



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

SECTION 14 MANUAL: PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA)

Compiled by: *Office of the Deputy Information Officer*
Telephone: *012 – 357 8544 / 8961*
Email: paia@justice.gov.za

Updated October 2024

**MANUAL PREPARED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000**

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PART 1 INTRODUCTION

The purpose of the Promotion of Access to Information Act 2 of 2000 (commonly referred to as the "PAIA") is to give effect to the constitutional right of access to any information held by the state, as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect to the right to access to information is to foster a culture of transparency and accountability both in public and private bodies, and to promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

Section 14 of the PAIA prescribes that a Public Body, such as the Department of Justice and Constitutional Development must compile a manual. The manual should provide details of the Information Officer (and deputies, where available), structure, functions and records of such a Body.

The purpose of the manual is to provide information that shall enable a person to understand the functions of the public body and the records in its custody. Armed with that information a person shall be able to identify the records she/he wants and the procedure to follow to request for access to such records.

PART 2 – GUIDE OF ALL MANUALS IN THE REPUBLIC

The Information Regulator has published the guide as is prescribed by section 10 of the PAIA.

The guide is available at the offices of the Information Regulator.

Physical Address

JD House
27 Stiemens Street,
Braamfontein,
Johannesburg

Postal Address

P O Box 31533;
Braamfontein,
Johannesburg,
2017

Telephone: +27 (0) 10 023 5200
E-mail: enquiries@infoeregulator.org.za
Website: <https://infoeregulator.org.za>

PART 3 – CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTIES

Physical Address

Momentum Building
329 Pretorius Street
Pretoria

Postal Address

Private Bag x81
PRETORIA
0001

INFORMATION OFFICER

Director-General: Adv. Doctor Mashabane

E-mail: DocMashabane@justice.gov.za,

DEPUTY INFORMATION OFFICERS

Adv. Witness Ndou (Director)
Adv. Daniel Seopa (Senior Legal Administration Officer)

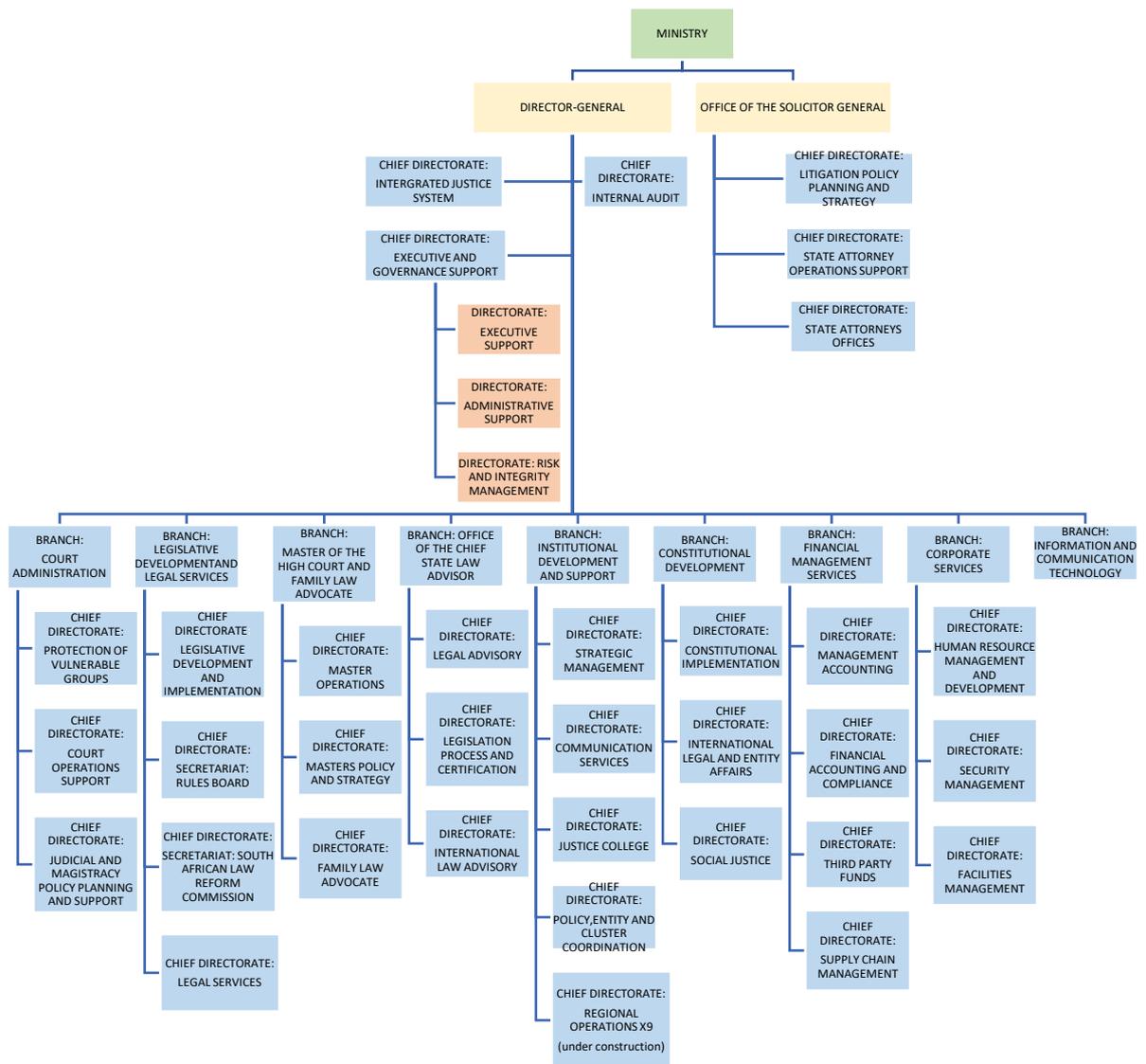
Cell: 082 898 7289
Cell: 072 995 6417

Telephone: +27 12 357 8544 / 8961
E-mail: paia@justice.gov.za

Description of functions:

The Deputy Information Officers, under the direction and guidance of the Information Officer, ensure the implementation of the PAIA by the Department of Justice and Constitutional Development, and provide assistance to anyone who, in terms of the PAIA, wants to access information that is the custody of the Department.

PART 4 – STRUCTURE OF THE DEPARTMENT



Minister
Ms T Simelane

Deputy Minister
Mr. N Nel

Office of the Director-General
Adv. D Mashabane

BRANCH
Chief State Law Advisor
Adv S Masapu

BRANCH
Legislative Development and Legal Services
Ms. K Pillay

BRANCH
Constitutional Development
Adv. S Said

BRANCH
Office of the Solicitor-General
Ms. M Phahlane (Acting)

BRANCH
Court Administration
Mr L Mohalaba

BRANCH
Master of the High Court and Family Law Advocate
Adv. Kanyane (Acting)

BRANCH
Institutional Development and Support
Mr T Thiti

BRANCH
Financial Management Services
Ms. R I Singo

BRANCH
Corporate Services
Mr T Thiti (Acting)

BRANCH
Information and Communication Technology
Mr J H Hlatshwayo

PART 5 - FUNCTIONS OF BRANCHES OF THE DEPARTMENT (under review)

BRANCH	FUNCTIONS
<p><u>Office of the Director-General</u> Director-General</p>	<p>Chief Directorate: Internal Audit</p> <ul style="list-style-type: none"> - The conducting of financial and operational audits. - The conducting of forensic audits and investigations. - The conducting of Information Technology (IT) audits. - The conducting of legal compliance audits. - The conducting of performance audits. - The reporting of audit results. - The rendering of comprehensive audit project management. <p>Chief Directorate: Integrated Justice System</p> <ul style="list-style-type: none"> - Management and coordination of administrative, communication and secretarial support to external structures/clients such as Chapter 9 Institutions, IRPS Cluster, Justice Cluster, Portfolio Committee. <p>Chief Directorate: Executive and Governance Support</p> <ul style="list-style-type: none"> - Rendering and facilitating efficient administration support services to the Office of the Director-General.
<p><u>Office of the Chief State Law Advisor</u> Chief State Law Adviser</p>	<p>Chief Directorate: Legal Advisory</p> <ul style="list-style-type: none"> - Translation of legislation. - Writing of legal opinions. <p>Chief Directorate: Legislation Process and Certification</p> <ul style="list-style-type: none"> - Drafting and certification of legislation - Scrutiny and certification of all international agreements including extradition agreements. - Scrutiny and certification of draft subordinate legislation. - Review and certification of municipal by-laws. - Scrutinize Constitutional Court judgments and make recommendations to the Executive. - Assist municipalities in drafting by-laws. - Legislative drafting training internally and in other departments. <p>Chief Directorate: International Law Advisory</p>
<p><u>Legislative Development and Legal Services</u> Deputy Director-General</p>	<p>Chief Directorate: Legislation Development and Implementation</p> <ul style="list-style-type: none"> - Investigate and develop primary and subordinate legislation. - Review and amend existing primary and subordinate legislation. Advising the minister in respect of legislative proposals relating to the line function of the department. - Revision of fees and rate in terms of law administration. - Brief Parliamentary Committees on draft legislation and assist the committee in amending draft legislation. <p>Chief Directorate: Secretariat: South African Law Reform Commission</p> <ul style="list-style-type: none"> - Render a secretariat and administrative support service to the SA Law Reform Commission. - Conduct legal research, including legal comparative research, to make recommendations for law reform. - Render a secretarial service to the rules board.

BRANCH	FUNCTIONS
	<p>Chief Directorate: Secretariat: Rules Board</p> <p>Chief Directorate: Legal Services</p> <ul style="list-style-type: none"> - The creation of effective legal process. - The promoting of co-operation between RSA and other countries with a view of enhancement of reciprocal legislation, the conclusion of international conventions which will promote uniformity in the administration of justice.
<p><u>Master of the High Court and Family Law Advocate</u></p>	<p>Chief Directorate: Master Operations The Master's Office has five main divisions, which strive to protect the financial interests of persons whose assets or interests are, for various reasons, being managed by others.</p> <p>Deceased Estates</p> <ul style="list-style-type: none"> - Supervises the administration of deceased estates to ensure an orderly winding up of the financial affairs of the deceased, and the protection of the financial interests of the heirs. <p>Liquidations (Insolvent Estates)</p> <ul style="list-style-type: none"> - Supervises the administration of insolvent estates to ensure that they are the managed in terms of the Insolvency Act 24 of 1936, even though such estates are usually administered by professionals, who know the functions and procedures. <p>Administration of Trusts</p> <ul style="list-style-type: none"> - The Master's Office, amongst others, keeps custody of trust documents, issues letters of trustee to nominated trustees and oversees the administration of trusts. The administration of trusts is governed by the provisions of the Trust Property Control Act 57 of 1988. <p>Tutors and Curators</p> <ul style="list-style-type: none"> - Supervises the administration of the affairs of persons whose property is, for various reasons, under the control of another person called a curator or tutor. <p>Guardian's Fund</p> <ul style="list-style-type: none"> - Administration of the Guardian's Fund, which is created to hold funds which are paid to the Master on behalf of various persons known or unknown e.g. minors, persons incapable of managing their own affairs, unborn heirs, missing or absent persons or persons having an interest in the moneys of a usufructuary, fiduciary or fideicommissary nature <p>Chief Directorate: Masters Policy and Strategy</p> <p>Chief Directorate: Family Law Advocate</p> <ul style="list-style-type: none"> - The provision of legal advisory services in respect of family matters (e.g. divorce, custody and maintenance etc.) - The conducting of research on best practices to inform the development and revision of policies and legislations on family matters.
<p><u>Office of the Solicitor-General</u> Solicitor-General</p>	<p>Chief Directorate: Litigation Policy Planning and Strategy</p> <ul style="list-style-type: none"> - Coordination of all State Attorney Offices.

