



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 452

Pretoria, 28 February 2003
Februarie 2003

No. 24957

MANUAL

IN ACCORDANCE WITH

**THE PROMOTION OF ACCESS TO
INFORMATION ACT (NO. 2 OF 2000)**



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

INDEX

Company Name	Gazette No.	Date	Page No.
The Department of Public Service and Administration	24957	28-02-2003	3

**MANUAL
FOR
THE DEPARTMENT OF PUBLIC SERVICE AND
ADMINISTRATION**

*in terms of
section 14 of
the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)*

TABLE OF CONTENTS

1. Functions of Department of Public Service And Administration (DPSA)
2. Structure of the DPSA
3. Contact details of information officer
4. Guide of South African Human Rights Commission on how to use the Act
5. Records
 - 5.1 Description of subjects on which the DPSA holds records and categories of records held on each subject
 - 5.2 Records automatically available
 - 5.3 Request procedure
6. Services available to public
7. Arrangement allowing involvement in the formulation of policy and performance of functions
8. Remedies available in respect of acts or failures to act

1. FUNCTIONS OF DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION (DPSA)

The DPSA advises the Minister for the Public Service and Administration (MPSA) on policy matters relating to the public service in terms of constitutional and other legislative mandates. In addition, DPSA supports the Minister in exercising oversight of the State Information Technology Agency (SITA) and the Centre for Public Service Innovation (CPSI).

Constitutional and other legislative mandates: Chapter 10 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), arranges matters of public administration. Section 197 contains specific requirements for the public service, including requirements for

- a public service which must function, and be structured, in terms of national legislation;
- terms and conditions of employment in the public service to be regulated by national legislation; and
- a framework of uniform norms and standards within which provincial governments must exercise responsibilities towards its public service employees.

The national legislation and framework of norms and standards envisaged in the Constitution have been established through the Public Service Act, 1994 (promulgated under Proclamation 103 of 1994). This Act arranges the powers and duties of the Minister for the Public Service and Administration. In short, the Act entrusts the Minister with the powers and duties to-

- make policy on matters of functions, organisational arrangements, employment practices, salaries and other conditions of service, labour relations, information management, information technology, transformation and reform;
- establish a framework of norms and standards to give effect to policy;
- allocate functions to departments;
- to advise the President and executive authorities on matters related to the public service as well as bodies which obtain their funding from state revenue; and
- make regulations.

State Information Technology Agency: In addition to the public service matters referred to above, the Minister's powers and duties extend to SITA. SITA is established in terms of the State Information Technology Agency Act, 1998 (Act No. 88 of 1998). SITA provides information technology, information systems and related services, in a maintained information security environment, to the public service and other organs of state. Governance of SITA is the responsibility of a Board of Directors. The Board of Directors operates in accordance with accepted governance principles and the accountability arrangements of the Public Finance Management Act, 1999 (Act No. 1 van 1999). The Director-General of the DPSA is its representative on the SITA's Board.

Centre for Public Service Innovation: The Centre for Public Service Innovation (CPSI) was established as a section 21 company to serve as an enabler, facilitator and champion of innovative ideas. This requires creating an enabling environment for the generation and rewarding of new ideas; facilitating engagement between various stakeholders, with a view to establishing sustainable and mutually beneficial

partnerships and championing the value of and need for innovation within the public service. The Board of the Centre is accountable to the Minister for the Public Service and Administration.

2. STRUCTURE OF DPSA

The DPSA is structured to fulfil the mandate outlined above. There are four main divisions or branches in the Department: Integrated Human Resources, Service Delivery Improvement, the Office of the Government Chief Information Officer and Corporate Management.

Integrated Human Resources encompasses Human Resource Management, Human Resource Development, Remuneration and Conditions of Service, and Negotiations and Labour Relations. Service Delivery Improvement includes the Government Internal Consulting Services, which provides support to departments, the Project Facilitation and Client Services Unit, which oversees the donor-funded support programmes, and Learning and Knowledge Management.

The Office of the Government Chief Information Officer includes sections on electronic government policy, electronic government projects, a secretariat for the Government IT Officers' Council (GITO Council) and SITA Oversight. The Corporate Management Division includes sections dealing with People Management, People and Organisational Development, Financial Management and Administration, Logistics and Information Technology and Knowledge Management.

In addition to the four main divisions, there is a new component called Public Administration in Africa, which provides support on NEPAD (New Partnership for Africa Development), and a Unit overseeing Anti-corruption and High Profile Disciplinary Cases. The Communication and Ministerial Support component serve the Ministry, while the Office of the Director-General supports the Director-General. Legal Services and the Internal Audit component also report to the Director-General.

3. CONTACT DETAILS OF INFORMATION OFFICER

The Director-General of DPSA is its Information Officer in terms of the Promotion of Access to Information Act. No deputy information officer has been designated for DPSA.

Postal address: Private Bag X916
PRETORIA
0001

Street address: Batho Pele House
C/o Van der Walt and Vermeulen Streets
PRETORIA

Telephone: 012-314 7552
Fax: 012-321 6946

Email address: dgsec@dpsa.gov.za

4. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE ACT

The guide on how to use the Promotion of Access to Information Act, 2000, will be available from the South African Human Rights Commission by not later than August 2003. Queries can be made at:

South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: 011-484 8300
Fax: 011 484 1360
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

5. RECORDS

5.1 DESCRIPTION OF SUBJECTS ON WHICH DPSA HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

For purposes of facilitating a request in terms of the Act, the subjects on which the DPSA holds records and the categories of records held on each subject are as follows:

A. INTEGRATED HUMAN RESOURCES

- (a) Matters Concerning All Components Of Branch
- (b) Senior Management Service
- (c) Employment Practice
- (d) Skills Development/Capacity Building
- (e) Training Strategy
- (f) Conditions of Service
- (g) Remuneration Policy and Compensation Management
- (h) Job Evaluation
- (i) Negotiations
- (j) Labour Relations

B. SERVICE DELIVERY IMPROVEMENT

- (a) Matters Concerning All Components of Branch
- (b) Project Facilitation and Client Services
- (c) Learning and Knowledge Management
- (d) Government Internal Consulting Services

- C. GOVERNMENT CHIEF INFORMATION OFFICER AND PUBLIC SERVICE INFORMATION UNIT
- (a) Matters Concerning All Components of Branch
 - (b) Office of the Government Chief Information Officer
 - (c) Public Service Information Unit
- D. ANTI-CORRUPTION AND HIGH PROFILE CASES, LEGAL SERVICES, INTERNAL AUDIT AND COMMUNICATION AND MINISTERIAL SUPPORT
- (a) Anti-corruption and High Profile Cases
 - (b) Legal Services
 - (c) Internal Audit
 - (d) Communication and Ministerial Support
- E. CORPORATE MANAGEMENT SERVICES
- (a) Finance
 - (b) Logistics
 - (c) Information Technology and Knowledge Management
 - (d) People Management and Development

5.2 RECORDS AUTOMATICALLY AVAILABLE

No notice has been published yet regarding the categories of records of the DPSA which are available without a person having to request access in terms of the procedures in the Promotion of Access to Information Act. However, the records on the website of DPSA, www.dpsa.gov.za, are available for viewing or downloading without a person having to make such a request in terms of the said Act.

5.3 REQUEST PROCEDURE

- (a) *Granting or refusal of request:* A requester must be given access to a record of a public body if the requester complies with the following:
- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
 - Access to that record is not refused on any ground of refusal mentioned in the Act.
- (b) *How do I request access to a record:*
- A requester must use the form (Form A) that was printed in the Government Gazette (Government Notice R187 of 15 February 2002).
 - The requester must also indicate if the requester wants a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a paper document it can then be viewed in the requested form, where possible.
 - If a person asks for access in a particular form (e.g.: a paper copy, electronic copy, etc) then the requester should get access in that form. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in

another form, then the fee must be calculated according to the way that the requester first asked for it.

- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.
- If a requester is unable to read or write, or has a disability, then the request can be made orally. The information officer must then fill in the form on behalf of such a requester and give them a copy of the completed form.

(c) *Fees payable for a request and notification of decision on access*

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester must pay the request fee of R35.
- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until all the applicable fees have been paid.

6. SERVICES AVAILABLE TO PUBLIC

The functions of the DPSA, as set out in paragraph 1, are such that its clients are other government departments and it does not deliver any services which are available to the public. However, certain demographical information about the public service (for example the size of the public service and number of employees per department) can be obtained from the Public Service Information Unit of the DPSA at email: psiu@dpsa.gov.za

7. ARRANGEMENT ALLOWING INVOLVEMENT IN FORMULATION OF POLICY AND PERFORMANCE OF FUNCTIONS

Policy and legislation: When the DPSA proposes new policy or legislation it undertakes consultation with all stakeholders through inviting comment on published papers and/or workshops/conferences. The process of participation differs according to the kind of project and is usually made known before the start of the project or thereafter.

Administrative action: In cases where an administrative action materially and adversely affects-

- the rights or legitimate expectations of any person; or
- the rights of the public,

the prescripts for a procedurally fair administrative action set out in the provisions of the Promotion of the Administrative Justice Act, 2000 (Act No. 3 of 2000), will be adhered to (sections 4 and 5 in particular).

Conditions of service of public service employees: The conditions of service and other matters of mutual interest of public service employees are negotiated at bargaining councils created in terms of the Labour Relations Act, 1995 (Act No 66 of 1995). Trade unions representing a stipulated number of public service employees may become a party to such a bargaining council. The Public Service Co-ordinating Bargaining Council is the body at which inter alia all conditions of service applying to all public service employees uniformly are negotiated. The following Sectoral Bargaining Councils exist:

- General Public Service Sectoral Bargaining Council
- Education Labour Relations Council
- Public Health and Welfare Sectoral Bargaining Council
- Safety and Security Sectoral Bargaining Council

8. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURES TO ACT

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful official acts or omissions by the DPSA or any of its employees:

(a) *Procedures for reporting or remedying:*

- (i) Remedies in respect of acts or failures to act in terms of the Promotion of Access to Information Act: The internal appeal authority for purposes of this Act is the Minister for the Public Service and Administration (sections 74 – 77). After exhausting the internal appeal remedy an application may be lodge with a court (sections 78 – 82).
- (ii) A public service employee may lodge a grievance or complaint for investigation by the Public Service Commission concerning an official act or omission (section 35 of the Public Service Act, 1994).
- (iii) A person may use labour remedies regarding official acts or omissions of a labour nature, namely disputes of rights (the Public Service Act, 1994, and Labour Relations Act, 1995);
- (iv) A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 - section 78(1)(a)), or the Employment Equity Act, 1998 (Act No. 55 of 1998 - section 34(e)).
- (v) A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)).
- (vi) A person may lodge a complaint with the South African Human Rights Commission concerning an official act or omission that is suspected to

constitute a violation of or threat to any fundamental right (Human Rights Commission Act, 1994 (Act No. 54 of 1994)).

- (vii) In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by an employer or a fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No. 26 of 2000).
 - (viii) The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (b) *Other supportive remedies:*
- (i) A person may request reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (section 5).
 - (ii) A person may request access to records of a government department or other public body in terms of the Promotion of Access to Information Act, 2000 (section 11).
- (c) *Duty to report:*
- (i) A public service employee, in the course of his or her official duties, is obliged in terms of the Code of Conduct for public service employees to report to the appropriate authorities, fraud, corruption, nepotism, mal-administration and any other act which constitutes an offence or which is prejudicial to the public interest. An employee who fails to comply with this, is guilty of misconduct. (Regulation B.3 and C.4.10 of Chapter 2 of the Public Service Regulations, 2001).
 - (ii) The responsibility of every employer and employee to disclose criminal and any other irregular conduct in the workplace also underpins the Protected Disclosures Act, 2000 (Preamble).

PUKWANA YA TLHAHLO
YA
KGORO YA TIRELO YA SETŠHABA LE TAOLO

go ya ka
karolo ya 14
ya Molao wa 2000 wa Tšwetšopele ya Pihlelelo ya Tshedimošo
(Molao wa Nomoro 2 wa 2000)

LENANEO LA DITENG

1. Mešomo ya Kgoro ya Tirelo ya Setšhaba le Taolo (DPSA)
2. Sebopego sa DPSA
3. Mo mohlankedi wa tshedimošo a ka hwetšagalago
4. Tlhahlo ya Khomišene ya Ditokelo tša Batho ya Afrika-Borwa ya gore molao o ka šomišwa bjang
5. Dipego tša go ngwalwa tša semmušo (Direkhoto)
- 5.1 Tlhaloso ya dihlogo tseo DPSA e swarago dipego tša go ngwalwa semmušo le ditlhopho tša dipego tseo di swerwego ka ga sehlogo se sengwe le se sengwe
- 5.2 Tshepetšo ya kgopelo
6. Ditirelo tseo setšhaba se ka di hwetšago
7. Peakanyo yeo e dumelelago go kgatha tema tlhamong ya pholisi le phethagatšong ya mešomo
8. Tharollo yeo e lego gona mabapi le ditiro goba go palelwa ke go phethagatša ditiro

1. MEŠOMO YA KGORO YA TIRELO YA SETŠHABA LE TAOLO (DPSA)

DPSA e eletša Tona ya Tirelo ya Setšhaba le Taolo ka ga pholisi yeo ditabana tša gona di sepelelanago le tirelo ya setšhaba go ya ka ditaolelo tša molaotheo le melao e mengwe. Godimo ga fao, DPSA e thekga Tona tiragatsong ya taolo ya gagwe ya Mmaditsela wa Tshedimošo ya Thekenolotši ya Mmušo (SITA) le Lefelo la Tlhabollo la Tirelo ya Setšhaba CPSI).

Ditaolelo tša Molaotheo le Melao e mengwe: Kgaolo ya 10 ya Molao wa 1996 wa Molaotheo wa Repapoliki ya Afrika-Borwa, (Constitution of the Republic of South Africa, 1996; Act No. 108 of 1996), o beakanya ditaba tša taolo ya setšhaba. Karolo 197 e na le dinyakwa tše ikgethilego tša tirelo ya setšhaba, go akaretšwa dinyakwa tša

- tirelo ya setšhaba yeo e swanetšego go šoma, e be e hlangwe go ya ka molao wa setšhaba;
- mabaka le dipeelano tša go thwalwa ka tirelong ya setšhaba di swanetše go laolwa ke melao ya setšhaba; gomme go be le tlhaku ya maitshwaro le maemo ao mebušo ya diporofense e ka phethagatšago maikarabelo a yona godimo ga bašomedi ba yona ba tirelo ya setšhaba.

Melao ya setšhaba le tlhaku ya maitshwaro le maemo ao a lebeletšwego ka Molaotheong e hlamilwe go ya ka Molao wa Tirelo ya Setšhaba, wa 1994 (wo o phatlaladišwego pele ka tlase ga Tsebišo 103 ya 1994; Public Service Act, 1994 promulgated under Proclamation 103 of 1994). Molao wo o beakanya maatla le mešomo ya Tona ya Tirelo ya Setšhaba le Taolo. Ka boripana, Molao o neela Tona ka maatla le mešomo ya-

- go dira pholisi ya mešomo, dipeakanyo tša mokgahlo, tshepetšo ya go thwalwa, meputso le dipeelano tše dingwe tša tirelo, dikamano tša mošomong, bolaodi bja tshedimošo, tshedimošo ya thekenolotši, phetogo le kagoleswa;
- go hlama tlhaku ya maitshwaro le maemo gore pholisi e šome gabotse;
- go aba mešomo magareng ga dikgoro;
- go eletša Moporesidente le balaodi ba go phethiša ka ditabana tša go ama tirelo ya setšhaba le mekgahlo yeo e hwetšago thekgo ya ditšhelete go tšwa letsenong la yona;
- le go dira melao.

Mmaditsela wa Tshedimošo ya Thekenolotši ya Mmušo: Godimo ga ditaba tša tirelo ya setšhaba tse di boletšwego ka godimo, maatla le maikarabelo a Tona a akaretsa le ka go SITA. SITA e hlamilwe go ya ka Molao wa 1998 wa Mmušo wa Tshedimošo ya Thekenolotši (State Information Technology Agency Act, 1998; Act No. 88 of 1988). SITA e neelana ka tshedimošo ya thekenolotši, tshepetšo ya tshedimošo le ditirelo tše di sepelelanago le seo, tikologong yeo e šireletšegilego ya tshedimošo, go bašomedi ba tirelo ya setšhaba le dithong tše dingwe tša mmušo. Taolo ya SITA e swerwe ke Boto ya Balaodi. Boto ya Balaodi e šoma go ya ka melawana ya taolo le ka dipeakanyo tša maikarabelo a Molao wa Taolo ya Matlotlo a Setšhaba (Public Finance Management Act, 1994, Act No. 1 of 1994). Moalodi-pharephare wa DPSA ke moemedi wa yona Botong ya SITA.

Lefelo la Tlhabollo la Tirelo ya Setšhaba: Lefelo la Tlhabollo la Tirelo ya Setšhaba (CPSI) le hlamilwe bjalo ka karolo 21` ya khamphani go šoma bjalo ka mokgonagatši, mokgontšhi le nkgwete ya dikgopolo tša go hlabolla. Se se nyaka gore go be le tikologo ya kgoboketšo le go putsa dikgopolo tše diswa, kgonagatšo ya dipoledišano magareng ga bakgatha tema ba go fapafapana, ka maikemišetšo a gore go be le tšhomišano mmogo yeo e tlogo swarelela ya dira gore boleng le dinyakwa tša tlhabollo magareng ga setšhaba e be tša maemo. Boto ya Lefelo le, e na le maikarabelo ka tlase ga Tona ya Tirelo ya Setšhaba le Taolo.

2. SEBOPEGO SA DPSA

DPSA e bopilwe gore e phethagatše taolelo yeo e boletšwego ka godimo. Go na le dikarolo goba makala a mane a bohlokwa ka kgorong: Tswalano ya Methopo ya Batho, Kaonofatšo ya go Phethagatša Tirelo, Kantoro ya Mmušo ya Mohlankedi-mogolo wa Tshedimošo, le Bolaodi bja Koporasi.

Tswalano ya Methopo ya Batho e akaretša: Bolaodi bja Methopo ya Batho, Tlhabollo ya Methopo ya Batho, Meputso le Dipeelano tša Tirelo le Ditherišano le Dikamano tša Mešomong. Kaonofatšo ya go Phethagatša Tirelo e akaretša Ditirelo Tša Mmušo Tša Ditherišano tša ka Gare, tšeo di neelanago ka thušo ka dikgorong, le Uniti ya Kgonagatšo ya Porojeke le Ditirelo tša Bašomiši, tšeo di hlokometseng mananeo ao a thekgilwego ka ditšhelete le Bolaodi bja Boithuti le Tsebo.

Kantoro ya Mmušo ya Mohlankedi-mogolo wa Tshedimošo e akaretša dikarolo tša pholisi ya mmušo ya eleketroniki, Diporojeke tša mmušo tša eleketroniki, kantoro ya bangwaledi ba mmušo ba Khansele ba Bohlankedi ba Tshedimošo ya Thekenolotši (IT; GITO Council) le Bolaodi bja SITA. Kala ya Bolaodi bja Koporasi e akaretša dikgaolo tšeo di hlokomelanego le Bolaodi bja Batho, Tlhabollo ya Batho le Mekgatlo, Tshepetšo le Taolo ya Ditšhelete, Maano le Tshedimošo ya Thekenolotši le Bolaodi bja Tsebo.

Godimo ga dikarolo tše nne tše bohlokwa tše, go na le karolwana e mpšha yeo e bitšwago Bolaodi bja Setšhaba ka Afrika-Borwa yeo e neelanago ka thekgo mabapi le NEPAD (New Partnership for Africa Development), le Uniti yeo e laolago Twantšho ya Bosenyi le Melato ya Batho ba maemo a godimo bao ba amegago bosenyeng. Mmušo o šomelwa ke karolwana ya kgoro ya Dipoledišano le Thekgo ya Kgoro ya Mmušo, mola Molaodi-pharephare a thekgilwe ke kantoro ya Molaodi-pharephare yeo e lego ka tlase ga gagwe. Karolwana ya Ditirelo tša Semolao le Tlhakišo ya ka Gare le tšona di ka tlase ga taolo ya Molaodi-pharephare.

3. MO MOHLANKEDI WA TSHEDIMOŠO A KA HWETŠAGALAGO

Molaodi-pharephare wa DPSA ke mohlankedi wa yona wa Tshedimošo go ya ka Molao wa Tswetšopele ya Phihlelelo ya Tshedimošo. Ga go na motlatši goba letsogo la Mohlankedi wa Tshedimošo leo le kgethetšwego DPSA.

Aterese ya Poso: Private Bag x916
PRETORIA
0001

Aterese ya Seterata: Batho Pele House
C/o Van der Walt and Vermeulen Streets
PRETORIA
0001

Nomoro ya mogala: 012-3147552

Fekese; 012-3216946

E-meile: dgsec@dpsa.gov.za

4. TLHAHLO YA KHOMIŠENE YA DITOKELO TŠA BATHO YA AFRIKA-BORWA YA GORE MOLAO O KA ŠOMIŠWA BJANG

Thlahlo ya gore o ka šomiša bjang Molao wa Tšwetšopele ya Phihleleo ya Tshedimošo, wa 2000, e tla hwetšagala go tšwa Khomišeneng ya Ditokelo tša Batho ya Afrika-Borwa pele ga mafelelo a Agosetose 2003. Dingongorego di ka dirwa goba tša lebišwa go:

Khomišene ya Ditokelo tša Batho ya Afrika-Borwa:

PAIA Unit

Kgoro ya Dinyakišišo le Dingwalwa (The Research and Documentation Department)

Aterese ya Poso: Private Bag 2700
Houghton
2041

Nomoro ya mogala: 011-4848300

Fekese: 0114841360

Website: www.sahrc.org.za

E-meile: PAIA@sahrc.org.za

5. DIPEGO TŠA GO NGWALWA TŠA SEMMUSO (DIREKHOTO)

5.1 TLHALOSO YA DIHLOGO TŠEO DPSA E SWARAGO DIPEGO TŠA GO NGWALWA SEMMUŠO LE DITLHOPHO TŠA DIPEGO TŠEO DI SWERWEGO KA GA SEHLOGO SE SENGWE LE SE SENGWE

Mabakeng a go kgonagatša kgopelo go ya ka Molao, dihlogo tšeo DPSA e swarago dipego tša go ngwalwa semmušo le ditlhopha tša dipego tšeo di swerwego ka ga sehlogo se sengwe le se sengwe di ka tsela ye e latelago:

A. TSWALANO YA METHOPO YA BATHO

- (a) Ditaba ka moka tšeo di amanago le dikarolwana ka moka tša Lekala
- (b) Tirelo ya Bolaodi bja godimo
- (c) Tirelo ya bošomi
- (d) Tlhabollo ya bokgoni goba go ruta bokgoni
- (e) Maano a tlhahlo
- (f) Dipeelano tša tirelo
- (g) Pholisi ya meputso le Bolaodi bja go hlatswa motho matsogo
- (h) Tshekatsheko ya mošomo
- (i) Ditherišano
- (j) Dikamano tša Mošomong

B. KAONOFATŠO YA PHETHAGATŠO YA MOŠOMO

- (a) Ditaba ka moka tšeo di amanago le dikarolwana ka moka tša Lekala
- (b) Kgonagatšo ya Diporojeke le Ditirelo tša Bašomiši
- (c) Bolaodi bja Boithuti le Tsebo
- (d) Ditirelo tša Mmušo tša Ditherišano tša ka Gare

C. MOHLANKEDI- MOGOLO WA TSHEDIMOŠO WA MMUŠO LE UNITI YA TSHEDIMOŠO YA TIRELO YA SETŠHABA

- (a) Ditaba ka moka tšeo di amanago le dikarolwana ka moka tša Lekala
- (b) Kantoro ya Mmušo ya Mohlankedi-mogolo wa Tshedimošo
- (c) Unitu ya Tshedimošo ya Tirelo ya Setšhaba

D. TWANTŠHO YA BOSENYI LE MELATO YA BATHO BA MAEMO BAO BA AMEGAGO BOSENYING, DITIRELO TŠA SEMOLAO, TLHAKIŠO YA KA GARE LE POLEDIŠANO LE THEKGO YA KGORO YA MMUŠO

- (a) Ditaba ka twantšho ya bosenyi le melato ya batho ba maemo bao ba megago bosenyang
- (b) Ditirelo tša semolao
- (c) Tlhakišo ya ka gare

- (d) Poledišano le thekgo ya Kgoro ya Mmušo

E. BOLAODI BJA DITIRELO TŠA KOPORASI

- (a) Matlotlo
(b) Maano a tshepedišo
(c) Tshedimošo ya Thekenolotši le Bolaodi bja Tsebo
(d) Bolaodi le Tlhabollo ya Batho

5.2 DIPEGO TŠA GO NGWALWA TŠEO DI HWETŠAGALAGO GA BONOLO

Ga sešo gwa ba le tsebišo yeo e phatlaladitšwego mabapi le ditlhopho tša dipego tša go ngwalwa tša DPSA tšeo di hwetšagalago ntle le go dira kgopelo ya go di fihlelela go ya ka tshepedišo yeo e lego ka Molaong wa Tšwetšopele ya Phihlelelo ya Tshedimošo (Promotion of Access to Information Act). Le ge go le bjalo, dipego tša go ngwalwa webesaeteng ya DPSA, www.dpsa.gov.za, di a hwetšagala ebile o ka di tsentšha khomphuthareng ya gago ntle le go dira kgopelo ya mohuta wo go ya ka Molao wo o boletšwego,

5.3 TSHEPETŠO YA GO DIRA KGOPELO

- (a) *Go dumela goba go ganwa ga kgopelo:* Mokgopedi o swanetše go fiwa tumelelo ya go hlola dipego tša go ngwalwa tša mokgahlo wa setšhaba ge mokgopedi a latela tše di latelago:
- Mokgopedi o latela dinyakwa kamoka tša tshepedišo tšeo di lego ka Molaong di sepelelana le kgopelo ya go hlola dipego tša go ngwalwa, ebile
 - Go hlola dipego tša go ngwalwa ga a di ganetšwe ka mabaka a go gana ka kgopelo ao a boletšwego ka Molaong.
- (b) *Ke dira kgopelo bjang go hlola dipego tša go ngwalwa:*
- Mokgopedi o swanetše go šomiša foromo (Foromo A) yeo e bego e gatišitšwe ka Kuranteng ya Semmušo (Government Gazette) (Tsebišo R187 ya Mmušo ya 15 Feberewari 2002; Government Notice R187 of 15 February 2002).
 - Mokgopedi o swanetše go laetša ge e le gore o nyaka khophi ya pego ya go ngwalwa goba ge mokgopedi a nyaka go tsena a lebelele pego ya go ngwalwa ka dikantorong tša mokgahlo wa setšhaba. Kgonagalo e nngwe ke gore ge dipego di se tša ngwalwa pampiring, di ka kgona go lebelelwa ka mo foromo ya kgopelo e bolelago ka gona ge go kgonegago.
 - Ge motho a kgopela go hlola ka tsela e nngwe (mohlala khophi ya pampiri, khophi ya elektroniki, bjalo bjalo) mokgopedi o swanetše go e hwetša ka mo a kgopetšego. Se ke a ntle ga ge go hwetšagala go na le tšhitišo yeo e sa hlokegego tshepedišong ya mokgahlo wa setšhaba wo o amegago, goba go senya dipego, goba go šitiša ditokelo tša go dira dikhophi tšeo di sa laolwego

ke mmušo. Ge ka mabaka a mangwe a sa fiwe tumelelo ya go hlola ka mo a kgopetšego ka gona ka fomong eupša a dumeletšwe ka fomong e nngwe, tšhelete e swanetše go hlakanywa go ya ka mo mokgopedi a kgopetšego ka gona la mathomo.

- Ge godimo ga karabo yeo e ngwadilwego ya o kgopelo ya pego, mokgopedi a rata ge a ka botšwa ka ga sephetho ka tsela nngwe le efe gobu efe, mohlala ka mogala, gomme se o swanetše go se laetsa.
- Ge mokgopedi a kgopela tshedimošo legatong la motho e mongwe, maemo a motho yo a dirago kgopelo a swanetše gore a laetšwe goba a lemogwe.
- Ge mokgopedi a sa kgone go bala goba go ngwala, goba a na le bofokodi / a golofetše, gona kgopelo e ka dirwa ka molomo. Mohlankedi wa tshedimošo o swanetše gore a tlatse foromo legatong la mokgopedi oo bjalo gomme a mo fe khophi ya foromo yeo e tladitšwego.

(c) *Tshelete yeo e lefelelwago kgopelo le tsebiso ya sphetho sa tumelelo ya go hlola*

- Ge mokgopedi a nyaka go hlola dipego tša go ngwalwa tšeo di bolelago ka yena ga se a swanela go lefa tšhelete ya go dira kgopelo. Mokgopedi ofe goba ofe o swanetše go lefa tšhelete ya kgopelo yeo e lego R35 (masome- a -mararo le metšo-e- mehlano ya diranta).
- Mohlankedi wa tshedimošo o swanetše go tsebiša mokgopedi (ntle le mokgopedi yo a nyakišišago ka boyena) ka tsebišo, a nyaka gore mokgopedi a lefe tšhelete yeo e beilwego ya kgopelo gomme ge go kgonega a lefe peeletšo pele go ka hlokomelwa tšhepedišo ya kgopelo ya gagwe.
- Mokgopedi a ka tliša kgopelo ya gagwe ka gare , mo go swanetšego goba a dire kgopelo ya kgorotshekong kgahlanong le tentara goba tefeletšo ya tšhelete yeo e beilwego.
- Morago ga ge mohlankedi wa tshedimošo a tšere sephetho mabapi le kgopelo, mokgopedi o swanetše go tsebišwa ka sephetho sa mohuta wo ka tsela yeo a e kgopetšego.
- Ge mokgopedi a dumeletšwe o swanetše go lefa tšhelete ya go dira dikhopi le ya go nyaka le dipeakanyo tša nako yeo a e nyakago goba ya go feta diiri tšeo a tlogo di šomiša go nyaka le go beakanya dipego tša go ngwalwa gore a di tšweletše.
- Go yo hlola dipego tša go ngwalwa go tla emišwa go fihlela tšhelete ka moka e lefilwe.

6. DITIRELO TŠEO SETŠHABA SE KA DI HWETŠAGO

Mešomo ya DPSA bjalo ka ge go boletšwe temaneng ya 1, ke yeo e lego gore bašomiši ba yona ke dikgoro tše dingwe tša mmušo ebile ga e phethagatše ditirelo tšeo di ka hwetšwago ke setšhaba. Le ge go le bjalo tshedimošo e itšego ka ga ditirelo tša maphelo a batho ka setšhabeng (mohlala: bogolo bja ditirelo tša setšhaba le nomoro ya bašomedi go ya ka dikgoro) e ka hwetšagala Uniting ya Tshedimošo ya Tirelo ya Setšhaba (DPSA) mo e-meileng: psiu@dpsa.gov.za

7. PEAKANYO YEO E DUMELELAGO GO KGATHA TEMA TLHAMONG YA PHOLISI LE PHETHAGATŠONG YA MEŠOMO

Pholisi le molao: Ge DPSA e šišinya pholisi goba molao o moswa e thoma ka go rerišana le bakgatha tema ka moka ka go laletša ditshwaotshwao tša dingwalwa le / goba diwekešopo/ dikhonferense tšeo di phatlaladitšwego. Tshepedišo ya go kgathatema e fapana go ya ka mohuta wa porojeke ebile ka tlwaelo e tsebišwa pele go thongwa goba morago ga porojeke.

Magato a bolaodi: Mo e lego gore magato a bolaodi a amega kudukudu goba ga bohloko-

- ditokelo goba kholofelo ya semolao ya motho ofe goba ofe;
- ditokelo tša setšhaba,

melawana ya tshepedišo ya go hloka bomenetša ya taolo yeo e beilwego go ya ka dipeelano tša Molao wa Tšwetšopele ya Bolaodi wa 2000 (Promotion of the Administrative Justice Act, 2000, Act No. 3 of 2000) o tla šalwa morago (kudukudu dikarolo tša 4 le 5).

Dipeelano tša tirelo tša bašomedi ba tirelo ya setšhaba: Dipeelano tša tirelo le ditabana tše dingwe tšeo bašomedi ba tirelo ya setšhaba ba nago le kgahlego le tšona go rerišana ka tšona Dikhanseleng tsa Ditherišano tšeo di hlamilwego go ya ka Molao wa Dikamano tša Mešomong, wa 1995 (Labour Relations Act, 1995, Act No. 66 of 1995). Mekgahlo ya bašomedi yeo e emelago dihlophana tše itšego tša bašomedi ba tirelo ya setšhaba e ka ba setho sa Khansele ya mohuta wo wa ditherišano. Khansele ya Ditherišano yeo e gokaganywago ke Tirelo ya Setšhaba ke moo magareng ga tše dingwe go boledišanwago ka dipeelano tša tirelo ka moka tšeo di amago bašomedi ba tirelo ya setšhaba. Ka moka Dikarolwana tša Khansele ya Ditherišano ke:

- Khansele ya Lefapha la Ditherišano tša Tirelo ya Setšhaba ka kakaretšo
- Khansele ya Dithuto tša Dikamano Mešomong
- Khansele ya Lefapha la Ditherišano tša Maphelo a Batho le tša Leago
- Khansele ya Lefapha la Ditherišano tša Polokego le Tšhireletšo
- Khansele ya tirelo ya setšhaba ya kgokaganyo ya Ditlaišano

8. THAROLLO YEO E LEGO GONA MABAPI LE DITIRO GOBA GO PALELWA KE GO PHETHAGATŠA DITIRO

Ditshepedišo tše di latelago di gona gore batho ba ka bega goba ba rarolla mabarebare a ditiro tšeo di sa tsebalegego, tšeo di sa lokago goba tšeo di sego molaong goba tšeo di hlokomologilwego ke DPSA goba ke bašomedi bafe goba bafe ba yona.

(a) *Ditshepedišo tša go bega goba tša go rarolla:*

- (i) Ditharollo mabapi le ditiro goba go palelwa ke go dira go ya ka Molao wa Tswetšopele ya Phihlelelo ya Tshedimošo: Bolaodi bja ka gare bja go dira kgopelo ka maikemišetšo a Molao wo ke Tona ya Tirelo ya Setšhaba le Taolo (dikarolo 74-77). Morago ga ge go latetšwe tharollo ya ka gare ya kgopelo ka botlalo, go ka dirwa kgopelo kua kgorotshekong (dikarolo 78-82)
- (ii) Mošomedi wa tirelo ya setšhaba a ka tliša pelaelo goba ngongorego ya gore Khomišene ya tirelo ya Setšhaba e dire dinyakišišo mabapi le tiro ya semmušo goba go e hlokomologa (karolo 35 ya Molao wa Tirelo ya Setšhaba, 1994).
- (iii) Motho a ka šomiša tharollo ya ka mošomong mabapi le ditiro tša semmušo goba tšeo di hlokomologilwego tša mohuta wa ka mošomong, tše e lego dingangišano ka ga ditokelo (Molao wa Tirelo ya Setšhaba, 1994 le Molao wa Dikamano Mošomong, 1995);
- (iv) Motho a ka tliša ngongorego go mohlalobi wa mošomong mabapi le mabarebare a go selwa ga Molao wa Dipeelano tša Motheo tša go Thwalwa, 1997 (Basic Conditions of Employment Act, 1997, Act No. 75 of 1997 - karolo 78(1)(a)), goba Molao wa Tekatekano Mošomong, 1998 (Employment Equity Act, 1998, Act No. 55 of 1998 - karolo 34(e)).
- (v) Motho a ka tliša ngongorego go Mošireletši wa Setšhaba mabapi le go gononwa gore go na le tiro yeo e sego molaong goba yeo e hlokomologilwego (Molaotheo le Molao wa Mošireletši wa Setšhaba, 1994 (Public Protector Act, 1994 Act No. 23 of 1994)).
- (vi) Motho a ka tliša ngongorego go Khomišene ya Ditokelo tša Batho ya Afrika-Borwa mabapi le tiro ya semolao goba yeo e hlokomologilwego yeo go gononwago gore e ka be e sela molao goba e le matšhošetsi a ditokelo tše bohlokwa (Molao wa Khomišene ya Ditokelo tša Batho, 1994 (Human Rights Commission Act, 1994, Act No. 54 of 1994)).
- (vii) Gore o tle o šireletšege dikotlong ka baka la tšweletšo mabapi le ditiro tšeo di sego molaong ka mothwadi goba mošomedi ka wena, motho yo a amegago tabeng ye a ka latela tshepedišo ya tšweletšo yeo e lego ka Molaong wa Tšhireletšo ya Tšweletšo, 2000 (Protected Disclosures Act, 2000, Act No. 26 of 2000).
- (viii) Motho a ka šomiša ditharollo tše dingwe tša toka tša go swana le ditshepedišo tša dihlolongwa tša go sekaseka ditiro tša taolo go ya ka Molao wa Tswetšopele ya Taolo ya Toka, 2000 (Molao wa nomoro 3 wa 2000).

(b) *Ditharollo tše dingwe gape tšeo di ka thušago:*

- (i) Motho a ka kgopela mabaka a taolo ya tiro go ya ka Molao wa Tswetšopele ya Taolo ya Toka, 2000 (karolo ya 5).
- (ii) Motho a ka kgopela go hlola dipego tšeo di ngwadilwego tša kgoro ya mmušo goba mekgahlo e mengwe ya setšhaba go ya ka Molao wa Phihlelelo ya Tshedimošo, 2000 (karolo 11).

(c) *Tshwanelo ya go bega:*

- (i) Mo tshepedišong ya mošomo wa gagwe wa semmušo mošomedi wa tirelo ya setšhaba o gapeletšega gore ka tlase ga Molao wa Boitshwaro a bege go balaodi ba maleba ka ga bomenetša, bosenyi, go thwala ba leloko la gabo, taolo-mpe le tiro yeo e lego ya go sela molao goba e nyatša dikgahlego tša setšhaba. Mošomedi yo a sa latelego se, o tlo bonwa molato wa maitshwaro a mabe mošomong. (Molawana B.3 le C.4.10 wa Kgaolo ya 2 ya Melawana ya Tirelo ya Setšhaba, 2001 (Public Service Regulation, 2001)).
- (ii) Maikarabelo a mothwadi le mošomedi e mongwe le e mongwe a go tšweletša bosenyi le maitshwaro ao a sa nyakegego mošomong le ona a thekga Molao wa Tšhireletšo ya Ditšweletšo, 2000 (Matseno)

HANDLEIDING
VIR
DIE DEPARTEMENT VAN STAATSDIENS EN
ADMINISTRASIE

ingevolge
artikel 14 van
die Wet op die Bevordering van Toegang tot Inligting, 2000
(Wet No. 2 van 2000)

INHOUDSOPGAWE

1. Funksies van die Department van Staatsdiens en Administrasie (DSDA)
2. Struktuur van die DSDA
3. Kontakbesonderhede van die inligtingsbeampte
4. Gids van die Suid-Afrikaanse Menseregtekommissie oor hoe om die Wet te gebruik
5. Rekords
- 5.1 Beskrywing van onderwerpe waaroor die DSDA rekords aanhou en rekordskategorieë soos gehou oor elke onderwerp
- 5.2 Automaties-beskikbare rekords
- 5.3 Versoekprosedure
6. Dienste aan die publiek beskikbaar
7. Reëlins wat betrokkenheid in beleidsformulering en pligsuitvoering toelaat
8. Regsmiddels beskikbaar ten opsigte van handeling of versuime om te handel

1. FUNKSIES VAN DIE DEPARTEMENT VAN STAATSDIENS EN ADMINISTRASIE (DSDA)

Die DSDA dien as beleidsraadgewer vir die Minister vir die Staatsdiens en Administrasie (MSDA) ten opsigte van sake wat verband hou met die staatsdiens ingevolge grondwetlike en ander wetgewende magtiging. Verder staan die DSDA die Minister by in die toesig oor die Staatsinligtingstegnologie-agentskap (SITA) en die Sentrum vir Staatsdiensinnovasie (SSDI).

Grondwetlike en ander wetgewende magtiging: Hoofstuk 10 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), handel oor openbare administrasiesake. Artikel 197 bevat spesifieke vereistes vir die staatsdiens, insluitend vereistes vir

- 'n staatsdiens wat ingevolge nasionale wetgewing moet funksioneer en gestruktureer moet word;
- bedinge en voorwaardes van indienseming wat deur nasionale wetgewing gereël word; en
- 'n raamwerk van eenvormige norme en standaarde waarbinne provinsiale regerings hul verantwoordelikhede teenoor hul staatsdienswerknemers moet nakom.

Die nasionale wetgewing asook die raamwerk van norme en standaarde waarvoor die Grondwet voorsiening maak is ingestel ingevolge die Staatsdienswet, 1994 (uitgevaardig ingevolge Proklamasie 103 van 1994). Hierdie Wet reël die bevoegdhede en pligte van die Minister vir die Staatsdiens en Administrasie. Kortliks vertrou die wet die Minister toe met die bevoegdhede en pligte om-

- beleid rakende funksies, organisatoriese reëlings, indiensnemingsgebruike, salarisse en ander diensvoorwaardes, arbeidsverhoudinge, inligtingsbestuur, inligtingstegnologie, transformasie en hervorming te maak;
- 'n raamwerk van norme en standaarde daar te stel ten einde aan beleid, gevolg te gee;
- funksies aan departemente toe te ken;
- die President en uitvoeringsgesagte oor aangeleenthede rakende die staatsdiens asook liggame wat hul befondsing van staatsinkomste verkry, te adviseer; en
- regulasie uit te vaardig.

Staatsinligtingstegnologieagentskap: Buiten die staatsdienssake waarna hierbo verwys word, sluit die Minister se bevoegdhede en pligte ook die Staatsinligtingstegnologie-agentskap (SITA) in. SITA is geskep ingevolge die Wet op die Staatsinligtingstegnologie-agentskap, 1998 (Wet No. 88 van 1998). SITA verskaf inligtingstegnologie, inligtingsstelsels en verwante dienste in 'n instandhoudende inligtingsekuriteitsomgewing aan die staatsdiens en ander staatsorgane. Die bestuur van SITA is die verantwoordelikheid van die 'n direksie. Die direksie tree op volgens aanvaarde bestuursbeginsels asook die aanspreeklikheidsreëlings van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999). Die Direkteur-Generaal van die DSDA dien as sy verteenwoordiger op SITA se direksie.

Sentrum vir Staatsdiensinnovasie: Die Sentrum vir Staatsdiensinnovasie (SSDI) is geskep as 'n artikel 21 maatskappy om as instaatsteller, fasiliteerder en kampvegter van innoverende idees te dien. Dit vereis die skepping van 'n omgewing wat die ontwikkeling en beloning van nuwe idees bewerkstellig, die fasilitering van verbintenisse tussen verskeie belanghebbendes, ten einde volhoubare en wedersyds voordelige vennootskappe en voorstaan van die waarde

van, en die noodsaaklikheid vir, innovasie binne die staatsdiens, daar te stel. Die Sentrum se direksie is aanspreeklik aan die Minister vir die Staatsdiens en Administrasie.

2. STRUKTUUR VAN DIE DSDA

Die DSDA is gestruktureerd ten einde die bogenoemde mandaat uit te voer. Daar is vier hoofdivisies of -vertakkings in die Department: Geïntegreerde Menslike Hulpbronne, Diensleweringverbetering, die Kantoor van die Regeringshoofinligtingsbeampte en Korporatiewe Bestuur.

Geïntegreerde Menslike Hulpbronne bevat Menslike Hulpbronbestuur, Menslike Hulpbronontwikkeling, Vergoeding en Diensvoorwaardes en Onderhandelinge en Arbeidsverhoudinge. Diensleweringverbetering sluit in die Regering se Interne Konsultasiedienste, wat bystand aan departemente bied, die Projekfasiliterings- en Kliëntedienseenheid, wat toesig hou oor skenkings-gefinansieerde ondersteuningsprogramme, en Opvoedkunde- en Kennisbestuur.

Die Kantoor van die Regeringshoofinligtingsbeampte sluit in afdelings belas met elektroniese regeringsbeleid, elektroniese regeringsprojekte, 'n Sekretariaat vir die Regering se IT Beampteraad (bekend as "GITO Council") asook SITA Oorsig. Die Korporatiewe bestuursdivisie sluit afdelings belas met Mensebestuur, Menslike en Organisasie-ontwikkeling, Finansiële Bestuur en Administrasie, Logistiek en Inligtingstegnologie en Kennisbestuur in.

Benewens die vier hoofdivisies is daar ook 'n nuwe komponent genaamd Publieke Administrasie in Afrika, wat bystand verleen aan die NVAO (Nuwe Vennootskap vir Afrika Ontwikkeling), asook 'n eenheid wat Teen-korrupsie en Hoë-profiel Dissiplinêresake oorsien. Die Ministerie word bedien deur 'n Kommunikasie en Ministeriële Bystandseenheid, terwyl die Direkteur-Generaal bygestaan word deur die Kantoor van die Direkteur-Generaal. Regsdienste en die Interne Ouditeursafdeling rapporteer ook aan die Direkteur-Generaal.

3. KONTAKBESONDERHEDE VAN DIE INLIGTINGSBEAMPTTE

Die Direkteur-Generaal van die DSDA dien as Inligtingsbeampte ingevolge die Wet op die Bevordering van Toegang tot Inligting. Geen adjunk-inligtingsbeampte is vir die DSDA aangewys nie.

Posadres: Privaatsak X916
 PRETORIA
 0001

Straatadres: Batho Pele Huis
 H/v Van der Walt- en Vermeulenstrate
 PRETORIA

Telefoon: 012-314 7552
Faks: 012-321 6946

E-pos adres: dgsec@dpsa.gov.za

4. GIDS VAN DIE SUID-AFRIKAANSE MENSEREGTEKOMMISSIE OOR HOE OM DIE WET TE GEBRUIK

Die gids vir die gebruik van die Wet op die Bevordering van Toegang tot Inligting, 2000, sal nie later nie as Augustus 2003 by die Suid-Afrikaanse Menseregtekommissie beskikbaar wees. Navrae kan gedoen word by:

Suid-Afrikaanse Menseregtekommissie:
PAIA Eenheid
Navorsing en Dokumentasiedepartement

Posadres: Privaatsak 2700
 Houghton
 2041

Telefoon: 011-484 8300
Faks: 011-484 1360
Webblad: www.sahrc.org.za
E-pos: PAIA@sahrc.org.za

5. REKORDS

5.1 BESKRYWING VAN ONDERWERPE WAAROM DIE DSDA REKORDS HOU EN REKORDSKATEGORIEË SOOS GEHOU OOR ELKE ONDERWERP

Ten einde navrae ingevolge die Wet te fasiliteer, word die onderwerpe waarvoor die DSDA rekords hou en die kategorieë van rekords gehou oor elke onderwerp soos volg geklassifiseer:

A. GEÏNTEGREERDE MENSLIKE HULPBRONNE

- (a) Sake Rakende alle Komponente van die Afdeling
- (b) Senior Bestuursdiens
- (c) Indiensnemingspraktyke
- (d) Vaardigheidsontwikkeling/Vermoëbou
- (e) Opleidingstrategie
- (f) Diensvoorwaardes
- (g) Vergoedingsbeleid en Kompensasiebestuur
- (h) Werksevaluering
- (i) Onderhandelinge
- (j) Arbeidsverhoudinge

B. DIENSLEWERINGSVERBETERING

- (a) Sake Rakende alle Komponente van die Afdeling
- (b) Projekfasilitering en Kliëntedienste
- (c) Opvoeding en Kennisbestuur
- (d) Interne Regeringskonsultasiedienste

C. REGERINGSHOOFINLIGTINGSBEAMPTEN EN STAATSDIENSINLIGTINGS-EENHEID

- (a) Sake Rakende alle Komponente van die Afdeling
- (b) Kantoor van die Regeringshoofinligtingsbeampte
- (c) Staatsdiens Inligtings-eenheid

D. TEEN-KORRUPSIE EN HOË-PROFIELSAKE, REGSDIENSTE, INTERNE OUDITERING EN KOMMUNIKASIE EN MINISTERIËLE BYSTAND

- (a) Teenkorrupsie en Hoë-Profielsake
- (b) Regsdienste
- (c) Interne Ouditering
- (d) Kommunikasie en Ministeriële Bystand

E. KORPORATIEWE BESTUURSDIENSTE

- (a) Finansies
- (b) Logistiek
- (c) Inligtingstechnologie- en Kennisbestuur
- (d) Menslike Bestuurskunde en Ontwikkeling

5.2 AUTOMATIES-BESKIKBARE REKORDS

Geen kennisgewing is nog sover gepubliseer in verband met daardie kategorieë van die DSDA se rekords beskikbaar sonder dat toegang in terme van die Wet op die Bevordering van Toegang tot Inligging versoek hoef te word nie. Die rekords op die DSDA se webblad, www.dpsa.gov.za is egter beskikbaar vir besigtiging of aftrekking sonder dat 'n persoon so 'n versoek ingevolge die vermeldde Wet hoef te rig nie.

5.3 VERSOEKPROSEDURE

(a) *Toestaan of weiering van 'n versoek:* 'n Versoeker moet toegang tot 'n openbare liggaam se rekords gegee word indien hy/sy aan die volgende vereistes voldoen:

- Die versoeker voldoen aan alle prosessuele vereistes in die Wet met betrekking tot 'n versoek tot toegang vir daardie rekord; en
- Toegang tot die rekord word nie geweier vir enige grond vir weiering soos in die Wet uiteengesit nie.

(b) *Hoe versoek ek toegang tot 'n rekord:*

- 'n Versoeker moet die vorm gebruik (Vorm A) soos gedruk in die Staatskoerant (Goewermentskennisgewing R187 van 15 Februarie 2002).
- Die versoeker moet ook aandui of die versoeker 'n kopie van die rekord wil hê of die rekord by die kantore van die openbare liggaam wil besigtig. Indien die rekord nie 'n papierdokument is nie kan dit, waar moontlik, in die gevraagde vorm besigtig word.
- Indien toegang in 'n spesifieke vorm versoek word (b.v. 'n papier kopie, elektroniese kopie, ens.) moet die versoeker toegang in daardie vorm gegee word. Dit is buiten gevalle waar bogenoemde toegang tot 'n onredelike mate die werking van die betrokke openbare liggaam sal hinder, of die rekord sal beskadig, of 'n kopiereg wat nie deur die staat besit word nie, sal oortree. Indien om praktiese redes toegang nie in die gevraagde formaat gegee kan word nie maar wel in 'n ander vorm, moet die fooie

bereken word volgens die formaat waarin die versoeker oorspronklik daarvoor gevra het.

- Indien die versoeker van die uitkoms van die versoek in kennis gestel wil word op 'n wyse buiten 'n geskrewe antwoord, b.v. per telefoon, moet dit so aangedui word.
- Indien 'n versoeker vir iemand anders inligting probeer bekom moet die hoedaningheid waarin die versoek gemaak word aangedui word.
- Indien die versoeker nie kan lees of skryf nie, of gestremd is, kan die versoek mondeliks gerig word. Die inligtingsbeampte moet dan die vorm namens die versoeker invul en vir hom/haar 'n kopie van die ingevulde vorm gee.

(c) Fooie vir versoeke en inkennisstelling van besluite oor toegang

- 'n Versoeker wat toegang soek tot 'n rekord wat persoonlike inligting oor hom-/haarself bevat, hoef nie die versoekfooie te betaal nie. Alle ander versoekers moet die R35 versoekfooie betaal.
- Die inligtingsbeampte moet alle versoekers (buiten persoonlike versoekers) deur middel van 'n kennisgewing daarvan in kennis stel dat die voorgeskrewe versoekfooie (indien enige) en die deposito (indien enige) betaal moet word voordat die versoek geproseseer word.
- Die versoeker het die reg om, waar paslik, intern te appelleer of 'n aansoek aan die hof te rig teen die betaling van 'n fooie.
- Nadat die inligtingsbeampte 'n besluit geneem het oor die versoek, moet die versoeker daarvan in kennis gestel word op die wyse waarop hy/sy aangedui het.
- Indien die versoek toegestaan is moet 'n verdere toegangfooie betaal word vir duplisering, opsporing en voorbereiding, asook vir bykomende tyd buite voorgeskrewe ure wat benodig mag word vir opsporing en voorbereiding van die rekord vir openbaarmaking.
- Toegang tot 'n rekord sal nie toegestaan word totdat alle toepaslike fooie betaal is nie.

6. DIENSTE AAN DIE PUBLIEK BESKIKBAAR

Die funksies van die DSDA soos uiteengesit in paragraaf 1 is van so aard dat sy kliënte ander regeringsdepartemente is, en dit lewer nie dienste wat aan die publiek beskikbaar is nie. Sekere demografiese inligting oor die staatsdiens (b.v. die omvang van die staatsdiens en die aantal werknemers per departement) kan egter bekom word van die DSDA se Staatsdiensinligtings-eenheid by die volgende e-pos adres: psiu@dpsa.gov.za

7. REËLINGS WAT BETROKKENHEID IN DIE FORMULEERING VAN BELEID EN PLIGSUITVOERING TOELAAT

Beleid en wetgewing: Wanneer die DSDA nuwe beleid of wetgewing voorstel, pleeg dit oorleg met alle belanghebbendes deur kommentaar aan te vra by wyse van gepubliseerde dokumente en/of werksinkels/konferensies. Die deelname-proses verskil afhangende van die tipe projek en word gewoonlik voor die aanvang daarvan of agterna bekend gemaak.

Administratiewe optrede: In gevalle waar administratiewe optrede 'n materiële en negatiewe uitwerking het op-

- die regte of regmatige verwagtinge van enige persoon; of
- die regte van die publiek,

sal die voorskrifte vir prosessuele regverdige administratiewe optrede gevolg word soos uiteengesit in die voorskrifte van die Wet op die Bevordering van die Administratiewe Geregtigheid, 2000 (Wet No. 3 van 2000; veral artikels 4 en 5).

Diensvoorwaardes van staatsdienswerknemers: Die diensvoorwaardes en ander sake van wedersydse belang van staatsdienswerknemers word onderhandel by bedingingsrade soos geskep volgens die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995). Vakbonde wat 'n voorafbepaalde aantal staatsdienswerknemers verteenwoordig mag deel uitmaak van so 'n bedingingsraad. Die Koördinerende Staatsdiens Bedingingsraad is die liggaam waarby onder meer alle diensvoorwaardes wat eenvormig betrekking het op alle staatsdienswerknemers onderhandel word. Die volgende Sektorale Bedingingsrade bestaan huidiglik:

- Algemene Sektorale Bedingingsraad vir die Staatsdiens
- Raad op Arbeidsverhoudinge in die Onderwys
- Sektorale Bedingingsraad vir Openbare Gesondheid en Welsyn
- Sektorale Bedingingsraad vir Veiligheid en Sekuriteit

8. REGSMIDDELS BESKIKBAAR TEN OPSIGTE VAN HANDELINGE OF VERSUIME OM TE HANDEL

Die volgende prosedures bestaan ten einde persone toe te laat om beweerde onreëlmatige, onbehoorlike of onwettige amptelike handeling of versuime deur die DSDA of enige van sy werknemers aan te meld of reg te stel:

(a) *Prosedures vir aanmelding of regstelling*

- (i) Regstelling van handeling of versuime ingevolge die Wet op die Bevordering van Toegang tot Inligting: Die interne appèlowerheid vir die doeleindes van hierdie Wet is die Minister vir die Staatsdiens en Administrasie (artikels 74 – 77). Nadat die interne appèlremedie sonder sukses uitgeoefen is, kan 'n aansoek by 'n hof ingedien word (artikels 78 – 82).
- (ii) 'n Staatsdienswerknemer mag 'n grief of klag lê vir ondersoeking deur die Staatsdienskommissie betreffende amptelike handeling of versuime (artikel 35 van die Staatsdienswet, 1994).
- (iii) 'n Persoon mag hom wend tot arbeidsregstellingsmaatreëls in gevalle van handeling of versuime van 'n arbeidsverwante aard, naamlik regte-dispute (die Staatsdienswet, 1994, en die Wet op Arbeidsverhoudinge, 1995).
- (iv) 'n Persoon mag 'n klag indien by 'n arbeidsinspekteur vir enige beweerde oortreding van die Wet op Basiese Indiënnemingsvoorwaardes, 1997 (Wet No. 75 van 1997 – artikel 78(1)(a)), of die Wet op Indiënnemingsgelykheid, 1998 (Wet No. 55 van 1998 – artikel 34(e); "Employment Equity Act").
- (v) 'n Persoon mag 'n klag indien by die Openbare Beskermer betreffende 'n verdagte, onwettige of onbehoorlike amptelike handeling of versuim (Wet op die Openbare Beskermer, 1994 (Wet No. 23 van 1994)).
- (vi) 'n Persoon mag 'n klag indien by die Suid-Afrikaanse Menseregtekommissie vir 'n amptelike handeling of versuim waarvan verdink word dat dit 'n skending van of 'n bedreiging tot enige fundamentele regte is (Wet op die Menseregtekommissie, 1994 (Wet No. 54 van 1994)).
- (vii) Ten einde beskerm te word teen vergelding as gevolg van die openbaarmaking van onwettige of onreëlmatige optrede deur 'n werkgewer of 'n mede-

werknemer, kan die betrokke persoon die openbaarmakingsprosedure volg soos uiteengesit in die Wet op Beskernde Openbaarmakings, 2000 (Wet No. 26 van 2000).

- (viii) Die gebruik van ander regsmaatreëls soos die instelling van prosedures vir 'n geregtelike hersiening van administratiewe optrede ingevolge die Wet op die Bevordering van Administratiewe Geregtigheid, 2000 (Wet No. 3 van 2000).

(b) Ander bystaansmaatreëls:

- (i) 'n Persoon kan redes vir administratiewe optrede ingevolge die Wet op die Bevordering van Administratiewe Geregtigheid, 2000 (artikel 5), versoek.
- (ii) 'n Persoon kan toegang tot die rekords van 'n staatsdepartement of ander openbare liggaam ingevolge die Wet op die Bevordering van Toegang tot Inligting, 2000 (artikel 11), versoek.

(c) Aanmeldingsplig:

- (i) 'n Staatsdienswerknemer, in die uitvoering van sy of haar amptelike pligte, is verplig ingevolge die bepalings van die Gedragskode vir staatsdienswerknemers om bedrog, korrupsie, nepotisme, wanadministrasie en enige ander optrede wat 'n misdryf daarstel of wat nadelig vir die openbare belang is, aan die toepaslike owerheid te rapporteer. 'n Staatsdienswerknemer wat nalaat om hieraan gehoor te gee is skuldig aan wangedrag. (Regulasie B.3 en C.4.10 van Hoofstuk 2 van die Staatsdiensregulasies, 2001).
- (ii) Die verantwoordelikheid van elke werkgewer en werknemer om kriminele en enige ander onreëlmatige gedrag in die werkplek aan te meld dien ook as basis vir die Wet op Beskernde Openbaarmakings, 2000 (Aanhef).

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504

Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737

Kaapstad-tak: Tel: (021) 465-7531