



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Physical Address (Head Office, Pretoria)

ENVIRONMENT HOUSE
473 STEVE BIKO ROAD
ARCADIA
PRETORIA
0083

DFFE Call Centre number

086 111 2468

DFFE Call Centre Email

callcentre@environment.gov.za

Switch Board Number

(012) 399 - 9000

**MANUAL IN TERMS OF SECTION 14 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, 2000
(ACT No. 2 OF 2000) AND SECTION 17 OF THE
PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)**

Postal Address
Director-General
Department of Forestry, Fisheries and
the Environment
Private Bag X447
PRETORIA
0001

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1. DEFINITIONS

In this guide unless the context requires otherwise –

“access fee” means a fee prescribed for the purposes of section 22 (6) or 54 (6), as the case may be;

“court” means –

- (a) the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution of the Republic of South Africa, 1996; or
- (b)
 - (i) a High Court or another court of similar status; or
 - (ii) a Magistrate’s Court, either generally or in respect of a specified class of decisions in terms of PAIA, designated by the Minister; by notice in the Gazette and presided over by a magistrate or an additional magistrate designated in terms of section 91A of PAIA, within whose area of jurisdiction –
 - (aa) the decision of the Information Officer or relevant authority of a public body or the head of a private body has been taken;
 - (bb) the public body or private body concerned has its principal place of administration or business; or
 - (cc) the requester or third party concerned is domiciled or ordinarily resident;

“data subject” means the person to whom personal information relates;

“DFFE” means the Department of Forestry, Fisheries and the Environment;

“Department” means Department of Forestry, Fisheries and the Environment;

“Guide” means the book produced by the Human Rights Commission in terms of section 10 of PAIA for the purposes of reasonably assisting a person who wishes to exercise any right in terms of PAIA;

“Human Rights Commission” means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution;

“Information Officer”, in relation to the DFFE, means the Director-General;

“Deputy Information Officers” means the officials duly authorised by the Information Officer to ensure that the requirements of PAIA are administered in a fair, objective and unbiased manner;

“official” in relation to a public body or private body means –

- (a) any person in the employ (permanently or temporary and full time or part-time) of the public or private body, as the case may be, including the head of the body, in his or her capacity as such; or
- (b) a member of the public or private body, in his or her capacity as such;

“PAIA” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

“person” means a natural or a juristic person;

“personal requester” means a requester seeking access to a record containing personal information about the requester;

“POPI” means the Protection of Personal Information Act, 2013 (Act No 4 of 2013);

“POPI Regulations” means the regulations for the protection of personal information issued in terms of section 122(2) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) on 14 December 2018;

“private body” means –

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;

-
- (b) a partnership which carries or has carried on any trade, business or profession; or
 - (c) any former or existing juristic person; but excludes a public body;

“public body” means –

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere; or
- (b) any other functionary or institution when –
 - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any other legislation;

“record” means any recorded information –

- (a) regardless of the form or medium;
- (b) in the possession or under the control of that public or private body respectively; and
- (c) whether or not it was created by that public or private body, respectively;

“Regulations in terms of the Promotion of Access to Information Act” means regulations regarding the promotion of access to information published in Government Notice No. R. 187 of 15 February 2002 (Government Gazette No. 23119), amended by Government Notice No. R. 1244 of 22 September 2003 (Government Gazette No.25411);

“Regulator” means the Information Regulator established in terms of section 39 of the POPI;

“relevant authority” in relation to records requested from the DFFE, means the Minister of Forestry, Fisheries and the Environment (the Minister);

“responsible party” means the Department;

“request for access” means a request for access to a record in terms of section 11 of PAIA;

“requester” means –

- (a) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or
- (b) a person acting on behalf of the person referred to in subparagraph (i);

“SAHRC” means South African Human Rights Commission;

“third party” means any person (including, but not limited, to the government of a foreign state, an international organisation or an organ of that government or organisation) other than –

- (a) the requester concerned; and
- (b) a public body.

“working days” means any days other than Saturdays, Sundays or public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act, No. 36 of 1994).

In this Guide, words importing any one gender shall include the other gender, and the singular shall include the plural, unless the context indicates otherwise.

2. INTRODUCTION

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996, determines that everyone has a right of access to any information held by the State. Section 32(2) of the Constitution provides for the enactment of national legislation to give effect to this fundamental right. PAIA is the national legislation contemplated in section 32(2) of the Constitution.

