



**Western Cape
Government**

Provincial Treasury

**Promotion of Access to Information Act Manual, 2017
compiled in terms of section 14 of the Promotion of Access to
Information Act, 2000 for the Provincial Treasury**

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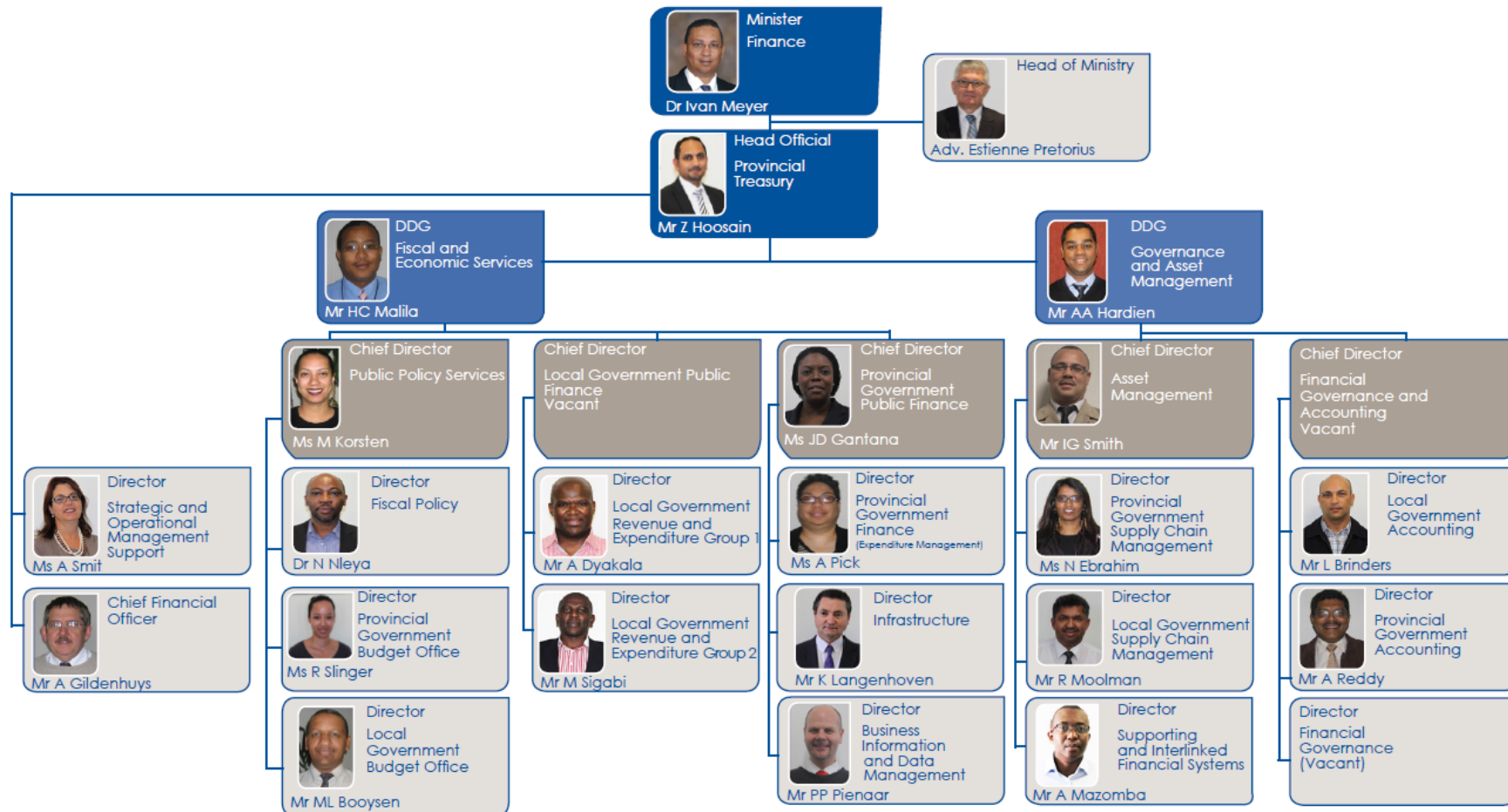
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1. INTRODUCTION

- 1.1 The Constitution of the Republic of South Africa, 1996 (the Constitution) makes provision for the right of access to any information held by the State, subject to justifiable limitations, which includes the limitation to protect privacy.
- 1.2 The Constitutional Court interpreted the right of access to information as not merely a right to obtain access to information for the exercise or protection of a right, but also to ensure that there is an open and accountable administration at all levels of government.
- 1.3 Section 32(1)(a) and (2) of the Constitution reads as follows:
*“ (1) Everyone has the right of access to –
(a) any information held by the State; and
(b) any information that is held by another person and that is required for the exercise or protection of any rights.
(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.”*
- 1.4 The aforesaid resulted in the enactment of the Promotion of Access to Information Act, 2000 (PAIA). The purpose of PAIA is to foster a culture of transparency and accountability in public and private bodies and to empower and educate the people of South Africa to understand their rights.
- 1.5 This manual is compiled in terms of section 14 of PAIA which requires that the Provincial Treasury must have a manual which sets out, amongst others, its structure and functions, include an index of its records and services, provide assistance on the procedure to access its records and services.

