



mineral resources
& energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

**MANUAL ISSUED IN TERMS OF SECTION 14
OF THE PROMOTION OF ACCESS TO INFORMATION
ACT, 2000 (ACT NO 2 OF 2000)**

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1. **INTRODUCTION**

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996 provides that everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereinafter referred to as “*PAIA*”) is the national legislation which was enacted to give effect to the constitutional right of access to information.

PAIA gives all South Africans the right to have access to records held by the state, government institutions and private bodies. The following are the objectives which PAIA seeks to achieve:

- To ensure that the State takes part in promoting a human rights culture and social justice;
- To encourage openness and to establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner as reasonably possible; and
- To promote transparency, accountability and effective governance of all public and private bodies, by empowering and educating everyone to understand their rights in terms of PAIA so that they are able to exercise their rights in relation to public and private bodies, to understand the functions and operation of public bodies, and to effectively scrutinise, and participate in decision making by public bodies that affects their rights.

PAIA, however, recognises that such a right of access to information is subject to justifiable limitations and seeks to balance the requester’s constitutional right to information against the information officer’s right to refuse access to information on any of the grounds mentioned in Part 2, Chapter 4 of PAIA. Such limitations are acknowledged within these provisions of **PAIA** and the Protection of Personal Information Act 4 of 2013 (hereinafter referred to as “**POPIA**”), as it specifies circumstances under which there would be limited or restricted access to the information held by the State.

In terms of section 14 of PAIA, all public bodies must have information manuals to assist any person wanting to access records of public bodies. In this regard, the Department is pleased to publish this Manual in the hope that the information contained herein will be of assistance and ensure that all requests for access to information are dealt with efficiently and effectively, and thereby promote the objectives and spirit of PAIA.

2. **DEFINITIONS**

In this manual any word or expression to which a meaning has been assigned in the Promotion of Access to Information Act, 2000, shall bear the meaning so assigned, and unless the context otherwise indicates -

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

“Department” means the Department of Mineral Resources and Energy and shall include its regional offices;

“Guide” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in PAIA and the Protection of Personal Information Act 04 of 2013, as contemplated in section 10 of PAIA;

“information officer” means the Director-General of the Department;

“Information Regulator” means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;

“Manual” means this manual compiled in terms of section 14 of the Act;

“Mineral Resources and Energy Related Legislation” means the legislation listed in paragraph 4.2 of this Manual;

“PAIA” Promotion of Access to Information Act No. 2 of 2000;

“Personal Information” means information relating to an identifiable, living, natural person, including, but not limited to—

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person; and
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person,

but excludes information about an individual who has been dead for more than 20 years;

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

“personnel” means any person who works for, or provides services, to or on behalf of, the Department and receives or is entitled to receive any remuneration, including all permanent, temporary and part-time staff as well as contract workers;

“PoPIA” means the Protection of Personal Information Act 4 of 2013;

“record” means any recorded information, regardless of form or medium, which is in the process or under the control of the Department, irrespective of whether it was created by the Department or not;

“relevant authority” means the Minister of Mineral Resources and Energy;

“request” means a request for access to a record of the Department;

“**requester**” means any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of ‘public body’ in PAIA, or an official thereof) making a request for access to a record of the Department and includes any person acting on behalf of that person or requester; and

“**SAHRC**” means the South African Human Rights Commission.

3. INFORMATION REGULATOR’S GUIDE ON THE ACT

The Information Regulator has, in terms of section 10(1) of **PAIA**, as amended, updated the **PAIA** Guide, as initially compiled by the SAHRC. The purpose of the aforesaid Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in **PAIA** and **POPIA**. This Guide will specifically assist a person, also called a data subject, on how to access his/her or its personal information in terms of section 23 of **POPIA**.

The guide is available in all official languages from the Information Regulator. The contact details for the Information Regulator are as follows:

P.O. Box 31533
BRAAMFONTEIN
2017

Telephone: +27 10 023 5200

Website: www.inforegulator.org.za

Email: inforeg@justice.gov.za

4. ABOUT THE DEPARTMENT

4.1 MANDATE, VISION AND MISSION OF THE DEPARTMENT

Mandate

To develop a mineral resources and energy sector that promotes economic growth and development, social equity and environmental sustainability.

