

Dube TradePort Corporation

A Schedule 3C Provincial Public Entity in terms of
the PFMA

PAIA Manual

As required by Section 14 of the Promotion of
Access to Information Act, 2 of 2000

DUBE TRADEPORT CORPORATION - PAIA MANUAL

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1. Definitions

For the purpose of this Manual, unless the context otherwise indicates:

"Access fee" means a fee prescribed for the purpose of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act no 108 of 1996)

"Deputy Information Officer" means the DIO, delegated by the Information Officer to fulfil responsibilities in terms of PAIA;

"DTPC" means the Dube TradePort Corporation;

"Information Officer" means the Chief Executive Officer, or equivalent officer, or the person who is acting as such and will be referred to as the CIO;

"PAIA" means the Promotion of Access to Information Act, 2000 (Act no 2, of 2000);

"Personal requester" means a requester seeking access to record containing personal information about the requester;

"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, regardless of form or medium which is in the possession or under the control of Dube TradePort Corporation, irrespective of whether it was created by Dube TradePort or not;

"Request" means request for access to a record of Dube TradePort Corporation.

"Requester" means any person (other than certain public bodies or an official thereof) making a request for access to a record of Dube TradePort Corporation and includes any person acting on behalf of that person or requester.

"SAHRC" means the South African Human Rights Commission.

"Third Party" refers to a record by any person, not limited to government of a foreign State, an international organisation or an organ of that government, other than the requester concerned and a public body.

2. Introduction

The Promotion of Access to Information Act (PAIA) requires that a PAIA manual is published that provides details of records held by such public body so that requests for information may be accommodated.

The PAIA gives effect to the provisions of Section 32 of the Constitution which provides that every person has the right of access to information held by the State or held by another person that is required for the exercise and or protection of any right.

The objectives of the PAIA are to promote transparency, accountability and effective governance within all public and private bodies. This in turn, empowers and educates people to understand their rights, in terms of PAIA, which they may exercise and protect.

This manual has been produced to establish the procedures to be followed and criteria that have to be met for anyone to access information in the possession or under the control of Dube TradePort Corporation (DTPC).

3. Mandate of DTPC

DTPC is a Schedule 3C Provincial Public Entity formed in terms of the Dube TradePort Act 2 of 2010 and governed by the Public Finance Management Act of 1999, Act 1 of 1999 (PFMA).

3.1. Vision

DTPC's vision is "to be the leading global air logistics platform in Southern Africa, seamlessly integrated with inter-modal road, rail and sea infrastructure".

3.2. Mission

DTPC's mission is as follows:

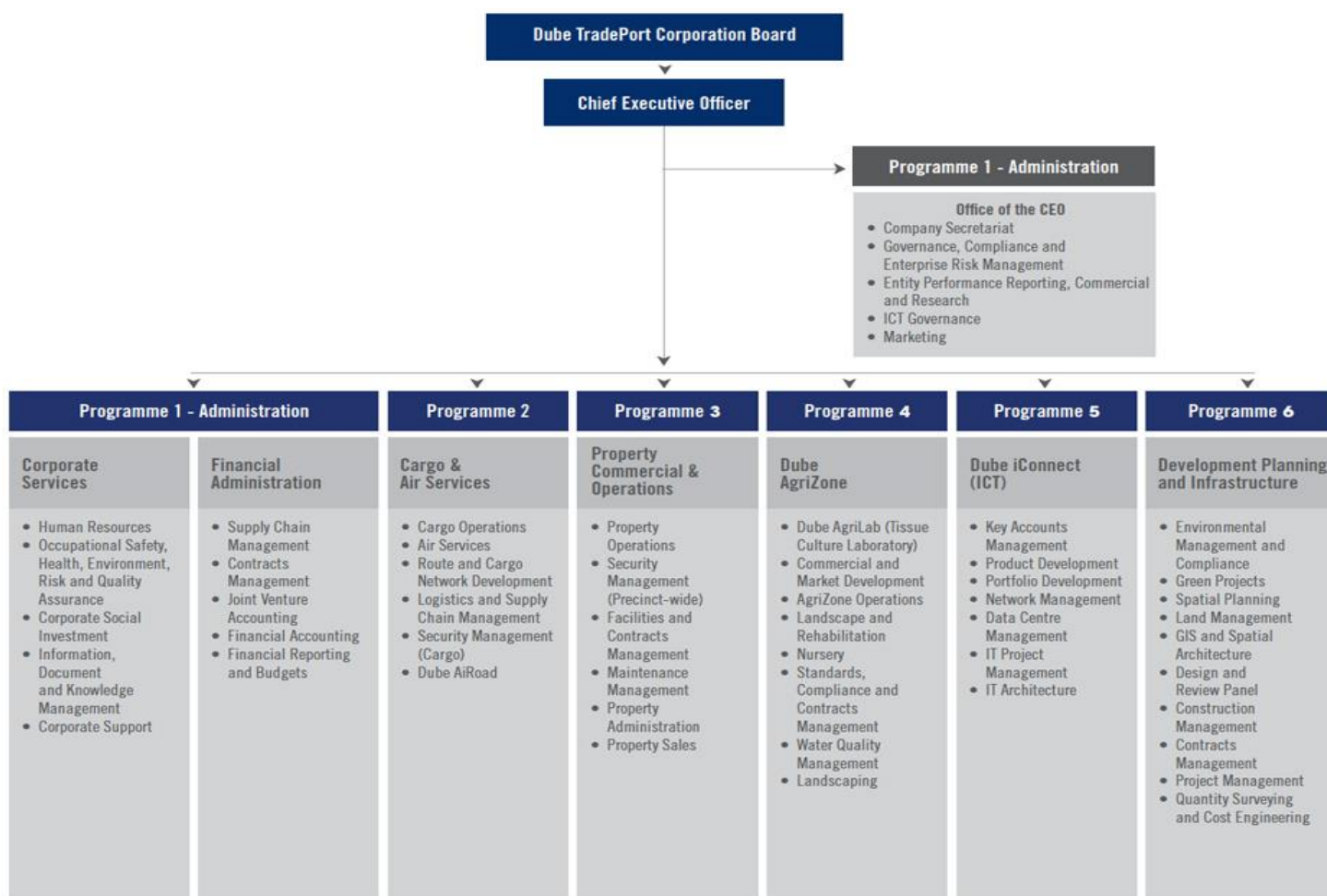
- To enable the development of an aerotropolis by providing leading edge spatial planning and infrastructure;
- To attract investment through the creation and operation of a special economic zone and related commercial zones; and
- To grow business and trade through enabling new regional and international air services.

4. Functions and Structures, Section 14 (1) (A)

For more detailed information relating to DTPC's strategic goals, please refer to the "DTPC – Strategic Plan for the fiscal years 2011/12 – 2015/16" available on the website (<http://www.dubetradeport.co.za/>)

DTPC is currently headed by a Chief Executive Officer, supported by an Executive Team responsible for the respective programmes. The functional composition diagram illustrates, at a high level, the functional areas within each division:

Organizational Diagram 1



5. Information Officers and Contact Details, Section 14(A) (B)

In terms of the PAIA, the Chief Executive Officer (CEO) of a public body is automatically designated as Chief Information Officer (CIO). The CIO's functions are to provide strategic direction to DTPC and ensure the delivery of key development initiatives in accordance with the DTPC mandate in an accountable, professional and efficient manner.

DTPC's CIO's contact details are as follows:

5.1. Chief Information Officer

Mr Hamish Erskine Email Address: hamish.erskine@dubetradeport.co.za

5.2. Deputy Information Officer

Requesters are required to address all requests to the Deputy Information Officer (DIO). The DIO's functions are to co-ordinate all matters relating to transparency, legislation and to process requests in terms of PAIA. Contact details listed below:

Ms. T Wingfield Email Address: Tanya.wingfield@dubetradeport.co.za

Postal Address:

PO Box 57757

King Shaka Airport

4407

Street Address:

29° South

7 Umsinsi Junction

La Mercy

Kwazulu-Natal

4399

Phone:

+27 32 814 0000

Fax:

+27 32 814 0103

6. Section 10: How to access the Guide, Section 10 and 14(1) (c)

The guide will be available from the South African Human Rights Commission (SAHRC) or from their website: www.sahrc.org.za

Should you have any queries in this regard please contact the SAHRC directly at:

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Private Bag 2700

Houghton

2041

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

Email: paia@sahrc.org.za

The guide is also available from DTPC. Please direct any enquiries to the Deputy Information Officer at the address above.

7. Access to Records In Terms Of Section 14 (1) (E) (Automatic Disclosure)

Certain records may be accessed directly off the internet from DTPC's official website at: <http://www.dubetradeport.co.za/> and you are encouraged to consider this route before submitting a request.

It is also not a requirement that the request fees be paid, however prescribed access and reproduction fees will still apply. Refer to Annexure 2 for the list of Automatically Available records.

8. Access to Records, Section 14 (1) (D)

This section of the manual serves as a reference to the records that DTPC holds in order to facilitate a request in terms of PAIA. However, please note that the mere fact that a category or subject matter is listed in this manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated, on a case by case basis, in accordance with the provisions of the PAIA.

Division	Categories of Records
Administration	Annual Reports Performance and Strategic Plans Macro- Economic Impact Assessments Reporting records Supply Chain records Contract records SHEQ records Marketing – programmes, surveys and advertisements. Human Resources – recruitment, appointment, exit management, performance management and leave administration records
Cargo and Air Services	Facilities management records Safety and security records Operational records Maintenance records Fleet management records
Property Operations	Facilities management records – service level agreement Lease administration records Rentals
Dube AgriZone	AgriZone service records Sustainable farm initiatives Training Programmes Contracts
Information Technology and Communication	Operational support records Sales and Product development records Project Management Records Billing and Proposal records
Development Planning and Infrastructure	Acquisition of Land records – title deeds and agreements Plans, Studies and Reports

9. Request Procedure

9. 1. Compliance Requirements

Subject to the provisions of the Act, access to records requested from DTPC will only be given if:

- All the procedural requirements set out in the PAIA relating to a request are met; and
- Access to the requested record/s is not refused in terms of any grounds for refusal set out in the Act.

9. 2. Request Application Process

The following steps are to be following when making an application for access to a record:

STEP 1: THE REQUEST

Should a person wish for access to information held by DTPC, the request form (**Annexure 1**) must be completed and submitted to the DIO (details may be obtained from DTPC's PAIA Manual). The requester must also indicate if they would like a copy of the record or if they would like to inspect the record at DTPC's premises.

The DIO must assist the requester with the request for access to ensure that the request complies with the requirements of the Act. The DIO may not refuse the request if it is not fully or correctly completed. The DIO will notify the requester by means of a Notice of Procedural Deficiency of his or her intention to refuse the request. In such an event, the requester may then provide more detailed information regarding to the request.

As required by the Act, an amount of R35.00 must accompany the request for information if it is not from a personal requester.

STEP 2: VALIDATION AND ACKNOWLEDGEMENT

The DIO receives and validates the request to ensure that the required information is available within DTPC. The request is then accepted, rejected or transferred to the relevant division of the required information. A request for access will be granted unless it may be deferred or may be refused on the basis of grounds for refusal, mentioned in Chapter 4 of Part 2 of the Act.

A notification will also be issued to inform the requester of: a request fee (if payable); the status of the request as well as issue the requester with a request number.

STEP 3: INFORMATION PROCESSING

If the request is granted, DTPC will gather and prepare the information and calculate the relevant costs involved.

STEP 4: FINAL NOTIFICATION

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

STEP 5: PAYMENT AND DELIVERY

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

9.3. General Information

Requests for access to records held by DTPC in its capacity as a public body must only be made on the request form as prescribed by the Act, a copy of which is attached as **Annexure 1**. The form is available in PDF format (for hand written requests) on the DTPC website.

The regulations and Section 18 of the Act require the requester to furnish the following information:

- Particulars of the person requesting access to the records;
- The form or manner of access sought as prescribed by section 29;
- The particulars of the record which access is requested;
- Contact information of the requester (postal address/fax number/email address);
- Language specifications for the requested record;
- If the requester is asking for information on behalf of someone else, the capacity in which the request is being made should be indicated;
- Should the requester wish to be notified of the decision in any way, in addition to a written notification, for example by telephone, this must be indicated; and
- An indication as to how the requester wishes to be notified of the decision regarding the request for access to the record(s) concerned.

Requesters who cannot read or write may make oral requests to the DIO who must fill in the request form for the requester and furnish the requester with a copy;

DTPC will endeavour to give access in the form requested unless this would interfere with the smooth operations of DTPC. DTPC will also give consideration to the preservation of records and the infringement of copyright when processing is required. Access fees will be calculated according to the manner in which the requester originally asked for the record (Section 29(3) and (4)).

The requester must pay the prescribed fee before any processing may take place.

