

MANUAL
FOR
THE DEPARTMENT OF PUBLIC SERVICE AND
ADMINISTRATION

in terms of
section 14 of
the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

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1. FUNCTIONS OF DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION (DPSA)

The DPSA advises the Minister for the Public Service and Administration (MPSA) on policy matters relating to the public service in terms of constitutional and other legislative mandates. In addition, DPSA supports the Minister in exercising oversight of the State Information Technology Agency (SITA) and the Centre for Public Service Innovation (CPSI).

Constitutional and other legislative mandates: Chapter 10 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), arranges matters of public administration. Section 197 contains specific requirements for the public service, including requirements for

- a public service which must function, and be structured, in terms of national legislation;
- terms and conditions of employment in the public service to be regulated by national legislation; and
- a framework of uniform norms and standards within which provincial governments must exercise responsibilities towards its public service employees.

The national legislation and framework of norms and standards envisaged in the Constitution have been established through the Public Service Act, 1994 (promulgated under Proclamation 103 of 1994). This Act arranges the powers and duties of the Minister for the Public Service and Administration. In short, the Act entrusts the Minister with the powers and duties to-

- make policy on matters of functions, organisational arrangements, employment practices, salaries and other conditions of service, labour relations, information management, information technology, transformation and reform;
- establish a framework of norms and standards to give effect to policy;
- allocate functions to departments;
- to advise the President and executive authorities on matters related to the public service as well as bodies which obtain their funding from state revenue; and
- make regulations.

State Information Technology Agency: In addition to the public service matters referred to above, the Minister's powers and duties extend to SITA. SITA is established in terms of the State Information Technology Agency Act, 1998 (Act No. 88 of 1998). SITA provides information technology, information systems and related services, in a maintained information security environment, to the public service and other organs of state. Governance of SITA is the responsibility of a Board of Directors. The Board of Directors operates in accordance with accepted governance principles and the accountability arrangements of the Public Finance Management Act, 1999 (Act No. 1 van 1999). The Director-General of the DPSA is its representative on the SITA's Board.

Centre for Public Service Innovation: The Centre for Public Service Innovation (CPSI) was established as a section 21 company to serve as an enabler, facilitator and champion of innovative ideas. This requires creating an enabling environment for the generation and rewarding of new ideas; facilitating engagement between various stakeholders, with a view to establishing sustainable and mutually beneficial

partnerships and championing the value of and need for innovation within the public service. The Board of the Centre is accountable to the Minister for the Public Service and Administration.

2. STRUCTURE OF DPSA

The DPSA is structured to fulfil the mandate outlined above. There are five main divisions or branches in the Department: Human Resource Management and Development, Management of Compensation, Office of the Government Chief Information Officer, Service Delivery Improvement and Governance.

Human Resource Management and Development consists of the following components: Employee Health and Wellness, Human Resource Development, Diversity Management, Employment Practice and Career Management, Human Resource Planning and PSETA.

Management of Compensation consists of the following components: Information Financial Management System and Job Evaluation, Remuneration and Macro Benefits, Negotiations and Labour Relations and Single Public Service.

The Office of the Government Chief Information Officer consists of the following components: e-Government, Information and Communication Technology Management, Governance, Information and Communication Technology Infrastructure and Community Development and Access.

Service Delivery Improvement consists of the following components: Community Development Work, Batho Pele Revitalization, Service Delivery Facilitation and Service Delivery Mechanism.

Governance consists of the following components: Integrated Monitoring and Evaluation, Research, International and African Affairs, Public Sector Anti-Corruption and African Peer Review Mechanism.

Two components exist that deals with staff functions within the Department namely the Office of the Chief Financial Officer and Human Capital Management.

The Office of the Chief Financial Officer consists of the following units: Supply Chain Management and Security and Information Technology and Knowledge Management.

Human Capital Management consists of the following units: People Management and Development and Employee Relations and Transformation.

In addition to the five main divisions, there are Ministerial support and support to the Office of the Director-General. The Communication and Ministerial Support component serve the Ministry, while the Office of the Director-General supports the Director-General. Programme Management, Legal Services and the Internal Audit component also report to the Director-General.

3. CONTACT DETAILS OF INFORMATION OFFICER

The Director-General of DPSA is its Information Officer in terms of the Promotion of Access to Information Act. The deputy information officer of the DPSA is the Chief Director: Legal Services.

Postal address: Private Bag X916
 PRETORIA
 0001

Street address: Batho Pele House
 116 Proes Street (C/o Proes and Bosman Streets)
 PRETORIA

Telephone: 012-336-1218/1010
 Fax: 012-336-1807

Email address: empie@dpsa.gov.za or daniem@dpsa.gov.za

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

The guide on how to use the Promotion of Access to Information Act, 2000, will be available from the South African Human Rights Commission by not later than August 2003. Queries can be made at:

South African Human Rights Commission:
 PAIA Unit
 The Research and Documentation Department

Postal address: Private Bag 2700
 Houghton
 2041

Telephone: 011-484 8300
 Fax: 011 484 1360
 Website: www.sahrc.org.za
 E-mail: PAIA@sahrc.org.za

5. RECORDS

5.1 DESCRIPTION OF SUBJECTS ON WHICH DPSA HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

For purposes of facilitating a request in terms of the Act, the subjects on which the DPSA holds records and the categories of records held on each subject are as follows:

- A. HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT
 - (a) Employee Health and Wellness

- (b) Human Resource Development
 - (c) Diversity Management
 - (d) Employment Practice and Career Management
 - (e) Human Resource Planning
 - (f) PSETA
- B. MANAGEMENT OF COMPENSATION
- (a) Information Financial Management System and Job Evaluation
 - (b) Remuneration and Macro Benefits
 - (c) Negotiations and Labour Relations
 - (d) Single Public Service
- C. GOVERNMENT CHIEF INFORMATION OFFICER
- (a) e-Government
 - (b) Information and Communication Technology Governance
 - (c) Information and Communication Technology Infrastructure
 - (d) Community Development and Access
- D. SERVICE DELIVERY IMPROVEMENT
- (a) Community Development Work
 - (b) Batho Pele Revitalization
 - (c) Service Delivery Facilitation
 - (d) Service Delivery Mechanism.
- E. GOVERNANCE
- (a) Integrated Monitoring and Evaluation
 - (b) Research
 - (c) International and African Affairs
 - (d) Public Sector Anti-Corruption
 - (e) African Peer Review Mechanism.
- F. OFFICE OF THE CHIEF FINANCIAL OFFICER
- (a) Finance
 - (b) Supply Chain Management and Security
 - (c) Information Technology and Knowledge Management
- G. HUMAN CAPITAL MANAGEMENT
- (a) People Management and Development
 - (b) Employee Relations and Transformation
 - (d) Public Sector Anti-Corruption
 - (e) African Peer Review Mechanism.
- H. LEGAL SERVICES, PROGRAMME MANAGEMENT, INTERNAL AUDIT, OFFICE OF THE DIRECTOR-GENERAL, COMMUNICATION AND MINISTERIAL SUPPORT
- (a) Legal Services
 - (b) Programme Management
 - (c) Internal Audit
 - (d) Office of the Director-General

- (e) Communication and Ministerial Support

5.2 RECORDS AUTOMATICALLY AVAILABLE

No notice has been published yet regarding the categories of records of the DPSA which are available without a person having to request access in terms of the procedures in the Promotion of Access to Information Act. However, the records on the website of DPSA, www.dpsa.gov.za, are available for viewing or downloading without a person having to make such a request in terms of the said Act.

5.3 REQUEST PROCEDURE

- (a) *Granting or refusal of request:* A requester must be given access to a record of a public body if the requester complies with the following:
- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
 - Access to that record is not refused on any ground of refusal mentioned in the Act.
- (b) *How do I request access to a record:*
- A requester must use the form (Form A) that was printed in the Government Gazette (Government Notice R187 of 15 February 2002).
 - The requester must also indicate if the requester wants a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a paper document it can then be viewed in the requested form, where possible.
 - If a person asks for access in a particular form (e.g.: a paper copy, electronic copy, etc) then the requester should get access in that form. This is unless doing so would interfere unreasonably with the running of the public body concerned, 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 another form, then the fee must be calculated according to the way that the requester first asked for it.
 - If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.
 - If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.
 - If a requester is unable to read or write, or has a disability, then the request can be made orally. The information officer must then fill in the form on behalf of such a requester and give them a copy of the completed form.
- (c) *Fees payable for a request and notification of decision on access*
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester must pay the request fee of R35.

