

# 2024/25

## PAIA MANUAL



public works  
& infrastructure

Department:  
Public Works and Infrastructure  
**REPUBLIC OF SOUTH AFRICA**

# **DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE (DPWI)**

## **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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## **i. Definitions**

- 1.1 **“Access fee”** means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be;
- 1.2 **“Data subject”** means the person to whom personal information relates;
- 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;
- 1.4 **“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;
- 1.5 **“Head”** of, or in relation to, a private body means -
  - (a) 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 (Director - General) of the juristic person or any person duly authorised by that officer;
    - (ii) or the person who is acting as such or any person duly authorised by such acting person; or -
  - (d) in the case of a political party, the leader of the political party or any person duly authorised by that leader;
- 1.6 **“Human Rights Commission”** means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution;
- 1.7 **“Information Officer”**

### **In Relation To a Public Body –**

- (a) in the case of a national department, provincial administration or organisational component - (b) (c) (d) 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 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 the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act; (i) (ii) mentioned in Column 1 of



Schedule 1 or 3 to the Public Service Act, 1994 (Proclamation 103 of 1994), means the officer who is the incumbent of the post bearing the designation mentioned in Column 2 of the said Schedule 1 or 3 opposite the name of the relevant national department, provincial administration or organisational component or the person who is acting as such; or not so mentioned, means the Director-General, head, executive director or equivalent officer, respectively, of that national department, provincial administration or organisational component, respectively, or the person who is acting as such.

- 1.8 **“Information Regulator”** means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;
- 1.9 **“Internal appeal”** means an internal appeal to the relevant authority in terms of section 74;
- 1.10 **“Minister” means the Cabinet member responsible for the administration of Justice;**
- 1.11 **“Person”** means a natural person or a juristic person;
- 1.12 **“Private 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;
- 1.13 **“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;
- 1.14 **“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; or
  - (b) a private body means a request for access to a record of a private body in terms of section 50;
- 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) **“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;

1.16 **“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 a public body; or

(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';

1.17 **“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.

## ii. Interpretations

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

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.





- 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.
- 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.
- 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.
- 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.
- 2.7 Insofar as there is a conflict in the interpretation of or application of this Manual and the Act, the Act shall prevail.
- 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.

### iii. List of Acronyms and Abbreviations

List	Full Description
AO	Accounting Officer
DG	Director- General
DDG	Deputy Director-General
Constitution	Constitution of the Republic of South Africa, Act no. 108 of 1996
DIO	Deputy Information Officer
DHA	Department of Home Affairs
FOSAD	Forum of South African Directors- General
DPWI	Public Works and Infrastructure
GEPF	Government Employee Pension Fund



List	Full Description
GIAMA	Government Immovable Asset Management Act, 2007 (Act 19 of 2000)
IDR	Infrastructure Development Regulations
ICT	Information Communications Technology
IO	Information Officer
IRSA	Information Regulator South Africa
ISA	Infrastructure South Africa
Minister	Minister of Justice and Correctional Services
NARS	National Archives and Records Service Act, No.43 of 1996
NA	National Assembly
NCOP	National Council of Provinces
PAYE	Pay as You Earn
PICC	Presidential Infrastructure Coordinating Committee
PAIA	Promotion of Access to Information Act, No.2 of 2000
PMTE	Property Management and Trading Entity
POPIA	Protection of Personal Information Act No. 4 of 2013
SETA	Sector Education and Training Authority
SARS	South African Revenue Services
SAQA	South African Qualifications Authority
SAPS	South African Police Services
SAHRC	South African Human Rights Commission
UIF	Unemployment Pension Fund

## 1. Introduction





Before South Africa became a constitutional democracy with an enforceable Bill of Rights, it had a government that thrived on secrecy, clandestine activities, and the suppression of information. There was no transparency or accountability. To address this, certain information had to be made to the public. Through the Promotion of Access to Information Act (PAIA) under the watch of the information regulator.

The Information Regulator is empowered to monitor and enforce compliance by public and private bodies with the provisions of the PAIA. The Regulator is committed to upholding the principles enshrined in the Constitution and national legislation including but not limited to PAIA and POPIA. The former contains the key principles of good governance, transparency, and accountability.

