

DEPARTMENT OF WATER AND SANITATION

NO. R. 792

01 JULY 2016

**PROMOTION OF ACCESS TO
INFORMATION MANUAL**

**COMPILED IN COMPLIANCE WITH
SECTION 14 OF THE PROMOTION
OF ACCESS TO INFORMATION ACT
(ACT 2 OF 2000)**

2016

1. INTRODUCTION

This Manual has been compiled in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (the Act). The Act 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 are contained in a book which is commonly known as a manual. The manual relates to the records kept by the Public Body. The records kept pertain to the business/ functions of each and every business unit. To distinguish between the business/functions of each unit, the records of each unit are numbered differently. Each record also carries a disposal function.

Apart from records (files), the manual also contains information on the addresses of the Head of Public Body and also the name of each unit in the Public Body, its functions as well as list of all records kept by the Public Body.

The Manual also contains information of the designated Information Officer and Deputy Information Officer who are responsible for handling all the applications that are made for access to information as well as the name of each Programme and its core function and a list of all records kept by the Department of Water and Sanitation.

2. MANDATE

2.1 VISION

The vision statement of the Department is:

To provide sustainable water and dignified sanitation for all.

2.2 MISSION

The mission of the Department is:

To ensure dignity, equity, social-economic development and ecological sustainability by effectively and efficiently managing the nation's water resources and sanitation services.

2.3 VALUES

The values of the Department are:

- Respect
- Effectiveness, efficiency
- Service orientated
- Professionalism
- Ethical behaviour (Honesty, Integrity)
- Caring organisation (Learning Organisation, Innovation)
- Transparency

3. DEPARTMENT LEGISLATIVE MANDATE

The Department's legislative mandate seeks to ensure that the country's water resources are protected, managed, used, developed, conserved, and controlled through regulating and supporting the delivery of effective water supply and sanitation. This is done in accordance with the requirements of water related policies and legislation which are critical delivering on the right of access to sufficient food and water, transforming the economy and eradicating poverty.

The business of the Department is informed by the following key legislative frameworks:

- **The Constitution of the Republic of South Africa**

The Constitution sets out water resources management as a national competency. It also states that everyone has a right to an environment that is not harmful to their health or well-being and supports socially justifiable economic development.

The Constitution indicates the rights of individual to have access to basic water and sanitation and sets out the institutional framework for the provision of these services. It gives municipalities the executive authority and the right to administer the provision of water services within their areas of jurisdiction. The Constitution gives national and provincial government authority to regulate local government in terms of water services. It further gives them the obligation to support and strengthen the capacity of local government to provide services.

- **The National Water Act, 1998 (Act No. 36 of 1998)**

The National Water Act seeks to ensure that the country's water resources are protected, used, developed, conserved, managed, and controlled in a sustainable and equitable manner for the benefit of all people. This Act assigns the national government as the trustee of the water resources. Acting through the Minister, it has the power to regulate allocation, use, flow and control of all water in the Republic.

- **The Water Services Act, 1997 (Act No. 108 of 1997)**

The Water Services Act prescribes the legislative duty of municipalities as water service authorities to supply water and sanitation according to national norms and standards. In addition, it regulates Water Boards as important water service providers. This Act compels the Minister to maintain a National Water Service Information System and to monitor the performance of all water services institutions.

Currently, the provision of sanitation is governed by the Strategic Framework on Water Services (2003) and the Water Services Act. The Department's mandate is to develop Settlements on the other hand drives the sanitation policy review process which will result in the clarification of roles and responsibilities regarding sanitation.

- **Water Research Act, 1971 (Act No. 34 of 1971)**

This Act established the Water Research Commission and the Water Research Fund and thus promotes water related research. The Minister appoints members of the Water Research Commission (the Commission) and thus exercises executive oversight over the Commission.

