

DUBE TRADEPORT CORPORATION PUBLIC ACCESS TO INFORMATION (PAIA)



Dube TradePort Corporation Annual Report 2016/17 Supporting Document

Dube TradePort Corporation has developed the required Section 14 PAIA manual, which is made available via the organisation's website and in the documents attached herein:

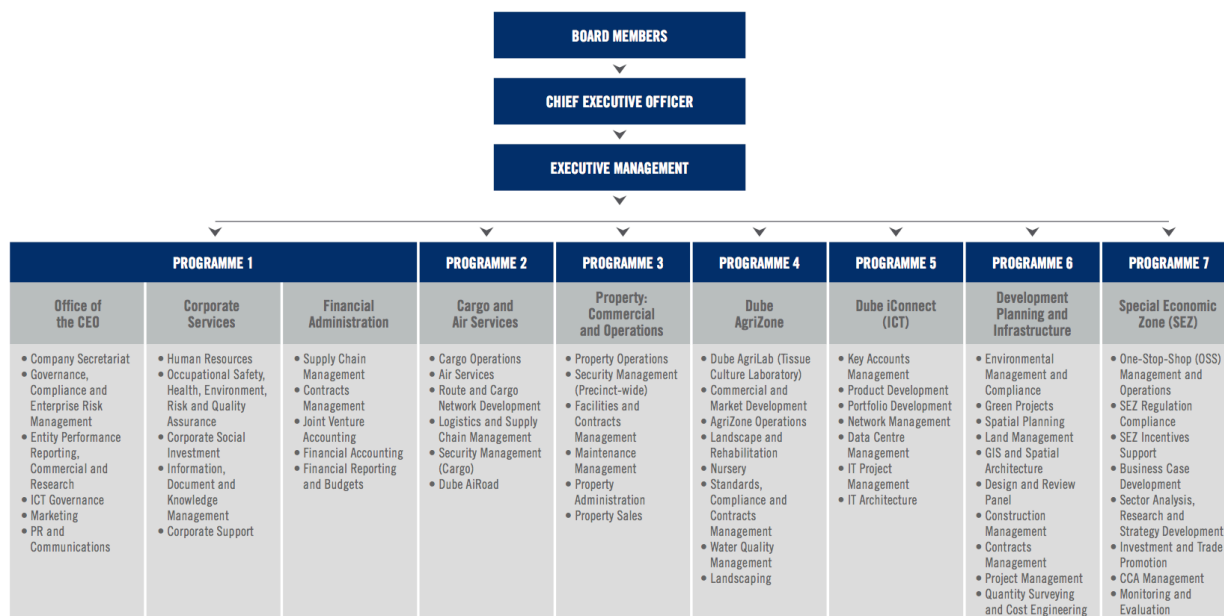
DOCUMENTS ATTACHED	
A	Dube TradePort Corporation PAIA Manual
B	Annexure 1 - Record Request Form
C	Annexure 2 - Automatically Available Records
D	Annexure 3 - Fees Form

4. Functions and Structures, Section 14 (1) (A)

For more detailed information relating to DTPC's strategic goals, please refer to the "DTPC – Strategic Plan for the fiscal years 2015-2020" available on the website (<http://www.dubetradeport.co.za/>)

DTPC is currently headed by a Chief Executive Officer, supported by an Executive Team responsible for the respective programmes. The functional composition diagram illustrates, at a high level, the functional areas within each division:

Organizational Diagram 1



5. Information Officers and Contact Details, Section 14(A) (B)

In terms of the PAIA, the Chief Executive Officer (CEO) of a public body is automatically designated as Chief Information Officer (CIO). The CIO's functions are to provide strategic direction to DTPC and ensure the delivery of key development initiatives in accordance with the DTPC mandate in an accountable, professional and efficient manner.

