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LEGISLATURE

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GAUTENG PROVINCIAL LEGISLATURE

**Prepared in terms of Section 14 of the
Promotion of Access to Information Act,
No 2 of 2000 (as amended)**

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DEFINITION OF TERMS

	Term	Definition/description
1.	Access fee	Fee payable by a requester for search, preparation and reproduction of requested records, as prescribed in PAIA Section 22(6).
2.	Act	Promotion of Access to Information Act (Act No 2 of 2000). Also referred to as the PAIA or “the Act”.
3.	Deputy Information Officer (DIO)	A person designated by the Secretary to the Gauteng Provincial Legislature to render the public body as accessible as reasonably possible for requesters of its records as prescribed in PAIA Section 17(1).
4.	Guide	Document or book produced by the South African Human Rights Commission for the purposes of assisting any person who wishes to exercise any right in terms of the PAIA as prescribed in Section 10.
5.	Information Officer (IO)	Secretary to the Gauteng Provincial Legislature as defined in PAIA Section 1.
6.	Internal appeal	An appeal against a decision to refuse access to information, as stipulated in PAIA Section 74.
7.	Personal information	Information about an identifiable individual, including, but not limited to, information relating to 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 individual as defined in PAIA Section 1.
8.	Personal requester	A person seeking access to information/records containing personal information about himself/herself as defined in PAIA Section 1.
9.	Public body	Any department of State or administration in the national or provincial sphere of government, any municipality in the local sphere of government or any institution

		performing a public function in terms of any legislation as defined in PAIA Section 1. Also referred to as government body.
10.	Record	Any recorded information, in any form or medium, under the custody of the GPL as defined in PAIA Section 1.
11.	Records automatically available	Records that can be accessed without a person having to request access in terms of the Act as stipulated in Section 15(1)(a) of PAIA.
12.	Records available on request	Records that can be accessed through following PAIA processes as stipulated in PAIA Sections 11 and 18. Access to these records may be refused on the basis of Sections 33 to 45 of the Act.
13.	Relevant authority	Secretary to the Gauteng Provincial Legislature or the person designated in writing by the Minister to deal with internal appeals as defined in PAIA Section 1.
14.	Request fee	A non-refundable fee payable by a requester when submitting a request for access as per the provisions of PAIA Section 22(1). (Personal requester excluded from paying request fee).
15.	Request for access	A request for access to a record or records held by the GPL made in accordance with PAIA Sections 8 and 11.
16.	Requester	Any person making a request for access to information or records of the GPL or a person acting on behalf of the person requesting information as defined in PAIA Section 1.
17.	Third party	Any person, including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation other than the requester concerned and a public body as defined in PAIA Section 1.
18.	Working days	Any days other than Saturdays, Sundays or public holidays as defined in PAIA Section 1.

LIST OF ACRONYMS AND ABBREVIATIONS

	Acronym	Term
1.	CEO	Chief Executive Officer
2.	DIO	Deputy Information Officer
3.	GPL	Gauteng Provincial Legislature
4.	IO	Information Officer
5.	Minister	Minister of Justice and Correctional Services
6.	PAIA	Promotion of Access to Information Act, No 2 of 2000 (as amended)
7.	PFMA	Public Finance Management Act, No 1 of 1999 (as amended)
8.	POPIA	Protection of Personal Information Act, No 4 of 2013

FOREWORD

Section 32 of the Constitution of the Republic of South Africa, 1996 (the Constitution) grants everyone the right of access to any information held by the State or by another person and that is required for the exercise or protection of any right.

In realising these constitutional rights, the Promotion of Access to Information Act (PAIA) (No 2 of 2000) -


- charges all public bodies with the responsibility to facilitate public access to information/record(s) under their custody;
- provides a framework and procedures for the public to exercise their constitutional right to information as swiftly, inexpensively and effortlessly as reasonably possible.
- stipulates mechanisms which governmental bodies must put in place, to facilitate access to such information by members of the public; and
- outlines conditions under which restricted access apply, including those relating to personal, commercial, financial, technical or scientific information about a third party, information which may affect court or police proceedings, e.g., police dockets in bail proceedings and certain categories of information about the South African Revenue Service.