In pursuit of its objectives, the Regulator encourages the sharing of information with requesters and members of the public as optimally as possible. Informed public scrutiny can only strengthen the democratic ideals the Regulator advances.

PAIA, as amended by section 110 of POPIA, was promulgated to give effect to the constitutional right of access to information held by the State or by another person, which information is required for the exercise or protection of any rights.

## **1.2 Background of the Manual**

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) as amended through the Information Regulator, prescribes that all Public Bodies must provide details of records held by such a Body for any request of information furnished by requesters to a Public Body. Section 14 of the Act obliges Public Bodies to compile a manual that assists a person in obtaining access to information held by that Public Body. It also stipulates the minimum requirements within which such a manual must be compiled and relates to all records kept by this Public Body.

It contains the structure or functions of this Public Body, the contact details of the Information Officer of this Body, and Deputy Information Officers of the body designated in Section 17. It therefore provides sufficient details to facilitate a request for access to a record of a body, a description of the



subjects on which the body holds records, and its categories of records held on each subject.

The Section 14 manual is, therefore, a tool that provides guidance and information to any person on how to obtain access to records held by the Department of Public Works and Infrastructure, hereafter referred to as the “DPWI” or “the Department”, thereby giving effect to section 14 of the Act.

This is the office that governs and compiles with the annual performance of PAIA through the submission of Section 32 report to the Information Regulator South Africa (IRSA). The IRSA is, empowered to monitor and enforce compliance by public and private bodies with the provisions of the Promotion of Access to Information Act, 2000 (act 2 of 2000) as amended, and the Protection of Personal Information Act, 2013 (act 4 of 2013).

## **2. Purpose of Paia Manual**

**2.1** This PAIA manual is useful for the public to –

- 2.1.1 Establish the nature of the records which may already be available at the Regulator, without the need for submitting a formal PAIA request;
- 2.1.2 Have an understanding of how to request access to a record of the Regulator;
- 2.1.3 Access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.1.4 Know all the remedies available from the Regulator regarding requests for access to the records, before approaching the Courts;
- 2.1.5 Describe the services available to members of the public from the Regulator and how to gain access to those services;
- 2.1.6 Outline the description of the guide on how to use PAIA, as updated by the Regulator, and how to obtain access to it;
- 2.1.7 Understand if the Regulator will process personal information, the purpose of processing of personal information, the description of the categories of data subjects, and the information or categories of information relating thereto;



- 2.1.8 Know if the Regulator 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
- 2.1.9 Know whether the Regulator has appropriate security measures to ensure the

### **3. Strategic Thrust of The Department**

#### **3.1 Our Mandate**

The mandate of the Department of Public Works was reconfigured in 2019 when the President of South Africa announced that it would assume the responsibility of coordinating all public infrastructure development which now became the Department of Public Works and Infrastructure (DPWI). The Department performs the infrastructure mandate with the Sub- programme Infrastructure South Africa (ISA).

#### **3.2 Constitutional Mandate**

The Constitution of the Republic of South Africa (1996) is the supreme law of the country and makes provision for other legislations regarding planning and performance monitoring across the three spheres of government. The Constitutional mandate for the Department is provided in Schedule 4, Part A, of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) ("The Constitution") which refers to "Functional Areas of Concurrent National and Provincial Legislative Competence," the mandate being derived from Public Works as a function of Government implemented by all spheres of Government.

In executing its functional mandate, DPWI needs to take notice of the following in the Constitution:

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#### **Table A: Constitutional Mandate**



<b>Schedules 4, 5, and 6 of the constitution</b>	Provide functional areas of concurrent National, Provincial, and Local Government legislative competency.
<b>Section 25 Of The Constitution</b>	This section covers matters relating to land expropriation.
<b>Section 9 Of The Constitution</b>	Requires state immovable assets to be accessible to persons with disabilities.
<b>Section 41 Of The Constitution</b>	The Department has to observe the principles of good cooperative governance and intergovernmental relations.
<b>Section 114 (2) Of The Constitution</b>	A provincial legislature must provide for mechanisms to ensure that all provincial executive organs in the province are accountable to it and to maintain oversight of the exercise of provincial executive authority in the province including the implementation of legislation, and any provincial organ of the state.
<b>Section 195 And Section 197 Of The Constitution</b>	Address skills development in a manner that accelerates the advancement of previously disadvantaged people, women, and designated groups with particular emphasis on leadership, as well as technical and management training.
<b>Section 217 Of The Constitution</b>	Procurement must be done in accordance with a system that is fair, equitable, transparent, competitive, and cost-effective.

### 3.3 Legislative and Policy Mandates

The legislative mandate of DPWI is underpinned by various Acts of which the Department is directly responsible for administering and implementing its performance through its primary and secondary mandates. As a result; DPWI



has both the functional and Concurrent National and Provincial Legislative competence to deliver its services.

### **3.4 Administrative Compliance Legislative Framework**

Protected Disclosure Act, 2000 (Act 26 of 2000)	Encourage people to report serious wrongdoing in their workplace by protecting employees who want to 'blow the whistle'. This applies to public and private sector workplaces.
The Promotion of Access to Information Act, 2000 (Act 2 of 2000)	To ensure the availability of records by PAIA.
The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)	To establish fair administrative processes to ensure those affected by the administrative decisions have necessary recourse.
Protection of Personal Information Act, 2013 (Act 3 of 2013)	Protect people from harm by protecting their personal information.
The National Archives and Record Service of South Africa Act, 1996	The National Archives and Record Service of South Africa Act, 1996



## **4. DPWI's Vision, Mission and Values**

### **4.1 Vision**

A trusted choice for innovative asset management and quality Infrastructure delivery for sustained economic growth.

### **4.2 Mission**

"To provide strategic direction and quality services that offer innovative and proactive socio-economic Infrastructure delivery and maintenance of public assets while protecting the environment and the cultural and historic heritage, safety in the working environment and safer communities towards sustainable development."

### **4.3 Values**

We pride ourselves with the following values:

- Professionalism: demonstrating a high degree of skill, competency, and character.
- Responsiveness: by anticipating the needs of the clients and the citizens we serve.
- Integrity: by consistently honouring our commitments, upholding ethical, honest behaviour, and transparent communication.
- Dependability: by being trustworthy and reliable in the services we provide.
- Efficiency: – by striving towards simplified ways of doing things and optimizing the client's mandate thus creating more value.

## **5. Organisational Structure**

**5.1** The Department of Public Works and Infrastructure has its head offices situated in Pretoria, Gauteng. The Department has other 11 Regional offices across the nine provinces.

**5.2** The Department consists of the Head of Department as the Accounting Officer – "Director General", (1) Chief Financial Officer (CFO), Support Structure (5) – Deputy Director General (DDG) Corporate Services, DDG: Expanded Public Works Programme, DDG: Governance Risk and Compliance, DDG: Policy Research and Regulation, DDG: Inter-Governmental Coordination and DDG: Professional Services.

