



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

Section 14 Manual:

Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

Department of Home Affairs (“DHA”)

(DHA services, records and access)

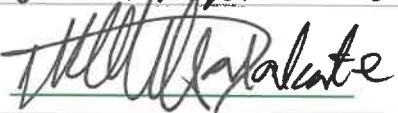
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ACRONYMS

DHA	:	Department of Home Affairs and “the Department” has a similar meaning;
PAIA	:	Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
POPIA	:	Protection of Personal Information Act, 2013 (Act No. 4 of 2013);
IO	:	Information Officer (<i>Director-General of the Department</i>); and
DIO	:	Deputy Information Officer (designated in terms of section 17 of PAIA).

DEFINITIONS

“access fee” means fee payable by a requester for search, preparation and reproduction of the records requested;

“Department” means the Department of Home Affairs and **“DHA”** has a similar meaning;

“Internal Appeal” means an appeal against the decision to refuse access to information, [submitted to the IO & referred to the Relevant Authority];

“personal requester” means a person requesting access to a record which contains personal information about that person;

“personal information” means information about an individual, including, but not limited to, birth, marital status, age, health, well-being, social origin, employment, identifying number, address, name, and more particularly as defined in Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

“record” means any recorded information, in any form or medium held by the Department, and whether or not it was created by the Department;

“relevant Authority” means the Minister of Home Affairs, or the person designated, in writing, by the Minister, dealing with Internal Appeals;

“request fee” means a non-refundable fee payable by a requester when submitting a request for access [personal requester excluded from paying request fee];

“requester” means any person requesting access to a record held by the Department and excludes other public bodies; and

“request for access” means a request for access to a record or records held by the Department made in accordance with PAIA.

1. PURPOSE OF MANUAL

This Manual provides information to members of the public who need to access records held by the Department, which information includes the contact details of the IO and DIOs, the organisational structure of the DHA, services rendered by the DHA and how to access such services, as well as the mandate(s)/legislation informing the functions of the DHA.

The Manual provides a description of records available in the Department, and the manner and procedure for requesting access to such records, and how such requests for access should be dealt with by the Department, including the period within which the Department should reply to the request.

The Manual also contains the list of grounds upon which the Department may rely in refusing access to a record held by the Department, as set out in PAIA, as well as the remedies available to a requester upon refusal of his or her request.

Following the coming into operation of POPIA, certain provisions of PAIA changed in order to balance the need for access to information against the need to ensure the protection of personal information, and therefore the Department must ensure that the handling of PAIA requests also takes into account the relevant provisions of POPIA.

2. DHA PRIVACY POLICY AND ACCESS TO INFORMATION

The DHA has a responsibility to protect the confidentiality of information provided to it by its clients and other information provided to the DHA by members of the public, subject to the obligations to disclose information in terms of any applicable law or regulation or a court order requiring such disclosure of information. It is also important that the Department makes provision for Policy that deals with privacy, confidentiality and access to information in line with POPIA and PAIA (this would be made available by the DHA through the appropriate channels).

3. GUIDE ON HOW TO USE PAIA [Section 14(1)(c)]

The Guide and further information on how to use PAIA may be obtained from the Information Regulator whose details are obtainable from their website <https://infoeregulator.org.za>.

4. CONTACT DETAILS OF THE INFORMATION OFFICER (Director-General) [Section 14(1)(b)]

PHYSICAL ADDRESS	POSTAL ADDRESS	TELEPHONE & E-MAIL
Department of Home Affairs <i>Hallmark Building</i> <i>230 Johannes Ramokhoase Street</i> <i>Pretoria</i> <i>0001</i>	Department of Home Affairs <i>Private Bag X114</i> <i>Pretoria</i> <i>0001</i>	Tel: (012) 406 7070 E-mail: Richard.Stoltz@dha.gov.za Website: www.dha.gov.za

