



community safety &
liaison

Department :
Community Safety and Liaison
PROVINCE OF KWAZULU-NATAL

PROMOTION OF ACCESS TO INFORMATION MANUAL 2018/2019

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1. INTRODUCTION

Section 32(1)(a) of the Constitution of the Republic of South Africa Act of 1996 provides that everyone has the right of access to –

- a) any information held by the state; and
- b) any information that is held by another person that is required for the exercise or protection of any rights.

Section 32(2) of the Constitution provides for the enactment of national legislation to give effect to this right.

The Promotion of Access to Information Act, 2000 (Act 2 of 2000), gives all South Africans the right to have access to records held by the state, government institutions and private bodies.

Every public and private body is required to compile a manual in at least three official languages. This manual should explain how people wishing to request information can use the Information Act.

The Department of Community Safety and Liaison of KwaZulu-Natal has compiled this manual in order to assist a requestor who wishes to obtain information from this department.

This manual is specifically designed for people wishing to request information from the Department of Community Safety and Liaison of KwaZulu-Natal only, not other government departments or private bodies.

Copies of the manual are available at the offices of the Department of Community Safety and Liaison and on its website.

2. FUNCTIONS OF THE KZN DEPARTMENT OF COMMUNITY SAFETY AND LIAISON

The functions of the department are derived from section 206(1), 206(3) and 206(5) of the Constitution of the Republic of South Africa of 1996, the Civilian Secretariat for Police Service Act, 2011 (Act No. 2 of 2011), and the South African Police Service Act, 1995 (Act No. 68 of 1995). They are the following:

1.	THE CONSTITUTION	SECTION
1.1.	Determine the policing needs and priorities of the province	Section 206(1)
1.2.	Monitor police conduct	Section 206(3)(a)
1.3.	Oversee the effectiveness and efficiency of the police service, including receiving reports on the police service	Section 206(3)(b)
1.4.	Promote good relations between the police and the community	Section 206(3)(c)
1.5.	Assess the effectiveness of visible policing	Section 206(3)(d)
1.6.	Liaise with the Cabinet member responsible for policing with respect to crime and policing in the province	Section 206(3)(e)
1.7.	Investigate, or appoint a commission of inquiry into, any complaints of police inefficiency or a breakdown in relations between the police and any community	Section 206(5)(a)
1.8.	Make recommendations to the Cabinet member responsible for policing	Section 206(5)(b)
2.	CIVILIAN SECRETARIAT FOR POICE SERVICE ACT, 2011	SECTION
2.1.	Provincial secretariats must assist the Civilian Secretariat (national) to achieve its objects, and perform functions and exercise powers of the Civilian Secretariat in the provincial sphere of government in accordance with the principles of co-operative government and intergovernmental relations contained in Chapter 3 of the Constitution.	Section 4(5)
2.2.	Monitor the performance of the police service and regularly assess the extent to which the police service has adequate policies and effective systems and to recommend corrective	Section 6(1)(a)

	measures	
2.3.	Monitor the utilisation of the budget of the police service to ensure compliance with any policy directives or instructions of the Minister	Section 6(1)(b)
2.4.	Monitor and evaluate compliance with the Domestic Violence Act, 1998 (Act 116 of 1998), and make recommendations to the police service on disciplinary procedures and measures with regard to non-compliance	Section 6(1)(c) & (d)
2.5.	Consider such recommendations, suggestions and requests concerning police and policing matters as it may receive from any source	Section 6(1)(e)
2.6.	Conduct or cause to be conducted any research as it may deem necessary	Section 6(1)(f)
2.7.	Enter into either memoranda of understanding or agreements or both, in consultation with the Minister, with civilian oversight groups and other parties and engage such groups and parties to strengthen co-operation between the various role-players	Section 6(1)(g)
2.8.	Assess and monitor the police service's ability to receive and deal with complaints against its members	Section 6(1)(j)
2.9.	In order to support the objects of the Civilian Secretariat referred to in section 5 and subject to the principles of co-operative governance and intergovernmental relations contained in Chapter 3 of the Constitution, each provincial secretariat must- <ul style="list-style-type: none"> a) align its plans and operations at the provincial sphere of government with the plans, policies and operations of the Civilian Secretariat; and b) integrate its strategies and systems at the provincial sphere of government with the strategies and systems of the Civilian Secretariat. 	Section 17(1)
2.10.	The provincial secretariat must establish competencies and capabilities in its operations, to- <ul style="list-style-type: none"> a) monitor and evaluate the implementation of policing policy in the province; b) evaluate and monitor police conduct in the province; c) develop and evaluate safety models and monitoring tools to ensure alignment with the functions of the Civilian Secretariat; d) assist the Civilian Secretariat with any monitoring and evaluation projects; and 	Section 17(2)

