



**KWAZULU-NATAL PROVINCE**

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

# **PROMOTION OF ACCESS TO INFORMATION & PROTECTION OF PERSONAL INFORMATION MANUAL**

## **KWAZULU-NATAL**

### **DEPARTMENT OF AGRICULTURE & RURAL DEVELOPMENT**

**Compiled in compliance with the Promotion of  
Access to Information Act (Act No. 2 of 2002) (PAIA)**

## **EDITION: 2024/2025**

### **TABLE OF CONTENTS**

#### **SECTION ONE**

##### **1. INTRODUCTION**

- 1.1 Definition
- 1.2 Purpose of the Manual
- 1.3 Mandate of the Department
- 1.4 Strategic Goals
- 1.5 Information Regulator

#### **SECTION TWO**

##### **2. CONTACT INFORMATION**

- 2.1 Information Officer

- 2.2 Deputy Information Officer
- 2.3 Deputy Information Officer
- 2.4 Deputy Information Officer
- 2.5 Deputy Information Officer

### **SECTION THREE**

#### **3. ACCESS TO RECORDS HELD BY DEPARTMENT OF AGRICULTURE & RURAL DEVELOPMENT**

- 3.1 Records held by the Department
- 3.2 Automatic Disclosures
- 3.3 Submission of Request for Access to Information / Record
- 3.4 Considering your request
- 3.5 Prescribed Fees

### **SECTION FOUR**

#### **4. PUBLIC SERVICES**

- 4.1 Services provided by the Department to the public
- 4.2 More information regarding Services

### **SECTION FIVE**

- 5. Remedies available in respect of the Acts or failures to act

**SECTION SIX**

6. Public participation in the formulation of Policy and exercise performance of the Department

**APPENDIX:**

**APPENDIX 1**

Records held by the Department and the description of the categories of Data Subjects and the information or categories of information relating thereto.

**APPENDIX 2**

Prescribed fees in respect of public bodies

**APPENDIX 3**

Prescribed form for access to information

**APPENDIX 4**

Internal appeal form

## PART 2 ANNEXURE 1: STRUCTURE OF THE DEPARTMENT

### SECTION ONE

#### 1. INTRODUCTION

##### 1.1 DEFINITIONS

- (i) **“DARD”** means the KwaZulu-Natal Department of Agriculture and Rural Development
- (ii) **“Deputy Information Officer”** means a person designated or delegated by the Information Officer
- (iii) **“Information Officer”** means in this Guide the Head of the Department of Agriculture and Rural Development,
- (iv) **“Information Regulator”** means the Office of the Information Regulator that has been established in terms of section 39 of POPIA, to monitor and enforce compliance with both POPIA and PAIA,
- (v) **“Internal Appeal”** means an internal appeal in the process for challenging a decision made in terms of PAIA.
- (vi) **“PAIA”** means the Promotion of Access to Information Act No. 2 of 2000 (as Amended);
- (vii) **“POPIA”** means the Protection of Personal Information Act No.4 of 2013

##### 1.2 PURPOSE OF THE MANUAL

The purpose of the Manual/ Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act and the Protection of Personal Information Act. Any person, irrespective of citizenship, can apply for access to information under PAIA.

It has been prepared in compliance with the provisions of section 14 of the Act in order to give guidance to the members of the public on how they can obtain access to any information that is held by the Department of Agriculture and Rural Development (to be referred to hereinafter as “the Department”) so as to ensure that the Department conducts its business in a transparent manner and to enable the public to scrutinise the decisions taken by the Department.

Section 14 of the Act makes it imperative on each and every governmental entity to prepare a manual that would give guidance to the members of the public on how they can access records held by it.

Information is also very empowering for ordinary citizens. They need to know what services the Department offers and how they can be accessed. This is the only way that democracy can be strengthened and nurtured.

This Manual will also assist a person, called a data subject, on how to access his/her personal information in terms of section 23 of POPIA.

### **1.3 MANDATE OF THE DEPARTMENT**

#### **Vision**

An inclusive, sustainable and radically transformed agricultural sector that builds thriving communities in balance with nature.

#### **Mission**

To advance sound agricultural practices that stimulates comprehensive economic growth, food security and advancement of rural communities.

### **1.4 STRATEGIC GOALS AND OBJECTIVES:**

The Department has identified four goals to execute the strategy and deliver on its mandate. These are detailed below.