5. CONTACT DETAILS OF THE DEPUTY INFORMATION OFFICERS [Section 14(1)(b)]

#	DESIGNATION	RECORDS	CONTACT
(i)	Chief Director: Inspectorate	Records relating to the function	Tel: (012) 406 4543 or paia@dha.gov.za
(ii)	Chief Director: Asylum Seekers Management	Records relating to the function	Tel: (012) 406 2543 or paia@dha.gov.za
(iii)	Chief Director: Permits	Records relating to the function	Tel: (012) 406 4591 or paia@dha.gov.za
(iv)	Chief Director: Back Office Status Services	Records relating to the function	Tel: (012) 402 2169 or paia@dha.gov.za
(v)	Chief Director: Back Office ID Processing	Records relating to the function	Tel: (012) 402 2167 or paia@dha.gov.za
(vi)	Chief Director: People Management	Records relating to the function	Tel: (012) 406 4153 or paia@dha.gov.za
(vii)	Chief Director: Employee Engagement	Records relating to the function	Tel: (012) 406 4128 or paia@dha.gov.za
(viii)	Chief Director: Supply Chain Management	Records relating to the function	Tel: (012) 406 2749 or paia@dha.gov.za

(ix)	Chief Director: Property and Facilities Management	Records relating to the function	Tel: (012) 406 4024 or paia@dha.gov.za

6. ORGANISATIONAL STRUCTURE OF THE DEPARTMENT [Section 14(1)(a)]

#	OFFICE / BRANCH	CHIEF DIRECTORATES
(i)	<u>DIRECTOR-GENERAL</u> (Accounting Officer)	- Chief Director: Legal Services - Chief Director: Communications - Chief Director: Audit Services
(ii)	<u>BRANCH: OPERATIONS</u> (Deputy Director-General)	- Chief Director: Strategy and Institutional Performance - Chief Director: Intersectoral Collaboration and International Services - Chief Director: Channel Management - Provincial Managers (Gauteng, Western Cape, Free State, Kwazulu-Natal, Limpopo, Mpumalanga, North-West, Northern Cape & Eastern Cape)
(iii)	<u>BRANCH: CIVIC SERVICES</u> (Deputy Director-General)	- Chief Director: Back Office ID Processing - Chief Director: Back Office Status Services - Chief Director: Civic Services Support
(iv)	<u>BRANCH: IMMIGRATION SERVICES</u> (Deputy Director-General)	- Chief Director: Permits - Chief Director: Inspectorate - Chief Director: Asylum Seeker Management - Chief Director: Immigration Services Support
(v)	<u>BRANCH: FINANCE AND SUPPLY CHAIN MANAGEMENT</u> (Chief Financial Officer)	- Chief Director: Property and Facility Management - Chief Director: Supply Chain Management - Chief Director: Financial and Asset Management - Chief Director: Revenue and Budget Management

#	OFFICE / BRANCH	CHIEF DIRECTORATES
(vi)	<u>BRANCH: HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT</u> (Deputy Director-General)	• Chief Director: HR Strategy and Planning • Chief Director: People Management and Development • Chief Director: Employee Engagement • Chief Director: Business Partnering • Chief Director: Learning and Development
(vii)	<u>BRANCH: INFORMATION SERVICES</u> (Deputy Director-General)	• Chief Director: Information Services Governance • Chief Director: Application Management • Chief Director: Infrastructure Management • Chief Director: Information Technology Services Management • Chief Director: Special Initiatives
(viii)	<u>BRANCH: COUNTER- CORRUPTION & SECURITY SERVICES</u> (Deputy Director-General)	• Chief Director: Security Services • Chief Director: Investigations • Chief Director: Prevention and Analysis

7. SERVICES RENDERED BY DHA [Section 14(1)(a)]

The Department renders various services to citizens, and foreign nationals visiting and/or resident in RSA, which services are divided into the following two categories:

(a) BRANCH: CIVIC SERVICES

Service	Rendered to	Apply at
(i) Registration of <i>births</i>	<i>Citizens and foreigners</i>	<i>nearest DHA office; or</i>
(ii) Issuing of <i>identity documents</i>	<i>Citizens, refugees and permanent residents</i>	<i>nearest RSA Embassy, High Commission or Consulate (if outside RSA)</i>
(iii) Issuing of <i>passports and travel documents</i>	<i>Citizens, refugees and permanent residents</i>	<i>nearest DHA office; or nearest RSA Embassy, High Commission or Consulate (if outside RSA)</i>
(iv) Confirmation and	<i>Citizens (through birth</i>	<i>nearest DHA office; or</i>

granting of <i>citizenship</i>	<i>registration)</i> <i>Foreigners (through</i> <i>naturalisation)</i>	<i>nearest RSA Embassy, High</i> <i>Commission or Consulate (if outside</i> <i>RSA)</i>
(v) Registration of <i>marriages</i> <i>(civil, customary and</i> <i>civil unions)</i>	<i>Citizens and foreigners</i>	<i>nearest DHA office; or</i> <i>nearest RSA Embassy, High</i> <i>Commission or Consulate (if outside</i> <i>RSA)</i>
(vi) Registration of <i>deaths</i>	<i>Citizens and foreigner</i>	
(vii) Registration of <i>adoptions</i>	<i>Citizens</i>	<i>nearest DHA office</i>