DTPC's CIO's contact details are as follows:

5.1. Chief Information Officer

Mr Hamish Erskine Email Address: hamish.erskine@dubetradeport.co.za

5.2. Deputy Information Officer

Requesters are required to address all requests to the Deputy Information Officer (DIO). The DIO's functions are to co-ordinate all matters relating to transparency, legislation and to process requests in terms of PAIA. Contact details listed below:

Ms. T Wingfield Email Address: Tanya.wingfield@dubetradeport.co.za

Postal Address: Street Address:

PO Box 57757
King Shaka Airport
4407

29° South
7 Umsinsi Junction
La Mercy
Kwazulu-Natal
4399

Phone:
+27 32 814 0000

Fax:
+27 32 814 0103

6. Section 10: How to access the Guide, Section 10 and 14(1) (c)

The guide will be available from the South African Human Rights Commission (SAHRC) or from their website: www.sahrc.org.za

Should you have any queries in this regard please contact the SAHRC directly at:

The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: +27 11 484 8300
Fax: +27 11 484 0582
Email: paia@sahrc.org.za

The guide is also available from DTPC. Please direct any enquiries to the Deputy Information Officer at the address above.

7. Access to Records In Terms Of Section 14 (1) (E) (Automatic Disclosure)

Certain records may be accessed directly off the internet from DTPC's official website at: <http://www.dubetradeport.co.za/> and you are encouraged to consider this route before submitting a request.

It is also not a requirement that the request fees be paid, however prescribed access and reproduction fees will still apply. Refer to Annexure 2 for the list of Automatically Available records.

8. Access to Records, Section 14 (1) (D)

This section of the manual serves as a reference to the records that DTPC holds in order to facilitate a request in terms of PAIA. However, please note that the mere fact that a category or subject matter is listed in this manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated, on a case by case basis, in accordance with the provisions of the PAIA.

Division	Categories of Records
Administration	Annual Reports Performance and Strategic Plans Macro- Economic Impact Assessments Budgeting and Reporting records Supply Chain records Contract records SHEQ records CSI records Information Management records Fleet and Travel records Marketing – programmes, surveys and advertisements. Human Resources records – recruitment, appointment, exit management, performance management and leave administration records Risk Management records ICT records
Cargo and Air Services	Facilities management records Safety and security records Operational records Maintenance records Fleet management records
Property Operations	Facilities management records Lease administration records Rentals
AgriZone	AgriZone service records Sustainable farm initiatives Training Programmes Contracts Water Management records Landscaping and rehabilitation records Maintenance and Technical records AgriLab records
iConnect	Operational support records Sales and Product development records Project Management Records Billing and Proposal records
Development Planning and Infrastructure	Acquisition of Land records – title deeds and agreements Plans, Studies and Reports Environmental management records Planning records Technical records GIS records
Special Economic Zone	Investment promotion and attraction records One-stop shop records Sector Analysis records Programme Management

9. Request Procedure

9. 1. Compliance Requirements

Subject to the provisions of the Act, access to records requested from DTPC will only be given if:

- All the procedural requirements set out in the PAIA relating to a request are met; and
- Access to the requested record/s is not refused in terms of any grounds for refusal set out in the Act.

9. 2. Request Application Process

The following steps are to be following when making an application for access to a record:

STEP 1: THE REQUEST

Should a person wish for access to information held by DTPC, the request form (**Annexure 1**) must be completed and submitted to the DIO (details may be obtained from DTPC's PAIA Manual). The requester must also indicate if they would like a copy of the record or if they would like to inspect the record at DTPC's premises.

The DIO must assist the requester with the request for access to ensure that the request complies with the requirements of the Act. The DIO may not refuse the request if it is not fully or correctly completed. The DIO will notify the requester by means of a Notice of Procedural Deficiency of his or her intention to refuse the request. In such an event, the requester may then provide more detailed information regarding to the request.

As required by the Act, an amount of R35.00 must accompany the request for information if it is not from a personal requester.

STEP 2: VALIDATION AND ACKNOWLEDGEMENT

The DIO receives and validates the request to ensure that the required information is available within DTPC. The request is then accepted, rejected or transferred to the relevant division of the required information. A request for access will be granted unless it may be deferred or may be refused on the basis of grounds for refusal, mentioned in Chapter 4 of Part 2 of the Act.

