



**Western Cape
Government**

Provincial Treasury

Promotion of Access to Information Act Manual, 2020

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

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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 1 March 2021- 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 Technical Integrated Municipal Engagement (TIME), the Strategic Integrated Municipal Engagement (SIME) 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 of the Corporate Services Centre;
- Ensure that 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 and External Bursary Programme;
- Render support services to the Head Official in terms of correspondence management, secretarial and reception duties, parliamentary liaison and general administrative support services; and
- 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 on a monthly basis and collation of the departmental annual report;
- Financial Accounting is responsible for maintaining a payments system (BAS, LOGIS and PERSAL), in terms of the Public Finance Management Act (PFMA) delegations, compiling the Interim Financial Statement (IFS) and the Annual Financial Statement (AFS) and providing a cashier, bookkeeping and salary administration function for the Department;
- Supply Chain Management (SCM) is responsible for maintaining an appropriate procurement and provisioning system which is fair, equitable, competitive and cost effective as well as the management, including the safeguarding, and maintenance of departmental assets and rendering of specified auxiliary services; and
- Internal Control must ensure that internal control measures are in place throughout the Department, particularly in high-risk areas, to prevent any internal and external audit findings and ensure due diligence. Furthermore, the unit acts as the secretariat to the Enterprise Risk Management Committee (ERMCO) and compiles 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 sustainable provincial and local government fiscal frameworks and the provincial fiscal strategy focussing on the national transfer system (equitable share and conditional grants), the local government fiscal system and domestic resource mobilisation initiatives with regards to existing and new own revenue sources. These outputs feed into the fiscal strategy of the Province through the continuous refinement of the fiscal principles and maintenance of fiscal stability;

- Responsible for the management of the Provincial Revenue Fund and providing for the cash flow requirements of the Province;
- 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; and
- Oversight of the Western Cape Gambling and Racing Board (WCGRB) and management of the crafting of the legislative amendments affecting the gambling sector.

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, and the provision of economic intelligence for use in municipal planning and budgeting. The research and analysis culminates in the annual publication of the Municipal Economic Review and Outlook (MERO) and release of the Socio-Economic Profiles. The unit assess the annual budgets of municipalities and provide recommendations to improve the responsiveness of the budgets to address socio-economic and policy objectives; and
- Support the municipal budget process through coordination of the Local Government Medium Term Expenditure Committee engagements and the monitoring of the municipal budgets implementation through the Service Delivery and Budget Implementation Plans of municipalities.

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; and
- 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 and the improvement of data integrity, specifically relating to the recording of expenditure.

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

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, with specific reference to implementation of the Technical Committee on Finance (TCF) Game Changers, 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 and expenditure; and
- Focus areas in line with the TCF Game Changers will facilitate integrated revenue management and funded budgets including being responsive to support particularly the vulnerable municipalities and to give effect to our main aim of driving the sustainable local government agenda.

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 monitoring of the institutionalisation of the Standard for Infrastructure Procurement and Delivery Management (SIPDM) and IDMS in provincial departments. A further aim of the unit is to monitor the institutionalisation of the SIPDM within the municipal sphere. The unit is further responsible for monitoring the infrastructure spending of designated departments and the support of the Western Cape Ministerial Infrastructure Coordinating Committee (WCMiCoCo),

chaired by the Provincial Minister of Finance, in pursuit of the efficient and effective delivery of infrastructure in the Province; and

- The Western Cape Government's capacity to select, plan, appraise and monitor infrastructure delivery will continue to be strengthened over the Medium-Term Expenditure Framework (MTEF).

