



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

MANUAL: PROMOTION OF ACCESS TO INFORMATION ACT

A. STRUCTURE AND FUNCTIONS OF THE WESTERN CAPE PROVINCIAL PARLIAMENT

1. The Western Cape Provincial Parliament ('the Provincial Parliament') is the provincial legislature of the Western Cape Province.
2. In terms of section 114 of the Constitution of the Republic of South Africa, 1996 ('the Constitution'), the Provincial Parliament is responsible for the making of laws for the Western Cape Province, and to have oversight of the provincial government.
3. In terms of section 118 of the Constitution, the Provincial Parliament must facilitate public involvement in its processes.
4. The Provincial Parliament is a public body in terms of section 1 of the Promotion of Access to Information Act, 2000 ('the PAIA').
5. For the Provincial Parliament's structure see www.wcpp.gov.za → Administration → Organisational Structure.

B. CONTACT DETAILS FOR INFORMATION OFFICERS

6. The information officer of the Provincial Parliament is Mr Romeo Adams (Secretary).
7. The information officer can be reached at 021 487 1701 or at radams@wcpp.gov.za.
8. The deputy information officer for the Provincial Parliament is Adv André le Roux (Legal Adviser).
9. The deputy information officer can be reached at 021 487 1830 or at aleroux@wcpp.gov.za.
10. The postal address of the Provincial Parliament is PO Box 648, Cape Town, 8000.
11. The physical address of the Provincial Parliament is 7 Wale Street, 8001.

C. GUIDE ON HOW TO REQUEST INFORMATION IN TERMS OF THE PAIA

12. The Information Regulator has published a guide on how to request information in terms of the PAIA.
13. This guide can be accessed at the Information Regulator's website.

D. RECORDS OF THE PROVINCIAL PARLIAMENT

14. Among others, the Provincial Parliament has records in the following categories of matters:

(a) **Parliamentary papers**

Including order papers, announcements, tablings and committee reports, question papers, Hansard and minutes of proceedings.

(b) **Publications**

General information concerning the Provincial Parliament and its work.

(c) **Members' interests**

In terms of the Code of Conduct for Members of the Western Cape Provincial Parliament, 2014, members of the Provincial Parliament must declare their interests annually.

Requests for information in respect of members' declared interests must be made to the Registrar of Members' Interests of the Provincial Parliament.

(d) **Bills**

Various versions of Bills (draft laws) that the Provincial Parliament works on during the law-making process.

(e) **Documents produced by the administration**

The administration of the Provincial Parliament provides support to members to enable their work as public office bearers.

To this end, the administration produces various documents related to its functions.

E. RECORDS THAT ARE AUTOMATICALLY AVAILABLE

15. 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 a digital form.

16. Information concerning the following matters is readily available from the Provincial Parliament's website at www.wcpp.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, 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, work of the National Council of Provinces;
 - (i) Member 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 speeches, standing rules, videos;
 - (k) Membership of standing committees, committee documents; and
 - (l) Legislation, Bill tracking, National Council of Provinces legislation, Hansard, publications, provincial gazettes, departments' annual reports.

F. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC AND HOW TO GAIN ACCESS TO THESE SERVICES

17. The Directorate: Public Engagement facilitates public involvement and initiates participation programmes. These include school outreach programmes, Women's Parliament, Youth Parliament and many other initiatives.
18. The Directorate: Public Engagement can be contacted at (021) 487 1600. See [Visit Parliament](#) and [Get Involved](#) on wcpp.gov.za.

G. PUBLIC PARTICIPATION

19. The people of the Western Cape are encouraged to become involved in the proceedings of the Provincial Parliament.
20. You can either become involved in the Provincial Parliament by observing the proceedings in open debate in the House, or by actively participating in the law-making process by making submissions on draft legislation during public involvement processes.
21. Provincial legislation also empowers the people of the Western Cape to petition the Provincial Parliament on certain matters.
22. See [Visit Parliament](#) and [Get Involved](#) on wcpp.gov.za.

H. HOW TO GET ACCESS TO DOCUMENTS OF THE PROVINCIAL PARLIAMENT

23. Step 1: Preliminary steps

- Make sure that the record you require is in fact a record in the possession or under control of the Provincial Parliament.
- If the record you require is automatically available, as provided for in paragraph 15 above, make your request, clearly describing the record you require, to the Information Officer.
- Check the Provincial Parliament's website, at wcpp.gov.za, to see whether the record you require is on the website.

Step 2: Request form

- If you have not succeeded in obtaining the record you require after having completed step 1 above, a request form must be completed and submitted to the Provincial Parliament. The request form can be obtained from the Deputy Information Officer, or at wcpp.gov.za, under [About Us](#) and then [Promotion of Access to Information](#).
- The request form must be submitted to 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 to 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; and
 - (b) An access fee: if the request is granted a further access fee must be paid for the reproduction of the records, including the time for searching and preparing 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 is made on the prescribed form which was completed properly;
 - (b) Sufficient proof of authority is submitted where the request is made on behalf of another person;
 - (c) A proper description of the record requested is provided;
 - (d) The necessary fees are paid; and
 - (e) There are no grounds for refusing the request as provided for in the PAIA.

I. REMEDIES ON REFUSAL TO DISCLOSE RECORD

24. A person who is dissatisfied by a refusal by the Provincial Parliament to disclose a record or records, may lodge a complaint with the Information Regulator as provided for in Chapter 1A of the PAIA, or may approach the courts for relief.

J. PROCESSING OF PERSONAL INFORMATION BY THE PROVINCIAL PARLIAMENT

25. Insofar as the Protection of Personal Information Act, 2013 ('the POPI') is concerned, the Provincial Parliament, broadly, processes personal information for the following purposes, and in respect of the following categories of data subjects:
- i. For the making of laws and oversight of the provincial executive, especially as necessary to facilitate the involvement of the public in these processes;
 - ii. In respect of members of the Provincial Parliament, to provide support to members, so as to enable members to perform their functions, including for purposes such as human resources management, and the payment of remuneration and other benefits, or enabling allowances;
 - iii. In respect of staff of the Provincial Parliament, to provide support to staff, so as to enable staff to perform their functions, including for purposes such as human resources management, and the payment of remuneration and other benefits;
 - iv. For any other purposes required by law.
26. In respect of personal information processed by the Provincial Parliament, the Provincial Parliament, generally, only supplies personal information to third parties for purposes of human resources management, including for purposes such as the management of pension funds and medical aids, and to facilitate public involvement in the processes of the Provincial Parliament, including, for example, to arrange public engagements with and between other organs of state or non-governmental organisations.
27. In respect of personal information processed by the Provincial Parliament, the Provincial Parliament, generally, only supplies personal information across national borders for the purposes of arranging the involvement of members and staff in international events, so as to enable members and staff to fulfil their functions.
28. In respect of personal information processed by the Provincial Parliament, the relevant security measures in place, to ensure the confidentiality, integrity and availability of personal information, is at least at the standard provided for by the General Data Protection Regulations of the European Union.