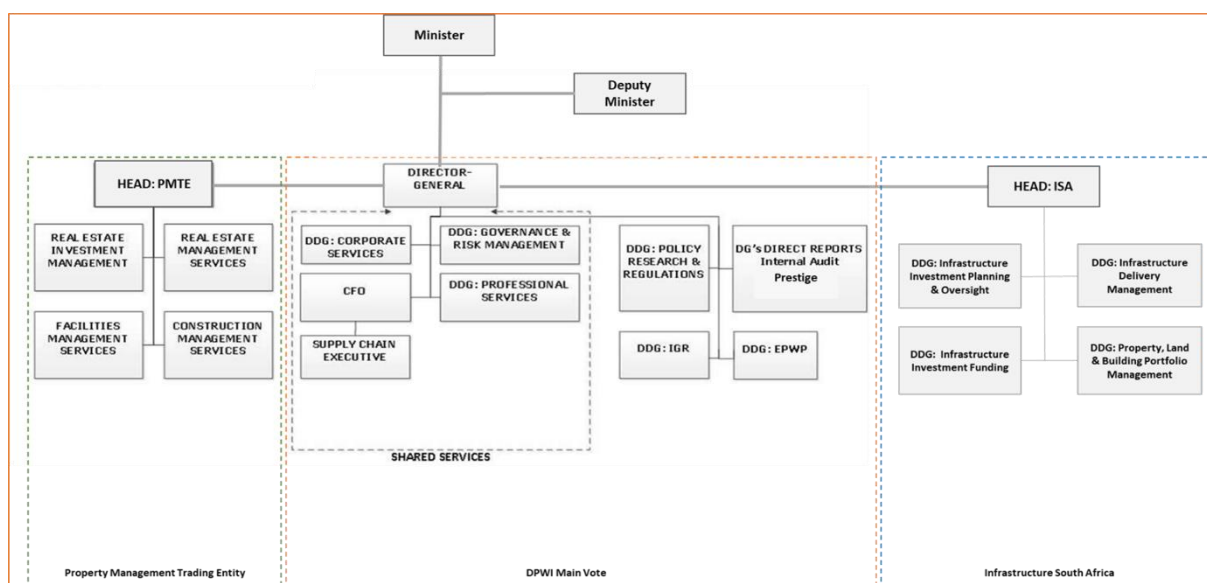




**5.3** The Department consists of the Head of PMTE – Trading Entity Structure (6) - Deputy Director General, DDG: Construction Management, DDG: Facilities Management, DDG: Real Estate Investment Services, DDG: Real Estate Management Services, DDG: Programme Management Office.

**5.4** The further consists of Head of Infrastructure South Africa (4)- DDG: Infrastructure Investment Planning and Oversight, DDG: Infrastructure Delivery Management, DDG: Infrastructure Investment Funding, DDG: Property, Land and Building Portfolio Management.

**5.5** Below is the DPWI organisational structure –



## 6. Key Contact Details For The Information Officer

### 6.1 Information Officer/Accounting Officer

Director - General

Private Bag X 65

Pretoria

0001

Email: [info.paia@dpw.gov.za](mailto:info.paia@dpw.gov.za)

## **6.2 Deputy Information Officer (Delegated) – HEAD OFFICE**

Deputy Director- General Governance Risk & Compliance  
Private Bag X 65  
Pretoria  
0001  
Email: [info.paia@dpw.gov.za](mailto:info.paia@dpw.gov.za)

## **6.3 Deputy Information Officer (Delegated) – Head Office**

Chief Directorate: Strategic Management Unit  
Private Bag X 65  
Pretoria  
0001  
Email: [info.paia@dpw.gov.za](mailto:info.paia@dpw.gov.za)

## **6.4 Deputy Information Officer ( Designated) – HEAD OFFICE**

Directorate Knowledge Management  
Private Bag X 65  
Pretoria  
0001  
Email: [info.paia@dpw.gov.za](mailto:info.paia@dpw.gov.za)

## **6.5 Deputy Information Officer (Designated) – Head Office**

Legal Services Unit  
Private Bag X 65  
Pretoria  
0001  
Email: [info.paia@dpw.gov.za](mailto:info.paia@dpw.gov.za)

## **6.6 Postal Address**

Department of Public Works and Infrastructure (DPWI)  
Private Bag X65  
Pretoria  
0001



## **6.7 Physical Address**

Department of Public Works and Infrastructure (DPWI)  
Central Government Offices (CGO)  
256 Madiba Street  
Pretoria  
Website: <http://www.publicworks.gov.za>

## **7. Remedies Available In Respect of an Act or a Failure to Act by the Department of Public Works and Infrastructure**

### **7.1** The following remedies available:

- 7.1.1 If the Department fails to comply with the provisions of PAIA, the requestor 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.
- 7.1.2 If the requester or third party is aggrieved by the decision of the Information Officer, 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.

