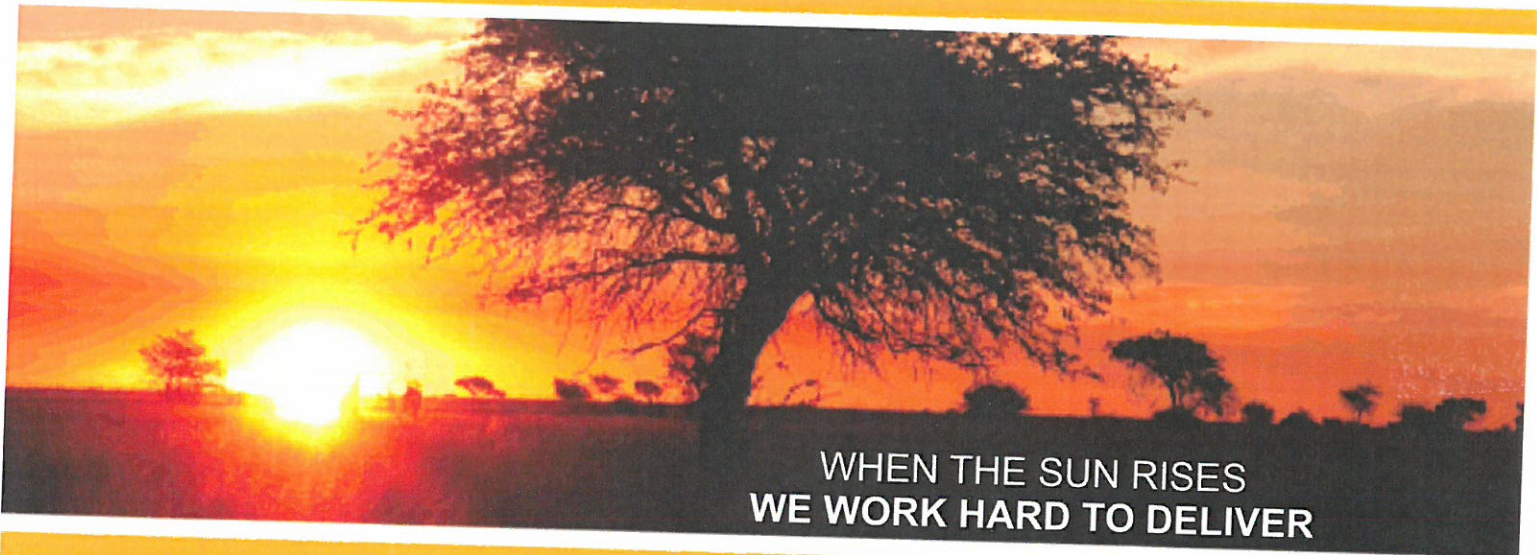




provincial treasury  
MPUMALANGA PROVINCE  
REPUBLIC OF SOUTH AFRICA

# PROMOTION OF ACCES TO INFORMATION MANUAL

*(In terms of section 14 of the Promotion of Access to  
Information Act, 2000 (Act No. 2 of 2000))*



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**FOREWORD BY THE INFORMATION OFFICER AND ACCOUNTING OFFICER/HEAD OF OFFICIAL)**

As a Public institution and therefore an organ of the State, the *Mpumalanga Provincial Treasury* supports and promotes the constitutional right of all citizens to access to information as fully entrenched in section 32 of the *Constitution of the Republic of South Africa, 1996*. Consequently, the Department further supports the objects and purport of the *Promotion of Access to Information Act, 2000 (Act No 2. Of 2000) (PAIA)* as contemplated in **section 9(a)(i)** by giving effect to the constitutional right of access to information held by the Department.

The latter shall always be implemented within the confines of *PAIA* and any other related prescripts applicable within the Public Service in so far as access to information is concerned. *Section 14(1)* of *PAIA* makes a mandatory provision for all Public Bodies to compile an *Access to Information Manual* in at least **three (3) official languages** that will contain information about that Public Body in compliance with the Act.

The compilation of the English version of the *PAIA Manual* was the Department's first step towards complying with the *PAIA* and also an effort to ensure transparency and access to information in line with the *Batho Pele* Principles to which the Department unreservedly subscribe to. In this financial year (2015/16), we will endeavour to publish the Manual in other two official languages in order to fully comply with the provisions of section 14. For the purposes of this Manual, the Mpumalanga Provincial Treasury means the Department and also in so far as it performs Provincial Treasury functions for the Mpumalanga Provincial Government.

I hereby based on the above, in my capacity as Information Officer of the Department and by virtue of the powers vested in me in terms of **section 1** of *PAIA*, present this easy to follow Manual which has been carefully drafted in a manner so as to make it easy for **ALL** to access information from the Department.

Our *Access to Information Made Easy Guide/Brochure* will answer all questions you may have as to your rights in terms of *PAIA* and its Regulations.



**MS NZ NKAMBA**

**HEAD OFFICIAL**

**DATE:** 24/8/2015

**Note 1:** See also *A Handbook on How to Use the Promotion of Access to Information Act, Act 2 of 2000 (Right to Information)* compiled by the **South African Human Rights Commission** in compliance with section 10 of *PAIA*.

1. **APPLICATION OF THE MANUAL** (section 3(a) and section 4)

This *Promotion of Access to Information Manual* applies to **ALL** records held by the Mpumalanga Provincial Treasury and considered or construed to be “a record of a Public Body” in terms of **section 3(a)** of *PAIA* regardless of when such a record came into existence (that is whether before the *PAIA* or after).

1.1. **Records held by an Official or Independent Contractor of the Department** (section 4)

Records contemplated in the above category shall also include records held by or in the possession of an Official of the Department (**section 4(a)**) and/or an independent contractor engaged by the Department in the capacity of such a contractor (**section 4(b)**). Such records shall be regarded as records of the Department respectively. The latter shall be exercised subject to **section 12<sup>1</sup>** of *PAIA*.

1.2. **Application of Other Legislation Prohibiting or Restricting Disclosure** (section 5)

This Manual takes cognisance of any legislation that prohibits disclosure or restrict disclosure for reasons as may be stated in that legislation.

1.3. **Requests for Records held by the Department for purposes of Criminal Or Civil Proceedings after the Commencement of the Proceedings** (section 7)

The Manual does not cover records requested for purposes of criminal or civil proceedings as the case may be, if such records are requested after the commencement of the proceedings and also where such records contemplated herein, the access or production thereof is provided for in or by any other law.

Any record falling within this category and obtained in a manner that contravenes the latter, shall not be admissible as evidence in such criminal or civil proceedings and shall only be admissible only if, the exclusion of such a record by the court in question would in the opinion of that the court, be detrimental to the interest of justice.