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until all the applicable fees have been paid.

6. SERVICES AVAILABLE TO PUBLIC

The functions of the DPSA, as set out in paragraph 1, are such that its clients are other government departments and it does not deliver any services which are available to the public. However, certain demographical information about the public service (for example the size of the public service and number of employees per department) can be obtained from the Public Service Information Unit of the DPSA at email: M&E@dpsa.gov.za.

7. ARRANGEMENT ALLOWING INVOLVEMENT IN FORMULATION OF POLICY AND PERFORMANCE OF FUNCTIONS

Policy and legislation: When the DPSA proposes new policy or legislation it undertakes consultation with all stakeholders through inviting comment on published papers and/or workshops/conferences. The process of participation differs according to the kind of project and is usually made known before the start of the project or thereafter.

Administrative action: In cases where an administrative action materially and adversely affects-

- the rights or legitimate expectations of any person; or
- the rights of the public,

the prescripts for a procedurally fair administrative action set out in the provisions of the Promotion of the Administrative Justice Act, 2000 (Act No. 3 of 2000), will be adhered to (sections 4 and 5 in particular).

Conditions of service of public service employees: The conditions of service and other matters of mutual interest of public service employees are negotiated at bargaining councils created in terms of the Labour Relations Act, 1995 (Act No 66 of 1995). Trade unions representing a stipulated number of public service employees may become a party to such a bargaining council. The Public Service Co-ordinating Bargaining Council is the body at which inter alia all conditions of service applying to all public service employees uniformly are negotiated. The following Sectoral Bargaining Councils exist:

- General Public Service Sectoral Bargaining Council

- Education Labour Relations Council
- Public Health and Welfare Sectoral Bargaining Council
- Safety and Security Sectoral Bargaining Council

8. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURES TO ACT

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful official acts or omissions by the DPSA or any of its employees:

- (a) *Procedures for reporting or remedying:*
- (i) Remedies in respect of acts or failures to act in terms of the Promotion of Access to Information Act: The internal appeal authority for purposes of this Act is the Minister for the Public Service and Administration (sections 74 – 77). After exhausting the internal appeal remedy an application may be lodge with a court (sections 78 – 82).
 - (ii) A public service employee may lodge a grievance or compliant for investigation by the Public Service Commission concerning an official act or omission (section 35 of the Public Service Act, 1994).
 - (iii) A person may use labour remedies regarding official acts or omissions of a labour nature, namely disputes of rights (the Public Service Act, 1994, and Labour Relations Act, 1995);
 - (iv) A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 - section 78(1)(a)), or the Employment Equity Act, 1998 (Act No. 55 of 1998 - section 34(e)).
 - (v) A person may lodge a compliant with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)).
 - (vi) A person may lodge a compliant with the South African Human Rights Commission concerning an official act or omission that is suspected to constitute a violation of or threat to any fundamental right (Human Rights Commission Act, 1994 (Act No. 54 of 1994)).
 - (vii) In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by an employer or a fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No. 26 of 2000).
 - (viii) The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (b) *Other supportive remedies:*
- (i) A person may request reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (section 5).
 - (ii) A person may request access to records of a government department or other public body in terms of the Promotion of Access to Information Act, 2000 (section 11).
- (c) *Duty to report:*

- (i) A public service employee, in the course of his or her official duties, is obliged in terms of the Code of Conduct for public service employees to report to the appropriate authorities, fraud, corruption, nepotism, mal-administration and any other act which constitutes an offence or which is prejudicial to the public interest. An employee who fails to comply with this, is guilty of misconduct. (Regulation B.3 and C.4.10 of Chapter 2 of the Public Service Regulations, 2001).
- (ii) The responsibility of every employer and employee to disclose criminal and any other irregular conduct in the workplace also underpins the Protected Disclosures Act, 2000 (Preamble).