



# STANDARD OPERATING PROCEDURE (SOP) MANUAL

March 2016

## Processing of PAIA Requests

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<i>Process Name</i>	Processing of PAIA Requests
<i>Process Objective</i>	To ensure that requests for information received by the DCoG are administered according to the Promotion of Access to Information Act (PAIA) 2 of 2000.
<i>Process Owner</i>	Directorate: Information and Records Management
<i>Approval</i>	Senior Manager: Information and Records Management

## 1. Introduction

The Promotion of Access to Information Act (PAIA) 2 of 2000 allows members of the public to exercise their constitutional right to access records held by the state; public; and private bodies. The Directorate: Information and Records Management (IRM) is responsible for the administration and implementation of PAIA in the Department of Cooperative Governance (DCoG), while the Directorate: Due Diligence and Contract Management is responsible for providing legal advice on PAIA responses.

As a public body, the DCoG receives requests for information from members of the public which need to be processed within 30 days of receipt. This SOP Manual provides step-by-step instructions on how to process PAIA requests within the DCoG. It outlines *what* needs to be done; by *whom*; *when*; and *how* it should be done with a view to promote consistency; improving the quality of services and ideally, shortening the turnaround time. The SOP also serves as a refresher for existing employees and a training tool to acquaint newly appointed employees with Departmental processes and procedures.

## 2. Purpose

The purpose of this document is to provide a detailed explanation of how to process PAIA requests within the Department of Cooperative Governance.

### 3. Scope

The scope of this SOP includes the processing of PAIA requests from receipt of requests until the submission of response to the requester. It excludes the administrative processes done by the Directorate: IRM such as capturing of received requests, verifying payment of fees for requests, reporting, and any other activities involved after the submission of the response to the requestor.

### 4. Intended audience

This document is intended for the IO, DIOs and officials in all **CoGTA** branches who might be involved in the processing of the PAIA requests or required to prepare responses to PAIA requests.

### 5. Definitions

- a) Branch head – Deputy Director-General of a specific branch
- b) DIO – Deputy Information Officer. Officials designated as DIOs in **DCoG** are all Deputy Directors General; Senior Manager: Information and Records Management; Executive Manager: Information and Communication Business Technology and the Senior Manager: Due Diligence and Contract Management
- c) DIO (IRM) – Senior Manager: Information and Records Management.
- d) DIO (Legal Services) – Senior Manager: Due Diligence and Contract Management
- e) IO – Information Officer. As the Accounting officer, the Director-General is by default, the Information Officer of **DCoG**.
- f) IRM – Directorate: Information and Records Management.
- g) SM – Senior Manager.
- h) PAIA – Promotion of Access to Information Act 2 of 2000
- i) PAIA request – Request for information from the public

## 6. Regulatory basis

The regulatory basis for this SOP is The Constitution of the Republic of South Africa, 1996 and the PAIA 2 of 2000.

## 7. Roles and Responsibilities

The Senior Manager: IRM (also referred to as DIO: IRM), is responsible for the implementation of this SOP and ensuring that processes are followed accurately. The roles and responsibilities involved in the process are outlined in table 1 below.

**Table 1: Roles and responsibilities**

<b>Roles</b>	<b>Responsibilities</b>
DIOs & IO	✓ Receive PAIA requests and send them to DIO (IRM)
DIO (IRM)	<ul style="list-style-type: none"> <li>✓ Receive requests and acknowledge receipt;</li> <li>✓ Route requests to relevant branches;</li> <li>✓ Prepare a response if the request is for readily available information;</li> <li>✓ Monitor compliance in terms of timelines outlined in the PAIA.</li> <li>✓ Submit responses to requesters.</li> </ul>
Senior Manager: Due Diligence and Contract Management.	✓ Provide legal advice on PAIA responses.
Offices of DDGs	✓ Route requests to relevant line functions and inform DIO (IRM) on which line function is dealing with the request.
Line functions	<ul style="list-style-type: none"> <li>✓ Compile responses and prepare submissions for approval by the IO. The responses have to be routed via offices of DDGs.</li> <li>✓ Give notice to the third party if the requested information involves the third party</li> </ul>
Information Officer (IO)	✓ Approve responses before submission to the requestors.

## 8. Description of Procedures and Processes

When PAIA requests are submitted to the Department, they are received by either the IO or any other DIO listed in the DCoG's Section 14 PAIA Manual. The IO or the DIO who receives the request has to route it to the DIO (IRM) and DIO (Legal Service) within 2 days of receipt. The process commences as soon as the request is received by the DIO: IRM.