Vision

A leader in the transformation of South Africa through economic growth and sustainable development in the mining and energy sectors

Mission

To regulate, transform and promote the minerals and energy sectors, providing sustainable and affordable energy for growth and development, and ensuring that all South Africans derive sustainable benefit from the country’s mineral wealth.

4.2 LEGISLATION ADMINISTERED BY THE DEPARTMENT

Legislation in chronological order
Mines and Works Act, 1956 (Act No. 27 of 1956)
Mining Titles Registration Act, 1967 (Act No. 16 of 1967)
Central Energy Fund Act, 1977 (Act No. 38 of 1977)
Petroleum Products Act, 1977 (Act No. 120 of 1977)
Diamonds Act, 1986 (Act No. 56 of 1986)
Mineral Technology Act, 1989 (Act No. 30 of 1989)
Abolition of the National Energy Council Act, 1991 (Act No. 95 of 1991)
Geoscience Act, 1993 (Act No. 100 of 1993)
Nuclear Energy Act, 1993 (Act No. 131 of 1993)
Mine Health and Safety Act, 1996 (Act No. 29 of 1996)
Nuclear Energy Act, 1999 (Act No. 46 of 1999)
National Nuclear Regulator Act, 1999 (Act No. 47 of 1999)
Abolition of Lebowa Mineral Trust Act, 2000 (Act No. 67 of 2000)
Gas Act, 2001 (Act No. 48 of 2001)
Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)
Gas Regulator Levies Act, 2002 (Act No. 75 of 2002)
Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)
Petroleum Pipelines Levies Act, 2004 (Act No. 28 of 2004)
National Energy Regulator Act, 2004 (Act No. 40 of 2004)
Precious Metals Act, 2005 (Act No. 37 of 2005)
Electricity Regulation Act, 2006 (Act No. 4 of 2006)
National Energy Act, 2008 (Act No. 34 of 2008)
National Radioactive Waste Disposal Institute Act, 2008 (Act No. 53 of 2008)

