



MPUMALANGA PROVINCIAL LEGISLATURE

MANUAL ON PROMOTION OF ACCESS TO INFORMATION AND PROTECTION OF PERSONAL INFORMATION

**COMPILED IN TERMS OF SECTION 14 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2 OF 2000, AS AMENDED
AND
THE PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013**

2024



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1. INTRODUCTION

The Mpumalanga Provincial Legislature (“the Legislature”) recognises and respects the right of access to information as enshrined in the Constitution of the Republic of South Africa (“the Constitution”). The Promotion of Access to Information Act, No. 2 of 2000 (hereinafter referred to as “PAIA”) gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights.

Section 9 of PAIA recognises that such right of access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- The reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

Section 14 of PAIA requires public bodies to compile a Manual, which would assist a person to obtain access to information held by the public body and stipulates the minimum requirements a Manual must comply with.

The Legislature further recognises and respects the individual’s right to privacy as enshrined in the Constitution by implementing the Protection of Personal Information Act. The Protection of Personal Information Act No. 4 of 2013 (hereinafter referred to as “POPIA”) gives effect to the constitutional right to privacy by safeguarding personal information processed by a responsible party subject to justifiable limitations that are aimed at balancing the right to privacy against other rights, particularly the right of access to information and protecting important interest, including the free flow of information within the Republic and across international borders.

POPIA further sets out minimum conditions for lawful processing of personal information held by a responsible party.



The purpose of this Manual is therefore to set out a procedure which must be followed by a person who wishes to obtain access to records held by the Legislature, to outline how personal information of data subjects kept by the Legislature is protected and also to ensure that personal information kept by the Legislature is processed in accordance with the minimum conditions for lawful processing of personal information, thereby giving effect to Section 14 of the of PAIA and Chapter 3 of POPIA.

1.1 THE MPUMALANGA PROVINCIAL LEGISLATURE

Vision

A people-centered, African World Class Legislature

Mission

To hold the Executive and other state organs accountable through intensified oversight, enhanced public involvement and effective law making supported by professional administrative service.

Values

We as Mpumalanga Provincial Legislature ascribe to the following values:

- i) Co-operation: Commitment to working with both internal and external stakeholders
- ii) Customer orientated: Placing customers first
- iii) Excellence: Continuous improvement of performance standards
- iv) Openness: Transparency and accessibility
- v) Participation: All processes of the Legislature to be people-centered
- vi) Quality orientation: Commitment to focusing on quality and meeting world class standards
- vii) Adaptability: Flexibility in response to new circumstances
- viii) Moral integrity: Acting with integrity at all times and being exemplary



- ix) Economical: Cost effective usage of resources
- x) Fairness: Acting in a fair, balanced and considered manner at all times
- xi) Accountability and Transparency: Commitment to focusing on reliable, clear and relevant public reporting on the status, mandate, strategy, activities, financial management, operations and performance
- xii) Ethical: Commitment to demonstrate respect and high moral principles that include honesty, fairness and equality, dignity, diversity and individual rights.

2. MANDATE OF THE LEGISLATURE

The Legislature derives its mandate from Chapter 6 of the Constitution which outlines its powers, functions, and responsibilities as follows:

In executing its legislative powers, the Legislature may:

- Consider, pass, amend or reject any Bill; and
- Initiate or prepare legislation, except money Bills

Furthermore, the Legislature must provide for the following mechanisms:

- To ensure that all provincial executive organs of state in the province are accountable to it; and
- To conduct oversight over the provincial executive authority and any provincial organ of state, including the implementation of legislation.

The Legislature must also:

- Facilitate public involvement in the legislative and other processes of the Legislature and its Committees; and
- Conduct its business in an open manner and hold its sittings and those of committees in public. In addition to the above, the Legislature is also mandated to receive petitions.



The Speaker as the Executive Authority is the political head of the Legislature and together with Members of the Legislature is responsible for the execution of the mandate of the Legislature. The Speaker may not participate during debates but, acts as the guardian of free speech by ensuring that debates are conducted in an orderly manner according to the Rules and Orders of the House and that all parties are afforded an opportunity to air their views.

The Legislature has several Committees which have both the legislative and oversight functions. The Legislature Committees are divided into two: Portfolio and Select Committees. The Portfolio Committees are responsible for, among others, the exercise of oversight over the provincial executive authority and provincial organs of state in the Mpumalanga Province. The Portfolio Committees are divided into Economic Transformation and Social Transformation Clusters.