The sequence of steps involved in the process is as follows:

### (1) Receive PAIA request

The DIO: IRM receives a request for information directly from the requester or through the IO or any DIO. All requests have to be in writing.

### (2) Acknowledge receipt

The DIO: IRM sends acknowledgement of receipt of request to the requester on the day of receipt.

### (3) Analyse the request:

The DIO: IRM determines the nature of request and within 2 days:

- Prepares and submits a response to the requester if the request is for readily available information; or
- Transfers request to the relevant public body via the IO; or
- Transfers the request to the relevant branch (DIO offices).

The process for dealing with a request for readily available information is shorter since the response is prepared by the DIO: IRM instead of the Branch or another public body. The process ends once the response is prepared and submitted to the requester; which in most cases can be within 3 days.

### (4) Update the requester on the status of the request

On the same day of transferring the request, the DIO (IRM) notifies the requester of the transfer.

**(5) Assign request to the line function**

As soon as the Branch head receives the request from the DIO (IRM), they determine the relevant line function to deal with the request and:

- Transfer the request to the relevant line function; and
- Immediately inform the DIO (IRM) that the request was referred to the line function (as well as the name of the relevant official) that has been assigned to deal with the request.

**(6) Provide guidance to the line function**

Once the DIO (IRM) has been informed of the line function that is processing the request, the DIO (IRM) contacts the relevant official to advise them on:

- The legal timeframes that have to be adhered to in processing the request (i.e. finding the requested records; drafting a response; and submitting it to the IO for approval); and
- Grounds for refusal of access and request for extension.

Five (5) days after the initial contact with the line function, the DIO (IRM) contacts the line function to ascertain if they will be able to meet the deadline. If the line function cannot meet the deadline, the DIO (IRM) requests extension as per section 10 of this document (i.e. exceptions to normal process workflow).

**(8) Prepare a response**

Within 10 days of receiving the request, the line function prepares a response.

**(9) Submit response to IO for approval**

After preparing a response, the line function routes the response as part of a submission to the IO for approval through the Branch head.

**(10) Submit response to requester**

Once the response is approved by the IO, it is sent to the DIO (IRM) for submission to the requestor.

## 9. Business rules

- (i) All PAIA requests have to be in writing;
- (ii) All PAIA requests received by any other DIO have to be routed to IO, DIO (IRM) and DIO (Legal Service) within 2 days of receipt;
- (iii) All communication with the requester has to be done through the DIO: IRM;
- (iv) Acknowledgement of receipt of the request has to be sent to the requester within 2 days of receipt;
- (v) Transfer of request to the relevant public body has to be done within 14 days of receipt;
- (vi) The PAIA request has to be processed within 30 days of receipt;
- (vii) Line functions have a maximum of 14 days to process the request (i.e. find the requested records; draft a response; and submit it to the IO for approval).

## 10. Exceptions to normal process workflow

While it is assumed the processing of most (if not all) PAIA requests within the Department follow the process outlined in Section 8 of this document, the following exceptions may apply:

- ✓ If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing the record cannot be found or does not exist, an affidavit has to be sent to the requester notifying them that it is not possible to give access to the record. The relevant officer has to inform the DIO (IRM) immediately in writing in order for the DIO to prepare an affidavit which will be sent to the requestor. A full account of steps taken to find the record must be stated in the affidavit.
- ✓ If the request cannot be processed within 30 days, the Department may request a 30-day extension from the requester on the following grounds:
  - If requests are for a large number of records or requires a search through a large number of records;
  - If the request requires a search for records in an office that is not situated in the same town/ city as the office of the IO; and

- If there is a need for consultation among divisions of the public body or with other public bodies.

If the requestor refuses to grant extension, the line function has to submit the response within the given timeframe.

- ✓ If the requested information involves the third party, the official who prepares the response has to:
  - Give notice to the third party (i.e. Seek permission from the third party to divulge information concerning them) within 21 days of receiving the request and copy the DIO (IRM) in the correspondence; and
  - Through the DIO (IRM), inform the requestor of the delay – responding to the requester will be depended on the response from the Third Party.

## **11. Interface with other processes**

Depending on the date of the requested record, there could be an interface with records management procedures for retrieving archived records. There is also an interface with other PAIA administrative processes that are done by the Directorate: IRM such as capturing of received requests, verifying payments and reporting which will be documented separately.

## **12. Related documents**

- Promotion of Access to Information Act 2 of 2000
- DCoG section 14 PAIA Manual
- PAIA request form
- PAIA Request Process map
- DCoG's guideline on refusal of access to information; legal timeframes