(b) BRANCH: IMMIGRATION SERVICES

Service	Rendered to	Apply at
(i) Issuing of <i>visas</i>	Foreigners visiting the RSA	<i>RSA Embassy,</i> <i>High Commission</i> <i>or Consulate</i>
(ii) Issuing of <i>asylum seeker</i> <i>permits</i>	Foreigners seeking asylum in RSA (owing to political persecution in country of origin)	<i>Nearest Refugee</i> <i>Reception Centre</i> <i>(local)</i>
(iii) Granting of <i>refugee</i> <i>status.</i>	Confirmed refugees	

8. LEGISLATION INFORMING FUNCTIONS OF DHA

LEGISLATION ADMINISTERED BY THE DEPARTMENT

- Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
- Marriage Act, 1961 (Act No. 25 of 1961);
- Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998);
- Civil Union Act, 2006 (Act No. 17 of 2006);
- Identification Act, 1997 (Act No. 68 of 1997);
- South African Citizenship Act, 1995 (Act No. 88 of 1995);
- South African Passports and Travel Documents Act, 1994 (Act No. 4 of 1994);
- Immigration Act, 2002 (Act No. 13 of 2002);
- Refugees Act, 1998 (Act No. 130 of 1998);

- Alteration of Sex Description and Sex Status Act, 2003 (Act No. 49 of 2003); and
- Public Holidays Act, 1994 (Act No 36 of 1994).

OTHER MANDATES/LEGISLATION IMPACTING ON DHA

- Constitution of the Republic of South Africa, 1996;
- Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- Protection of Personal Information Act, 2013 (Act No. 4 of 2013);
- Public Service Act, 1994 (Proclamation No. 103 of 1994 published in Government Gazette No. 15791 of 3 June 1994);
- Labour Relations Act, 1995 (Act No. 6 of 1995);
- Public Finance Management Act, 1999 (Act No. 1 of 1999);
- Treasury Regulations, made under the Public Finance Management Act, 1999;
- Intergovernmental Relations Framework Act, 2005 (Act No. 15 of 2005);
- Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);
- Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000);
- Criminal Procedures Act, 1977 (Act No. 51 of 1977);
- The Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
- Protected Disclosures Act, 2000 (Act No. 26 of 2000);
- Protection of Information Act, 1982 (Act No. 84 of 1982);
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No.4 of 2000);
- National Strategic Intelligence Act, 1994 (Act No. 39 of 1994);
- Intelligence Services Act, 1994 (Act No. 44 of 1994);
- National Key Points Act, 1993 (Act No. 44 of 1993);
- United Nations Convention relating to the Status of Refugees, 1951;
- 1967 United Nations Protocol relating to the Status of Refugees; and
- Organization of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa as adopted on 10 September 1969.

9. SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE DHA [Section 14(1)(a)]

(a) RECORDS HELD AT BRANCH: CIVIC SERVICES

#	Subject	of	Description of records	Requests/enquiries (e-mail)
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SECTION 14 MANUAL
Promotion of Access to Information Act, 2000
DEPARTMENT OF HOME AFFAIRS

	records		
(i)	Births registrations	Application for birth registration & supporting records	paia@dha.gov.za
(ii)	Identity Documents	Application for ID & supporting records	paia@dha.gov.za
(iii)	Passports	Application for passport & supporting records	paia@dha.gov.za
(iv)	Citizenship	Application for citizenship by birth, naturalisation, resumption of citizenship & supporting records	paia@dha.gov.za
(v)	Marriages	- Register of marriage officers - Marriage register (Civil Marriages & Civil Unions) and certificates - Applications for registration of customary marriages	paia@dha.gov.za
(vi)	Deaths	- Register of deaths & death certificates - Particulars relating to registered deaths	paia@dha.gov.za