There are undoubtedly limitations to public realisation of the rights as stipulated in Section 36 of the Constitution and Sections 33 to 45 of the PAIA Act, respectively.

In compliance with the statutory requirements of the PAIA and to contribute to the promotion of GPL transparency, accountability and effective governance, the GPL has produced a manual as a mechanism to facilitate public access to information/record(s) under its custody.

It is hoped that this manual will serve as an effective platform/tool for providing the public with the relevant information to enable them to exercise their right of access to information under the custody of the GPL.

Advocate Mpho Daniel Maloka
SECRETARY TO THE LEGISLATURE



DATE 26 March 2026

INTRODUCTION

This manual is compiled as a statutory requirement in compliance with the provisions of Section 14 of the Promotion of Access to Information Act (Act No 2 of 2000), which mandates all government bodies to compile and publish a manual, indicating information/records under its custody that are readily available to the public as well as those that need to be requested through the provisions of the Act.

THE OBJECTIVES OF THE ACT

The objectives of PAIA, according to Section 9, are:

- to give effect to the constitutional right of access to information held by the State and any information that is held by another person that is required for the exercise or protection of any rights;
- to give effect to the right of access to information — subject to justifiable limitations — including, but not limited to limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance, and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;
- to give effect to the constitutional obligations of the State of promoting a human rights culture and social justice;
- to establish voluntary and mandatory mechanisms or procedures to give effect to the right of access to information in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and
- to promote transparency, accountability and effective governance of all public and private bodies.

GUIDE ON HOW TO USE PAIA (SECTION 10)

Section 10 of PAIA prescribes that the South African Human Rights Commission (SAHRC) should compile and publish a guide on the use of PAIA. The guide is available at the offices of the SAHRC.

The Information Regulator has also updated and made available the revised guide

on how to use PAIA (“guide”), in terms of Section 10(1) of PAIA. It is available in a comprehensible manner in all official languages of South Africa and contains the description of:

- the objects of the PAIA and Protection of Personal Information Act (POPIA);
- the postal and street address, phone and fax number and, if available, electronic mail address of the Information Officer of every public body, and every Deputy Information Officer of every public and private body designated in terms of Section 17(1) of PAIA¹ and Section 56 of POPIA²;
- the manner and form of a request for access to a record of a public body contemplated in Section 11, and access to a record of a private body contemplated in Section 50;
- the assistance available from the Information Officer of a public body in terms of the PAIA and POPIA;
- the assistance available from the Regulator in terms of the PAIA and POPIA;
- all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by the PAIA and POPIA, including the manner of lodging an internal appeal, a complaint to the Regulator, and an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

¹ Section 17(1) of PAIA: “For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.”

² Section 56(a) of POPIA: “Each public and private body must make provision, in the manner prescribed in Section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in Section 55(1) of POPIA.”

- the provisions of Sections 14³ and 51⁴ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- the provisions of Sections 15⁵ and 52⁶ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- the notices issued in terms of Sections 22⁷ and 54⁸ regarding fees to be paid in relation to requests for access; and
- the regulations made in terms of Section 92⁹.

Members of the public can inspect or make copies of the guide at the offices of the public or private bodies, including the office of the Regulator, during normal working hours.

The guide can also be obtained:

- upon request to the Information Officer or head of the private body, using Form 1 (a request for a copy of the guide) available at <https://info regulator.org.za/paia-forms/>;

³ Section 14(1) of PAIA: “The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.”

⁴ Section 51(1) of PAIA: “The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.”

⁵ Section 15(1) of PAIA: “The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.”

⁶Section 52(1) of PAIA: “The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.”

⁷ Section 22(1) of PAIA: “The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.”

⁸ Section 54(1) of PAIA: “The head of a private body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.”

⁹Section 92(1) of PAIA provides that: “The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in Sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of Section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

- upon request, to the Information Regulator, by sending Form 1 to- PAIACompliance@infoRegulator.org.za; and
- from the website of the Regulator (<https://inforegulator.org.za/paia-guidelines/>).



