

PROMOTION TO ACCESS TO INFORMATION MANUAL



2015

**Prepared in terms of the Promotion of Access Information
Act, 2 of 2000**

TABLE OF CONTENTS

| | | |
|-------------|--|----|
| 1. | Introduction..... | 4 |
| 2. | Establishment of the Commission For Gender Equality | 6 |
| 3. | Functions and objectives of the Commission For Gender Equality..... | 6 |
| 4. | Structure of the Commission For Gender Equality..... | 7 |
| 5. | Organogram | 8 |
| 6. | Key Contact Details for Access to Information Queries..... | 9 |
| 7. | Contact Details for Provincial Offices of the Commission for Gender Equality..... | 10 |
| 8. | Guide on how to use the Access to Information Legislation: Section 14 (1) (c)..... | 12 |
| 9. | Services rendered by the Commission for Gender Equality..... | 13 |
| 10. | Records in possession by Commission For Gender Equality..... | 15 |
| 10.1 | Categories of Records | 15 |
| 10.2 | Categories of records held in terms of other legislation | 16 |
| 10.3 | Automatically available records..... | 17 |
| 10.4 | Categories of records available on request..... | 24 |
| 11. | Request Procedure..... | 26 |
| 12. | Formal Request: Section 14 (1) (d)..... | 27 |
| 13. | Remedies for Non-compliance of the Provisions of the Act..... | 28 |
| 14. | Fees and Payment Method..... | 28 |
| 15. | Schedule of Fees | 30 |
| 16. | Request Form A..... | 33 |

1.Introduction

- 1.1 The right of access to information is entrenched in section 32 of the Constitution of the Republic of South Africa. Section 32 provides that everyone has the right of access to any information held by the state or held by any other person, which is to be used for the protection or exercise of any right. The Promotion of Access to Information Act, 2 of 2000 (PAIA) is the law that gives effect to section 32 of the Constitution. This Act is regulated by the South African Human Rights Commission (SAHRC), was approved by Parliament on 2 February 2000 and came into effect on 9 March 2001.
- 1.2 In terms of PAIA, any person can demand records from public and private bodies without giving a reason. Public and private bodies have 30 days to respond to the request.
- 1.3 Organisations are required to compile a manual to serve both as an index of records held by public bodies and as a guide for requesters. The manual describes the procedure to be followed when requesting records.
- 1.4 The Commission for Gender Equality is committed to the observance of and compliance with the directives of the Constitution and PAIA, The Commission for Gender Equality endorses the key principles of good governance, transparency and accountability.
- 1.5 This manual is published in accordance with section 14 of the PAIA. It contains a description of the structure, functions and services of the Commission and the availability of its records as a public body.
- 1.6 The information in this manual provides a roadmap to the Commission which clearly demonstrates the services the Commission provides together with the

information necessary to ensure that the processes of information sharing are expeditious and affirming.

2. Establishment of the Commission

2.1 The Commission was established pursuant to section 181 of the Constitution of the Republic of South Africa, 1996.

2.2 The legislative powers of the Commission are given force through the Commission for Gender Equality Act, 39 of 1996 (as amended).

3. Functions and objectives of the Commission

The Commission's primary objective is to provide support to a constitutional democracy. Section 187 of the Constitution provides the broad primary functions of the Commission in the execution of this mandate. The key functions are to:

- promote respect for gender equality and to protect, develop and attain gender equality;
- Monitor, research, investigate, educate, lobby, advise and report on issues concerning gender equality.

4. Structure of the Commission

The Commission consists of a National Office situated in Johannesburg, Gauteng and Provincial Offices in each of the 9 Provinces.