(b) RECORDS HELD AT BRANCH: IMMIGRATION SERVICES

Subject of records		Description of records	Requests/enquiries (E-mail)
(i)	Visas	Applications for visa & supporting records	paia@dha.gov.za
(ii)	Asylum seeker permits	Applications for asylum	paia@dha.gov.za
(iii)	Refugee status	Records relating to confirmed refugees	paia@dha.gov.za

(iv)	Movement control system	• Movements of RSA citizens, and foreigners into and outside the RSA	paia@dha.gov.za
(v)	Investigations & Deportations	• Immigration investigation and deportation records	paia@dha.gov.za

(c) RECORDS HELD AT BRANCH: HUMAN RESOURCES MANAGEMENT & DEVELOPMENT

Subject of records		Description of records	Requests/enquiries (E-mail)
(i)	Employment	• Personnel records (post descriptions & salaries) • Interviews, recruitments and appointments • Performance agreements & performance assessment reports	paia@dha.gov.za
(ii)	Policies	• Human Resources policy • Recruitment and selection policy • Performance management policy	paia@dha.gov.za
(iii)	Plans	• Employment equity plan	paia@dha.gov.za
(iv)	Reports	• Annual employment equity report	paia@dha.gov.za
(v)	Misconduct and disputes	• Disciplinary code and procedures • Records of proceedings • Records of appeals • Records of conciliation and arbitration	paia@dha.gov.za
(vi)	Employee care and support	• Database of clients receiving counselling • HIV and AIDS programmes • Health screening	paia@dha.gov.za
(vii)	Collective bargaining	• Chamber records • Minutes of meetings	paia@dha.gov.za
(viii)	Grievances	• Grievance rules	paia@dha.gov.za

		Records of grievance resolution	
(ix)	Learning provision	- Skills development plans - Learning programmes rendered	paia@dha.gov.za

(d) RECORDS HELD AT BRANCH: FINANCE AND SUPPLY CHAIN MANAGEMENT

Subject of records		Description of records	Requests/enquiries (E-mail)
(i)	Financial records and statements	- Revenue, budget and expenditure records - Records of purchases and vouchers - Annual financial statements	paia@dha.gov.za
(ii)	Procurement records	- Procurement policy - Invitations for bids & tenders - Bid evaluation and adjudication records. - Contracts and Contracts register	paia@dha.gov.za
(iii)	Property register	Furniture, & equipment.	paia@dha.gov.za

(e) RECORDS HELD AT BRANCH: INFORMATION SERVICES

Subject of records	Description of records	Requests/enquiries (E-mail)
IS Infrastructure	- Records relating to networks - Records held at data centre	paia@dha.gov.za

(f) RECORDS HELD AT BRANCH: COUNTER CORRUPTION AND SECURITY SERVICES

Subject of records	Description of records	Requests/enquiries (E-mail)
Investigations	Records/files relating to officials investigated on charges of corruption.	paia@dha.gov.za

	Statements and sworn affidavits from witnesses, complainants and whistle-blowers.	
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(g) RECORDS HELD AT CHIEF DIRECTORATE: AUDIT SERVICES

Subject of records	Description of records	Requests/enquiries (E-mail)
Audit reports	Reports on performance of certain functions of the Department	paia@dha.gov.za

(h) RECORDS HELD AT OFFICE OF THE DIRECTOR-GENERAL

Subject of records	Description of records	Requests/enquiries (E-mail)
(i) Governance	Meeting documents (Agendas and minutes) of departmental structures: Executive Management Committee, Executive Committee and Departmental Management Committee	paia@dha.gov.za
(ii) Business documents	- Database of submissions and all correspondence made to the office of the DG - Register of classified documents	paia@dha.gov.za

(i) RECORDS HELD AT CHIEF DIRECTORATE: INTERSECTORAL COLLABORATION AND INTERNATIONAL SERVICES

Subject of records	Description of records	Requests/enquiries (E-mail)
(i) Integrated Governance	- Cabinet committee agendas relating to DHA - Cabinet memoranda relating to DHA - Cabinet minutes relating to DHA - Parliamentary questions relating to DHA	paia@dha.gov.za
(ii) International Relations	Correspondence relating to bilateral and multilateral engagements	paia@dha.gov.za

		relevant to DHA - Minutes of meetings on bilateral and multilateral engagements relevant to DHA - Copies of International Agreements and Memoranda of Understanding relevant to DHA.	
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(j) RECORDS HELD AT CHIEF DIRECTORATE: STRATEGY AND INSTITUTIONAL PERFORMANCE