A notification will also be issued to inform the requester of: a request fee (if payable); the status of the request as well as issue the requester with a request number.

STEP 3: INFORMATION PROCESSING

If the request is granted, DTPC will gather and prepare the information and calculate the relevant costs involved.

STEP 4: FINAL NOTIFICATION

The requester will be informed of the completion of the request as well as the outstanding fees payable to DTPC.

STEP 5: PAYMENT AND DELIVERY

Once the payment (as stipulated in Step 4) has been received (including payment process in Step 1), the information will be released to the requester.

9.3. General Information

Requests for access to records held by DTPC in its capacity as a public body must only be made on the request form as prescribed by the Act, a copy of which is attached as **Annexure 1**. The form is available in PDF format (for hand written requests) on the DTPC website.

The regulations and Section 18 of the Act require the requester to furnish the following information:

- Particulars of the person requesting access to the records;
- The form or manner of access sought as prescribed by section 29;
- The particulars of the record which access is requested;
- Contact information of the requester (postal address/fax number/email address);
- Language specifications for the requested record;
- If the requester is asking for information on behalf of someone else, the capacity in which the request is being made should be indicated;
- Should the requester wish to be notified of the decision in any way, in addition to a written notification, for example by telephone, this must be indicated; and
- An indication as to how the requester wishes to be notified of the decision regarding the request for access to the record(s) concerned.

Requesters who cannot read or write may make oral requests to the DIO who must fill in the request form for the requester and furnish the requester with a copy;

DTPC will endeavour to give access in the form requested unless this would interfere with the smooth operations of DTPC. DTPC will also give consideration to the preservation of records and the infringement of copyright when processing is required. Access fees will be calculated according to the manner in which the requester originally asked for the record (Section 29(3) and (4)).

The requester must pay the prescribed fee before any processing may take place.

9.4. Request Considerations

9.4.1. GROUNDS FOR REFUSAL

The grounds of refusal are outlined in Part 2 of Chapter 4 and include mandatory protection of:

- Privacy of third party who is a natural person;
- Certain records of South African Revenue Service;
- Commercial information of a third party;
- Certain confidential information and other protection of certain other information, of third party;
- Safety of individuals, and protection of property;
- Records privileged from production in legal proceedings;

- Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- Research information of third a party, and protection of research information of a public body; or
- Certain information regarding the operations of public bodies.

DTPC may also refuse requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.

9.4.2. MANDATORY DISCLOSURE IN THE INTEREST OF THE PUBLIC

Despite any other provision in PAIA, the DIO must grant a request for access to a record of DTPC if –

The disclosure of the record would reveal evidence of:

- A substantial contravention of, or failure to comply with the law; or
- An imminent and serious public safety or environmental risk; and
- The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

9.4.3 PERIODS FOR DEALING WITH REQUESTS

DTPC will be entitled to 30 days to make a decision on a request.

DTPC will notify the requester should an extension be sought, the reasons for such an extension as described in section 26(1) of the PAIA.

10. Payment Procedure

10.1. Prescribed Fees

The Act sets out two types of fees namely:

- A *request fee*, which is a standard fee payable only by non-personal requesters; and
- An *access fee*, which must be calculated by taking in to account reproduction costs, search and preparation time and costs as well as postal costs.

10.1.1. Request Fees

Every requester who is not personal requester must pay the required request fee. The DIO must notify the requester of the requirements to pay the prescribed fee (if any) before processing the request as in section 22(1) of the Act

The request fee payable to DTPC is R35.00 and is payable on submission of each application. This amount is non-refundable.

10.1.2. Access Fees

An access fee shall be determined by the amount of records and the manner in which access is required.

Request and Access fees are listed in Annexure 3, as prescribed by Gazette 23119 of 15 February 2002, Government Notice No. R.187.

10.2. Notification of Fees

The DIO must notify the requester (other than a personal requester) by notice, requiring the requester to pay the request fee (R35.00) before further processing the request. Once the DIO has made a decision on the request the requester will be notified of such a decision in the manner in which the requester wanted to be notified in.

