

# Manual in terms of Section 14 of the Promotion of Access to Information Act 2 of 2000

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**MARCH 2018**

Together, Moving Gauteng City Region Forward



**GAUTENG PROVINCE**  
SPORT, ARTS, CULTURE AND RECREATION  
REPUBLIC OF SOUTH AFRICA

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## i. List of Acronyms

GDP	Gross Domestic Product	GPLC	Gauteng Provincial Language Committee
DIO	Deputy Information Officer	LHR	Liberation Heritage Route Gauteng Provincial Chapter Steering Committee
DOJ	Department of Justice	MEC	Member of the Executive Council
DSACR	Department of Sport, Arts, Culture and Recreation	MTEC	Medium Term Expenditure Committee
GACC	Gauteng Arts and Culture Council	MTEF	Medium Term Expenditure Framework
GDE	Gauteng Department of Education	NDP 2030	National Development Plan 2030
GDSACR	Gauteng Department of Sport, Arts, Culture and Recreation	SOPA	State of the Province Address
GEGDS	Gauteng Employment, Growth and Development Strategy	MTSF	Medium Term Strategic Framework
GFC	Gauteng Film Commissions	PHRA -G	Provincial Heritage Resource Agency- Gauteng
GGNC	Gauteng Geographical Names Committee	PAIA	Promotion of Access to Information Act
GPG	Gauteng Provincial Government	SALGA	South African Local Government Association
GSP	Gauteng Sport Plan	SACR	Department of Sport, Arts, Culture and Recreation
HOD	Head Of Department	SASCOC	South African Sports Confederation and Olympics Committee
IO	Information Officer	SONA	State of the Nation Address
LHRA	Local Heritage Resource Agency	SAHRC	South African Human Rights Commission

## 1. INTRODUCTION

Freedom of access to information is fast becoming a standard world-wide phenomenon. With many countries having already written it into law in one form or another, and even more countries are committed to implementing it into their legislation within the next few years. Freedom of information legislation comprises laws that guarantee access to data held by the state. They establish a "right-to-know" legal process by which requests may be made for government-held information, to be received freely or at minimal cost. In many countries there are constitutional guarantees for the right of access to information, but usually these are unused if specific support legislation does not exist.

In South Africa, Section 32(1) (a) of the Constitution establishes the right that everyone has access to any information held by the state. As a result, South Africa passed the Promotion of Access to Information Act on 2 February 2000. It is intended "To give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights"; the right of access to privately held information is an interesting feature, as most freedom of information laws only cover governmental bodies. However this is covered by Section 51 on the Act.

A PAIA Manual is known by a number of names in South Africa and these include the following:

- PAIA Manual
- Section 14 Manual (Section 51 Manual for private bodies)
- Information Manual
- Business Manual
- Information Guide

The promotion of Access to Information Act (Act 2 of 2000), which flows from Section 32 of the SA Constitution, gives effect to the constitutional right of access to any information held by the State or any other person, provided that such information is required for the exercise or protection of any rights, and matters connected therewith.

The objectives of the PAIA are thus:

- To give effect to the constitutional right of access to any information as stated above;
- To set out justifiable limitations on the right of access to information aimed at protecting people's privacy, confidential commercial information and ensuring effective, efficient and good governance;
- To balance the right of access to information with all the other rights in the constitution;
- To promote a culture of human rights and social justice;
- To establish mechanisms and procedures to enable persons to obtain access to records as swiftly, inexpensively and effortlessly as is reasonably possible;
- To promote transparency, accountability and effective governance;
- To empower and educate everyone to:
- Understand their rights in terms of the Act;
- Understand the functions and operation of public bodies; and
- Effectively scrutinise and participate in decision-making by public bodies that affect their rights.