- Eastern Cape, East London
- Free State, Bloemfontein
- Gauteng, Johannesburg
- KwaZulu-Natal, Durban

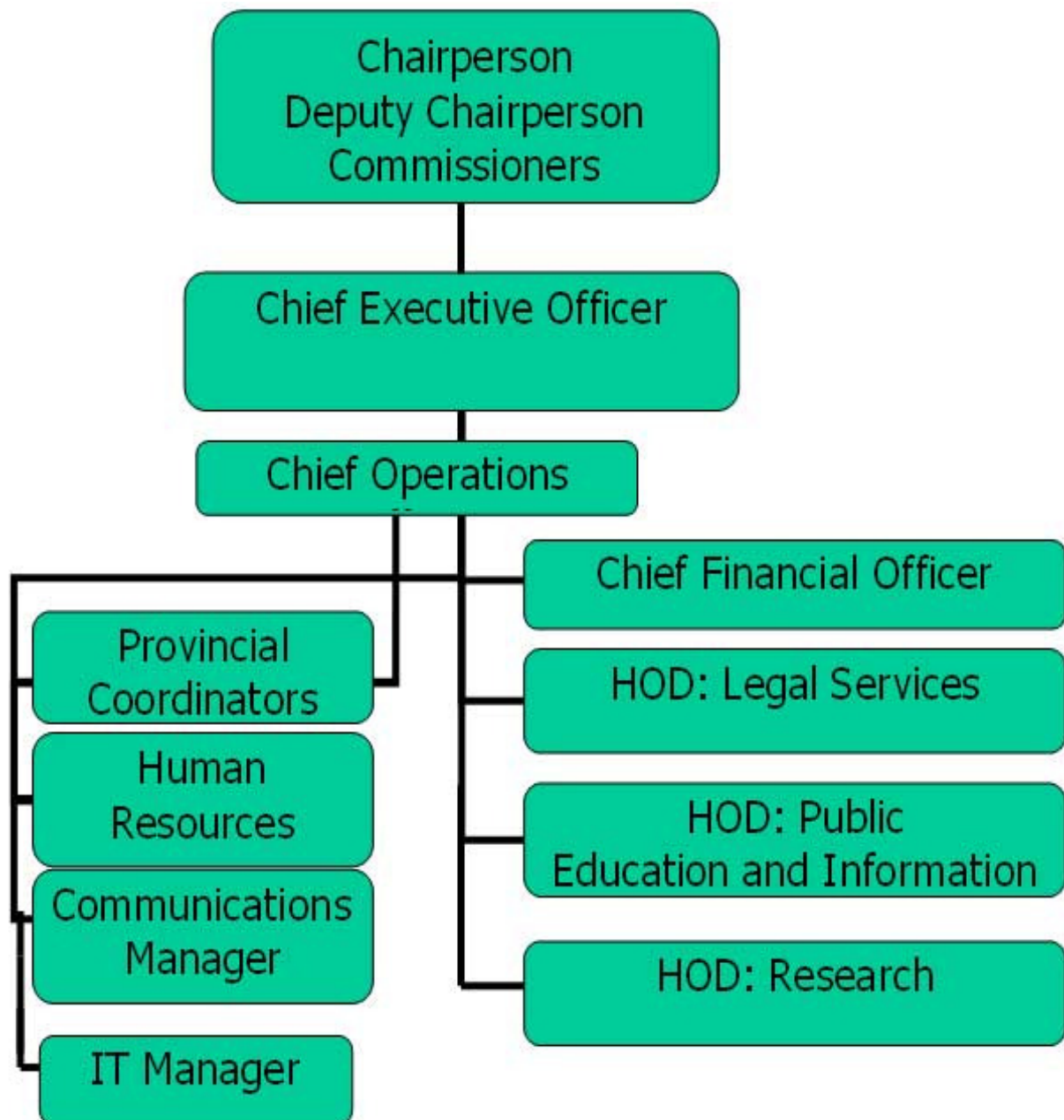
- Limpopo, Polokwane
- Mpumalanga, Nelspruit
- Northern Cape, Kimberley
- North West, Mafikeng
- Western Cape, Cape Town

The Commission has eleven Commissioners appointed by the President of the Republic of South Africa to serve for a five year term of office, renewable for another five year term of office.