<sup>1</sup> **Note 2: Act not applying to certain public bodies or officials thereof.** This Act does not apply to a record of\_

- (a) the Cabinet and its Committees;
- (b) the Judicial functions of-
- (i) a court referred to in section 166 of the Constitution;
- (ii) a Special Tribunal established in terms of section 2 of the Special Investigating Units and Special Tribunal Act, 1996 (Act No. 74 of 1996); or
- (iii) a judicial officer of such court or Special Tribunal; or
- (c) an individual member of Parliament or of a provincial legislature in that capacity.

## 2. PROCEDURE, REQUIREMENTS AND PROCESSES FOR ACCESS TO RECORDS OF THE MPUMALANGA PROVINCIAL TREASURY.

A Requester **MUST** comply with **ALL** procedural requirements provided for in the PAIA relating to a request for access of the record so requested for his or her request to be granted (**section 11(1)(a)**).

Access to the record must not have been refused on any of the grounds for refusal contemplated in **Chapter 4** of PAIA (**section 11(1)(b)**).

Access to records contemplated in this section includes access to records containing personal information about the requester (**section 11(2)**). In the case where the requester, requests for access to information containing personal information about themselves, such a request is not affected by any reasons the requester gives for requesting access (**section 11(3)(a)**) or the Information Officer's belief as to what the requester's reasons are for requesting access (**section 11(3)(b)**).

## 3. MANUAL ON FUNCTIONS OF AND INDEX OF RECORDS HELD BY MPUMALANGA PROVINCIAL TREASURY (Section 14)

### 3.1. STRUCTURE AND FUNCTIONS OF THE DEPARTMENT (**section 14(1)(a)**)

#### 3.1.1. Vision, Mission and Values

The Department is guided by the following Vision, Mission and Values:-

##### **Vision**

A dynamic Provincial Treasury leading in service excellence.

##### **Mission**

The equitable allocation and optimal utilization of provincial financial resources to ensure quality service delivery and better life for all through:

- Quality financial advice and support to departments, public entities and municipalities.
- Efficient financial management and fiscal discipline, and
- Effective monitoring of resource utilization.

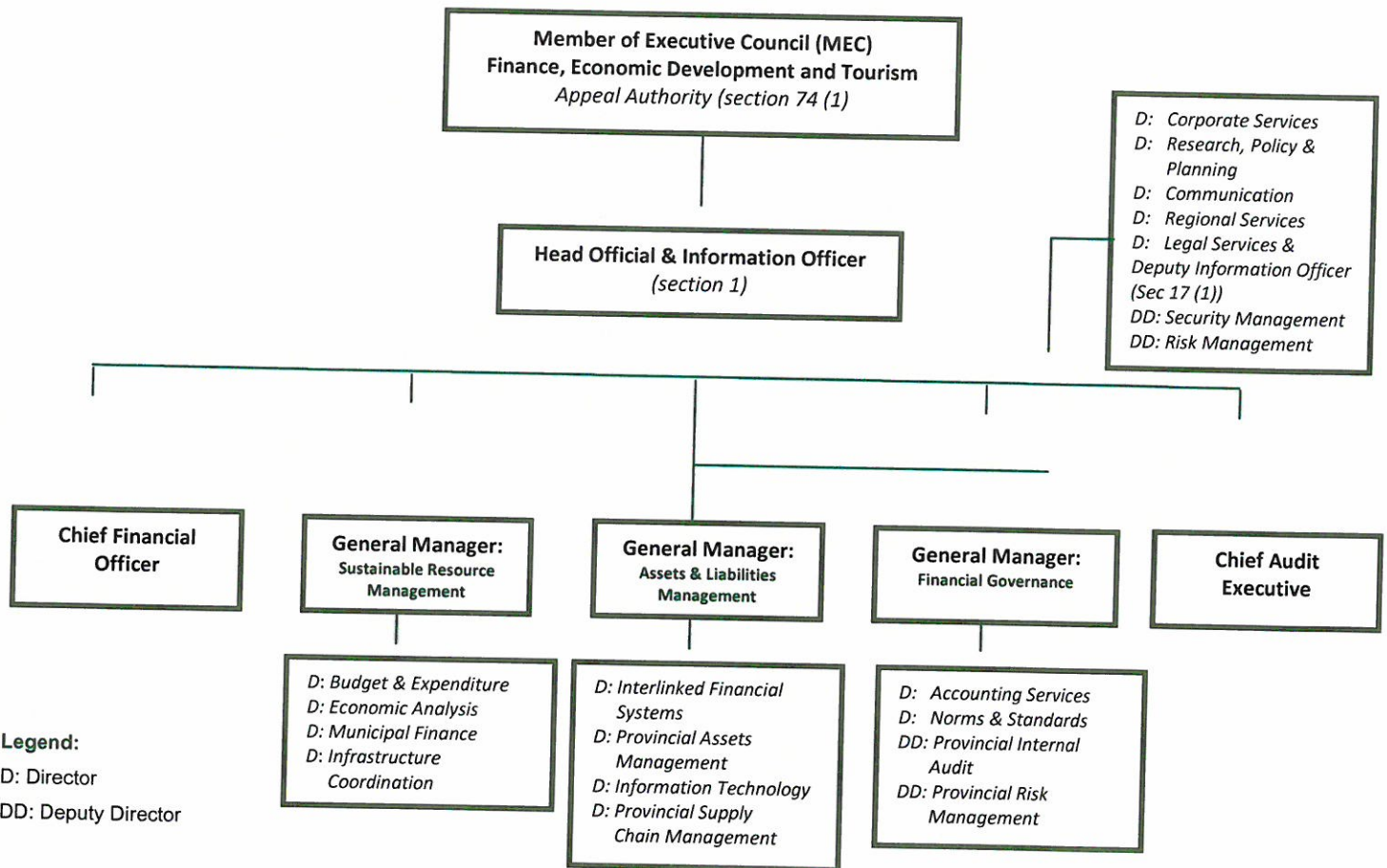
## Values

We commit ourselves to the following core values:

- Dedication** : To perform our tasks in a dedicated manner.
- Excellence** : Professional excellence in performing our responsibilities.
- Integrity** : To conduct business in a consistent, objective, honest, fair, just and trustworthy manner.
- Accountability** : To be accountable for our actions.

### 3.1.2. Structure and Functions

The Mpumalanga Provincial Treasury is comprised of the structures as indicated on the summary of the organogram below. The functions of each structure are as clearly indicated against each structure below.