### **7.2** Internal Remedies

- 7.2.1 An internal appeal can only be lodged, in terms of section 74 of PAIA, with the Department.
- 7.2.2 Accordingly, a requester may lodge an internal appeal against a decision of the Information Officer or Deputy Information Officer on the following grounds.
- 7.2.3 Refusal to grant access to the records.
- 7.2.4 The tender or payment of the request fee in terms of section 22(1) of PAIA; or
- 7.2.5 The access fee to be paid is too excessive; or
- 7.2.6 The tender or payment of a deposit in terms of section 22(2) of PAIA; or
- 7.2.7 The decision of the Information Officer to grant a request for access; or
- 7.2.8 An extension of the period in terms of section 26(1) of PAIA; or
- 7.2.9 Refusal to grant access to records in a particular form requested, in terms of section 29 (3) of PAIA.



- 7.2.10 Failure to disclose records; or
- 7.2.11 Refusal to grant request to waive the fees

### **7.3 Internal Appeal**

- 7.3.1 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.
- 7.3.2 To appeal against any decision(s) made by the Information Officer or Deputy Information Officer, a requester must lodge an internal appeal by completing Form 4. Form 4, attached hereto, and must be submitted to the same Information Officer or Deputy Information Officer as delegated or designated.
- 7.3.3 An internal appeal must be lodged in the prescribed form within 60 days; after the decision is taken.
- 7.3.4 The form must to the Information Officers or Deputy Information Officer's address or electronic mail address as per the contact details provided.
- 7.3.5 If notice to a third party is required, it is within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.
- 7.3.6 The appeal must identify the subject of the appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant.
- 7.3.7 If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, he/she must state that manner and provide the necessary particulars to be so informed. The appeal must, if applicable, be accompanied by the prescribed appeal fee, and must specify a postal address or fax number.
- 7.3.8 If an appeal is lodged after the expiry of the period referred to, the Minister of Public Works or the person designated in writing by the Minister must, upon good cause shown, allow the late lodging of the appeal.
- 7.3.9 If the Minister or the person designated in writing by the Minister disallows the late lodging of the appeal; he or she must give notice of that decision to the person who appealed.
- 7.3.10 A requester appealing against the refusal of his or her request for access must pay the prescribed appeal fee (if any). If the prescribed



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

- 7.3.11 As soon as reasonably possible, but in any event within 10 working days after receipt of an appeal, the Information Officer of the public body concerned must submit to the Minister or the person designated in writing by the Minister the appeal together with his or her reasons for the decision concerned; and if the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.
- 7.3.12 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. The appeal must be processed within 30 working days.
- 7.3.13 The final decision made by Information Officer/Deputy Information Officer the requester 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 the Paia and How to Obtain Access to the Guide**

- 8.1 The Information Regulator has published the guide as initially compiled by the South African Human Rights Commission, in an easily comprehensive manner and format, a guide of which is now amended in term so section 10 (1).

### **8.2 The Purpose Of The Guide Is To –**

- 8.2.1 Provide information as needed by any person who wishes to exercise any right as contemplated by PAIA and POPIA.
- 8.2.2 The guide also assists data subjects on how to access his/her personal information in terms of section 23 of POPIA.
- 8.2.3 The guide makes descriptions of objects of PAIA and POPIA as well as provides detailed postal and street addresses, telephone and /or fax numbers whichever is available, and the email address of the Information Officer of the Public Body and every public body.
- 8.2.4 The Deputy Information Officer of every Public/Private Body as designated in terms of sections 17 (1) of PAIA and 56 of POPIA.