STRATEGIC OUTCOME ORIENTED GOAL	GOAL STATEMENT
1. Corporate governance and an integrated service delivery.	Provision of sound and transparent corporate and financial management systems.
2. Unleashing the agricultural potential of the province.	Maximising agricultural development and output in the province.
3. Sustainable natural environmental management.	Promotion of environmentally sustainable agricultural development.
4. Promote sustainable rural livelihoods.	Improve access to services in rural areas through co-ordination.

## 1.5 ESTABLISHMENT OF THE INFORMATION REGULATOR

- (i) It was established to ensure the promotion and enhancement of the PAIA objectives, which are to give effect to that right of access to information in a manner which enables persons to obtain access to records of public and private bodies as swiftly and inexpensively as reasonably possible. Information Regulator was established in terms of section 39 of POPIA.
- (ii) POPIA amends the role of the SAHRC in relation to the PAIA mandate. Effective from 30 June 2021, all the functions of the SAHRC, as enumerated in PAIA, will be handled by the Regulator.
- (iii) Whilst the SAHRC will still remain with its broader constitutional obligations to promote, protect and monitor the rights enshrined in the Bill of Rights, the SAHRC and the Regulator will work closely alongside one another.
- (iv) The Regulator is mandated by PAIA under Part 4, Chapter 1A and Part 5 and other sections, to–
  - (i) promote the right of access to information and assist the public in using

- PAIA where reasonably possible to do so,
  - (ii) monitor and further the implementation of PAIA by public and private bodies (which includes promoting effective ways to make information timeously available),
  - (iii) make recommendations to strengthen PAIA, and
  - (iv) report annually to Parliament
- (v) Section 77C and (2) of PAIA makes provision for the following powers, duties and functions of the Regulator, to
  - (i) Investigate a complaint made to the Regulator in the prescribed manner,
  - (ii) Refer the complaint to the Enforcement Committee established in terms of section 50 of the POPIA, or
  - (iii) Decide, in accordance with section 77D, to take action on the complaint or, as the case may be, require no further action in respect of the complaint, and
  - (iv) Act, where appropriate, as conciliator in relation to such complaint in the prescribed manner.

## SECTION TWO

### 2. CONTACT INFORMATION (Section 14 (1)(b) )

2.1 Information Officer: Mr Zibusiso N Dlamini– Head of Department

2.1.1 Physical Address Department of Agriculture and Rural Development

	Cedara
Postal Address	Private Bag X9059 PIETERMARITZBURG 3200
E-mail	HODPA.HODPA@kzndard.gov.za
Tel. No.	(033) 355 9108
Fax No.	(033) 355 9293
2.2 Deputy Information Officer:	Mr Thabani Mkhize-Acting DDG- Corporate Services
Physical Address	1 Cedara Road, Pietermaritzburg
Postal Address	Private Bag X 9059 PIETERMARITZBURG 3200
E-mail Address	<a href="mailto:Thabani.Mkhize@kzndard.gov.za">Thabani.Mkhize@kzndard.gov.za</a>
2.3 Deputy Information Officer:	Ms Nishee Seegobin- Senior Director: Legal Services
Physical Address	1 Cedara Road, Pietermaritzburg
Postal Address	Private Bag X9059 PIETERMARITZBURG 3200
Tel. No.	(033) 355 9118
Fax No.	(033) 355 9370
E-mail	<a href="mailto:Nishi.Seegobin@kzndard.gov.za">Nishi.Seegobin@kzndard.gov.za</a>
2.4 Deputy Information Officer:	Mr Rezaan Cassim (Senior Legal Administration Officer)

Physical Address	1 Cedara Road, Pietermaritzburg	Postal Address
Private Bag X9059		
	PIETERMARITZBURG	
	3200	
Tel. No.	(033) 343 8005	
Fax No.	(033) 355 9370	
E – mail	<a href="mailto:Rizaan.Cassim@kzndard.gov.za">Rizaan.Cassim@kzndard.gov.za</a>	

2.5 Deputy Information Officer:	Mr Raymond Z Ngema - Legal Services
Physical Address	1 Cedara Road, Pietermaritzburg
Postal Address	Private Bag X 9059
	PIETERMARITZBURG
	3200
Tel. No.	(033) 355 9187
E – mail	<a href="mailto:Zakhele.Ngema@kzndard.gov.za">Zakhele.Ngema@kzndard.gov.za</a>

### SECTION THREE

#### 3. ACCESS TO RECORDS HELD BY DEPARTMENT OF AGRICULTURE

##### 3.1 THE RECORDS HELD BY THE DEPARTMENT:

Description of the categories of Data Subjects and the information or categories of information relating thereto.

**Please see “Appendix 1” Attached**

**3.2 Automatic availability of certain records of public bodies**

Section 15 of the PAIA prescribes that the Information Officer of a public body, must compile and keep a description of the categories of records that are automatically available without a requester having to request access thereto. The records must be updated as soon as possible after an amendment to the description occurs. The description must be made available to the Information Regulator, on the website of the department and for inspection, at the head office of the department during normal office hours.

The following table contains the list of such records:

**DIRECTORATE:**

Legal Services

01 Cedara Road, Pietermaritzburg, 3200

KZN Department of Agriculture & Rural Development, Private Bag X9059, Pietermaritzburg, 3200

Tel: 033 000 0000 Fax: 033 000 0000

FORM D

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 15 of the Promotion of Access to Information Act 2000 (Act no. 2 of 2000))[Regulation 5A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website)(SECTION 15(1)(a))
<b>FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):</b>	
The list of records are detailed in Section 3 of the PAIA Manual.	The records may be inspected on request in writing addressed

	to the Information Officer and or the Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X9059, PIETERMARITZBURG, 3200, (fax number 033 3559293) and on payment of the amount as per Appendix 1 of the PAIA Manual.
<b>FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):</b>	
The list of records are detailed in Section 3 of the PAIA Manual.	The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X9059, PIETERMARITZBURG, 3200. (fax number 033 3559293) and on payment of the amount as per Appendix 1 of the PAIA Manual.
<b>FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
(a) Delegations  (b) Records relating to administrative decisions reached by the Department.	The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200, (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.

**AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)**

The list of records is detailed in Section 3 of the PAIA Manual, amongst others but not limited to:

- Strategic Plan and Annual Performance Plans.
- Departmental Mission, Vision and Strategic Objectives.
- Values of the Department.
- Legislative Mandate of the Department.
- Service Commitment Charter (SCC).
- Service Delivery Improvement Plan (SDIP).
- Quarterly Expenditure Reports.
- Policies regarding Internal Practices.
- Budget Vote of the MEC and other Speeches.
- Departmental Publications.
- Annual Reports
- GIS mapping.
- Mid-term reviews.

Legislation.

- Delegations

- Circulars.
- KZN Librarian newsletters.
- Internal Newsletters.
- Media Releases (Umvelo, daily mediamonitoring).

Brochures (Ulwandle)

The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X9059, PIETERMARITZBURG, 3200, (Fax number 033 3559293) and on payment of the amount as per Appendix 1 of the PAIA Manual.

### 3.3 ACCESS TO OTHER RECORDS:

#### 3.3.1 Submission of Request for Access to Information / Record Request Procedures

- 3.3.1.1 A request for access to a record held by the Department must meet the following requirements:
- (a) it must be submitted in a prescribed form (which is attached to this manual as **(Form A in Appendix 2)**);
  - (b) it must be submitted to the Information Officer of the Department or the Deputy Information Officer at his or her contact details stipulated in subparagraph 2.1 of this manual;
  - (c) it must provide sufficient particulars to enable the official of the Department to identify the record or records requested and the identity of the requester;
  - (d) it must state whether the record concerned is preferred in a particular language;
  - (e) it must specify a postal address or fax number of the requester;
  - (f) if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, it must state that manner and the necessary particulars to be so informed and;
  - (g) if the request is made on behalf of a person, proof of the capacity in which the requester is making the request, must be provided to the reasonable satisfaction of the Information Officer.
- 3.2.1.2 Notwithstanding subsection 3.2.1.1 of this manual, the Information Officer of the Department shall endeavour, in any means possible, to assist a requester to ensure that the requester's request conforms with the requirements mentioned in section 3.2.1.1 above by –
- (a) reducing oral requests into writing on behalf of those requesters who, as a result of illiteracy or disability, are unable to reduce their request in writing into the prescribed formats;
  - (b) providing the requester with information that will enable the requester to make a proper request;
  - (c) assisting the requester to file his request with the relevant public body if it is apparent to the Information Officer that the request received should have been submitted to another public body; and
  - (d) transferring the request to the relevant public body if it is apparent to the Information Officer that the request received should have been submitted to another public body or to any of the Department's public entities.

#### 3.2.2 Validation and acknowledgment

Once the Information Officer has satisfied herself or himself that the request meets the requirements mentioned in 3.2.1.1 above, he or she shall within reasonable time, by notice to the requester acknowledge receipt of the application and indicate that the requester will be required to pay the following prescribed fees, namely –

- (a) a request fee of **R100,00** (a standard fee applicable to all requests for access to information, it can however be waived if the information requested relates to the requester's own personal information); and
- (b) an access fee (a fee comprising of reproduction and administrative costs. The amount payable as access fee shall vary from one request to the other depending on the volume of the information requested and time spent in preparing such information. Please see **Appendix 1** for the list of prescribed fees).