THE PURPOSE OF THE MANUAL

This manual is intended to:

- provide information on the structure, functions and services that the Gauteng Provincial Legislature (GPL) renders to the public and how to gain access to them;
- provide information about the GPL contact information including details of postal, street and electronic mail addresses, and phone numbers of the Information Officer (IO) and the designated Deputy Information Officer (DIO);
- provide a list of automatically available records in the custody of the legislature;
- provide a list of record categories accessible to members of the public by following the processes as stipulated in Sections 11 and 18 of PAIA;
- outline procedures to be followed by members of the public in accessing information under the GPL's custody, in accordance with the provisions of PAIA.

This manual is available in English, Afrikaans, IsiZulu and Sesotho, and the GPL will, if necessary, update and publish this manual annually.

A copy of this manual or the updated version thereof is also available -

- on the GPL's website: www.gpl.gov.za;
- at the head office of the GPL at the corner of City Hall and Helen Joseph Streets, Johannesburg, for public inspection during normal business hours;
- to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

Please note that a fee for a copy of the manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

CONTACT INFORMATION

GPL Information Officer

Secretary of the Legislature: Advocate Mpho Daniel Maloka
Street Address: Cnr Rissik and Market Streets,
Johannesburg, 2000
Email: mdmaloka@gpl.gov.za

GPL Deputy Information Officer (DIO)

Director: Information and Knowledge Management: Dr Ngwanaphalama More
Street Address: Cnr Rissik and Market Streets,
Johannesburg, 2000
Email: nmore@gpl.gov.za

Access to information general contacts

GPL Website: www.gpl.gov.za
GPL email address: inforequest@gpl.gov.za

South African Human Rights Commission: National Head Office

33 Hoofd Street, Braampark Forum III
Braamfontein, Johannesburg,
Gauteng, 2001

Telephone number: +27 11 877 3600/3645/3624
Fax number: +27 11 403 0668
Email address: paia@sahrc.org.za
Website: www.sahrc.org.za

BACKGROUND ABOUT THE GPL

The Gauteng Provincial Legislature (GPL) is one of nine provincial legislatures in South Africa, which are a product of extensive negotiations that gave shape to the 1996 Constitution. The Constitution empowers the legislature to make laws for Gauteng, oversee the Gauteng Provincial Government to ensure effective and efficient delivery of public services, and ensure that the people of Gauteng participate in the legislature's processes.

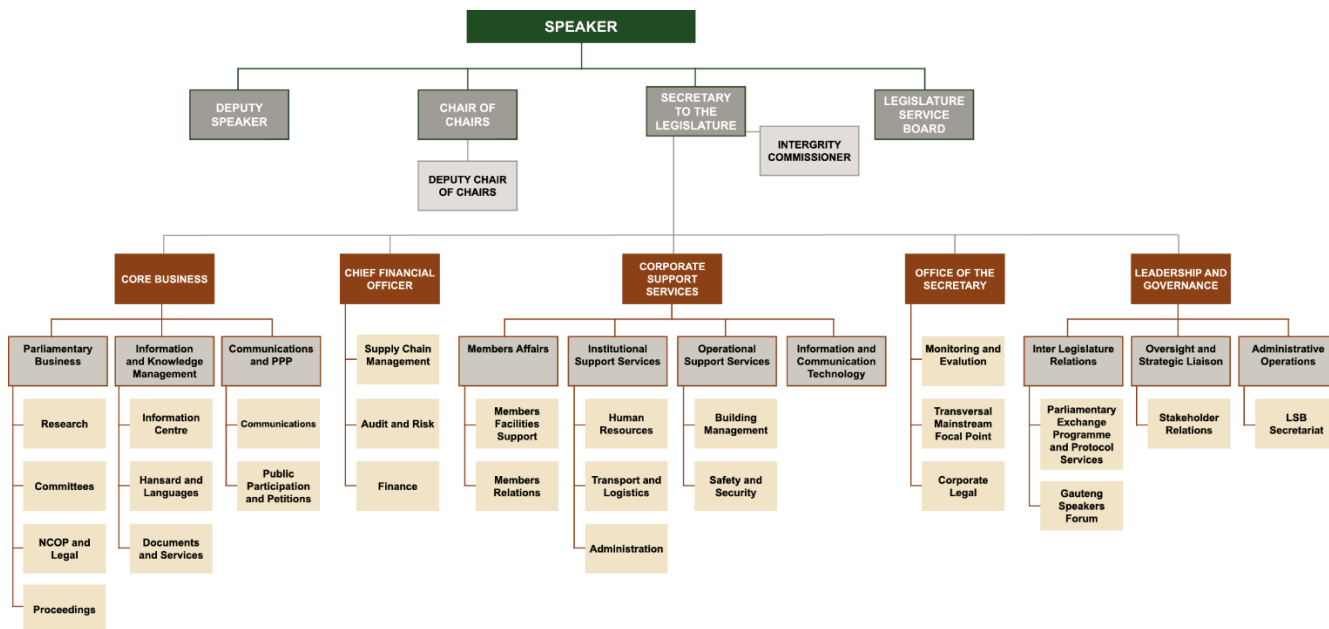
The legislature moved from Pretoria to Johannesburg after the first democratic elections in 1994 and following a decision to move the government of the Gauteng Province. The Johannesburg City Hall opened as the Gauteng Legislature's new home on 21 October 1995.