	<ul style="list-style-type: none"> e) promote community police relations; f) establish and promote partnerships; and g) manage the enhancement of community safety structures with the province. 	
2.11.	The head of a provincial secretariat in each province must, through the head of a provincial department, submit to the MEC and the Secretary quarterly reports on the activities of a provincial secretariat in the province, and on any matter as or when required by the Secretary.	Section 22(1)
2.12.	The head of a provincial department must submit regular reports to the MEC and the relevant committee in the provincial legislature.	Section 22(2)
2.13.	The head of a provincial department in each province must- <ul style="list-style-type: none"> a) through the MEC, table an annual report in the provincial legislature on the activities of a provincial secretariat in the province; and b) submit a copy of the annual report tabled in terms of paragraph (a) to the Secretary. 	Section 22(3)
2.14.	The Secretary and heads of provincial departments must meet at least on a quarterly basis	Section 23(1)
2.15.	The Civilian Secretariat must monitor the implementation by the police service of the recommendations made by the Independent Police Investigative Directorate and provide the Minister with regular reports on steps taken by it to ensure compliance, and a copy thereof must be sent to the Executive Director.	Section 31(2)
3.	SOUTH AFRICAN POLICE SERVICE ACT, 1995	
3.1.	Provide direction on the establishment of Community Police Forums and Boards	Section 19 to 21
3.2.	Ensure that the conditions subject to which a municipal police service was established are complied with and that national standards are maintained	Section 64N

In addition to these functions, the Public Finance Management Act of 1999, the Labour Relations Act of 1995 and the Public Service Act of 1994 requires the department to perform the following functions:

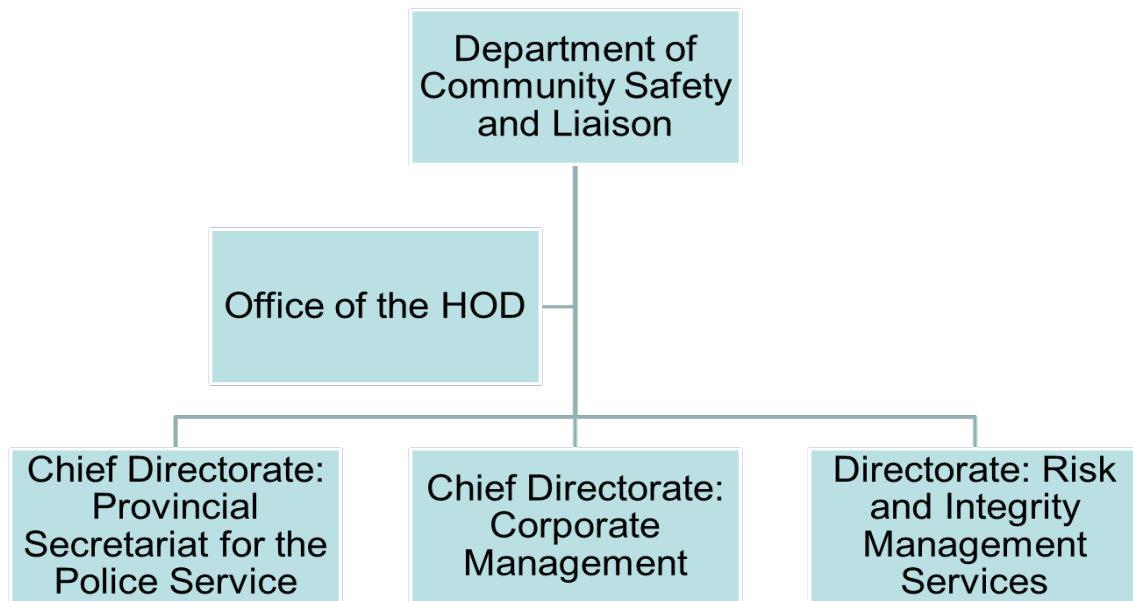
- a) Financial Management;
- b) Supply Chain Management;
- c) Internal Control and Risk Management;

- d) Legal Services;
- e) Labour Relations;
- f) Human Resource Administration and Development;
- g) Information Technology Management; and
- h) Physical Resource Management.

3. STRUCTURE OF THE KZN DEPARTMENT OF COMMUNITY SAFETY AND LIAISON

The Department is structured to fulfill its mandate outlined above. There are two main divisions within the department: Provincial Secretariat for Police and Corporate Management.