### **3.2.3. Processing of Requests**

Subsequent to the notice mentioned in 3.2.2 above, the Information Officer shall finalise the processing of a request as soon as reasonably possible but not later than **30 days** of receipt of the said request. The Information Officer may, depending on the circumstances of each application –

- (a) transfer the request to another public body;
- (b) defer access to a record;
- (c) extend the time period of dealing with the request;
- (d) call for representations from third parties;
- (e) grant access to the information; or
- (f) refuse access to the information.

#### **3.2.3.1 Transfer of Request to another Public Body**

- (a) A request for access to information submitted to the Information Officer may be transferred to another public body if one or more of the following prevails:

- (i) if the information or record requested is not under in the possession or control of the Department but is in possession of another government department or government entity;
  - (ii) if the information requested is more closely connected with the functions of another government department than to the functions of the Department; or
  - (iii) if the information requested contains commercial information (to which access is prohibited in terms of section 42 of the Act) in which any other government department has a greater interest.
- (b) If the requested information falls within the ambit of sub- paragraph (a) above, the Information Officer shall –
- (i) transfer the request to the relevant government department, as soon as reasonably possible but not later than **14 days** after the request is received; and
  - (ii) forward the requested information or record to the transferee department, if the Information Officer has possession of such a document and if he or she considers it helpful to do so.
- (c) Upon transfer of the request, the Information Officer of the Department shall immediately notify the requester of –
- (i) the transfer, including the identity and contact details of the transferee Information Officer to whom the request has been transferred to;
  - (ii) the reasons for the transfer; and
  - (iii) the period within which the request must be dealt with.

### **3.2.3.2 Deferral of Access to a Record**

- (a) If the Information Officer decides to grant access to a record that –
- (i) will be published within **90 days** of receipt of a request;
  - (ii) is required by law to be so published but is yet to be published; or

- (iii) has been prepared for submission to legislature or a particular person but is yet to be submitted, he or she may defer giving access to the said record for a reasonable period.
- (b) If access to a record has been deferred, the Information Officer shall give a notice to the requester concerned advising the requester:
  - (i) that the requester may within **30 days** of receipt of the said notice, make a representation to the Information Officer why the information is required before the pending submission or publication; and
  - (ii) of the likely period for which access is deferred.
- (c) The Information Officer may grant access to a deferred record if, upon consideration of the representations made by the requester, he or she is satisfied that the requester will suffer substantial prejudice if access to a record is deferred.

#### **3.2.3.3 Extension of a period to deal with a request**

- (a) The Information Officer may extend the prescribed period of **30 days** for dealing with a request to a further period not more than **30 days** if the following circumstances exist –
  - (i) if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Department
  - (ii) if the request requires a search for records in, or collection thereof from, an office of the Department not situated in the same town or city as the office of the Information Officer that cannot reasonably be completed within the original period;
  - (iii) if consultation among divisions of the Department or with another Government Department or Government Entity is necessary to decide upon the request that cannot reasonably be completed within the original period;

- (iv) if more than one of the above-mentioned contemplated circumstances exist making compliance with the original period not reasonably possible; or
  - (v) the requester consents to the extension.
- (b) If any of the circumstances contemplated in sub-paragraph (a) above exist; hence the need to extend the original **30 days** period, the Information Officer shall as soon as reasonably possible but within **30 days** of receipt of the request, issue a notice to the requester advising him or her –
- (i) of the period of extension;
  - (ii) of adequate reasons for extension; and
  - (iii) that the requester may lodge an internal appeal or an application with a court, as the case may be, against the extension and the procedure for lodging the internal appeal or the application.

#### **3.2.3.4 Calling of Representations from Third Parties**

The Information Officer considering a request for access to a record that might be a record concerning –

- (a) privacy of third parties;
- (b) certain records of South African Revenue Service;
- (c) commercial information of third parties;
- (d) confidential information of third parties; or
- (e) research information of third parties or of a public body, shall inform the third party to whom the information relates and shall call upon the third party to make written representations to the Information Officer on either of the following:
  - (i) why the request should be refused; or
  - (ii) give written consent for the disclosure of the record to the requester concerned.