COMPOSITION OF THE GPL

The legislature is composed of the political and administrative components. The political component, led by the Speaker (who heads up the institution), is made up of Members of the Provincial Legislature (MPLs) from various political parties who are allocated seats proportionally as per the provincial elections. The administrative component, headed by the Secretary to the Legislature, gives operational support to the House and its committees.

The Constitution empowers each of the nine provincial legislatures to make laws that apply uniquely to each of their provinces. The MPLs are divided into portfolio committees and conduct the business of the House. The House committees mirror the departments (or cluster of departments) of the provincial government and enhances the departments' ability to deliver services through advising, monitoring and oversight. Standing committees deal with diverse issues (other than government departments), ranging from the domestic affairs of the legislature to consideration of Bills, regulations and other matters referred to them by the Speaker or the House. Ad hoc committees work with various experts on matters that need specialised expertise. These committees are established from time to time, whenever the need arises.

THE ORGANISATIONAL STRUCTURE OF THE GPL



THE ROLE OF THE GPL

a) LAW-MAKING

The law-making power in the province is vested in the GPL. In terms of section 104 of the Constitution of the Republic of South Africa, 1996, the legislature can pass new laws, amend existing laws and repeal or abolish old laws. A new legislation starts out as a Bill, which is carefully discussed to ensure that it is clear, practical, relevant to the needs of the province, and in line with the Constitution. Members of the Provincial Legislature also receive submissions from the people of Gauteng on matters of concern to the province, which may require specific legislation to be instituted. Furthermore, MPLs can initiate legislation individually, as can any of the legislature’s standing committees.

b) OVERSIGHT AND SCRUTINY

Oversight is a key role of the legislature to ensure that the provincial government delivers on its mandate of delivering services to the people of Gauteng. To achieve this, the legislature uses various tools of oversight, which include Questions to Members of the Executive Council, Motions, Resolutions of the House, debates, etc. Central to these tools is the Sector Oversight Model (SOM), which is utilised by all nine legislatures. The SOM is a comprehensive tool that allows a synchronised way of overseeing government's action, from planning and budgeting, implementation to monitoring and evaluation. MPLs consider plans, budgets and reports submitted by the provincial Executive Council, which comprises the Premier of Gauteng and the Members of the Executive Council (MECs).

The detail of the scrutiny function takes place in committees and debates at House plenary level. Committees have the power to summon MECs and department officials to answer questions relating to service delivery in the province. The MECs must be prepared to answer difficult questions on how they are delivering a better life to the people of Gauteng. Committees can also undertake investigations into activities by government departments and such investigations are often open to public scrutiny.

c) PUBLIC PARTICIPATION

The GPL is constitutionally enjoined to ensure public involvement pursuant to Section 118 of the Constitution of the RSA, 1996 and this is an obligation that the Gauteng Provincial Legislature has vigorously embraced by ensuring that all its processes are open to the public and that the public can participate fully in its lawmaking, oversight, and public participation processes. To this end, the legislature has created mechanisms and platforms to allow the people of Gauteng to participate in its processes. These platforms include Sector Parliaments, Bua Le Sechaba (Taking the Legislature to the People), attendance of House Sittings by the public and various stakeholder engagement activities. The members of the public can also petition the legislature on issues of concern to them. This, to ensure that the voices of the public are heard. The petitions can be submitted at the GPL offices or through the electronic platform (e-Petitions system) as well as at any of its public meetings.

SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

The Directorate: Communication and Public Participation is involved in and initiates participation programmes. These include school outreach programmes, Women's Parliament, Youth Parliament and many other initiatives. The directorate can be reached at +2711 498 5200 or visit the Gauteng Provincial Legislature's website www.gpl.gov.za.

RECORDS OF THE GPL

Among others, the GPL has records in the following categories of matters:

(a) Parliamentary papers

This category includes Order Papers, announcements, tablings and committee reports, Question Papers, Hansards and minutes of proceedings.

(b) Publications

General information concerning the provincial legislature and its work.

(c) Members' Declaration of Interests

In terms of the Code of Conduct for Members of the Gauteng Provincial Legislature, 2014, MPLs must declare their financial interests annually. Requests for information in respect of Members' declared interests must be made to the Members' Affairs Committee of the provincial legislature.

(d) Bills

Various versions of Bills (draft laws) that the provincial legislature works on during the lawmaking process.

(e) Documents produced by the administration

The administration of the provincial legislature provides support to Members to enable them to fulfil their obligations as public office bearers. To this end, the administration produces various documents related to its functions.

Purpose of processing

The GPL, like other public bodies, processes personal information in line with the Protection of Personal Information Act (POPIA), 2013 to the extent permissible in terms of said Act. It takes all reasonable steps and measures to ensure safety and security of all its data subjects' personal information, and this includes data encryption; anti-virus and anti-malware solutions.

Please note that the GPL does not undertake any transborder flows of personal information.

Description of the subjects on which the body holds records and categories of records held by the GPL

Subjects on which the body holds records	Categories of records held on each subject
Strategic documents, plans, budgets proposals	Annual reports, strategic plan, annual performance plan, budgets.
Human resources	HR policies and procedures <ul style="list-style-type: none"> • advertised posts; • employees' records; • learning and development e.g. skills development and training plans • employment equity plan and statistics

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
Natural persons	Names and surname, contact details (contact number(s), fax number, email address); residential, postal or business

Categories of data subjects	Personal information that may be processed
	address; unique identifier/identity number and confidential correspondence.
Juristic persons	Names of contact persons, name of legal entity, physical and postal address; contact details [contact number(s), fax number, email address]; registration number; financial, commercial, scientific or technical information, and trade secrets.
Employees	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, relatives (family members), medical information, nationality, ethnic or social origin, sex, gender, pregnancy, marital status, sexual orientation, physical or mental health, well-being, disability, religion, integrity, belief, culture, language, and biometric information of the person

The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or categories of recipients
Identity number and names, for criminal checks	South African Police Service
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit bureaus

RECORDS THAT ARE AUTOMATICALLY AVAILABLE

Any information disclosed or discussed in any committee of the provincial parliament – where those proceedings were open to the public, or in House proceedings of the provincial parliament – is automatically available and need not be requested in terms of the PAIA, provided that the requester can receive the information in digital form.

Information concerning the following matters is readily available from the provincial parliament's website at www.gpl.gov.za:

- (a) public education, education workshops, public participation, petitions, educational material;
- (b) visiting the provincial parliament;
- (c) news, media releases and media partner registration;
- (d) vacancies and online applications for vacancies;
- (e) tenders and how to do business with the provincial parliament;
- (f) the administration's organisational structure, code of conduct, and directory of staff;
- (g) general information about the functions and work of the provincial parliament;
- (h) vision, mission and values, political composition, history, symbols, Commonwealth Parliamentary Association and work of the National Council of Provinces;
- (i) Members' profiles, Member constituencies, Code of Conduct, Register of Members' Interests;
- (j) legislative process, parliamentary calendar, papers of the House, State of the Nation and State of the Province Address speeches, Standing Rules, videos;
- (k) membership of standing committees, committee documents; and
- (l) legislation, Bill tracking, National Council of Provinces legislation, Hansards, publications, provincial gazettes and departments' annual reports.