## 1.1 Contact Details

### 1.1.1 Head Office

#### Information Officer / Deputy Information Officer

Name of Public Body	Department of Sport, Arts, Culture and Recreation
Designated Information Officer	Monica Newton - HOD: Sport, Arts, Culture & Recreation Tel: (011) 355-2511   monica.newton@gauteng.gov.za
Deputy Information Officer	Christian Lekalakala - Chief Director: Corporate Services Tel: 011 355 2702   Christian.Lekalakala@gauteng.gov.za
Website	www.gauteng.gov.za
Postal address	Private Bag X33, JOHANNESBURG, 2000
Street address	35 Rissik Street, Surrey House, Johannesburg
Telephone	(011) 355 2828
Fax number	(011) 355 2513

### 1.1.2 Clusters

#### Departmental Regional Offices

Name of Public Body	Department of Sport, Arts, Culture and Recreation
Central Cluster (Johannesburg)	Address: 124 Van Beek Street Johannesburg Stadium New Doornfontein 2000 Contact: Clive N. Hlongwane 071 855 8898
East Cluster (Ekurhuleni)	Address: Cnr Modjadji & Zulu Street Tsakane Contact: Gezepi Mbata 082 816 3747
North Cluster (Pretoria)	Address: 1 Swaan Street East Lynne Tshwane Contact: Tyrone Hammond 082 816 6690
South Cluster (Sedibeng)	Address: Cnr Edward and Kruger Street Vereeniging Contact: Cecilia Phiri 083 419 3925
West Cluster (Westrand)	Address: Cnr Bram and Retief Toekomsrus Toekomsrus Stadium Randfontein Contact: Bongile Ndlakuza 083 648 7607

## 1.2 The purpose of PAIA

“To ensure access, increased participation and transformation of the Sports, Arts, Culture and Recreation sectors in a manner that yields optimum social and economic benefit for all in the province, and promotes nation building and social cohesion.”

### 1.3 The Guide on How to use the Act in terms of section 10 of the Act

In order to educate and assist members of the public on how to use the Act, the SAHRC was mandated to compile and publish a Guide in all South African official languages containing the following information:

- The objects of the Act
- Contact details of the information officer and deputy information officer of every public body
- How to lodge a request for access to a record of a public body
- The assistance available from the information officer of a public body in terms of the Act
- The assistance available from the Human Rights Commission in terms of the Act
- All remedies in law available where a requester feels aggrieved by an action of a public body
- How to obtain access to manuals of public bodies compiled in terms of Section 14 of the Act;
- Information about records that are automatically available from public bodies;
- The notices issued regarding fees to be paid in relation to request for access; and
- The regulations made in terms of Section 92 of the Act.

## 2. PARTICULARS IN TERMS OF SECTION 14

### 2.1 The structure of the Gauteng Department of Sport, Arts, Culture and Recreation (SACR) [Section 14 (1) (a)]

#### 2.1.1 Vision

An active, creative and modernised Gauteng City Region contributing to sustainable economic growth and social cohesion.

#### 2.1.2 Mission

In pursuit of the above vision, the DSACR will work in an integrated manner to create an enabling environment and accelerated social transformation for sporting, artistic, and cultural excellence, by:

- Facilitating talent identification and development in partnership with key stakeholders;
- Positioning the business of sport and creative industries as catalysts for sustainable economic growth;
- Modernisation of the economy through the bidding and hosting of major sporting and cultural events;
- Providing universal access to sport, arts, cultural activities, library, archival services and facilities; and
- Identifying, promoting and preserving heritage

#### 2.1.3 Values

In working towards the achievement of the mandate and vision set out above, the DSACR subscribes to the following internal values:

**Teamwork and Collaboration:** We work co-operatively, by asking for and giving information and support, and sharing success with others across our department and across all spheres of government.

**Honesty and Integrity:** We are honest, trustworthy and straightforward in all our dealings, and use time, money and resources wisely.

**Respect and Diversity:** We value others for their contribution, irrespective of personal differences, we involve and listen to others, and show consideration and empathy for their emotional and physical wellbeing.

**Stakeholder Focused:** We consult, encourage feedback and provide services that meet or exceed the needs, standards and timescale of our internal and external stakeholders, in a courteous, open, transparent and speedy manner.

**Employee Focused:** We value all employees; provide equal access to opportunities for development, recognition and reward.

**Work Ethic:** We endeavour to produce quality outputs and take responsibility of the obligations vested in our position.