4.3 ORGANISATIONAL STRUCTURE

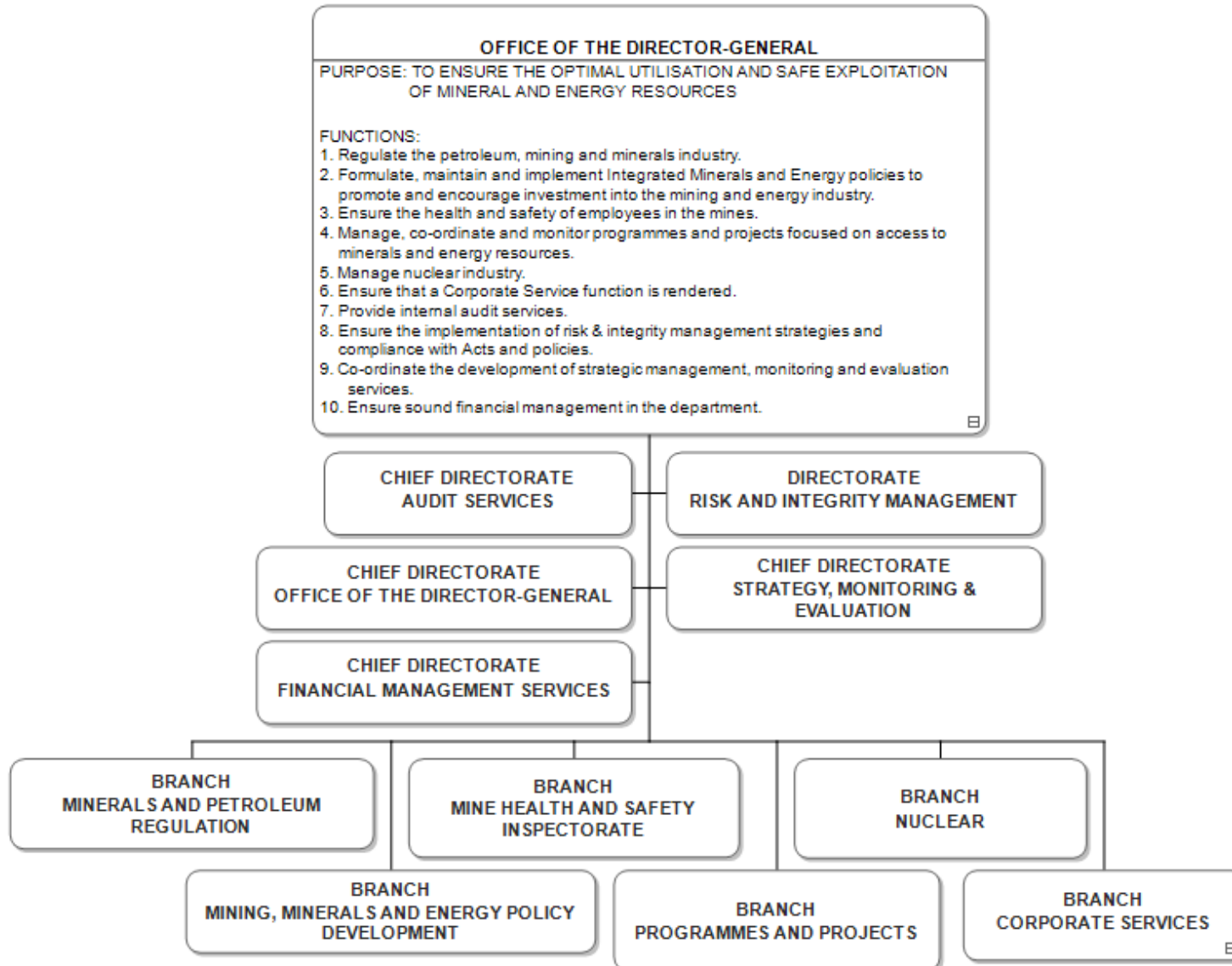
4.3.1 The Department consists of a national office that is situated in Gauteng Province and various Regional Offices that are situated Eastern Cape (East London) Free State(Welkom), KwaZulu-Natal (Durban), Limpopo (Polokwane), Mpumalanga(Witbank) Northern Cape (Kimberley), Western Cape(Cape Town), Gauteng (Pretoria) North West (Mafikeng).

4.3.2 The Branches of the Department are as follows:

- (a) Corporate Services
- (b) Minerals and Petroleum Regulation
- (c) Mining, Minerals and Energy Policy Development
- (d) Programmes and Projects
- (e) Nuclear
- (f) Mine Health and Safety Inspectorate

4.3.3 The Department's macro structure is indicated below:

DEPARTMENT OF MINERAL RESOURCES AND ENERGY



5. CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

5.1 Information Officer :

Director-General
Private Bag X96
PRETORIA
0001

PA to Director-General
Ms Mamabefu Modipa
Mamabefu.Modipa@dmre.gov.za
Telephone number: +27 12 444 3880

5.2 **ALL** requests for access to records of the Department, and any internal appeal in terms of section 74 of PAIA, shall be submitted for the attention of the **Chief Director: Legal Services** through any one of the following methods:

- (a) By post to-
Department of Mineral Resources and Energy
Private Bag X96
PRETORIA
0001;
- (b) By hand delivery to-
Department of Mineral Resources and Energy:
Head Office
2nd Floor Block 2B Trevenna Campus,
Corner Schoeman and Meintjies
Streets,
Arcadia,
Pretoria or,
- (c) By e-mail: paia@energy.gov.za and diphoko.modiselle@dmre.gov.za

5.3 Deputy Information Officers

The following officials have been designated as Deputy Information Officers in terms of section 17(1) of PAIA.