4. SECTION 10 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC) ON HOW TO USE THE ACT

The SAHRC has in terms of section 10 of the Act compiled a guide on the use of the Act. The Section 10 guide is available at all Departmental offices and also available at the offices of SAHRC. Please direct your queries to:

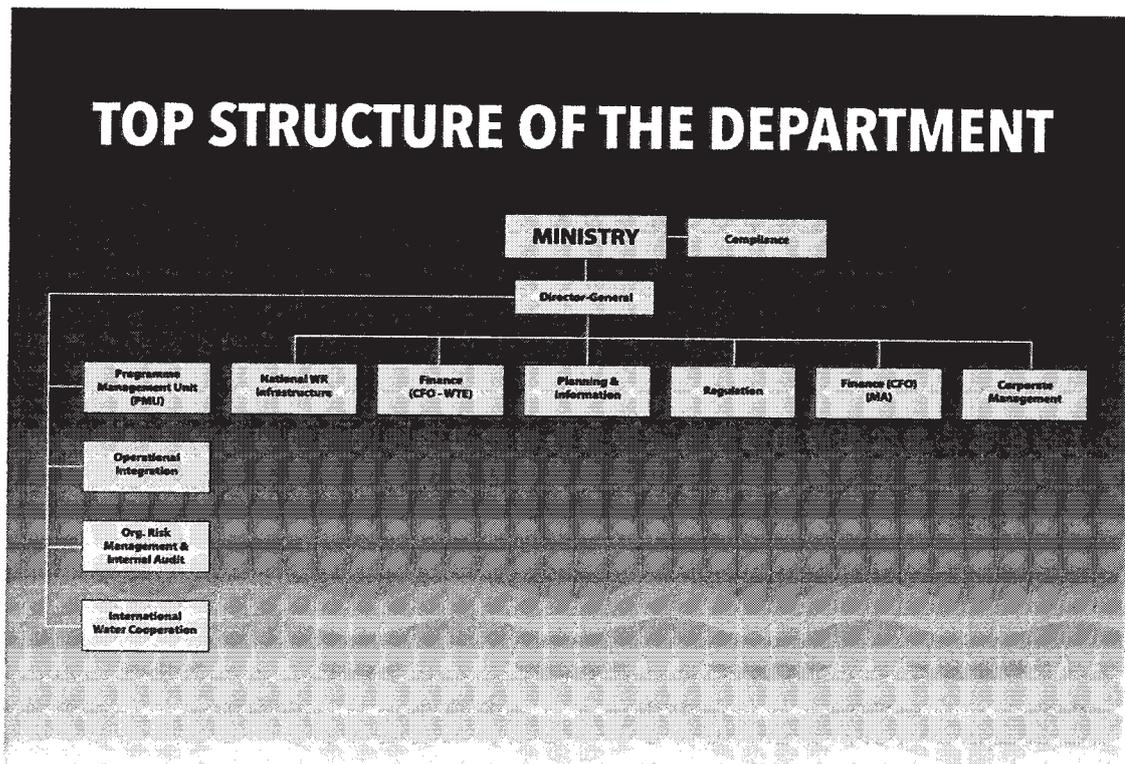
**The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag X 2700
Houghton
2014**

Telephone: 011 877 3750

Fax: 011 403 0668

Email: PAIA@sahrc.org.za

5. ORGANOGRAM OF THE DEPARTMENT



6. PROGRAMMES OF THE DEPARTMENT

Program 1: Administration

Purpose: To provide policy leadership, advice and core support services, including finance, human resources, legal, ICT and management services, communication, and corporate planning.

Program 2: Water Planning and Information Management

Purpose: To ensure that the country's water are protected, used, developed, conserved managed and controlled in a sustainable manner for the benefit of all people and the environment by developing a knowledge base and implementing effective policies, procedures and integrated planning strategies both for water resources and water services.

Program 3: Water Infrastructure Development

Purpose: To develop, rehabilitate and refurbish raw water resources and water services infrastructure to meet the socio-economic and environmental needs of South Africa.

Program 4: Water and Sanitation Services

Purpose: To develop, rehabilitate and refurbish raw water resources and water services infrastructure to meet the socio-economic and environmental needs of South Africa.

Program 5: Water Sector Regulation

Purpose: To ensure the development, implementation, monitoring and review of regulations across the water supply chain in accordance with the provisions of the National Water Act (1998) and Water Services Act (1997).

Program 6: Water Trading Entity

Purpose: Ensures the efficient management of daily financial operations, processes and systems for the infrastructure and proto-CMA components

7. REQUEST PROCEDURE

7.1 Telephonic requests:

Telephonic requests are forbidden by the Act. Any such request made to the Information Officer or Deputy Information Officer at the telephone number given in this manual will be attended to unless the Information Officer or the Deputy Inform, Form A must be filled out.

7.2 Voluntary Access in terms of section 15(1) of the Act:

Information that is automatically available meaning without having to complete **FORM A** and paying the requester's fee will be made available either at the offices of the Department or in the manner of form requested, should this be reasonable and possible. The manner of access will include:

- (a) Perusal with copying of material if needed and at the prescribed fee for copies;
- (b) Access to visual, audio-visual material with transcription, dubbing or copying or both, if required.

7.3 Section 14(1) (d) requests

A requester must be given access to a record of the Department if:

- (a) The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- (b) Access to the record is not refused on any ground of refusal mentioned in the Act.

7.4 Nature of the request

- (a) A requester must complete the form similar to the one printed in the Government Gazette (Government Notice R 187 – 15 February –FORM A) which is attached at the end of this Manual.
- (b) The requester must indicate the form or manner of access sought as prescribed by section 29 of the Act.
- (c) The Department will endeavour to give access in the form requested unless this would tamper with the smooth running of the Department.

- (d) Giving access will give due consideration to preservation of material, infringement of copyright and request or access fees as prescribed must be prescribed before a request is processed and, search and preparation fees are also payable before access is granted.
- (e) A requester, who cannot read or write or needs assistance in completing a request form, may present the request orally and the Deputy Information Officer is obliged to assist such a request.
- (f) If the Information Officer fails to take a decision on a request for records within 30 days of receipt of such request or after the expiry of an extension of 30 day period, such failure is regards as deemed refusal.

7.5 Frivolous or vexatious requests or substantial and unreasonable diversion of resources

The Information Officer may refuse a request for access to a record if:

- (a) The request is manifestly frivolous or vexatious;
- (b) The work involved in processing the request would substantially and unreasonably divert the resources of the Department.

7.6 Mandatory disclosure in the interest of the public

Despite any other provision of PAIA, the Information Officer must grant a request for access to a record if:

- (a) The disclosure of the record would reveal evidence-
- A substantial contravention of, or failure to comply with the law; or
 - An imminent and serious public safety or environmental risk; and
- (b) The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

7.7 Records that cannot be found or do not exist

If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is the Department's possession but is lost or damaged or does not exist then the Information

Officer must by way of an affidavit notify the requester that it is not possible to give access to that record.

The affidavit must give a full account of all steps taken to find the record in question or to determine whether the record exists, including communicating with every person who conducted the search on behalf of the Information Officer.

8. PAYMENT OF FEES IN TERMS OF THE REQUEST

8.1 Personal request

Anyone who seeks information pertaining to her/him is called personal requestor and is exempted from paying the requestor's fee.

8.2 Requester

The request fee payable to any public body is R35.00 as prescribed by the Regulations to the Act. In addition if any copies or transcripts are requested, those will be charged according to the fee structure as prescribed by the Regulations and the Information Officer/Deputy Information Officer may charge for the time spent on processing the request.

8.3 Payment method

Every requester who is not a personal requester must pay the required fee. The requester must deposit the request fee into the Department's bank account. The proof of the deposit slip must be forwarded to Department's Deputy Information Officer before any request can be processed. The details of the Departments' bank account are as follows:

BANK: ABSA

ACCOUNT HOLDER: DEPARTMENT OF WATER AND SANITATION

ACCOUNT NUMBER: 4049624754

BRANCH CODE: 632005

NB. It is important to note the provisions of section 22(1) of the Act to the effect that no request may be processed unless a request fee is paid.

9. REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE COMPLIED WITH

The Act provides for an internal appeal procedure in terms of section 74 and 75. The Minister is the relevant authority to review any decision taken by the Information Officer. An aggrieved party still has an opportunity to approach the courts if dissatisfied with the decision of the relevant authority.

10. RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) SECTION 15(1)(b)
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
<ul style="list-style-type: none"> • Departmental Strategic plans. • Departmental Annual Performance Plan. • Service Delivery Improvement Plan. • Service Delivery Charter • Annual Report. • Audited Financial Statements • Employment Equity Reports. • Published research report. • Approved organizational structure. • Departmental File plans. • Budgets. • Departmental Acts, Regulations, policies and procedure Manuals. • Citizens report. • Promotion of Access to Information Manual. • Service Standards. • Statement of commitment. • Departmental Events Calendar. • Minister's Budget Speech • Departmental Circulars • Staff Contact details Directory • Journals and Magazines • News Letters • Water Use License 	<p>These records may be inspected at the Department on request in writing addressed to the Deputy Information Officer, Department of Water and Sanitation</p> <p>Private Bag X 313, Pretoria 0001</p> <p>Tel: 012 336 7705</p> <p>Fax: 012 336 7231</p> <p>E-Mail Address: LoseloP@dws.gov.za or visit our website www.dws.gov.za</p>

CONTINUES ON PAGE 130 - PART 2



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 10616

Regulasiekoerant

Vol. 613

1 July
1 Julie 2016

No. 40116

PART 2 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



9 771682 584003

40116



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

<ul style="list-style-type: none"> • Water Use License Applications • Applicants' audit and compliance reports • Copies of delegated powers • Promotional materials • Batho-pele principles pamphlets • Departmental forms • Circulars of advertised posts and services 	
<ul style="list-style-type: none"> • Tender documents • Maps • CDs • Aerial Photography • Orthophotos 	<p>Records can be purchased at G17 Zwamadaka Building, 191 Francis Baard Street (Formerly Known as Schoeman Street), Pretoria.</p>
<p>FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</p>	
<ul style="list-style-type: none"> • Departmental Strategic plans. • Departmental Annual Performance Plan. • Service Delivery Improvement Plan. • Service Delivery Charter • Annual Report. • Audited Financial Statements • Employment Equity Reports. • Published research report. • Approved organizational structure. • Departmental File plans. • Departmental Acts, Regulations, policies and procedure Manuals. • Citizens report. • Promotion of Access to Information Manual. • Service Standards. • Statement of commitment. • Departmental Events Calendar. • Minister Budget Speech • Departmental Circulars • Staff Contact details Directory • Journals and Magazines 	<p>The records may be accessed on request from the Deputy Information Officer, Department of Water and Sanitation</p> <p>Private Bag X 313, Pretoria 0001</p> <p>Tel: 012 336 7705</p> <p>Fax: 012 336 7231</p> <p>E-Mail Address:</p> <p>LoseloP@dws.gov.za or visit our website</p> <p>www.dws.gov.za</p>

<ul style="list-style-type: none"> • News Letters • Promotional materials • Batho-pele principles pamphlets • Water Use License • Water Use License Applications • Applicants' audit and compliance reports • Copies of delegated powers • Promotional materials • Batho- pele principles pamphlets • Departmental forms • Circulars of advertised posts and services 	
<p>AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):</p>	
<ul style="list-style-type: none"> • Journals and magazines. • News Letters. • Promotional material. 	<p>The records may be accessed on request from the Deputy Information Officer, Department of Water and Sanitation</p> <p>Private Bag X 313, Pretoria 0001</p> <p>Tel: 012 336 7705</p> <p>Fax: 012 336 7231</p> <p>E-Mail Address:</p> <p>loseloP@dws.gov.za or visit our website</p> <p>www.dws.gov.za</p>

11. AVAILABILITY OF THE MANUAL

- 11.1 The manual shall be available in places prescribed by the Legal Deposit Act, and at the offices of the South African Human Rights Commission.
- 1.2 The Manual will also be published in the government gazette and made available on the website of Department as follows: www.dws.gov.za.

12. UPDATING THE MANUAL

The manual shall be updated every twelve months period after publication. The manual will be published in three official languages.

13. CONCLUSION

This manual provides useful information of the Department to all members of public to provide assistant in exercising the constitutionally recognized right of access to information. The manual's main purpose is to promote the culture of transparency and accountability in the Department and Republic of South Africa as whole.

In presenting this manual, the Department wishes to share information with the communities it serves by promoting the Access to Information Act, 2 of 2000 (PAIA). In implementing this constitutional mandate, the Department is expected to submit an annual report to the South African Human Rights Commission, and other Stakeholders as may be required at any time.

14. Fees for records of public body as stipulated by the current regulations to the Act

The fee for reproduction, referred to in section 15(3) of the Act is as follows:

(a)	For every photocopy of an A4-size page or part thereof:	R0.60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable	R0.,40
(c)	For a copy in a computer-readable form on:	
	(i) stiff disc	R5.00
	(ii) compact disc	R40.00
(d)	(i) For a transcription of visual 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	R12,00
	(ii) For a copy of an audio record:	R17,00
	The request fee payable by every requester, other than a personal requester, referred to in section 22(1) of the Act is:	R35.00
	The access fees payable by a requester referred to in section 22(7) of the Act, unless exempted under section 22(8) of the	

Act, are as follows:	
(a) for every fees photocopy of an A4 page or part thereof.	R0.60
(b) for every printed copy of A4-size page or part thereof held in a computer or in electronic or machine-readable format	R0.40
(i) Stiffy disk	R5.00
(i) Compact disk	R40.00
(d) For transcription of visual images-	R22.00
(i) for an A4-size page or part thereof	R60.00
(ii) for a copy of visual images	
(e) For a transaction of an audio record-	R12.00
(i)) for a copy of A4-size page or part thereof	R17.00
(ii) for a copy o an audio	
(f) To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R15.00 for each hour
(2) For purposes of section 22(2) of the PAIA, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable	
(b) One third of the access fee is payable as a deposit by the requester	
(3) The actual postage is payable when a copy of a record must be posted to a requester	

15. CONTACT DETAILS INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER:

INFORMATION OFFICER 185 Francis Baard Street Private Bag X313 Pretoria 0001	Director-General: Ms Margaret-Ann Diedricks	Tel: (012) 336 8152 Fax: (012) 336 8850 Email: CentralP@dws.gov.za
DEPUTY INFORMATION OFFICER Room 316 Waterbron Building 191 Francis Baard Street Private Bag X313 Pretoria 0001	Chief Director-Legal Services: Mr P Loselo	Tel: (012) 336 7705 Mobile: 060 537 0500 Fax: 012 336 7231 Email: LoseloP@dws.gov.za

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 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by
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 given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (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 for exemption.*

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 below, state your disability and indicate in which form the record is required.

<u>Disability:</u>		Form in which record is required:	
Mark the appropriate box with an X.			
NOTES:			
(a) Compliance with your request for access in the specified form may depend 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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc:			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record'	<input type="checkbox"/>	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?		<input type="checkbox"/>	<input type="checkbox"/>
Postage is payable.		YES	NO
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

You will be notified whether your request has been approved/denied. If you wish to be informed 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 thisday of..... 20

SIGNATURE OF REQUESTER 1 PERSON ON

WHOSE BEHALF REQUEST IS MADE

FORM B**NOTICE OF INTERNAL APPEAL**

(Section 75 of the Promotion of Access to Information Act 2000 (*Act No. 2 of 2000*))

[Regulation 8]

STATE YOUR REFERENCE NUMBER:

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- (a) *The particulars of the person who lodge the internal appeal must be given below.*
- (b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:

Identity number:

D. The decision against which the internal appeal is lodged

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by
<input type="checkbox"/>	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

State any other information that may be relevant in considering the appeal:

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. *If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

State the manner:

Particulars of manner:

Signed at.....thisday of 20

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on
..... (date) by
(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.
OUTCOME OF APPEAL:
DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED
NEW DECISION:
.....DATE
RELEVANT AUTHORITY
RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON (date):