2. STRUCTURE OF THE PROVINCIAL TREASURY as at 2 August 2017 - section 14 (1)(a)

Figure 1



3. FUNCTIONS OF THE PROVINCIAL TREASURY – section 14(1)(a)

The Annual Performance Plan conveys the Provincial Treasury's acceptance of its responsibility to improve allocative efficiency, ensure value for money and maintain fiscal sustainability. This is done by performing its core functions of entrenching good governance and embedding integrated service delivery. A key element includes institutionalising the practice of Integrated Management. This involves greater alignment of provincial and local government policy, planning, budgeting, governance and implementation. The aim is to strengthen coordination and alignment between processes and structures of Government and other key role-players, while improving service delivery, creating maximum socio-economic impact and building public value. Engagements and collaboration with provincial departments and municipalities will be further supported through structured engagements such as the Integrated Development Plan (IDP) Indabas, the Joint Planning Initiative, the Municipal Governance Review and Outlook (MGRO) and the Local Government Medium Term Expenditure Committee (LG MTEC).

3.1 Programme 1: Administration

3.1.1 The programme strategically supports the Minister and the Head of Department by coordinating strategic direction and provision of quality financial and other support services.

3.1.2 The following functions are delivered in terms of this programme:

3.1.2.1 Sub-programme 1.1: Office of the Minister: To assist the member of the Provincial Cabinet with those functions as assigned by legislation and/or the Premier.

3.1.2.2 Sub-programme 1.2: Management Services: To provide strategic and operational management support services.

The main duties of this sub-programme are the following:

- Facilitate the departmental non-financial performance planning, monitoring, reporting and evaluation processes.
- Ensure the rendering of people management support services in terms of the service level agreement and service schedules.
- Ensure a working environment that is safe and without risk to the health of the employees is provided and maintained.

- Manage youth development initiatives, including amongst others the Premier's Advancement of Youth project, Essay Writing Competition, External Bursary Programme.
- Secretarial and administrative support services.
- Parliamentary liaison services.
- Internal and external communication services.

3.1.2.3 Sub-programme 1.3: Financial Management: To assist the Accounting Officer to drive financial management in the Department.

The main duties of this sub-programme are the following:

- Management Accounting is responsible for the compilation of the annual and adjusted budgets, monitoring and control of expenditure via the In-year Monitoring (IYM) process and compilation of the departmental annual report. Furthermore, the section proactively manages the IYM expenditure and cash flow of the department, inclusive of Contract Management. The impact of the new Integrated Financial Management System (IFMS) and how it will be rolled out will also be implemented with the assistance of the Provincial Treasury in this section.
- Financial Accounting is responsible for maintaining a payments system, compiling the Annual Financial Statement (AFS) and maintaining the ledger accounts of the Department. The impact of the new IFMS and how it will be rolled out will also be implemented with the assistance of the Provincial Treasury in this section.
- Supply Chain Management (SCM) is responsible for further developing the SCM database, with active engagement and analytical administrative support in respect of the acquisition of goods and services and specified auxiliary services.
- Internal Control which must ensure that internal control measures are in place throughout the Department, particularly in high-risk areas, to prevent any negative internal and external audit findings. Furthermore the unit must ensure analytical and proactive measures are also in place to ensure due diligence exists while it also acts as secretariat to the Enterprise Risk Management Committee (ERMCO) and with the compilation of the quarterly Corporate Governance Review and Outlook (CGRO) assessment.

3.2 **Programme 2: Sustainable Resource Management**

3.2.1 The programme ensures the efficient and effective management of provincial and municipal financial resources.

3.2.2 The following functions are delivered in terms of this programme:

3.2.2.1 Sub-programme 2.1: Programme Support: To provide management and administrative support to the programme.

The main duties of this sub-programme are the following:

- Provision of resources for the structured training and development of the staff attached to the programme. This includes the head and support staff of the Branch: Fiscal and Economic Services and the relevant Chief Directors responsible for the Chief Directorates – Public Policy Services, Public Finance: Provincial Government and Public Finance: Local Government.

3.2.2.2 Sub-programme 2.2: Fiscal Policy: To research, analyse and advise on the policy, strategy and management of provincial and municipal fiscal resources.