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 management aspects and the coordination of requests for information in terms of the Promotion of Access to Information Act, 2000 (PAIA) for 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 and Communication Technology (ICT) within the Department through the implementation of the Department of Public Service and Administration (DPSA) Corporate Governance of Information and Communication Technology Policy Framework (CGICTPF) and the monitoring of the Strategic ICT Plan initiatives;
- Client Interface facilitates the coordination of departmental and municipal MTEC processes and the related document flow (hardcopy and electronic information); and
- 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 requirements in the Province;
- Sustain and enhance a dynamic governance model and the SCM strategy for the Province through monitoring and evaluation functions through consistent impact assessments and testing of gaps and key controls from a practical, efficiency gains and service impact perspective;
- The units focus is on using technology as an enabler to improve SCM performance. The key focus involves the continued implementation of the supplier database, an evidenced based approach through improved efficiencies, governance requirements and enhancements on the e-procurement solution for quotations and further rollout for the bids, contract management and vendor performance modules. The continuous building of the business intelligence competence to support procurement decision making and better supply chain information management;
- Procurement efficiencies and prudent procurement spending is 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; and
- Capacity development of both SCM practitioners and suppliers is a key focus of the unit SCM skills and knowledge development of practitioners in institutions is facilitated through bespoke training interventions, helpdesk support, assistance and guidance, road shows and the SCM Forum. Further mainstreaming of capacitation and development is 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 is also used to engage with suppliers 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;
- Focus on use of procurement as a tool for economic development within the respective districts. To this end the unit established, the SCM Indaba of which the objectives are to provide socio-economic context for the imperative of the utilisation of procurement as a significant contributor to inclusive economic growth and development. This entails that a holistic approach be followed where SCM managers, Local Economic Development (LED)

managers and IDP managers integrate their planning. Emanating from this initiative will be the establishment of the sub projects with specific municipalities;

- Focus on building data analytics and business intelligence competencies to support the municipalities. Specific interventions will be undertaken to improve data governance and ultimately enhance procurement decision-making;
- Training and capacity development programme for both Supply Chain and Asset Management disciplines will continue in a structured format that includes formal training interventions, informal bespoke interventions, SCM and Asset Management fora and Asset Management colloquiums; and
- Develop an Asset Management Governance Framework for municipalities as a first phase, focusing on Asset Management Policies/Strategies and Business Processes.

3.3.2.3 Sub-programme 3.3: **Supporting and Interlinked Financial Systems:** To provide for the implementation, management and oversight of provincially operated financial systems and transition to the Integrated Financial Management System (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 to improve security of the systems;
- Ensuring further 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; and
- 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 leadership 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 also serving as the Western Cape Provincial Accountant General, 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 prescribed accounting frameworks. 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 progress to Cabinet quarterly on issues raised at the departmental governance engagement and CGRO Governance Action Plans (e-GAP) to enable the improvement of financial management; and
- To enable the improvement of both governance and the application of the accounting framework through structured training programmes and the further enhancement of the e-GAP tool.

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 the standards of 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 and driving of the good financial governance agenda and thereby enhance good governance practice across various disciplines to achieve maturity in governance;
- Building the capabilities of municipal officials has been identified as a key enabler to sustainably improve financial governance practices and concomitantly financial performance. Support initiatives such as the Financial Management Capacity Building Grant and the municipalities in building their skills pipeline. Identification of training needs and support to initiatives are coordinated and implemented to build the capabilities of financial officials in the areas of risk management, internal audit and financial management; and
- Established fora such as the Chief Risk Officer and Chief Audit Executive (CAE) are used to drive norms and standards relating to risk management and internal audit practices towards improved systems of internal control.

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

4.1 Information Officer

Dr H Malila
Legislature Building
15 Wale Street/P O Box X659
Cape Town, 8000
Tel: 021 483 6032 Fax: 021 483 3300
E-mail: Harry.Malila@westerncape.gov.za

4.2 Deputy Information Officer

Mr. D Savage
Legislature Building
7 Wale Street/Private Bag X9165
Cape Town, 8000
Tel: 021 483 6267 Fax: 021 483 3855
E-mail: David.Savage@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 this act;
- 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; and
- 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: Mr Paul Pienaar, Director: Business Information and Data Management, via email: Paul.Pienaar@westerncape.gov.za or Ms Sonet le Roux, Deputy Director: Business Information and Data Management, via email: Sonet.leRoux@westerncape.gov.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	

