



Western Cape  
Government  
**FOR YOU**

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# PAIA MANUAL 2021

**Promotion of Access to Information (PAIA) Manual, 2021  
compiled in terms of section 14 of the Promotion of Access to  
Information Act, 2000 (as amended) for the Department of  
Cultural Affairs and Sport**

DATE OF COMPILATION: 18.10.2021

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

### 1.1. "DIO"

Deputy Information Officer

1.2.	<b>“HOD”</b>	Head of Department
1.3.	<b>“IO”</b>	Information Officer
1.4.	<b>“MEC”</b>	Member of the Executive Committee
1.5.	<b>“PAIA”</b>	Promotion of Access to Information Act, 2000
1.6.	<b>“PFMA”</b>	Public Finance Management, 1999
1.7.	<b>“POPIA”</b>	Protection of Personal Information Act, 2013
1.8.	<b>“PSA”</b>	Public Service Act, Proclamation 103 of 1994
1.9.	<b>“Regulator”</b>	Information Regulator
1.10.	<b>“the Constitution”</b>	Constitution of the Republic of South Africa, 1996
1.11.	<b>“WCG”</b>	Western Cape Government

## **2. PURPOSE OF THE PAIA MANUAL**

This manual can be used by members of the public to-

- 2.1. check the nature of the records which may already be available at the Department of Cultural Affairs and Sport, without the need for submitting a formal PAIA request.
- 2.2. understand how to make a request for access to a record of the Department of Cultural Affairs and Sport.
- 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 Department of Cultural Affairs and Sport 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 Department of Cultural Affairs and Sport, 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 Department of Cultural Affairs and Sport 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 Department of Cultural Affairs and Sport 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 Department of Cultural Affairs and Sport has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### 3. ESTABLISHMENT OF THE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT

The Department of Cultural Affairs and Sport 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 Department of Cultural Affairs and Sport (DCAS) regards as binding the legislative mandate on which its overall functioning is based, notably efficient, equitable and accessible service delivery, based on the national government's White Paper on Transforming Public Service Delivery, the Batho Pele Initiative. DCAS operates within the legislative and policy mandates described in the tables below:

##### 3.1.1 Constitutional mandates

Section	Description
<b>Constitution of the Republic of South Africa, 1996</b>	
Section 6(3),(4) and (5): Language	The Western Cape Government (WCG) must, by legislative and other measures, regulate and monitor its use of official languages. All official languages must enjoy parity of esteem and must be treated equitably. The Western Cape Language Committee (WCLC) and DCAS collaborate with the Pan South African Language Board to promote the three official languages of the province and create conditions for the development and use of the Khoi, Nama and San languages and South African Sign Language. The WCLC, and DCAS have a responsibility for monitoring and evaluating the implementation of the Western Cape Language Policy, adopted in 2001, and must report to the Western Cape Provincial Parliament on this mandate at least once a year. DCAS has oversight of the WCLC and provides the Committee with administrative and financial support.
Section 30: Language and culture	DCAS facilitates opportunities for the people of the Western Cape to exercise their language and cultural rights through the programmes and projects that it presents and supports.

Section	Description
Section 31: Cultural, religious and linguistic communities	DCAS must ensure that its programmes and projects respect the cultural and linguistic diversity of the population of the Western Cape.
Section 41: Principles of cooperative government and intergovernmental relations	DCAS cooperates with all spheres of government. In terms of its specific mandates, DCAS works in close cooperation with the national Department of Arts and Culture (DAC) and Sport and Recreation South Africa (SRSA, the national department responsible for sport and recreation); national and provincial public entities; and municipalities in the Western Cape.
Section 156(4): Assignment of powers	<p>DCAS must assign or delegate to a municipality, by agreement and subject to any relevant conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if—</p> <ol style="list-style-type: none"> <li>1. that matter would most effectively be administered locally; and</li> <li>2. the municipality has the capacity to administer it.</li> </ol> <p>DCAS is facilitating the rendering of public library services, which local government considers to be an unfunded mandate. These services are being rendered in cooperation with the National Treasury and the national Department of Arts and Culture through the Conditional Grant for Community Libraries, with further support from Provincial Treasury Municipal Replacement Funding.</p>
Schedule 4: Functional Areas of Concurrent National and Provincial Legislative Competence	<p>Cultural matters:</p> <ul style="list-style-type: none"> <li>• DCAS works closely with DAC and associated organs of state regarding concurrent arts, culture and heritage matters.</li> </ul> <p>Language policy and the regulation of official languages to the extent that the provisions of Section 6 of the Constitution expressly confer upon the Western Cape Provincial Parliament legislative competence:</p> <ul style="list-style-type: none"> <li>• DCAS works closely with DAC and associated organs of state regarding language policy matters.</li> </ul>
Schedule 5: Functional Areas of Exclusive Provincial Legislative Competence	<p>Archives other than national archives:</p> <ul style="list-style-type: none"> <li>• DCAS is mandated to draft provincial legislation regarding archives other than national archives and to manage its implementation. The Department is responsible for the Western Cape Archives and Records Service.</li> </ul> <p>Libraries other than national libraries:</p> <ol style="list-style-type: none"> <li>a) DCAS is mandated to draft provincial legislation regarding libraries other than national libraries and to manage its implementation. The Department is responsible for rendering the Western Cape Library Service and for working closely with local authorities to render a public library and information service.</li> </ol> <p>Museums other than national museums:</p> <ol style="list-style-type: none"> <li>b) DCAS is mandated to draft exclusive provincial legislation regarding museums other than national museums and to manage its implementation. The Department is responsible for rendering the provincial Museum Service, for working closely with affiliated museums and for supporting these museums.</li> </ol> <p>Provincial cultural matters (including heritage resource management and geographical names):</p> <ol style="list-style-type: none"> <li>c) DCAS provides Heritage Western Cape (HWC) – the provincial heritage resources authority appointed in terms of the National Heritage Resources Act, 1999 (NHRA), with personnel and other shared financial and administrative support to execute and administer its legal mandate. The MEC (Member of the [Provincial] Executive Council) appoints the Council of HWC and is the appointed heritage appeals authority for the Western Cape.</li> <li>d) DCAS provides professional and other support to the Western Cape Provincial Geographical Names Committee (WCPGNC) in order to facilitate public consultation regarding the standardisation of, and changes to, geographical names. Once consultation is complete, the provincial Committee makes recommendations to the South African Geographical Names Council.</li> </ol> <p>Sport, recreation and amenities:</p> <ol style="list-style-type: none"> <li>a) DCAS is mandated to help to create an enabling environment for provincial sport and recreational activities.</li> </ol>

