



DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION  
REPUBLIC OF SOUTH AFRICA

**MANUAL IN TERMS OF SECTION 14 OF  
THE PROMOTION OF ACCESS TO  
INFORMATION ACT, 2000 (ACT NO. 2 OF  
2000)**

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## 1. PURPOSE OF THIS MANUAL

- 1.1 Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) (hereinafter referred to as “ the Constitution”) provides that everyone has a right of access to any information held by the State and any information held by another person that is required for the exercise or protection of any rights. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereinafter referred to as “PAIA”) is the national legislation which was enacted to give effect to the constitutional right of access to information.
- 1.2 PAIA provides that all South Africans have the right to have access to records held by the State, including government departments, and private bodies. The following are the objectives which PAIA seeks to achieve:
- (a) to ensure that the State takes part in promoting a human rights culture and social justice;
  - (b) to encourage openness and to establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner as reasonably possible; and
  - (c) to promote transparency, accountability and effective governance of all public and private bodies, by empowering and educating everyone to understand their rights in terms of PAIA so that they are able to exercise their rights in relation to public and private bodies, to understand the functions and operations of public bodies, and to effectively scrutinise and participate in decision making by public bodies that affects their rights.
- 1.3 PAIA, however, recognises that such a right of access to information is subject to justifiable limitations and seeks to balance the requester’s constitutional right to information against the Department’s right to refuse access to information on any of the grounds mentioned in Part 2, Chapter 4 of PAIA.
- 1.4 In terms of section 14 of PAIA, all public bodies must have information manuals to assist any person wanting to access records of public bodies. The aim of this Manual is to provide information contained herein to assist and ensure that all requests for access to information are dealt with efficiently and effectively, and thereby promote the objectives and spirit of PAIA.

## **2. MANDATE OF THE DEPARTMENT**

- 2.1 The Department supports the Minister for the Public Service and Administration (MPSA) on policy matters relating to the public service in terms of constitutional and other legislative mandates.
- 2.2 The relevant Constitutional and other legislative mandates arise from chapter 10 of the Constitution which focuses on matters relating to the public administration.
- 2.3 Section 197 contains specific provisions for the public service, including requiring that-
- (a) the public service must function, and be structured, in terms of national legislation;
  - (b) terms and conditions of employment in the public service must be regulated by national legislation; and
  - (c) provincial governments are responsible for the recruitment, appointment, promotion, transfer and dismissal of members of the public service in their administrations within a framework of uniform norms and standards applying to the public service .
- 2.4 Section 195 of the Constitution further provides that the public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:
- (a) A high standard of professional ethics must be promoted and maintained;
  - (b) Efficient, economic and effective use of resources must be promoted;
  - (c) Public administration must be development oriented;
  - (d) Services must be provided impartially, fairly, equitably and without bias;
  - (e) People's needs must be responded to, and the public must be encouraged to participate in policymaking.
  - (f) Public administration must be accountable.
  - (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.
  - (h) Good human resource management and career development practices, to maximise human potential, must be cultivated.
  - (i) Public administration must be broadly representative of the South African people,

with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

- 2.5 The national legislation and framework of norms and standards envisaged in section 197 of the Constitution have been established through the Public Service Act, 1994 (promulgated under Proclamation 103 of 1994). This Act arranges the powers and duties of the Minister for the Public Service and Administration. In short, the Act entrusts the Minister with the powers and duties to-
- (a) set norms and standards on matters relating to the functions, organisational arrangements, conditions of service, employment practices, labour relations, health and wellness of employees, information management, electronic government, integrity, ethics, conduct, anti-corruption, transformation, reform and innovation;
  - (b) make determinations relating to the transfer of functions to departments;
  - (c) advise the President and executive authorities on matters related to the public service, staffing arrangements or employment practices pertaining to organs of state and remuneration and conditions of appointment of office-bearers of any board, institution or body; and
  - (d) make regulations, issue determinations and directives.
- 2.6 In addition to the Public Service Act, the Public Administration Management Act, 2014 (Act No 11 of 2014) further seeks to-
- (a) promote the values and principles enshrined in section 195 of the Constitution;
  - (b) provide for capacity development and training;
  - (c) establish the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit;
  - (d) establish the Office of Standards and Compliance.
- 2.7 The Public Administration Management Act empowers the Minister to issue norms and standards across the three spheres of government, being national; provincial and local government, in the following areas, amongst others,-
- (a) the promotion of values and principles referred to in section 195(1) of the Constitution;
  - (b) capacity development and training;
  - (c) information and communication technologies in the public administration;
  - (d) integrity, ethics and discipline;

- (e) the disclosure of financial interests;
- (f) measures to improve the effectiveness and efficiency of institutions; and
- (g) disclosure of information relating to pending disciplinary action and concluded disciplinary proceedings where the employee was found guilty.

### 3. DEFINITIONS

In this manual any word or expression to which a meaning has been assigned in the PAIA, shall bear the meaning so assigned, unless the context otherwise indicates -

**“Data subject”** means the person to whom the personal information relates;

**“Department”** means the Department of Public Service and Administration;

**“information officer”** means the Director-General of the Department;

**“Manual”** means this manual compiled in terms of section 14 of the Act;

**“personal requester”** means the person requesting access to a record containing personal information about the requester;

**“record”** means any recorded information, regardless of form or medium, which is in the process or under the control of the Department, irrespective of whether it was created by the Department or not;

**“request”** means a request for access to a record of the Department;

**“requester”** means any person making a request for access to a record of the Department and includes any person acting on behalf of that person or requester; and

### 4. ORGANISATIONAL STRUCTURE OF THE DEPARTMENT

4.1 The Department is structured to fulfil the mandate outlined above. The Department comprises five (5) Branches-

- (a) **Human Resources Management and Development** which is responsible for human resource planning, employment and performance management; human resource development; and transformation, workplace environment management

and the Office of Standards and Compliance ;

- (b) **Negotiations, Labour Relations and Remuneration Management** which is responsible for organisational development, job grading, macro organisation of the state, remuneration, employment conditions (macro and general benefits), human resource systems, negotiations, labour relations and dispute management and the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit ;
- (c) **Government Services Access and Management** which is responsible for operations management; service access; and service delivery improvement, citizen relations and public participation;
- (d) **e-Government Services and information Management** which is responsible for information and communication technology governance and management; e-enablement and information and communication technology service infrastructure management; information and stakeholder management; and knowledge management and innovation; and
- (e) **Administration** which is responsible for internal support in strategic management and executive support; communication and internal knowledge management; legal services; internal human resources and workplace environment management; internal information, communication and technology management; international relations and donor funding; internal audit; risk, financial management services; the Private Office of the Minister; the Private Office of the Deputy Minister and the Office of the Director- General.

## 5. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

The Director-General of the Department of Public Service and Administration is its Information Officer in terms of the PAIA. The designated Deputy Information Officer of the Department is the Chief Director: Legal Services.

Postal address: Private Bag X916  
PRETORIA 0001

Street address: Batho Pele House  
546 Edmond Street

ARCADIA

Telephone: 012-336-1218/1553/1006

Email address: [PAIA@dpsa.gov.za](mailto:PAIA@dpsa.gov.za)

## 6. GUIDE OF THE INFORMATION REGULATOR ON HOW TO USE THE ACT

The guide on how to use the PAIA, is available from the Information Regulator. Queries can be made to the Information Regulator at:

Postal address: Information Regulator  
P.O Box 31533,  
Braamfontein,  
Johannesburg,  
2017

Telephone: 010 023 5200

Website: <https://inforegulator.org.za/>

e-mail: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)

Complaints: [PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za).

## 7. RECORDS

### 7.1 DESCRIPTION OF SUBJECTS ON WHICH THE DEPARTMENT HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

For purposes of facilitating a request in terms of the Act, the subjects on which the Department holds records and the categories of records held on each subject are as follows:

#### A. Human Resources Management and Development

- a. Human Resource Planning, Employment and Performance Management
- b. Human Resource Development
- c. Transformation and Workplace Environment Management



**B. Negotiations, Labour Relations and Remuneration Management**

- a. Organisational Development, Job Grading and Macro Organisation of the State
- b. Remuneration, Employment Conditions and Human Resource Systems
- c. Negotiations, Labour Relations and Dispute Management

**C. Government Services Access and Improvement**

- a. Operations Management
- b. Service Access
- c. Service Delivery Improvement, Citizen Relations and Public Participation