HOW TO GET ACCESS TO DOCUMENTS IN THE CUSTODY OF THE GPL

Step 1: Preliminary steps

- Make sure that the record that you require is, in fact, a record in the possession or under the control of the provincial legislature.

- If the record that you require is automatically available, as provided for in the paragraphs above, make your request to the Information Officer, clearly describing the record that you require.
- Visit the provincial legislature's website at www.gpl.gov.za, to check whether the record that you require is available on the website or not.

Step 2: Request form

If you have not succeeded in obtaining the record that you require after having completed step 1 above, a request form must be completed and submitted to the provincial legislature. The request form can be obtained from the Deputy Information Officer at inforequest@gpl.gov.za. Once the form has been completed, it must be sent back to inforequest@gpl.gov.za for the attention of the Information Officer. If you encounter problems with completing the request form, you may call upon the Deputy Information Officer for assistance. If you make a request on behalf of another person, be sure to attach a copy of the mandate by that other person authorising you to act on that person's behalf.

Step 3: Fees

There are two fees that may be payable under the PAIA:

- (a) A request fee – A requester, who seeks access to a record containing personal information about that requester, is not required to pay the request fee. The required fee must accompany any other request. In terms of Government Notice No R.223, 2001, the request fee is R35.00.
- (b) An access fee – If the request is granted, a further access fee must be paid for the reproduction of the records, including for search and preparation of the records for disclosure. These fees are set out in Government Notice No R.223, 2001. A copy of the fees, as set out in Government Notice No R.223, 2001 can be obtained from the Deputy Information Officer.

Step 4: Processing of the request

In terms of the PAIA, the Information Officer has 30 days within which to allow or refuse the request, failing which the request is deemed to have been refused. The Information

Officer will inform the requester of the outcome of the request. Access to a record will usually be granted where the requester complied with the requirements of the PAIA, and:

- (a) the request was made on the prescribed form which was completed properly;
- (b) sufficient proof of authority was submitted where the request was made on behalf of another person;
- (c) a proper description of the record requested was provided;
- (d) the necessary fees were paid; and
- (e) there were no grounds for refusing the request as provided for in the PAIA.

GROUNDINGS FOR REFUSAL TO ACCESS TO PUBLIC RECORDS

The Information Officer may refuse a request for access to a record of the GPL on, inter alia, the following grounds:

- (a) if the disclosure would constitute an unreasonable invasion of privacy of an identifiable person;
- (b) If the disclosure pertains to the trade secrets of a third party;
- (c) If the disclosure is about information supplied by a third party in confidence, and if disclosed would reasonably be expected to prejudice the third party;
- (d) If the disclosure could reasonably be expected to endanger the life or physical safety of an individual;
- (e) If the disclosure would likely prejudice or impair the safety of the public, or any part of the public, an individual under witness protection, the security of a building, structure, or system, including a computer or communication system, a means of transport or any other property;
- (f) If the requester seeks access to records pertaining to records of law enforcement or ongoing investigations contemplated in the Criminal Procedure Act and/ or privileged information pursuant to legal proceedings; and
- (g) If the requester seeks access to records pertaining to information of subjects within purview of SARS subject to any court order authorising said information to be accessed.

REMEDIES ON REFUSAL TO DISCLOSE A RECORD

A person who is dissatisfied by a refusal by the GPL to disclose a record may firstly exercise internal remedies i.e. lodge an appeal with the Speaker of the GPL, who is the Executive Authority, within 60 days of said refusal. Should the Speaker also refuse such a request, the requester may then approach the Information Regulator and/ or courts for relief.

FEES PAYABLE

In terms of Section 22 of the Promotion of Access to Information Act, there are two types of fees that are payable when requesting a record, which are the request fee and an access fee. The GPL does not, at this point, ask for a request fee but the requester may be asked to pay an access fee when access to a record is granted, which will cover the reproduction of the record and any time that has exceeded the prescribed hours to search and prepare for the record of disclosure.

Issued by



(Advocate Mpho Daniel Maloka)

(Secretary of the Gauteng Provincial Legislature)



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