Section	Description
Section 195: Basic values and principles governing public administration	DCAS officials must adhere to the provisions of section 195, which provides a description of the democratic values and principles governing public administration. Section 195(1)(b) requires the promotion of the efficient, economic and effective use of resources. This implies that programmes undertaken in the public sector should yield maximum benefits at the lowest possible cost.
Sections 92 and 133	Section 92 provides that members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions, and that they must provide Parliament with full and regular reports on matters under their control. Section 133 provides that MECs of a province are accountable collectively and individually to the provincial legislature for the exercise of their powers and the performance of their functions, and that they must provide the legislature with full and regular reports on matters under their control.
Constitution of the Western Cape, 1997	
Section 5	For the purposes of the Western Cape Government: b) the official languages Afrikaans, English and Xhosa are to be used; and c) these languages enjoy equal status. The WCG must, through legislative and other measures, regulate and monitor its use of Afrikaans, English and Xhosa. The WCG must also implement practical and positive measures to elevate the status and advance the use of those indigenous languages of the people of the Western Cape whose status and use have historically been diminished.
Section 70	Provincial legislation must provide for the establishment and reasonable funding, within the Western Cape Government's available resources, of a cultural council or councils for a community or communities in the province which share a common cultural and language heritage. Registration of and support to cultural councils: a) The Western Cape Cultural Commission (WCCC) is tasked with the registration of, and support to, registered cultural councils. DCAS has oversight of the WCCC and provides the Commission with administrative and financial support.
Section 81	The Western Cape Government must adopt and implement policies actively to promote and maintain the welfare of the people of the province, including policies aimed at achieving: b) the promotion of respect for the rights of cultural, religious and linguistic communities in the Western Cape; and c) the protection and conservation of the natural historical, cultural historical, archaeological and architectural heritage of the Western Cape for the benefit of present and future generations. DCAS implements specific policies to support these provisions.
Section 82	The directive principles of provincial policy in Chapter 10 (section 81) guide the Western Cape Government when it makes and applies laws.

### 3.1.2 Legislative mandates

National Legislation	Reference	Description
Public Finance Management Act, 1999	Act 1 of 1999	The Public Finance Management Act (PFMA): 1. regulates financial management in national and provincial governments, listed public entities, constitutional institutions and provincial legislatures; 2. ensures that all revenue, expenditure, assets and liabilities of these institutions are managed efficiently and effectively; and

National Legislation	Reference	Description
		3. defines the responsibilities of persons entrusted with financial management in these bodies.
Public Service Act, 1994 (as amended by, <i>inter alia</i> , the Public Service Amendment Act, 2007)	Proclamation 103, <i>Government Gazette</i> 15791, 3 June 1994 and Act 30 of 2007	This Act makes provision for the organisation and administration of DCAS, the regulation of the conditions of employment, terms of office, discipline, retirement and discharge of members of the public service, and related matters.
Division of Revenue Act (annual)	There is a new Act every year.	<p>Every year, the Division of Revenue Act (DORA):</p> <ol style="list-style-type: none"> <li>1. provides for the equitable division of revenue raised nationally among the national, provincial and local spheres of government;</li> <li>2. determines each province's equitable share of the provincial share of that revenue; and</li> <li>3. makes allocations to provinces, local government or municipalities from the national government's share of that revenue, subject to conditions.</li> </ol> <p>DCAS receives Conditional Grants from national government and is responsible for the management of these funds.</p>
Promotion of Access to Information Act, 2000	Act 2 of 2000	<p>This Act gives effect to the right to have access to records held by the state, government institutions and private bodies. Among other things, DCAS and every other public and private body must:</p> <ul style="list-style-type: none"> <li>• compile a manual that explains to members of the public how to lodge an application for access to information that the body holds; and</li> <li>• appoint an information officer to consider requests for access to information held by the body.</li> </ul>
Promotion of Administrative Justice, 2000	Act 3 of 2000	<p>This Act:</p> <ul style="list-style-type: none"> <li>• sets out the rules and guidelines that administrators must follow when making decisions;</li> <li>• requires administrators to inform people about their right to review or appeal and their right to request reasons;</li> <li>• requires administrators to give reasons for their decisions; and</li> <li>• gives members of the public the right to challenge the decisions of administrators in court.</li> </ul>
Cultural Institutions Act, 1998	Act 119 of 1998	DCAS must liaise and cooperate with nationally declared cultural institutions regarding arts, culture and heritage matters.
Cultural Promotion Act, 1983	Act 35 of 1983	This legislation was assigned to the Western Cape and DCAS is responsible for complying with the provisions of the Act.
Cultural Affairs Act (House of Assembly), 1989	Act 65 of 1989	This legislation was assigned to the Western Cape and DCAS is responsible for complying with the provisions of the Act.
National Archives and Records Service of South Africa Act, 1996	Act 43 of 1996	DCAS is responsible for the nomination of a Western Cape provincial representative to serve on the National Archives Advisory Council. The Department is also responsible for meeting the national norms and standards established under this Act.
National Arts Council Act, 1997	Act 56 of 1997	DCAS is responsible for the nomination of a Western Cape provincial representative to sit on the National Arts Council (NAC), for cooperating and coordinating with NAC, and for administering NAC funding for the development of arts and culture in the Western Cape.
National Heritage Council Act, 1999	Act 11 of 1999	DCAS is responsible for the nomination of a Western Cape provincial representative to sit on the National Heritage Council (NHC), and for cooperating with and coordinating activities related to funding and projects that the NHC is conducting in the Western Cape.
National Heritage Resources Act, 1999	Act 25 of 1999	DCAS ensures compliance with the NHRA by overseeing the nomination of a Western Cape provincial representative,

National Legislation	Reference	Description
		<p>preferably a member of the Council of Heritage Western Cape, to sit on the Council of the South African Heritage Resources Agency (SAHRA).</p> <p>DCAS also ensures compliance with the requirement that the MEC must appoint a Council for HWC, the provincial heritage resources authority appointed in terms of the NHRA. The Department is responsible for liaising and cooperating with SAHRA, HWC and municipalities regarding the management of heritage resources. DCAS also assists the MEC when appeals have been lodged with him or her against decisions of HWC.</p>
Pan South African Language Board Act, 1995	Act 59 of 1995	Among other things, this Act requires the Pan South African Language Board (PanSALB) to establish a provincial language committee (PLC) in every province. A PanSALB Western Cape PLC was established in August 2019.
South African Geographical Names Council Act, 1998	Act 118 of 1998	DCAS is responsible for complying with the provisions in this Act to nominate a Western Cape provincial representative to sit on the South African Geographical Names Council; to research geographical names in the Western Cape; to ensure standardisation; and, where necessary, to facilitate public consultation regarding proposed changes to these names. The Department provides professional and other support to the Western Cape Provincial Geographical Names Committee. Once consultation is complete, the WCPGNC makes recommendations to the South African Geographical Names Council.
World Heritage Convention Act, 1999	Act 49 of 1999	<p>DCAS is responsible for appointing a Western Cape provincial representative to sit on the South African World Heritage Advisory Committee.</p> <p>The Department is also responsible for complying with the provisions of the Act and the World Heritage Convention regarding the nominations of potential sites for the South African Tentative List, and the nomination of sites on the South African Tentative List for the attention of UNESCO's World Heritage Committee.</p>
National Sport and Recreation Act, 1998	Act 110 of 1998	<p>The Act provides for the promotion and development of sport and recreation and coordination of relationships between SASCOC (the South African Sports Confederation and Olympic Committee), SRSA, sport federations, sport councils and other agencies.</p> <p>The Act further provides measures aimed at correcting imbalances in sport and recreation; promoting equity and democracy in sport and recreation; and providing dispute resolution mechanisms in sport and recreation.</p>

