plan.
- Newsletters.
- Batho-Pele principle pamphlets
- Annual report
- Budget speech
- Citizen guide
- Budget statements
- Budget and expenditure review
- Adjustments estimate of payment and receipts
- Departmental Events Calendar

The above records are available on the website of the Limpopo Provincial Government, www.limpopo.gov.za

11. REQUEST PROCEDURE

- Section 18 of the Act provides procedural requirements for access to a record of a public body
- A requester must use the form (Form A) that was printed in the Government Gazette (Government Notice R187 of 15 February 2002).

12. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- Chapter 4 of the Act provides grounds for refusal of access to records

13. FEES PAYABLE FOR A REQUEST AND NOTIFICATION OF DECISION ON ACCESS

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. All other requesters must pay the request fee of R35.
- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.

- The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- After the information officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified.
- If the request is granted, then a further access fee must be paid for the reproduction, search and preparation time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until all the applicable fees have been paid.

14. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURES TO ACT [Section 14(1)(h)]

- The internal appeal against a decision of the information officer or deputy information officer may be lodged with the MEC of the department, or the person designated in writing by the MEC, on any of the following grounds:
 - A refusal to grant access; or
 - A decision taken in terms of section 22, 26(1) or 29(3)
- Part 4, Chapter 1 of the Act provides procedures to be followed on internal appeals against decisions of information officer of certain public bodies

15. FEES AS PRESCRIBED UNDER PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE 15 FEBRUARY 2002

N.B. The forms and fee structure prescribed by the Act are also available at the website of the Department of Justice and Constitutional Development (www.doj.gov.za) under the regulations section.

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 disc	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) is as follows:

4.1

(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
(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.	

- 4.2 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.

- 4.3 The actual postage is payable when a copy of a record must be posted to a requester.

16. FORMS PRESCRIBED FOR ACCESS TO RECORDS

ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY

2002

FORM A

REQUEST FOR ACCESS TO RECORD

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 2]

REQUEST FOR ACCESS TO RECORDS	
FOR DEPARTMENTAL USE	Reference number.....
Request received by: -	
Name.....	
Rank:.....	
Date:.....	
Place:.....	
Request fee (if any):	R
Deposit (if any):	R
Access fee:	R
.....	
SIGNATURE: INFORMATION OFFICER/DEPUTY INFORMATION OFFICER	

A. Particulars of public body

INFORMATION OFFICER	ADDRESS
INFORMATION OFFICER	Private Bag X9486 POLOKWANE 0700 TEL. NO.: +27 15-298 7000 FAX. NO.: +27 15- 293-8319 Email: jo@treasury.limpopo.gov.za

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:

[illegible]

IDENTITY NUMBER

[illegible]

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.***

DESCRIPTION OF RECORDS:.....

.....

REFERENCE NUMBER:.....(If available)

ANY FURTHER PARTICULARS OF RECORD.....

.....

E. Fees

(a) A request for access to a record, other than 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 therefore.

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 hereunder, state your disability and indicate in which form the record is required.

Disability:		Form in which record is required:			
<i>Mark the appropriate box with an "X".</i> NOTES: (a) Your indication as to the required form of access depends 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 -					
☐	copy of record*	☐	inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
☐	view the images	☐	copy of the images*	☐	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound					
☐	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? A postal/postage fee is payable.					YES 	NO
<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>						
In which language would you prefer the record? :.....						

G. Notice of decision regarding request for access.

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

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

.....

Signed at this (Day) of (Month) 20.....

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE