



DEPARTMENT OF
AGRICULTURE AND RURAL DEVELOPMENT

PAIA MANUAL

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

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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) of the Promotion of Access to Information Act hereto referred as PAIA.
- 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 the 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 **"Human Rights Commission"** means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution.
- 1.1.6 **"Information Officer"** means the Head of Department of the Limpopo Department of Agriculture and Rural Development.
- 1.1.7 **"Information Regulator"** means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013.
- 1.1.8 **"Internal appeal"** means an internal appeal to the relevant authority in terms of section 74 of PAIA.
- 1.1.9 **"Minister"** means the Cabinet member responsible for the administration of justice.
- 1.1.10 **"Person"** means a natural person or a juristic person.
- 1.1.11 **"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.

1.1.12 “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

(iii) exercising a public power or performing a public function in terms of any legislation.

1.1.13 **“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.

1.1.14 **“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 of the Act.

1.1.15 **“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) a 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);

1.1.16 "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.

1.1.17 "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

(iii) 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.

1.1.18 "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 eiusdem 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

CONSTITUTION	: Constitution of the Republic of South Africa, Act No. 108 of 1996
DIO	: Deputy Information Officer
IO	: Information Officer
MINISTER	: Minister of Justice and Correctional Services
PAIA	: Promotion of Access to Information Act No.2 of 2000
PAJA	: Promotion of Administrative Justice Act No.3 of 2000
PFMA	: Public Finance Management Act No. 1 of 1999 as amended
POPIA	: Protection of Personal Information Act No. 4 of 2013
REGULATOR	: Information Regulator
SAHRC	: South African Human Rights Commission

3. OVERVIEW AND OBJECTIVES OF THE MANUAL

The Promotion of Access to Information Act 2 of 2000, (PAIA) gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required for the exercise and protection of rights. More broadly, PAIA aims to underline the importance of access to information in a democratic society by fostering a culture of transparency and accountability. PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information.

PAIA also sets limits on the types of information that can be accessed i.e., information requested might not be granted under various circumstances. This manual is compiled in accordance with Section 14 of PAIA and offers an outline of the Limpopo Department of Agriculture and Rural Development information which is accessible to the public. This includes its structure, functions, and objectives; contact details; the procedure for requesting information; information that is automatically available; fees payable when requesting access to any of these records. In addition, PAIA reinforces the confidentiality of this information by providing that it must not be disclosed in terms of the Act, except to the person to whom it relates or that person's authorised representative. Furthermore, PAIA provides for confidentiality of various aspects of the Department's business operations, where this would be appropriate or applicable. The sections that follow describe the Department's procedures for requesting access to its records. This is consistent with the emphasis the Department places on fostering a culture of transparency, within the ambit of the law, as well as its adherence to the principles of accountability, integrity, and responsibility to stakeholders.

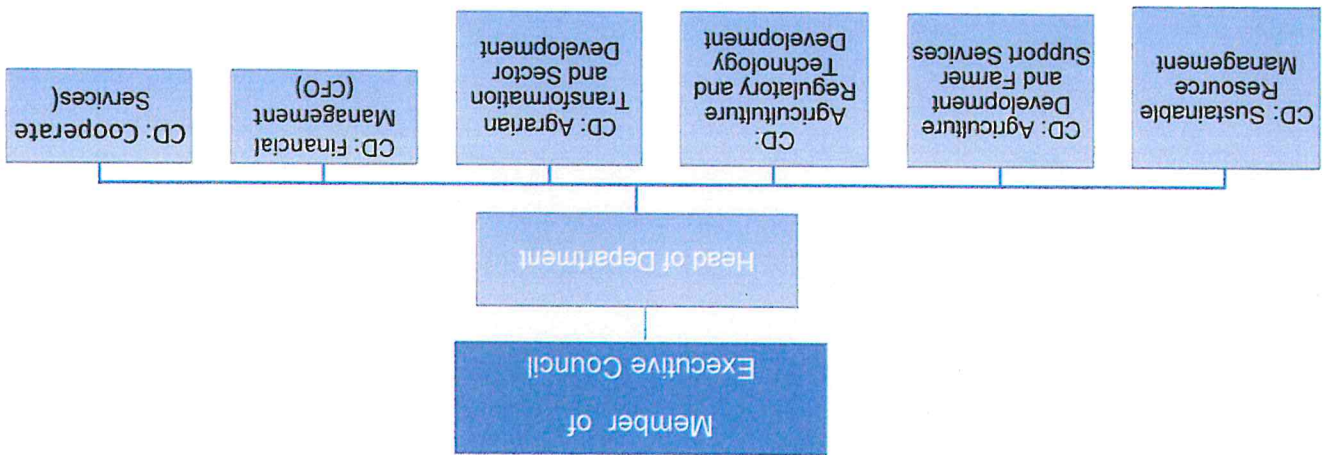
4. PURPOSE OF PAIA MANUAL

- 4.1 This manual can be used by members of the public to –
- 4.1.1 establish the nature of the records which may already be available at the Limpopo Department of Agriculture and Rural Development hereto referred as the Department, without the need for submitting a formal PAIA request.
- 4.1.2 have an understanding of how to make a request for access to a record of the Department.
- 4.1.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 4.1.4 know all the remedies available from the Department regarding request for access to the records, before approaching the Courts.
- 4.1.5 describe the services available to members of the public from the Department and how to gain access to those services.
- 4.1.6 outline the description of the guide on how to use PAIA, as updated by the Department and how to obtain access to it.
- 4.1.7 understand if the Department will process personal information, the purpose of processing of personal information, the description of the categories of data subjects and of the information or categories of information relating thereto.
- 4.1.8 know if the Department 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
- 4.1.9 know whether the Department has appropriate security measures to ensure the confidentiality, integrity and availability of the information which is to be processed.

STRUCTURE OF THE LIMPOPO DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

The Limpopo Department of Agriculture and Rural Development is having five District offices, namely Capricorn, Mopani, Sekhukhune, Vhembe and Waterberg and Polokwane as its Head office.

The Department is headed by the Member of the Executive Council (MEC) as the political head and the Head of Department as the Accounting officer. It has six Chief Directors responsible for Sustainable Resource Management, Agriculture Development and Farmer Support services, Agricultural Regulatory and Technology Development, Agrarian Transformation and Sector Development, Financial Management as well as Cooperate services.



6. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE LIMPOPO DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

6.1 Information Officer

Name : Ms Maisela RJ
Tel : 015 294 3613
Email : Maiselari@agric.limpopo.gov.za
Fax number : 015 294 4512

6.2 Deputy Information Officer (NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA)

Name : Ms. Mashamba MA
Tel : 015 294 3306
Email : MashambaM@agric.limpopo.gov.za
Fax Number : N/A

Name : Dr. Labuschagne M
Tel : 015 294 3401
Email : LabuschagneM@agric.limpopo.gov.za
Fax Number : N/A

Name : Mr. Nowata MSJ
Tel : 015 294 3181
Email : Nowatamsj@agric.limpopo.gov.za
Fax Number : N/A

Name : Mr. Kola LM
Tel : 015 294 4558

- 7. REMEDIES AVAILABLE IF PROVISIONS OF PAIA ARE NOT COMPLIED WITH OR IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DEPARTMENT**
- 7.1** If the Department fails to comply with the provisions of PAIA, the requester or any aggrieved person may, in accordance with section 78 of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA), approach the Court with jurisdiction for appropriate relief.
- 7.2** If the requester or third party is aggrieved by the decision of the Department, he or she may, by way of an application and within 180 days, apply to a court for appropriate relief in terms of section 82 of the Act.

- 6.3** Access to information general contacts
- Email : KolalM@agric.limpopo.gov.za
- Fax Number : N/A
- 6.4** Head Office
- Postal Address: Limpopo Department of Agriculture and Rural Development
Private Bag 9487
POLOKWANE
0700
- Physical Address: 67- 69 Biccard Street
Polokwane Central
POLOKWANE
0700
- Telephone : 015 294 3000
- Email : Maïselari@agric.limpopo.gov.za
- Website : www.lida.gov.za

7.3.1 Internal Remedies

- 7.3.1.1 An internal appeal can only be lodged, in terms of section 74 of PAIA, with the relevant authority.
- 7.3.1.2 Accordingly, a requester may lodge an internal appeal against a decision of the Information Officer on the following grounds –
 - 7.3.1.3.1 refusal to grant access to the records.
 - 7.3.1.3.2 the tender or payment of the request fee in terms of section 22(1) of PAIA; or
 - 7.3.1.3.3 the access fee to be paid is too excessive; or
 - 7.3.1.3.4 the tender or payment of a deposit in terms of section 22(2) of PAIA; or
 - 7.3.1.3.5 the decision of the Information Officer to grant a request for access; or
 - 7.3.1.3.6 an extension of period in terms of section 26(1) of PAIA; or
 - 7.3.1.3.7 refusal to grant access to records in a particular form requested, in terms section 29 (3) of PAIA.
 - 7.3.1.3.8 failure to disclose records; or
 - 7.3.1.3.9 refusal to grant request to waive the fees.
- 7.3.2 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.
- 7.3.3 In order to appeal against any decision(s) made by the Information Officer, referred to in paragraph 7.3.1.2 above, a requester must lodge an internal appeal by completing Form 4. 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 Executive Authority within ten (10) working days after receipt of an internal appeal.

7.3.4	Period within which to lodge an appeal
7.3.4.1	An internal appeal form must be delivered or sent to the Information Officer's address or electronic mail address, contact details of which can be found in paragraph 6 above –
7.3.4.1.1	within 60 days after the decision was taken.
7.3.4.1.2	within 30 days after notice is given to the third party of the decision appealed against.
7.3.5	The Appeal must be submitted to the Information Officer who must in terms of PAIA, forward it to the Executing Authority, within ten (10) days, together with –
7.3.5.1	his or her reasons for the decision concerned; and
7.3.5.2	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.
7.3.6	The Appeal must be delivered or sent to any of the contact information listed in paragraph 6 above.
7.3.7	The Department may, upon good cause shown, allow the late lodging of the internal appeal. If the Executive Authority 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.
7.3.8	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.

8.3.9	The Executive Authority, 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.
7.3.10	External Remedies
7.3.11	The decision made by the Executive Authority, pertaining to any of the decisions the requester or third party is aggrieved by, is final and the requester or third party may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.
8.	GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE
8.1	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.
8.2	This Guide will specifically assist a person, also called a data subject, on how to access his/her or its personal information in terms of section 23 of POPIA. The aforesaid Guide contain the description of –
8.2.1	the objects of PAIA and POPIA;
8.2.2	the postal and street address, phone and fax number and, if available, electronic mail address of –
8.2.2.1	the Information Officer of every public body, and
8.2.2.2	every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
8.3	the manner and form of a request for –
8.3.1	access to a record of a public body contemplated in section 11 of PAIA; and
8.3.2	access to a record of a private body contemplated in section 50 of PAIA;
8.3.3	the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
8.3.4	the assistance available from the Regulator in terms of PAIA and POPIA;

8.3.5 all remedies available in law 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 –

8.3.5.1 an internal appeal.

8.3.5.2 a complaint to the Regulator; and

8.3.5.3 an application to 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.

8.3.6 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;

8.3.7 the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively

8.3.8 the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and

8.3.9 the regulations made in terms of section 92 of PAIA

9. CATEGORIES OF RECORDS HELD BY THE DEPARTMENT

9.1 Records held by the Department are generated through each of its divisions, the core operations processes under both PAIA and POPIA.

9.2 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.

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

9.3.1	according to the file plan for correspondence, files on strategic support, core functions, and operational processes of the Department.
9.3.2	the Records Control Schedule for other records including publications and audio-visual records and the electronic information systems of the Department.
9.4	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.
9.5	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.
9.6	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.
9.7	Description of the subjects on which the Department holds records and the categories of records held on each subject
9.7.1	The Department holds the following records, which are available from the Department and may be requested by way of the PAIA request process prescribed in paragraph 9.7.3 below. Such records usually do not have information which can reasonably be said to be of a confidential nature.
9.7.2	Most records which fall into this category of information are available from the registry of the Department.
9.7.3	Below is the list of records and information that may be formally requested in terms of PAIA.

Subjects	Categories of records		Request for access
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.		X
Human Resources	HR policies and procedures; - Advertised posts; - Employees records; - Learning and Development e.g.: - Skills Development and Training - Plans - Employment Equity Plan and - Statistics		X
Operational Policies or Plans or Procedures or Frameworks	Protocols Agreements, Supply Chain Management, Procurement Plans, Specific Tenders & Contracts, Donations, Funds, Suppliers, Risk Management, Audit, IT, Finance Management, Human Resources, Marketing and Branding Records Management.		X
Legal, Policy, Research	Research Strategy and Plan - Research Papers		X
Corporate Governance	Organisational and Business Plans; - Memorandum of Understanding; - Occupational Health and Safety Plan; - Loss Control Register; - Evacuation procedures		X
Manual and Guide	Manual and Guide on how to use PAIA		X
Publicity and Marketing Material	Publications, Investigation and Assessment Reports, Frequently Asked Questions (FAQ's) etc		X
Information Technology	Incidents and Service Requests; - Asset Issuing and Custodian - Information; - System Event Logs; - System Performance Logs; - Systems Maintenance Check lists; - Monthly Operations Reports; - Service Level Agreements; - ICT Policies and Procedure		X

Manuals; - Network maintenance; - System Development lifecycle - documents		Publications	Books, Books, Periodicals, Journals, Reports, X Newsletters, Bulletins, Magazines, Pamphlets, E-Publications		Media	Press releases, Radio and TV Interviews, X Statements, Participation details, Official Speeches and Messages, Gifts and Awards, Website content and corporate identity and infographs.		Events, Functions, Seminars and Conference		Registers	File Plans, Records Control Schedule	X	Reports / Minutes / Decisions	Conferences Research and Findings, Monitoring X and Evaluation, Statistics, Surveys, Submissions on Legislation		Supply Chain Matters	BID Documents, Contracts, Purchase Orders, X Quotations, Tenders, Terms of Reference and Leases, List of applicants for Tenders, List of Tenders Awarded		Investigation and compliance	Subpoena based Hearings, Summons, warrants to X search, and seize items, Enforcement Notices, Information Notices, HR Interventions, Public Hearings, Plenary Reports and investigation report.		Finances	Financial Accounting, Financial Reporting, X Contracts and Tender Administration, Asset Management / Register, Management Accounting, Estimates, Statements, Budgets, Reports, Audit Records, Revenue Statements, Reports and Returns	
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Audio-Visual Recordings	Slides, Photographs, Films, Videos	X
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9.8 Categories of records that may be subject to the grounds for refusal of access to records

9.8.1 The records listed in the categories below may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds listed in sections 33 to 46 and sections 62 to 70 of PAIA.

9.8.2 The Department further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources.

9.8.3 Access will also be refused where requests are clearly frivolous and or vexatious.

9.8.4 However, the Information Officer or Deputy Information Officer(s) may grant a request for access to a record of the Department, if –

9.8.4.1 the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law; and

9.8.4.2 the public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal of access to records.

Category of record	On request form only
Security related information	X
Regulator internal communications	X
Records held by Legal Services	X
Executive Management internal confidential communication	X
Research conducted by Service Providers for the Department	X

10. RECORDS OF THE LIMPOPO DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS, IN TERMS OF SECTION 15(2) OF THE ACT

Confidential client communications	X
Privileged information held during investigations,	X
conciliation, closed hearings, attorney client information, third party information	X
Specific Human Resource Personnel information, including, but not limited to files relating to disciplinary process and records, medical information, and personal information	X
Certain Service Level Agreements	X
Certain Tender Documentation	X
Agendas and Minutes of Meetings and correspondence	X
Draft reports, policies, and discussions documents	X
Research papers and Legal opinions - Enforcement Notices; - settlement between the parties; - Assessment report; - Information Notice; - Search warrants; and - Subpoenas.	X
Invoices and proof of payments	X
Certain forensic reports	X

Category	Document type
Forms	PAIA Request for access to records Forms (Form 2); PAIA appeal form (PAIA form 4)
Policies, Guidelines	PAIA Manual
Strategic Documents (Plans and Report)	Annual Reports; Strategic Plan; Annual Performance Plan; Service Delivery Improvement Plan Employment Equity Reports Approved Organizational structure; Departmental file plans; Audited financial statements;

11. PROCEDURE FOR ACCESS TO RECORDS HELD BY THE DEPARTMENT

- 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.

Departmental policies and procedure Manuals; Citizens 's report; Promotion of Access to Information Manual; Service Standards; Service Delivery Charter; Statement of commitment; Departmental Events Calendar; MEC Budget Speech; Departmental Circulars; Public Service Forms; Staff Contact details Directory; Journals and magazines; Tender Documents; Newsletters; Promotional materials; Engineering planning reports; Mapping of Agricultural commodity Production in Limpopo; Disease control protocols; Departmental tariffs schedules; Production Guidelines for Selected Crops for Limpopo Province	
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11.3.1 A data subject is a requester who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of PAIA and POPIA, the Department will provide the requested information, or give access to any record regarding the data subject's personal information within a reasonable time, (at a prescribed fee, if any) in a reasonable manner and format and in a form that is generally understandable. The prescribed fee for reproduction of the personal information requested will be charged by the Department.

11.3.2 A person falling in the category of Other Requester is entitled to request access to information pertaining to third parties. However, the Department is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.

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 6 above.

11.5 The requester must provide sufficient information of the record(s) requested 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 way 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 Regulator 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. The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.
- 11.17 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. The period of 30 days may be extended once for a further period of not more than 30 days, if –
- 11.17.1 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.
- 11.17.2 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;
- 11.17.3 consultation among divisions of the Department 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;

11.17.4 more than one of the circumstances contemplated in paragraphs 13.17.1,

13.17.2 and 13.17.3 exist in respect of the request making compliance with the original period not reasonably possible; or;

11.17.5 the requester consents in writing to such extension.

11.18 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.

11.19 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.

11.20 Section 74 of PAIA allows for appeals against the decision of the Information Officer and the appeal processes (which are not compulsory).

11.21 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 9.3 above, appeal processes are not compulsory and the requester or thirds party may, at any time, within the prescribed period of 180 days, approach the court for appropriate relief.

12. PROCESSING OF PERSONAL INFORMATION

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

12.1.1.1 Staff administration and job applicants;

12.1.1.2 Keeping of accounts and records;

12.1.1.3 Procurement process;

12.1.1.4 Visitors to any premises of the Department

12.2 Categories of Data Subjects and their Personal Information

12.2.1 The Department may process records relating to suppliers, shareholders, contractors, service providers, staff and clients:

Categories of data subjects		Personal information that may be processed	
Foreign Persons /	Name; contact details (contact number(s), fax number, email address); physical and postal addresses.	Names of contact persons; Name of Entity; Physical and Postal address and contact details (contact number(s), fax number, email address); Registration Number.	
Intermediary /	Names of contact persons; Name of Entity; Physical and Postal address and contact details (contact number(s), fax number, email address); Registration Number.	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.	
Contracted Service Providers	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.	Gender, pregnancy; marital status; race, age, language, education / information (qualifications); financial information; employment history; ID numbers; physical and postal address; contact details (contact number(s), fax number, email address); criminal record; well-being and family members, medical, nationality, ethnic or social origin, physical or mental health, disability, biometric information of the person, employment history, professional affiliation and references.	Employees / Members / Committee Members

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

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

12.3.1 Conducting criminal checks;

11.3.2 Conducting qualification verifications;

12.3.3 Forensic investigation and any other investigation relating to the activities of the Department;

12.3.4 Auditing;

12.3.5 Administration of the Government Employee Pension Funds and medical aids; and

11.3.4 the Department may also supply the personal information of data subjects to –

12.3.5 any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction;

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

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

12.4 General Description of Information Security Measures

12.4.1 The Department continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measures to prevent –

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

12.4.1.2 unlawful access to or processing of personal information.

12.4.2 The Department has taken reasonable measures, as contained in the paragraph below, to –

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

12.4.2.2 establish and maintain appropriate safeguards against the risks identified;

12.4.2.3 regularly verify that the safeguards are effectively implemented; and

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

12.5 Measures taken by the Department includes, amongst others –

12.5.1 Access Control

12.5.2 Data Encryption;

12.5.3 Defensive Measures;

12.5.4 Robust Monitoring, Auditing and Reporting capabilities

12.5.5 Data Backups;

12.5.6 Anti-virus and Anti-malware Solutions;

12.5.7 Awareness and Vigilance; and

12.5.8 Agreements are concluded with Operators to implement security controls.

13. PRESCRIBED FEES

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

13.2 A requester who seeks access to any record may be required to pay a fee, unless exempted, as referred to in paragraph 13.3 below.

13.3 The requester does not need to pay an access fee to a public body if –

13.3.1 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

13.3.2 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.

14. AVAILABILITY OF THE MANUAL

14.1 The Manual of the Department is made available:

14.1.1 on the website of the Department at LDARDrequests@agric.limpopo.gov.za

14.1.2 at the head office of the Department for public inspection during normal business hours;

14.1.3 to any person upon request and upon the payment of a reasonable amount.

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

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 Department reserves the right to lawfully dispose of certain records in terms of authorities obtained from the Provincial Archivist.

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 Department 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.

MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION FOR LIMPOPO
DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

SIGNED AT POLOKWANE ON THIS 31 DAY OF 12 2021


Ms. MAISELA R.J
INFORMATION OFFICER

ANNEXURE A

LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA



DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

FEES Fees in Respect of Public Bodies

Item	Description	Amount
1.	The request fees payable by every requester	R100.00
2.	Photocopier 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 of in a computer – readable form on: (i) Flash drive (to be provided by the requester) (ii) Compact disk • If provided by the requester • If provided to the requester	R40.00 R40.00 R 60.00
5.	For a transcription of a visual images per A4 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, A4-size page	R 24.00
8.	Copy of audio recording on: (i) Flash drive (to be provided by the requester) (ii) Compact disc • If provided by the requester • If to be provided to the requester	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 item 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.



DEPARTMENT OF
AGRICULTURE AND RURAL DEVELOPMENT

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

Street Address			
E-mail Address			
Contact Numbers		Tel. (B)	Facsimile
		Cellular	
PARTICULARS OF RECORD REQUESTED 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.)			
Description of record or relevant part of the record:			

(when made on behalf of another person)		Postal Address			
Street Address					
E-mail Address					
Contact Numbers		Tel. (B):	Facsimile:		
		Cellular:			
Full names of person on whose behalf request is made (if applicable):					
Identity Number					
Postal Address					

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	
TYPE OF RECORD (Mark the applicable box with an "X")							
Reference number, if available		Any further particulars of record					
FORM OF ACCESS (Mark the applicable box with an "X")							
Printed copy of record (including copies of any virtual images, transcripts and information held on computer or in an electronic or machine-readable form)							
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)							

Indicate which right is to be exercised or protected	
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>	

Preferred language	(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)
Cloud share/file transfer	
E-mail of information (including soundtracks if possible)	
Facsimile of information in written or printed format (including transcriptions)	
Courier service to street address	
Postal services to street address	
Postal services to postal address	
Personal inspection of record at registered address of public/private body (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)	
MANNER OF ACCESS (Mark the applicable box with an "X")	

Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

FOR OFFICIAL USE

Signature of Requester / person on whose behalf request is made

Signed at _____ this _____ day of _____ 20____

Postal address	Facsimile	Electronic communication (Please specify)

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:

FEES	
a) A request fee must be paid before the request will be considered.	Reason
b) You will be notified of the amount of the access fee to be paid.	
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	

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

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

Signature of Information Officer

ANNEXURE C



DEPARTMENT OF
AGRICULTURE AND RURAL DEVELOPMENT

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	No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: (Proof of the capacity in which appeal is lodged, if applicable, must be attached.)					
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>					
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 FORS 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>	

Signature of Appellant/Third party

Signed at _____ this _____ day of _____ 20_____

Postal address	Facsimile	Electronic communication (Please specify)

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

		State the grounds on which the internal appeal is based:
State any other information that may be relevant in considering the appeal:		

**FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received by: (state rank, name and surname of Information Officer)			
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	No

OUTCOME OF APPEAL

Refusal of request for access. Confirmed?	Yes		New decision (if not confirmed)	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Request for access granted. Confirmed?	Yes		New decision (if not confirmed)	
	No			

Signed at _____ this _____ day of _____ 20____

Relevant Authority