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 ATTA	ACHED
А	Dube TradePort Corporation PAIA Manual
В	Annexure 1 - Record Request Form
С	Annexure 2 - Automatically Available Records
D	Annexure 3 - Fees Form



Dube TradePort Corporation

A Schedule 3C Provincial Public Entity in terms of the PFMA

PAIA Manual

As required by Section 14 of the Promotion of Access to Information Act, 2 of 2000



DUBE TRADEPORT CORPORATION - PAIA MANUAL

Document number:	IM-PAIA-001	Revision number:	002
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1. Definitions

For the purpose of this Manual, unless the context otherwise indicates:

"Access fee" means a fee prescribed for the purpose of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act no 108 of 1966)

"Deputy Information Officer" means the DIO, delegated by the Information Officer to fulfil responsibilities in terms of PAIA;

"DTPC" means the Dube TradePort Corporation;

"Information Officer" means the Chief Executive Officer, or equivalent officer, or the person who is acting as such and will be referred to as the CIO;

"PAIA" means the Promotion of Access to Information Act, 2000 (Act no 2, of 2000);

"Personal requester" means a requester seeking access to record containing personal information about the requester;

"Public Body" means

- a) Any department of State or administration in the national or provincial sphere of government or any municipality in the local sphere; or
- b) Any other functionary or institution when-
- (i) Exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
- (ii) Exercising a public power or performing a public function in terms of any other legislation.
- "Record" means any recorded information, regardless of form or medium which is in the possession or under the control of Dube TradePort Corporation, irrespective of whether it was created by Dube TradePort or not;

"Request" means request for access to a record of Dube TradePort Corporation.

"Requester" means any person (other than certain public bodies or an official thereof) making a request for access to a record of Dube TradePort Corporation and includes any person action on behalf of that person or requester.

"SAHRC" means the South African Human Rights Commission.

"Third Party" refers to a record by any person, not limited to government of a foreign State, an international organisation or an organ of that government, other than the requester concerned and a public body.

2. Introduction

The Promotion of Access to Information Act (PAIA) requires that a PAIA manual is published that provides details of records held by such public body so that requests for information may be accommodated.

The PAIA gives effect to the provisions of Section 32 of the Constitution which provides that every person has the right of access to information held by the State or held by another person that is required for the exercise and or protection of any right.

The objectives of the PAIA are to promote transparency, accountability and effective governance within all public and private bodies. This in turn, empowers and educates people to understand their rights, in terms of PAIA, which they may exercise and protect.



This manual has been produced to establish the procedures to be followed and criteria that have to be met for anyone to access information in the possession or under the control of Dube TradePort Corporation (DTPC).

3. Mandate of DTPC

DTPC is a Schedule 3C Provincial Public Entity formed in terms of the Dube TradePort Act 2 of 2010 and governed by the Public Finance Management Act of 1999, Act 1 of 1999 (PFMA).

3.1. Vision

DTPC's vision is "to be the leading global air logistics platform in Southern Africa, seamlessly integrated with inter-modal road, rail and sea infrastructure".

3.2. Mission

DTPC's mission is as follows:

- To enable the development of an aerotropolis by providing leading edge spatial planning and infrastructure;
- To attract investment through the creation and operation of a special economic zone and related commercial zones; and
- To grow business and trade through enabling new regional and international air services.

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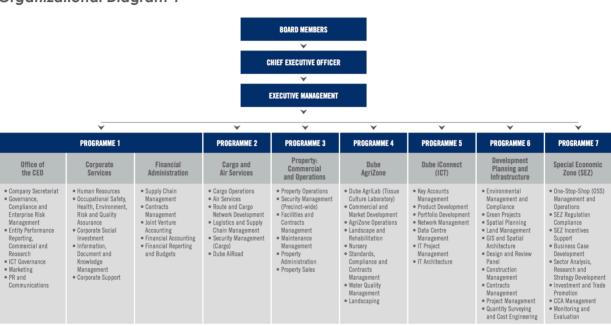


4. Functions and Structures, Section14 (1) (A)

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:

Document Number: IM-PAIA-001

Version: 002 Effective Date: 01/01/2017



PO Box 57757 29° South

King Shaka Airport 7 Umsinsi Junction

4407 La Mercy

Kwazulu-Natal

4399

Phone: Fax:

+27 32 814 0000 +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 Telephone: +27 11 484 8300

PAIA Unit Fax: +27 11 484 0582
The Research and Documentation Department Email: paia@sahrc.org.za

Private Bag 2700

Houghton

2041

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

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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;

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- 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:

- o 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 R14712 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 t	he record must be given below.
(b) The address and/or fax number in the Republic to whic	ch the information is to be sent must be given.
(c) Proof of the capacity in which the request is made, if a	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 m	



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.
me requester mest sign at me adamenationes.
1) Description of record or relevant part of the record:
2) Reference number, if available:



3) Any further particulars of record:
5. Fees
(a) A request for access to a record will be processed only after a request fee has been paid, unles
you are exempted from paying such fee.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.
Reason for exemption from payment of fees:



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.

Disabilit	ty:		Form in which record is rec	uired:	
NOTES: a) Com reco b) Acce be in c) The f	ord is available. ess in the form requested informed if access will be g	est in the may be granted ir	specified form may depe refused in certain circumsta another form. ord, if any, will be determin	ances.	In such a case you will
1. If the	e record is in written or prin	ted form:			
СО	ppy of record*	iı	nspection of record		
compu	ter- generated images, sk	ketches, e	<u> </u>	hs, slic	
vie	ew the images	C	copy of the images"		transcription of images*
3. If rec	cord consists of recorded	words or	information which can be r	eprodu	uced in sound:
	en to the soundtrack udio cassette		ranscription of soundtrack* w document	ritten o	or printed
4. If re	ecord is held on compute	r or in an	electronic or machine-read	dable fo	orm:
	inted copy record*	i	orinted copy of nformation derived from he record		copy in computer readable form* (memory stick or compact disc)
	h the copy or transcription		n of a record (above), do posted to you? Postage is	Yes	No
	at if the record is not avo		the language you prefer, c	access	may be granted in the
In which	language would you prefe	er your red	cord?		



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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 in record?	nformed of the decision regarding y	our request for access to the
Signed at	on this day of	20
Signature of requester / person	n on whose behalf request is made	
FOR DUBE TRADEPORT INTERNA	L USE ONLY	
Reference number:		
Information Officer:		
Request fee (if any): R		
Deposit (if any): R		
Access fee: R		
SIGNATURE OF INFORMATION	OFFICER/ DEPUTY INFORMATION OFF	CICER



ANNEXURE 2 - AUTOMATICALLY AVAILABLE RECORDS

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



AVAILABLE FREE OF CHARGE IN TERMS OF <u>SECTION 15 (1) (A) (III)</u> :		
	Copies of these records are available free of charge,	
	They may be accessed at Dube TradePort on	
	Request via the following means:	
Database Application Forms	Post	
PAIA Manual	Deputy Information Officer,	
Brochures	Dube TradePort,	
Annual Financial Statements	PO Box 2017 Durban 4000	
	Tel: 032 814 0000	
	Email: <u>Tanya.Wingfield@dubetradeport.co.za</u>	
	Website: www.dubetradeport.co.za	

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	n	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 pu	proses 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 a	ctual postage is payable when a copy of a record must be posted to a requester.	