BRANCH	FUNCTIONS
	<ul style="list-style-type: none"> - Coordination and management of all litigation in which the State is involved - Creation and implementation of policies which attend to the briefing of advocates; outsourcing of legal work, including the instruction of correspondent attorneys; initiating, defending and opposing of matters; and implementation of alternative dispute resolution mechanisms of litigation against the State, which must be observed by all persons appointed in the Offices of State Attorney. <p>Chief Directorate: State Attorney Operations Support</p> <ul style="list-style-type: none"> - Provision of professional and administrative management. - Monitor and manage the implementation of strategic and operational plan. - Evaluation and implementation of quality management system <p>Chief Directorate: State Attorney Offices</p> <ul style="list-style-type: none"> - The Drafting and managing of contracts on behalf of the State. The handling of criminal and civil litigation cases instituted against State officials and committed by means of acts or omissions while executing their official duties. - The handling of application forms of qualifying personnel for admission as advocates for the High Court. - The handling of applications for admission as practicing attorney. - The regulation and overseeing of the conduct of private attorneys operating under the State Attorney Act.
<p><u>Constitutional Development</u> Deputy Director-General</p>	<p>Chief Directorate: Constitutional Implementation</p> <ul style="list-style-type: none"> - To conduct research on the implementation of the Constitution of RSA as relevant to the mandate of the Department. - To strengthen constitutional democracy and respect for fundamental human rights and values. - To ensure the protection of the rights of LGBTI persons, persons with disability, victims of human trafficking and persons living with HIV/AIDS within the justice system. - To co-ordinate, promote and implement programmes in support of social justice broadly and in particular addressing discrimination, racism and xenophobia. - To co-ordinate, promote and implement programmes in support of active citizenship and participatory democracy - To manage and maintain international legal obligations on behalf of the Department. - To participate and contribute in international multi-lateral fora in line with the Constitution. - To co-ordinate the reporting on compliance with international treaty bodies, facilitation and co-ordination of compliance with extradition and mutual legal assistance agreements. - To implement, co-ordinate, monitor and report on Parliament approved TRC recommendations to contribute towards the promotion of national unity and reconciliation. - To strengthen constitutional democracy and respect for fundamental human rights, freedoms and values.

BRANCH	FUNCTIONS
	<ul style="list-style-type: none"> - To ensure the protection of the rights of LGBTI persons, persons with disability, victims of human trafficking and persons living with HIV/AIDS within the justice system - To conduct research on the implementation of the Constitution of RSA as relevant to the mandate of the Department <p>Chief Directorate: Social Justice</p> <ul style="list-style-type: none"> - To strengthen constitutional democracy and respect for fundamental human rights and values. - Co-ordinate, promote and implement programmes in support of social justice broadly and in particular addressing antidiscrimination, anti-racism and anti-xenophobia. - Co-ordinate, promote and implement programmes in support of active citizenship and participatory democracy. <p>TRC</p> <ul style="list-style-type: none"> - The coordination of victim support, rehabilitation, reparation projects and the rendering of legal services. - Liaising with the state departments, the private sector and other bodies relevant to the TRC process. - The rendering of general administrative and financial support services on TRC programmes. <p>Chief Directorate: International Legal and Entity Affairs</p> <ul style="list-style-type: none"> - Regular liaison with SADC states. - Coordinating Commonwealth matters pertaining to the administration of justice. - Interacting with other international bodies, such as the UN, the Hague Conference and the International Institute for the Unification of Private Law. - Interacting with foreign states outside the SADC region. - Negotiating extradition and mutual legal-assistance agreements with other countries/international bodies. - Preparing Cabinet and Parliament documentation for the ratification of human-rights treaties, including report writing. - Processing requests for extradition, mutual legal assistance in criminal matters, Interrogatory commissions and service of process. - Processing requests for maintenance in terms of the Reciprocal Enforcement of Maintenance Orders Act 80 of 1963.
<p><u>Court Administration</u> Deputy Director-General</p>	<p>Chief Directorate: Protection of Vulnerable Groups</p> <ul style="list-style-type: none"> - The development of programmes to promote the rights of vulnerable groups and to ensure customer management practices. - The implementation of the child justice system in accordance with the child justice legislation. <p>Chief Directorate: Court Operations Support</p> <ul style="list-style-type: none"> - To effectively manage and coordinate superior, regional and district court performance efficiency services. - To monitor and evaluate the performance of courts and justice services. - The development of operational strategies and policies affecting the functioning of courts. - The management of court information. - The planning of the budget and risk control.