The main duties of this sub-programme are the following:

- Conduct research and analysis on provincial and local government fiscal policy matters that impact on the fiscal framework of the Province to inform the development of the provincial and local government fiscal frameworks comprised of the national transfer system (Equitable Share and Conditional Grants), existing and new own revenue sources that promotes fiscal sustainability. These outputs feed into the fiscal strategy of the Province through the continuous refinement of the fiscal principles and maintenance of fiscal stability.
- Support of initiatives, advice and guidance to departments and municipalities on revenue related and cash management matters, through the analysis and reporting on in-year cash flow and revenue performance.
- Oversight of the Western Cape Gambling and Racing Board (WCGRB).

3.2.2.3 Sub-programme 2.3: Budget Management

Element: Provincial Government Budget Office: To promote effective financial resource allocation, by providing socio-economic and policy research, analysis

and advice that informs the preparation of the provincial budget, as well as the monitoring of budget implementation and performance.

The main duties of this element are the following:

- Focus on the alignment of policy, planning and budgeting processes. Research includes the annual Provincial Economic Review and Outlook (PERO) which informs the planning and budgeting processes in the Province. Overall, the research, analysis and assessments are to support provincial departments on budget policy matters and inform the formulation of the provincial budget policy to recommend allocations in line with government's strategic priorities outlined in the Provincial Strategic Plan and other applicable national policies. The Western Cape Medium Term Budget Policy Statement (WC MTBPS) provides the economic, fiscal and policy context within which the next years' provincial budget is formulated. It communicates the intended budget policy framework and budget priorities that support the delivery of the Western Cape Government (WCG) policies, programmes and projects that drive service delivery within the Province.

Element: **Local Government Budget Office:** To promote effective financial resource allocation and provide socio-economic policy research, analysis and advice that inform the preparation of municipal budgets and monitor budget implementation.

The main duties of this element are the following:

- Provide research, advice and analysis on the regional and local economy, issues and trends relevant to local government budget and fiscal policy matters. The research and analysis culminates in two key annual publications: the Municipal Economic Review and Outlook (MERO) and the Socio Economic Profiles for Local Government. The focus is to inform the municipal planning and budgetary processes to promote planning led budgeting.
- Support the municipal budget process through recommendations to improve the responsiveness of the budgets to target socio-economic and policy objectives and coordination of the Local Government Expenditure Committee engagements.

3.2.2.4 Sub-programme 2.4: **Public Finance**

Element: **Provincial Government Finance:** To compile a credible and sustainable main and adjustments budget, and to guide and monitor the efficient implementation thereof.

The main duties of this element are the following:

- Assessment of provincial budgets to improve the credibility and sustainability of the budget.
- Monitoring the implementation of budgets to enhance accountability, efficiency and data integrity. Fiscal consolidation is part of the Fiscal Strategy and therefore the focus is on expenditure control within budget limits and stringent management of personnel budgets.
- Focus of areas to improve on the efficiency of expenditure management in departments through an integrated approach with the Provincial Treasury Supply Chain Management unit.

Element: **Local Government Finance (Groups 1 and 2)**: To drive the implementation of the Municipal Finance Management Act (MFMA) and assist and guide municipalities to prepare budgets and monitor the implementation thereof.

The main duties of this element are the following:

- Facilitate and coordinate the implementation of the MFMA in Provincial Treasury and municipalities to ensure that the objectives of the Local Government reform agenda is achieved. Implementation of the MFMA will be driven through Intergovernmental Relations (IGR) coordination between municipalities, provincial departments, national departments and other related stakeholders. Key responsibilities include monitoring, support and intervention in respect of MFMA implementation, revenue, expenditure and cash management.
- Analyse and report on the in-year revenue, expenditure and cash flow performance for municipalities to strengthen municipalities' financial management and budgeting practices.

Element: **Infrastructure**: To promote the delivery of new and maintenance of existing physical infrastructure.

The main duties of this element are the following:

- The Western Cape Infrastructure Development Management System (IDMS) is the infrastructure strategy for the Western Cape to ensure that the maximum level of efficiency is derived from and value realised through the provincial asset base. Embedded in the IDMS is an integrated approach to planning and budgeting. A key focus of the unit remains the institutionalisation of the Western Cape IDMS in Provincial Departments. A further aim of the unit is to

institutionalise the IDMS within the municipal sphere of government in accordance with the Standard for Infrastructure Delivery and Procurement Management. The unit is responsible for monitoring the infrastructure spending of designated departments and the support of the Western Cape Ministerial Infrastructure Coordinating Committee (WCMiCoCo), under the chairmanship of the Provincial Minister of Finance, for the efficient and effective delivery of infrastructure in the Province.

- The Western Cape Government's capacity to select, plan, appraise and build projects of an infrastructural nature will continue to be strengthened over the 2017 Medium Term Expenditure Framework (MTEF). This will be done through assessments of the User Asset Management Plans (U-AMPs), Custodian Asset Management Plans (C-AMPs), as well as Concept Reports and Project Proposals of Departments (in terms of the Guidelines for Performance Based Incentive Process).