National Legislation	Reference	Description
Safety at Sports and Recreational Events Act, 2010 (SASREA)	Act 2 of 2010	To provide for measures to safeguard the physical well-being and safety of persons and property at sports, recreational, religious, cultural, exhibition, organisational or similar events held at stadiums, venues or along a route; to provide for the accountability of event role-players; to provide for certain prohibitions; to provide for the risk categorisation of events; to provide for the establishment of measures to deal with safety and security at events; to provide for accreditation of role-players at events; to provide for event ticketing; to provide for the control of access of spectators and vehicles at events; to provide for the issuing of safety certificates for planned or existing stadiums or venues; to provide for the contents of safety certificates and amendments to safety certificates; to provide for appointment of inspectors and their powers of entry and inspection; to provide for the deployment of security services; to provide for spectator exclusion notices; to provide for prohibition notices; to provide for the establishment of an Appeal Board and for appeals; to provide for public liability insurance for events; to provide for payment of fees; to provide for offences and penalties; and to provide for matters connected therewith.
Traditional and Khoi-San Leadership Act, 2019	Act 23 of 2019	<p>The Act provides for:</p> <ol style="list-style-type: none"> <li>1.the recognition of Traditional and Khoi-San communities, leadership positions and for the withdrawal of such recognition;</li> <li>2.the functions and roles of Traditional and Khoi-San leaders;</li> <li>3.the recognition, establishment, functions, roles and administration of kingship or queenship councils, principal traditional councils, traditional councils, Khoi-San councils and traditional sub-councils, as well as the support to such councils;</li> <li>4.the establishment, composition and functioning of the National House of Traditional and Khoi-San Leaders;</li> <li>5.establishment of provincial houses of Traditional and Khoi-San leaders;</li> <li>6.the establishment and composition of local houses of Traditional and Khoi-San leaders;</li> <li>7.the establishment and operation of the Commission on Khoi-San Matters;</li> <li>8.a code of conduct for members of the National House, provincial houses, local houses and all Traditional and Khoi-San councils; and</li> <li>9.regulatory powers of the Minister and Premiers.</li> </ol>

Provincial Legislation	Reference	Description
Western Cape Provincial Languages Act, 1998	Act 13 of 1998 (Western Cape)	<p>The Western Cape Language Committee established by this Act must, among other things:</p> <ul style="list-style-type: none"> <li>• monitor the use of Afrikaans, English and Xhosa by the Western Cape Government;</li> <li>• make recommendations to the MEC and the Provincial Parliament on proposed or existing legislation, practice and policy dealing directly or indirectly with language in the Western Cape;</li> <li>• actively promote the principle of multilingualism;</li> <li>• actively promote the development of previously marginalised indigenous languages;</li> <li>• advise the MEC and the Western Cape Cultural Commission on language matters in the Province; and</li> <li>• advise PanSALB on language matters in the Western Cape.</li> </ul>

Provincial Legislation	Reference	Description
		DCAS has oversight of the WCLC and provides this Committee with administrative and financial support.
Western Cape Cultural Commission and Cultural Councils Act, 1998	Act 14 of 1998 (Western Cape)	This Act establishes the Western Cape Cultural Commission to, among other things, consider the registration and deregistration of cultural councils representing communities sharing a common cultural and language heritage. The WCCC may also make recommendations on the following: <ul style="list-style-type: none"> <li>• the visual, performing and literary arts;</li> <li>• the natural and human sciences;</li> <li>• cultural history; and</li> <li>• the cultural awareness and cultural involvement of youth.</li> </ul> DCAS has oversight of the WCCC and provides the Commission with administrative and financial support.
Western Cape Heritage Resource Management Regulations, 2002	PN 336 of 25 October 2002	DCAS has oversight of Heritage Western Cape – the provincial heritage resources authority appointed in terms of the NHRA – and provides HWC with administrative and financial support. The MEC is responsible for establishing the authority and for appointing a Council for each successive term of office.
Western Cape Heritage Resource Management Regulations, 2003	PN 298 of 29 August 2003	DCAS has oversight of Heritage Western Cape – the provincial heritage resources authority appointed in terms of the NHRA – and provides HWC with administrative and financial support. The MEC is responsible for establishing the authority and for appointing a Council for each successive term of office.
Provincial Archives and Records Service of the Western Cape Act, 2005	Act 3 of 2005 (Western Cape)	This Act establishes the Provincial Archives and Records Service of the Western Cape to preserve public and non-public records of enduring value for use by the public and the State; to make such records accessible; and to promote their use by the public.
Museums Ordinance, 1975	Ordinance 8 of 1975 (Cape Province)	DCAS is responsible for compliance with the provisions of this Ordinance in as far as it affects affiliated provincial, province-aided and local museums in the Western Cape. New provincial museum legislation is being drafted in consultation with relevant stakeholders.
Oude Kerk Volksmuseum Van 't Land van Waveren (Tulbagh) Ordinance, 1979	Ordinance 11 of 1979 (Cape Province)	DCAS is responsible for the execution of and compliance with the provisions of this Ordinance to govern the affairs of the Oude Kerk Volksmuseum in Tulbagh.
Western Cape Museums Ordinance Amendment Act	Ordinance 2 of 2021	DCAS is responsible for compliance with the provisions of this Ordinance in as far as it affects affiliated provincial, province-aided and local museums in the Western Cape.
Provincial Library Service Ordinance, 1981	Ordinance 16 of 1981 (Cape Province)	DCAS is responsible for the execution of and compliance with the provisions of this Ordinance in respect of provincial libraries in the Western Cape.

### 3.1.3 Policy mandates

Policy	Description
<b>National policies</b>	
Revised White Paper on Art, Culture and Heritage (2018)	This policy provides a framework for national and provincial policy on arts, culture, heritage, library and archive services.
National Language Policy Framework (2003)	This document provides a national framework for the application of the provisions of the Constitution and legislative mandates to all organs of state, including DCAS. It also sets out principles and implementation strategies to be followed.

Policy	Description
National Records Management Policy (Records Management Policy Manual, 2007)	This document regulates the specific parameters within which governmental bodies should operate regarding the management of their records and how DCAS should oversee the records management of governmental bodies in the Western Cape.
Managing Electronic Records in Governmental Bodies: Policy, Principles and Requirements (2006)	This policy provides guidance to governmental bodies to assist them to comply with legislative requirements regarding electronic records as an integral part of records resource management. DCAS must comply with the prescribed applicable national and international standards in respect of hardware, software and storage media for archival preservation.
National Sport and Recreation Indaba Declaration (2011)	This requires DCAS to align its key objectives with the strategic thrust of the declaration which sets out the vision for sport and recreation until 2020.
National Sport and Recreation Plan (2012)	The National Sport and Recreation Plan (NSRP) sets out the vision for sport and recreation in South Africa until 2020.
National White Paper on Sport and Recreation (2012)	This policy highlights the following imperatives: <ol style="list-style-type: none"> <li>1. increasing the levels of participation in sport and recreation;</li> <li>2. raising sport's profile in the face of conflicting priorities;</li> <li>3. maximising the probability of success in major events; and</li> <li>4. placing sport at the forefront of efforts to reduce crime.</li> </ol> The overall responsibility for sport and recreation resides with SRSA.
Policy Framework for the Government-wide Monitoring and Evaluation Policy System (2007)	The aim of the Government-wide Monitoring and Evaluation (GWM&E) System is to contribute to improved governance and to enhance the effectiveness of public sector organisations and institutions. This document provides the overarching policy framework for monitoring and evaluation (M&E) in South Africa. It promotes results-based management.
Green Paper on Performance Management Monitoring and Evaluation (2009)	This document aims to enable government officials and the executive authority to focus on achieving the outcome and output measures contained in the Medium-Term Strategic Framework (MTSF). It is intended to promote good departmental and individual performance at all levels.
Guidelines for National and Provincial Departments for the Preparation of an M&E Framework	These guidelines provide for the development of a monitoring and evaluation framework in all governmental institutions so that institutions can assess progress against their stated aims and take remedial action where necessary. This process requires departments to have a comprehensive understanding of all administrative data systems, administrative datasets and performance indicators. The indicators must be linked to specific policy imperatives and analysis of the sets of indicators must take place to determine whether there are any cause-and-effect relationships.
Guidelines for Expanded Public Works Programme (EPWP)	The guidelines for EPWP Business Plans for the Social Sector (Sport and Recreation) and Environmental and Culture Sector (Cultural Affairs) provide a framework for DCAS to utilise public sector funding to reduce and alleviate unemployment.
<b>Provincial policies</b>	
Western Cape Language Policy (PN 369, 27 November 2001)	DCAS and all other provincial departments are obliged to implement the provisions of the Western Cape Language Policy and the Western Cape Provincial Languages Act, Act 13 of 1998. In addition, the Department is tasked with providing language support services to the Western Cape Government through its central language unit.
Funding Policy for Arts and Culture (2009)	This document guides the allocation of financial assistance to cultural organisations.
Sport and Recreation Funding Guidelines (2012)	This document guides the allocation of financial assistance to sport organisations.
Policy for the Naming and Renaming of Geographical Features (2015)	This policy sets out the criteria to be considered and processes to be followed by DCAS and the Western Cape Geographical Names Committee when facilitating and consulting with stakeholders and communities about the standardisation of, renaming of, or changes to, existing geographical names. These bodies make recommendations to the South African Geographical Names Council and the national Minister of Arts and Culture.
Province-wide Monitoring and Evaluation System (2009)	This set of documents serves as a provincial response to the Government-wide Monitoring and Evaluation System. The aim is to improve governance and provincial executive reporting through providing support for: incrementally

Policy	Description
	better evidence-based decision making; policy refinement; and effective resource allocation.
Western Cape Museum Policy (2013)	This policy provides a basis for individuals and communities to establish and maintain museums in the Western Cape. It also proposes a framework for proposed new provincial museum legislation to replace the outdated Museums Ordinance [Cape Province], 1975.
Records Management Policy of Western Cape governmental bodies (2017)	The purpose of the policy is to provide direction to Western Cape Province governmental bodies on management of records for good governance, accountability as well as corporate and social memory.
Digitization Policy of Western Cape governmental bodies (2017)	The purpose of the policy is primarily to provide guidance regarding digitisation of records as an integral part of the strategic management of records;
South African Sign Language (SASL) Framework for the Western Cape Government.	To encourage language usage that is accessible and instil social intolerance for persons using sign language.

Strategies	Description
<b>National strategies</b>	
Conditional Grant: Libraries Recapitalisation Programme for the enhancement of community library services	DCAS is responsible for the successful implementation and management of this Conditional Grant project in the Western Cape.
Terms of Reference: School Sport Joint Provincial Task Team (2012)	DCAS is tasked by DSAC, previously referred to as SRSA and the national Department of Basic Education (DBE) with establishing a School Sport Joint Provincial Task Team to oversee, coordinate and implement a school sport strategy, and to ensure participation in school sport.
Guidelines for the Establishment of Code Committees to Support School Sport (2013)	DSAC and the national Department of Basic Education provide clear guidelines for the establishment of code-specific school sport committees at circuit, district and provincial level. DCAS supports the Western Cape Education Department (WCED) to coordinate school sport-related activities in the various codes, with our focus being on next – level participation at provincial, national and international level. The WCED is however responsible for School Sport structures, as it involves educators. DCAS, in its capacity as a provincial department of Sport, Arts and Culture, has a mandate to work with federation structures. Code-specific School Sport coordinating structures, however, cannot operate autonomously. They are required to be aligned to, and report and be accountable to the relevant code – specific sport federations. The establishment, as well as composition of School Sport structures is presently under review.
<b>Provincial strategies</b>	
Norms and Standards for Public Libraries in the Western Cape	Norms and standards are essential to ensure the provision and consistent development of public libraries services to give effect to the draft South African Public Library and Information Services Bill and the Library and Information Services Transformation Charter of 2014. This strategy addresses the norms and standards for library functions, staff, facilities, internet access, library collection and library hours for public libraries in the Western Cape.
School Sport Guideline (2013)	This DCAS document provides guidance to stakeholders for complying with various school sport policy documents and the National Sport and Recreation Plan. There is also a Memorandum of Understanding (MOU) signed by DSAC/SRSA and DBE on 30 May 2018. This MOU clearly defines roles and responsibilities of DSAC/SRSA and DBE, and the respective provincial departments.
Western Cape Youth Development Strategy of 2013	The Western Cape Youth Development Strategy aims to provide more support, opportunities and services for all young people to better engage with their environment and become responsible, independent and stable adults. The aim of the strategy is for the youth in the Western Cape to be inspired, educated,