Figure 1 – Top structure



a) Provincial Secretariat for Police

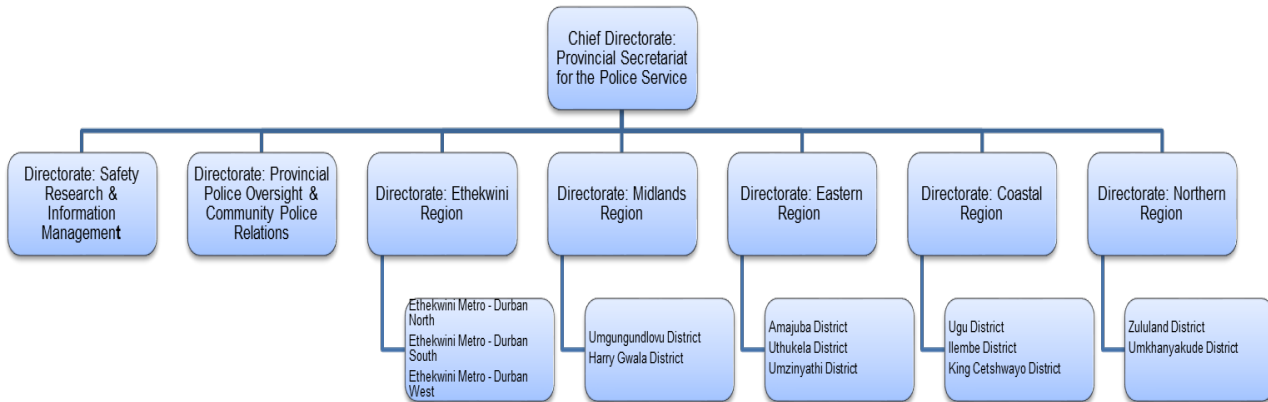
The Provincial Secretariat is a chief directorate responsible for the following functions –

- monitors and evaluate the implementation of policing policies and directives;
- monitors and evaluate all police service units in the province;
- addresses complaints against police service delivery;
- reviews police practices, methodologies and performance;
- conducts research into the policing needs of the province;
- develops community safety models, initiatives and monitoring tools;
- develops and maintains community safety structures; and
- develops community safety partnerships.

The Provincial Secretariat is structured at a provincial and district level. The department has a Provincial Office situated in Pietermaritzburg. At a provincial level there are two directorates in the Provincial Secretariat. The first directorate performs the function of oversight over the Office of the Provincial Commissioner and Specialised Units as well as community police relations at a provincial level. The second is responsible for safety information analysis and conceptualisation. It continuously collates information from all the service units in the department and uses this information to review policing policies and directives, develop, evaluate and review community safety models, initiatives and monitoring tools, review police practices, methodologies and performance and conduct research into the policing needs of the province as required by the Constitution and the Act.

At a district level there are 10 district offices in the 10 District Municipalities and 3 district offices in the Ethekewini Metro. The structure further distributes the 13 district offices under five regions headed by senior managers based in the Provincial Office.

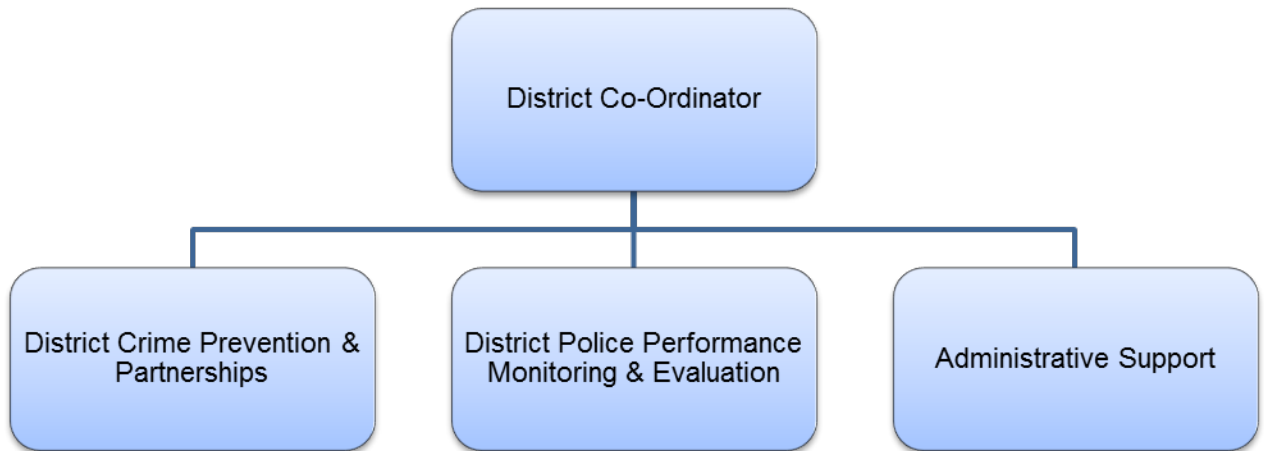
Figure 2 – Provincial Secretariat for Police



The district office performs the following functions:

- monitors and evaluates the implementation of policing policies and directives by police stations in the district;
- monitors and evaluates the service delivery of police stations in the district;
- addresses complaints against police stations in the district.
- develops and maintain Community Police Forums (CPFs), Community Safety Forums (CSFs), community crime prevention associations (CCPAs) and other safety structures in the district and harmonize their activities;
- implements community safety models and initiatives in the district;
- develops and maintains partnerships at district level.

Figure 3 – District Office Structure

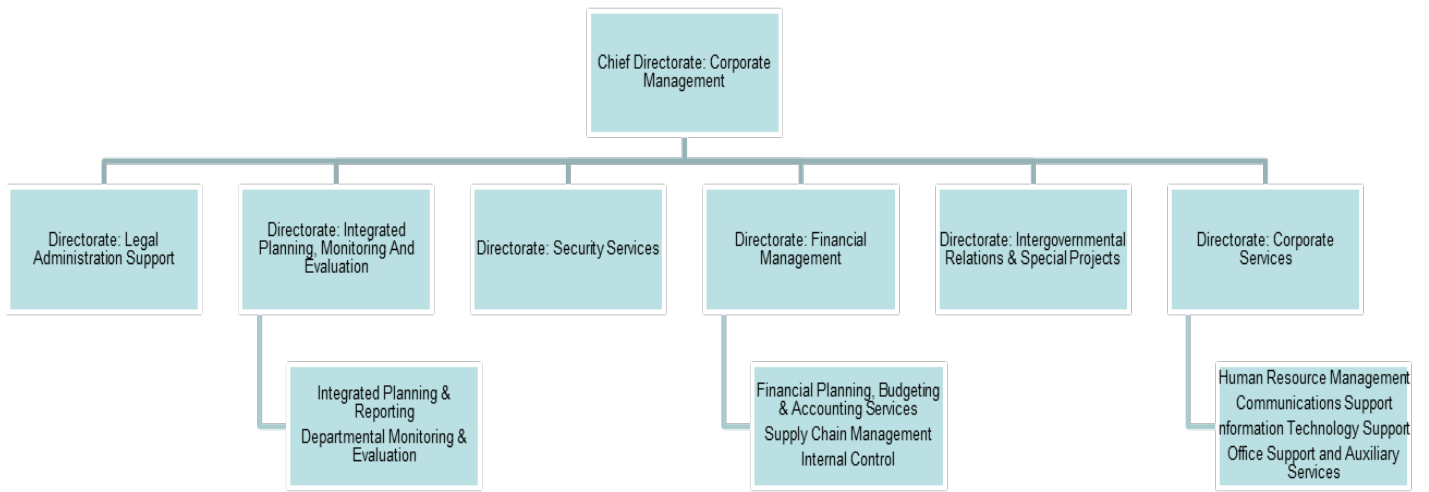


b) Corporate Management

The chief directorate provides support to the department. It consists of –

- Corporate Services is responsible for HR Management, HR Administration, HR Development, Internal and External Communication, Information Technology and Auxiliary Services;
- Legal Administrative Support provides legal services to the department;
- Security Services is in charge of all security related matters;
- Financial Management Services administers the finances of the department;
- Intergovernmental Relations and Special Projects takes charge of IGR and programmes falling outside of the department’s service delivery programmes;
- Strategic Planning and Internal Monitoring and Evaluation is responsible of planning and M&E of the performance of the department.

Figure 4 – Corporate Management



c) Contact Details of Provincial Office and District Offices

<p>Provincial Office Private Bag X9143, Pietermaritzburg, 3200 179 Jabu Ndlovu Street, Pietermaritzburg Tel: +27 33 341 9300; Fax: +27 33 341 9403</p> <p>Office Manager of the Head of Department Contact: Silindile Bhengu (Mrs) E-mail: silindile.dladla@comsafety.gov.za</p>	<p>eThekweni North District Office Private Bag X54316, Durban, 4000 7th Floor, Commercial City, 40 Dr AB Xuma Road, Durban Tel: 031-3270160</p> <p>Regional Manager: Mrs KE Mbongwe - 082 554 2469</p>
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	<p>E-mail: khaladi.mbongwe@comsafety.gov.za</p> <p>District Coordinator: Mr HG Mbhele - 082 300 5381 E-mail: holson.mbhele@comsafety.gov.za</p>
<p>eThekweni West District Office Private Bag X9028, Pinetown, 3600 96 Crompton Street, Pinetown, Durban Tel: 031-7374950</p> <p>Regional Manager: Mrs KE Mbongwe - 082 554 2469 E-mail: khaladi.mbongwe@comsafety.gov.za</p> <p>District Coordinator: Ms TM Ndlovu - 082 300 5384 E-mail: tshengisile.ndlovu@comsafety.gov.za</p>	<p>eThekweni South District Office 10th Floor, Truro House, 17 Margaret Mncadi Avenue, Durban</p> <p>Regional Manager: Mrs KE Mbongwe - 082 554 2469 E-mail: khaladi.mbongwe@comsafety.gov.za</p> <p>District Coordinator: Ms KB Mthembu - 082 300 5408 E-mail: khanyisile.mthembu@comsafety.gov.za</p>
<p>Ilembe District Office Private Bag X10616, Stanger, 4450 2nd Floor, Albert Building, Cnr Link Road and R102, KwaDukuza Tel: 032-4374200; Fax: 032-5581261</p> <p>Regional Manager: Ms SN Chamane – 0834156757 E-mail : sandra.chamane@comsafety.gov.za</p> <p>District Coordinator: Ms F Buthelezi - 0824106835 E-mail: fikile.buthelezi@comsafety.gov.za</p>	<p>Ugu District Office Private Bag X905, Port Shepstone, 4240 46 Bisset Street, Port Shepstone Tel: 039-6881460; Fax: 039-6820759</p> <p>Regional Manager: Ms SN Chamane – 0834156757 E-mail : sandra.chamane@comsafety.gov.za</p> <p>District Coordinator (Acting): Ms P Nkonyeni - 0605201253 E-mail: pretty.nkonyeni@comsafety.gov.za</p>
<p>Kind Cetshwayo District Office Temporary address: 179 Jabu Ndlovu Street, Pietermaritzburg, 3201 Tel.: +27 33 341 9300; Fax: +27 86 634 8239</p> <p>Regional Manager: Ms SN Chamane – 0834156757 E-mail : sandra.chamane@comsafety.gov.za</p>	<p>Zululand District Office Private Bag 32, Ulundi, 3838 LA Complex, King Dinuzulu Street, Ulundi Tel: 035-8708600</p> <p>Regional Manager: Mr I Nxumalo - 0823316856 E-mail: ismail.nxumalo@comsafety.gov.za</p>

<p>District Coordinator: Mr M Nxumalo – 0827767539 E-mail: mdumeseni.nxumalo@comsafety.gov.za</p>	<p>District Coordinator: Mr AK Mtshali - 0825542465 E-mail: kwenza.mtshali@comsafety.gov.za</p>
<p>Umkhanyakude District Office Private Bag X015, Mtubatuba, 3995 Lot 55D, Fiddle Wood Lane, River-view Road, Mtubatuba</p> <p>Regional Manager: Mr I Nxumalo - 082 331 6856 E-mail: ismail.nxumalo@comsafety.gov.za</p> <p>District Coordinator (Acting): Mr KB Makhanya – 060 520 1367 E-mail: khonzani.makhanya@comsafety.gov.za</p>	<p>uMzinyathi District Office Private Bag X2014, Dundee, 3000 65 Victoria Street, Dundee Tel: 034-2997100; Fax: 034-2997116</p> <p>Regional Manager: Dr LM Zondi - 082 776 7495 E-mail: lm.zondi@comsafety.gov.za</p> <p>District Coordinator: Mr JH Makathini - 082 554 2463 E-mail: jabulani.makathini@comsafety.gov.za</p>
<p>Amajuba District Office Private Bag X5001, Madadeni, 2951 10431 Inkosi Bhambatha Street, Madadeni Tel: 034-3296903</p> <p>Regional Manager: Dr LM Zondi - 082 776 7495 E-mail: lm.zondi@comsafety.gov.za</p> <p>District Coordinator: Ms N Malima-Tindleni – 060 520 1250 E-mail: ncebakazi.tindleni@comsafety.gov.za</p>	<p>uThukela District Office Private Bag X7001, Estcourt, 3310 120 Alexander street, Estcourt Tel: 036 3429040; Fax: 036-3429048</p> <p>Regional Manager: Dr LM Zondi - 082 776 7495 E-mail: lm.zondi@comsafety.gov.za</p> <p>District Coordinator: Mr D Mazibuko - 071 673 4150 / 082 776 7534 E-mail: dumisani.mazibuko@comsafety.gov.za</p>
<p>Umgungundlovu District Office Temporary address: 179 Jabu Ndlovu Street, Pietermaritzburg Tel: 033-3419300; Fax: 033-3419400</p> <p>Regional Manager: Mr SS Kunene - 082 776 7598</p>	<p>Harry Gwala District Office Private Bag X558, Ixopo, 3276 38 Margaret Street, Ixopo Tel: 039-8340054</p> <p>Regional Manager: Mr SS Kunene - 082 776 7598</p>

E-mail: sabelo.kunene@comsafety.gov.za	E-mail: sabelo.kunene@comsafety.gov.za
District Coordinator: Ms D Sibande - 082 300 5394 E-mail: dorah.ngubane@comsafety.gov.za	District Coordinator: Ms Z Mlata - 082 300 5397 E-mail: zingisa.mlata@comsafety.gov.za

4. KEY STAKEHOLDERS OF THE DEPARTMENT AND SERVICE BENEFITS

- a) Communities in the Province of KwaZulu-Natal
 - ✓ Improved relations with the police.
 - ✓ Enhanced community safety through efficient and effective policing by transformed police service.
 - ✓ Government support to community structures that promote cooperation between the community and police.
 - ✓ Safety structures to promote crime prevention.
 - ✓ Crime prevention programmes.

- b) Community Policing Forums, Community Crime Prevention Associations and other safety structures
 - ✓ Improved access to police.
 - ✓ Organizational development.
 - ✓ Improved capacity to meet objectives.

- c) Traditional Leaders
 - ✓ Government support for the role of Traditional Leaders in responding to crime.
 - ✓ Improved relations with the police.
 - ✓ Enhanced community safety through efficient and effective policing.
 - ✓ Safety structures to promote crime prevention.
 - ✓ Crime prevention programmes.

- d) The South African Police Service
 - ✓ Motivated and empowered police service.
 - ✓ Adequate human, financial and logistical support to the provincial police.
 - ✓ Improved relations with and cooperation from the community.
 - ✓ A transformed police service in KwaZulu-Natal.

- e) Minister of Police
 - ✓ Provincial police compliant with national policies, norms and standards.
 - ✓ Improved coordination with respect to fighting crime and effective policing in the province.

- ✓ National policy informed by provincial needs.
- f) Other Justice, Crime Prevention and Security Cluster Departments
- ✓ Improved coordination in respect of the criminal justice system.
 - ✓ Improved detective services.
 - ✓ Integrated law enforcement initiatives.
- g) Provincial Legislature
- ✓ Effective oversight of department activities on behalf of citizens.
 - ✓ Efficient and economical utilization of public resources.
- h) Other provinces
- ✓ Cross-border crime prevention.
 - ✓ Improved intergovernmental relations.
 - ✓ Integrated law enforcement initiatives.
- i) NGOs, FBOs, Business, Organised Labour, Political Parties, Private Security Industry, Transport Industry
- ✓ Improved access to police.
 - ✓ Integrated crime prevention initiatives.
 - ✓ Participation in safety structures.
 - ✓ Conflict mediation and resolution services.
 - ✓ Election monitoring.

5. CONTACT DETAILS OF INFORMATION OFFICER

The Head of the Department of Community Safety and Liaison, Mr CT Mavundla, is the Information Officer in terms of the Promotion of Access to Information Act. The Department has one Deputy Information Officer, Adv C van Niekerk.

Information Officer: Mr CT Mavundla

Postal Address: Private Bag X9143, Pietermaritzburg, 3200

Physical Address: 179 Jabu Ndlovu Street, Pietermaritzburg, 3201

Tel: (033) 341 9326

Fax: (033) 341 9403

Cell: (073) 224 5227

E-mail: themba.mavundla@comsafety.gov.za

Deputy Information Officer: Adv C van Niekerk

Postal Address: Private Bag X9143, Pietermaritzburg, 3200

Physical Address: 179 Jabu Ndlovu Street, Pietermaritzburg, 3201

Tel: (033) 341 9300

Fax: (033) 341 9411

Cell: (082) 822 2150

E-mail: chris.vanniekerk@comsafety.gov.za

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

If a person wishes to obtain further information about the origin and use of the Information Act they should contact:

The South African Human Rights Commission
Commercial City, Third Floor, Suite 307
Commercial Road
Durban
4001

Tel: (031) 304 7323/4/5

Fax: (031) 304 7323/4/5

Website: www.sahrc.org.za

7. RECORDS

a) Categories of records

The Department holds the following categories of records:

- Financial management records;

- Asset management records;
- Supply chain management records;
- Human resources and personnel management records;
- Fleet management records;
- Building management records;
- Contracts, legal opinions and litigation records;
- Policies, manuals, standard operating procedures and guidelines;
- Information technology management records;
- Communication and promotional material;
- Strategic planning and internal monitoring records;
- Internal management records;
- Stakeholder interaction records;
- Intergovernmental relations records;
- Project management records;
- Service delivery evaluations of the police service;
- Safety structures and activities;
- Research and development records;
- Complaints against police service.

The records listed under the paragraph below are automatically available. In respect of the remainder of the records, access must be requested in terms of the Act. Note must be taken that these include records classified as confidential, secret and top secret, access to which will only be granted subject to compliance with the Minimum Information Security Standards requirements (MISS).

b) Records automatically available

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
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
DEPARTMENTAL STRATEGIC PLANS	The records on the website of the department, http://www.kzncomsafety.gov.za/ are available for viewing or downloading without a person having to make such a request in terms of the said Act.
DEPARTMENTAL ANNUAL PERFORMANCE PLAN	
ANNUAL REPORTS	
EMPLOYMENT EQUITY REPORTS	
PUBLISHED RESEARCH REPORTS	
APPROVED ORGANIZATIONAL STRUCTURES	
BUDGETS	
DEPARTMENTAL POLICIES AND PROCEDURE MANUALS	
PROMOTION OF ACCESS TO INFORMATION MANUAL	
SERVICE CHARTERS	
STATEMENT OF COMMITMENT	
DEPARTMENTAL EVENTS CALENDAR	
COPIES OF SPEECHES BY THE MEC	
CIRCULARS OF ADVERTISED POSTS AND SERVICES	
DEPARTMENTAL FORMS	
STAFF CONTACT DETAILS DIRECTORY	
JOURNALS AND MAGAZINES	
PROMOTIONAL MATERIAL	
DEPARTMENTAL MEDIA STATEMENTS	
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
TENDER DOCUMENTS	Records can be purchased at Financial & Accounting Services Office, No. 4 Ground Floor, Department of Community Safety & Liaison, Head Office, 179 Jabu Ndlovu Street, Pietermaritzburg, 3200
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
DEPARTMENTAL STRATEGIC PLANS	The records may be inspected at the Department on request, addressed to the Office of the Deputy Information Officer, Department of Community Safety & Liaison, Head Office, 179 Jabu Ndlovu Street, Pietermaritzburg, 3201; Private Bag X9143, Pietermaritzburg, 3200
DEPARTMENTAL ANNUAL PERFORMANCE PLAN	
ANNUAL REPORTS	
EMPLOYMENT EQUITY REPORTS	
PUBLISHED RESEARCH REPORTS	
APPROVED ORGANIZATIONAL STRUCTURES	
BUDGETS	
DEPARTMENTAL POLICIES AND PROCEDURE MANUALS	
PROMOTION OF ACCESS TO INFORMATION MANUAL	