Subject of records		Description of records	Requests/enquiries (E-mail)
(i)	Policies	- Immigration Policy - Asylum Seekers and Refugees Policy - Register for all approved policies	paia@dha.gov.za
(ii)	Plans	- Strategic Plans and Business Plans - Business Plans for all DHA business units. - Reports: Performance against the Strategic Plan.	paia@dha.gov.za

(k) RECORDS HELD AT CHIEF DIRECTORATE: LEGAL SERVICES

Subject of records		Categories/description of records	Requests/enquiries (E-mail)
(i)	Legislation	- Legislation administered by DHA - Bills pertaining to legislation administered by DHA that are before Parliament - Other legislation on DHA mandates	paia@dha.gov.za
(ii)	Litigation	Information relating to civil litigation matters pertaining to DHA	paia@dha.gov.za
(iii)	Contracts	Information relating to commercial contracts and service level agreements between the DHA and other parties, including supporting	paia@dha.gov.za

	records	
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(I) RECORDS HELD AT CHIEF DIRECTORATE: COMMUNICATIONS

Media statements & speeches	Records of statements and speeches made by Minister or the Director-General.	paia@dha.gov.za
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10. RECORDS AUTOMATICALLY AVAILABLE FROM THE DHA [Section 14(1)(e)]

Section 15 of PAIA provides for voluntary disclosure and automatic availability of certain records held by Departments, and in respect thereof Departments are required in terms of the Act to publish, on a periodic basis, not less frequently than once a year, where any records identified to be in such category are available in a Department, a list of such records, as well as the manner in which persons seeking access to such records may access them. The list should be submitted to the Department of Justice and Constitutional Development for publication in the *Gazette* as prescribed.

Request for access to the records contemplated in section 15 of PAIA are not made in the prescribed form in terms of PAIA and may be made in terms of any adopted relevant process, and access to the records may be for purchase, copying or free of charge, as the case may be. Please refer to relevant *Gazette*, once published as contemplated in section 15(2) of PAIA, for information on records of the Department that may be made available in accordance with section 15 of PAIA.

11. INFORMATION AVAILABLE ON THE DHA WEBSITE (www.dha.gov.za)

The Minister has, in terms of section 15(2), published, in the Government *Gazette*, a notice of records that are automatically available.

As indicated in paragraph 10 above, the following are records that may be requested under the following conditions:

- (a) a requester does not need to complete the Form and pay the request fee;
- (b) records may be available for free, for inspection, for a pre-determined fee or as copies; and
- (c) where copies, in any format, are made, the prescribed fee is payable. The DIO shall inform you whether a fee is payable.

- Description of services rendered by DHA.
- How to access the services rendered by DHA,
- Tariffs/fees for services rendered.
- Organisational Structure of DHA: Ministry, Deputy Ministry and DHA Business units.
- Contact details of information officer (Director-General).
- Contact details of regional offices and customer services centers.
- Statutory bodies attached to the DHA.
- Annual reports and Strategic plans.
- PAIA Manual and PAIA Forms.

12. RECORDS NOT AUTOMATICALLY AVAILABLE FROM THE DHA

Records of the Department which are not automatically available must be requested in terms of the procedure set out in this PAIA Manual and which may be subject to the restrictions and right of refusal to access as provided for in the PAIA.

13. SUBMITTING A REQUEST FOR ACCESS TO INFORMATION

It is the responsibility of the Department to make sure that the confidential information of the data subject is protected. When such information is requested, it must be attended to in a careful manner, having due regard to POPIA.

The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to records held by the Department.

(a) COMPLETING THE PRESCRIBED REQUEST FORM

- (i) Obtain the prescribed **Request Form** contained in **Annexure “A”** to this Manual. Request form also available on the DHA’s website [www.dha.gov.za].
- (ii) Complete the prescribed request form, and clearly indicate the record or records requested.
- (iii) Sign the request form in the space provided.

(b) SUBMITTING THE COMPLETED REQUEST FORM

- (i) Submit the signed **Request Form** to the **Information Officer**, using the **contact details set out in paragraph 3 of this Manual**.

- (ii) Enquiries relating to a request submitted may be made also using the relevant contact information provided in paragraph 3 of this Manual.

(c) PAYMENT OF REQUEST FEE

- (i) The requester may be requested to pay the prescribed request fee, if applicable, after lodging of request, and the said **fee is indicated in Annexure “C” to this Manual.**
- (ii) A requester seeking access to a record or records that contains information relating to him/herself shall not be required to pay the request fee.
- (iii) PAIA also provides for the exemption from payment of the request fee or the access fee for the categories of persons set out in the table in **Annexure “C”** attached hereto.

(d) ASSISTANCE TO THE REQUESTER BY DHA

- (i) The IO, DIO or any person designated by the IO to receive requests for access to information on behalf of the Department shall, upon request, assist any person, wishing to lodge a Request, to comply with the prescribed requirements in terms of PAIA for lodging such request.
- (ii) Enquiries relating to lodging of request in terms of PAIA may be made using the relevant contact information provided in paragraph 3 of this Manual.

14. CONSIDERATION OF REQUEST FOR INFORMATION AND DECISION

(a) RIGHT OF ACCESS TO RECORDS HELD BY DHA

In terms of section 11 of PAIA, any person requesting access to a record held by the Department must be given access to that record, if he or she has submitted a request for access to such record in terms of PAIA, and if his or her request complies with all the procedural requirements set out in PAIA, and also if access to such record should not be refused in terms of the grounds for refusal provided in PAIA.

(b) CONSIDERATION OF REQUEST & DECISION BY THE IO/DIO

IO/DIO or any person designated by the IO must, as soon as reasonably possible after the request is received, consider the request and make a decision whether or not to grant access,

and such decision must be made in terms of the relevant provisions of PAIA, and other relevant considerations.

(c) NOTICE OF DECISION TO THE REQUESTER

- (i) Decision on whether to grant access to a record held by the Department must be communicated to the Requester **within 30 days** of receipt of the request.
- (ii) **If the request is granted**, the notice to the requester must indicate the form in which access will be granted, as well as the access fee payable, if any.
- (iii) **If the request is refused**, the notice to the requester must state the **reasons for refusal** and also advise the requester of his or her **right to lodge and internal appeal** against such refusal and to **indicate to the requester the process for lodging such an appeal**.

(d) NOTICE TO THIRD PARTY

If the IO/DIO receives a request for access to a record that contains personal information of a third party, trade secrets or information supplied in confidence by a third party, the IO/DIO must take all reasonable steps to inform the third party about the request in order to afford that third party an opportunity to make representations regarding the said request.

(e) EXTENSION OF PERIOD TO DEAL WITH A REQUEST

IO/DIO or a person designated by the IO dealing with a request for access may extend the 30 days' period for dealing with a request in terms of PAIA once for a period of not more than 30 days **if the process involved in the search and preparation of the record may reasonably be expected to take longer than the prescribed 30 days' period**, and the IO/DIO or such person designated by the IO must **notify the requester of the said extension** (with adequate reasons).

15. GROUND FOR REFUSAL OF REQUEST IN TERMS OF PAIA

(a) GROUND FOR REFUSAL IN TERMS OF PAIA

- (i) Mandatory protection of privacy of third party who is a natural person, including a deceased individual.
- (ii) Mandatory protection of certain records of South African Revenue Service.

- (iii) Mandatory protection of commercial information of third party.
- (iv) Mandatory protection of certain confidential information and protection of certain confidential information of third party.
- (v) Mandatory protection of safety of individuals, and protection of property.
- (vi) Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings.
- (vii) Mandatory protection of records privileged from production in legal proceedings.
- (viii) Defence, security and international relations of the Republic.
- (ix) Economic interests and financial welfare of the Republic and commercial activities of the Department.
- (x) Mandatory protection of research information of third party, and protection of research information of the Department.
- (xi) Operations of the Department.
- (xii) Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources of the Department.

(b) DEEMED REFUSAL OF A REQUEST

If the IO/DIO **fails to take a decision and reply to the Requester within the prescribed 30 days' period**, the IO/DIO will be deemed to have refused such request, and the requester may lodge an Internal Appeal against such refusal.