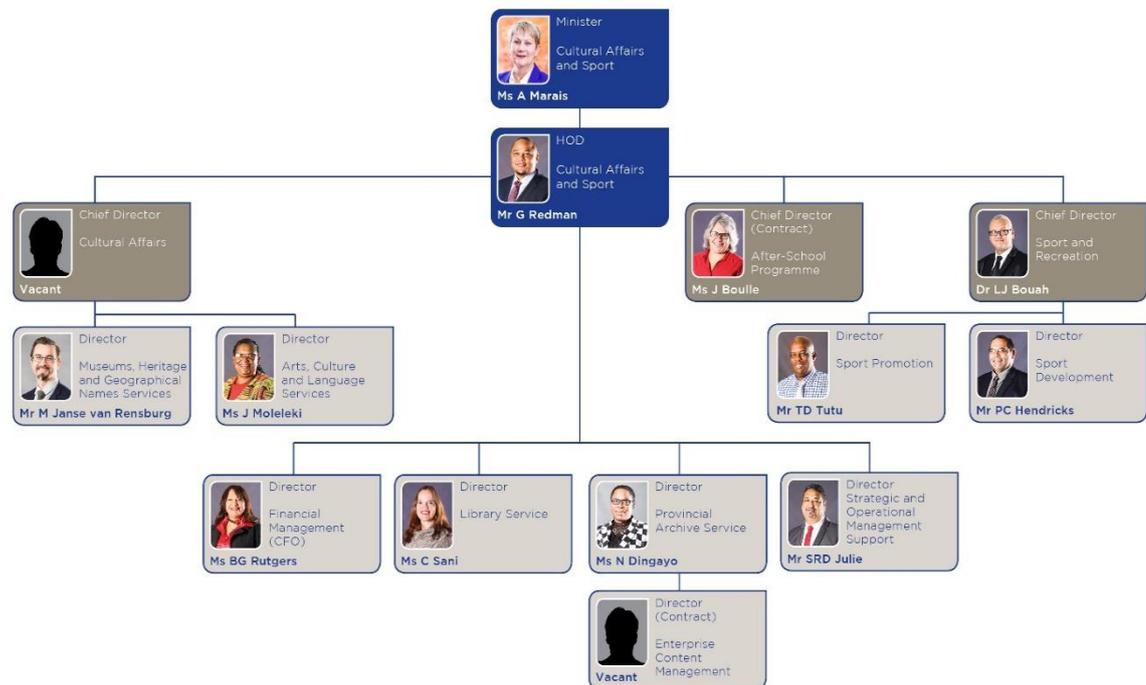
Strategies	Description
	responsible, independent and healthy individuals that have productive personal, family, and social relations by the age of 25.
Genre Development Strategy (2008)	This document provides a framework for the development, promotion and preservation of art forms in the Western Cape.
Annual Road- march and competition framework (2012/13)	Provides guidelines on the items and the percentage to be allocated for the annual road march and competitions of the Minstrels, Christmas and Malay Choirs.
Western Cape Initiation Framework	This framework provides guidance on the cultural practice of initiation to local cultural organisations, municipalities and other authorities
Western Cape Oral History Framework	This framework provides the minimum guidelines and ethical standards that must be adhered to when conducting oral history interviews to DCAS staff and affiliated Institutions who are working in the field.

## 4. STRUCTURE OF THE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT AND FUNCTIONS

### 4.1. Structure



## Organisational Organogram



### 4.2. Functions of the Department of Cultural Affairs and Sport

#### 4.2.1 Programme 1: Administration

To provide overall financial and strategic management and administrative support for the Department of Cultural Affairs and Sport.

#### **4.2.1.1 Sub-programme 1.1: Office of the MEC**

To provide administrative, client liaison and support services to the Minister for Cultural Affairs and Sport.

#### **4.2.1.2 Sub-programme 1.2: Financial Management Services**

To provide an overall financial management support service to DCAS, including financial management services to the three public entities reporting to the Minister for Cultural Affairs and Sport.

#### **4.2.1.3 Sub-programme 1.3: Management Services**

To render an administrative support function to the Head of Department by providing an effective communication service and strategic and operational support service, including a monitoring and evaluation service, the implementation of service delivery improvement initiatives, effective client relations, or effective management of intra/intergovernmental relations, and making limited provision for maintenance and accommodation needs.

#### **4.2.2 Programme 2: Cultural Affairs**

To provide arts and culture, museum, heritage and language-related services to the inhabitants of the Western Cape.

##### **4.2.2.1 Sub-programme 2.1: Management**

To provide strategic managerial support to Cultural Affairs.

##### **4.2.2.2 Sub-programme 2.2: Arts and Culture**

To facilitate the development, preservation and promotion of arts and culture in the Western Cape through the creation of inclusive, effective and vibrant functioning arts and culture structures, activities and environments; and to support and assist the Western Cape Cultural Commission to execute its legislative mandate.

##### **4.2.2.3 Sub-programme 2.3: Museum Services**

To accelerate the transformation of the Western Cape's heritage by providing museological service to conserve, develop and promote the heritage of the Province through the museum services and affiliated museums.

##### **4.2.2.4 Sub-programme 2.4: Heritage Resource Services**

To support and assist Heritage Western Cape to identify, protect, conserve, manage and promote heritage resources of significance, in terms of the National Heritage Resources Act, 1999; to facilitate matters related to World Heritage Sites in the Western Cape in terms of the World Heritage Convention Act, 1999; to facilitate processes for the standardisation or changes, where necessary, of geographical names in the Western Cape by implementing at provincial level the mandates of the South African Geographical Names Council Act, 1998.

#### **4.2.2.5 Sub-programme 2.5: Language Services**

To promote multilingualism in the Western Cape to improve service delivery and accessibility; to actively promote the development of the previously marginalised indigenous languages; to facilitate the implementation and monitoring of the Western Cape Language Policy; and to provide administrative and management support to the Western Cape Language Committee to execute its legislative mandate.

#### **4.2.3 Programme 3: Library and Archive Services**

To provide comprehensive library and archive services in the Western Cape.

##### **4.2.3.1 Sub-programme 3.1: Management**

To provide strategic management and support for the Library Service, Provincial Archives Services and Enterprise Content Management directorates.

##### **4.2.3.2 Sub-programme 3.2: Library Service**

To provide library services in accordance with relevant applicable legislation and constitutional mandates.

##### **4.2.3.3 Sub-programme 3.3: Archives**

To provide archives and records management services in terms of the Provincial Archives and Records Service of the Western Cape Act, 2005.

To implement and/or support Enterprise Content Management (ECM)/MyContent in Western Cape Governmental bodies.

#### **4.2.4 Programme 4: Sport and Recreation**

To provide sport and recreation activities for the inhabitants of the Western Cape.

##### **4.2.4.1 Sub-programme 4.1: Management**

To provide strategic support to the sport and recreation component.

##### **4.2.4.2 Sub-programme 4.2: Sport**

To promote sport in order to contribute towards the reconciliation and development of the Western Cape community through the provision of equitable, accessible and affordable sport facilities, programmes and services.

##### **4.2.4.3 Sub-programme 4.3: Recreation**

To promote recreation activities through sustainable programmes; to provide assistance to recreation structures for specific development purposes; and to use recreation to promote and encourage an active and healthy lifestyle.

#### **4.2.4.4 Sub-programme 4.4: School Sport**

To promote school sport by assisting with structures, competitions, talent identification, development, as well as specific, and next-level activities.

#### **4.2.4.5 Sub-programme 4.5 MOD Programme**

To provide school-going learners with a structured and planned, daily, after-school recreation programme, that includes the provision of fun-filled play and modified opportunities and activities.

## **5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT**

### **5.1. Information Officer**

Name: Guy Trevor Redman  
Tel: 021 483 9501  
Email: Guy.Redman@westerncape.gov.za  
Fax number: 021 483 9504

### **5.2. Deputy Information Officer**

Name: Shaun Rollison Donovan Julie  
Tel: 021 483 3134  
Email: Shaun.Julie@westerncape.gov.za

### **5.3. Head Office**

Postal Address: Private Bag X9067  
Cape Town  
8000

Physical Address: Protea Assurance Building  
Greenmarket Square  
CAPE TOWN  
8000

Telephone: 021 483 9503 or 483 3134

Email: [dcas.com@westerncape.gov.za](mailto:dcas.com@westerncape.gov.za)

Website: <https://www.westerncape.gov.za/dept/cas>

## **6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT**

Legislation applicable to the Department of Cultural Affairs and Sport 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.

Questions, complaints, or comments regarding any service delivery by the Department of Cultural Affairs and Sport may be made as follows:

Tel: 021 483 9503 Monday to Friday from 7am to 4pm

Fax: 021 483 9504

E-mail: [dcas.com@westerncape.gov.za](mailto:dcas.com@westerncape.gov.za)

Visit the Protea Assurance building, Greenmarket Square, Cape Town, between 07:30 and 16:00.

## **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 PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
- 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 11<sup>3</sup>; and
  - 7.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 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;
- 7.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

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<sup>1</sup> 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.*

<sup>2</sup> 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.*

<sup>3</sup> 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.*

<sup>4</sup> 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.*

<sup>5</sup> 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.*

<sup>6</sup> 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.*

- 7.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> 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 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
- 7.3.10. the regulations made in terms of section 92<sup>11</sup>.

**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. from the website of the Regulator (<https://www.inforegulator.org.za>). The contact details of the Regulator are in the table below.

<b>The Office of the Information Regulator</b>	
<b>Telephone</b>	Not available
<b>Fax</b>	Not available
<b>E-Mail Address</b>	General inquiries: <a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>  Complaints: <a href="mailto:PAIAComplaints@inforegulator.org.za">PAIAComplaints@inforegulator.org.za</a>  <a href="mailto:POPIAComplaints@inforegulator.org.za">POPIAComplaints@inforegulator.org.za</a>
<b>Postal Address</b>	P O Box 31533  Braamfontein, Johannesburg, 2017

<sup>7</sup> 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

<sup>8</sup> 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

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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.”

<b>Street Address</b>	J.D. House 27 Stiemens Street Braamfontein, Johannesburg, 2001
<b>Website</b>	<a href="https://www.inforegulator.org.za">https://www.inforegulator.org.za</a>

## 8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT

8.1 The Department of Cultural Affairs and Sport holds records on the following subjects and categories:

<b>CATEGORIES AND SUBJECT MATTER</b>	<b>Programme Requires a request</b>
<p>8.1.1. <b>STATUTORY AND REGULATORY FRAMEWORK</b></p> <ul style="list-style-type: none"> <li>- National Constitutional Framework</li> <li>- Policy</li> <li>- Routine enquiries</li> <li>- Constitution of the Republic of South Africa</li> <li>- Amendments</li> <li>- Interpretation and legal opinions</li> <li>- International Legislation</li> <li>- Policy</li> <li>- Routine enquiries</li> <li>- Name of International Law or Convention</li> <li>- Amendments</li> <li>- Interpretation and legal opinions</li> <li>- National Legislation</li> <li>- Policy (includes Green and White Papers)</li> <li>- Routine enquiries</li> <li>- Bill/ Act</li> <li>- (Including amendment legislation)</li> <li>- Title of Bill or Act</li> <li>- Comments and implementation</li> <li>- Interpretation and legal opinions</li> <li>- Western Cape Provincial Legislation</li> <li>- Bill/ Act</li> <li>- Title of Bill/ Act</li> <li>- Policy (Includes Green and White Papers)</li> <li>- Routine enquiries</li> <li>- Drafting and amendments</li> </ul>	Programme 1

<p>(Including Cabinet submissions and Request for assistance for Legal Advice)</p> <ul style="list-style-type: none"> <li>- Comments and Implementation</li> <li>- Interpretation and Legal Opinions</li> <li>- Subordinate Legislation</li> </ul> <p>(Regulations, Proclamations, Guidelines and Instructions in terms of Legislation)</p> <ul style="list-style-type: none"> <li>- Title</li> <li>- Comments and Implementation</li> <li>- Interpretations and Legal Opinions</li> </ul>	
<p>8.1.2. <b>Organisation and Control</b></p> <ul style="list-style-type: none"> <li>- Reorganisation of functions</li> <li>- Delegation of Powers</li> <li>- Establishment of new sections/offices</li> <li>- Planning</li> <li>- Office instructions and codes</li> <li>- Organisational Performance Systems</li> <li>- Policy and Strategy</li> <li>- Strategic Management Information</li> <li>- Consolidated reports on key partnerships and engagements</li> <li>- Corporate Service Centre</li> <li>- Corporate Assurance</li> <li>- Internal Audit</li> </ul>	Programme 1
<p>8.1.3 <b>Human Resource Management</b></p> <ul style="list-style-type: none"> <li>- Organisational Development</li> <li>- Provincial Training Institute</li> <li>- Human Resource Management</li> <li>- Policy and Planning</li> <li>- Human Capital Management</li> </ul>	Programme 1
<p>8.1.4 <b>Internal Financial Management</b></p> <ul style="list-style-type: none"> <li>- Budget</li> <li>- Accounting responsibility</li> <li>- Expenditure</li> <li>- Banking Arrangements</li> <li>- Funds</li> <li>- Internal Control</li> </ul>	Programme 1
<p>8.1.5 <b>Supply Chain Management</b></p> <ul style="list-style-type: none"> <li>- Procurement</li> <li>- Provisioning</li> <li>- Asset management</li> </ul>	Programme 1
<p>8.1.6 <b>Internal Facilities Management</b></p>	Programme 1

<ul style="list-style-type: none"> <li>- Buildings and Grounds</li> <li>- Equipment and Furniture</li> <li>- Postal Services</li> <li>- Telecommunication services</li> <li>- Occupational Health and Safety</li> </ul>	
<b>8.1.7 Internal Travel and Transport Services</b> <ul style="list-style-type: none"> <li>- Transport</li> </ul>	Programme 1
<b>8.1.8 Internal Information Services</b> <ul style="list-style-type: none"> <li>- Internal records management</li> <li>- Library management</li> <li>- Information management</li> <li>- Knowledge management</li> <li>- Internal security matters</li> <li>- Promotion of Access to Information Act, 2000</li> <li>- Protection of Personal Information Act, 2013</li> <li>- Centre for E-Innovation</li> </ul>	Programme 1
<b>8.1.9 Communications</b> <ul style="list-style-type: none"> <li>- Government Products &amp; Publications</li> <li>- Events &amp; Public participation</li> <li>- Advertising, Marketing &amp; Branding</li> <li>- Media Support</li> <li>- Language Services</li> <li>- Translations</li> <li>- Media Monitoring</li> <li>- Speeches and Lectures</li> <li>- Publicity guides</li> <li>- Social matters</li> <li>- Strategic communications</li> </ul>	Programme 1
<b>8.1.10 Legal Services</b> <ul style="list-style-type: none"> <li>- Provision of Legal Advice</li> <li>- Litigation</li> </ul>	Programme 1
<b>8.1.11 Attending and hosting meetings and other gatherings</b> <ul style="list-style-type: none"> <li>- Auxiliary functions</li> <li>- Line functions</li> </ul>	Programme 1
<b>8.1.12 Sport and Recreation</b> <ul style="list-style-type: none"> <li>- Sports Development</li> <li>- Specific Projects</li> <li>- Women in Sport</li> <li>- Major Sport Events</li> <li>- School Sport</li> <li>- Sport</li> </ul>	Programme 4

<ul style="list-style-type: none"> <li>- Financial Aid to Sport Bodies</li> <li>- Sports Research and Scientific Matters</li> <li>- Provincial Sport Academy</li> <li>- Provincial Sport Development</li> <li>- Sport Awards</li> <li>- Sport Facilities</li> <li>- Recreation and Development</li> <li>- Sport Transformation Dispute &amp; Resolution</li> <li>- Policy</li> <li>- International Sport Bodies</li> <li>- Co-ordinating Bodies</li> <li>- Tertiary Institutions</li> <li>- Local Authorities</li> <li>- Operational Support</li> </ul>	
<p>8.1.13 <b>Cultural Affairs</b></p> <ul style="list-style-type: none"> <li>- Statutory Bodies</li> <li>- Museums</li> <li>- Heritage Western Cape</li> <li>- Cooperation with Statutory and Other Bodies</li> </ul>	Programme 2
<p>8.1.14 <b>Library Services</b></p> <ul style="list-style-type: none"> <li>- Acquisition records</li> <li>- Book and Selection Lists</li> <li>- Suppliers of Library Material</li> <li>- Receipt, Preparation and Dispatch</li> <li>- Donations</li> <li>- Research and Statistics</li> <li>- Conditional Grant, Metro Library Fund and Municipal Replacement Funding payments</li> </ul> <p>8.1.15 <b>Archives and Records Services</b></p> <ul style="list-style-type: none"> <li>- Records Management Services</li> <li>- Preserve and provide access to archival Material</li> <li>- Management and Implementation of Electronic Content Management</li> </ul>	Programme 3

**9. CATEGORIES OF RECORDS OF THE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT 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 <https://www.westerncape.gov.za/dept/cas> 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)
<b>DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR COPYING OR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
(a) "Step-by-Step to project execution" document of the Museum Service (b) Two-monthly in-house magazine "the Cape Librarian" * (c) Annual review of the Western Cape Library Service (d) Event Strategy of the Province (e) HIV and AIDS Strategy of the Department (f) Strategic Plan* (g) Service Delivery Improvement Plan* (h) Annual Performance Plans* (i) Annual Reports* (j) Annual Reports to Citizens* (k) Service Charters* (l) Western Cape Department of Cultural Affairs and Sport Budget Speech (m) Department of Cultural Affairs and Sport: Organogram (n) Norms and Standards for Western Cape Public Libraries (o) Contact list for Western Cape Public Libraries	Records referred to in (a) to (m) are available for inspection at the Department of Cultural Affairs and Sport, Protea Assurance Building, Greenmarket Square, Cape Town.

## 10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT AND HOW TO GAIN ACCESS TO THOSE SERVICES

The Department renders a limited number of services directly to the public. Full details of these services appear in the Service Charter (attached as Appendix B) published for the Department of Cultural Affairs and Sport, which can be accessed at:

[Service Charter for the Department of Cultural Affairs and Sport | Western Cape Government.](#)

Services rendered by the Department of Cultural Affairs and Sport	How to access these services
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<p><b>CHIEF DIRECTORATE: CULTURAL AFFAIRS</b></p> <ul style="list-style-type: none"> <li>• Services related to the powers and duties of the Western Cape Cultural Commission and Cultural Councils Act, 1998 (Act 14 of 1998)</li> <li>• Information can be obtained from the Western Cape Cultural Commission website. Through the distribution of Annual Reports, annual advertisements, brochures, posts and pamphlets and by contacting the Department's Cultural Services.</li> <li>• Services related to the powers and duties of the Language Committee as provided for in the Western Cape Provincial Languages Act, 1998 (Act 13 of 1998)</li> <li>• Information can be obtained from the Western Cape Language Committee website, through the wide distribution of Annual Reports, brochures, posters and pamphlets and by contacting the Western Cape Language unit.</li> </ul>	<p>Tel: 021 483 9503  Fax:086 607 0208  E-mail: dcas.com  @westerncape.gov.za</p> <p><a href="https://www.westerncape.gov.za/dept/cas">https://www.westerncape.gov.za/dept/cas</a></p>
<p><b>CHIEF DIRECTORATE: SPORT AND RECREATION</b></p> <ul style="list-style-type: none"> <li>• Funding of federations for development programmes</li> <li>• Funding and administrative assistance to federations in respect of major events</li> <li>• Funding to local authorities in respect of establishing new facilities and maintaining and upgrading of existing facilities</li> <li>• In certain instances, information pamphlets are drafted and distributed</li> </ul>	<p><a href="https://www.westerncape.gov.za/dept/cas">https://www.westerncape.gov.za/dept/cas</a></p>
<p><b>DIRECTORATE: LIBRARY SERVICES</b></p> <ul style="list-style-type: none"> <li>• Public can obtain library materials via public libraries (local library authorities)</li> <li>• Public libraries access materials and information can be obtained from the Directorate: Provincial Library Services</li> </ul>	<p><a href="https://www.westerncape.gov.za/dept/cas">https://www.westerncape.gov.za/dept/cas</a></p>
<p><b>DIRECTORATE: ARCHIVES SERVICES</b></p> <ul style="list-style-type: none"> <li>• <b>Provide archival and records management services</b></li> </ul>	<p><a href="https://www.westerncape.gov.za/dept/cas">https://www.westerncape.gov.za/dept/cas</a></p>