Section 14 of the Constitution of the Republic of South Africa, 1996, provides for the right to privacy. POPI gives effect to the constitutional right to privacy provided in section 14 of the Constitution -

- (i) by safeguarding a person’s personal information when processed by public and private bodies;

-
- (ii) in a manner which balances the right to privacy with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution, particularly the right to access to information; and
 - (iii) subject to justifiable limitations, including, but not limited to effective, efficient and good governance and the free flow of personal information, particularly trans-border transfers.

Section 9 of PAIA recognises that the right of access to information is subject to certain justifiable limitations aimed at, amongst others:

- (a) the reasonable protection of privacy;
- (b) commercial confidentiality; and
- (c) effective, efficient and good governance.

Section 55(2) of POPI requires the Department to register its Information Officer with the Regulator before taking up his or her respective duties in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Section 14(1) of PAIA stipulates that the Information Officer of the Public body must compile a manual in at least three official languages containing information on the Public Body for public consumption. Should this manual be translated into any other language and there is a conflict or inconsistency between the English version and the other languages, the English language text of the manual shall prevail. Regulation 4 (1) (c) of the POPI Regulations confirms the publication requirement of PAIA when it stipulates that “...a manual is developed, monitored, maintained and made available as prescribed in sections 14 and 15 of PAIA.” The requirement for a manual is then extended to include POPI requirements when section 17 of POPI provides that a “...responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act”.

The purpose of this manual is to ensure that the DFFE (the public body in terms of PAIA and POPI) complies with the requirements of both PAIA and POPI.

3. PARTICULARS IN TERMS OF SECTION 14 OF PAIA

3.1 FUNCTIONS AND STRUCTURE OF THE DFFE [SECTION 14(1)(A)]

The Mandate

The mandate and core business of the DFFE is underpinned by the Constitution and all other relevant legislation and policies applicable to the government, such as the Batho Pele principles.

The DFFE's specific mandate is derived from the following:

- The Constitution of the Republic of South Africa, 1996;
- Cabinet and Ministerial directives and policy decisions;
- Environment Conservation Act, 1989 (Act No. 73 of 1989);
- National Environmental Management Act, 1998 (Act No. 107 of 1998);
- National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);
- National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
- National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
- National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
- National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);
- World Heritage Convention Act, 1999 (Act No. 43 of 1999);
- National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
- National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998);
- The National Forest Act, 1998 (Act No. 84 of 1998);
- Marine Living Resources Act, 1998 (Act No. 18 of 1998);
- Antarctic Treaties Act, 1998 (Act No. 60 of 1996); and
- Approximately 25 International Conventions.

The Vision

A prosperous and equitable society living in harmony with our natural resources.

The Mission

Providing leadership in environmental management, conservation and protection towards sustainability for the benefit of South Africans and the global community.

Departmental Values

Driven by our **Passion** as custodians and ambassadors of the environment we have to be **Proactive** and foster innovative thinking and solutions to environmental management premised on a **People-centric** approach that recognises the centrality of Batho-Pele, for it is when we put our people first that we will serve with **Integrity**, an important ingredient in a high **Performance** driven organisation such as ours.

Strategic Objectives and Key Focus Areas

In line with our vision of creating a prosperous and equitable society living in harmony with the natural environment, the department provides leadership in environmental management, conservation and protection towards sustainability for the benefit of South Africans and the global community.

The department aims to effectively manage the interface between the environment and development so as to stimulate and maximise the potential for economic growth in the environment sector. Our key strategic goals include:

- Protection, conservation, enhancement and sustainable utilisation of environmental assets;
- Providing leadership on climate change action;

- Promoting skills development and employment creation by facilitating green and inclusive economic growth; and
- Creating a better Africa and a better world by advancing national environmental interests through a global sustainable development agenda.

The top priority areas for the department over the medium term include:

- Providing support to local government in the areas of air quality management, waste management, biodiversity management, coastal planning and open space planning;
- Strengthening compliance and enforcement activities;
- Drawing linkages between climate change, the green economy and sustainable development;
- Aligning governance systems with the new Outcomes Approach, paying particular attention to ensuring that environmental assets and natural resources are valued, protected and continually enhanced; and
- Focusing on key national and international engagements.

The Department's programmes are aligned with the government's Outcomes Approach, especially having environmental assets and natural resources that are well protected and continually enhanced and the related outputs: reduced green house gas emissions, climate change impacts and improved air / atmospheric quality; sustainable environmental management and protected biodiversity.