16. REMEDIES IF REQUEST FOR ACCESS IS REFUSED

(a) INTERNAL APPEAL

A requester aggrieved of the decision on his or her request for access to information may lodge an Internal Appeal with the relevant Authority against the said decision.

(i) Lodging Internal Appeal

- Must be lodged **within 60 days** after the requester is informed of the decision taken on his or her request.
- Obtain the prescribed **Internal Appeal Form** contained in **Annexure "B"** to this Manual. Internal Appeal form also available on the DHA's website [www.dha.gov.za], or from any office of the DHA, upon request.
- Complete the prescribed Internal Appeal form, in full, and indicate the decision against which the Internal Appeal is lodged.

- Sign the Internal Appeal Form in the space provided.
- Submit the Internal Appeal to the IO/DIO using the contact details or address set out in paragraph 3 of this Manual.

(ii) **IO/DIO to refer Internal Appeal to Relevant Authority**

- The IO/DIO must, within 10 days of receipt of the Internal Appeal, refer the Internal Appeal, together with reasons for the decision on the request, to the relevant Authority.
- The relevant Authority must consider and decide on the Internal Appeal **within 30 days** after the notice of Internal Appeal is referred to his or her office.
- The decision of the relevant Authority must either confirm the decision of the IO/DIO or set aside the decision of the IO/DIO and substitute his or her decision on the request.

(b) **SUBMISSION TO INFORMATION REGULATOR**

A requester who has been unsuccessful in an Internal Appeal may, **within 60 days** of notice of the decision on their Internal Appeal, submit a complaint to the Information Regulator in accordance with regulation 10 of the Regulations in terms of PAIA. The complaint may be submitted to the Information Regulator using Form 5 of the Regulations in terms of PAIA, which Form is attached hereto and marked **Annexure “D”**.

(c) **APPLICATION TO COURT**

A requester who has been unsuccessful with a complaint to the Information Regulator may apply to a competent court in terms of PAIA for appropriate relief.

17. PROCESSING OF PERSONAL INFORMATION

Protection of Personal Information Act, 2013 (Act No. 4 of 2013)

(a) **Purpose of processing**

The Department collects and processes personal information for, amongst others, the following purposes:

- (i) To comply with legislation administered by the Department;
- (ii) to comply with orders of court;
- (iii) to process applications for employment;

- (iv) to process applications of service providers; and
- (v) for the administration of matters concerning its employees.

(b) Categories of data subjects and their personal information

Data subjects	Personal information (examples)
Employees	• Name and contact details • Identity number • Employment history • Banking details
Prospective employees	• CVs – which includes, for example, name and contact details, identity number and employment history
Members of the public	• Name and contact details • Identity numbers • Postal addresses
Contractors and service providers	• Name and contact details • Identity numbers • Company details

(c) Recipients to whom personal information may be supplied

The Department does not transfer personal information to another person or institutions, unless the data subject or legislation permits such transfer.

(d) Trans-border flows of personal information

The Department does not transfer personal information to another country, unless the data subject or legislation permits such transfer.

(e) Security measures to ensure confidentiality, integrity and availability of information

The Department has in place technical and organisational measures to prevent loss of, damage or unauthorised access to or destruction of personal information.

These measures may include the following:

- (a) Dedicated record storage rooms;
- (b) experienced Records Manager and Registry officials;

- (c) IT infrastructure managed by a dedicated team of experts;
- (d) Security Unit that regularly assesses the suitability and security of records management facilities;
- (e) continuous education and monitoring of all officials by the Records Manager on the proper management of records;
- (f) information received and records created and managed in accordance with records management principles prescribed by relevant legislation;
- (g) records management policy and related codes and prescripts are in place and in line with the National Archives and Records Services Act, 1996 (Act No. 43 of 1996); and
- (h) dedicated and experienced team of officials to whom requests for access to information can be made in line with PAIA.

18. OBLIGATIONS OF RECIPIENT OF PERSONAL INFORMATION

The Recipients of data subjects' personal information provided by the Department have an obligation to protect the personal information once in their possession. The terms and conditions for handling of personal information may be set out in relevant Agreements for sharing of information or notices.

19. UPDATING OF MANUAL

This Manual may be reviewed by the Department from time to time, where necessary, and any updated version will be published as contemplated in PAIA.