The Economic Transformation Cluster is made up of the following Portfolio Committees:

- a) Finance;
- b) Economic Development and Tourism;
- c) Agriculture, Rural Development, Land and Environmental Affairs;
- d) Public Works, Roads and Transport;
- e) Community Safety, Security and Liaison

The Social Transformation Cluster is made up of the following Portfolio Committees:

- a) Health;
- b) Social Development;
- c) Education;
- d) Culture, Sport and Recreation
- e) Human Settlements; Co-operative Governance and Traditional Affairs



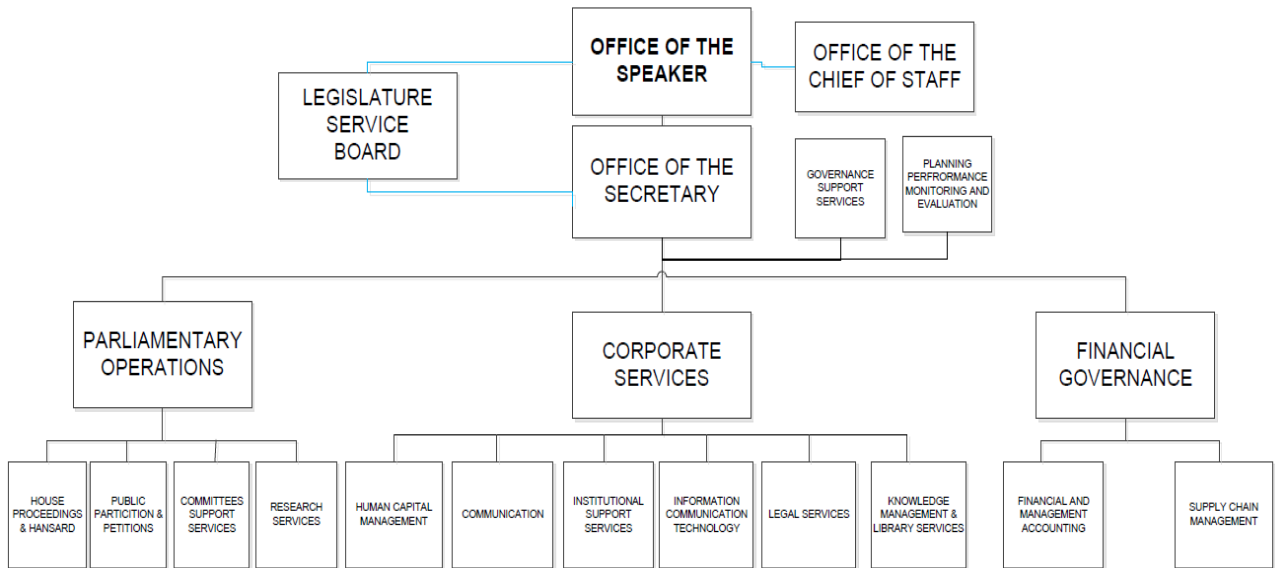
The Governance and Administration Transformation Cluster is made up of the following Select Committees:

- a) Women, Youth, Children and People with Disabilities;
- b) Public Participation, Petitions and Members' Legislative Proposals
- c) Rules Committee
- d) Oversight Committee on Legislature and Premier's Office
- e) Select Committee on Public Accounts (SCOPA)
- f) Members' Affairs
- g) Select Committee on Programming and Prioritisation
- h) Privileges and Ethics Committee
- i) Disciplinary Committee

3. STRUCTURE OF THE MPUMALANGA PROVINCIAL LEGISLATURE

3.1 Organisational Structure

The Speaker for the Legislature is Hon. LL Masina, the Deputy Speaker is Hon. S Masango. The Secretary to the Legislature (Accounting Officer) is Mr. M.H Shabangu. The Legislature comprises the following organisational structure:



OFFICE OF THE SPEAKER (SPEAKER AND DEPUTY SPEAKER)

- Chief of Staff
- Secretariat Services
- Members Affairs and Interparliamentary Relations

OFFICE OF THE SECRETARY

- Management
- Planning, Performance Monitoring and Evaluation
- Governance Support Services

DIVISION 1: PARLIAMENTARY OPERATIONS

- Management
- Committees Support Services
- Research Services
- House Proceedings and Hansard
- Public Participation and Petitions



DIVISION 2: FINANCIAL GOVERNANCE

- Management
- Financial Management and Accounting
- Supply Chain Management

DIVISION 3: CORPORATE SERVICES

- Management
- Human Capital Management
- Information Technology
- Institutional Support
- Communications
- Legal Services
- Knowledge Management & Policy Coordination

3.1.1 FUNCTIONS OF EACH COMPONENT WITHIN THE LEGISLATURE

A: OFFICE OF THE SPEAKER

- **Chief of Staff**

The purpose is to provide effective support to the Executive Authority and ensure that the strategic and financial functions of the division and of the institution are executed.