Commissioners L Nare and T. Mathebula serve respectively as the Chairperson and Deputy Chairperson of the Commission. Commissioner F. Nzimande, N Mazibuko and N Sepanya-Mogale serve as part-time Commissioners, and Commissioners W. Mgoqi, N Moleko, S Rakolote, N. Bata and N. Maphazi serve as full-time Commissioners of the Commission.

The secretariat is headed by the Chief Executive Officer, Ms. Keketso Maema, and her role encompasses the development of institutional and operational strategies in line with the CGE Act and other relevant legislative frameworks. The Chief Operations Officer position is currently vacant and thus unoccupied. Chief Financial Officer, Mr Moshabi Putu, is responsible for the effective financial management of the Commission, including the exercise of sound internal controls, planning and budgetary control practices of the Commission.

5. Organogram of the Commission



6. Key contact details for access to information queries

Information Officer:

Keketso Maema (Ms)

Personal Assistant:

Pule M Pule(Mr)

Tel: +27 11 403 7182

Email: pule@cge.org.za

Deputy Information Officer:

Marissa van Niekerk (Ms)

Legal Administrator:

Lesego Mogomotsi

Tel: +27 11 403 7182

Email: lesego@cge.org.za

National Head Office

Postal Address: The Commission For Gender Equality
PO BOX 32175
Braamfontein
2017

Physical Address: The Commission for Gender Equality
2 Kotze Street
Constitutional Hill Women's Jail, East Wing
Braamfontein
Johannesburg
2017

Telephone +27 11 403 7182
Toll free +27800 0007 709
Fax +27 11 403 5609
Email cgeinfo@cge.org.za
Website www.cge.org.za

7. Contact details for regional offices of the Commission

| | |
|--|--|
| <p>Eastern Cape</p> <p>3-33 Phillip Frame Road, Waverly Park Chilselhurst, East London 5200 Tel.: +27 43 722 3489 Fax: +27 43 722 3474</p> <p>Provincial Manager Nceba Mrwebo (Mr) E-mail: nceba@cge.org.za</p> | <p>Gauteng (Pretoria)</p> <p>267 Lillian Ngoyi Street, Praetor Forum Bld, Pretoria Central, 0002 Tel.: +27 12 341 6090 Fax: +27 12 341 4689</p> <p>Provincial Manager (Acting) Rabbuh Raletsemo (Mr) E-mail: rabbuh@cge.org.za</p> |
| <p>Free State</p> <p>49 Charlotte Maxeke Street 2nd Floor, Fedsure Building Bloemfontein 9300 Tel.: +27 51 430 9348 Fax: +27 51 430 7372</p> <p>Provincial Manager Sixolile Ngobo (Ms) E-mail: sixolile@cge.org.za.</p> | <p>KwaZulu-Natal</p> <p>40 Dr.A.B. Xuma Road Suite 312 Commercial City Durban Tel.: +27 31 305 2105 Fax: +27 31 304 7435</p> <p>Provincial Manager Zanele Ncwane (Ms) E-mail: zanele@cge.org.za</p> |
| <p>Limpopo</p> <p>1st Floor, Office 106, Library Garden Square, Corner of Schoeman and</p> | <p>Mpumalanga</p> <p>4th Floor Caltex Building 32 Bell Street Nelspruit</p> |

| | |
|--|--|
| <p>Grobler Streets Polokwane Tel.: +27 15 291 3070 Fax: +27 15 291 5797 Provincial Manager Tshepang Mokgokong (Mr) E-mail: tshepang@cge.org.za</p> | <p>Tel.: +27 13 755 2528 Fax: +27 13 755 2991 Provincial Manager Molta Mavuso(Ms) E-mail: molta@cgeorg.za</p> |
| <p>North West 32 Molopo Road Mafikeng,2745 Tel.: +27 14 381 1505 Fax: +27 14 381 1377 Provincial Manager Mvuleni Tshazibana (Mr) E-mail: mvuleni@cge.org.za</p> | <p>Northern Cape Cnr Stead & Knight Street Court Building Kimberley 8301 Tel.: +27 53 832 0477 Fax: +27 53 832 1278 Provincial Co-ordinator Tshepo Nosi (Mr) E-mail: tshepo@cge.org.za</p> |
| <p>Western Cape 7th Floor ABSA Building 132 Adderley Street Cape Town Tel.: +27 21 426 2277 Fax: +27 21 426 2875 Provincial Manager Sixolile Ngobo (Ms) E-mail: sixolile@cge.org.za</p> | |