Mr Pieter Alberts
Chief Director: Legal Services
Private Bag X96
PRETORIA
0001
paia@energy.gov.za

Ms Saandhri Naidoo
Director: Legal Services
Private Bag X96
PRETORIA
0001
Saandhri.Naidoo@dmre.gov.za

Ms Patricia Gamede
Deputy Director-General: Corporate Services
Private Bag X96
PRETORIA
0001
Patricia.Gamede@dmre.gov.za

Mr Tseliso Maqubela
Deputy Director-General: Minerals and Petroleum Regulation
Private Bag X96
PRETORIA
0001
Tseliso.Maqubela@dmre.gov.za

Ms Ntokozo Ngcwabe
Deputy Director-General: Mining, Mineral and Energy Policy Development
Private Bag X96
PRETORIA
0001
Ntokozo.Ngcwabe@dmre.gov.za

Mr David Msiza
Chief Inspector of Mines
Private Bag X96
PRETORIA
0001
David.Msiza@dmre.gov.za

Mr Zizamele Mbambo
Deputy Director-General: Nuclear
Private Bag X96
PRETORIA
0001
Zizamele.Mbambo@dmre.gov.za

Mr Jacob Mbele
Deputy Director-General: Programmes and Projects
Private Bag X96
PRETORIA
0001
Jacob.Mbele@dmre.gov.za

Ms Yvonne Chetty
Chief Financial Officer
Private Bag X96
PRETORIA
0001
Yvonne.Chetty@dmre.gov.za

Mr Maduna Ngobeni
Project Officer
Independent Power Producer Programme Office
Bylsbridge Office Park, Building 9,
Cnr Jean and Olievenhoutbosch Ave,
CENTURION
maduna.ngobeni@ipp-projects.co.za

Ms Nthatsi Rapoo
Chief Director: Human Resources
Private Bag X96
PRETORIA
0001
Nthatsi.Rapoo@dmre.gov.za

Ms Cathy Leso
Chief Information Officer
Private Bag X96
PRETORIA
0001
Cathy.Leso@dmre.gov.za

6. SUBJECT AND CATEGORIES INFORMATION HELD BY THE DEPARTMENT

Below is a list of subjects on which the Department holds records and categories of records held under each subject. The list is not exhaustive and may be amended from time to time. The records held under the various subjects are not automatically available and access to the records is subject to the nature of the information contained in the record.

6.1 Statutory and Regulatory Framework

- Mineral Resources and Energy Policies
- Mineral Resources and Energy legislation
- Regulations issued in terms of Mineral Resources and Energy Legislation;
- Bills
- Other legislations and regulations

6.2 Organisation and Control

- Internal Policies
- Functions
- Delegations of authority
- Establishment of new sections and offices
- Planning
- Audit Services
- Meetings
- Security Management
- Programmes and Projects
- Monitoring and Evaluation
- Strategy and Risk Management
- Risk Register
 - Risk Management Committee Charter
 - Risk Management Committee Minutes
 - Risk Management Policy
 - Risk Management Strategy
 - Risk Management Implementation Plan
 - Risk Assessment and Identification Methodology
 - Risk Management Framework
 - Risk Management Committee Members Appointment Letters
 - Risk Management Standard Operation Procedures
 - Risk Assessment Handbook
 - Departmental Code of Conduct
 - Fraud Prevention Plan/Strategy
 - Fraud Implementation Plan
 - Fraud Prevention Policy
 - Whistle Blowing Policy
 - Strategic Plan

- Annual Performance Plan
- Reports

6.3 Human Resource Management

- Human Resource Management Policies
- Organisational Development Efficiency Promotion
- Job Evaluation
- Job Profiles/Description
- Change Management/Organisational Culture and Values Interventions
- Departmental Form Design
- Staff Establishment
- Operation Management
- Personnel Provisioning, including advertisements, appointments, secondments and transfers
- Conditions of Service
- Termination of Service
- Performance Management
- Employment Relations/ Labour Relations
- Human Resources Development
- Employee Wellness Programme
- Occupational Health and Safety
- Employment Equity

6.4 Financial Management

- Financial Planning and Management Accounting Policies
- Revenue management
- Cash flow information
- MTEF, AENE, and ENE allocations
- Expenditure Management
- In year Monitoring reports and budget and expenditure control reports

6.5 Supply Chain Management

- Demand and Acquisition
- Tender Administration
- Logistics Management
- Asset Management

6.6 Facilities Management

- Facilities Management Policies
- Office Accommodation
- Services

6.7 Travel and Transport Management

- Travel and Transport Policies
- Travel Management

6.8 Information Services

- Knowledge Management
- Records Management
- Information Management
- PAIA
- Library
- ICT Plans, Policies and Procedures