- **Secretariat Services**

The purpose is to provide professional advice and secretariat services to the Speakership in executing political and constitutional responsibilities.



➤ **Members Affairs and Inter-parliamentary Relations**

The purpose is to provide professional and administrative support services to Members in order to fulfil the constitutional mandate of the Legislature.

B: OFFICE OF THE SECRETARY

The purpose is to provide overall strategic leadership, management, governance and administration to ensure effective and efficient functioning of the Legislature in achieving its vision and fulfilling its constitutional mandate.

➤ **Planning, Performance Monitoring and Evaluation**

The purpose is to provide planning, performance monitoring and evaluation services in order to improve institutional effectiveness for the achievement of the vision and fulfilment of the constitutional mandate of the Legislature.

➤ **Governance Support Services**

The purpose is to provide governance support services to the Legislature in support of the fulfilment of the vision and the constitutional mandate.

● **Risk Management**

The purpose is to provide risk management services to the Legislature in support of the fulfilment of the constitutional mandate.



DIVISIONS

(i) CORPORATE SERVICES

➤ Management

The purpose is to provide strategic and leadership support to the Legislature in relation to human capital management, information communication technology, communication and is to ensure institutional effectiveness and the achievement of the core business of the Legislature.

➤ Human Capital Management

The purpose is to provide professional and administrative support services to the Legislature and members in relation to human capital management services to ensure institutional effectiveness and the achievement of the core business of the Legislature.

➤ Information Communication Technology

The purpose is to manage and facilitate the provision of information communication and technology management services.

➤ Communications

The purpose is to provide communication services to internal and external stakeholders and improve institutional public image in support of the core business of the Legislature.

➤ Institutional Support

The purpose is to provide institutional support, Members facilities and household management services.



➤ **Legal Services**

The purpose is to provide professional legal services in support of the core business of the Legislature.

➤ **Knowledge Management and Policy Coordination**

To provide effective and efficient knowledge management, library services and policy coordination services in support of the core business of the Legislature

(ii) FINANCIAL MANAGEMENT

➤ **Management**

The purpose is to provide overall strategic management and support in relation to financial services to ensure institutional effectiveness in the fulfilment of the constitutional mandate of the Legislature.

➤ **Financial management and accounting**

The purpose is to provide effective and efficient financial services in support of the core business of the Legislature.

➤ **Supply Chain Management**

The purpose is to provide effective and efficient supply chain management services in support of the core business of the Legislature.

(iii) PARLIAMENTARY OPERATIONS

➤ **Management**

The purpose is to provide strategic management and support in relation to parliamentary services to ensure institutional effectiveness in the fulfilment of the constitutional mandate of the Legislature.



➤ **House Proceedings and Hansard**

The purpose is to coordinate and facilitate the business of the House, and provide Hansard and Language Services to the Legislature in supporting the core business of the Legislature.

➤ **Committees Support Services**

The purpose is to provide professional and administrative support to Committees, and liaison function between the Legislature and the NCOP for the fulfilment of the constitutional mandate.

➤ **Research Services**

The purpose is to provide research, policy analysis and knowledge management services in support of the core business of the Legislature.

➤ **Public Participation and Petitions**

The purpose is to provide community liaison, public participation and petitions services.

3.2 General contact details of the Mpumalanga Provincial Legislature

Physical address : No. 7 Government Boulevard
Riverside Government Complex
Building 1 (Baobab Building)
Mbombela
1200

Postal Address : Private Bag X11289
Mbombela
1200

Telephone Number : 013 766 1169

Fax Number : 013 766 1470

Website : www.mpuleg.gov.za



4. INFORMATION OFFICER AND APPEAL AUTHORITY

The Secretary to the Legislature (the Secretary) is the administrative head of the Legislature and provides strategic leadership and management to the institution. The Secretary is further responsible for the provision of administrative support to the Speakership and Members of the Provincial Legislature (MPLs) to enable the Legislature to carry out its constitutional mandate.