Element: **Business Information and Data Management:** To render a client interface, data collating, data and information management and records management service to the Provincial Treasury.

The main duties of this element are the following:

- Records Management is responsible for managing the centralised filing system aiming for conformance to the Western Cape Archives and Records Service prescripts. The centralised repository is a system, providing a means for Provincial Treasury employees to enable proper decision-making, safeguard information and facilitate the retention of information. The Records Management section is also responsible for the security aspects of the Provincial Treasury.
- Data and Information Management is responsible for the management of data sets in support of Provincial Treasury's strategic goals. The spatial integration of the data sets will be enhanced to promote the integration of information between spheres of government. Data and Information Management is also responsible for mainstreaming Information Communication Technology (ICT) within the Department through the implementation of the Department of Public Service and Administration (DPSA) Corporate Governance Information Communication Technology Policy Framework and the monitoring of the Strategic ICT Plan initiatives.

- Client Interface facilitates the coordination of departmental and municipal MTEC processes and document flow (hard and electronic information).
- Data Collating manages and maintains the Provincial Treasury's database and the technical refinement of departmental publications and working papers.

3.3 **Programme 3: Asset Management**

3.3.1 To provide policy direction and to facilitate and enforce the management of provincial financial systems, supply chain and movable asset management within the provincial and municipal spheres.

3.3.2 The following functions are delivered in terms of this programme:

3.3.2.1 Sub-programme 3.1: Programme Support: To provide management and administrative support to the programme.

The main duties of this sub-programme are the following:

- Provision of resources for the structured training and development of the staff attached to the programme. This includes the head and support staff of the Branch: Governance and Asset Management, the relevant Chief Director responsible for the Chief Directorate – Asset Management, and the relevant Directors responsible for the Directorates – Provincial Government Supply Chain Management, Local Government Supply Chain Management and Supporting and Interlinked Financial Systems.

3.3.2.2 Sub-programme 3.2: Supply Chain Management

Element: Provincial Government Supply Chain Management: To provide policy direction and facilitating the management of supply chain and asset management practices.

The main duties of this element are the following:

- Driving centre-led SCM and moveable asset management governance and performance in the Province.
- Mainstream its focus on using technology as an enabler to improve SCM performance. The key focus will involve the continued implementation of the central supplier database, improved efficiencies and governance on the e-procurement solution for quotations and the continuous building of the

business intelligence competence to support procurement decision making and better SCM information management.

- Procurement efficiencies and prudent procurement spending will continue to be supported by strategic sourcing methodologies in the procurement planning process to leverage efficiency gains and economies of scale through bulk/consolidated buying initiatives and potential transversal contracts.
- Capacity development of both SCM practitioners and suppliers will be addressed. SCM skills and knowledge development of practitioners in institutions will be facilitated through bespoke training interventions, helpdesk support, assistance and guidance, road shows and the SCM Forum. Further mainstreaming of capacitation and development will be led through the focus groups under the SCM Forum, i.e. SCM Policy and Governance, SCM Technology: SCM Capacitation & Development and the Demand Management Focus Groups. Various platforms will also be used to engage with suppliers and to ensure that they are capacitated and better equipped in understanding the provincial SCM environment and procurement requirements when doing business with the Western Cape Government.

Element: **Local Government Supply Chain Management:** To provide policy guidance and facilitating the management of supply chain and asset management practices.

The main duties of this element are the following:

- Provide assistance and guidance in respect of good governance and performance in both SCM and asset management to all 30 municipalities in the Province. These, amongst others, include providing best practice guidelines and templates, monitoring compliance to policies and prescripts on SCM and asset management, developing and providing assistance tools, producers and procurement strategies to assist with SCM performance, capacity building and training initiatives, and facilitating the process of localising procurement in districts.

3.3.2.3 Sub-programme 3.3: **Supporting and Interlinked Financial Systems:** Provide for the implementation, management and oversight of provincially operated financial systems and transition to the IFMS.

The main duties of this sub-programme are the following:

- To further improve financial system management in the Province through the training of system users in accordance with their system profiles and maintenance of effective user account management.
- Development of integrated training interventions to promote the correct and optimal use of financial systems, steps to enhance the validity and veracity of data which include the rendering of a service to all departments by providing credible management and detail data, and assistance in analysing data.
- Focus on readiness and data preparation in the current provincially operated financial systems in preparation for the migration to the IFMS.

3.4 **Programme 4: Financial Governance**

3.4.1 To promote accountability and financial governance within departments, entities and municipalities.

3.4.2 The following functions are delivered in terms of this programme:

3.4.2.1 Sub-programme 4.1: Programme Support: To provide management and administrative support to the programme.

The main duties of this sub-programme are the following:

- Provision of resources for the structured training and development of the staff attached to the programme. This includes the head and support staff of the Branch: Governance and Asset Management, the relevant Chief Director responsible for the Chief Directorate – Financial Governance and Accounting, and the relevant Directors responsible for the Directorates – Provincial Government Accounting, Local Government Accounting and Corporate Governance.

3.4.2.2 Sub-programme 4.2: Accounting Services

Element: Provincial Government Accounting and Compliance: To drive financial governance reforms, implementation of accounting practices and preparation of consolidated financial statements.

The main duties of this element are the following:

- Ensure the complete and accurate recording and reporting of transactions as required in terms of the associated financial reforms. This contributes toward preventing irregularities and material financial misstatements in both

the modified cash basis of accounting applied by departments and accrual basis of accounting applied by entities.

- By coordinating and incrementally driving financial norms and standards, the unit also monitors and reports quarterly on the departmental CGRO Governance Action Plans (GAP) to enable the improvement of financial management.
- To enable the improvement of both governance and the application of the accounting framework, a structured training programme and e-GAP will be rolled out to departments.

Element: **Local Government Accounting:** To improve the application of accounting standards and financial reporting within municipalities.

The main duties of this element are the following:

- Ensure accurate and complete recording of transactions as required by Generally Recognised Accounting Practices (GRAP) and conformance with applicable financial laws, regulations and the municipal Standard Chart of Accounts (mSCOA). This would contribute to preventing material misstatements, irregularities and the deeper analysis of financial statements that could drive key policy decisions.

3.4.2.3 Sub-programme 4.3: **Corporate Governance:** To strengthen corporate governance within the Province through the implementation of risk management, internal audit and compliance with financial norms and standards.

The main duties of this sub-programme are the following:

- Coordination of the MGRO and progressively driving the maturity criteria across various disciplines to achieve higher levels of governance.
- To drive norms and standards, the established fora such as the Chief Risk Officer and Chief Audit Executive (CAE) are used to direct relevant training.
- Review, assessment and proposal of relevant financial legislation affecting all spheres of government and consequently, ensuring that stakeholders are informed, and to some extent, trained.

**4. CONTACT DETAILS OF THE INFORMATION AND DEPUTY INFORMATION OFFICER -
section 14 (1) (b)**

4.1 Information Officer:

Adv. B Gerber
Legislature Building
15 Wale Street/ P O Box X659
Cape Town, 8000
Tel: 021 483 6032 Fax: 021 483 3300
E-mail: Brent.Gerber@westerncape.gov.za

4.2 Deputy Information Officer:

Mr. Z Hoosain
Legislature Building
7 Wale Street/ Private Bag X9165
Cape Town, 8000
Tel: 021 483 6267 Fax: 021 483 3855
E-mail: Zakariya.Hoosain@westerncape.gov.za

5. GUIDE BY THE HUMAN RIGHTS COMMISSION – section 14(1)(c)

5.1 The Human Rights updates and makes available a guide compiled by it in terms of section 10 of the PAIA which informs persons of:

- The objects of Promotion of Access to Information Act (PAIA) and how to exercise their rights in terms of these two acts.
- The contact details of the Information Officer and Deputy Information Officer (where applicable) of every public body and the assistance available from them.
- How to access records of public bodies.
- The legal remedies that are available when there is a failure to act in accordance with PAIA.

5.2 All enquiries to obtain access to this guide should be directed to:

The Office of the Human Rights Commission	
Telephone	+27 11 877 3900
Fax	+27 11 403 0684
E-Mail Address	PAIA@sahrc.org.za
Postal Address	PAIA Unit; Promotion of Access to Information Private Bag 2700 Houghton 2041
Street Address	South African Human Rights Commission 33 Hoofd Street Braamfontein 2017 JOHANNESBURG
Website	www.sahrc.org.za

5.3 **Appendix A** to this manual includes information on how to access records of the Department, its internal appeal procedure, or applying to a court against decisions by the Information Officer or Deputy Information Officer, as the case may be.

6. INFORMATION ON THE PROMOTION OF ACCESS TO INFORMATION ACT, 2002

6.1 SUBJECTS AND CATEGORIES OF DEPARTMENTAL RECORDS – section 14(1)(d)

The Department holds records on the following subjects and categories:

CATEGORIES AND SUBJECT MATTER	Programme overseeing the information
6.1.1 Statutory and Regulatory Framework <ul style="list-style-type: none"> • National Constitutional Framework • National Legislation • Western Cape Provincial Legislation 	
6.1.2 Organisation and Control <ul style="list-style-type: none"> • Reorganisation of functions • Delegation of Powers • Establishment of new sections/offices • Planning • Office Instructions and Codes • Organisational Performance Systems • Reports • Policy and Strategy • Strategic Management Information • Corporate Service Centre • Corporate Assurance 	Programme 1
6.1.3 Human Resource Management <ul style="list-style-type: none"> • Organisation Development • Provincial Training Institute • Human Resource Management • Human Capital Management 	Programme 1
6.1.4 Internal Financial Management <ul style="list-style-type: none"> • Budget • Accounting Responsibility • Expenditure • Banking Arrangements • Funds • Internal Control 	Programme 1

CATEGORIES AND SUBJECT MATTER	Programme overseeing the information
6.1.5 Supply Chain Management <ul style="list-style-type: none"> • Procurement • Provisioning • Asset Management 	Programme 1
6.1.6 Internal Facilities Management <ul style="list-style-type: none"> • Buildings and Grounds • Equipment and Furniture • Postal services • Telecommunication Services • Occupational Health and Safety (OHASA) 	Programme 1
6.1.7 Internal Travel and Transport Services <ul style="list-style-type: none"> • Transport 	Programme 1
6.1.8 Internal Information Services <ul style="list-style-type: none"> • Internal records management • Library management • Information Management • Knowledge Management • Internal Security Matters • Administer of Promotion of Access to Information (PAIA) • Centre for e-Innovation (Ce-I) • Administer of Protection of Administrative Justice Act (PAJA) 	Programme 2
6.1.9 Communications <ul style="list-style-type: none"> • Government Products and Publications • Language Services • Media Monitoring • Reports • Speeches and Lectures • Strategic Communications 	Programme 1
6.1.10 Legal Services <ul style="list-style-type: none"> • Provision of Legal Advice • Litigation • Compliance 	

CATEGORIES AND SUBJECT MATTER	Programme overseeing the information
6.1.11 Attending and hosting meetings and other gatherings <ul style="list-style-type: none"> • Auxiliary functions • Line functions 	

6.2 DEPARTMENTAL RECORDS THAT ARE AUTOMATICALLY AVAILABLE WITHOUT THE NEED TO REQUEST ACCESS – section 14 (1)(e)

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

Documents that are available for download from the WCG portal at www.westerncape.gov.za 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)
(a) Provincial Budget (Main and Adjusted Estimates)* (b) Explanatory memorandum to the Provincial Budget (Main and Adjusted Estimates)* (c) Western Cape Medium Term Budget Policy Statement (WC MTBPS)* (d) Provincial Economic Review and Outlook (PERO)* (e) Municipal Economic Review and Outlook (MERO)* (f) Reports per Department resulting from the Public Finance Management Act (PFMA), 1999 (Act 1 of 1999) and the Division of Revenue Act (DORA)*	Records referred to in (a) to (n) may be obtained from the Department located on the third floor of the Legislature Building, Cape Town or viewed on the Department's web page upon payment of the prescribed fee - between 07:30 and 16:00.

Description of categories of records automatically available in terms of section 15(1)(a)	Manner of access to records section 15(1)(b)
(g) Treasury circulars and other relevant policy documents* (h) Supply Chain Management Delegation* (i) Financial Delegation* (j) Tender documents (advertised tenders)* (k) Service Charter* (l) Strategic Plans* (m) Annual Performance Plans* (n) Annual Reports*	

6.3 SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC – section 14(1)(f)

The Department do not render services to members of the public. The Department's Service Charter is attached as per Appendix B and may be accessed via the following link:

https://www.westerncape.gov.za/assets/departments/treasury/Documents/service_charter_2016.pdf.

6.4 ARRANGEMENTS FOR PUBLIC PARTICIPATION BY CONSULTATION AND/OR REPRESENTATION ON THE FORMULATION OF DEPARTMENTAL POLICY AND/OR PERFORMANCE OF FUNCTIONS – section 14(1)(g)

None.

6.5 REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURE TO ACT BY THE DEPARTMENT - section 14(1)(h)

Legislation applicable to the Department (as set out in its Departmental Annual Performance Plan¹) 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 the Provincial Treasury may be made as follows:

CONTACT METHOD	CONTACT DETAILS	HOURS OF OPERATION
Call:	021 483 6204	Monday to Friday (excluding public holidays) from 07:30 to 16:00
Fax:	021 483 3855	
E-mail:	Janine.Hendricks@westerncape.gov.za	
Visit:	Legislature Building, 7 Wale Street, Cape Town	

7 ACCESSIBILITY AND AVAILABILITY OF THIS MANUAL – Section 14(3)

7.1 The manual is available in English, Afrikaans and Xhosa for viewing between 07.30 and 16.00 on Mondays to Fridays (excluding public holidays) at the office of the Deputy Information Officer at Legislature Building, 7 Wale Street, Cape Town.

7.2 The manual available in English, Afrikaans and Xhosa may be accessed via the following website address:

<https://www.westerncape.gov.za/general-publication/access-information-provincial-treasury-section-14-manual>.

¹ Available at <https://www.westerncape.gov.za/documents/plans/2016>

APPENDIX A: GUIDANCE ON ACCESS TO RECORDS 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 A**) 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 A 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 A.

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 R35.00 for each request.
 - Access fee for the reasonable time spent to search for and prepare the record, if it takes more than a 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.
 - 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 A whether 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 R35 and the completed Form A, but at least within **30 days** 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 reasonably 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 B** attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

5. **APPLICATION TO COURT**

- 5.1 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.
- 5.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal.

APPENDIX B: SERVICE CHARTER

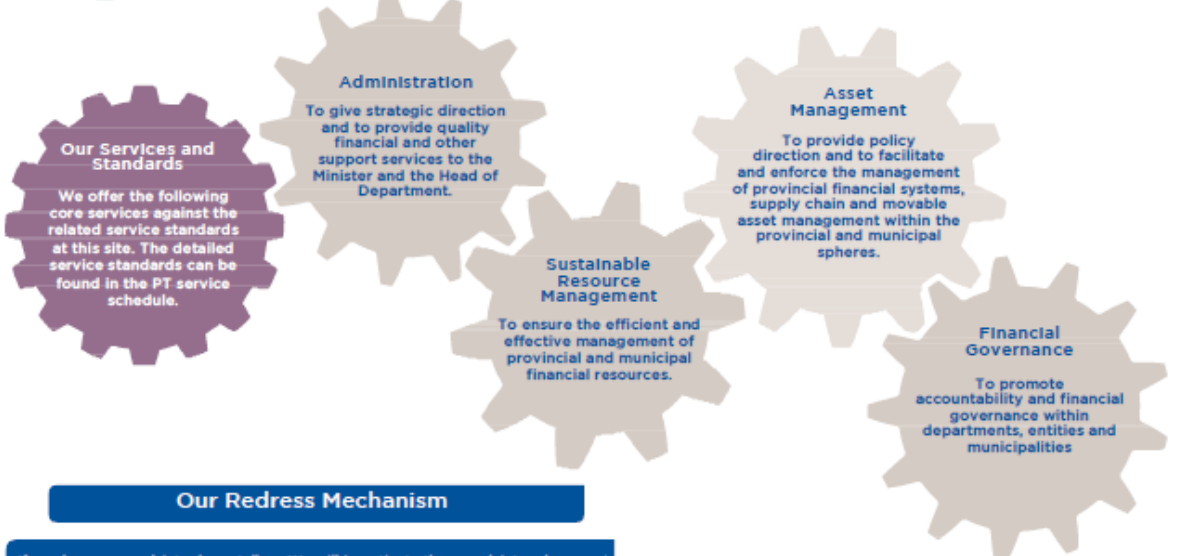
Service Charter

The Provincial Treasury will ensure good governance through financial accountability. Our aim is to improve governance through enhancing accountability and oversight, creating public value, enabling delivery of quality services through partnerships and capacity building in public sector finance.

Our Commitment

We commit ourselves to a people-centred approach and to customer satisfaction as we provide our public sector development service. In carrying out our mandate and responsibilities, we are guided by and uphold the eight Batho Pele (People First) Principles. We are committed to provide services that manifest our values of Caring, Competence, Accountability, Integrity, Innovation and Responsiveness in order to protect and promote your rights and to expand opportunities to achieve Better Together service delivery outcomes. Our performance is assessed and we report to you in our Annual Report which is published and posted on our website.

Minister Ivan Meyer



Our Redress Mechanism

If you have a complaint, please tell us. We will investigate the complaint and respond within 3 weeks of receipt and if any errors are found, we will put things right and apologise. If we cannot deal with your telephonic query immediately, we will forward the query to the official responsible and give you an indication of when we expect him or her to reply.

- OUR GENERIC ADMINISTRATIVE SERVICE STANDARDS**
- Provide fair and objective assessment of requests based on the information submitted.
 - We will give you informed, useful, usable and constructive feedback.
 - We will answer telephone calls within five rings.
 - We will respond to all our e-mails within 48 hours.
 - When you write to us we will acknowledge receipt of your letter within 3 working days.
 - We will send a reply within 15 working days. If we cannot give a reply within fifteen working days we will explain why and tell you when you can expect a reply.

You are invited to send any suggestions, compliments, constructive criticism or recommendations for improvement of our services or standards.

- You have the right to:**
- Courteous treatment at all times;
 - Full information upon request;
 - Prompt and efficient service;
 - Redress and an apology for service lapses;
 - Value for money in all services rendered;
 - Information about the service standards you can expect;
 - Equal access to services; and
 - Be consulted about the level and public services.
- Customer Rights

- We expect you:**
- To be civil, courteous and respect the dignity of officials who render services to you;
 - To be honest in your deliberations with us;
 - To submit full and accurate information accompanied by recently certified copies of any necessary documentation; and
 - To adhere to any agreements you make with us to attend programmes and events.
- Customer Obligations

All Provincial Treasury buildings and facilities

- Be clearly identified with visible signage;
- Clearly indicate office contact information and service hours;
- List the types of services rendered at the facility;
- Clearly and visibly display health and safety signs; and
- Be accessible to people with disabilities.

We will endeavour to render our services, where possible, in all three official languages of the Western Cape.

Provincial Treasury

Legislature building,
7 Wale street
Cape town
Office hours 07h30 - 16h00
Tel: 021 483 4709
Fax: 021 483 3855

www.westerncape.gov.za



Executive Authority Declaration:
I, Ivan Meyer, commit the Department of Provincial Treasury in terms of Part III, C.2 of the Public Regulations, 2001 as amended, to adhere to this charter.

BETTER TOGETHER.

Minister Ivan Meyer Date

APPENDIX C: FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by _____ (state rank, name and surname of information officer/deputy information officer) on (date) at _____ (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION
OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal address:

_____ Fax number:

Telephone number: _____ E-mail address:

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number:

D. Particulars of record

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

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

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

Reason for exemption from payment of fees:

F. Form of access to record

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

Disability:	Form in which record is required:
-------------	-----------------------------------

Mark the appropriate box with an "X".

NOTES:

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form -			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record

2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound -			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form -			
	printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
--	-----	----

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.
In which language would you prefer the record?

G. Notice of decision regarding request for access

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

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

Signed at _____ this _____ day of _____ 20

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

APPENDIX D: FORM B

NOTICE OF INTERNAL APPEAL

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

[Regulation 8]

**STATE YOUR REFERENCE
NUMBER:**

A. Particulars of public body

The Information Officer/Deputy Information Officer:

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

- (a) *The particulars of the person who is lodging the internal appeal, must be completed below.*
- (b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be stated at C below.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number: _____ E-mail address:

Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

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

Full names and surname:

Identity number

D. The decision against which the internal appeal is lodged

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

	Refusal of request for access.
	Decision regarding fees determined in terms of section 22 of the Act.
	Decision regarding the extension of the period within which 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 as requested by the requester.
	Decision to grant request for access.

E. Grounds for appeal

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

State the grounds upon which the internal appeal is based:

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

F. Notice of decision on appeal

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

State the manner:

Particulars of manner:

Signed at _____ this _____ day of _____ 20

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on _____ (date) by

(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the records, submitted by information officer/deputy information officer on (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

CONFIRMED/SUBSTITUTED BY NEW DECISION

NEW DECISION:

DATE

RELEVANT AUTHORITY

DATE RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY:

APPENDIX E: FEE SCHEDULE

Annexure A GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I **FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2 (3) (b) and 3 (4) (c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II **FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5 (c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7 (1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	5,00
(ii)compact disc	40,00
(d) (i)For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii)For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii)For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7 (2) is R35,00.

4. The access fees payable by a requester referred to in regulation 7 (3) are as follows:

	R
(1) (a)For every photocopy of an A4-size page or part thereof	0,60
(b)For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c)For a copy in a computer-readable form on—	

- | | | |
|---|------|-------|
| stiffy disc | (i) | 5,00 |
| compact disc | (ii) | 40,00 |
| (d)(i)For a transcription of visual images, for an A4-size page or part thereof | | 22,00 |
| (ii)For a copy of visual images | | 60,00 |
| (e)(i)For a transcription of an audio record, for an A4-size page or part thereof | | 12,00 |
| (ii)For a copy of an audio record | | 17,00 |
| (f)To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. | | |
- (2)For purposes of section 22 (2) of the Act, the following applies:
- (a)Six hours as the hours to be exceeded before a deposit is payable; and
- (b)one third of the access fee is payable as a deposit by the requester.
- (3)The actual postage is payable when a copy of a record must be posted to a requester.

**PART III
FEES IN RESPECT OF PRIVATE BODIES**

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
- 2.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:

	R
(a)For every photocopy of an A4-size page or part thereof	1,10
(b)For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c)For a copy in a computer-readable form on—	
(i)stiffy disc	7,50
(ii)compact disc	70,00
(d)(i)For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii)For a copy of visual images	60,00
(e)(i)For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii)For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

	R
(1)(a)For every photocopy of an A4-size page or part thereof	1,10
(b)For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75

- | | |
|--|-------|
| (c)For a copy in a computer-readable form on— | |
| (i)stiffy disc | 7,50 |
| (ii)compact disc | 70,00 |
| (d)(i)For a transcription of visual images, for an A4-size page or part thereof | 40,00 |
| (ii)For a copy of visual images | 60,00 |
| (e)(i)For a transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| (ii)For a copy of an audio record | 30,00 |
| (f)To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |
- (2)For purposes of section 54 (2) of the Act, the following applies:
- (a)Six hours as the hours to be exceeded before a deposit is payable; and
 - (b)one third of the access fee is payable as a deposit by the requester.
- (3)The actual postage is payable when a copy of a record must be posted to a requester.