### 3.4. GRANTING OR REFUSAL OF REQUESTS:

3.4.1 If access to information has been granted the requester will be notified –

- (a) that the request has been granted;
- (b) of any outstanding access fee to be paid;
- (c) of the form in which access will be given; and
- (d) that he or she lodge an internal appeal against the access fee to be paid or the form of access granted and the procedure and period for lodging such an appeal.

3.4.2 A request for access to information held by the Department may be denied if the requested information falls within the category of information that cannot be disclosed in terms of section 34(1), 35(1), 36(1), 37(1), 38(a), 39(1), 40, 41(1), 41(2) and 45 of the Act. If the request for access to information has been denied, the Information Office shall notify the requester that –

- (a) the request has been refused and the reasons for the refusal; and
- (b) the requester may lodge an internal appeal in terms of the appeal procedure mentioned in paragraph 7 of this manual or may approach court for an appropriate relief.

3.4.3 If the Information Officer has not responded to the requester's request within **30 days** of receipt of the said request, it must be deemed that the request has been refused.

3.4.4 If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in possession of the Department but cannot be found or does not exist, the Information Officer shall by way of an affidavit notify the requester that it is not possible to give access to the said record. For the purposes of the Act, this notice will be regarded as a decision to refuse access. If the record is subsequently found, the requester concerned will be given access to it unless access thereto is refused in terms of the Act.

### 3.5 PRESCRIBED FEES:

#### 3.5.1 Fees payable for a request and notification of decision on access:

- 3.5.1.1 A Requester who seeks access to a record containing personal information about the Requester is not required to pay the request fee. The fees payable by every Requester is listed in section 6 of this Manual.
- 3.5.1.2 The **Information Officer** must notify the Requester of the fee and deposit (if any) before further processing the request.
- 3.5.1.3 The Requester may lodge an internal appeal, to the MEC where appropriate, or an application to the court against the tender or payment of a fee.
- 3.5.1.4 After the **Information Officer** has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- 3.5.1.5 If the request is granted then a further **access** fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the records for disclosure.

**Access** to a record will be withheld until all the applicable fees have been paid.

## SECTION FOUR

### 4. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURES TO ACT

- 4.1.1.1 If an Information Officer refuses a request for a record, then the Requester can lodge an internal appeal against that decision (s74 (1)(a). He or she may not go to court or to the Information Regulator before following this route.
- 4.1.1.2 In terms of section 78(1) of PAIA, a requester or a third party has two options, either to refer a decision to the Regulator or the Court. Although one is not compelled to approach the Regulator before approaching the Court, but it is advisable that one should consider approaching the Regulator, as the Regulator has extensive and quick dispute resolution mechanisms, as opposed to the Court.

### 5. INTERNAL APPEALS:

#### 5.1 Who can lodge an internal appeal?

- 5.1.1 Any requester whose PAIA request for access to the records of the Department has been refused and believes that one of the appeal grounds is applicable to their request, has the right to file an internal appeal.
- 5.1.2 Third parties can also file internal appeals against the decision made by an Information Officer to grant access to a record that concerns them. If the internal appeal involves a third party, the appeal authority (MEC) who received the internal appeal is required to notify those third parties.

#### 5.2 Period within which to lodge an appeal

- 5.2.1 An internal appeal must be lodged-

5.2.1.1 within 60 days after the decision was taken

5.2.1.2 within 30 days after notice is given to the third party of the decision appealed against.

5.2.2 Lodging an internal appeal after the above-mentioned period (late) may not be allowed, unless a valid reason for being late is provided to the MEC.

5.2.3 If the MEC does not accept the late lodging of an internal appeal, he/she must provide reasons for rejecting the appeal and provide guidance of any additional information, if any, required in order to accept the appeal. The MEC must also advise you about the process to lodge a complaint against their decision with the Regulator or a Court.

5.2.4 An appeal must be submitted by the Information Officer to the MEC within 10 working days after receipt of an internal appeal.

### **5.3 Notice of appeal by the MEC to the Requester or third party**

5.3.1 The MEC must, as soon as is reasonably possible but within 30 days after the receipt of the internal appeal, notify–

5.3.1.1 the third party to whom or which the record under appeal belongs, or

5.3.1.2 the requester about the internal appeal against the granting of a request for access.

5.3.2 A requester or a third party to whom or which notice is given, may within 21 days after that notice is given, make written representations to the MEC why the request for access should not be granted.

### **5.4 Decision on internal appeal and notice thereof**

5.4.1 The MEC must decide the internal appeal as soon as reasonably possible but in any event within 30 days:

5.4.1.1 after the internal appeal is received by the Information Officer,

5.4.1.2 after a third party is informed, as indicated in paragraph 5.3.1 above.

5.4.2 The decision of the MEC must be communicated to the appellant, third party and the requester. The decision of the MEC must be accompanied by adequate reasons for the decision, including the provision of PAIA or POPIA relied upon.

- 5.4.3 If the MEC fails to give notice of the decision on an internal appeal to the appellant within 30 30 days, the appeal is deemed to have been dismissed and the requester can proceed to lodge a complaint to the Regulator or approach the Court for appropriate relief.

## **5.5 Completing the internal appeal-Form B**

- 5.5.1 In order to appeal against any decision by the Department, the requester must lodge his/ her internal appeal by completing Form B
- 5.5.2 Form B is available on the Department's website
- 5.5.3 The Information Officer or Deputy Information Officer is not under obligation to help the requester to complete the internal appeal form.

## **5.6 LODGEMENT OF COMPLAINTS WITH THE INFORMATION REGULATOR**

- 5.6.1 A requester or a third party may only submit a complaint to the Regulator after that requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer. This means that one can only submit one's complaint against a Department to the Regulator if one is not happy with the decision of the appeal authority. The Regulator will reject the complaint if an internal appeal has not been completed.
- 5.6.2 A complaint to the Regulator by a requester or third party must be lodged within 180 days of receipt of the decision from the Department.
- 5.6.3 A requester may lodge a complaint with the Regulator, if not happy with–
- 5.6.3.1 the outcome of an internal appeal to the appeal authority;
  - 5.6.3.2 a decision of the appeal authority to disallow the lodging of an internal appeal;

5.6.3.2 a decision of the Information Officer.

## **5.7 HOW DOES ONE COMPLAIN TO REGULATOR**

- 5.7.1 Complaint to the Regulator must be made in writing and a complaint form, Form 5 must be completed, either manually or online.
- 5.7.2 This means that the regulator will not accept a complaint telephonically, However, the Regulator can provide reasonable assistance to any person who wishes to make a complaint and this includes assistance regarding completing a complaint form.

## **5.8 APPLICATION TO COURT**

- 5.8.1 A requester or third party may only apply to Court for an appropriate relief in terms of section 82 in the following:
- 5.8.1.1 after the requester or third party has exhausted the internal appeal process, or
- 5.8.1.2 after the requester or third party has exhausted the complaints procedure.
- 5.8.1.3 In terms of section 78(1) of PAIA, a requester or a third party has two options, either to refer a decision to the Regulator or the Court. Although one is not compelled to approach the Regulator before approaching the Court, but it is advisable that one should consider approaching the Regulator, as the Regulator has extensive and quick dispute resolution mechanisms, as opposed to the Court.
- 5.8.1.4 However, for the Court to have jurisdiction to adjudicate the matter, a requester or a third party must–
- 4.8.1.4.1 be aggrieved by the decisions of appeal authority,
- 5.8.1.4.2 have exhausted the complaints procedure with the Regulator or withdraw the complaint to the Regulator. This means that one cannot approach the Court if one’s complaint is still pending with the Regulator.

**Note: An application by a requester or a third party must be filed within 180 days from the date of the applicable event.**

## **5.9 AVAILABILITY OF THE MANUAL**

5.9.1 This Manual is made available in the following three official languages–

5.9.1.1 English

5.9.1.2 Afrikaans

5.9.1.3 IsiZulu

5.2.2 A copy of this Manual or the updated version thereof, is also available as follows

5.9.2.1 on [www.kzndard.gov.za](http://www.kzndard.gov.za)

5.9.2.2 at the Head office-Cedara-Department of Agriculture and Rural

Development;

5.9.2.3 at District and Local Offices of the Department, and

5.9.2.4 to the Information Regulator upon request.

## **SECTION 6**

### **PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND EXERCISE OF POWER OR PERFORMANCE OF THE DEPARTMENT**

The members of public can influence the formulation of policy or legislation and the exercising of powers or performance of duties by the Department in that —

- (a) Before any bill is submitted to the Legislature for final debate and approval, hearings and workshops are conducted, where the public is given an opportunity to make representation on such bills;
- (b) Draft Bills are also published in the Government Gazette for public comment before they are introduced in Parliament;
- (c) Members of the public are also afforded an opportunity to make representations on the policies that impact on the public as well as the Department's service delivery and quality thereof through various forums such as workshops and Provincial Izimbizos.

## APPENDIX 1

## ANNEXURE A - MATRIX OF PERSONAL INFORMATION PROCESSED BY DEPARTMENT

Processing Component	Data Subjects	Personal Information	Processing Purpose	Collection	Processes	Record formats	Disposal of records	Authority for Processing
<b>Human Resources</b>	Applicants for employment	Names, IDs, addresses, contact details, race, gender, experience, qualifications, employment details	To process applications for employment	Direct	Receive, screening, verification, evaluate during recruitment process and filing	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(d) S29</b>
	Employees and dependents	Names, IDs, PERSAL numbers, addresses, contact details, race, gender, experience, qualifications, employment details	To process career incidents	Direct & indirect	Appointment processes, PERSAL administration, leave administration, performance management, discipline management, medical aid and pension form processing, resignation / retirement processing	Physical files and electronic (hard drives, server, transversal system)	Records Management Policy	<b>S11(1)(d) S12(2)(c) S32(f)(i) Note: S30 only authorizes Trade Union to process information on union affiliation, not employers;</b>
<b>Fleet Management</b>	Employee drivers of vehicles and	Names, contact details	To process access to State vehicles	Direct	Issuing of trip authorities, processing of	Physical files and electronic (hard drives,	Records Management Policy	<b>S11(1)(d)</b>

Processing Component	Data Subjects	Personal Information	Processing Purpose	Collection	Processes	Record formats	Disposal of records	Authority for Processing
	passengers				application for subsidized vehicles	server)		
<b>Information Technology</b>	Employee users of system	Names, PERSAL number, e-mail addresses, passwords	To process access to IT system	Direct	Administration of access to system	Physical files and electronic (hard drives, server)	Records Management Policy	<b>S11(1)(d)</b>
<b>Security Services</b>	Visitors	Names, IDs, contact details	To process access to offices	Direct	Registration of access	Physical files	Records Management Policy	<b>S11(1)(a)</b>
	Employees	Names, IDs, PERSAL numbers, addresses, contact details, fingerprints	To process criminal records checks / vetting	Direct	Criminal record screening, security clearance processing	Physical files and electronic (hard drives, server)	Records Management Policy	<b>S11(1)(d)</b>
<b>Asset Management</b>	Employee users of assets	Names, PERSAL numbers	Process asset utilization and accountability	Direct	Recording of custodians of assets, reporting of losses	Physical files and electronic (hard drives, server, transversal system)	Records Management Policy	<b>S11(1)(d)</b>
<b>Supply Chain Management</b>	Bidders	Names, IDs, addresses, registration numbers, contact details	To process the evaluation and award of bids	Direct	Processing quotations or bids (screening, verification, evaluation and filing)	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(d)</b>
	Contracted service providers	Names, IDs, addresses, registration	Contract management	Direct	Processing contracts through to Legal	Physical files, electronic (hard drives,	Records Management Policy	<b>S11(1)(b)</b>

Processing Component	Data Subjects	Personal Information	Processing Purpose	Collection	Processes	Record formats	Disposal of records	Authority for Processing
		numbers, contact details, bank account details			Services and end-users	server)		
<b>Accounting Services</b>	Employees	Names, IDs, PERSAL numbers, bank account details	To process claims and payments	Direct	Payroll management; subsistence and transport claim administration	Physical files and electronic (hard drives, server, transversal system)	Records Management Policy	<b>S11(1)(d)</b>
	Service providers and creditors	Names, IDs, addresses, registration numbers, contact details, bank account details	To process claims, invoices and payments	Direct	Capturing banking details, processing payments	Physical files and electronic (hard drives, server, transversal system)	Records Management Policy	<b>S11(1)(b)</b>
<b>Legal Services</b>	Contracted service providers	Names, IDs, addresses, registration numbers, contact details, bank account details	To process the drafting and signing of contracts	Indirect	Receiving bids / quotations, drafting contracts	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(b)</b> <b>S12(2)(c)</b>
	Litigants and claimants	Names, IDs, addresses, registration numbers, contact details, bank account	Administering court processes, claims, correspondence	Indirect	Filing claims, correspondence, transmitting documentation to attorneys	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(d)</b> <b>S12(2)(d)(iii)</b>