**TABLE 1: STRUCTURE OF MPUMALANGA PROVINCIAL TREASURY AND FUNCTIONS OF EACH COMPONENT** (for the purposes of section 14(1)(a) of PAIA)

**PROGRAMME 1: ADMINISTRATION**

**ABOUT PROGRAMME 1:** This programme is responsible for the political, financial and administrative management of the Mpumalanga Provincial Treasury. The programme provides effective and efficient administrative support to all line functions in the Mpumalanga Provincial Treasury.

<b>OFFICE OF THE MEC</b>	Provide policy and political directives in order to achieve Provincial objectives
<b>OFFICE OF THE HEAD OFFICIAL</b>	Translate policies and priorities into strategies for effective service delivery
<b>CORPORATE SERVICES</b>	Provide efficient and effective corporate service support to enable the department to achieve its objectives
<i>Human Resource Administration</i>	<i>render human resource administration services in the Department</i>
<i>Human Resource Development</i>	<i>render human resource development services in the Department</i>
<i>Labour Relations</i>	<i>provide sound labour relations in the Department</i>
<i>Transversal Services</i>	<i>Provide effective transversal services to the Department in order to ensure that the Department effectively implement programmes aimed at achieving transformation.</i>
<i>Health and Wellness</i>	<i>Provide employee health and wellness services to the Department.</i>
<i>Records Management</i>	<i>Render effective records management in the department</i>
<i>Auxiliary Services</i>	<i>Render effective cleaning services in the department</i>
<b>COMMUNICATION</b>	Provide effective communication services to department and stakeholder
<i>Media Liaison</i>	<i>Co-ordinate departmental media liaison and monitoring activities</i>
<i>Community Liaison</i>	<i>To render community and intra-departmental liaison services</i>
<i>Publications</i>	<i>To render production and publications services to the Department</i>
<b>LEGAL SERVICES</b>	Provide continuous and prompt legal services support to the Department, including provision of legal opinions, drafting of legislation, drafting and scrutinising of contracts and complex legal documents, ensuring legal compliance by the Department including compliance to legal prescripts such as PAIA and PAJA.
<b>RESEARCH, POLICY AND PLANNING</b>	Plan, coordinate, support and report on departmental activities to achieve departmental objectives
<b>FINANCIAL MANAGEMENT (OFFICE OF THE CFO)</b>	Provide sound Financial Management and Supply Chain Management services to the Department
<i>Supply Chain Management</i>	<i>render effective Supply Chain Management services to the Department</i>
<i>Financial Accounting</i>	<i>render effective Financial Accounting services to the Department</i>
<i>Management Accounting</i>	<i>render effective Management Accounting services to the Department</i>
<i>Assets Management</i>	<i>render effective assets management services to the Department</i>
<i>Logistics Management</i>	<i>render effective logistical management services to the Department</i>
<i>Acquisition Management</i>	<i>render effective acquisition management services to the Department</i>
<i>Compliance Monitoring</i>	<i>render effective compliance and monitoring services to the Department</i>
<i>Expenditure</i>	<i>render effective expenditure control services to the Department</i>
<i>Salaries</i>	<i>Render effective management and administration of salaries of officials of the Department</i>
<b>INTERNAL AUDIT</b>	Provide efficient and effective internal audit services in the Department

### PROGRAMME 2: SUSTAINABLE RESOURCE MANAGEMENT

**ABOUT PROGRAMME 2:** The programme promotes optimal and effective Provincial resource allocation and utilization, efficient Provincial budget management, accurate financial reporting on Provincial revenue generation and maximization. It is tasked to provide quality and accurate socio-economic research reports to inform the Provincial and municipal planning and budget processes, promote efficient planning. Another area of performance is the implementation and management of infrastructure by Provincial Departments and Municipalities, and lastly, it provide technical support to delegated Municipalities on the implementation of the MFMA.

<b>PROVINCIAL ADMINISTRATION FISCAL DISCIPLINE</b>	Support Provincial Votes to maximize and expand sustainable revenue generation and collection in the province. Effective management of Provincial Revenue Fund. Effective management of Provincial Revenue
<b>MUNICIPAL FINANCE</b>	Provide support and monitor municipalities on the implementation of the MFMA
<b>BUDGET AND EXPENDITURE MANAGEMENT</b>	Effective and optimal financial resource allocation, preparation and exercise control over implementation of provincial budget
<b>INFRASTRUCTURE CO-ORDINATION</b>	Promote Provincial Efficiency in Financial Planning and Implementation of Infrastructure, in line with approved Infrastructure Delivery Management System (IDMS). (Coordinate the delivery of Infrastructure in the province).
<b>ECONOMIC ANALYSIS</b>	Conduct socio-economic research to inform the Provincial and Municipal planning and Budget process

### PROGRAMME 3: ASSETS AND LIABILITIES MANAGEMENT

**ABOUT PROGRAMME 3:** The Programme is responsible for the monitoring and support of Assets, Liabilities, Provincial Supply Chain management, Public Private Partnerships, Transversal Systems as well as the provisioning of information technology services in the Mpumalanga Provincial Government

<b>FINANCIAL ASSET MANAGEMENT</b>	Monitor and support the management of physical assets
<b>PHYSICAL ASSET MANAGEMENT</b>	Monitor and support provincial physical assets
<b>PROVINCIAL SUPPLY CHAIN MANAGEMENT (PSCM)</b>	Monitor and support the implementation of Supply Chain Management Framework
<b>PUBLIC SECTOR LIABILITIES</b>	Monitor and support the management of public sector liabilities
<b>INTERLINKED FINANCIAL SYSTEMS</b>	Monitor and support the management and utilization of transversal systems
<b>INFORMATION TECHNOLOGY</b>	Provide Information Communication Technology (ICT) services in the Mpumalanga Provincial Government

### PROGRAMME 4: FINANCIAL GOVERNANCE

**ABOUT PROGRAMME 4:** This Programme serves to facilitate, monitor, support and provides professional advice to ensure good governance in the Province

<b>ACCOUNTING SERVICES</b>	Provide advisory services, support and monitor public sector institutions in terms of accounting standards and financial statements to ensure accountability.
<b>NORMS AND STANDARDS</b>	Improve the systems of internal controls in public sector institutions.
<b>RISK MANAGEMENT</b>	Facilitate the effective implementation of Risk Management process
<b>PROVINCIAL INTERNAL AUDIT</b>	Improve the effectiveness of Internal Audit processes



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

**INFORMATION OFFICER** : Ms N.Z Nkamba

**Postal Address** : Private Bag x11205  
Mbombela  
1200

**Street Address** : No. 7 Government Boulevard  
Building No. 4, Upper Ground Floor  
Riverside Park Extension 2  
Mbombela  
1201