If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations, the DIO shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted. The DIO shall withhold the record until the requester has paid the relevant fees.

If the request is granted, then a further access fee must be paid for the search, preparation and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure including making arrangement to make it available in the requested form. If a deposit has been paid in respect of a request for access, which is refused, then the DIO must repay the deposit to the requester.

10.3. DTPC's Bank Account Details

Bank: ABSA

Account Type: Current Account Public Sector

Account Number: 4056873817

Branch Code: 634926

Reference: PAIA Surname (of Requester).

The proof of the payment must be sent to the DIO before any request can be processed and also appear in DTPC's bank statement (contact details within DTPC manual). The proof of payment must accompany the request form.

10.4. Exemptions Section 22(8)

A personal requester is not required to pay the request fee.

The following persons are exempt from paying access fees contemplated in Section 22(8) of the Act:

- A single person whose annual income, after permissible deductions, does not exceed R14 712 per annum; and
- Married persons or a person and his or her life partner whose annual income, after permissible deductions, does not exceed R27 192 per annum.

It is further determined that:

- Where the cost of collecting any fee contemplated in Section 22 of the Act exceeds the amount charged, such fee shall not apply; and
- The access fee contemplated in Section 22(8) of the Act shall not apply to the personal record of a requester.

The request and access fees do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or enquiry in terms of

the provisions of the Maintenance Act No 99 of 1998 or the regulations made under section 44 of that Act.

11. Remedies Available, Section 14(1) (H)

11.1. Application to court

A requester (or a third party, if applicable) may seek relief from any court, with appropriate jurisdiction, in respect of the following decisions of the CIO/ DIO:

- Refusal or partial refusal of the request for access;
- The amount of fees required to be paid;
- The extension for the period within which to deal with the request; or
- The form of access in which the information will be furnished.

All legal processes must be served on the CIO/DIO who dealt with the request within 30 days.

12. Updating the Manual, Section 14 (2)

The manual will be updated within one year after publication or whenever changes to the information contained in the manual require an update.

13. Availability of the Manual, Section 14(3)

The Manual is available from the following places:

- DTPC Head Office-during office hours 08:00 – 16:30
29°South
7 Umsinsi Junction
La Mercy
Kwazulu Natal, 4399
- DTPC website at www.dubetradeport.co.za; and
- The South African Human Rights Commission (SAHRC)

14. Associated Annexures

Annexure 1: Record Request Form

Annexure 2: Automatically Available Records and access to such Records

Annexure 3: Fee Form

ANNEXURE 1: RECORD REQUEST FORM

This annexure must accompany the cover letter addressed to the Deputy Information Officer

1. Particulars of Dube TradePort Corporation

The Deputy Information Officer

Attention: Ms. T. Wingfield

Fax number: +27 32 814 0103

Email address: Tanya.wingfield@dubetradeport.co.za

2. Particulars of Person Requesting Access to the Record

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Name and Surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

Cell number: _____

E-mail address: _____

Capacity in which the request is made, when made on behalf of another person:

3. Particulars of Person on Whose Behalf Request Is Made

This section must be completed *ONLY* if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

4. Particulars of Record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1) Description of record or relevant part of the record:

2) Reference number, if available:

6. Form of Access to Record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:		Form in which record is required:	
Mark the appropriate box with an X.			
NOTES:			
a) Compliance with your request in the specified form may depend on the form in which the record is available.			
b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.			
c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images'
<input type="checkbox"/>		<input type="checkbox"/>	transcription of images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (memory stick or compact disc)
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.		Yes	No

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer your record?