8. Guide on how to use PAIA (Section 14(1) (c))

The South African Human Rights Commission (SAHRC) has, in terms of section 10 of the PAIA, compiled a guide on how to use the PAIA. This guide will be made available at the commission and our offices. Any queries relating to the guide should be directed to the commission at:

The South African Human Rights Commission

PAIA Unit

Research and Documentation Department

Postal address: Private Bag X 2700

Houghton, 2041

Telephone: (011) 877 3600

Website: www.sahrc.org.za

9. Services rendered by the Commission

The Commission provides assistance to members of the public as follows:

9.1 Protection of gender related matters through the legal Department

The Legal Department had been set up to:

9.1.1 Investigate gender related matters

9.1.2 Evaluate laws, custom, practices and indigenous laws, family law affecting gender equality or status of women that are in force or proposed by parliament.

9.1.3 Recommend to Parliament the adoption of laws that will promote gender equality and status of women

9.1.4 Monitor compliance with international conventions, covenants and international Charters acceded and ratified by the government that have a bearing on the object of the CGE

9.1.5 Make a contribution/submission to law making process especially in laws that affect women adversely and have a bearing on gender equality in South Africa

NOTE: Complaints can be lodged at all provincial offices. Complainants can approach the Commission directly to lodge complaints, or complaints can be made via email (details are provided above)

9.2 Promotion of gender equality through the Department of Public Education and Information

The Department of Public Education and Information had been set up to:

9.2.1 To develop, conduct or manage information and educational programmes and to foster public understanding of the matters pertaining to the promotion of gender equality and the role of the Commission.

NOTE: Requests for training on gender equality can be submitted to the provincial office and head office. Requests must be submitted to the Head of Public Education and Information Department at Head office and to education Officers at provincial offices.

All services of the Commission are rendered free of charge.

10. Records in possession by the Commission

Certain records, excluding records with restricted access, are automatically available without a person having to request them through the PAIA (see paragraph 10.3 of this manual).

Other records maintained by the Commission must be requested from the information officer in terms of the procedures defined in sections 17 to 32 of the PAIA.

10.1 Categories of Records

The Commission generates records in executing its mandate through the Operations Programmes and Corporate and Financial Services. Each programme of the Commission generates substantive records, which relate specifically to the outputs of the programme.

The categories of records generated by the Commission are classified in the manner listed below:

- According to the file plan for correspondence files on strategic support, core functions, and operational processes of the Commission; and
- The Records Control Schedule for Other records including publications and audio-visual records and the electronic information systems of the Commission.

10.2 The Commission is required by legislation to hold certain records and a list of the applicable legislation follows:

- The Constitution of the Republic of South Africa, 1996
- The Human Rights Act 54 of 1994
- Promotion of Access to Information Act 2 of 2000
- Promotion of Administrative Justice Act 3 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Magistrates Courts Act 32 of 1994
- Supreme Courts Act 59 of 1959
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Labour Relations Act 66 of 1995
- Pension Funds Act 11 of 2007
- Public Finance Management Act 1 OF 1999
- Skills Development Act 97 of 1998
- Unemployment Insurance Act 63 of 2001
- Tax Administration Act 28 of 2011
- Housing Act 107 of 1997
- National Health Act 61 of 2003
- National Water Act 36 of 1998

- National Archives and Records Service Act 43 of 1996
- Intergovernmental Relations Framework Act 13 of 2005
- Local Government and Municipal Systems Structures Act 117 of 1998

10.3 Categories of records automatically available

As indicated above, PAIA requires institutions to list those records which are automatically available. Such automatically available records usually do not have information which can reasonably be said to be of a sensitive nature. Most records which fall into this category of information are available from the Commission at its Head Office or on the Commission's website www.cge.org.za and do not require a formal process to access same.

Records Automatically Available from the Commission

| CATEGORY | DOCUMENT TYPE | AVAILABILITY | WEBSITE |
|--|---|--------------|---------|
| Strategic Documents Plans & Proposals | Establishment Legislation Charters Funding Proposals Risk WSP HR SDIP Contingency | √ | √ |
| Operational Policies/Plans/ Procedures/ Frameworks | Protocols Agreements | √ | |

| | | | |
|--------------------------------|---|---|---|
| | Supply chain management Procurement plans Specific tenders and contracts Donations Funds Supplies Revenue statements, reports and returns Risk management Audit IT Finance Management Human resources Marketing and branding records Management SLAs | √ | |
| Manuals | Public bodies Private bodies | √ | |
| Publicity & Marketing Material | Publications, reports, etc | √ | √ |

| CATEGORY | DOCUMENT TYPE | AVAILABILITY | WEBSITE |
|--------------|----------------------------------|--------------|---------|
| Publications | Booklets Books Periodicals | √ | √ |

| | | | |
|--|--|---|---|
| | Journals Reports | | |
| | Newsletters Bulletins Magazines Pamphlets E- Publications | √ | √ |
| Media | Press releases Radio and TV interviews, Statements Participation details | √ | √ |
| | Official speeches and messages Gifts and awards | √ | |
| Events Functions Seminars Conferences | Presentations Discussion documents | √ | √ Subject to availability and timelines of event |
| Registers | Internal directories File plan Records Control schedules | √ | |
| Reports/ Minutes/ Decisions | Conferences Research and findings Investigative reports HR interventions Public hearings Annual reports Monitoring and evaluation Statistics Surveys | √ | √ Subject to availability |

| | | | |
|-------------------------|---|---|--|
| Supply Chain Matters | Tender documents Levy returns Quotations: Tenders Leases | √ | |
| Finances | Estimates Statements Budgets Reports | √ | |
| Audio-Visual Recordings | Slides Photographs Films Videos | √ | |

10.4 Categories of records not automatically available

Category B (These records must be formally requested by lodging a request form* see form on page 33 below)

| CATEGORY OF RECORD | ON REQUEST ONLY |
|--|-----------------|
| Commissioner service assessment reports | √ |
| Commissioner internal communiqués | √ |
| Executive Management internal sensitive communication | √ |
| Security-related information | |
| Records held by Legal Services Department | √ |
| Research conducted by service providers for the organisation or programmes subject to contractual exemptions on disclosure | √ |
| Confidential client communications to programmes | √ |
| Privileged information: held in the course of closed hearings, attorney client information, national security based information, third party information | √ |

| | |
|--|---|
| | |
| Specific Human Resource Personnel information, including files relating to discipline, medical information, etc. | √ |
| Asset disclosures and asset protection procedures | √ |
| Certain service level agreements | √ |
| Certain tender documentation | √ |
| Agendas and minutes of meetings and correspondence | √ |
| Draft reports, policies and discussions documents | √ |

**The records listed in the categories above may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds.*

The Commission further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources. Access will also be refused where requests are clearly frivolous and/or vexatious.

11. REQUEST PROCEDURE

11.1 Requests for access to records of the Commission may be submitted to head office or to any of the provincial offices. The request must be submitted on the

prescribed form. A copy of the form is attached as appendix B. All relevant parts must be completed. Request forms will be available at head office and all provincial/regional offices.

Once completed, the form must be forwarded the information officer.

11.2 In terms of the Act, where the records requested do not contain personal information of the requester, a request fee is payable by the requester before the request can be dealt with. A further access fee is payable before access to the relevant records is granted.

12. Formal Requests and Fees (Section 14 (1) (d))

The following considerations have to be made:

- The requester must indicate the form or manner of access required.
- The Commission will endeavour to provide information in the form indicated where possible.
- A 30 (thirty) working day time frame is permitted for a response to the request where this is necessary. These 30 (thirty) days may further be extended to another 30 (thirty) working days on notification to the requester.
- Fee impositions are required in terms of PAIA. A fee schedule is attached to this manual.