The Secretary is in terms of section 1 of PAIA read with Government Notice R187 of 15 February 2002 the Information Officer of the Legislature.

The contact details of the Information Officer and the Deputy Information Officer designated in terms of section 17 of PAIA are as follows:

Information Officer : **Mr. M.H Shabangu**
Secretary to the Legislature
Private Bag X11289
Mbombela
1200

Tel No.: (013) 766 1166
Facsimile No.: 013 766 1140
Email: allanm@mpuleg.gov.za

Deputy Information Officer : **Adv B Mdluli**
Senior Manager: Legal Services
Private Bag X11289
Mbombela
1200

Tel No.: (013) 766 1038
Email: buyilem@mpuleg.gov.za



Appeal Authority : **Hon LL Masina**
Speaker of the Mpumalanga Provincial
Legislature
Private Bag X11289
Mbombela
1200

Tel No: (013) 766 1051
Facsimile No: (013) 766 1478
Email: nomfundom@mpuleg.gov.za

5. THE GUIDE ON HOW TO USE PAIA

The Guide on how to use PAIA is available from the Legislature, the South African Human Rights Commission or Information Regulator. Please direct any queries to:

The South African Human Rights Commission	The Information Regulator
PAIA Unit Research and Documentation Department Private Bag 2700 Houghton 2041	P.O. Box 31533 Braamfontein 2017
Tel: (011) 484 8300 Fax: (011) 484 1360 Website: www.sahrc.org.za	Tel: (010) 023 5200 Email: paia.ir@justice.gov.za Webiste: www.justice.gov.za/infoereg/index.html



6. RECORDS HELD BY THE LEGISLATURE

6.1 RECORDS THAT MAY BE REQUESTED

The Mpumalanga Provincial Legislature holds the following records which could be requested in terms of PAIA:

- 6.1 Legislature's Strategic Plans, Performance Reports and Annual Reports;
- 6.2 Legislature's financial records;
- 6.3. Legislature's budget;
- 6.4 Legislature's personnel records;
- 6.5 Policy documents;
- 6.6 Documents on Law making, Oversight, Public Participation and Involvement
- 6.7 Media products;
- 6.8 Provincial Gazettes;
- 6.10 Legislature's Communication Strategies and Plans;
- 6.11 Records relating to contractual documents signed with various service providers;
- 6.12 Committee Reports;
- 6.13 Information Technology records;
- 6.14 Risk management records;
- 6.15 Hansard records;
- 6.16 Legislation;
- 6.17 Rules and Orders; and
- 6.18 Supply Chain Management records



6.2 RECORDS AUTOMATICALLY AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF PAIA (Section (14)(1) and Section 15(1))

Below is a list of information and categories of records of the Legislature that are freely and readily available (electronically or in hard copy) without having to request for same in terms of PAIA (**section 15(1)(a)**). The requester shall only in applicable instances be liable for fees relating to the reproduction of the document so requested (**section 15(3)**).

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS: (Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)) and Regulation 5A

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15 (1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS
FOR INSPECTION IN TERMS OF SECTION 15 (1) (a) (i)	
<ol style="list-style-type: none"> 1. Legislature's Strategic Plans 2. Legislature's Annual Reports 3. Legislature's Annual Performance Plans 4. Tender/Bid Documents 5. Legislation administered by the Legislature 6. Vacancies 7. Promotion of Access to Information Manual 8. The Legislature's Media Statements and Speeches 	<p>These records are available for inspection at the Legislature on request or addressed to the Office of the Deputy Information Officer, Private Bag X 11289 Mbombela 1200</p> <p>Or visit our website on www.mpuleg.gov.za</p>



<p>9. Legislature's Publications 10. Policy documents 11. Forms 12. Committee Reports</p>	
<p>FOR COPYING IN TERMS OF SECTION 15 (1) (a) (ii)</p>	
<p>1. Legislature's Strategic Plans 2. Legislature's Annual Reports 3. Legislature's Annual Performance Plans 4. Tender/Bid Documents 5. Legislation administered by the Legislature 6. Vacancies 7. Promotion of Access to Information Manual 8. The Legislature's Media Statements and Speeches 9. The Legislature's Publications 10. Policy documents 11. Forms 12. Committee Reports</p>	<p>These records are available for copying at the Legislature on request or addressed to the Office of the Deputy Information Officer, Private Bag X 11289 Mbombela 1200</p> <p>Or visit our website on www.mpuleg.gov.za</p>
<p>AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15 (1) (a) (iii)</p>	
<p>1. Legislature's Strategic Plans 2. Legislature's Annual Reports 3. Legislature's Annual Performance Plans 4. Tender/Bid Documents 5. Legislation administered by the Legislature</p>	<p>These records are available free of charge at the Legislature on request or addressed to the Office of the Deputy Information Officer, Private Bag X 11289 Mbombela 1200</p> <p>Or visit our website on www.mpuleg.gov.za</p>



6. Vacancies
7. Promotion of access to Information Manual
8. The Legislature's Media Statements and Speeches
9. Legislature's Publications
10. Policy documents
11. Forms
12. Committee Reports

7. THE REQUEST PROCEDURE IN TERMS OF PAIA

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

7.1 **Written Request** (Section 18 (1)): All requesters with the minimum literacy levels must submit their requests in writing. Such request must be made in the prescribed form, **Annexure A, Form A** (attached hereto) and directed to the Information Officer at the contact details provided above.

7.2 **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 Deputy Information Officer shall reduce the oral request in writing, in the prescribed form and provide a copy thereof to the Requester.



7.3 Assistance Provided in Requesting Access to Records of the Legislature (Section 19)

7.3.1 Requesters who require assistance in requesting for access to records held by the Legislature must inform the Information Officer or the Deputy Information Officer who shall endeavour to provide such assistance to the extent reasonable, practical and possible. This service is provided free of charge **(Section 19 (2) (3))**

7.3.2 Where the requester's request to access information does not comply with the applicable procedures, access to the intended record shall be refused, but the Information Officer or the Deputy Information Officer shall assist the requester to comply in order to eliminate any possible ground for refusal **(Section 19 (2) (a))**.

7.3.3 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))**.

7.3.4 In determining the applicable time frame in which to respond to such request the time frame shall be calculated from the date of submitting the request **(Section 19 (3))**.

7.4 Transfer of Requests to Another Public Body (Section 20)

7.4.1 If upon submitting a request to access information held by the Legislature it subsequently 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))**.



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

7.4.3 **Requests transferred to the Legislature:** where requests have been transferred to the Legislature from other Institutions, the Legislature 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)**).

7.4.4 Should a request be transferred, the requester shall be notified of the transfer in writing and the reason 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.

8. FEES PAYABLE FOR A REQUEST

8.1. The Act provides for two types of fees:

- (a) A request fee, which will be a standard fee; and
- (b) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

8.2 A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester must pay the required request fee.

- a) The Information Officer must notify the requester by notice, requiring the requester to pay the prescribed request fee and deposit (if any) before further processing the request.
- b) The requester may lodge an internal appeal, where appropriate, or an application to the Court against the tender or payment of a fee.



- c) After the Information Officer has made a decision on the request, the requester must be notified of such a decision in a way in which the requester wanted to be notified in.
- d) If the request is granted then a further access fee must be paid for the reproduction and for the search and preparation for any time required in excess of the stipulated hours to search and prepare the record for disclosure.
- e) Access to a record will be withheld until all the applicable fees have been paid. (See Annexure C for fees payable)

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

Account Name	:	Mpumalanga Provincial Legislature
Bank Name	:	First National Bank
Account Number	:	62017659163
Branch Name	:	Mbombela
Branch Code	:	270352
Reference	:	(Quote the reference number allocated)

9. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

9.1 Refusal of request

The main grounds for the Legislature to refuse a request for information relate to the:

9.1.1. Mandatory protection of privacy of a third party who is a natural person if the disclosure would involve the unreasonable disclosure of personal information about the third party, including a deceased individual. **(Section 34 (1))**



9.1.2. Mandatory protection of the commercial information of a third party, if the record contains:

- a) Trade secrets of that third party; **(Section 36 (1) (a))**
- b) Financial, commercial, specific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; **(section 36 (1) (b))**
- c) Information disclosed in confidence by a third party to the Legislature, if the disclosure could put a third party and the Legislature at a disadvantage in negotiations or commercial competition. **(Section 36 (1) (c)).**

9.1.3. Mandatory protection of certain confidential information of third parties if it is protected in terms of any agreement; **(Section 37 (1) (a))**