7. Notice of Decision Regarding Request for Access

You will be notified in writing whether your request has been approved/ denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with you request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ on this ___ day of _____ 20_____

Signature of requester / person on whose behalf request is made

FOR DUBE TRADEPORT INTERNAL USE ONLY

Reference number:

Information Officer:

Request fee (if any): R _____

Deposit (if any): R _____

Access fee: R _____

SIGNATURE OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER

ANNEXURE 2 - AUTOMATICALLY AVAILABLE RECORDS

Description Of Category Of Records Automatically Available In Terms Of <u>Section 15 (1) (A)</u> Of The Promotion Of Access To Information Act, 2000	Manner Of Access To Records (E.G. Website) (<u>Section 15 (1) (B)</u>)
FOR INSPECTION IN TERMS OF <u>SECTION 15 (1) (A) (I)</u>:	
Annual Reports Media Statements Newsletters Approved Strategic Plans Annual Performance Plans Employment Equity Plan Employment Equity Report	These records are available for inspection at Dube TradePort on request via the following means: Post Deputy Information Officer, Dube TradePort, PO Box 2017 Durban, 4000 Tel: 032 814 0000 Email: Tanya.Wingfield@dubetradeport.co.za Website: www.dubetradeport.co.za
FOR PURCHASING IN TERMS OF <u>SECTION 15 (1) (A) (ii)</u>:	
Tender Documents	The records can be purchased from the Supply Chain Management Division
FOR COPYING IN TERMS OF <u>SECTION 15 (1) (A) (ii)</u>:	
Annual Reports Media Statements Newsletters Approved Strategic Plans Annual Performance Plans Employment Equity Report	Copies of these records may be obtained on payment of the prescribed fee. These records may be accessed at Dube TradePort on Request via the following means: Post Deputy Information Officer, Dube TradePort, PO Box 2017 Durban 4000 Tel: 032 814 0000 Email: Tanya.Wingfield@dubetradeport.co.za Website: www.dubetradeport.co.za

AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15 (1) (A) (iii):

<p>Database Application Forms</p> <p>PAIA Manual</p> <p>Brochures</p> <p>Annual Financial Statements</p>	<p>Copies of these records are available free of charge, They may be accessed at Dube TradePort on Request via the following means:</p> <p>Post</p> <p>Deputy Information Officer, Dube TradePort, PO Box 2017 Durban 4000</p> <p>Tel: 032 814 0000</p> <p>Email: Tanya.Wingfield@dubetradeport.co.za</p> <p>Website: www.dubetradeport.co.za</p>
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2. Fees payable

The only fee payable (if any) for access to a record included is a prescribed fee for reproduction.

3. Deleting part of the requested records

The Information Officer may delete any part of a record contemplated in subsection (1)(a) of Section 15 of the Act, which on a request for access, may or must be refused in terms of Chapter 4 of this Part. Section 11 and any other provision in this Act related to that section do not apply to any category of records included in a notice in terms of subsection (2)". Section 11 deals with the "Right of access to records of public bodies".

ANNEXURE 3: FEE FORM

Fees payable as prescribed by the Act

Description		Cost (excl. of VAT)
1	The fee for a copy of the manual as contemplated in regulation 5 (c) - for every photocopy of an A4-size page or part thereof.	0,60
2	The fees for reproduction referred to in regulation 7 (1) are as follows:	
(a)	For every photocopy of an A4-size page or part thereof	0, 60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0, 40
(c)	For a copy in a computer-readable form on—	
(i)	Compact disc	40, 00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	22, 00
(d)(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	12,00
(e)(ii)	For a copy of an audio record	17,00
3	The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2).	35,00
4	The access fees payable by a requester referred to in regulation 7 (3) are as follows:	
4.1(a)	For every photocopy of an A4-size page or part thereof	0,60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c)	For a copy in a computer-readable form on—	
(i)	Stiffy disc	5,00
(ii)	Compact disc	40,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	22,00
(d)(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	12,00
(e)(ii)	For a copy of an audio record	17,00
(f)	To search for and prepare the record for disclosure, R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
4.2	For purposes of section 22 (2) of the Act, the following applies:	
(a)	Six hours as the hours to be exceeded before a deposit is payable; and	
(b)	One third of the access fee is payable as a deposit by the requester.	
4.3	The actual postage is payable when a copy of a record must be posted to a requester.	