### **2.1.4 Strategic goals of the DSACR**

The following reflect the strategic goals of the DSACR, aligned to the Gauteng 2014 Outcome 12B: To enhance the implementation of integrated and sustainable sport, arts, culture and recreation programmes;

- To identify, develop and nurture sport and artistic talent for competitive and major events;
- To identify and preserve heritage including the promotion of national days and symbols;
- To inculcate a culture of reading and lifelong learning;
- To preserve and make accessible the archival records of the province; and
- To contribute to the developmental state and good governance.

### **2.1.5 Structure of the Department**

The DSACR is made up of the office of the MEC and the office of the Head of Department, which consists of four branches. The Department has a Head office which is situated at 35 Surrey House Rissik Street, additionally five (5) clusters in each of the 3 Metros and 2 District Municipalities. The services of the Department are implemented through twenty seven (27) hubs in the province of Gauteng. See attached Annexure 4 (page 24)

## **2.2 The Functions of the Department**

The functions of the Department are derived from the mandate set by Legislation, national and provincial policies of the oversight bodies.

### **2.2.1 The mandate of the Department of Sport, Arts, Culture and Recreation The Constitutional Mandate**

The Gauteng Department of Sport, Arts, Culture and Recreation (SACR) operates within a mandate that remains unchanged, and is drawn directly from Schedule 4 and 5 of the Constitution of the Republic of South Africa, 1996, which describes the functional areas of exclusive provincial legislative competence. Part A lists the following as provincial SACR competencies:

- Archives other than national archives;
- Libraries other than national libraries;
- Museums other than national museums;
- Provincial cultural matters;
- Provincial recreation and amenities; and
- Provincial sport.

Part B of the same schedule lists the competencies in which the provincial SACR has a role in supporting and monitoring local government:

- Amusement facilities;
- Local amenities;
- Local sports facilities, markets, municipal parks and recreation facilities.

### **2.2.2 The National and Provincial Legislative Framework – Informing the Mandate**

Whereas the Constitution provides the broad mandate, national and provincial legislation and policies give effect to how the constitutional mandate should be implemented. The following national and provincial legislation and policies inform the departmental mandate:

<b>Act/Policy/Framework</b>	<b>Relevance to SACR Mandate</b>
National Arts Council Act, 1997 (Act No. 56 of 1997)	Ensures the promotion and co-ordination of arts.
South African Geographical Names Council Act, 1998 (Act No. 118 of 1998)	Facilitates the establishment of Provincial Geographic Names Committees to transform and standardise geographical names.
Pan South African Language Board Act, 1995 as amended (PANSALB) (Act No. 59 of 1995)	Facilitates the establishment of a Provincial language Committee for Language Policy and development.
National Heritage Council Act, 1999 (Act No. 11 of 1999)	Outlines the roles and responsibilities of the Council with regard to heritage development and promotion at national, provincial and local government level.
National Heritage Resources Act, 1999 (Act No. 25 of 1999)	Facilitates the establishment of a Provincial Heritage Resources Agencies (PHRA) and a Local Heritage Resource Agency (LHRA) that must ensure good management of Grade 11 and Grade 1 heritage resources, and heritage resources that are deemed to be provincial and local competences, respectively.
The Gauteng Heritage Resources Regulations (10 January 2003, Notice 103 of 2003, Volume 9, No 4)	Regulates the work of the Provincial Heritage Resources Authority Gauteng.
Cultural Institutions Act, 1998 (Act No. 119 of 1998)	Governs museums and cultural institutions under the control of Councils and establishes a National Museums division.
Heraldry Act, 1962 (Act No. 18 of 1962)	Regulates and governs the use and protection of Heraldry.
Culture Promotion Amendment Act, 1998 (Act No. 59 of 1998)	Provides for the preservation, development, fostering and extension of culture in the republic by planning, organising, coordinating and providing facilities for the utilisation of leisure and for non-formal education; for the development and promotion of cultural relations with other countries.
National Film and Video Foundation Act, 1997 (Act No. 73 of 1997)	Provides for the development and promotion of the film and Video industry.
Gauteng Arts and Culture Council Act (Act No. 11 of 1998)	Provides for the establishment of the Gauteng Arts and Culture Council (GACC) which assists in developing and promoting arts and culture in Gauteng and advises the MEC on the disbursement of grant-in-aid to artists, cultural workers and students within the arts and culture sector.
Memorandum of Understanding between the Department of Sport and Recreation and the Department of Basic Education (2011)	It define roles and responsibilities when it comes to the implementation of school sport



Division of Revenue Bill (2012)	Provides for the equitable division of revenue raised nationally among the national, provincial and local spheres of government. It also provides for frameworks that set conditions on allocations.
National Sports and Recreational Act (No. 110 of 1998, as amended in 2007)	Defines the supportive role of the Sport Commission in relation to the Province and provides guidelines on how the MEC can intervene in issues affecting sport and recreation and relationship with South African Sports Confederation and Olympics Committee (SASCOC).
National Sport and Recreation Plan (2012)	The strategic focus of the NSRP is to reconstruct and revitalise the delivery of sport and recreation towards building an active and winning nation that equitably improves the lives of all South Africans. The NSRP is the implementation plan of the policy framework for sport and recreation as captured in the revised White Paper. In other words the White Paper determines the "what" and the NSRP the "how".
National Council for Library and Information Services Act (Act No. 6 of 2001)	Advises the National Minister of Arts & Culture, which may have an impact on Provincial functioning.
National Archives and Record Services of South Africa Act (Act No. 43 of 1996)	Provides for the establishment of a Provincial Archival and Records Management system.
The Legal Deposit Act (Act no. 54 of 1997)	Prescribes the compulsory submission of all published information to the official legal depository libraries.
National Library for the Blind Act (Act No. 91 Of 1998)	Provides for the provision of access to information and Government services to people with impaired vision, who can read Braille.
The Gauteng Library and Museum Service Ordinance (1982), as amended by the Gauteng General Law Amendment Act (Act 4 of 2005)	Provides the legislative mandate for the establishment of Provincial Library and Museum Services.

### **2.2.3 Services of the Department**

In the past years, the DSACR has made a concerted effort to ensure that its structure is aligned to its strategy, and that the department's strategic and operational plans remain relevant and responsive to the political mandates and the community needs that emerge over time. Thus the integrated service delivery model of Sport, Art, Culture and Recreation in the province is managed through a two tier approach with a Provincial Head Office housing the administration of the department and the Regional offices interfacing with the communities at an operational level. There are five cluster offices and 27 hubs. In order to maximise efficiencies, the 27 hubs are modelled along municipal service delivery regions in order to deliver timeous and informed integrated services in respective communities.

The service delivery model will ensure that officials are working on the ground in the respective communities; responding timeously to service delivery complaints, constantly building and maintaining trust as well as partnership between government and communities. DSCAR will continue to work closely with local municipalities to ensure delivery of synergistic and seamless service delivery. The department will be intensifying service delivery to communities by establishing 27 Satellite Hubs as part of the focused service deliver to cluster of wards with clear bias to minority groups as per the EXCO Resolution.

### **3. THE SCOPE OF APPLICATION & AVAILABILITY OF THE MANUAL**

This manual is customised for the stakeholders of the Department of Sport, Arts, Culture and Recreation (SACR) and prepared in compliance with section 14 of the Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as "the Act"). The manual sets out information in the possession of the Gauteng Department of Sport, Arts, Culture and Recreation (GDSACR), the Gauteng Film Commission (GFC) as its agency as well as its six advisory bodies namely:

- a) Gauteng Arts and Culture Council (GACC)
- b) Gauteng Sports Council (GSP)
- c) Provincial Heritage Resources Authority-Gauteng (PHRA-G)
- d) Gauteng Provincial Language Committee (GPLC)
- e) Gauteng Geographical Names Committee (GGNC)
- f) Liberation Heritage Route Gauteng Provincial Chapter Steering Committee (LHR)

These are statutory bodies that are governed legislation to act as advisory bodies to the department and members of each entity are people who are experts in the field that they represent.

#### **3.1 Availability of this Manual**

This manual is available in two languages namely English and IsiZulu. A copy of this Manual is available on our website ([www.sacr.gpg.gov.za](http://www.sacr.gpg.gov.za)) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office, the South African Human Rights Commission ("SAHRC") [www.sahrc.org.za](http://www.sahrc.org.za) or from the Government Printers. This Manual will be updated from time to time, as and when required. For guidance on how to access the manual, the information is available on the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under "regulations").

#### **3.2 How to request access to records held by SACR**

Requests for access to records held by SACR must be made on the request forms that are available from our website and office, from [www.sacr.gpg.gov.za](http://www.sacr.gpg.gov.za)

A request fee may be payable (the schedule of fees is annexed below) You can submit a request without paying the request fee but please note that payment of the prescribed fees must be made before the request will be processed. Requests for access to records must be made to the Information Officer at the address, fax number or electronic mail address provided for below. The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right. If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of SACR.

The standard form that must be used for the making of requests can be accessed (see annexure below). Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed. Kindly note, that all requests to SACR will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by SACR does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

### **3.2.1 Exclusion of the application of the PAIA**

No public serving institute (public body), or official thereof, or of SACR employee and/or representatives of such persons may rely on PAIA to request information in the Department of SACR. Any other person or institute may qualify as a requestor.

### **3.3 Voluntary Disclosure**

SACR has not published a notice in terms of Section 15(1) and (2) of the Act, however, it should be noted that the information relating to SACR and its services is freely available on SACR's website and intranet. Any other information relating to SACR is also made available on such website from time to time. Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

### **3.4 Records available in terms of any other Legislation**

SACR make available the following documents (see SACR website):

- The MEC's Budget Speech
- Annual Reports
- Citizens Report (Summaries of the Annual Report in a Z-folder format)
- 5-Year Strategic Plans
- All approved Departmental policies

From time to time, the Department receives and responds random requests for information and documents mostly regarding sector-specific bursaries and Grants-In-Aid (funding from projects in the area of the SACR mandate). Information is available in terms of the following legislation to the persons or entities specified in such legislation.

### **3.5 Records held by SACR**

SACR maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

#### **3.5.1 Internal records**

The following are records pertaining to SACR's own affairs and those of its divisions, subsidiary and associated companies:

- a) Memorandum and Articles of Association
- b) Financial records
- c) Operational records
- d) Licenses
- e) Intellectual property
- f) Marketing records;
- g) Internal correspondence;
- h) Product records;
- i) Statutory records;
- j) Internal policies and procedures;
- k) Records held by officials of SACR

### **3.5.2 Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of SACR and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of SACR. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- a) Any personal records provided to SACR by their personnel;
- b) Any records a third party has provided to SACR about any of their personnel;
- c) Conditions of employment and other personnel-related contractual and quasi-legal records;
- d) Internal evaluation records; and
- e) Other internal records and correspondence.

### **3.5.3 Customer records**

The Department is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 33 to 46 of the Act.

Customer information includes the following:

- a) Any records a customer has provided to SACR or a third party acting for or on behalf of SACR;
- b) Contractual information;
- c) Customer needs assessments;
- d) Personal records of customers;
- e) Credit information and other research conducted in respect of customers;
- f) Any records a third party has provided to SACR about customers;
- g) Confidential, privileged, contractual and quasi-legal records of customers;
- h) Customer evaluation records;
- i) Customer profiling;
- j) Performance research conducted on behalf of customers or about customers;
- k) Any records a third party has provided to SACR either directly or indirectly; and
- l) Records generated by or within SACR pertaining to customers, including transactional records.

### **3.5.4 Technical records**

This refers to any record that may be considered by the information officer as technical.

#### **3.5.5 Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to SACR. The following records fall under this category:

- a) Personnel, customer or SACR records which are held by another party as opposed to being held by SACR; and
- b) Records held by SACR pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

### **3.5.6 Other Records**

Further records are held including:-

- a) Information relating to SACR's own commercial activities; and
- b) Research carried out on behalf of a client by SACR or commissioned from a third party for a customer;
- c) Research information belonging to SACR, whether carried out it or commissioned from a third party.



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