**D. e-Government Services and Information Management**

- a. Information and Communication Technology Governance and Management
- b. e-Enablement and Information and Communication Technology Service Infrastructure Management
- c. Information and Stakeholder Management
- d. Knowledge Management and Innovation

**E. Administration**

- a. Strategic Management and Executive Support
- b. Communication and Internal Knowledge Management
- c. Legal Services
- d. Internal Human Resources and Workplace Environment Management
- e. Internal Information, Communication and Technology Management
- f. International Relations and Donor Funding

**F. Office of the Director-General**

- a. Office of Standards and Compliance
- b. Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit
- c. Internal Audit;
- d. Ethics and Risk Management
- e. Financial Management Services

## 7.2 RECORDS AUTOMATICALLY AVAILABLE

7.2.1 A notice has been published regarding the categories of records of the Department which are automatically available without a person having to request access in terms of the procedures in the PAIA.

7.2.2 The records on the website of Department, [www.dpsa.gov.za](http://www.dpsa.gov.za), are available for viewing or downloading without a person having to make such a request in terms of the said Act.

7.2.3 In terms of section 14(1)(e) of the Act, the Department has the following categories of the records that are automatically available for copying and inspection without a person having to request access in terms of PAIA:

- (a) Acts, Bills and Regulations published by the Department;
- (b) published policies and guidelines;
- (c) application forms;
- (d) contact directory;
- (e) e-publications;
- (f) published booklets and brochures;
- (g) published marketing material, including departmental marketing brochures;
- (h) published newsletters;
- (i) published posters and pamphlets;
- (j) published reports;
- (k) strategic plans;
- (l) annual performance plans;
- (m) annual reports;
- (n) budget speeches;
- (o) vacancy circulars; and
- (p) collective bargaining agreements.

7.2.4 The Department's website at [www.dpsa.gov.za](http://www.dpsa.gov.za) contains most of the information indicated in paragraph 7.1 and 7.2 above, which is directly accessible from the internet. Please refer to and use the website before submitting requests as it would be an easier way of accessing departmental records. You may also contact the

Department to determine if information requiring access is automatically available or if the access to information procedure should be followed to acquire access to such documents.

7.2.5 The other automatically available information that is not posted on the Department's website may be requested from the Department without submitting a request in terms of PAIA.

7.2.6 No request form for access in terms of PAIA has to be completed for records automatically available in terms of this section. However a fee for copying may be levied, where applicable.

### **7.3 REQUEST PROCEDURE**

- (a) *Granting or refusal of request:* A requester must be given access to a record of a public body if the requester complies with the following:
- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
  - Access to that record is not refused on any ground of refusal mentioned in the Act.
- (b) *How do I request access to a record?*
- A requester must use the form (Form 2) that was printed in the Government Gazette (Government Notice R 757 of 23 August 2021).
  - The requester must also indicate if the requester wants a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a paper document it can then be viewed in the requested form, where possible.
  - If a person asks for access in a particular form (e.g. a paper copy, electronic copy, etc) then the requester should get access in that form. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the State. If for practical reasons access cannot be given in the required form but in another form, then the fee must be calculated according to the way that the requester first asked for it.
  - If, in addition to a written reply to their request for the record, the requester

wants to be told about the decision in any other way, e.g. telephone, this must be indicated.

- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.
- If a requester is unable to read or write, or has a disability, then the request can be made orally. The information officer must then fill in the form on behalf of such a requester and give them a copy of the completed form.

(c) *Fees payable for a request and notification of decision on access*

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester must pay the request fee of R35.
- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- After the information officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified.
- If the request is granted then a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until all the applicable fees have been paid.

## **8. PUBLIC HUMAN RESOURCE DATA AND INFORMATION**

Summarized or anonymized human resource data on public servants in the national and provincial sphere of government can be requested from the Data Governance and Information Systems Directorate in the Department. It would be preferred if a formal request from an institution be accompanied by a formal letter on the letter head of the institution and signed by a duly authorized person on behalf of that institution.

## **9. SERVICES AVAILABLE TO THE PUBLIC**

The functions of the Department are such that its clients are usually other government departments and it does not deliver any services which are available to the public. However, certain demographical information about the public service (for example the size of the public service and number of employees per department) can be requested.

## **10. ARRANGEMENT ALLOWING INVOLVEMENT IN THE FORMULATION OF POLICY AND PERFORMANCE OF FUNCTIONS**

10.1 *Policy and legislation:* When the Department proposes new policy or legislation it undertakes consultation with all stakeholders through inviting comment on published papers and/or workshops/conferences. The process of participation differs according to the kind of project and is usually made known before the start of the project or thereafter.

10.2 *Administrative action:* In cases where an administrative action materially and adversely affects-

- (a) the rights or legitimate expectations of any person; or
- (b) the rights of the public,

the prescripts for a procedurally fair administrative action set out in the provisions of the Promotion of the Administrative Justice Act, 2000 (Act No. 3 of 2000), will be adhered to (sections 4 and 5 in particular).

10.3 *Conditions of service of public service employees:* The conditions of service and other matters of mutual interest of public service employees are negotiated at bargaining councils created in terms of the Labour Relations Act, 1995 (Act No 66 of 1995). Trade unions representing a stipulated number of public service employees may become a party to such a bargaining council. The Public Service Co-ordinating Bargaining Council is the body at which inter alia all conditions of service applying to all public service employees uniformly are negotiated. The following sectoral bargaining councils exist:

- (a) General Public Service Sectoral Bargaining Council
- (b) Education Labour Relations Council
- (c) Public Health and Welfare Sectoral Bargaining Council
- (d) Safety and Security Sectoral Bargaining Council

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

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful official acts or omissions by the Department or any of its employees:

### 11.1 *Procedures for reporting or remedying:*

- (a) Remedies in respect of acts or failures to act in terms of the PAIA: The internal appeal authority for purposes of this Act is the Minister for the Public Service and Administration (sections 74 – 77). After exhausting the internal appeal remedy, an application may be lodged with a court (sections 78 – 82).
- (b) A public service employee may lodge a grievance or complaint for investigation by the Public Service Commission concerning an official act or omission (section 35 of the Public Service Act, 1994).
- (c) A person may use labour remedies regarding official acts or omissions of a labour nature, namely disputes of rights (the Public Service Act, 1994, and Labour Relations Act, 1995);
- (d) A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 - section 78(1)(a)), or the Employment Equity Act, 1998 (Act No. 55 of 1998 - section 34(e)).
- (e) A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)).
- (f) In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by an employer or a fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No. 26 of 2000).
- (g) The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

### 11.2 *Other supportive remedies:*

- (a) A person may request reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (section 5).

- (b) A person may request access to records of a government department or other public body in terms of the PAIA (section 11).

### 11.3 *Duty to report:*

- (a) A public service employee, in the course of his or her official duties, is obliged, in terms of the Code of Conduct for public service employees, to report to the appropriate authorities, fraud, corruption, nepotism, mal-administration and any other act which constitutes an offence or which is prejudicial to the public interest. An employee who fails to comply with this shall be dealt with in terms of the disciplinary processes contemplated in section 16A of the Public Service Act. (Regulation 9 of the Public Service Regulations, 2016).
- (b) The responsibility of every employer and employee to disclose criminal and any other irregular conduct in the workplace also underpins the Protected Disclosures Act, 2000.

## **12. OTHER INFORMATION PRESCRIBED IN TERMS OF SECTION 14(1)(i) OF THE ACT.**

Any other information in terms of section 14(1)(i) of the PAIA will be made available as and when prescribed by the Minister of Justice and Constitutional Development.

## **13. THE PROTECTION OF PERSONAL INFORMATION ACT, 2013**

In terms of the Protection of Personal Information Act, 2013 (POPIA) consequences will be enforced should the Department not follow a responsible way when collecting, processing, storing and sharing a data subject's personal information. The POPIA will hold the Department accountable if they misuse or compromise the personal information of a data subject. The POPIA gives a data subject the rights of protection and the capacity to still have control over their personal information.

Chapter 3 of the POPIA provides for the minimum conditions for the lawful processing of personal information by the Department. These conditions may not be derogated from unless specific exclusions apply as outlined in the POPIA. Section 14(1)(c) of PAIA requires that the following considerations must be taken into account based on the amendment of PAIA as proclaimed by the President in terms of the POPIA-

#### 14.1 *The purpose of processing*

Personal Information may only be processed for a specific purpose. The purposes for which the Department processes or will process personal information is follows:

(a) *For employees:*

- (i) Verification of applicant's information during recruitment process.
- (ii) Verification of employee's doing business with the State.
- (iii) General matters relating to employees such as:
  - o General benefits
  - o Pension
  - o Medical aid
  - o Payroll
  - o Disciplinary action
  - o Training
- (iv) Any other reasonably required purpose relating to the employment or possible employment relationship.

(b) *For vendors /suppliers:*

- (i) Verifying information and performing reference and other prescribed checks
- (ii) Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties
- (iii) Payment of invoices
- (iv) Complying with the Department's regulatory and other obligations
- (v) Any other reasonably required purpose relating to the Department's business

#### 14.2 *Categories of data subjects and of the information or categories of information*

The following are categories of data subjects and the personal information which the Department processes relating thereto:

(a) *For employees:*

- (i) Name and contact details



- (ii) Identity number and identity documents including passports
- (iii) Employment history and references
- (iv) Banking and financial details
- (v) Details of payments to third parties (deductions from salary)
- (vi) Employment contracts
- (vii) Employment equity plans
- (viii) Medical aid records
- (ix) Pension Fund records
- (x) Remuneration/salary records
- (xi) Performance appraisals
- (xii) Disciplinary records
- (xiii) Leave records
- (xiv) Training records

(b) For prospective employees

- (i) Postal and/or street address
- (ii) title and name
- (iii) contact numbers and/or e-mail address
- (iv) ethnic group
- (v) employment history
- (vi) age
- (vii) gender
- (viii) marital status
- (ix) nationality
- (x) language
- (xi) financial information
- (xii) identity or passport number
- (xiii) social media

(c) Vendors /suppliers:

- (i) Name and contact details
- (ii) Identity and/or company information and directors' information
- (iii) Banking and financial information
- (iv) Information about products or services
- (v) Other information not specified but reasonably required to be processed for business operations

#### 14.3 *The recipients or categories of recipients to whom the personal information may be supplied*

The Department holds information on behalf of the State and therefore it does not provide personal information to any organisation or body other than to another Government department or institution. Certain personal information may however be provided to the following recipients of personal information:

- (a) Regulatory authorities or ombudsmen, including the South African Revenue Services, where the Department has a legal obligation to share information
- (b) Third parties to whom payments are made on behalf of employees
- (c) Institutions that are responsible for law enforcement

#### 14.4 *Planned transborder flows of personal information*

13.4.1 The DPSA does not provide personal information across-borders except if such information is necessary for purposes of an employee's performance of duties or for a purpose arising in the course and scope of an employee's employment. In such event, the Department shall ensure that-

- (a) the recipient country can offer a reasonable level of protection which is substantially similar to the POPIA; or
- (b) the data subject consents to the transfer of their personal information; or
- (c) the transfer is necessary for the performance of a contractual obligation between the data subject and the responsible party.

13.4.2 Where personal information may be stored in data servers hosted outside South Africa, the Department shall, as far as reasonably possible, ensure that the receiver(s) of such personal information will make all reasonable efforts to secure said data and personal information.

#### 14.5 *Information Security Measures*

The DPSA shall put in place security protocols to safeguard personal information from being accessed unlawfully and the following mechanisms will be enhanced-

- (a) ensuring that the correct classification of information is captured as employee data will need to be classified as 'personal information' or 'special personal information';
- (b) ensuring that security protocols are enhanced to guard against unauthorised access to information by implementing computer and network security measures such as passwords, implementing firewalls, install antivirus protection, ensuring data protection through data encryption and redaction of personal information, securing laptops and computers through passwords or biometric and securing the Virtual Private Network (VPN);
- (c) protocols on notifying employees or other persons when their personal information is compromised or when there is a privacy breach will be institutionalized; and
- (d) ensuring that stricter security protocols are adopted to restrict access by third parties the office environment, computer network, system, application software, data or another resource.

#### **14. UPDATING AND AVAILABILITY OF THIS MANUAL AS CONTEMPLATED IN SECTION 14(2) OF PAIA.**

In terms of Section 14(2) of PAIA, this Manual must, if necessary, be updated annually and shall be made available as contemplated in section 14(2) of PAIA, including posting it on the Department's official website, [www.dpsa.gov.za](http://www.dpsa.gov.za) and making copies of the Manual available on request from the Information Officer at the contact details provided above in paragraph 5 above.