Processing Component	Data Subjects	Personal Information	Processing Purpose	Collection	Processes	Record formats	Disposal of records	Authority for Processing
		details						
	Employees	Names, contact details	Assessing liability for losses	Direct	Filing requests and supporting docs, formulating opinions, transmitting same to CFO	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(d)</b>
	Complainants	Names, IDs, addresses, registration numbers,	Providing legal opinions on cases	Direct / Indirect	Filing requests and supporting docs, formulating opinions, transmitting same to management	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(c), (d) &amp; (e)</b> <b>S12(2)(c)</b>
<b>Agriculture Services</b>	Beneficiaries for funded projects	Names, IDs, addresses, registration numbers, contact details	Facilitation of support to beneficiaries	Direct	Filing requests and supporting docs, transmitting same to DARD, drafting reports to management	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(c), (d) &amp; (e)</b>
	Members of the public attending events / functions / workshops	Names, IDs, contact details	To facilitate participation in Departmental programmes	Direct	Recording information in attendance registers, filing registers, making registers available for auditing	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(c) / (e)</b>
<b>Rural Development Services</b>	Beneficiaries for funded projects	Names, IDs, addresses, registration	Facilitation of support to beneficiaries	Direct	Filing requests and supporting docs,	Physical files, electronic (hard drives,	Records Management Policy	<b>S11(1)(c), (d) &amp; (e)</b>

Processing Component	Data Subjects	Personal Information	Processing Purpose	Collection	Processes	Record formats	Disposal of records	Authority for Processing
		numbers, contact details			transmitting same to DARD, drafting permits, notices and reports to management	server)		
<b>Veterinary Services</b>	Applicants in terms of Meat Safety Act and Animal Diseases Act	To issue permits or authorization	Facilitation of support to beneficiaries	Direct	Filing requests and supporting docs, transmitting same to DARD, drafting reports to management	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(d) / (e)</b>
<b>Engineering Services</b>	Beneficiaries for funded projects	Names, IDs, addresses, registration numbers, contact details	Facilitation of support to beneficiaries	Direct	Filing requests and supporting docs, transmitting same to DARD, drafting reports to management	Physical files, electronic (hard drives, server)	Records Management Policy	<b>S11(1)(d) / (e)</b>

## APPENDIX 2

### FEEs IN RESPECT OF PUBLIC BODIES

	DESCRIPTION	AMOUNT
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00  R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2

		to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

**APPENDIX 3**

**FORM A**

**PRESCRIBED FORMS FOR ACCESS TO INFORMATION**

**REQUEST FOR AN ACCESS TO RECORD OF PUBLIC BODY**

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

**FOR DEPARTMENTAL USE**

Reference number:

Request received by (state rank, name and surname of information office/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. PARTICULAR OF PUBLIC BODY:**

<b>NAME OF PUBLIC BODY</b>	
<b>Designated Information Officer</b>	
<b>Designated Deputy Information Officers (if any)</b>	
<b>E-mail address of information Officer/ Deputy Information Officer</b>	
<b>Postal address</b>	
<b>Street address</b>	
<b>Phone number</b>	
<b>Fax number</b>	

**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 requests are 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 part 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 RECORDS:**

- (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:

4. Any further particular of record:

**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 searching for and preparing 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. FORMS 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
------------	----------------------------------

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.

Mark the appropriate box with an "X".

<b>1. If the record is in written or printed form -</b>			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
<b>2. If record consists of visual images-</b> (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*
<b>3. If record consists of records words or information which can be reproduced in sound-</b>			

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)	
<p><b>4. If record is held on computer or in an electronic or machine-readable form-</b></p>				
	Printed copy of record*		Printed copy of information derived from the record*	Copy in computer readable form* (magnetic or optical disc)
<p>*If you requested a copy or transcription of a record (above), do you prefer, access may be granted in the language in which the record is available.</p>				
<p>In which language would you prefer the record?</p>				

**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 BEHALF OF WHOM THE REQUEST IS MADE”

**APPENDIX 3**

**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 APPEAL:**

- (a) The particulars of the person who lodge the internal appeal must be recorded below.
- (b) Proof of the capacity in which the request is made, if applicable, must be attached.
- (c) If the Appellant is a third party person and not the person who originally requested the information, the particulars of the requester must be given at C below.

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 REQUESTER:**

This section must be completed ONLY if a third party (other than the requester) lodges 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 in terms of section 22 of the Act.
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act.
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester.
	Decision to grant request for access.

**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 on 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 in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the \_\_\_\_\_

Particulars of Manner: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received by..... Rank....., on this.....of  
.....20.....

at.....

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

relevant authority.

**OUTCOME OF APPEAL:**

**DECISION OF INFORMATION OFFICER / DEPUTY INFORMATION OFFICER**

**CONFIRMED /NEW DECISION SUBSTITUTED**

**NEW DECISION** \_\_\_\_\_

**RELEVANT AUTHORITY** \_\_\_\_\_

**DATE** \_\_\_\_\_

**DATE RECEIVED BY INFORMATION OFFICER / DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITYON:**