**Telephone** : (013) 766 4564/4572

**Fax** : (013) 766 4604

**E-mail** : [hodfinance@mpg.gov.za](mailto:hodfinance@mpg.gov.za)

**Website** : <http://finance.mpu.gov.za>

**DEPUTY INFORMATION OFFICER<sup>2</sup>** : Adv. V Baloyi  
*(formally appointed/designated in terms of section 17(1) of PAIA)*

**Postal Address** : Private Bag x11205  
Mbombela  
1200

**Street Address** : No. 7 Government Boulevard  
Building No. 4, Lower Ground Floor  
Riverside Park Extension 2  
Mbombela  
1201

**Telephone** : (013) 766 4155/4450

**Fax** : (013) 766 9497

**E-mail** : [vbaloyi@mpg.gov.za](mailto:vbaloyi@mpg.gov.za)

**Website** : <http://finance.mpu.gov.za>

<sup>2</sup>**Note 3:** Due to economic reasons and benefits thereof, the Deputy Information Officer is currently not a paying position and also as informed by the size of the Department and the trend of requests received by the Department which is very minimal on an annual basis for the past 7 (seven) years period.

5. **DESCRIPTION OF THE (SECTION 10) GUIDE ON HOW TO USE THE ACT** (section 14(1)(c))

As prescribed by the Act, the *South African Human Rights Commission* has compiled a **Guide<sup>3</sup> on How to Use the Promotion of Access to Information Act** and has since been published and is available from their website which can be accessed by following the link: [www.sahrc.org.za](http://www.sahrc.org.za).

The guide provides, but not limited to, the information as listed below:

- The provisions and purpose of the Act;
- The address and contact details of all Information Officers in the RSA;
- The procedures for requesting information;
- The assistance that can be expected from Information Officers and the Human Rights Commission;
- The procedures for appeal;
- The nature of records that can be requested; **and**
- The fees payable for information requested.

The full contact details of the *South African Human Rights Commission* are as follows should you require to make **enquiries directly from the Commission**:

**South African Human Rights Commission (Head Office)**

The PAIA Unit

The Research and Documentation Department

South African Human Rights Commission

Private Bag X2700

HOUGHTON

2041

Telephone : +27 11 484 8300  
Fax : +27 11 484 0582/1360  
Website : [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail : [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**South African Human Rights Commission (Mpumalanga Provincial Office)**

4<sup>th</sup> Floor Caltex Building,

32 Bell Street,

Mbombela

Telephone : 013 752 8292/5870  
Fax : 013 752 6890  
Website : [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail : [cngwenyama@sahrc.org.za](mailto:cngwenyama@sahrc.org.za)

<sup>3</sup> **Note 4:** Whilst the Department shall attach the Guide to this manual and also paste same on its website and further do all that is reasonably possible to ensure that an updated guide is available, it is advisable that Users of this Manual refer directly to the SAHRC website in order to get the latest version of the Guide as the guide is updated every **two (2) years**.

6. **DESCRIPTION OF SUBJECTS ON WHICH THE DEPARTMENT HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT<sup>4</sup>** (for the purposes of section 14(1)(d))

Below is a list of records held by the Department classified in terms of subject and the categories of records held within/by each subject. For efficiency, this Table 2 must be read with the structure of the Department at **paragraph 3.1.2. above**.

<b>TABLE 2: DESCRIPTION OF SUBJECTS ON WHICH THE DEPARTMENT HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT</b> (for the purposes of section 14(1)(d))	
<b>SUBJECT DESCRIPTION</b>	<b>CATEGORIES OF RECORD/S HELD</b>
<b>Policy Directive and Organisational Control</b>	Records relating to Legislation, Regulations, Policies, Frameworks, Procedure Manuals, Delegation of Authorities as required by various Public Service Prescripts, meetings of the department with stakeholders and all other related documents.
<b>Human Resource Management</b>	Documents relating to Staff, organizational structure, recruitment, appointments and termination of service, conditions of service, skills development including training and performance management, documents pertaining to labour relations, transformation services, occupational health, safety and wellness, records management and auxiliary services, human resource planning, employment equity, job evaluation and all other related documents.
<b>Communication</b>	Records relating to Departmental publications, speeches, reports, media releases, information on events to which the Department is participating in, marketing, public relations and all other related documents.
<b>Legal Services</b>	Records relating to Contracts, Legal Matters such as Legal Advice and Litigation, legislation, Promotion of access to information, legal deposits and all other related documents.
<b>Security Management</b>	Records relating to general security management of the Department not limited to both physical and information security.
<b>Planning</b>	Records relating to planning such as the strategic planning documents, annual report, Service Delivery Improvement and all other related documents.
<b>Financial Management (Office of the CFO)</b>	Records relating to Financial management of the department (budget, cash management, reconciliations, risk management, allowances (travelling, accommodation, etc), transport and fleet management, supply chain processes and management of the Department, Provide sound Financial and Supply Chain Management services to the Department (procurement, stocktaking and inventory control, Tenders, Contracts and Asset Management) facilities management.
<b>Internal Audit</b>	Records relating to internal audit activities including internal investigations based on audit findings.
<b>Provincial Administration Fiscal Discipline</b>	Records relating to fiscal administration and other related documents.
<b>Municipal Finance</b>	Records relating to municipal support including but not limited to MTECH hearings and MUNIMECs, municipal budgets and other related documents.
<b>Budget And Expenditure Management</b>	Records relating to budget and expenditure management of the Province including budget estimates and expenditure reports including appropriation bills (main, adjustment, unauthorised expenditure and related Bills), budget

<sup>4</sup> **Note 5:** Be advised that the Department has an approved filing system. In order to enable us to process your request speedily, you are advised/requested to quote the reference of the document required should you happen to know the reference.