6.9 Communications

- Communications Policies
- Editorial and Publication Services
- Liaison and Support Services
- Branding
- Marketing
- Media releases, interviews, monitoring and reports
- Press clippings
- Speeches

6.10 International Coordination

- International Coordination Policy
- Oversees Trips, Conferences and Seminars
- International Agreements

6.11 Legal Services

- Mineral Resources and Energy Laws: Drafting and Amendments
- Litigation
- Appeals
- Legal Opinions and Interpretations
- Contracts and Memoranda of Understanding

6.12 Policy Development

- Electricity Policy
- Electricity Supply Policy
- Coal and Gas Policy
- Petroleum and Petroleum Infrastructure Policy
- Nuclear Policy

6.13 Integrated Energy Planning

- Energy Planning Policy
- Supply options Planning
- Infrastructure Development
- Market Sectors Demand Profiling
- Energy Information Management, Process Design and Publications
- Energy Economics
- Macroeconomic Analysis

6.14 Nuclear Energy

- Nuclear Energy Policy
- Nuclear Safety, Liabilities and Emergency Management
- Nuclear Technology
- Nuclear Non-Proliferation
- Radiation Technology
- Nuclear Enforcement and Compliance
- Nuclear and Radiation Security

6.15 Operations

- Hydrocarbons Operations including Petroleum Pricing
- Mining and Minerals Regulation and Licensing
- Mine Health and Safety investigations and Reports
- Petroleum Licensing
- Compliance, Monitoring and Enforcement of Mineral resources and Energy related legislation
- Integrated National Electrification Programme and Planning
- Clean Energy
- Designated National Authority
- New and Renewable Energy
- Energy Efficiency and Environment

7. VOLUNTARY DISCLOSURES AND INFORMATION AUTOMATICALLY AVAILABLE

7.1 In terms of section 14(1)(e) of the Act, the Department has the following categories of the records that are automatically available for copying and inspection without a person having to request access in terms of PAIA:

- (a) Acts, Bills and Regulations published by the Department;
- (b) published policies and guidelines;
- (c) application forms;
- (d) contact directory;
- (e) e-publications
- (f) published booklets and brochures

- (g) published marketing material, including departmental marketing brochures
- (h) published newsletters
- (i) published posters and pamphlets
- (j) published reports
- (k) strategic plans;
- (l) annual performance plans;
- (m) annual reports;
- (n) budget speeches;
- (o) vacancy circulars;
- (p) collective bargaining agreements;
- (q) Research in the Public Domain

7.2 Available Free of charge in terms of Section 15(1) (a) (iii):

- 7.2.1 The Department's website at www.dmre.gov.za contains most of the information indicated in paragraph 7.1 above, which is directly accessible from the internet. Please refer to and use the website before submitting requests as it would be an easier way of accessing departmental records. You may also contact the Department to determine if information requiring access is automatically available or if the access to information procedure should be followed to acquire access to such documents.
- 7.2.2 The other automatically available information that is not posted on the Department's website may be requested from the Department without submitting a request in terms of PAIA. No request form for access in terms of PAIA has to be completed for records automatically available in terms of this section. However a fee for copying may be levied, where applicable.
- 7.2.3 The records as listed below in respect of applications for rights pending or finalized in terms of the Mineral and Petroleum Resources Development Act 28 of 2002, as amended, will be made available voluntarily via the Regional Managers: Mineral Regulation. Contact details of the Regional Managers. Voluntary access to these records is limited to the extent that confidential information and personal information In respect of applicants for or holders of rights in terms of the Mineral and Petroleum Resources Development Act disclosed in such applications will not be made available without the prior consent of the applicant or holder concerned.
- The Completed Application Form for rights in terms of the Mineral and Petroleum Resources Development Act 28 of 2002
 - The Plan as contemplated in Regulation 2(2)
 - Title Deed(s) or certified copy/copies in respect of the land concerned
 - Social and Labour Plan, excluding confidential commercial and financial information

- Proof of Consultation with Interested and Affected parties
- Proof of Consultation with other Government Departments, excluding the result of consultation, which may be obtained from the relevant Department
- Status of identified land
- Details on holders of prospecting, mining or other rights In terms of the Minerals and Petroleum Development Act 28 of 2002 in respect of specified land
- Details of existing rights within RSA;
- Executed prospecting and mining rights
- Prospecting and Mining Works Programmes, excluding proof of financial ability
- Environmental Management Programmes, Environmental
- Management Plans and Environmental Authorisations
- Financial Provision for Rehabilitation

7.2.4 **Records of Registrations at the Mining Titles Registration Office**

Records of Registered Rights held by the Mining Titles Registration Office are available on request directly from the said office. These are public documents.