9.4. Request Considerations

9.4.1. GROUNDS FOR REFUSAL

The grounds of refusal are outlined in Part 2 of Chapter 4 and include mandatory protection of:

- Privacy of third party who is a natural person;
- Certain records of South African Revenue Service;
- Commercial information of a third party;
- Certain confidential information and other protection of certain other information, of third party;
- Safety of individuals, and protection of property;
- Records privileged from production in legal proceedings;
- Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- Research information of third a party, and protection of research information of a public body; or
- Certain information regarding the operations of public bodies.

DTPC may also refuse requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.

9.4.2. MANDATORY DISCLOSURE IN THE INTEREST OF THE PUBLIC

Despite any other provision in PAIA, the DIO must grant a request for access to a record of DTPC if –

The disclosure of the record would reveal evidence of:

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

9.4.3 PERIODS FOR DEALING WITH REQUESTS

DTPC will be entitled to 30 days to make a decision on a request.

DTPC will notify the requester should an extension be sought, the reasons for such an extension as described in section 26(1) of the PAIA.

10. Payment Procedure

10.1. Prescribed Fees

The Act sets out two types of fees namely:

- A *request fee*, which is a standard fee payable only by non-personal requesters; and
- An *access fee*, which must be calculated by taking in to account reproduction costs, search and preparation time and costs as well as postal costs.

10.1.1. Request Fees

Every requester who is not personal requester must pay the required request fee. The DIO must notify the requester of the requirements to pay the prescribed fee (if any) before processing the request as in section 22(1) of the Act

The request fee payable to DTPC is R35.00 and is payable on submission of each application. This amount is non-refundable.

10.1.2. Access Fees

An access fee shall be determined by the amount of records and the manner in which access is required.

Request and Access fees are listed in Annexure 3, as prescribed by Gazette 23119 of 15 February 2002, Government Notice No. R.187.

10.2. Notification of Fees

The DIO must notify the requester (other than a personal requester) by notice, requiring the requester to pay the request fee (R35.00) before further processing the request. Once the DIO has made a decision on the request the requester will be notified of such a decision in the manner in which the requester wanted to be notified in.

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

If the request is granted, then a further access fee must be paid for the search, preparation and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure including making arrangement to make it available in the requested form. If a deposit has been paid in respect of a request for access, which is refused, then the DIO must repay the deposit to the requester.

10.3. DTPC's Bank Account Details

Bank: ABSA

Account Type: Current Account Public Sector

Account Number: 4056873817

Branch Code: 634926

Reference: PAIA Surname (of Requester).

The proof of the payment must be sent to the DIO before any request can be processed and also appear in DTPC's bank statement (contact details within DTPC manual). The proof of payment must accompany the request form.

10.4. Exemptions Section 22(8)

A personal requester is not required to pay the request fee.

The following persons are exempt from paying access fees contemplated in Section 22(8) of the Act:

- A single person whose annual income, after permissible deductions, does not exceed R14 712 per annum; and
- Married persons or a person and his or her life partner whose annual income, after permissible deductions, does not exceed R27 192 per annum.

It is further determined that:

- Where the cost of collecting any fee contemplated in Section 22 of the Act exceeds the amount charged, such fee shall not apply; and
- The access fee contemplated in Section 22(8) of the Act shall not apply to the personal record of a requester.

The request and access fees do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or enquiry in terms of the provisions of the Maintenance Act No 99 of 1998 or the regulations made under section 44 of that Act.

11. Remedies Available, Section 14(1) (H)

11.1. Application to court

A requester (or a third party, if applicable) may seek relief from any court, with appropriate jurisdiction, in respect of the following decisions of the CIO/ DIO:

- Refusal or partial refusal of the request for access;
- The amount of fees required to be paid;
- The extension for the period within which to deal with the request; or
- The form of access in which the information will be furnished.

All legal processes must be served on the CIO/DIO who dealt with the request within 30 days.

12. Updating the Manual, Section 14 (2)

The manual will be updated within one year after publication or whenever changes to the information contained in the manual require an update.

13. Availability of the Manual, Section 14(3)

The Manual is available from the following places:

- DTPC Head Office-during office hours 08:00 – 16:30
29°South
7 Umsinsi Junction
La Mercy
Kwazulu Natal, 4399
- DTPC website at www.dubetradeport.co.za; and
- The South African Human Rights Commission (SAHRC)

14. Associated Annexures

Annexure 1: Record Request Form

Annexure 2: Automatically Available Records and access to such Records

Annexure 3: Fee Form