**TABLE 2: DESCRIPTION OF SUBJECTS ON WHICH THE DEPARTMENT HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT (for the purposes of section 14(1)(d))**

SUBJECT DESCRIPTION	CATEGORIES OF RECORD/S HELD
	made easy documents and other related documents.
<b>Infrastructure Co-Ordination</b>	Records relating to oversight performed on the provincial Efficiency in Financial Planning and Implementation of Infrastructure, infrastructure projects gazettes and other related documents
<b>Economic Analysis</b>	Records relating to socio-economic research informing the provincial budget and planning processes but not limited to the <i>Provincial Economic Review and Outlook (PERO)</i> and the <i>SERO (Social Economic Review Outlook)</i> , Bulletins (Labour Quarterly and Inflation Monthly), Profiles, Socio Economic Reviews for Districts.
<b>Financial &amp; Physical Asset Management</b>	Records relating to the financial and physical assets management of the Province (departments, municipalities and public entities)
<b>Provincial Supply Chain Management (PSCM)</b>	Records relating to the implementation of Supply Chain Management framework by the Province (departments, municipalities and public entities)
<b>Public Sector Liabilities</b>	Records relating to management of Public Sector liabilities in the Province
<b>Interlinked Financial Systems</b>	Records relating to electronic information on transversal functions within the Province
<b>Information Technology</b>	Records relating to Information Communication and Technology (ICT) management in the Province including but not limited to information security.
<b>Accounting Services</b>	Records relating to support and monitoring of public sector institutions within the Province (departments, municipalities and public entities) in terms of accounting standards and legislation
<b>Norms And Standards</b>	Records relating to improvement of systems of internal controls in public sector institutions within the Province (departments, municipalities and public entities)
<b>Risk Management</b>	Records relating to the facilitation of implementation of risk management processes with the Province (departments, municipalities and public entities)
<b>Provincial Internal Audit</b>	Records relating to guidance and support provided to public sector institutions (departments, municipalities and public entities) on internal audit processes including audit committee forum reports, reports on clean audit etc.

7. DESCRIPTION OF CATEGORIES OF RECORDS OF THE DEPARTMENT AUTOMATICALLY AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF PAIA (Section (14)(1)(e) and Section 15(1) and (15(2))

Below is a list of information and categories of records of the Mpumalanga Provincial Treasury that are freely and readily available without having to request for same in terms of PAIA (section 15(1)(a) and 15(2)). The requester shall only in applicable instances be liable for fees relating to the reproduction of the document so requested (section 15(3)).<sup>5</sup>

TABLE 3: DESCRIPTION CATEGORIES OF RECORDS OF THE DEPARTMENT AUTOMATICALLY AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF PAIA (section 14(1)(e), section 15(1)(a) and 15(2))	
DESCRIPTION OF RECORD	HOW TO OBTAIN ACCESS TO RECORDS HELD BY THE PROVINCIAL TREASURY (section 15(1)(b))
<b>1. FOR INSPECTION IN TERMS OF LEGISLATION OTHER THAN PAIA (section 15(1)(a)(i))</b>	
<ul style="list-style-type: none"> <li>Annual Reports and Audited Financial Statements;</li> </ul>	Documents can be viewed on the Departmental Website: <a href="http://finance.mpu.gov.za">http://finance.mpu.gov.za</a> or by contacting the Deputy Information Officer or the Communications Unit: Mr L Jonas ( <b>Head of Communication</b> ) Tel : (013) 766 4323/4439 E-mail : <a href="mailto:lajonas@mpg.gov.za">lajonas@mpg.gov.za</a>
<b>2. FOR PURCHASE FROM THE DEPARTMENT (section 15(1)(a)(ii))</b>	
<ul style="list-style-type: none"> <li>Tender Bulletins &amp; Documents for services</li> </ul>	Documents can be accessed by viewing on the Departmental Website: <a href="http://finance.mpu.gov.za">http://finance.mpu.gov.za</a> or by contacting the Provincial Supply Chain Management Unit: Mr R Masambo ( <b>Head: Provincial Supply Chain Management</b> ) Tel : (013) 766 4230/4231 E-mail : <a href="mailto:rmasambo@mpg.gov.a">rmasambo@mpg.gov.a</a>
<b>3. FOR COPYING FROM THE DEPARTMENT (section 15(1)(a)(ii))</b>	
<ul style="list-style-type: none"> <li><b>ALL</b> documents falling within the section 15 category can be copied <b>with the exception of tender documents</b> which must always be original. Should the Department incur costs in reproducing the document and where applicable the provisions of <b>section 15(3)</b> shall be applicable (that is, the prescribed fee for the reproduction of the documents shall be payable)</li> </ul>	Documents can be accessed by viewing on the Departmental Website: <a href="http://finance.mpu.gov.za">http://finance.mpu.gov.za</a> or by contacting the Deputy Information Officer or the Communications Unit: Mr L Jonas ( <b>Head of Communication</b> ) Tel : (013) 766 4323 E-mail : <a href="mailto:lajonas@mpg.gov.za">lajonas@mpg.gov.za</a>

**Note 6:** For the purposes of accessing section 15 information, information shall always be available in the prescribed "Annexure B, Form D" attached to this Manual.

**TABLE 3: DESCRIPTION CATEGORIES OF RECORDS OF THE DEPARTMENT AUTOMATICALLY AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF PAIA (section 14(1)(e), section 15(1)(a) and 15(2))**

DESCRIPTION OF RECORD	HOW TO OBTAIN ACCESS TO RECORDS HELD BY THE PROVINCIAL TREASURY (section 15(1)(b))
<b>4. RECORDS AVAILABLE FREE OF CHARGE Section 15(1)(a)(iii)</b>	
<ul style="list-style-type: none"> <li>• General Information about the Department which by nature is generally applicable;</li> <li>• Information about the Leadership of the Department;</li> <li>• MEC's speeches (including but not limited to budget statements and allocations);</li> <li>• Acts</li> <li>• Budget Made Easy;</li> <li>• Expenditure Statements;</li> <li>• Strategic Plans;</li> <li>• Annual Performance Plans</li> <li>• Annual Report</li> <li>• Consolidated Financial Statements</li> <li>• News and Events of the Department;</li> <li>• Media Releases;</li> <li>• Documents relating to Provincial Treasury including Practice Notes and Circulars;</li> <li>• Provincial Supply Chain Management (PSCM) documents including information on and PSCM Circulars;</li> <li>• Provincial Economic Analysis Documents including Provincial Economic Review Outlook (PERO) and Social Economic Review Outlook (SERO); Bulletins (Labour Quarterly and Inflation Monthly), Profiles and Socio Economic Review for Districts</li> <li>• Municipal Finance Documents including Municipal Consolidated Statements; and</li> <li>• <b>Including ALL</b> documents falling within the section 15 category can be copied <b>with the exception of tender documents</b> which must always be original. Should the Department incur costs in reproducing the document and where applicable the provisions of <b>section 15 (3)</b> shall be applicable (that is, the prescribed fee for the reproduction of the documents</li> </ul>	<p>Documents can be accessed by viewing information on the Departmental Website: <a href="http://finance.mpu.gov.za">http://finance.mpu.gov.za</a> or by contacting the Deputy Information Officer or the Communications Unit:</p> <p><b>Mr L Jonas (Head of Communication)</b></p> <p>Tel : (013) 766 4323</p> <p>E-mail : <a href="mailto:laionas@mpg.gov.za">laionas@mpg.gov.za</a></p>

8. **INFORMATION ON SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE DEPARTMENT AND HOW TO GAIN ACCESS TO SUCH SERVICES** (Section 14(1)(f))

The Department provides services mainly to internal stakeholders, that is, Government institutions comprised of Departments, Municipalities and Public Entities.

The only Public related service that is provided by the Department is information and support relating to Tenders and Procedures (tender bulletins and information) which services are provided through the Department's Provincial Supply Chain Management Unit. Access to these services can be gained by contacting the **Provincial Supply Chain Management Unit** as follows:

**Head: Provincial Supply Chain Management:** Mr R Masambo

**Postal Address** : Private Bag x11205  
Mbombela  
1200

**Street Address** : No. 7 Government Boulevard  
Building No. 4, Upper Ground Floor  
Riverside Park Extension 2  
Mbombela  
1201

**Tender Office** : No. 7 Government Boulevard  
Building No. 9  
Riverside Park Extension 2  
Mbombela  
1201

**Telephone** : (013) 766 4230

**Fax** : (013) 766 9451

**E-mail** : [masambo@mpg.gov.za](mailto:masambo@mpg.gov.za)

**Website** : <http://finance.mpu.gov.za>

Further to the above method of gaining access to services provided by the Department, such services, processes and procedures can be viewed on the Departmental Website.

9. **PROCEDURE FOR REQUESTING ACCESS TO A RECORD<sup>6</sup> HELD BY THE DEPARTMENT (section 18) AND FACILITATION THEREOF**

Requests for access to a record held by the Department may be made **in writing** or **orally** as follows:

- 9.1. **Written Requests** (section 18(1)): All requesters with minimum literacy levels must submit their requests in writing. Such requests must be made in the prescribed **Form Annexure B, Form A<sup>7</sup> (attached hereto)** and directed to the Information Officer at the contact details provided for on the form.
- 9.2. **Oral Requests** (section 18(3)): Oral requests shall be permissible and/or limited for or to Requesters who due to illiteracy or disability are unable to make a request for access to a record in accordance with **section 18(1)** in which case the Information Officer or the Deputy Information Officer shall reduce the oral request to writing in the prescribed form and provide a copy thereof to the requester.
- 9.3. **Assistance Provided In Requesting Access to Records of the Department (section 19)**
- 9.3.1. Requesters who require assistance in requesting for access to records held by the Department must inform the Information Officer or the Deputy Information Officer who shall endeavour to provide such assistance to the extent reasonable, practical and possible.
- 9.3.2. The latter service is provided free of charge (**section 19(1)(a) and (b)**).
- 9.3.3. Where the Requester's request to access does not comply with the applicable procedures, access to the intended record shall not be refused, but the Information Officer or the Deputy Information shall assist the Requester to comply in order to eliminate any possible ground for refusal (**section 19(2)(a)**).
- 9.3.4. If the Information Officer or Deputy Information Officer is unable to provide such assistance so as to enable the Requester to comply, the Information Officer or the Deputy Information Officer as the case may be, shall allow the Requester reasonable opportunity to seek such assistance so as to enable him or her to comply (**section 19(2)(b)**).
- 9.3.5. In determining the applicable time frame in which to respond to such request, such shall be calculated from the date of submitting the compliant request (**section 19(3)**).

**Note 7:** Be advised that pending the decision to grant or refuse access to a record, the Department shall comply with the provisions of *section 21* of the Act in ensuring that the record so requested is preserved until a final decision is made with regard to the record, whether the extent of the request to access involves an application for internal appeal or other related processes and procedures.

**Note 8:** Note that our Prescribed Annexure B, Form D complies with the provisions of *section 18(2)* of the Act.



9.4. **Transfer of Requests to Another Public Body** (section 20)

9.4.1. If upon submitting a request to access of a record deemed to be held by the Department and it transpires that the record is in actual fact held by another Public Body, the Requester shall be referred to such other Public Body and where the Requester requires assistance in transferring the request, the Information Officer shall assist the Requester to transfer such request (**section 19(4) and section 20(1)(a)**).

9.4.2. Transfer of a Request for access to a record shall also be made in circumstances where the Department is of the opinion that the subject-matter of the record so requested is closely connected to a function with functions of another Public Body (**section 20(1)(b)**).

9.4.3. **Requests transferred to the Department:** Where requests have been transferred to the Department from other Institutions, the Department shall give priority to such requests considering the date and applicable timeframes which are applicable to the transferring institution (**section 20(3) and section 20(4)**).

9.4.4. Should a request be transferred, the requester shall be notified of the transfer in writing and the reasons for transferring the request will accordingly be provided. The requester shall also be notified of the period within which his or her request must be dealt with.

10. **FEES PAYABLE** (section 22)

10.1. The Requester shall pay the applicable prescribed request fee before their request can be processed (**section 22(1)**).

10.2. A **Personal Requesters** (that is anyone/a requester requesting for information pertaining to him/herself) are exempted from paying the requester's fees and similarly **requesters exempted from paying the prescribed fees** in terms of section 22(8) of PAIA.

10.3. Once access to a record has been granted, in all other cases except as provided by the Act or as stated above, Requesters shall be requested to pay an access fee (**section 22(6)**).

10.4. Fees payable for requesting of access to a record held by the Department are as prescribed by the Act and as reflected on **Table 4** below.

**TABLE 4: FEES PAYABLE FOR REQUESTING ACCESS TO RECORDS (SECTION 22)**

Item No.	Nature of Service	Fee
1.	Request Fee (section 22(1))	35-00
2.	<b>Access Fee (section 22(6) and (7))</b>	
2.1.	<i>For every photocopy of an A4-size page or part thereof</i>	0-60
2.2.	<i>For every printed copy of an A4-size page or part thereof held in a computer or in electronic or machine-readable format</i>	0-40
2.3.	Copy in Computer readable form	
2.3.1.	<i>Stiffy</i>	5-00
2.3.2.	<i>Compact disc</i>	40-00
2.4.	For a transcription of visual images, for an A4-size page or part thereof	22-00
2.5.	For a copy of visual images	60-00
2.6.	for a transcription of an audio record, for an A4-size page or part thereof	12-00
2.7.	For a copy of an audio record	17-00
2.8.	To search for a record for disclosure (for each hour or part of an hour excluding the first hour reasonably required for such search) <b>(section 22(7)(b))</b> <b>Note: If six (6) hours will be exceeded conducting the search, the Requester must pay one third of the access fee upfront. (Regulation 3(5)(a) and (b))</b> the amount shall be accordingly refunded if access to such document is subsequently refused <b>(section 22(4))</b>	15-00
3.	Reproduction fees in terms of section 15(3)	
3.1.	<i>For every photocopy of an A4-size page or part thereof</i>	0-60c
3.2.	<i>For every printed copy of an A4-size page or part thereof held in a computer or in electronic or machine-readable format</i>	0-40
3.3.	<i>Stiffy</i>	5-00
3.4.	<i>Compact disc</i>	40-00
3.5.	For a transcription of visual images, for an A4-size page or part thereof	22-00
3.6.	For a copy of visual images	60-00
3.7.	for a transcription of an audio record, for an A4-size page or part thereof	12-00
3.8.	For a copy of an audio record	17-00

**Note 9:** Please note that access to a record shall be withheld until the requester has paid the applicable fees if any **(section 22(5))**. Where the Requester is not satisfied with the applicable prescribed fees, he or she may lodge an internal appeal with the Executive Authority (MEC) of the Department or an application with a court as the case may be.

**Note 10:** Where the Requester requests that the documents be posted, the actual postal fee shall be payable.

**All fees must be deposited into the following banking account of the Department:**

**Account Name** : Mpumalanga Provincial Treasury  
**Bank Name** : Standard Bank Ltd (Pty)  
**Account Number** : 030290589  
**Branch Name** : Mbombela  
**Branch Code** : 052852  
**Reference** : *(Please quote the reference number allocated)*

**11. REQUEST FOR ACCESS FOR RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST (section 23)**

11.1. If the Department cannot find a record so requested or is of the opinion that such a record does not exist, the requester shall be notified by way of an affidavit (**section 23(1)(b)**).

11.2. Should the Department subsequently find the record so requested, the Department shall accordingly give the requester access to the record (**section 23(4)**).

**12. DEFERRAL OF ACCESS TO INFORMATION (section 24)**

12.1. Access to documents that by nature can only be available at a future date due to applicable due processes that still need to be complied with, granting of access to such records shall be deferred until such due processes have been finalised (**section 24(1)**) in which case the requester shall be notified within **thirty (30)** days of request (**section 24(2)**).

12.2. Access contrary to the future date shall only be granted if, and only if, after representation by the requester, there are reasonable grounds for believing that the requester will suffer substantial prejudice if access is deferred.

**13. PERIOD FOR DECISION ON THE REQUEST AND NOTICE THEREOF (section 25).**

13.1. The Requester shall be notified within **30 (thirty) days** of request whether the request for access to a record has been granted or refused (**section 25(1)**).

13.2. In the case of a refusal, the Requester shall be notified of the grounds upon which access is refused and the procedures for appeal if the Requester is not satisfied with the reasons provided (**section 25(3)**).

13.3. **Extension of the 30 (thirty) day period for decision on the request and notice thereof** (section 26)

Further note that, where searching of the document would unreasonably affect or interfere with the activities of the Department due to the number, or the fact that the records are held at another location or the Department still need to consult with another Public Body and therefore not able to make a decision within the original request period of **30 (thirty) days**, the Department will request for an extension for another **30 days** in which the Requester must consent to this extension in writing.

14. **DEEMED REFUSAL OF THE REQUEST** (section 27)

The Requester is entitled to believe that there is deemed refusal to grant access to a record if the Requester does not hear from the Department within the **30 (thirty) days** contemplated in **section 25** and where the Department has not exercised the option available to it in terms of **section 26** (for an extension).

15. **SEVERABILITY** (section 28)

It is possible that access can be granted to only part of the record and access to the other part of the record be refused. In this case, the Department will continue to grant access to the part which access thereto has been approved.

16. **ACCESS AND FORMS/MANNER OF ACCESS** (section 29)

16.1. The request form provides for different forms/manner of access.

16.2. The Requester shall be granted access in the prescribed form as informed by the type of record required or application made and in which case the applicable prescribed fees shall be payable (see prescribed fees on **Table 4**).

17. **LANGUAGE OF ACCESS** (section 31)

17.1. Currently most records of the Department are available in English and Afrikaans and on rare occasions in *iSiSwati*.

17.2. Depending on the availability of the language preferred, access to records shall be given in any language the record exist.

**18. GROUNDS FOR REFUSAL OF ACCESS TO A RECORDS** (Chapter 4 (sections 33 to 46)

**Chapter 4** of the Act makes provision of grounds upon which the Department may refuse access to records.

The Department will refuse a request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual. It must be noted that the Department will not refuse to give a record if such a record consists of information about an individual who has consented in terms of *section 48* or otherwise in writing to its disclosure to the requester concerned. The information that was given to the Department by the individual to whom it relates and the individual was informed by or on behalf of the public body, before it is given, that the information belongs to a class of information that would or might be made available to the public. (**section 34(1)** and **34(2)**).

**18.1. Mandatory protection of certain records of South African Revenue Service (section 35)**

- 18.1.1. The Department will further refuse a request for access to a record of the Department if the record contains the commercial information of a third party. However the Department will not refuse to give access to such a record if it consists of information already publicly available, about a third party who has consented in terms of *section 48* or otherwise in writing to its disclosure to the requester concerned; or about the results of any product or environmental testing or other investigation supplied by, carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk (**section 36(1)** and **36(2)**).
- 18.1.2. We will further refuse a request for access to a record of the Department if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement; or information that was supplied to us in confidence by a third party (**section 37(1)**). However as in the other cases, we will not refused to give access to a record falling within this category if it consists of information already publicly available or about the third party concerned that has consented in terms of *section 48* or otherwise in writing to its disclosure to the requester concerned (**section 37 (2)**).
- 18.1.3. The Department will further refuse a request for access to a record of the body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual or if its disclosure would be likely to prejudice or impair the security (**section 38**).

**18.2. Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings (section 39)**

The Department will refuse a request to a record of the Department if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege (**section 40**).

**18.3. Defence, security and international relations of Republic (section 41).**

For this paragraph 20, the Department will refuse access to its record if:

- 18.3.1. its disclosure would be likely to materially jeopardise the economic interests or financial welfare of the Republic or the ability of the government to manage the economy of the Republic effectively in the best interests of the Republic (**section 42(1)**).
- 18.3.2. the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party, a person that is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage.
- 18.3.3. the record contains information about research being or to be carried out by or on behalf of a Department, the disclosure of which would be likely to expose the Department, a person that is or will be carrying out the research on behalf of the Department; or the subject matter of the research, to serious disadvantage (**section 43**).
- 18.3.4. the record contains an opinion, advice, report or recommendation obtained or prepared, or an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting, for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law;  
**or**
- 18.3.5. the disclosure of the record could reasonably be expected to frustrate the deliberative process in a public body or between public bodies by inhibiting the candid communication of an opinion, advice, report or recommendation. The disclosure of the record could, by premature disclosure of a policy or contemplated policy, reasonably be expected to frustrate the success of that policy.
- 18.4. the disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure or method used by a public body.