Organisational Structure of the DFFE

The DFFE's structure consists of eight core branches and two transversal support service branches. The core branches, with their respective responsibilities, are:

- 1. BIODIVERSITY AND CONSERVATION**
 - Protected Areas Systems Management
 - Biodiversity Management and Permitting
 - Biodiversity Economy and Sustainable Use
 - Biodiversity Monitoring Specialist Services

2. CHEMICALS AND WASTE MANAGEMENT

Hazardous Waste Management and Licensing

Integrated Waste Management

Chemicals and Waste Policy, Circular Economy Monitoring and Evaluation

Chemicals Management

3. CLIMATE CHANGE AND AIR QUALITY MANAGEMENT

Climate Change Monitoring and Evaluation

Climate Change Adaption

Environmental Sector Planning and Performance

International Climate Change Relations and Reporting

International Governance and Resource Mobilization

Knowledge and Information Management

Air Quality Management

4. ENVIRONMENTAL PROGRAMMES

Environmental Protection and Infrastructure Programmes

Natural Resource Management

Information Management and Sector Coordination

5. FISHERIES MANAGEMENT

Aquaculture Development

Marine resources Management

Monitoring Control and Surveillance

Fisheries Research Development

6. FORESTRY MANAGEMENT

Forestry Operations

Forestry Development and Regulation

7. REGULATORY COMPLIANCE AND SECTOR MONITORING

Litigation and Appeals
Law Reform and policy Coordination
Integrated Environmental Authorisations
Sector Compliance
Sector Enforcement

8. OCEANS AND COASTS

Integrated Coastal Management and Coastal Conservation
Oceans Economy and Project Management
Oceans and Coastal Research
Specialist Monitoring Services

The transversal components provide strategic and management support to the core branches and coordinate cross-cutting projects to maximize the synergy potential in the DFFE. This consists of:

9. CORPORATE MANAGEMENT SERVICES

Communications and Advocacy
Fisheries Operations Support
Facilities Management
Government Information Technology
Human Capital Management

10. FINANCIAL MANAGEMENT SERVICES

Demand and Acquisition Management Services
Logistics and Asset Management Services
Budget and Financial Management
Financial Support Services

3.2 CONTACT DETAILS [SECTION 14(1)(B) OF PAIA]

DFFE Call Center number 086 111 2468

DFFE Call Center Email callcentre@environment.gov.za

Switch Board Number (012) 319 - 9000

Fax: (012) 321 - 0198
(012) 359 - 3646

Website: <http://www.environment.gov.za>

MINISTRY - CAPE TOWN

=====

15th FLOOR
120 PLEIN STREET
CAPE TOWN
8001

PRIVATE BAG X9052
CAPE TOWN
8000

TEL: +27 (21) 464 1500
FAX: +27 (21) 465 3362

MINISTRY - PRETORIA

=====

ENVIRONMENT HOUSE
473 STEVE BIKO ROAD
ARCADIA
PRETORIA

0083

SOUTH AFRICA

PRIVATE BAG X313

PRETORIA

0001

TEL: +27 (12) 399 8744

DEPUTY MINISTRY - CAPE TOWN

=====

15th FLOOR

120 PLEIN STREET

CAPE TOWN

8001

PRIVATE BAG X9052

CAPE TOWN

8000

TEL: +27 (21) 464 1500

FAX: +27 (21) 465 3362

DEPUTY MINISTRY - PRETORIA

=====

ENVIRONMENT HOUSE

473 STEVE BIKO ROAD

ARCADIA

PRETORIA

0083

SOUTH AFRICA

PRIVATE BAG X313

PRETORIA

0001

TEL: +27 (12) 399 8765

PARLIAMENTARY OFFICE - CAPE TOWN

=====

ROOM 375

3rd FLOOR

120 PLEIN STREET

CAPE TOWN

8001

PRIVATE BAG X9039

CAPE TOWN

8000

TEL: +27 (21) 465 7280

FAX: +27 (21) 465 7287

In terms of PAIA and POPI, the Head of the Department (Director-General) is the Information Officer for the Department. She has duly authorised the officials listed below as Deputy Information Officers to ensure that the requirements of PAIA and POPI are administered in a fair, objective and unbiased manner:

- (a) Chief Financial Officer
- (b) Deputy Director-General: Regulatory Compliance and Sector Monitoring
- (c) Deputy Director-General: Oceans and Coasts

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- (d) Deputy Director General: Biodiversity and Conservation
 - (e) Deputy Director General: Climate Change and Air Quality Management
 - (f) Deputy Director-General: Chemicals and Waste Management
 - (g) Deputy Director-General: Environmental Programmes
 - (h) Deputy Director-General: Corporative Management Services
 - (i) Deputy Director-General: Fisheries Management
 - (j) Deputy Director-General: Forestry Management

3.3 SECTION 10 GUIDE ON HOW TO USE PAIA

The South African Human Rights Commission (SAHRC) has in terms of section 10 of PAIA, compiled a guide on the use of PAIA. This guide is available in each official language at the following venues.

