



MANUAL ON THE PROMOTION OF
ACCESS TO INFORMATION
FOR LIMPOPO

DEPARTMENT OF AGRICULTURE

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

MANUAL PREPARED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

TABLE OF CONTENTS

CONTENT	PAGE	
Section 1	Introduction	1
Section 2	Definitions	2
Section 3	Guide of South African Human Rights Commission on how to use the Act	3
Section 4	Organogram, functions and structure	4
Section 4.1	Organogram	4
Section 4.2	Functions of Limpopo Department of Agriculture (LDA)	4
Section 4.3	Structure of the LDA	6
Section 4.4	Contact details of information officer and deputy information officers	7
Section 5	Records	8
Section 5.1	Automatic Disclosures	8
Section 5.2	Records that may be requested	8
Section 5.3	Request procedure	9
Section 5.4	Redress for failure to act	11
Section 6	Services available to the public	12
Section 7	Arrangement allowing involvement in the formulation of policy and performance of functions	12
Section 8	Remedies where requests for access to information are refused	13
Annexure A	Request form	15-19

INTRODUCTION

THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 PRESCRIBES THAT A PUBLIC BODY MUST PROVIDE DETAILS OF RECORDS HELD BY SUCH PUBLIC BODY SO THAT ANY REQUEST FOR INFORMATION MAY BE ACCOMMODATED.

THE DETAILS OF THE RECORDS KEPT BY A PUBLIC BODY IS CONTAINED IN A BOOK, WHICH IS CALLED A MANUAL. THE MANUAL THEREFORE RELATES TO THE RECORDS KEPT BY THE PUBLIC BODY. THE RECORDS KEPT PERTAINS TO THE BUSINESS/ FUNCTIONS OF EACH AND EVERY BUSINESS UNIT TO DISTINGUISH BETWEEN THE BUSINESS/ FUNCTIONS OF EACH UNIT, THE RECORDS FOR EACH UNIT ARE NUMBERED DIFFERENTLY. EACH RECORD ALSO CARRIES A DISPOSAL INSTRUCTION.

APART FROM RECORDS (FILES), THE MANUAL ALSO CONTAINS INFORMATION ON THE ADDRESSES OF THE HEAD OF THE PUBLIC BODY, IT'S CORE FUNCTIONS AS WELL AS LIST OF ALL RECORDS KEPT BY PUBLIC BODY.

DEFINITIONS

The following words and abbreviations will bear the following meaning in this manual:

'Branches'	means branches forming all eight of the structures of LDA
'Deputy Information Officer'	means the Head of Department of the LDA
'District Deputy Information Officer'	means the Senior Managers in the Districts
'HOD'	is the Head of Department in the Limpopo Department of Agriculture
'Information Officer'	means the Director General of the Premier- Limpopo
'LDA'	means the Limpopo- Department of Agriculture
'MEC'	is the Member of Executive Council responsible for the Limpopo Provincial Department of Agriculture
'the act'	means the Promotion of Access to Information Act, no. 2 of 2000, together with regulations published in terms thereof;
'the manual'	means this manual together with all annexures thereto, available at the offices of LDA
'Records'	the records as defined in section 1 of the Act
'SAHRC'	means the South African Human Rights Commission

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, is available at the Limpopo- Department of Agriculture and from the South African Human Rights Commission. Any queries regarding this guide should be directed to:

Postal Address: The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041

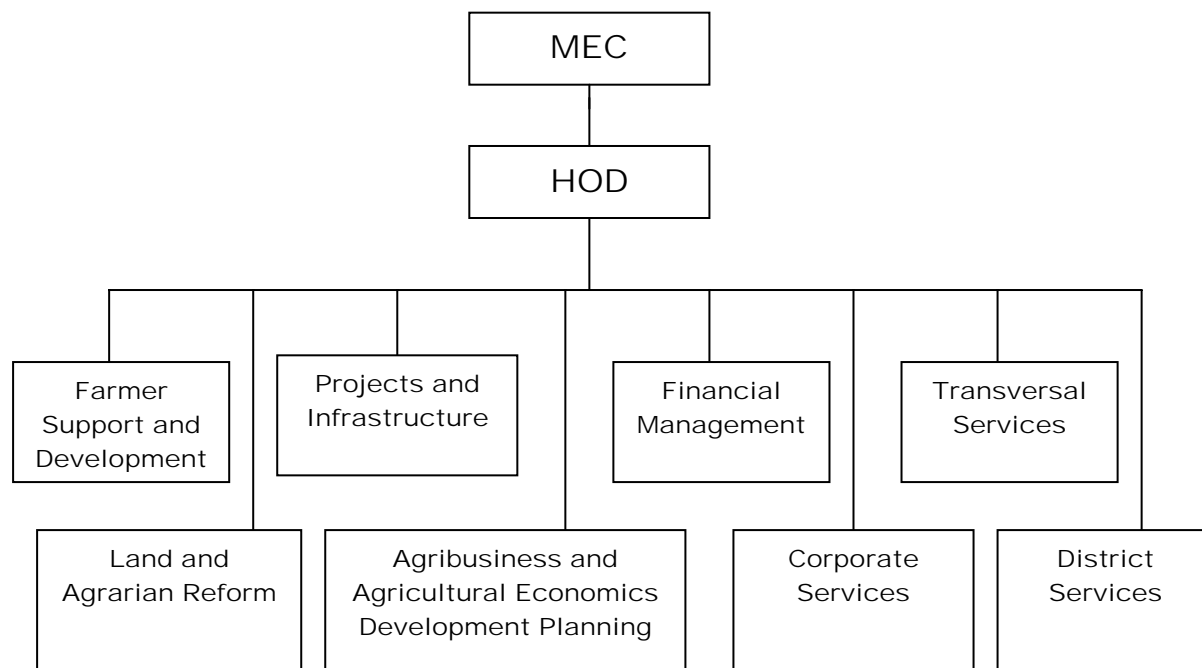
Physical Address: PAIA Unit
The Research and Documentation department
29 Princess of Wales Terrace
Parktown
Johannesburg

Website: www.sahrc.org.za

E-mail : PAIA@sahrc.org.za

ORGANOGRAM, FUNCTIONS AND STRUCTURE

4.1 Organogram



4.2 FUNCTIONS OF LIMPOPO DEPARTMENT OF AGRICULTURE (LDA)

BRANCH: FARMER SUPPORT AND DEVELOPMENT SERVICES

Sub-branch : Food Security and Rural Development
 Function : Coordinate food security and rural development services.

Sub-branch : Agricultural Research services
 Function : Provide agricultural research services.

Sub-branch : Animal Health
 Function : Manage veterinary services.

Sub-branch : Animal Production
 Function : Manage animal production services.

Sub-branch : Crop production
 Function : Provide crop advisory services

BRANCH: LAND AND AGRARIAN REFORM

Sub-branch : Restitution Systems and Support
 Function : Provide pre and post settlement support
 : Support for sustainable land restitution projects

Sub-branch : Redistribution and Land Management Systems
Function : Provide land redistribution facilitation, farmer settlement and state land administration

BRANCH: PROJECTS AND INFRASTRUCTURE

Sub-branch : Agricultural Engineering
Function : Manage agricultural engineering services

Sub-branch : Project management support and GIS
Function : Facilitate project planning support services.

Sub branch : Land Care Facilitation
Function : Facilitate agricultural land use planning, land care and conservation services.

BRANCH: AGRIBUSINESS AND AGRICULTURAL ECONOMIC DEVELOPMENT PLANNING

Sub-branch : Agribusiness Development
Function : Provide integrated agribusiness services

Sub-branch : Agriplanning Development
Function : Provide agricultural development planning services

BRANCH: FINANCIAL MANAGEMENT

Sub-branch : Budget, Revenue and Systems Management
Function : Manage budget, revenue, systems and compliance services

Sub-branch : Expenditure and Compliance
Function : Manage expenditure and compliance services

Sub-branch : Supply Chain Management
Function : Manage procurement and assets.

BRANCH: TRANSVERSAL SERVICES

Sub-branch : Communication and Liaison
Function : Provide communication and liaison services

Sub-branch : Legal Services
Function : Provide legal support services

Sub-branch : Government Information Technology Services
Function : Manage departmental information services

Division : Security and Risk Management
Function : Manage security and risk management services

BRANCH: CORPORATE SERVICES

Sub-branch : Human Resource Development
Function : Co-ordinate and facilitate human resource development

Sub-branch : Human resource Management
Function : Provide and manage human resources

Sub-branch : Labour Relations
Function : provide labour relations services.

Sub-branch : Transformation Services
Function : Provision of transformation services.

Sub-branch : Logistics
Function : Provide logistical services

BRANCH: DISTRICT SERVICES

Sub-branch : Extension services
Function : Manage extension services

Districts : Mopani, Sehukhune, Vhembe, Waterberg, Capricorn and Bohlabela
Function : Manage district services

4.3 THE STRUCTURE

The structure of the Department is set out in section 4.1 of the organogram. Looking at the organogram it can be seen that the MEC for Agriculture is the Executive Authority with the HOD as the Head of administration as well as the Accounting Officer.

4.4 CONTACT DETAILS

The Director-General in the Office of the Premier (Limpopo) is the Information Officer in terms of the Promotion of Access to Information Act.

Postal address : Private Bag X9483
POLOKWANE
0700

Physical Address: 40 Hans Van Rensburg
Polokwane
0700
Telephone: 015-287 6079
Fax: 015-287 3427
Email address: manzinin@premier.norprov.gov.za

DEPUTY INFORMATION OFFICER

Deputy information officers have been designated in terms of section 17(3) of the Act for LDA and their contact details are as follows:

Head of Department: Mr. MBJ Maloa
Limpopo Department of Agriculture
Private Bag X9487
Polokwane
Tel No. : 015 295 7090
Facsimile: 015 2953737
Email address: maloab@agricho.norprov.gov.za

The Records Manage: Mr. Netshifhire ND
Limpopo Department of Agriculture
Private Bag X9487
Polokwane
Tel No. : 015 295 7090
Facsimile: 015 2953737
Email address: netshifhirend@agricho.norprov.gov.za

The Records Manager: Mr. Khosa T.K
Limpopo Department of Agriculture
Private Bag X9487
Polokwane
Tel No. : 015 295 7090
Facsimile: 015 2953737
Email address: khozatk@agricho.norprov.gov.za

Physical Address: 69 Biccard Street
Polokwane
0700

District Deputy Information Officers

Senior Manager: Mr. M B Mboweni
Bohlabela District
Private BagX1321
THULAMAHASHE
1635
Tel: 013 773 0336
Fax: 013 773 1632
Email address: mbowenimb@agricho.norprov.gov.za
Physical Address: Thulamahashe

Senior Manager: Ms. E M Kganyago
Capricorn District
Private Bag X 28
CHUNIESPOORT
0745
Tel: 015 632 6652
Fax: 015 632 4590
Email address: kganyagoem@agricho.norprov.gov.za
Physical Address: Lebowakgomo

Senior Manager: Ms F.E Netshirembe
Mopani District
Private Bag X 577
GIYANI
0826
Tel: 015 812 4684
Fax: 015812 3428
Email address: netshirembefe@agricho.norprov.gov.za
Physical Address: Mopani District Office- Giyani

Senior Manager: Mr. MSJ Nowatha
Sekhukhune District
Private Bag X 01
CHUNIESPOORT
0745
Tel: 015 632 4145/6
Fax: 015 632 4387
Email address: nowathamsj@agricho.norprov.gov.za
Physical Address: Capricorn District Office - Lebowakgomo

Senior Manager: Mr. A.H Malepfane
Vhembe District
Private Bag X 2247
Sibasa
0970
Tel: 015 963 2005/6/7
Fax: 015 963 1414
Email: malepfaneah@agricho.norprov.gov.za
Physical Address: Vhembe District Office- Makwarela

Senior Manager: Ms. S. Penn
Waterberg District
P.O Box 179
MODIMOLLE
0510
Tel: 014 717 4949
Fax: 014 717 3500
Email: penns@agricho.norprov.gov.za
Physical Address: Waterberg District Office- Modimolle
NTK Building

SECTION 5

RECORDS

5.1 AUTOMATIC DISCLOSURES [SECTION 14(1)(e)]

- Publications
- Bulletins
- Pamphlets
- Journals
- Library material
- Information relating to the vision, mission and strategic objectives of the Department of Agriculture on the Provincial website www.limpopo.gov.za.

5.2 RECORDS THAT MAY BE REQUESTED [SECTION 14(1)(d)]

Employee records of individuals

- Personnel records of employees
- Files of applicants for vacant positions
- Records of interviews for vacancies
- Records of procedures relating to grievances and discipline

Policy documents

- Internal policies of the Department
- National policies either for the public sector or in some cases for the agricultural sector as a whole is related to any functional areas outlined above
- Planning documents
- The Department's strategic and operational plans
- Plans for specific initiatives in any of the functional areas of the Department
- Some planning documents relating to provinces or individual agricultural institutions

Minutes of meetings

- For the policy making and coordinating structures outlined earlier

- For working meetings held in various sections

Proceedings of workshops and seminars

- Relating to any of the functional areas of the Department

Documents relating to standards and norms

- Norms and standards for agricultural services
- Protocols and guidelines for specific areas of agricultural matters

Draft legislation

- This could relate to any area of agriculture and agricultural services, including regulations of professional matters, veterinary public health services

Financial documents

- Financial planning documents.
- Statements of accounts.
- Records of income and expenditure.
- Current accounts

Procurement records

- Tenders documents (Specifications, proposals and adjudication)
- Records of transactions

Administrative documents

- Various official forms for job applications, financial transactions, evaluation.

Correspondence

- On all matters pertaining to the Department. Increasingly this occurs in electronic format.

Research reports

- Final reports and work in progress
- The Department maintains a Library that has a range of agricultural publications.

NB: The above list may not be exhaustive.

5.3 REQUEST PROCEDURE

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 procedural requirements in the Act relating to the request to access to that record and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

Application process

Step 1: the Request

When a person wishes to access information held by LDA, such a person must make a request for access to the relevant information in the prescribed form (i.e. Form A printed in the Government Gazette (Government Notice R187 of 15 February 2002). This form is available on the government website or may be obtained upon request from the deputy information officers using contact details indicated in section 4.

The completed request form may be submitted in anyone of the following ways:

- By hand: The Information Officer

Department of Agriculture
69 Biccard Street
Polokwane
0700

- By Post - refer to section 4
- By Facsimile - refer to section 4.

Step 2: Validation and acknowledgement

The deputy information officer receives and validates the request to ensure that the required information is available within LDA. The request is then accepted, rejected or transferred to the relevant organization / Department of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

Step 3: Information processing

If the request is accepted, LDA will gather and prepare the information and calculate the relevant cost involved. The cost is calculated in terms of paragraph 5.2.

Step 4: Final Notification

The requester will be informed of the completion of the request as well as the outstanding fees payable to the Department.

Step 5: Payment and Delivery

Once the payment as stipulated in Step 4 has been received (including the payment process in step 1), the information is released to the requester.

General Information

The form must be completed in detail to at least enable information officers to identify the record or records requested, the identity of the requester, which form of access is required, if the requester is granted and contact details of the requester. LDA will process the request within 30 days. LDA will notify the requester in writing should an extension be sought.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the deputy Information officer. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The requester must pay the prescribed fee, before any processing can take place.

Fees

- | | | |
|-----|--|--------|
| (a) | For every photocopy of an A4-size page or part thereof ... | R 0,60 |
|-----|--|--------|

(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0,40
(c)	For a copy in a computer-readable form on –	
	(i) stiffy disc	R 5,00
	(ii) compact disc	R40,00
(d)	(i) For a transcription of visuals images, for an A4-size page or part thereof	R22,00
	(ii) For a copy of visual images	R60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R12,00
	(ii) For a copy of an audio record	R17,00

The Act provides for two types of fees:

- A request fee, which is a standard fee and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost as well as postal costs

When the request is received by the deputy information officer, such officer shall by notice require the requester, other than the personal requester, to pay the prescribed fee (if any), before further processing of the request.

If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for the purpose, the Deputy Information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted. The Deputy Information Officer shall withhold a record until the requester has paid the relevant fees as indicated above.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonable required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangement to make it available in the requested form. If a deposit has been paid in respect of a request for access, which is refused, then the deputy information officer concerned must repay the deposit to the requester.

5.4 REDRESS FOR FAILURE TO ACT.

In general, failures by officials to act in terms of their responsibilities may be reported to the relevant manager.

In respect of the Promotion of Access to Information Act, a failure to respond to request to the record within 30 days can be regard as equivalent to refusal to grant access to the document.

In this instance, the requester would be able to lodge an appeal in writing with the MEC for Agriculture. A special form is available for such an appeal.

The contact details for the MEC are as follows:

Postal address: Private Bag X9487
POLOKWANE
0700

Tel : 015 295 7090
Fax : 015 295 7046

SECTION 6

6 SERVICES AVAILABLE TO THE PUBLIC

The services available to members of the public from the LDA are listed below:

- Agricultural education training sponsorships
- Farmer selection and farmer settlement
- Research, technology development and transfer
- Agricultural commodity market access facilitation
- Value adding and processing facilities
- Agricultural risk management
- Natural resource conservation and management
- Agricultural infrastructure and engineering services
- Advisory agricultural support services

SECTION 7

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

The Department of Agriculture is an integral part of the South African Public Service established in terms of section 197 of the Constitution and read with section 7 (1) and 7 (2) of the Public Services Act of 1994. The Department derives its core mandate from the provisions of schedules 4 and 5 of the Constitution of the Republic of South Africa and in accordance with section 104 (1) b of the Constitution.

As a concurrent national and provincial legislative competency listed in schedule 4 of the Constitution, the Department of Agriculture, as part of the system of concurrent governance, derives its administrative mandate from both National Parliament and Provincial Legislature. The Department of Agriculture's mandate is currently vested mainly in the following core and related statutes:

Core statutes:

- Veterinary Acts
- Plant and Crop related Legislation
- Land and Land Reform Legislation
- Land Care Related Legislation
- Resource Conservation Act
- National Environment Management Act

- Meat Safety Act
- National White Paper on Agriculture
- Animal Diseases Act

Related Statutes:

- Administrative legislation
- Recruitment policies
- Conditions of Services
- Public Service Act and Regulations
- Public Finance management Act and Treasury Regulations
- Supply Chain Management Framework
- Preferential Procurement policy framework Act
- Black Economic Empowerment Act
- Promotion of Access to Information Act
- SITA Act
- Electronic Communications and Transaction Act
- Administrative of justice Act

SECTION 8

8. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful official acts or omissions by the LDA 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 MEC for the Department of agriculture (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.4.103 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).

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 2]

FOR DEPARTMENTAL USE	
	Reference number:
Request received by _____	(state
rank, name and surname of information officer/deputy information officer) on	
(date) at _____	(place).
Request fee (if any): R.....	
Deposit (if any): R.....	
Access fee: R.....	
	SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

_____ Fax number:

Telephone number: _____ E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason therefor.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
-------------	-----------------------------------

Mark the appropriate box with an "X".

NOTES:

- (a) Your indication as to the required form of access depends on the form in which the record is available.*
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

1. If the record is in written or printed form -

	copy of record*		inspection of record
--	-----------------	--	----------------------

2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	view the images		copy of the images*		transcription of the images*
--	-----------------	--	---------------------	--	------------------------------

3. If record consists of recorded words or information which can be reproduced in sound -

	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
--	--	--	---

4. If record is held on computer or in an electronic or machine-readable form -						
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.					YES	NO
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>						
In which language would you prefer the record?						

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF THE REQUEST IS MADE