Fees are paid at the inception of a request and thereafter, fees are incurred for search processes and reproduction costs. Certain categories of persons are exempt from paying fees. These categories include those who qualify on the basis of their annual income and those who are requesting personal

information. The regulation relating to the exemption from fees is attached to this manual.

Persons who are requesting personal information about themselves or their minor children do not have to pay a request fee. All other persons have to pay the request fee of R35, 00.

If a person is making a request on behalf of another, then they must submit proof that they have been requested to do so.

If a request is granted, then a further access or search fee is required. This fee is calculated in terms of the rates fixed in the attached regulation. Fees are charged for time spent searching for the record and preparing and / or reproducing the record/s.

13. Remedies for non-compliance with the provisions of the Act

Any requester dissatisfied with any decision of the Commission in respect of a request for access to a record of the office may approach the appropriate Court to seek redress.

14. Request Fees and Payment Method

- PAIA prescribes fees that must be paid by a requester when applying to access information. A copy of the fee schedule is attached.
- All payments can be made in revenue stamps available from the post offices.

- Requests for voluminous non-personal records will not be accepted without payment.

| Schedule of Fees | | |
|---|---------------|--|
| Description | Fee | |
| 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. | R0.60 | |
| Reproduction Fess: Regulation 7(1): | | |
| For every photocopy of an A4-size page or part thereof | R0.60 | |
| For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R0.40 | |
| For a copy in a computer- readable form on: | R5.00 | |
| | | |
| (i) Stiff disc | | |
| (ii) Compact disc | R40.00 | |
| For a transcription of visual images: | | |
| (i)for A4-size page or part thereof | R22.00 | |
| (ii) copy of visual images | R60.00 | |
| (iii)transcription of an audio record, A4 size page or part thereof | R12.00 | |
| (iv)copy of an audio record | R17.00 | |

| | | |
|--|----------------|--|
| Request fee payable by a requester, other than a personal requester | R35.00 | |
| Search Fees- to search and prepare a record for disclosure. The fee is charged per hour (or part of the hour); however the first hour is free. | R15.00- | |
| <p>For purposes of section 22(2) of the Act, the following applies:</p> <p>(a) Six hours as the hours to be exceeded before a deposit is payable; and</p> <p>(b) one third of the access fee is payable as a deposit by the requester.</p> | | |
| The actual postage is payable when a copy of a record must be posted to a requester. | | |



Commission for Gender Equality
A society free from gender oppression and inequality

Formal Request Form for Documents not automatically available

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

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 given below.

(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.

(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.

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 for exemption.*

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

| <u>Disability:</u> | Form in which record is required: | | |
|--|-----------------------------------|---------------------|------------------------------|
| Mark the appropriate box with an X. | | | |
| NOTES: | | | |
| (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. | | | |
| (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. | | | |
| (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested. | | | |
| 1. If the record is in written or printed form: | | | |
| | copy of record* | | inspection of record |
| 2. If record consists of visual images - | | | |
| (this includes photographs, slides, video recordings, computer-generated images, sketches, etc: | | | |
| | view the images | copy of the images* | transcription of the images* |
| 3. If record consists of recorded words or information which can be reproduced in sound: | | | |

| | | | |
|---|--|--|---|
| | listen to the soundtrack (audio cassette) | | transcription of soundtrack* (written or printed document) |
| 4. If record is held on computer or in an electronic or machine-readable form: | | | |
| | printed copy of record' | printed copy of information derived from the record* | copy in computer readable form* (stiffy or compact disc) |
| *If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable. | | | YES NO |
| Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available. | | | |
| In which language would you prefer the record? | | | |

G. Notice of Decision regarding Request for access

Requesters will be notified whether their request has been approved/denied. If you wish to be informed 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 thisday of.....20

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF REQUEST IS MADE