7.2.5 The application forms for licences in terms of the Petroleum Products Act, 1977 (Act No. 120 of 1977) will be made available voluntarily and free of charge through the Regional Directors. Completed applications submitted by Applicants to the Controller are available for inspection at the Department's Regional Offices for the prescribed period during which objections may be lodged; however voluntary access to these records is limited to the extent that such records do not contain confidential information of third parties or Applicants for licences in terms of the Petroleum Products Act, 1977. Any person requesting access to an application lodged with the Controller outside the period allowed for inspection must request access in accordance with section 8 below.

8. **PROCEDURE FOR REQUESTING ACCESS TO RECORDS**

- 8.1 All requests for access to records in terms of PAIA must be submitted by completing **Form A in Annexure A** and forwarding it to the Chief Director: Legal Services by post, email or hand delivery as set out in paragraph 5.2 above. Any person requiring assistance with the completion of the Form A, may contact the Chief Director: Legal Services telephonically on 012 4443814 or 012 406 7510.
- 8.2 Unless the request is made by a personal requester or a person claiming an exemption, the request fee of R100.00 must be paid to the cashier at Head Office or into the bank account of the Department and proof thereof must be submitted to the Department. To claim a fee exemption granted by the Minister in terms of section 22(8) of PAIA, please complete Part E of Form A.

8.3 The Department's banking details are as follows:

Bank: ABSA
Branch Code: 632005
Account Name: Department of Mineral Resources and Energy
Account Number: 4061769154
Reference Number: PAIA Surname and initials of the Requester

8.3 Once a complete request is received, the Chief Director: Legal Services will submit the request to the relevant Deputy Information Officer for decision within the prescribed time period. A decision shall be taken within 30 days of receipt of a complete request, however this period may be extended for a further period of 30 days by the Deputy Information Officer in certain circumstances.

8.4 If access is granted to records of the Department, the requester will be notified and required to pay the prescribed access fees as set out in **Annexure C** before access is granted. If access is requested in a particular form, then the requester shall, subject to section 28 of PAIA, be given access in that form unless doing so would interfere unreasonably with the effective administration of the Department, damage the record, or infringe the copyright not owned by the state or Department.

8.5 If the request has been refused, the requester will be notified thereof together with reasons for the decision.

9. RIGHT TO INTERNAL APPEAL OR APPLICATION TO COURT FOR RELIEF

9.1 If a request for access to a record of the Department has been refused for whatever reason, the requester has a right to make an internal appeal to the relevant authority, who is Minister of Mineral Resources and Energy, by completing the form in **Annexure B** and submitting same to the Chief Director: Legal Services in a manner set out in paragraph 5.2. A third party may lodge an internal appeal with the relevant authority against a decision of the information officer to grant a request for access. The following are other grounds upon which a requester may lodge an internal appeal with the Minister of Energy, against a decision taken by the information officer:

- When the requester is not satisfied with the fees that are required to be paid in respect of the request.
- When the requester is not satisfied with the extension of the period to deal with request.
- If the form of access in which the records are provided are not in line with the particular form in which the requester preferred.

- 9.2 The internal appeal must be lodged within 60 days; or if notice to a third party is required by section 49(1)(b), within 30 days after notice is given to the third party of the decision appealed against. However the Minister of Mineral Resources and Energy may allow the late appeal upon good cause shown.
- 9.3 Where a requester has been unsuccessful in an internal appeal to the Minister of Mineral Resources and Energy, the requester may within 180 days lodge a complaint with the Information Regulator in accordance with Chapter 1A of PAIA as set out in paragraph 10 below, or apply to court in terms of section 78 of PAIA for appropriate relief.