CATEGORIES AND SUBJECT MATTER	Programme overseeing the information
<ul style="list-style-type: none"> • National Legislation • Western Cape Provincial Legislation 	
<p>6.1.2 Organisation and Control</p> <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
<p>6.1.3 Human Resource Management</p> <ul style="list-style-type: none"> • Organisation Development • Provincial Training Institute • Human Resource Management • Human Capital Management 	Programme 1
<p>6.1.4 Internal Financial Management</p> <ul style="list-style-type: none"> • Budget • Accounting Responsibility • Expenditure • Banking Arrangements • Funds • Internal Control 	Programme 1
<p>6.1.5 Supply Chain Management</p> <ul style="list-style-type: none"> • Procurement • Provisioning • Asset Management 	Programme 1
<p>6.1.6 Internal Facilities Management</p> <ul style="list-style-type: none"> • Buildings and Grounds • Equipment and Furniture • Postal Services • Telecommunication Services • Occupational Health and Safety (OHASA) 	Programme 1

CATEGORIES AND SUBJECT MATTER	Programme overseeing the information
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 Measures • 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 	
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)
<ul style="list-style-type: none"> (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)* (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* 	<p>Records referred to in (a) to (n) may be obtained from the Department located on the third floor of the Legislature Building, Cape Town upon payment of the prescribed fee - between 07:30 and 16:00 or can be viewed on the Department's web page free of charge.</p>

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

The Department does 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/provincial-treasury/files/atoms/files/07_05%20Treasury%20Service%20Charter_0.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:

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.

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; and
 - 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 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); and
- 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; and
- 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; and
- The requester consented to an extension.

3. **RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES – sections 47 and 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; and
- 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); and
- 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

PROVINCIAL TREASURY | SERVICE DELIVERY CHARTER

VISION

A responsive and inclusive Treasury that enables positive change in the lives of citizens.

MISSION

- Promotion of cohesion and citizen connectivity.
- Building capacity in the public sector by being adaptive, innovative and supportive.
- Integrated management and partnerships that enable the delivery of quality services in a sustainable manner.

OUR COMMITMENT

We commit ourselves to a people-centred approach and to customer satisfaction as we provide our public sector development services. 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.

OUR SERVICES AND STANDARDS

We offer the following core services against the related service standards of this site. The detailed service standards can be found in the IT service standards.

ADMINISTRATION

Provide strategic, quality financial and administrative support services to the head of the department and the Minister to enhance the department's vision and strategy.

SUSTAINABLE RESOURCE MANAGEMENT

Render resource, budget, infrastructure and integrated planning, budgeting and implementation services of provincial and municipal financial resources.

ASSET MANAGEMENT

Provide assistance to provincial departments and municipalities in building capacity and creating ICP mechanisms and savings.

FINANCIAL GOVERNANCE

Promote accountability and financial governance in departments, entities and municipalities to ensure transparent financial information.

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 informal, useful, usable and constructive feedback.
- We will answer telephone calls within 30 rings.
- We will respond to all our emails 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 10 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.

CUSTOMER RIGHTS

You have the right to:

- Courteous treatment at all times;
- Full information upon request;
- Prompt and efficient service;
- Refuse and an apology for service lapses;
- Value for money in all services rendered;
- Information about the service standard you can expect;
- Reason access to services; and
- Be consulted about the level and quality of public services.

CUSTOMER OBLIGATIONS

We expect you:

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

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 3749 | Fax: 021 483 3855
www.westerncape.gov.za**

**We value being accessible
That's why our buildings
are accessible to people
with disabilities.**

POSITIVE ABOUT PEOPLE WITH DISABILITIES

EXECUTIVE AUTHORITY DECLARATION:
I, **David Register**, commit the Department of Provincial Treasury in terms of the PSLB, 2018 (Part 5, Section 66 (3) and Section 37) to adhere to this charter.

Minister David Register
Minister of Finance and Economic Opportunities.

24 March 2020

Date

BETTER TOGETHER.

https://www.westerncape.gov.za/provincial-treasury/files/atoms/files/07_05%20Treasury%20Service%20Charter_0.pdf

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]

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

D. Particulars of record

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

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

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.

G. Notice of decision regarding request for access

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]

A. Particulars of public body

The Information Officer/Deputy Information Officer:

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

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

Full names and surname:

Identity number

D. The decision against which the internal appeal is lodged

E. Grounds for appeal

State the grounds upon which the internal appeal is based:

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

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:
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:

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. The fees for reproduction referred to in Regulation 11(1) are as follows:
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: