



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
TRANSPORT AND COMMUNITY SAFETY

PAIA MANUAL

**Prepared in terms of section 14 of
the Promotion of Access to
Information Act 2 of 2000
(as amended)**

Version 2 of 2023

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1. DEFINITIONS AND INTERPRETATIONS

1.1 Definition

1.1.1 “**Access fee**” means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be;

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

1.1.3 “**Deputy Information Officer**” means the designated individual in the public or private body who is responsible for assisting the Information Officer with the **PAIA** Request;

1.1.4 “**Guide**” means the guide on how to use **PAIA** by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (**PAIA**) and the Protection of Personal Information Act 04 of 2013, as contemplated in section 10 of **PAIA**;

1.1.5 “**Head**” of, or in relation to, a private body means -

in the case of a natural person, including a person referred to in paragraph (c) of the definition of “political party”, that natural person or any person duly authorised by that natural person;

(b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;

(c) in the case of a juristic person –

(i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or

(ii) the person who is acting as such or any person duly authorised by such acting person; or

(d) in the case of political party, the leader of the political party or any person duly authorised by that leader;

1.1.6 Human Rights Commission” means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution;

1.1.7 “Information Officer”

In relation to, a public body –

(a) in the case of a national department, provincial administration or organisational component

- (i) mentioned in Column 1 of Schedule 1 or 3 to the Public Service Act,
- (ii) 1994 (Proclamation 103 of 1994), means the officer who is the
- (iii) incumbent of the post bearing the designation mentioned in
- (iv) Column 2 of the said Schedule 1 or 3 opposite the name of the
- (v) relevant national department, provincial administration or
- (vi) organisational component or the person who is acting as such; or

(b) in the case of a municipality, means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), or the person who is acting as such; or

(c) in the case of any other public body, means the chief executive officer, or equivalent officer, of that public body or the person who is acting as such;

In relation to, a private body means

(d) the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;

1.1.8 “Information Regulator” means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;

1.1.9 **“Internal appeal”** means an internal appeal to the relevant authority in terms of section 74;

1.1.10 **“Minister”** means the Cabinet member responsible for the administration of justice.

1.1.11 **“Person”** means a natural person or a juristic person;

1.1.12 **“Personal information”** means information relating to an identifiable natural person, including, but not limited to –

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would

reveal information about the person, but excludes information about an individual who has been dead for more than 20 years;

1.1.13 “**Political party**” means -

(a) any entity that accepts donations principally to support or oppose any registered political party or its candidates, in an election as defined in section 1 of the Electoral Act, 1998 (Act No. 73 of 1998);

(b) any registered political party as defined in the Electoral Act, 1998; or

(c) a natural person who is an independent candidate.

1.1.14 “**Private body**” means –

(a) a natural person who carries or has carried on any trade, business, or profession, but only in such capacity;

(b) a partnership which carries or has carried on any trade, business or profession; or

(c) any former or existing juristic person; or

(d) a political party

but excludes a public body;

1.1.15 “**Public body**” means –

(a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or

(b) any other functionary or institution when

(i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation;

1.1.16 “**Record**” of, or in relation to, a public or private body, means any recorded information -

(a) regardless of form or medium;

(b) in the possession or under the control of that public or private body, respectively;
and

(c) whether or not it was created by that public or private body, respectively;

1.1.17 “**Request for access**”, in relation to –

(a) a public body, means a request for access to a record of a public body in terms of section 11; or

(b) a private body, means a request for access to a record of a private body in terms of section 50;

1.1.18 “**Request for access**”, in relation to –

(a) a public body, means

(i) any person (other than a public body contemplated in paragraph

(a) or (b)(i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or

(ii) a person acting on behalf of the person referred to in subparagraph (i);

(b) public body, means

(i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or

(ii) a person acting on behalf of the person contemplated in subparagraph(i);

1.1.19 “**Responsible party**” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

1.1.20 “**Third party**”, in relation to a request for access to –

(a) a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than –

(i) the requester concerned; and

- (ii) a public body; or
- (b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (a) and (b) must be construed as a reference to 'natural person';

1.1.21 **"The Act"** means the Promotion of Access to Information Act 2 of 2000 as amended, and includes any regulation made and in force in terms of section 92.

1.2 Interpretation

- 1.2.1 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 1.2.2 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual;
- 1.2.3 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 1.2.4 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 1.2.5 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 1.2.6 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the

eiudem generis rule shall not be applied in the interpretation of such general wording or such specific example/s;

1.2.7 insofar as there is a conflict in the interpretation of or application of this Manual and the Act, the Act shall prevail;

1.2.8 this Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the Regulator.

2. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-------------|--------------------|--|
| 2.1 | “HOD” | Head of Department |
| 2.2 | “MEC” | Member of Executive Council |
| 2.3 | “DIO” | Deputy Information Officer; |
| 2.4 | “IO” | Information Officer; |
| 2.5 | “Minister” | Minister of Justice and Correctional Services; |
| 2.6 | “PAIA” | Promotion of Access to Information Act No.2 of 2000 (as Amended) |
| 2.7 | “PFMA” | Public Finance Management Act No.1 of 1999 as Amended; |
| 2.8 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 2.9 | “Regulator” | Information Regulator. |
| 2.10 | “DTCS” | Department of Transport and Community Safety |

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

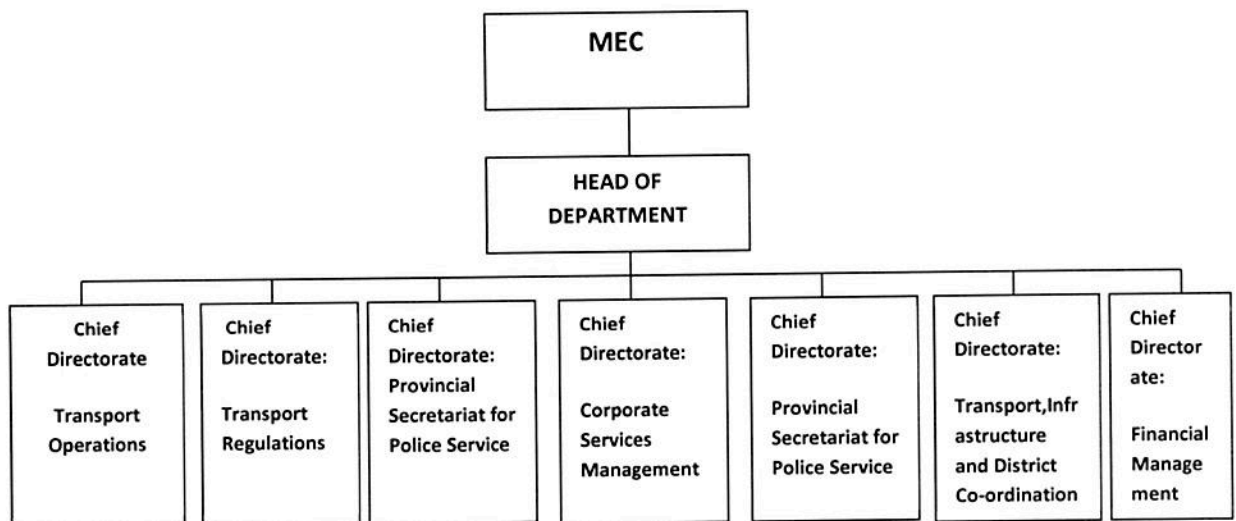
- 3.1 check the nature of the records which may already be available at Department of Transport and Community Safety, without the need for submitting a formal PAIA request;
- 3.2 have an understanding of how to make a request for access to a record of the Department of Transport and Community Safety;
- 3.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 3.4 know all the remedies available from the Department of Transport and Community Safety regarding request for access to the records, before approaching the Regulator or the Courts;
- 3.5 the description of the services available to members of the public from the Department of Transport and Community Safety, and how to gain access to those services;
- 3.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.7 if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know if the Department of Transport and Community Safety has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

3.9 know whether the Department of Transport and Community Safety has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. STRUCTURE OF THE DEPARTMENT OF TRANSPORT AND COMMUNITY SAFETY

The Department of Transport and Community Safety consists of Head Office and five District offices, Capricorn, Sekhukhune, Mopani, Waterberg and Vhembe.

The Member in the Executive Council (MEC) is the political head of the Department and the Head of Department is the Accounting Officer. The Department has six Chief Directors responsible for Transport Operations, Transport Regulations, Transport, Infrastructure and District Co-ordination, Provincial Secretariat for Police Service, Financial Management as well as Corporate Services.



5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE DEPARTMENT OF TRANSPORT AND COMMUNITY SAFETY

5.1 Information Officer

Name: Masilo Stephen Matjena
Tel: 015 295 1006
Email: matjenam@dtcs.limpopo.gov.za
Fax number: 015 294 8000

5.2 Deputy Information Officers

Name: Nakapedi James Masete
Tel: 015 295 1012
Email: maseten@dtcs.limpopo.gov.za
Fax Number: 015 294 8000

Name: Mputle Eulalia Seriti
Tel: 015 295 1060
Email: seritim@dtcs.limpopo.gov.za
Fax Number: 015 294 8000

Name: Paul Noko Moloto
Tel: 015 295 1178
Email: molotop@dtcs.limpopo.gov.za
Fax Number: 015 294 8000

Name: Ramadimetja Jermina Mokoena
Tel: 087 086 3845/015 295 1000
Email: mokoelar@dtcs.limpopo.gov.za
Fax Number: 015 294 8000

Name: Elmon Mabu Mokoni
Tel: 015 632 9855
Email: mokonie@dtcs.limpopo.gov.za
Fax Number: 015 632 9800

Name: Masidi Joel Chauke
Tel: 015 811 7000
Email: chaukej@dtcs.limpopo.gov.za
Fax Number: 015 812 4320

Name: Mawope Gerald Sekatane
Tel: 014 718 2305
Email: sekataned@dtcs.limpopo.gov.za
Fax Number: 015 294 8000

Name: Thixedzwi Maphiswana
Tel: 015 960 3000
Email: maphiswanat@dtcs.limpopo.gov.za
Fax Number: 015 960 3059

Name: Mukondeleli Peterson Nthakheni
Tel: 015 967 9300
Email: nthakhenim@dtcs.limpopo.gov.za
Fax Number: 015 967 9314

5.3 Access to information general contacts

Email: matjenam@dtcs.limpopo.gov.za

National / Head Office

Postal Address: Private Bag x9491
Polokwane
0700

Physical Address: 37 Church Street
Polokwane
0699

Telephone: 015 295 1000

Email: matjenam@dtcs.limpopo.gov.za

Website: www.ldot.gov.za

6 DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DEPARTMENT OF TRANSPORT AND COMMUNITY SAFETY

6.1. Internal appeal

6.1.1 A requester may lodge an internal appeal against a decision of the information officer or deputy information officer in terms of section 74 of the Act. The appeal may be lodged with the MEC of the department, or the person designated in writing by the MEC, on any of the following grounds:

- a refusal to grant access; or
- the tender or payment of the request fee in terms of section 22(1) of PAIA; or
- the access fee to be paid is too excessive; or
- the tender or payment of a deposit in terms of section 22(2) of PAIA; or
- the decision of the Information Officer to grant a request for access; or
- an extension of period in terms of section 26(1) of PAIA; or
- refusal to grant access to records in a particular form requested, in terms section 29 (3) of PAIA;
- failure to disclose records; or
- refusal to grant request to waive the fees.

6.1.2 A third party may lodge an internal appeal against a decision of the Information Officer or Deputy information Officer to grant a request for access to a record.

In order to appeal against any decision(s) made by the Information Officer or Deputy information Officer, referred to in paragraph 6.1.1 and 6.1.2 above, a requester must lodge an internal appeal by completing Form 4 (attached hereto). Form 4, attached hereto, must be submitted to the same Information Officer or Deputy information Officer that made the original decision, who is then required to forward it to the MEC within ten (10) working days after receipt of an internal appeal.

6.2 Period within which to lodge an internal appeal.

6.2.1 An internal appeal form must be delivered or sent to the Information Officer or Deputy information Officer's address or fax number or electronic mail address, contact details of which can be found in paragraph 5 above –

- within 60 days after the decision was taken;
- within 30 days after notice is given to the third party of the decision appealed against.

6.2.2 The Information Officer will forward the appeal to the MEC, within ten (10) days, together with the following in terms of PAIA –

- his or her reasons for the decision concerned; and
- 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, in terms of section 47 (1) of PAIA.

6.2.3 The MEC may, upon good cause shown, allow the late lodging of the internal appeal. If the MEC is not satisfied with the reasons advanced for late lodging of the appeal, the request will be disallowed on written notice to the person that lodged the internal appeal.

6.2.4 A requester lodging an internal appeal against the refusal of his or her request for access may pay the prescribed appeal fee (if any or unless he/she is exempted

from paying fees). If the prescribed appeal fee is payable in respect of an internal appeal, the decision on the internal appeal may be deferred until the fee is paid.

6.2.5 The MEC, must process and decide on the internal appeal within thirty (30) days from the date in which the internal appeal was received by the Information Officer or Deputy Information Officer.

6.3 PROCESS FOR COMPLAINING TO THE INFORMATION REGULATOR

6.3.1 Chapter 10, section 74 and 75 of the POPI Act provides procedures to be followed when lodging/submitting a complain to the Information Regulator or any regulatory body against any interference with the protection of the personal information of a data subject by information officer or deputy information officer of certain public bodies. Section 74 outlines that: -

- Any person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the personal information of a data subject.
- A responsible party or data subject may, in terms of section 63(3), submit a complaint to the Regulator in the prescribed manner and form if he, she or it is aggrieved by the determination of an adjudicator.

6.4 PROCESS FOR APPROACHING THE COURT WITH JURISDICTION FOR APPROPRIATE RELIEF.

6.4.1 A requester or third party may only, after exhausting the internal appeal procedure against a decision of an information officer or deputy information officer, apply to a court for appropriate relief in terms of section 82.

6.4.2 A requester whose internal appeal has been unsuccessful or aggrieved by a decision of the MEC or the person designated in writing by the MEC to disallow the late lodging of an internal appeal in terms of section 75 (2) may, by way of an

application, within 30 days apply to a court for appropriate relief in terms of section 82.

6.4.3 The unsuccessful third party in an internal appeal to the relevant executing authority may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

7.1 The purpose of the guide is to provide information that is needed by any person who wishes to exercise any right contemplated in PAIA and POPIA.

7.2 This Guide will specifically assist a person, also called a data subject, on how to access his or her personal information in terms of section 23 of POPIA. The aforesaid Guide contains the description of-

7.2.1 the objects of PAIA and POPIA;

7.2.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

7.2.2.1 the Information Officer of every public body, and

7.2.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;

7.3 The manner and form of a request for-

7.3.1 access to a record of a public body contemplated in section 11; and

7.3.2 access to a record of a private body contemplated in section 50;

7.3.3 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

- 7.3.4 the assistance available from the Regulator in terms of PAIA and POPIA;
- 7.3.5 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- 7.3.5.1 an internal appeal;
- 7.3.5.2 a complaint to the Regulator; and
- 7.3.5.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 7.3.6 the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.7 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively.
- 7.3.8 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 7.3.9 the regulations made in terms of section 92.
- 7.4 Members of the public can inspect or make copies of the Guide from the offices of the Department of Transport and Community Safety, during normal working hours. The Guide can also be obtained-
- 7.4.1 upon request to the Information Officer;
- 7.4.2 from the website of the Department of Transport and Community Safety (www.ldot.gov.za)

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE DEPARTMENT HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE DEPARTMENT OF TRANSPORT AND COMMUNITY SAFETY

8.1 Records held by the Department of Transport and Community Safety are generated through each of its divisions, the core operations processes under both **PAIA** and **POPIA**.

8.2 Each division of the Department generates substantive records which relate specifically to the outputs of the division and operational records in the course of organisational operations.

8.3 The categories of records generated in the Department are classified in the manner listed below –

8.3.1 according to the file plan for correspondence, files on strategic support, core functions, and operational processes of the Department;

8.3.2 the Records Control Schedule for other records including publications and audio-visual records and the electronic information systems of the Department.

8.4 Certain records of the Department are acquired in the course of work of the Department and in certain instances records are received from public and private bodies in accordance with **PAIA** and **POPIA**.

8.5 The Department reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where the Department no longer has possession of such record.

8.6 The Department also reserves the right to create new categories of records where this is necessary. This Manual will be updated to reflect changes in categories of records accordingly.

9. DESCRIPTION OF THE SUBJECTS ON WHICH THE DEPARTMENT HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT.

9.1 The Department holds the following records, which are available from the Department and may be requested by way of the **PAIA** request process. Such records usually do not have information which can reasonably be said to be of a confidential nature.

Subjects on which the body holds records	Categories of records held on each subject
Strategic Documents and Plans	Annual Reports, Strategic Plan, Annual Performance Plan, Departmental policies, Departmental procedure manuals, Monitoring and evaluation reports, Service Delivery reports, Newsletters
Human Resources and Development	<ul style="list-style-type: none"> - HR policies and procedures; - Advertised posts; - Employees records; - Learning and development e.g.: skills development and training plans - Employment equity plan and statistics - Organizational structures - Staff establishment - Bursary files : External - Bursary files : Own files <ul style="list-style-type: none"> - Training manuals - Work-study Research Reports - Selection (Appointment records) - Labour relations and legal records - Employee wellness records - Personal files of employees - Home owners files - Injury on duty files

Subjects on which the body holds records	Categories of records held on each subject
	<ul style="list-style-type: none"> - Performance Contracts and instruments - Performance evaluation reports - Leave files - Salary files -
SCM	<ul style="list-style-type: none"> - BID Documents, Contracts, Purchase Orders, Quotations, Tenders, Terms of Reference and Leases, List of applicants for Tenders, List of Tenders Awarded, Database of suppliers
Finance	<ul style="list-style-type: none"> - Audit Reports - Payment vouchers - Asset Registers - S &T Claims - Orders - Receipts - Invoices - Financial Statements and reports - Commitment Registers - Quotations - Estimates of Income and Revenue - Data Base of Suppliers

10. CATEGORIES OF RECORDS OF THE DEPARTMENT OF TRANSPORT AND COMMUNITY SAFETY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category	Document Type	Available on Website	Available upon request
Tender document	<ul style="list-style-type: none"> - Advertised tender - Name of successful bidder 	X	x
Legislation /Regulations	<ul style="list-style-type: none"> - Public service regulations - Treasury regulations - Departmental policies 	x	X x
Strategic Documents (Plans and Report)	<ul style="list-style-type: none"> - Organisational profile (Overview, Objectives, Functions, Architecture) - Annual Reports; - Strategic Plan; - Annual Performance Plan; - Annual Performance Plans; - Budget speech 	X	x
Finance	<ul style="list-style-type: none"> - Financial Accounting, Financial Reporting, Contracts and Tender Administration, Asset Management / Register, Management Accounting, Estimates, Statements, Budgets, Reports, Audit Records, Revenue Statements, Reports and Returns 		x

11. PROCEDURE FOR ACCESS TO RECORDS HELD BY THE DEPARTMENT OF TRANSPORT AND COMMUNITY SAFETY

11.1 Section 18 of **PAIA** prescribes the procedure to be followed in making a request for access to information held by the Department. Section 23(1) of **POPIA** also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of **POPIA** should be in accordance with section 18 of **PAIA**.

11.2 A requester or data subject must use the prescribed form, **FORM 2**, when requesting access to a record or personal information. Form 2 is annexed hereto.

11.3 A requester is any person making a request for access to a record of the Department and in this regard, **PAIA** distinguishes between two types of requesters for access to information, i.e. Personal Requester, (data subject) and Other Requester.

11.4 The **Form 2** must be addressed and submitted to the Information Officer by hand, post, per fax or e-mail, which details are set out in paragraph 4 above.

11.5 The requester must provide sufficient information of the record(s) requested in order for the Information Officer or Deputy Information Officer, if any, to identify the record(s). The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

- 11.5.1 the identity of the requester;
- 11.5.2 particulars of record requested;
- 11.5.3 type of record;
- 11.5.4 form of access; and
- 11.5.5 manner of access.

11.6 Some additional important points to remember when completing the request form:

11.6.1 each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced;

11.6.2 if records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person;

11.6.3 a detailed description of the records being requested must be provided to enable the Information Officer or Deputy Information Officer to identify it accurately.

11.7 The requester must indicate, as per section 29(2) of **PAIA**, the form of access that is required.

11.8 The requester must indicate whether the requested record(s) is preferred in any particular language.

11.9 The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.

11.10 The requester will receive the information in such manner as indicated. Section 29(3) of **PAIA** indicates that making available the information will depend on whether the request will not interfere unreasonably with the effective administration of the Department, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.

11.11 The requester must indicate, as per section 29(2) of **PAIA** , the form of access that is required.

11.12 The requester must indicate whether the requested record(s) is preferred in any particular language.

- 11.13 The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
- 11.14 An oral request for access to a record(s) may be made, if the requester does not have a formal education or has a disability. The Information Officer or Deputy Information Officer will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 11.15 The requester will be notified of the prescribed fee payable, if any, the method of payment and the office to which he/she can make such payment or submit proof of payment before a request for information is processed further. Please note that the requester is exempted from paying an access fee to the Department if –
- 11.15.1 the requester is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than **R14 712** a year, or
- 11.15.2 the requester is married and his/her joint income, after permissible deductions, such as PAYE and UIF, is less than **R27 192** per year.
- 11.16 The request for information will, in terms of Section 25 of **PAIA**, be processed by the Information Officer within 30 days after receipt of the request or as soon as is reasonably possible, whereafter the Information Officer will inform the requester of his/her decision, either to grant or reject the request for access to records.
- 11.17 The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.
- 11.18 Section 26 of **PAIA** prescribes the instances where the period of thirty (30) days referenced in Section 25 of **PAIA**, may be extended once for a further 30 days.

11.19 The period of 30 days may be extended once for a further period of not more than 30 days, if -

11.19.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Department.

11.19.2 the request requires a search for records in, or collection thereof from, an office of the Department not situated in the same town or city as the office of the Information Officer and cannot reasonably be completed within the original period.

11.19.3 consultation among divisions of the Department of Transport and Community Safety or with another public body is necessary or desirable to decide upon the request and such decision-making process cannot reasonably be completed within the original period;

11.19.4 more than one of the circumstances contemplated in paragraphs 11.19.1, 11.19.2 and 11.19.3 exist in respect of the request making compliance with the original period not reasonably possible; or

11.19.5 the requester consents in writing to such extension.

11.20 If the period has been extended, the information officer must as soon as possible and within 30 days of first receiving the request inform the requester of that extension.

11.21 If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or is granted in an unacceptable form, the requester may lodge an internal appeal as per Section 74 of **PAIA**.

11.22 Section 74 of **PAIA** allows for appeals against the decision of the Information Officer of the Department and the appeal processes (which are not compulsory) are detailed in paragraph 6.1 above.

11.23 According to Section 78 of **PAIA**, a requester or third party referred to in Section 74, may only apply to a Court for appropriate relief in terms of Section 82 of the Act, after having exhausted the internal appeal procedure against a decision of the Information Officer. As indicated in paragraph 5.1 above, appeal processes are not compulsory and the requester or third party may, at any time, within the prescribed period of 180 days, approach the court for appropriate relief.

11.24 A requester, who is aggrieved by the decision of the information officer of the Department under **PAIA**, cannot lodge a complaint with the Department and must proceed in accordance with paragraph 6.3.1 above.

12. PROCESSING OF PERSONAL INFORMATION

12.1 Purpose of Processing

12.1.1 Personal information of the employees and stakeholders of the Department of Transport and Community Safety is collected for a specific, explicitly defined and lawful purpose related to the functions or activities of the Department. The department will ensure that the data subjects (employees and stakeholders) are made aware of the purpose of the collection of their personal information.

12.1.2 The Department will process personal information of data subjects under its care in the following ways:

- 12.1.2.1 Staff administration and Job applicants;
- 12.1.2.2 Keeping of accounts and records
- 12.1.2.3 Procurement process;
- 12.1.2.4 Visitors to any premises of the Department

12.2 Description of the categories of data subjects and of the information or categories of information relating thereto:

The Department of Transport and Community Safety may process records relating to suppliers, contractors, service providers, clients and employees:

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees /members/committee members	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person
Contracted service providers/suppliers	Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories, broad-based black economic empowerment (B-BBEE) status, affiliates entities, business strategies

12.3 The recipients or categories of recipients to whom the personal information may be supplied

1.3.1 The Department may supply the personal information of data subject to the Employees of the Department, as part of executing its statutory mandate.

12.3.2 The Department may supply the personal information of data subject to the Service Providers who render the following services –

12.3.2.1 Conducting criminal checks

12.3.2.2 Conducting qualification verifications

12.3.2.3 Forensic investigation and any other investigation relating to the activities of the Department

12.3.2.4 Auditing

12.3.2.5 Administration of the Provident, Pension Funds and medical aids

12.3.2.6 the Department may also supply the personal information of data subjects to

12.3.2.7 any regulatory authority or tribunal, in respect of any matter or part thereof, that

12.3.2.8 falls under their jurisdiction

12.3.2.9 law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigation

12.3.2.10 to Courts, in respect of any matter taken on judicial review.

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services, National Prosecuting Authority
Qualifications, for qualification verifications	South African Qualifications Authority
Identity number and names, for administration of pension funds and medical aids	GEPF, Medical Aids Schemes

12.4 Planned transborder flows of personal information

The Department of Transport and Community Safety has not planned Transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the Department will ensure that anyone to whom it pass personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection, and the third party agrees to treat that personal information with the same level of protection as the Department is obliged under POPIA.

Any transfer of personal information cross border shall be with data subject's consent, however should it not be reasonably practicable to obtain data subject's consent, the Department shall transfer the personal information if

- it will be for the data subject's benefit; and
- the data subject would have given consent should it have been reasonably practicable to obtain such consent.

12.5 General Description of Information Security Measures

12.5.1 The Department of Transport and Community Safety continuously establishes and maintains appropriate, reasonable technical and

organisational measures by taking appropriate, reasonable technical and organisational measures to prevent:

12.5.2 loss of, damage to or unauthorised destruction of personal information;
and

12.5.3 unlawful access to or processing of personal information.

12.5.4 The Department has taken reasonable measures, as contained in item 12.5.4.5 below, to –

12.5.4.1 identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;

12.5.4.2 establish and maintain appropriate safeguards against the risks identified;

12.5.4.3 regularly verify that the safeguards are effectively implemented; and

12.5.4.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

12.5.4.5 Measures taken by the Department includes, amongst others:

- Access Control
- Data Encryption
- Defensive measures
- Robust monitoring, Auditing and Reporting capabilities
- Anti-virus and Anti-malware Solutions;
- Awareness and Vigilance; and
- Agreements are concluded with Operators to implement security controls

13. AVAILABILITY OF THE MANUAL

13.1 This Manual is made available in the following language-

- 13.1.1 English
- 13.1.2 Afrikaans
- 13.1.3 Sepedi
- 13.1.4 Tshivenda
- 13.1.5 XiTsonga

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

13.2.1 On the website (www.idot.gov.za), of the Department;

13.2.2 at the head office of the public body for public inspection during normal business hours;

13.2.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

13.3 A fee for a copy of the Manual, as contemplated in annexure A of the Regulations, shall be payable per each A4-size photocopy made.

14. PRESCRIBED FEES

14.1 Section 22(1) of PAIA states that fees payable for access to records of the Department of Transport and Community Safety are to be prescribed. The prescribed fees are as set out in annexure A, attached hereto.

14.2 A requester who seeks access to any record may be required to pay a fee, unless an exempted, as referred to in paragraph 14.3 and 14.4 below.

14.3 The requester does not need to pay an access fee to a public body if he or she is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R14 712 a year; or

14.4 He or she is married and the joint income with his or her partner, after permissible deductions, such as PAYE and UIF, is less than R27 192 per year

15. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

15.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available.

15.2 Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

16. DISPOSAL OF RECORDS

16.1 The information officer will reserve the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.

16.2 Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

16.3 In accordance with section 24(1) of POPIA, the Information Officer may, upon receipt of the request from a data subject,

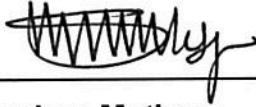
16.3.1 correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

16.3.2 destroy or delete a record of personal information about the data subject that the Department is no longer authorised to retain in terms of section 14 of POPIA.

17. UPDATING OF THE MANUAL

The Department of Transport and Community Safety will, if necessary, update and publish this Manual annually.

Issued by



Mr Masilo Stephen Matjena

Head of Department

Date: 2023/06/06.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD (Mark the applicable box with an "X")</p>			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another person?		Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	
GROUND FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>				
Date received:				
Appeal accompanied by the reasons for the 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:			Yes <input type="checkbox"/> No <input type="checkbox"/>	
OUTCOME OF APPEAL				
Refusal of request for access. Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Fees (Sec 22). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Extension (Sec 26(1)). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Access (Sec 29(3)). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Request for access granted. Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

ANNEXTURE A



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF TRANSPORT AND COMMUNITY SAFETY

Fees

Fees in Respect of Public Bodies

	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	

	(i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.