- Government Communications and Information Services (GCIS);
- All places of legal deposit (State libraries); and
- Every tertiary institution (Universities and Universities of Technology).

The guide is also available on the website of the SAHRC at <http://www.sahrc.org.za>

It is also available for public inspection during office hours at the offices of the SAHRC at the following address:

The South African Human Rights Commission PAIA Unit

The Research and Documentation Department

Physical address: 29 Princess of Wales Terrace
Parktown
JOHANNESBURG

Postal address: Private Bag X2700
HOUGHTON
2041

Telephone number: +27 11 484 8300
Fax number: +27 11 484 1360

3.3 REQUESTS FOR ACCESS TO INFORMATION

[SECTION 14(1)(D) OF PAIA]

Everyone has the right to request access to recorded information held by the DFFE, subject thereto that the request is made on the prescribed form and that the prescribed fees are paid. Access is also subject to the grounds of exclusion found in Chapter 4 of PAIA. The request may be made by anyone who acts in their own interests or acts on behalf of someone who cannot do so themselves.

Procedure for requesting records

Form

A requester must complete the prescribed form which-

- (a) can be found in the Regulations to PAIA;
- (b) is on the website of the SAHRC at www.sahrc.org.za and inforreg@justice.gov.za
- (c) is attached to this document as Annexure A; or
- (d) is obtainable from the DFFE's information centre.

Process

- (a) The request for information must be submitted to:

Director-General
Private Bag X 447
PRETORIA
0001

Attention: Phumzile Sabeka
Office Administrator: Litigation and Appeals
Tel: +27 (012) 399 9336
Fax: 012 321 0198
012 359 3646
email:psabeka@environment.gov.za

- (b) The requester must also indicate if he or she would like to obtain a copy of the record or would like to inspect the record at the offices of the DFFE. Alternatively, if the record is not a paper copy document, it can then be viewed in the requested form, where possible [s 29(2) of PAIA].
- (c) If a requester asks for access in a particular form, then he or she should get access in the manner that has been asked for. This principle applies, unless doing so would interfere unreasonably with the running of the DFFE, or damage the record, or infringe a copyright not owned by the state. If for practical reasons, access cannot be given in the required form, but in an alternative manner, then the fee must be calculated according to the way that was first asked for by the requester [s 29(3) and (4) of PAIA].

-
- (d) If, in addition to a written reply to their request for the record, the requester wants to be informed about the decision in any other way, for example telephonically, this must be indicated [s 18(2)(e) of PAIA].

Request on behalf of another person

If the request is made on behalf of another person, a requester must submit proof of the capacity in which he or she is making the request, to the reasonable satisfaction of the Information Officer [s 18(2)(f) of PAIA].

Request by people with disabilities

- (a) If a requester is unable to read or write, or if he or she has a disability that prevents him or her from completing the prescribed form, then he or she can make a verbal request. The Information Officer will then complete the form on behalf of the requester and give a copy of the completed form to the requester [s 18(3) of PAIA].
- (b) The Information Officer will assist a requester to comply with the abovementioned requirements to request access to information, including referring a requester to another public body, if it is apparent that the request for information should have been made, to such other body [s 19 of PAIA].

Transfer of requests [s 20 of PAIA]

- (a) The Information Officer of the DFFE may transfer requests for records to another public body when:
- (i) The record is in the possession of that public body;
 - (ii) the subject matter of the record is more closely associated with the functions of that public body;
 - (iii) the record was created for that public body, or was received first by that body; or
 - (iv) the record contains commercial information in which that public body has a greater commercial interest.

-
- (b) In such instances the Information Officer of the DFFE would have to transfer the request to the other public body as soon as is reasonably possible, but within 14 days after the request is received. If the DFFE is in possession of the record which is being requested and its Information Officer considers it helpful to do so to enable the Information Officer of the other public body to deal with the request, the record or a copy of the record will be sent to that Information Officer.
 - (c) If a request for access to a record has been transferred, any period prescribed for the completion of an activity related to the request, has to be computed from the date it was received by the Information Officer to whom it was referred. All the relevant periods that apply to a request for information have to be adhered to.

Notification of transfer

- (a) When a request for access has been transferred, the Information Officer making the transfer will immediately notify the requester of:
 - (i) The transfer;
 - (ii) the reasons for the transfer; and
 - (iii) the period within which the request must be dealt with [s 20(5) of PAIA].
- (b) The Information Officer will reasonably ensure that a record to which access has been requested is preserved until a decision is taken about access to the information [s 21 of PAIA].

Payment of Fees [s 22 of PAIA]

- (a) Two types of fees are required to be paid in terms of PAIA, namely a request fee and an access fee. A requester who seeks access to a record containing personal information about him / herself is not required to pay the request fee. Any other requester who is not a personal requester, must pay the required request fee.

-
- (b) The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
 - (i) After the Information Officer has made a decision on the request, the requester must be notified of such a decision in the manner in which the requester wanted to be notified.
 - (ii) If the request is granted, then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours within which to search and prepare the record for disclosure.
 - (c) The fees that have been prescribed are contained in the Regulations promulgated in terms of the PAIA and must be paid by a requester before the DFFE can make any records requested available to the requester. A copy of the schedule of prescribed fees is attached to this document as Annexure C.
 - (d) Fees are payable, during office hours, at the DFFE Cashier's office on the Ground floor, Room A9, Environment House, 473 Steve Biko Road, Arcadia, Pretoria. Alternatively, fees may be paid by means of Electronic Funds Transfer as per the banking details below, quoting PAIA number as the reference number:

ABSA Bank
Department of Forestry, Fisheries and the Environment
Account number:1044240072
Beneficiary Account number: 632005
Reference: PAIA..... and Name of Requestor

3.5 CATEGORIES OF RECORDS HELD BY THE DFFE [SECTION 14(1)(D) OF PAIA]

The records and information relevant to the functions and services of DFFE can broadly be categorised as follows:

-
- i. Policies, strategies, delegations, government notices and legislation;
 - ii. Press statements and speeches;
 - iii. Departmental personnel records;
 - iv. Departmental financial records;
 - v. Agendas and minutes of departmental meetings;
 - vi. General administration information;
 - vii. Departmental reports;
 - viii. Internal circulars, internal memoranda, letters, cabinet memoranda;
 - ix. Contracts and international agreements;
 - x. Branch specific information as described in paragraph 2.1.2 including:
 - a) Business plans;
 - b) Strategy documents;
 - c) Programme specific information;
 - d) Permits and authorisations;
 - e) Research documents;

3.6 NOTICE OF AUTOMATICALLY AVAILABLE RECORDS [SECTION 14(1)(E) OF PAIA]

Notice of publication of section 15 list attached hereto as Annexure D.

3.7 SERVICES AVAILABLE TO THE PUBLIC AND HOW TO GAIN ACCESS TO THEM [SECTION 14(1)(F) OF PAIA]

The following services are delivered by the DFFE:

- a) The publishing and implementation of legislation in the areas of Biodiversity, Protected Areas, Waste Management, Air Quality Management, Climate Change and Coastal Management.
- b) Further expansion of our Parks system.
- c) The drafting of a National Biodiversity Strategy and Action Plan.

-
- d) Expanding regional cooperation in environmental management through the establishment of Transfrontier Conservation Areas.
 - e) Assisting provincial and local government to clean up towns, cities and rural areas through proper waste management systems.
 - f) Addressing the air pollution problems in South Africa in terms of the National Environmental Management: Air Quality Act and its regulations and standards.
 - g) Addressing waste management problems in South Africa in terms of the National Environmental Management: Waste Act.
 - h) The development of a National Sustainable Development Strategy as part of the Medium Term Strategic Framework (MTEF).
 - i) Implementation of the environment and culture component of the Expanded Public Works Programme.
 - j) The issuing of environmental authorisations, permits and licenses for a variety of activities identified in terms of the various environmental management acts which provide the DFFE with its legal mandate.
 - k) Enforcement of legislation.

The public can gain access to the services provided by the DFFE through the Department's outreach programmes. Information on these programmes can be obtained-

- on the DFFE website www.environment.gov.za;
- by contacting the DFFE Call Centre number 086 111 2468 or DFFE Call Center Email callcentre@environment.gov.za

3.8 ARRANGEMENTS ALLOWING FOR PUBLIC INVOLVEMENT IN FORMULATION OF POLICY, EXERCISE OF POWERS OR PERFORMANCE OF DUTIES [SECTION 14(1)(G) OF PAIA]

The DFFE has the following arrangements and / or provides the following opportunities for consultation, making representations or otherwise participating in or influencing the formulation of policy / legislation or the execution of the mandate of the Department:

-
- a) Public workshops;
 - b) Publication of draft policy and legislation for public comment in the Government Gazette and on the DFFE website;
 - c) Stakeholder Forum workshops;
 - d) Discussions / workshops with government departments;
 - e) Oversight of public participation and other processes during the execution of EIA's by developers; and
 - f) the Administrative Appeal Process in terms of relevant legislation, for example, the National Environmental Management Act, 1998.

3.9 REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE WITH THE PAIA

[SECTION 14(1)(H) OF PAIA]

Internal appeal [s 74 of PAIA]

A requester may lodge an internal appeal to the Minister against a decision of the Information Officer to refuse a request, against the requirement to pay request and access fees, against an extension of the period to deal with the request and against a decision to provide the information in a form other than in the particular form as requested.

Form [s 75(1) of PAIA]

- (a) The appeal must be lodged on the prescribed form that has been printed in the Regulations issued in terms of PAIA, or a form that substantially corresponds with that form. A copy of the form is attached to this document as Annexure B. Copies thereof are also available from the DFFE's office or from the Deputy Information Officers referred to in this document. The form is also available on the DFFE's website.
- (b) The appeal must be lodged within **60** days or if notice to a third party is required in terms of s49(1)(b) of PAIA, within **30 days** after notice has been given to the appellant of the decision appealed against, or if notice to the appellant is not required, after the decision was taken. The appeal must be sent to the address, fax number or e- mail address of the Information Officer.

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- (c) An appellant must provide reasons for the internal appeal, how he or she wishes to be informed of the decision about the appeal and must pay the prescribed appeal fee (if any).
 - (d) The Minister will allow late lodging of an appeal only if the appellant's motivation is credible. An appellant will be informed if his or her late appeal was disallowed.

Appeal fee [s 75(3) of PAIA]

An appellant has to pay the prescribed appeal fee (if any). A decision on the internal appeal may be deferred until the appeal fee is paid.

Submission of an internal appeal to the Minister [s 75(4) of PAIA]

The Information Officer must submit an internal appeal within **10 working days** after receipt thereof to the Minister. The Minister must, at the same time, be provided with the reasons for the Information Officer's decision against which the internal appeal was lodged and with the details of any third party that may be involved.

Third party [s 76 of PAIA]

- (a) When the Minister is considering an internal appeal against the refusal of a request for access to the record of a third party, the disclosure of which may involve the unreasonable revelation of personal information, may harm the third party's commercial or financial interests or would constitute a breach of confidence, the Minister must inform the third party about the appeal within **30 days** after receipt thereof. The Minister must furnish the third party with a description of the contents of the appeal, details of the appellant and must state whether the Minister is of the opinion that it would be in the public interest that the information should be revealed. The third party then has **21 days** to make a written representation to the Minister why the request for information should not be granted or, alternatively, give written consent for the disclosure of the record to the requester.

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- (b) When the Minister is considering an internal appeal against the granting of a request for access to information, the Minister must notify the requester concerned of the appeal within **30 days** after receipt thereof. The third party has **21 days** to make a written representation why the access to the record should be granted.

Notice of decision [s 77 of PAIA]

When deciding on an internal appeal, the Minister may confirm the original decision or make a new decision. This must be done within **30 days** after receipt of the internal appeal, or within **5 working days** after receiving written representation regarding the appeal. The Minister must immediately notify the appellant, every third party involved and the requester of the decision and must provide the reasons for the decision. If the Minister fails to comply with the above procedures and time frames for the consideration of an internal appeal, it will be regarded that the Minister has dismissed the internal appeal.

Application to court [s 78 of PAIA]

The appellant, third party or requester will also be informed that they may apply to a competent court for review of the decision of the Minister on an internal appeal. Such application must be made within **30 days** after the decision has been taken. However, a requester or third party may **ONLY** apply to a court for such a review after the requester or third party has exhausted the internal appeal procedure. The court may confirm, amend or set aside the decision on an internal appeal or may grant an interdict.

4. PARTICULARS IN TERMS OF SECTION 17 OF POPI

4.1 OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

1. A data subject who wishes to object to the processing of personal information in terms of section 11(3)(a) of POPI, must submit the objection to the Department on Form 1.

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2. The Department, or a designated person, must render such reasonable assistance as is necessary, free of charge, to enable the data subject to make an objection using Form 1.

4.2 REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTRUCTION OR DELETION OF RECORD OF PERSONAL INFORMATION

- (1) A data subject who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information of that data subject in terms of section 24(1) of POPI, must submit a request to the Department using Form 2.
- (2) The Department, or a designated person, must render such reasonable assistance, as is necessary free of charge, to enable a data subject to complete Form 2.

4.3 APPLICATION FOR ISSUING CODE OF CONDUCT

If the Department can justify that it sufficiently represents a class of bodies, profession, or vocation that wishes to apply for the issuing of a code of conduct in terms of section 61(1)(b) of POPI, must submit an application to the Regulator using Form 3.

4.4 REQUEST FOR DATA SUBJECT'S CONSENT TO PROCESS PERSONAL INFORMATION

If the Department wishes to process personal information of a data subject for the purpose of direct marketing by electronic communication must in terms of section 69(2) of POPI submit a request for written consent to that data subject using Form 4.

4.5 SUBMISSION OF COMPLAINT

- (1) Any person who wishes to submit a complaint contemplated in section 74(1) of POPI must submit such a complaint to the Regulator using Part I of Form 5.
- (2) The Department or a data subject who wishes to submit a complaint contemplated in section 74(2) of POPI must submit such a complaint to the Regulator on Part II of Form 5.

4.6 REGULATOR ACTING AS CONCILIATOR DURING INVESTIGATION

- (1) If during the investigation of a complaint the Regulator decides to act as a conciliator in terms of section 76(1)(b) of POPI, and convene a conciliation meeting, the Regulator must, as soon as it is practically possible, inform the data subject and the Department using Form 6 of the following:
 - (a) the Regulator's decision to act as a conciliator in the matter; and
 - (b) the date, time and place of the conciliation meeting.
- (2) The Regulator-
 - (a) may consolidate separate complaints, which are alleged to relate to the same interference with the protection of personal information by the same responsible party, in order to deal with the complaints in the same conciliation proceedings;
 - (b) must ensure that all persons entitled to attend the conciliation meeting are notified within a reasonable time, of the date, time and place of the meeting;
 - (c) may request all the relevant documentation relating to the complaint from the data subject and the responsible party; and
 - (d) may confer with the parties in person, by electronic communication means, or by any other means as is deemed appropriate.



- (3) Where a conciliation meeting fails to take place, the Regulator must arrange for an alternative date and notify the persons entitled to attend the conciliation meeting accordingly.

- (4) The Regulator must issue a conciliation certificate using Form 7 within a reasonable time after the date of the conclusion of the conciliation meeting.

- (5) If the complaint is not resolved, or either or both of the parties did not attend a conciliation meeting, the Regulator must proceed with the complaint as provided for in terms of section 76 of POPI.

4.7 PRE-INVESTIGATION PROCEEDINGS OF REGULATOR

- (1) If the Regulator intends to investigate any matter contemplated in Chapter 10 of POPI, the Regulator must in terms of section 79 of POPI, notify the parties to whom the investigation relates of such intention on Part I using Form 8 prior to conducting the investigation.

- (2) The Regulator must inform the Department if the investigation relates to it on Part II of Form 8 of the complaint, or the subject matter of the investigation, and must inform the Department of the right to submit a written response to the complaint or the subject matter of the investigation within the time allocated by the Regulator.

4.8 SETTLEMENT OF COMPLAINTS

- (1) If it appears from a complaint or any written reply to the complaint under section 79(b)(ii) of POPI or during a conciliation meeting, that it may be possible to secure a settlement between the parties and if appropriate, satisfactory assurances as contemplated in section 80 of POPI, the Regulator may confer with the parties in person, by electronic communication means, or by any other means as is deemed

appropriate to endeavour to obtain a settlement and if appropriate, satisfactory assurances as contemplated in section 80 of POPI.

- (2) If during the process referred to in sub-paragraph (1) above the Regulator decides to convene a settlement meeting, the Regulator must, as soon as it is practically possible, inform the data subject and the Department using Form 9 of the date, time and place of the settlement meeting.
- (3) For the purpose of settlement proceedings, the Regulator has the same powers of a conciliator contemplated in sub-regulations (2) to (3) of Regulation 8 of POPI.
- (4) The Regulator must issue a settlement certificate using Form 10 within a reasonable time after the date of the conclusion of the settlement meeting.
- (5) If no settlement and assurance is secured or if either or both of the parties did not wish to attend a settlement meeting, the Regulator must proceed with the matter as provided for in terms of section 76 of POPI.

4.9 ASSESSMENTS

- (1) A request for an assessment in terms of section 89(1) of POPI must be submitted to the Regulator on Part 1 of Form 11.
- (2) The Regulator must inform the requester on Part II of Form 11 if it has decided to conduct an assessment on-
 - i. its own initiative; or
 - ii. as requested in terms of sub-paragraph (i) above;within a reasonable time from the date that the decision was made,
- (3) The period of assessment will be determined by the Regulator on a case by case basis.



- (4) The Regulator must notify the requester or the Department (if not the requester) of any decision made, or action taken, or view formed on Form 12 within a reasonable time from the date that the decision was made or action taken or view formed.

4.10 INFORMING THE PARTIES OF DEVELOPMENTS REGARDING INVESTIGATION

- (1) During the course of an investigation, the Regulator must within a reasonable time from the date of a decision being made or action being taken-
 - (a) keep the complainant, the data subject (if not the complainant) and the responsible party informed of the developments of the investigation; and
 - (b) inform the complainant, data subject (if not complainant) and the responsible party of the result of the investigation.