9.1.4. Mandatory protection of the safety of individuals and the protection of property; **(Section 38(a)).**

9.1.5. Mandatory protection of records which would be regarded as privileged in legal proceedings; **(Section 40)**

9.1.6. Mandatory protection of research information of the Legislature or a third party, if its disclosure would disclose the identity of the Legislature, the researcher or the subject matter of the research and would place the research at a serious disadvantage; **(Section 43 (1)).**

9.1.7 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

9.1 Appeal

9.2.1. A requester may lodge an internal appeal against the decision of the Information Officer of the Legislature –

- (a) to refuse a request for access; or
- (b) taken in terms of section 22, 26(1) or 29(3), in relation to that requester, with the relevant authority.



9.2.2 A third party may lodge an internal appeal against a decision of the Information Officer of the Legislature to grant a request for access.

9.2.3 The appeal must be lodged with the Executive Authority (Speaker) of the Legislature.

9.3 Manner of appeal and appeal fees

9.3.1. An internal appeal must be lodged in the prescribed form: (attached herein as Annexure B)

9.3.1.1. Within 60 days;

9.3.1.2. If notice to a third party is required, notice must within 30 days be given to the appellant of the decision appealed against;

9.3.1.3. It must be delivered or sent to the Information Officer of the Legislature at his or her postal or email address, or fax number;

9.3.1.4. It must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;

9.3.1.5. If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, the appellant must state that manner and provide the necessary particulars to be so informed.

9.3.2. If applicable, must be accompanied by the prescribed appeal fee, and must specify a postal address or fax number.

9.3.3. If an appeal is lodged after the expiry of the period referred to, the Speaker must, on good cause shown, allow the late lodging of the appeal.

9.3.4. If the Speaker disallows the late lodging of the appeal, he or she must inform the person who lodged the appeal.

9.3.5. A requester lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any).



9.3.6. If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.

9.3.7. As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the Information Officer of the Legislature must submit to the Speaker:

- a) the appeal together with his or her reasons for the decision concerned; and
- b) if the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

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

10.1 If the Legislature 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))**.

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

11. DEFERRAL OF ACCESS TO INFORMATION (section 24)

11.1 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))**.



11.2 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.

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

12.1 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)**).

12.2 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)**).

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

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

13. 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 Legislature within the **30 (thirty) days** contemplated in **section 25** and where the Legislature has not exercised the option available to it in terms of **section 26** (for an extension).



14. 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 Legislature will continue to grant access to the part which access thereto has been approved.

15. PROTECTION OF PERSONAL INFORMATION

Chapter 3 of POPIA provides for the minimum conditions for lawful processing of personal information by a responsible party. These conditions may not be deviated from unless specific exclusions apply as outlined in POPIA.

15.1 Conditions for Lawful Processing of Personal Information

The Legislature complies with the following conditions when processing personal information of data subjects:

- Information is processed lawfully, fairly and transparently;
- Information collected is processed only for the purpose for which it was collected;
- Information will not be processed for a secondary purpose unless the processing is compatible with the original purpose for which the information was collected;
- Reasonable and practicable steps are taken to ensure that personal information is complete, accurate, not misleading and updated where necessary;
- Information will not be kept longer than necessary;
- Information is processed in accordance with integrity and confidentiality principles;
- and
- Information is processed in accordance with the rights of data subjects, where applicable.



15.2 Data Subjects' Rights

Data subjects have the right:

- To be notified that their personal information is being collected and to be notified in an event of data breach;
- To request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- To object, on reasonable grounds, relating to his or her processing of his or her personal information;
- To submit a complaint to the Information Regulator regarding an alleged interference with the protection of personal information; and
- To institute civil proceedings regarding an alleged interference with the protection of his or her personal information.

15.3 Purpose of the Processing of Personal Information by the Legislature

POPIA provides that information held by the Legislature can only be processed for a specific purpose.

The Legislature processes personal information of data subjects for the following reasons:

- To fulfil its constitutional mandate of Law Making, Oversight, Public Participation and Involvement;
- Employee administration
- Maintaining records
- Recruitment
- General administration
- Transacting with service providers
- Compliance with certain legislation



15.4 Cross-border Flows of Personal Information

15.4.1 The Legislature will not transfer personal information about a data subject to a third party who is in a foreign country unless one or more of the following apply:

15.4.1.1. the third party is subject to a law, binding corporate rules or a binding agreement which provides an adequate level of protection of personal information and effectively upholds principles for reasonable processing of the information.

15.4.1.2. the data subject consents to the transfer;

15.4.1.3. the transfer is necessary for the performance of a contract between the data subject and the Legislature

15.4.1.4. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Legislature and a third party; or

15.4.1.5. the transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject to that transfer and if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

15.5 Retention of Personal Information Records

The Legislature shall retain certain personal information as prescribed by law. The Legislature may in certain instances retain personal information records indefinitely, unless the data subject objects thereto. If the data subject objects to indefinite retention of its personal information, the Legislature shall retain the personal information records to the extent permitted by law.



15.6 Description of Information Security Measures to Protect Personal Information

The Legislature employs up to date technology to ensure confidentiality, integrity and availability of personal information under its care.

15.7 Objection to the Processing of Personal Information

A data subject wishing to object to the processing of personal information may do so by completing and submitting Annexure D, attached hereto. A data subject desiring to object may at any time request assistance from the Legislature.

15.8 Request for Correction or Deletion of Personal Information or Destruction or Deletion of Record of Personal Information

A data subject wishing to have their information corrected or deleted may do so by completing and submitting Annexure E, attached hereto.

16 UPDATING AND AVAILABILITY OF THE MANUAL

The Legislature undertakes to update and publish this Manual at regular intervals. The manual is published in three other official languages.

The manual is also available and accessible through the Mpumalanga Provincial Legislature's website on www.mpuleg.gov.za.



Annexure A

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

FOR OFFICIAL USE

Request received by _____ Reference number _____
officer/deputy _____ information officer on _____
_____ at _____ (place) _____ (date)

Request fee (if any): R.....

Deposit (if any): R

Access fee: R.....

.....Signature of information officer/deputy Information Officer

A Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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



Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

C. Particulars of person on whose behalf request is made

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

Full names and surname: _____

Identity number: _____

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

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

—

—

2. Reference number, if available: _____

3. Any further particulars of record: _____



E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The fee payable for access to a record depends on the form in which access is required and the

reasonable time required to search for and prepare a record.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason(s) for exemption from payment of fees: _____

F. Form of access to record

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

<u>Disability:</u>	Form in which record is required:
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	
1. If the record is in written or printed form:	
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record



2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc:			
view the images		copy of the images*	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
listen to the soundtrack(audio cassette)		transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable form:			
printed copy of record'		printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			YES NO
Postage is payable.			
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

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

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

Signed at thisday of..... 20_____

SIGNATURE OF REQUESTER OR PERSON ON WHOSE BEHALF THE REQUEST IS MADE



Annexure B

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 REFERENCE NUMBER:	YOUR
--	-------------

A. Particulars of public body

The Information Officer/Deputy Information Officer:

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

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

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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



C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) 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:

<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(l) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	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 manner: _____

Particulars of manner: _____

Signed at.....thisday of 20_____

SIGNATURE OF APPELLANT

FOR OFFICIAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on:

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

Appeal accompanied by the reasons for the information officer'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: _____

.....**DATE**

**RELEVANT AUTHORITY
RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION
OFFICER FROM THE RELEVANT AUTHORITY ON (date):**



Annexure C

FEES IN RESPECT OF PUBLIC BODIES

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

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) memory stick/stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) memory stick/stiffy disc	5,00



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



Annexure D

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identified/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s)	
Fax number / E-mail address	
B	DETAILS OF RESPONSIBLE PART
Name(s) and surname / registered name of data subject:	
Unique Identified/ Identity Number	
Residential, postal or business address:	
	Code ()



Contact number(s)	
Fax number / E-mail address	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)



Annexure E

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERM OF SECTION 24(1) OF THE OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an “x”.

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorized to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identity/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s)	
Fax number / E-mail address	



B		DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname / registered name of data subject:			
Unique Identified/ Identity Number			
Residential, postal or business address:			
		Code ()	
Contact number(s)			
Fax number / E-mail address			
C	INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYED)		
D	REASON FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASON FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERM OF SECTION 24 (1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reason for the request)</i>		

APPROVAL:

This updated Promotion of Access to Information and Protection of Personal Information Manual has been considered and approved by the Mpumalanga Provincial Legislature.

MR MH SHABANGU
SECRETARY: MPUMALANGA
PROVINCIAL LEGISLATURE

31 JULY 2024