10 COMPLAINTS TO THE INFORMATION REGULATOR

- 10.1 A requester or third party may only submit a complaint to the Regulator in accordance with Chapter 1A of PAIA after that requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer.
- 10.2 A complaint to the Regulator must be made in writing and a complaint form must be completed, either manually or online. A complaint form can be downloaded from the Regulator's website AT www.inforegulator.org.za

11. ARRANGEMENTS FOR PUBLIC PARTICIPATION IN POLICY FORMULATION AS CONTEMPLATED IN SECTION 14(1)(b) OF PAIA

- 11.1 The Department may, from time to time, solicit public comments on draft legislation, (Bills and Regulations) and other issues and the public are invited to provide their comments and input when these opportunities arise.
- 11.2 The Department is part of the executive arm of government. Although there may be no specific structures in place for public participation in policy formulation, members of the public can indirectly influence policy formulation by-
- (a) participating in national elections;
 - (b) communicating with their elected representatives;
 - (c) involving themselves in the legislative and other public participatory processes of South Africa Parliament and its committee;
 - (d) attending sessions of the Parliament; and
 - (e) the media accessing the Parliament and its committees.

12. INFORMATION CONCERNING THE PROTECTION OF PERSONAL INFORMATION AS CONTEMPLATED IN SECTION 14(1)(c) OF PAIA

12.1 The Department processes personal information of the data subjects identified in paragraph 12.2 for the purposes set out in paragraph 12.3.

12.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be Processed
Employees and applicants for employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person, Employment history and references, Banking and financial details, Details of payments to third parties (deductions from salary), employment contracts, medical aid records, Pension Fund records, remuneration/salary records, performance appraisals, Disciplinary records, Leave records, Training records,
Bidders, Vendors, Suppliers and Service Providers	Identity and/or company information and directors' information, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, information related to tax status and broad-based black economic empowerment status, and other information not specified but reasonably required to be processed for business operations
Persons making application in terms of the PAIA, PoPIA and in terms of	Identity and/or company information and directors' information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email

Categories of Data Subjects	Personal Information that may be Processed
Mineral Resources and Energy Related legislation as set out in paragraph 4.2 of this Manual, including information and data collected from such persons in terms of such legislation administered by the Department.	address); registration number; financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, broad-based black economic empowerment and Charter information, and other information not specified but reasonably required to be processed in terms of Mineral Resources and Energy Related legislation

12.3 Purposes of processing information and the recipients or categories of recipients to whom the personal information may be supplied

- (a) For employees and applicants for employment:
- (i) Verification and evaluation of applicant’s information during recruitment process including considerations of employment equity.
 - (ii) Verification of employee’s doing business with the State.
 - (iii) General matters relating to employees such as:
 - o General benefits
 - o Pension
 - o Medical aid
 - o Payroll
 - o Disciplinary action
 - o Leave management
 - o Performance management
 - o Training
 - o Security Clearance.
 - (iv) Any other reasonably required purpose relating to the employment or possible employment relationship.

Category of personal information	Recipients or Categories of Recipients
Identity number and names, marital status for criminal checks and pension administration	South African Police Services, State Security Agency and Government Employee’s Pension Fund
Qualifications, for qualification verifications and audits	South African Qualifications Authority or verification bodies

Category of personal information	Recipients or Categories of Recipients
Credit and payment history, for credit information	Credit Bureaus and other verification bodies

(b) For Bidders, Vendors, Suppliers and Service Providers:

- (i) Verifying information and performing reference and other prescribed checks.
- (ii) Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties.
- (iii) Payment of invoices.
- (iv) Complying with the Department's regulatory and other obligations.
- (v) Any other reasonably required purpose relating to the Department's business.

Category of personal information	Recipients or Categories of Recipients
Identity and/or company information and directors' information, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, information related to tax status and broad-based black economic empowerment status, and other information not specified but reasonably required to be processed for business operations	The Department may supply the personal information of the data subject to the employees of the Department, as part of carrying out its responsibilities in relation to the procurement processes and the provision of procured services and to the Auditor-General in relation to audit and oversight.

(c) For persons making application in terms of the PAIA, PoPIA and in terms of Mineral Resources and Energy Related legislation, including information and data collected from such persons in terms of such legislation administered by the Department

- (i) Verifying and evaluating information to fulfil its statutory obligations under the relevant legislation.
- (ii) Complying with the Department’s regulatory and other obligations.
- (iii) Monitoring and enforcing legislation as per statutory obligations.
- (iv) Monitoring and enforcing conditions imposed.
- (v) Any other reasonably required purpose relating to the Department’s business

Category of personal information	Recipients or Categories of Recipients
Identity and/or company information and directors’ information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, broad-based black economic empowerment and Charter information, and other information not specified but reasonably required to be processed in terms of Mineral Resources and Energy Related legislation	The Department may supply the personal information of the data subject to the employees of the Department, to fulfil its responsibilities as required under the applicable legislation.
Identity and/or company information and directors’ information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number;	South African Police Services in the event of non-compliance and statutory offences

Category of personal information	Recipients or Categories of Recipients
Broad-based black economic empowerment and Charter information	Verification bodies and Service Providers for purposes of audits
Financial and tax information	South African Revenue Services

12.4 Recipients or categories of recipients to whom the personal information may also be supplied

The Department may also supply the personal information of data subjects to -

- (a) any person entitled to access in terms of legislation;
- (b) any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction;
- (c) law enforcement agencies, such as the National Prosecuting Authority or
- (d) South African Police Service, for criminal investigation; and
- (e) to Courts, in respect of any matter taken on judicial review.

12.5 Planned transborder flows of personal information

The Department does not envisage the transborder flow of personal information except if such information is necessary for purposes of fulfilling international obligations. In such event, the Department shall ensure that-

- (a) the recipient country can offer a reasonable level of protection which is substantially similar to the POPIA; or
- (b) the data subject consents to the transfer of their personal information.

12.6 Information Security Measures

The Department shall put in place security protocols to safeguard personal information from being accessed unlawfully and the following mechanisms will be enhanced-

- (a) ensuring that the correct classification of information is captured as employee data will need to be classified as 'personal information' or 'special personal information';
- (b) ensuring that security protocols are enhanced to guard against unauthorised access to information by implementing computer and network security measures such as passwords, implementing firewalls, install antivirus protection, ensuring data protection through data encryption and redaction of personal information, securing laptops and computers

- through passwords or biometric and securing the Virtual Private Network (VPN);
- (c) protocols on notifying employees or other persons when their personal information is compromised or when there is a privacy breach will be institutionalized; and
 - (d) ensuring that stricter security protocols are adopted to restrict access by third parties the office environment, computer network, system, application software, data or another resource.

13. UPDATING AND AVAILABILITY OF THIS MANUAL AS CONTEMPLATED IN SECTION 14(2) OF THE ACT.

Section 14(2) of the Act determines that this Manual must, if necessary, be updated and published at intervals of not more than one year.

The Manual shall be published on the Department's official website, www.dmre.gov.za and shall be available at the Department's Head Office and Regional Offices. We will endeavor to translate the Manual in all official languages.

ANNEXURE A

*Request Form
(attached)*

ANNEXURE B

NOTICE OF INTERNAL APPEAL
(attached)

ANNEXURE C

Fees in respect of public bodies

Item	Description	Amount
1	The request fee payable by every requester	R100.00
2	Photocopy of A4-size page	R1.50 per page or part thereof.
3	Printed copy of A4-size page	R1.50 per page or part thereof.
4	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requestor) (ii) Compact disc	R40.00
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
5	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6	Copy of visual images	
7	Transcription of an audio record, per A4-size page	R24.00
8	Copy of an audio record on:	
	(i) Flash drive (to be provided by requestor) (ii) Compact disc	R40.00
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
9	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R100.00
	To not exceed a total cost of	R300.00
10	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11	Postage, e-mail or any other electronic transfer	Actual expense, if any.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<p><i>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 page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY			
Name of Public Body			
Name and Surname of Information Officer:			
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			
Is the internal appeal lodged on behalf of another person?	Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED
(mark the appropriate box with an "X")

Refusal of request for access	
Decision 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(1) 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	

GROUNDS FOR APPEAL

(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)

State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>					
Date received:					
Appeal accompanied by the reasons for the 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:				Yes	
				No	
OUTCOME OF APPEAL					
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority