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Public Service and Administration  
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**TO: ALL EXECUTIVE AUTHORITIES**

**Dear colleagues,**

**Subject: Accessibility of the financial disclosure forms and the register of disclosed interests of designated employees by the Auditor General of South Africa (AGSA) for auditing purposes.**

It has come to my attention that there is uncertainty within departments whether to grant the Auditor General of South Africa (AGSA) access to the financial disclosure forms and the register of disclosed financial interests of designated employees for auditing purposes. This uncertainty is brought about by the requirements of Regulation 20 of the Public Service Regulations, 2016. The purpose of this notice is to provide guidance regarding this issue.

Disclosure of financial interests is regulated through Part B of Chapter 2 of the Public Service Regulations (PSR), 2016. Regulation 20(1) of the PSR, 2016, limits access to information contained in the register of disclosed financial interests. Only certain persons are granted access to the register of disclosed interests and in terms of Regulation 20(2) other persons who require access to the register would be granted such access under the following conditions:

- (a) when the court so orders; or
- (b) when the person has been granted access in terms of section 11 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

The purpose of Regulation 20 of the PSR, 2016, is to prevent the abuse of personal information contained in the financial disclosure forms for purposes other than what is intended for by the PSR, 2016.

The Auditor-General is an independent state institution established in terms of Chapter 9 of the Constitution of the Republic of South Africa, 1996. The institution plays an important role in the fight against corruption. Furthermore, I have taken note of the following factors:

- (a) In terms of section 15(1) of the Public Audit Act, 2004 (Act No. 25 of 2004), when conducting a mandatory audit, the AGSA or an authorised auditor must have unrestricted access to any document, written or electronic which reflects or elucidates the business, financial results, financial position or performance of the auditee.
- (b) Section 15(3)(b) further states that compliance **with a requirement of section 15 is not a breach of any applicable legislation imposing the relevant obligation of secrecy or confidentiality or non-disclosure.**
- (c) Section 41 of the Public Finance Management Act, 1999 (Act No. 29 of 1999), requires the Accounting Officer to submit to the AGSA such information, returns and documents as may be prescribed or as the AGSA may require.

Having considered all these factors and in line with Regulation 20(1)(h) of the PSR, 2016, I have designated AGSA or any authorised auditor representing the AGSA, to have access to a submitted form or register of disclosed interests by designated employees for the purpose of effective implementation of Part B of Chapter 2 of the PSR, 2016.

Kind regards,



**MS AF MUTHAMBI, MP**

**MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION**

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