- 8.2.5 The manner and form of request for access is stipulated in terms of Section 11 of PAIA and Section 50 of POPIA, requesters will be assisted as per the terms of PAIA and POPIA.
- 8.2.6 Remedies are all available by law in terms of their failure to act in respect of the right or duty as conferred and imposed by both PAIA and POPIA.
- 8.2.7 The manner of lodging is as follows:
- 8.2.7.1 An internal appeal
  - 8.2.7.2 A complaint to the Information Regulator; and
  - 8.2.7.3 An application to a court of law against the decision undertaken by the Information officer of a Public Body.
- 8.2.8 The Public Body and Private Body are then respectively required to compile a manual that illustrates how to obtain such a manual.
- 8.2.9 The provisions of sections 15 (17) and 52 (18) of PAIA provide for the voluntary disclosure of categories of records by a public body and private body, respectively.
- 8.2.10 The notices issued in terms of sections 22 (19) and 54 (20) of PAIA regarding fees to be paid in relation to requests for access; and
- 8.2.11 The regulations are made in terms of section 92 (21) of PAIA.
- 8.2.12 Members of the public can inspect or make copies of the Guide during normal working hours from the offices of the public and private bodies (in at least two official languages), including the office of the Regulator (in each of the official languages).
- 8.2.13 The Guide is obtainable from the website of the Information Regulator: <https://www.justice.gov.za/inforeg> as well as from the website of the Department of Public Works and Infrastructure <http://www.publicworks.gov.za>.
- 8.2.14 Any request for a Guide from the Regulator must be done in writing with the completion of FORM 2 as available on the websites. Below are the contact details of the Information Regulator:

## **9. Information Regulator Contact Details**

### **The Regulator**

Information Officer/ Chief Information Officer

Contact Person: Ms Pfano Nenweli

E-mail: [PNenweli@justice.gov.za](mailto:PNenweli@justice.gov.za)





**Deputy Information Officer:**

**Ms. Varsha Sewlal**

Deputy Information Officer

E-mail: [varsewlal@justice.gov.za](mailto:varsewlal@justice.gov.za)

Telephone: + 27 10 253 5200

**10. Categories of Records and Descriptions of Subjects of the Department Holds (Section 14 B (II) )**

**10.1** Requests for access to these records that are automatically available telephonically or by fax, e-mail, or letter. There is no form to be filled out as long as the particulars of the request are correct. The request is therefore not required to be made in terms of the Act. These records are also available on the Departmental website: <http://www.publicworks.gov.za>.

10.1.1 Agreement South Africa Act

10.1.2 Anti- Corruption

10.1.3 Consultants guidelines

10.1.4 Charters

10.1.5 News Clips

10.1.6 Performance Agreements

10.1.7 Press Release

10.1.8 Speeches

10.1.9 Strategic Plans

10.1.10 Vacancies

**11. Records of the Department Which Are Available Without A Person Having To Request Access, In Terms of Section 15 (2) Of the Act**

**11.1 Voluntary Disclosure And Automatic Availability In Terms Of Certain Records**

CATEGORY	DOCUMENT TYPE	WEBSITE
Guidelines	<ul style="list-style-type: none"><li>- Consultants guidelines:</li><li>- Architects</li><li>- Quantity Surveyors</li><li>- Civil Engineers</li><li>- Structural Engineers</li><li>- Electrical Engineers</li></ul>	X



CATEGORY	DOCUMENT TYPE	WEBSITE
	<ul style="list-style-type: none"> <li>- Mechanical Engineers</li> <li>- Construction Engineers</li> <li>- Professional fees</li> <li>- Standard drawings</li> <li>- Construction periods</li> <li>- Construction Labour matters</li> </ul>	
Strategic Documents	<ul style="list-style-type: none"> <li>- DPWI Strategic plans</li> <li>- Technical Indicator Description (TDI) Annual Performance Plans</li> <li>- Public Works and Infrastructure Sector Plans</li> <li>- PMTE Annual Performance Plans</li> <li>- PMTE Strategic Plans</li> </ul>	X
Reports	<ul style="list-style-type: none"> <li>- Annual Reports of various years</li> </ul>	X
Charters	<ul style="list-style-type: none"> <li>- Internal Audit Unit Charter</li> <li>- Construction Charter</li> <li>- Property Charter</li> </ul>	X
White Papers	<ul style="list-style-type: none"> <li>- Expropriation Bill</li> <li>- Agrément South Africa Bill</li> <li>- Memorandum on the Objects of the Bill</li> <li>- Creating and Enabling</li> </ul>	X



CATEGORY	DOCUMENT TYPE	WEBSITE
	Environment for Reconstruction Growth and Development in the Construction Industry White Paper.	
Policies	<ul style="list-style-type: none"> <li>- DPWI Reviewed DPWI Language Policy</li> <li>- Language Policy &amp; Social Media Policy</li> <li>- Whistle-Blowing Policy</li> <li>- Anti-Fraud and Corruption Policy</li> <li>- Disability Policy Guideline</li> <li>- Built Environment Professions (Bep) Policy</li> <li>- Anti-fraud and Corruption Strategy</li> <li>- Government-Wide Immovable Asset Management Policy</li> <li>- Memorandum on the Objects of the Agrément South Africa Bill</li> </ul>	X
Legislation	National Government Agrément South Africa Act	X



## **12. Services Available To Members of the Public from the Department of Public Works and Infrastructure and How to Gain Access to Those Services**

### **12.1 Services Offered By DPWI**

- 12.1.1 State immovable assets, strategic accommodation requirements for users
- 12.1.2 Custodian of planning for immovable assets as per GIAMA Determination of user accommodation charges
- 12.1.3 State-owned/ new sites condition of land use
- 12.1.4 Refurbishment and upgrade maintenance of land/site available
- 12.1.5 Repairs and renovations
- 12.1.6 Land Ports of Entry
- 12.1.7 Leasing new and alternative accommodation space
- 12.1.8 Acquisition of land

### **13. Complaints under POPIA**

**13.1** Any person alleging interference with the protection of the personal information of a data subject may, in terms of section 74(1) of POPIA, submit a complaint to the Regulator. Any person who wishes to submit a complaint contemplated in section 74(1) of POPIA must submit such a complaint to the Regulator on Form 5 (Part I thereof), which form is available on the Regulator's website.

**13.2** A responsible party or data subject who is aggrieved by a determination, including any declaration, order, or direction that is included in the determination, made by an adjudicator, may submit a complaint to the Regulator against the determination in terms of section 74(2) of POPIA. Please note that there is a fee payable by a responsible party or data subject in respect of a complaint lodged against the adjudicator's determination.

**13.3** A data subject who wishes to submit a complaint can also submit to the Regulator on Form 5 (Part II), and the form is also available on the Regulator's website.



## **14. Complaints under PAIA**

- 14.1** Also a third party and a requester of a Public Body must submit a complaint to the Regulator after upon exhausting the internal appeal procedure against a decision made by the Information Officer.
- 14.2** In the case where an appeal is not applicable either for a Public or Private Body, such requester or a third party must or may submit a complaint to the Regulator if still not satisfied.
- 14.3** The Regulator must receive a complaint within 180 days upon receipt from the Information officer of a Public Body. The complaint must be in **Form 5**.

## **15. Public Involvement in the Formulation of Policy and the Exercise of Powers or Performance of Duties by the Department of Public Works**

- 15.1** The stakeholder engagement happens at various stages of policy formulation. In the development of a policy, engagement with relevant stakeholders to determine underlying problems/ challenges is critical. This information forms part of the formulation of any problem statement.
- 15.2** As the development of the policy progresses, continuous engagements with identified stakeholders take place up to the point where it is ready for approval processes.
- 15.3** Government high-level policies i.e., White Papers, strategies, and legislation are consulted with at Forum of South African Directors-General (FOSAD) clusters and Cabinet clusters. This is for approval to gazette for public comment. This process is also referred to as public participation where the "public" is called to comment on the Draft Bill/ legislation of policy.
- 15.4** The National Economic Development and Labour Council (NEDLAC) is sometimes a critical element in the consultation process. Written inputs into policies are done by associations or individuals representing groupings so to speak for "a people", and not individual interests.
- 15.5** Additionally, where necessary, the National Assembly (NA) and National Council of Provinces (NCOP) will arrange public hearings where communities represented will attend in order to understand the proposed policy and make inputs.



**15.6** More formally, if the DPWI is arranging its public consultations, representations from the government, construction industry, academia, and communities of interest in construction will hear and provide feedback.

## **16. Processing Of Personal Information**

**16.1** Personal information by the Department of Public Works is mainly for Human Recourses, pension funds benefits, leave, labour relations, employment applications, and benefits.

**16.2** Information for third parties is mainly for suppliers of goods and services, successful and unsuccessful bids, contracts, and memorandum of understanding.

### **.Description of Categories of Data Subjects and Categories of Their Personal Information**

<b>Categories of data Subjects</b>	<b>Personal Information that may be processed</b>
Employees	Gender, age, date of birth, qualifications, health and medical aid, contact details, email addresses, postal and physical address, marital status, no of children, and spousal information.
Consultants, Suppliers, Contractors and Visitors	Gender, age, date of birth, qualifications, health and medical aid, contact details, email addresses, postal and physical address, marital status, no of children, spousal information, company details, and registrations.





## The Recipients or Categories of Recipients to Whom Personal Information May Be Supplied By the Department

Categories of personal information	Recipients or Categories Recipients
Gender, age, date of birth, qualifications, health and medical aid, contact details, email addresses, postal and physical address, marital status, no of children, and spousal information.	Public Entities of Public Works.
Name, Gender, age, date of birth, qualifications, health and medical aid, contact details, email addresses, postal and physical address, marital status, and driver's license details.	Sector Education and Training Authority (SETA) and Bursary Institutions.
Pay as you earn tax amount	South African Revenue Services (SARS)
Pension information resignations, pensions	Government Employee Pension Fund (GEPF)
Persal no, identity number, other personal details	Banking Institutions
Name, surname, race, gender, identity number, contact details	EPWP Reporting System
Certified copies, proof of payment, declaration of disability, daily attendance register, participants contacts	EPWP Public Bodies
Personal verification information	Department of Home Affairs (DHA)
Verification of qualifications	South African Qualifications Authority (SAQA)
Personal details for a criminal record check	South African Police Services (SAPS)



## 17. General Description of Information Security Measures

**17.1** The Department has Security Management Services which manages personal information on visitors through the reception areas of the Department. Registers for parking details are also kept within the Security Unit and barcoded access cards are used for entry and exit points.

**17.2** The Unit has a biometric system to regulate the movement of people for security and access reasons, whereby surveillance cameras are also installed. Hard-copy files are kept in the security file rooms.

**17.3** The Departmental assets such as laptops have been installed with barcodes for tracking and management. Our Information Communications Technology (ICT) uses anti-virus guards to prevent hacking, viruses, and disruption of information on laptops. Firewalls are available to prevent computers from any unnecessary access.

## 18. Fees

**18.1** Section 22(1) of PAIA states that fees payable for access to records are to be prescribed. The prescribed fees are as set out in **Annexure B**, attached hereto.

**18.2** A requester who seeks access to any record may be required to pay a fee unless exempted, as referred to in paragraph 17.3 below.

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

18.3.1 He or she is a single person whose annual income, after permissible deductions, such as Pay as You Earn (PAYE) and Unemployment Pension Fund (UIF), is less than R14 712 a year, or

18.3.2 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.

## 19. Prescribed Forms

**19.1** All forms are attached to the manual, including **Annexure B** Fee's structure.



## **20. Records That Cannot Be Found or Do Not Exist**

- 20.1** 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 records been available.
- 20.2** Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

## **21. Disposal of Records**

- 21.1** The Department reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service (NARS).
- 21.2** Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.
- 21.3** In accordance with section 24(1) of POPIA, the Department may, upon receipt of the request from a data subject –
- 21.3.1 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
  - 21.3.2 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.

## **22. Availability of the Manual**

- 22.1** The Manual of the Department is made available in at least two official languages. A copy will be available –on the website at <http://www.publicworks.gov.za>.
- 22.2** At the Head Office of the Department for public inspection during normal business hours.



**22.3** To any person upon request and upon the payment of a reasonable amount.

**22.4** A fee for a copy of the Manual, as contemplated in Annexure B, shall be payable per each A4 size photocopy made.

### **23. Updating of the Manual**

**23.1** The Department will, if necessary, update and publish this manual on the website annually.

### **APPROVAL**



**DIRECTOR-GENERAL/ INFORMATION OFFICER  
DPWI**

**DATE:** 11/06/2024





Department of Public Works and  
Infrastructure

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