SERVICE CHARTERS	
STATEMENT OF COMMITMENT	
DEPARTMENTAL EVENTS CALENDAR	
COPIES OF SPEECHES BY THE MEC	
CIRCULARS OF ADVERTISED POSTS AND SERVICES	
DEPARTMENTAL FORMS	
STAFF CONTACT DETAILS DIRECTORY	
JOURNALS AND MAGAZINES	
PROMOTIONAL MATERIAL	
DEPARTMENTAL MEDIA STATEMENTS	
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):	
STAFF CONTACT DETAILS DIRECTORY	The records may be requested from the Department, addressed to the Office of the Deputy Information Officer, Department of Community Safety & Liaison, Head Office, 179 Jabu Ndlovu Street, Pietermaritzburg, 3201; Private Bag X 9143, Pietermaritzburg, 3200
JOURNALS AND MAGAZINES	
PROMOTIONAL MATERIAL	
DEPARTMENTAL MEDIA STATEMENTS	

8. REQUEST PROCEDURE

a) Request for access to a record

If a requester wishes to make a request for access to a record of the KwaZulu-Natal Department of Community Safety and Liaison, he or she must make a written request to the Information Officer or the Deputy Information Officer whose contact details are listed under paragraph 5 hereof.

A requester wishing to make a request must use Form A, which is included in this manual as Annexure A.

Requesters must provide sufficient information in Form A to enable the Information Officer to identify the record requested, including a description of the record, a reference number, if any, and any further particulars of the record. The requester must also include all his/her contact details and the language in which he/she wishes to obtain the record. If the record is not available in the language preferred by the requester, access may be given in the language in which it is available.

An oral request may be made if a requester is illiterate or unable to make a written request because of disability or/and other factors. The Information Officer or her deputy must assist

the requestor by putting the request in a written form and giving a copy of the written request to the requestor.

The Information Officer must assist a requester who requires assistance with making a request for a record. Assistance must be provided free of charge.

A requester must indicate the form in which access to a record is required, i.e. –

- whether he wishes to make a copy of the record;
- whether he needs the record to be in written or printed form or if he/she wishes to inspect the record;
- if the record is a visual image, i.e. videos, photographs, slides, computer generated images, whether he/she wishes to access a copy of the images, have a transcript or to view them;
- Whether the requestor wishes to access a printed copy of information derived from the record or copy computer readable form (CD/DVD).

b) Transfer of a Request for Access to a record

The Information Officer or his Deputy may transfer a request for access to a record where:

- the requested record is not under the direct control of the Department of Community Safety and Liaison; or
- the subject matter of the requested record is more closely connected to another public body.

c) Procedure where record cannot be found

If a record cannot be found, the Information Officer or Deputy Information Officer must, by way of affidavit or affirmation, notify the requester that it is not possible to give access to that particular record.

d) Deferral of Access to a record

Access may be deferred where the record is not yet available.

e) Time Frames and Notice to a Requestor

The Information Officer or the Deputy Information Officer must decide within 30 days whether to grant the request and then send a notice to the requestor.

Where access is granted, the notice from the Information/Deputy Information Officer must:

- state where and when the access fee, if any, must be paid;
- state the form in which access will be granted; and
- state how an appeal may be lodged with the department against the Access Fee or the form in which access is to be granted.

f) Denial of access to a record

Where access is denied, the notice from the Information/ Deputy Information Officer must:

- give adequate reasons;
- not make any mention or reference to the content of the record;
- state that the requestor may lodge an internal appeal with the department or make an application with a court against the denial of access;
- indicate the procedure for lodging an internal appeal.

g) Extension of period to decide on Request

The Information Officer/Deputy Information Officer may extend the period of 30 days once only, and for a further period of 30 days in which to decide on the request if –

- the requester consents in writing to the extension;
- the request is for a large amount of information that may take a considerable amount of time to research, and may affect the daily operations of the department; or
- consultation is necessary with other public bodies that might be affected by the record.

h) Mandatory refusal to a request for access to a record

Mandatory refusal to a request for access to a record must be applied by the Information Officer/Deputy Information Officer for the following reasons:

- protection of privacy;
- if the disclosure would involve the unreasonable or unlawful disclosure of personal information about a third party, including a deceased individual;

- protection of commercial information of a third party;
- protection of certain confidential information;
- protection of confidential information of a third party;
- protection of safety for individuals and protection of property;
- mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
- protection of records privileged from production in legal proceedings;
- defense, security and internal relations of the Republic of South Africa;
- economic interest and financial welfare of the Republic and commercial activities of public bodies;
- protection of research information of a third party, and protection of research information of a public body;
- substantial and unreasonable diversion of the department's resources when researching the requested information;
- protection of computer programs owned by a private body.

i) Discretionary refusal of a Request for Access

The Information Officer/Deputy Information Officer may refuse access to record where a request for access to information would involve disclosure of:-

- Information supplied in confidence by a third party.
- Information, the disclosure of which may impair the security of a structure or system.
- Information vital to in the protection of an individual in a Witness Protection scheme.
- Security of the public and property.
- Information on Computer programs owned by the state or public body, defined in the Copyright Act No. 98 of 1978.
- Information about a record of a public body which contains an opinion, advice, report, recommendation or an account of a consultation, deliberation or minutes of a meeting on the formulation of a policy
- A record containing methods, techniques, guidelines used in the prevention, detection, investigation of a crime or prosecution of an offender which may result in the miscarriage of justice
- A record , if disclosed may prejudice an investigation into a crime, enable a person to identify a source, result in the intimidation of witnesses, facilitate in the commission of a contravention of the law, or prejudice the fairness of a trial

- Information, the disclosure of which could prejudice the defense, security or international relations of the Republic of South Africa
- Information, the disclosure of which is likely to materially jeopardize the economic or financial interest of the Republic of South Africa, or the government's ability to manage the economy of the country effectively.
- Information which contains trade secrets of the state or a public body, the disclosure of which is likely to cause harm to the commercial or financial interests of the state or a public body.

j) Other grounds for refusal to a Request for Access to a record

The Information Officer or Deputy Information Officer may refuse a request for access to a record if the request is manifestly frivolous or the work involved in processing the request would substantially and unreasonably divert the resources of the Department of Community Safety and Liaison.

k) Fees payable for a request and notification of decision on access

- A requester who seeks access to a record containing personal information about him/her is not required to pay the request fee.
- Every other requester must pay the request fee of R35. Complete Form A and submit it to the Information Officer either at the department's physical address, fax number or electronic mail address together with the request fee.
- 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.

I) 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 department or any of its employees:

- (i) Remedies in respect of acts or failures to act in terms of the Promotion of Access to Information Act: An internal appeal may be lodged using Form B (Annexure B). The internal appeal authority for purposes of the Act is the Member of the Executive Council responsible for the department. After exhausting the internal appeal remedy an application may be lodged with a court.
- (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 the 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) A person may use 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).
- (ix) A person may request reasons for an administrative action in terms of section 5 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

9. FEES PAYABLE IN TERMS OF THE INFORMATION ACT

1.	Copy of this manual	R 19.80
2.	Request fee, except for a personal requestor requesting information about himself or herself	R 35.00
3.	Fees for reproduction: <ul style="list-style-type: none"> ➤ Each photocopy of an A4 page or part thereof ➤ Each printed copy of an A4 page or part thereof ➤ On a computer or machine readable form ➤ Copy in a computer readable form on a stiffy disk ➤ Copy in a computer readable form on a compact disk ➤ Transcription of visual image for an A4 page ➤ Transcription of visual image for a copy of the visual image ➤ Transcription of an audio record for an A4 page or part thereof ➤ Copy of an audio record 	R 0.60 R 0.60 R 0.40 R 6.00 R 40.00 R 22.00 R 60.00 R 12.00 R 17.00
4.	Access fees: <ul style="list-style-type: none"> ➤ Each photocopy of an A4 page or part thereof ➤ Each printed copy of an A4 page or part thereof ➤ On a computer or machine readable form ➤ Copy in computer readable form on a stiffy disk ➤ Copy in computer readable form or compact disk ➤ Transcription of visual image for an A4 page or part thereof ➤ Transcription of visual image for a copy of the visual image ➤ Transcription of an audio record for an A4 page for part thereof ➤ Copy of an audio record 	R 0.60 R 0.60 R 0.40 R 5.00 R 40.00 R 22.00 R 60.00 R 12.00 R 17.00
5.	Fee for search and prepare record for disclosure, after first hour for which there is no charge	R 15.00 per hour or part thereof
6.	For purposes of section 22(2) of the Act, a deposit is not required until six hours are	

	exceeded
7.	One third of the access fee is payable by the requestor as a deposit
8.	Postage is payable by the requestor when a copy of the record must be posted to the requestor.

ANNEXURE A

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

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

*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. 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 record:

.....

E Fees

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. You will be notified of the amount required to be paid as the request fee. 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. 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:
 Compliance with your request for access in the specified form may depend on the form in which the record is available.
 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.
 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"/>	copy of 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"/>	printed copy of information derived from the 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? YES NO

Postage is payable.

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.

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 ONE PERSON
ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B
FORM B
NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act 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

<p><i>The particulars of the person who lodge the internal appeal must be given below.</i></p> <p><i>Proof of the capacity in which appeal is lodged, if applicable, must be attached.</i></p> <p><i>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.</i></p>

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>	
	Refusal of request for access.
	<i>Decision</i> regarding fees prescribed in terms of section 22 of the Act.
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26 (l) of the Act.
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester.
	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:

.....
RELEVANT AUTHORITY

.....
DATE

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE
RELEVANT AUTHORITY ON (date):.....

APPROVED BY INFORMATION OFFICER ON OF 2019

MR CT MAVUNDLA
HEAD OF DEPARTMENT