## **11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE DEPARTMENT OF CULTURAL AFFAIRS AND SPORT**

### **CHIEF DIRECTORATE: CULTURAL AFFAIRS**

- The members of the Western Cape Cultural Commission are appointed every three years through a public process. Members of the public have the right to nominate candidates. This public entity is representative of the cultural community of the Western Cape and advises the provincial Minister on policy
- Policy suggestions can be made directly to the Provincial Minister or Members of the Western Cape Cultural Commission
- New policy is always consulted through public hearing and advertisement in the newspapers
- In most instances legislation prescribes the procedure for making matters known for public participation
- Notification in the media, such as the Provincial Gazette, provincial newspapers and local/community newspapers. Workshops with concerned and affected groups. All projects in execution of the powers and duties of the Language Committee are performed in collaboration and after extensive consultation with the affected communities or interested parties
- To this end, the business plan for projects make specific provision for information to be furnished outlining the individual and/or organisations that will be consulted or incorporated in the project
- In formulating a policy, such as the Western Cape Language Policy, every stage of the draft document is widely distributed to interested parties, such as local municipalities, language organisations and provincial government departments and institutions
- Regular surveys are undertaken to ascertain the needs of specific sectors in the Western Cape, such as a language audit of the provincial government departments and institutions and local municipalities
- Individuals and/or organisations are invited to send language-related complaints to the Language Committee for its attention and possible forwarding to the Pan South African Language Board
- Forums and workshops with concerned and affected groups – librarians
- Steering committee meetings

## 12. PROCESSING OF PERSONAL INFORMATION

### 12.1 Purpose of the Processing

12.1.1 Personal Information is processed to comply with the Departments constitutional and legislative mandates as set out in its Annual Strategic, Business and Performance Plans available at <https://www.westerncape.gov.za/dept/cas>

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"><li>- Name, identification number, biographical information;</li><li>- Contact details;</li><li>- Educational, employment and criminal history;</li><li>- Biometric and health information;</li><li>- Psychometric assessments; and</li><li>- References, background checks.</li></ul>	Relevant Provincial and National Government Departments and their agents.

Current employees, consultants, interns	<ul style="list-style-type: none"> <li>- Account information;</li> <li>- Performance reports; and</li> <li>- Skills/training reports.</li> </ul>	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"> <li>- Name, identification number/company registration number;</li> <li>- Relevant registration number;</li> <li>- Contact details;</li> <li>- Financial history;</li> <li>- References, background checks;</li> <li>- Account information; and</li> <li>- Performance reports.</li> </ul>	Relevant Provincial and National Government: <ul style="list-style-type: none"> <li>- Departments;</li> <li>- Public Entities;</li> <li>- Business Enterprises; and their agents.</li> </ul>
Service users (clients / customers) and visitors.	<ul style="list-style-type: none"> <li>• Name, identification number, biographical information</li> <li>• Contact details</li> <li>• Compliments or complaints</li> </ul>	Relevant Provincial and National Government: <ul style="list-style-type: none"> <li>- Departments</li> <li>- Public Entities; Public Enterprises; and their agents.</li> </ul>

### 12.3 Planned transborder flows of personal information

The Department has a database of service providers with the following information:

COST CENTRE NO	COST CENTRE DESC	SUPPLIER NAME	DESCRIPTION	CONTRACT PERIOD	DOCUMENT NO	ORIGINAL CONTRACT AMOUNT	PROGRAM/COMPONENT
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### 12.4 General Description of Information Security Measures to be implemented by the Department of Cultural Affairs and Sport 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 the department supported by a DCAS Security Committee.
- The Chief Information Officer (CIO) 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) 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.

12.4.3 Similar safeguards are required from service providers, suppliers and business partners who receive personal information from or on behalf the WCG during the course of their relationship with the Department of Cultural Affairs and Sport.

### **13 ACCESSIBILITY AND AVAILABILITY OF THIS MANUAL**

- 13.1 The manual is available in English, Afrikaans and Xhosa for viewing between 7.30 and 16.00 Mondays to Fridays (excluding public holidays) at
- Department of Cultural Affairs and Sport, Protea Assurance Building, Greenmarket Square, Cape Town. And
  - The office of the Deputy Information Officer, Mr S Julie at: Protea Assurance Building, Greenmarket Square, Cape Town.
- 13.2 The manual in English, Afrikaans and Xhosa translations thereof, may be accessed online via the Department's website. The link to the website is as follows:
- [https://www.westerncape.gov.za/dept/cas/documents/guides/A/18897?toc\\_page=1](https://www.westerncape.gov.za/dept/cas/documents/guides/A/18897?toc_page=1)

### **14 GUIDANCE ON ACCESSING RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE – (Appendix A)**

The Appendix to this manual includes information on how to access records of DCAS, its internal appeal procedure, the lodging of complaints to the Information Regulator or applying to a court against decisions by the Information Officer or Deputy Information Officer or Information Regulator, as the case may be.

### **15 UPDATING OF THE MANUAL**

The Department of Cultural Affairs and Sport will, if necessary, update and publish this manual annually.

**Issued by**



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**Mr Guy Redman**

**Head of Department**

**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.

#### 1.4 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.

#### 1.5 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 <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

**PARTICULARS OF RECORD REQUESTED**

*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.)*

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

**TYPE OF RECORD**  
*(Mark the applicable box with an "X")*

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
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	

**FORM OF ACCESS**  
*(Mark the applicable box with an "X")*

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <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>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<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:	

<b>FEES</b>	
<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>c) <i>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.</i></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i></p>	
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:

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

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***

## 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 <i>(If lodged by a third party)</i>			
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	

**GROUND FOR APPEAL**

*(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)*

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:				Yes	
				No	
<b>OUTCOME OF APPEAL</b>					
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**

**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](mailto:PAIAComplaints@justice.gov.za) or complete online complaint form available at <https://www.justice.gov.za/inforeg/>.
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> )	
<b>PART A PERSONAL INFORMATION OF COMPLAINANT</b>			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		
<b>PART B REPRESENTATIVE INFORMATION</b> <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		
<b>PART C THIRD PARTY INFORMATION</b> <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		

<b>PART D BODY AGAINST WHICH THE COMPLAINT IS LODGED</b>			
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)				
<b>PART E COMPLAINT</b>				
<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.				
<b>PART F DETAILED TYPE OF ACCESS TO RECORDS</b>				
<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>I have appealed against the decision of the public body and the appeal is unsuccessful.</i>			
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	<i>I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.</i>			
Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>			
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>			
	<i>The tender or payment of a deposit.</i>			
Repayment of the deposit (Section 22(4) of PAIA) <i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>			
Disagree with time extension (Sections 26 or 57 of PAIA)	<i>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.</i>			
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)		
<b>PART G EXPECTED OUTCOME</b>		
How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
<b>PART H AGREEMENTS</b>		

**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 \_\_\_\_\_

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***Complainant/Representative/Authorised person of Third party***