- 18.5. the record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise which was made to the person who supplied the material; **and**
- 18.6. to the effect that the material or the identity of the person who supplied it, or both, would be held in confidence, the record contains a preliminary, working or other draft of an official of a Department.
- 18.7. **However** the Department will not refuse access to a record contemplated in this paragraph 20 if:
- 18.7.1. such a record came into existence more than 20 years before the request concerned.
- 18.7.2. it consists of an account of, or a statement of reasons required to be given in accordance with **section 5** of the Promotion of Administrative Justice Act, 2000 (**section 44 (1) to (4)**).
- 18.8. The Department may refuse a request for access to a record of the Department if the request is manifestly frivolous or vexatious; or the work involved in processing the request would substantially and unreasonably divert the resources of the public body (**section 45**).
- 18.9. The Department will grant a request for access to a record of the Department contemplated in section 34(1), 36(1), 37(1)(a) or (b), 3(a) or (b), 39(1)(a) or (h), 40, 41(l)(a) or (b), 42(1) or (3), 43(1) or (2), 44(1) or (2) or 45, if the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law; or an imminent and serious public safety or environmental risk; and the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question (**section 46**).

**19. NOTICE TO THIRD PARTIES (section 47)**

- 19.1. Where a request to access to a record held by the Department pertains to third Parties, the Department shall inform such other Third Party of same within **21 days** of receipt of the request.
- 19.2. Where the Department is considered to be the third party and a matter referred to it in terms of *section 47*, similarly, the Department shall respond within **21 days**.

**20. INTERNAL APPEALS AGAINST DECISIONS OF THE DEPARTMENT (section 74)**

A requester who feels aggrieved by the decision of the Department may appeal against the decision and he or she must lodge the appeal with the Relevant Authority of the Department and in our case such must be lodged with the MEC (**section 74(1)**).

**21. MANNER OF INTERNAL APPEAL (section 75)**

21.1. An internal appeal must be lodged within **60 days** of receipt of the response from the Department; and

21.2. Must be sent through the Information Officer or Deputy Information Officer of the Department.

21.3. The internal appeal must be lodged on the prescribed **Form “B”** attached hereto and marked **Annexure “D”** and must be accompanied the **prescribed fee of R50.00**.

21.4. Late lodging of the internal appeal shall only be permissible if good cause to the satisfaction of the MEC is shown.

21.5. The decision on the internal appeal shall be communicated to the Requester within **30 days** of the appeal being lodged (**section 77**).

21.6. Where the Requester (Appellant) is aggrieved the decision of the appeal, the Requester (Appellant) may by way of application apply to the court for appropriate relief in terms of section 82 of PAIA (**section 78(2)(a)**).

**22. UPDATE OF THE MANUAL (Section 14(2))**

This Manual shall be updated on an annual basis from date of first publication or as and when a need may arise.

**Note 11:** The Manual must be read with the following:

- *Promotion to Access to Information Act, 2000 (Act No. 2 of 2000) and its Regulations;*
- *South African Human Rights Commission Guide On How To Use The Act (section 10 Guide);*
- *Mpumalanga Provincial Treasury Access to Information Made Easy Guide/Brochure.*



**Note 12:** The Department also comply with the compliance areas as per the compliance schedule below:

**PAIA Compliance Schedule 2015/16**

**Abbreviations:**

- SAHRC = South African Human Rights Commission
- DOJ & CD = Department of Justice & Constitutional Development
- Communications = Department of Communications
- Reg = Regulation

Document Type	Section	Institution	Contact Person	E-mail Address	Timeframe
1. PAIA Manual & s32 Report	s32	SAHRC	Ms Kisha Candasamy	<a href="mailto:kcandasamy@sahrc.org.za">kcandasamy@sahrc.org.za</a>	01 April
2. section 14 PAIA Manual	s14	DOJ & CD	Ms MM Raswiswi	<a href="mailto:Mraswiswi@justice.gov.za">Mraswiswi@justice.gov.za</a>	01 April
	Reg1(a)(i)(aa)	SAHRC	Ms Kisha Candasamy	<a href="mailto:kcandasamy@sahrc.org.za">kcandasamy@sahrc.org.za</a>	01 April
	Reg1(a)(i)(bb)	All Departmental Offices	Mr Letshela Jonas	<a href="mailto:LAJonas@mpg.gov.za">LAJonas@mpg.gov.za</a>	01 April
	Reg1(a)(ii)	Departmental Website	Mr Letshela Jonas	<a href="mailto:LAJonas@mpg.gov.za">LAJonas@mpg.gov.za</a>	01 April
	Reg1(b)	Government Printers	Ms Vino Thaver	<a href="mailto:Vino.thaver@gpw.gov.za">Vino.thaver@gpw.gov.za</a>	01 April
3. Section 14 PAIA Manual in language of choice	Reg2 read with Reg1(a)	-SAHRC -All Departmental Offices	Mr Letshela Jonas	<a href="mailto:LAJonas@mpg.gov.za">LAJonas@mpg.gov.za</a>	01 April
4. Automatic/Voluntary Disclosures	s15(1)(a) read with Reg5A(a)	DOJ & CD	Minister	<a href="mailto:Mraswiswi@justice.gov.za">Mraswiswi@justice.gov.za</a>	01 April
5. Gazetting of Information in terms of s15(1)(a)	s15(2)(a) & s15(2)(b)	DOJ & CD	Minister	<a href="mailto:Mraswiswi@justice.gov.za">Mraswiswi@justice.gov.za</a>	01 April
6. Requesting of section 10 Guide	Reg2(1)(b)(i)	SAHRC	Ms Kisha Candasamy	<a href="mailto:kcandasamy@sahrc.org.za">kcandasamy@sahrc.org.za</a>	01 April
7. Circulating of Guide Section 10 Guide	Reg2(3)(2)	All Departmental Offices	Mr Letshela Jonas	<a href="mailto:LAJonas@mpg.gov.za">LAJonas@mpg.gov.za</a>	By 31 May
8. Section 10 Guide Public Inspection	Reg4(a)	Public	Mr Letshela Jonas	<a href="mailto:LAJonas@mpg.gov.za">LAJonas@mpg.gov.za</a>	As and when required
9. Information in Telephone Directory	s16	Communications	Director-General	<a href="mailto:mmotoa@mpg.gov.za">mmotoa@mpg.gov.za</a>	01 April

**Compiled by:**

**The Legal Services Unit**

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**Website** : <http://finance.mpu.gov.za>

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