- (2) The notifications contemplated in sub-regulation (1) of POPI Regulations must be served at the designated addresses of the complainant, the data subject and the Department advising-
 - (a) on Form 13 that an enforcement notice will not be issued in terms of section 94(a) of POPI;
 - (b) on Form 14 that the complaint has been referred to the Enforcement Committee in terms of section 92 of POPI;
 - (c) on Form 15 that an enforcement notice has been served in terms of section 95 of POPI;
 - (d) on Form 16 that an enforcement notice had been cancelled or varied in terms of section 96 of POPI;
 - (e) on Form 17 that an appeal has been lodged against an enforcement notice for cancellation or variation of the notice in terms of section 97 of POPI;
 - (f) on Form 18 that an appeal against an enforcement notice has been allowed and that an enforcement notice has been substituted in terms of section 98 of POPI; or
 - (g) on Form 19 that an appeal has been dismissed in terms of section 98 of POPI.



5. AVAILABILITY OF THE MANUAL [SECTION 14(3) OF PAIA]

This manual will be made available to the Human Rights Commission in accordance with paragraph 4(1) of the Regulations promulgated in terms of PAIA, and will be published on the DFFE's website (<http://www.environment.gov.za>). Copies of the manual will also be available at DFFE's offices for perusal. The prescribed fees apply when copies have to be made for requesters.

6. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

(SECTION 15) OF PAIA

The DFFE makes a wide variety of information available through its website. Typical information that can be expected to be found on the website is:

- a) The DFFE Calendar of Events;
- b) Maps and Graphics;
- c) GIS Data sets;
- d) Environmental Potential Atlas Series;
- e) Enviro-Info 2001;
- f) Vacancies;
- g) Bids;
- h) Projects and programmes;
- i) Register of all rights of access, other rights, permits and licences granted or issued in terms of the Marine Living Resources Act, 1998 (Act No. 18 of 1998);
- j) News Releases;
- k) Policy and legislation;
- l) Marine Protected Areas;
- m) Coastal management;
- n) International obligations and agreements;
- o) Environmental Crimes Brochure;
- p) Environmental Management Inspector Training;

- q) Bioprospecting Application Forms;
- r) Benefit sharing and Material Transfer Agreement Forms (under bioprospecting);
- s) Regulations under the National Environmental Management: Biodiversity Act;
- t) Waste Policies;
- u) Waste Regulations;
- v) Waste Guidelines;
- w) Application Forms for waste disposal/management;
- x) Newsletters on waste management;
- y) DFFE Annual reports;
- z) Supply Chain Management: Policies; Procedure Manuals; Guidelines; Application Forms;
- aa) Public Finance Management Act and Treasury Regulations;
- bb) Information relating to the following statutory bodies:
 - i. South African National Parks;
 - ii. South African Weather Services; and
 - iii. South African National Biodiversity Institute.

Most of the information is provided free of charge. The conditions for the use of the information can be found on the website.

7. PUBLIC INSTITUTIONS REPORTING TO THE DFFE

The following public entities report to the DFFE:

iSimangaliso Wetlands Park Authority

Chairperson

Prof Thandi Nzama

Tel: 012 482 3322

Fax: 012 482 2276

E-mail: NzamaA@unizulu.ac.za

Chief Executive Officer

Mr Sibusiso Bukhosini

Tel: 035 590 1633

Fax: 035 590 1602

E-mail: Bukhosini@isimangaliso.com

The South African National Parks (SANParks)

Chairperson

Mr Kuseni Dlamini

Tel: 012 426 5006

Fax: 012 343 9959

E-mail: kdlamini@sanparks.org

Chief Executive Officer

Mr Fundisile Mketeni

Tel: 012 426 5001

Fax: 012 343 9959

E-mail: fundisile.mketeni@sanparks.org

South African Weather Services

Chairperson

Prof Lindisizwe Magi

Tel: 012 367 6078

E-mail: magilm@telkomsa.net

Chief Executive Officer

Mr Ishaam Abader

Tel: 012 367 6111

Fax: 012 367 6113

Mail: Ishaam.Abader@weathersa.co.za

South African National Biodiversity Institute

Chairperson (Acting)

Ms Nana Magomola

Tel: 011 0267323

Fax: 011 256 9217

E-mail: nana.magomola@thamaga.co.za

Chief Executive Officer (Acting)

Ms Carmel Mbizvo

Tel: 021 799 8807

Fax: 086 555 9831

E-mail: C.Mbizvo@sanbi.org.za