BRANCH	FUNCTIONS
	<ul style="list-style-type: none"> - The management of establishment and statutory appointment. - The development and implementation of operational policies and strategies in relation to courts and the co-ordination of stakeholder interface. - The development of performance standards for courts and the monitoring of court performance. - The promotion of the constitution, constitutional and legislative development and strengthening participatory democracy. - The rendering of programmes and strategic management to courts. - The development and monitoring of special programmes to promote the rights of vulnerable groups. - The rendering of family advocate services. - The provision and management of adequate, secured and user-friendly justice service delivery points <p>Chief Directorate: Judicial and Magistracy Policy Planning and Support</p> <ul style="list-style-type: none"> - The initiation, coordination and development of policy related to judicial system. - The monitoring and evaluation of the efficiency and effectiveness of existing policies. - The provision of judicial administration support.
<p><u>Corporate Services</u> Deputy Director-General</p>	<p>Chief Directorate: Human Resources Management and Development (HR)</p> <p>HR Policy Strategy (Value Added Services)</p> <ul style="list-style-type: none"> - Provide HR strategic role and best practices. - Manage and coordinate development of all HR functional policies, strategies, processes and procedures. - Manage, monitor and evaluate holistic compliance to HR strategies, policies and regulatory framework. - Manage and facilitate HR external relations. <p>HR Customer Management Centre</p> <ul style="list-style-type: none"> - To manage and facilitate rendering of HR functional and administrative support services to the operations of branches/ offices. - To coordinate and monitor implementation of HR strategies, policies and regulations in the operations of branches/offices. - To establish and sustain credibility of HR within branches/offices. <p>Chief Directorate: Security Management</p> <ul style="list-style-type: none"> - The managing of departmental safety and quality. - The provision of risk management services. - The monitoring of department's entire risk profile. - The rendering of an effective and efficient risk management and security services. - The conducting of forensic audits and investigations. <p>Chief Directorate: Facilities Management</p> <ul style="list-style-type: none"> - The management of capital works programme and infrastructure. - Property management.

BRANCH	FUNCTIONS
	<p>Chief Directorate: Transformation Records Management and Administration Support Services</p> <ul style="list-style-type: none"> - The management of records, archives & library services. - The rendering of office support services at National Office. - The administration and implementation of the PAIA by the Department. - The provision of guidance on matters relating to access to information.
<p><u>Financial Management Services</u></p>	<p>Chief Directorate: Third Party Funds (TPF)</p> <ul style="list-style-type: none"> - The management of the TPF's Public-Private Partnership (PPP). - The management of TPF's operations (e.g. bail, maintenance, fines, state attorney monies and civil payments etc.). <p>Chief Directorate: Supply Chain Management</p> <ul style="list-style-type: none"> - Management and rendering of acquisition & demand services. - Management and rendering of logistics, provisioning and asset services. - Management of supply chain performance and provision of legal support. - The management of the budgets, decision support - The provision of effective budget support services. - The rendering of assistance to the CFO in strategic management of the financial function. - The management of the departmental budget provide advice/support as well as to direct and oversee costing services function. <p>Chief Directorate: Management Accounting</p> <ul style="list-style-type: none"> - The determination of costing opportunities. - The regulatory impact analysis (RIA's). - The determination of costing models and techniques. - The ensuring of merging of financial costing and implementation initiatives. - The provision of advice on costing findings. <p>Chief Directorate: Financial Accounting and Compliance</p> <ul style="list-style-type: none"> - The administration and controlling of remuneration and miscellaneous payment matters in the department. - The ensuring of financial transaction processing and reporting services in the department.
<p><u>Institutional Development and Support</u></p>	<p>Chief Directorate: Strategic Management</p> <ul style="list-style-type: none"> - Manage the design and development of automated systems in the department and the cluster. - Manage program management services in the department and the cluster. - The managing of strategy implementation and management support. - The managing of the decision support services. - The managing of the advance implementation and monitoring. - The monitoring and evaluating of performance of the courts and other justice services.

BRANCH	FUNCTIONS
	<p>Chief Directorate: Communication Services</p> <ul style="list-style-type: none"> - The management of internal communication and language services. - The provision of internal communication and language services. - The provision of public education and liaison services. - The rendering of media research and liaison services. - The communicating of the department's programmes to the media. <p>Chief Directorate: Justice College</p> <ul style="list-style-type: none"> - Ensures access to Learning & Development (L&D) opportunities of the highest quality, leading to significantly improved learning and skills acquisition by learners. - Capacitate learners. - Responsible for learning and development programmes with the objective of developing a professional, responsive and legally capable public sector workforce. - Provides pertinent legal L&D programmes as part of our learning and development strategy. - Ensures that the skills capacity of the Department and other client departments are enhanced in support of government's outcomes-oriented performance approach <p>Chief Directorate: Policy, Entity and Cluster Coordination</p> <p>Chief Directorate: Regional Operations x9 (under construction)</p>
<u>Information and Communication Technology</u>	<ul style="list-style-type: none"> - Direct financial systems in the department. - Direct business systems in the department. - Direct digital communication systems in the department.

PART 6 – SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC & HOW TO ACCESS THEM

<p>Master of the High Court</p> <ul style="list-style-type: none"> - Deceased Estates - Wills & Intestate Succession - The Guardians Fund - Administration of Trusts - Insolvency Matters - Curators and Tutors 	<p>Services available at the nearest Master's Office</p>
<p>Family Advocate</p> <ul style="list-style-type: none"> - Maintenance 	<p>Services available at the nearest Magistrates Court</p>
<p>Directorate: Legal Process</p> <ul style="list-style-type: none"> - Expungement/ Removal of criminal record 	<p>Services available at the National Office – for more information you may enquire at any Office of the Department or consult the Department's website</p>

PART 7 – HOW TO REQUEST FOR INFORMATION

1. Request

- a request for access to information must be made in writing by completing a request form (“**Form 2**”) (the form is available upon request from the Deputy Information Officer or from the Department’s website (www.justice.gov.za/paia/paia.htm)).
- submit the “**Form 2**” to the Deputy Information Officer by sending it to paia@justice.gov.za or to the address of the Information Officer.
- a “request fee” of R100-00 is payable – for payment methods, kindly refer to paragraph 6 (below).
- a copy of the requester’s ID must be submitted together with the Form 2.

Note – a request shall not be processed before the “request fee” has been paid. Proof of payment must also be submitted.

2. Oral requests

Requests that are not made in writing are not forbidden, therefore

- a requestor who can’t read or write may present the request orally and such a request shall be recorded in writing and processed – the Deputy Information Officer shall provide guidance on the matter.
- the Information Officer/ Deputy Information Officer is under an obligation to assist any requester who experiences difficulties with making a request for access to information.

3. Voluntary access

There is certain information that one may access without completing the request form (“**Form 2**”) at all.

- information that is automatically available shall be made available, either at the offices of the Department or in the manner or form required by the requester e.g. by email or post etc. (where possible).
- the manner of access shall include perusal, with copying of the record and/or transcriptions thereof (if required).
- payment of a fee may be required for some of the requested records.
-

Note – for a list of records that are automatically available, kindly refer to **Part 9** of this manual.

4. Decision

The Information Officer/ Deputy Information Officer may refuse a request for access to information where the PAIA allows her/him to do so.

The PAIA has provided certain grounds (in sections 7, 12 and Chapter 4 of PAIA) upon which a request may be refused and these grounds of refusal include the following:-

- records requested for criminal or civil proceedings after commencement of proceedings;
- disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement;
- disclosure may endanger the life or physical safety of an individual;
- disclosure of the record may cause prejudice to the defence, security and international relations of the country;
- disclosure of the record is likely to materially jeopardise economic interests and financial welfare of the country;
- records of an opinion, advice, report or recommendation, consultation, discussion, including minutes of a meeting, to formulate a policy or take a decision.

The Information Officer/ Deputy Information Officer is required to inform the requester of her/his decision, whether or not access is granted, within thirty (30) calendar days. However, the period

may be extended by another thirty (30) calendar days and, if the period is extended, the requester shall be informed.

5. Granting access

- the requestor must indicate the form or manner of access sought.
- the Department shall endeavour to give access in the form requested, unless this would tamper with the smooth running of its operations.
- it shall also give due consideration to the preservation of the record and infringement of copyright
- an “access fee” for the search, preparation and reproduction of the requested record is payable – refer to **Part 9** of this manual.

Note – unless one qualifies for an exemption, a record shall not be forwarded to the requester before the “access fee” has been paid.

6. Payment Methods

- Cash (or Card – if the facility is available) at any Office of the Department or Magistrates Court; or
- Deposit into the bank account of the Department.

Bank: Standard Bank
Account number: 010147136
Branch code: 010045
Type of account: Department of Justice & Constitutional Development Vote Account Deposits
Reference: 7/6/9 Surname and Initials of Requester

PART 8 – REMEDIES AVAILABLE TO A REQUESTER

If one is not satisfied with any decision of the Information Officer/ Deputy Information Officer, one has the right to: -

lodge an internal appeal to the Minister; and if not satisfied with the decision of the Minister, one can either

- complain to the Information Regulator; or
- apply to court for relief.

1. Internal Appeal

The internal appeal must be lodged with the relevant authority, who is the Minister of Justice and Correctional Services;

- it must be lodged within 60 days of the decision of the Information Officer/ Deputy Information Officer;
- one must complete a “**Form 4**” – the form is available upon request from the Deputy Information Officer or from the Department’s website (www.justice.gov.za/paia/paia.htm);
- submit the “**Form 4**” to the Information Officer by sending it to DocMashabane@justice.gov.za and paia@justice.gov.za or by post to the address of the Information Officer;
- the Deputy Information Officer shall help and guide you through the process of lodging an appeal.

2. Complaint to the Information Regulator

- The complaint must be lodged by completing a “**Form 5**” and sending it to the Information Regulator (details of the Information Regulator are available in PART 2 of this manual);
- This must be done within 180 calendar days of the Minister’ decision; and

- the Information Regulator shall help and guide you through the process of lodging a complaint.

alternatively

3. Application to Court.

- The application must be lodged within 180 calendar days of the decision of the Minister or that of the Information Regulator;
- every Magistrates Court has jurisdiction to hear the PAIA application; and
- the Clerk of the Court shall help and guide you through the process of lodging an application to court.

PART 9 – VOLUNTARY ACCESS (RECORDS THAT ARE AUTOMATICALLY AVAILABLE)

The Minister has, in terms of section 15(2), published in the Government Gazette a notice of records that are automatically available.

As indicated above (under Part 6, item 3), these are records that are requested under the following conditions:-

- o a requester does not need to complete the “Form 2” and to pay the request fee of R100.00;
- o records may be available for free, for inspection, for a pre-determined fee or as copies; and
- o where copies (in any format) are made, the prescribed fee is payable – the Deputy Information Officer shall inform you whether or not a fee is payable.

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 15(1)(a))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i) <u>NONE</u>	
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii) <u>NONE</u>	
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
About us <ul style="list-style-type: none"> - Ministerial Profiles - Branches & Units - PAIA manual Resources <ul style="list-style-type: none"> - Vision & Mission - Departmental Strategy <ul style="list-style-type: none"> • Strategic Plan • Annual Performance Plan - Service Charter - Operational Notices - Forms - Newsletters - Policies - Articles & Information sheets - Services - Projects Human Rights <ul style="list-style-type: none"> - Constitution - Bill of rights - International obligations - LGBTI issues 	The information is available from the Department's website www.justice.gov.za

- Frequently Asked Questions
- National Action Plan
- TRC records
- Universal Declaration of Human Rights
- Gender-based Violence and Femicide & Declaration
 - Gender-based violence and Femicide National Strategic Plan
 - Report of the Presidential Summit against Gender based Violence and Femicide
 - Gender based Violence related Speeches

Criminal Law

- Child Justice
- Domestic Violence
- Expungments (Clear your Criminal Record)
- Sexual Offences / Femicide
 - Articles & Documents
 - List of Courts
 - Safety plan
 - Acts & Regulations
- NRSO
 - Frequent Ask Questions
 - NRSO Forms
- Protection from Harassment
- Restorative Justice
- Victims Charter

Civil Law

- Master of the High Court
 - Deceased Estates
 - Wills & Intestate Succession
 - The Guardians Fund
 - Administration of Trusts
 - Insolvency Matters
 - Curators and Tutors
 - Forms
 - Chief Master's Directives
 - Frequently Asked Questions
- Master: Contacts
- Master: Estates
- Mediation
 - Quick Links
- Small Claims Courts
 - Quick Links
- Equality Court
 - Quick Links

Family Law

- Children's Act
- Divorce
- Family Advocate
- Guardian's Fund
- Maintenance
- Older Persons
- The Hague Convention

Legislation

- Constitution & Bill of Rights
- Acts & Bill & Fact Sheets
- GG Notices
- PAIA & PAJA
 - PAIA Manual

<ul style="list-style-type: none"> - Rules Board <ul style="list-style-type: none"> • Quick Links - Rules and Practice Directions - SALRC <p>Courts</p> <ul style="list-style-type: none"> - Courts in SA & Judiciary - Constitutional Court - Supreme Court of Appeal - Labour Courts & Land Claims Court - Equality Courts - Small Claims Courts - Contacts - Roll of Advocates - Magistrate's Court Information - Magisterial Districts <p>Forms</p> <ul style="list-style-type: none"> - Children <ul style="list-style-type: none"> • Children Acts Forms - Commissioner of Oaths - Domestic Violence - Expungements - Harassments - Maintenance - Master - Mediation - NRSO - PAIA - TRC Victims - Small Claims Court - Equality Courts <p>Newsroom</p> <ul style="list-style-type: none"> - Media Statements - Speeches - Events - Videos & Audio Clips - Departmental YouTube Channel - Radio Talk Shows - Parliamentary Q & A - Conferences & Workshops <p>Jobs / Vacancies</p> <ul style="list-style-type: none"> - Z83 (Application Form) - Careers in Justice - New Vacancies / Posts 	
<p>FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</p>	
<p>The records listed above can be obtained by forwarding a written request by post or email to: -</p> <p>Address: Deputy Information Officer Department of Justice & Constitutional Development Private Bag x81 Pretoria 0001</p> <p>E-mail: paia@justice.gov.za</p>	<p>Fees listed under Part 10 of this Manual shall be payable</p>

PART 10 – PAYMENT OF FEES

Item	Description	Amount
1.	The “request fee” payable by every requester	R100.00

The “access fees” referred to in section 22(6) of the Act (unless the requester is exempted under section 22(8)) are as follows:-

Item	Description	Amount
2.	Photocopy of A4-size page	R1.50 per page or part thereof
3.	Printed copy of A4-size page	R1.50 per page or part thereof
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requester) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requester • If provided to the requester 	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size	R24.00
8.	For a copy of an audio record on: (iii) Flash drive (to be provided by requester) (iv) Compact disc <ul style="list-style-type: none"> • If provided by requester • If provided to the requester 	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R100.00
	To not exceed a total cost of	R300.00
10	Deposit: If search exceeds 6 hours	One-third of amount per request, calculated in terms of items 2 to 8
11.	Postage, email or any other electronic transfer	Actual expense, if any

PERSON OR PERSONS EXEMPTED FROM PAYING ACCESS FEES	
A single person whose annual income does not exceed	R14,712.00
Married persons or a person and his/her life partner whose annual income does not exceed	R27,192.00

PART 11 – PROCESSING OF PERSONAL INFORMATION

Protection of Personal Information Act 4 of 2013 (“POPIA”)

1. Purpose of Processing

The Department collects and processes personal information for, amongst others, the following purposes: -

- (a) To administer legislation;
- (b) To comply with orders of court;
- (c) To process applications for employment;
- (d) To process applications of service providers; and
- (e) For the administration of matters concerning its employees.

2. Categories of Data Subjects and their Personal Information

Data Subjects	Personal Information (<i>examples</i>)
Employees	<ul style="list-style-type: none"> • Names and contact details; • Identity numbers • Employment history • Banking details
Prospective employees	<ul style="list-style-type: none"> • CVs – which include, for example • Names and contact details • Identity number • Employment history
Members of the public	<ul style="list-style-type: none"> • Names and contact details • Postal addresses • Identity numbers
Contractors and Service Providers	<ul style="list-style-type: none"> • Names and contact details; Identity numbers • Company’ details

3. Categories of Records Held

- Administration Records: These include records related to the department’s administration, Personnel, and financial management.
- Court Records: Records of court proceedings, judgements and other related documents.
- Legislative Records: Documents related to the development and implementation of laws and policies.
- Policy and Research Records: Research papers, policy documents, reports informing departmental decisions.
- Complaints and Investigation Records: Records of complains received, investigations conducted and their outcomes.

3.1 Description of Records Held

- The Department of Justice and Constitutional Development maintains records in various formats, including electronic and physical documents. These records may contain personal information, such as names, addresses, and contact details, as well as information related to court cases, legal proceeding and departmental decisions.

4. Access to Records

- The Promotion of Access to Information Act regulates access to these records, ensuring that individuals can request access to the information held by the Department of Justice and Constitutional Development. However, certain records may be refused from disclosure due to Grounds of refusal as outlined in the PAIA.

5. Recipients to whom Personal Information may be Supplied

The Department does not transfer personal information to another person or institutions, unless the data subject or legislation permits such transfer.

6. Transborder Flows of Personal Information

- Should it become necessary to transfer personal information to another country for any lawful purposes, the Department will ensure that compliance with POPIA is met.
- POPIA also prescribes that any transfer of personal information cross border shall be with data subject's consent unless it will be for the benefit of such data subject to transfer such information.

7. Security Measures to Ensure Confidentiality, Integrity and Availability of Information

The Department has in place technical and organisational measures to prevent loss of, damage

These measures include the following: -

- (a) Dedicated records storage rooms
- (b) Experienced Records Manager and Registry officials;
- (c) IT infrastructure managed by a dedicated team of experts;
- (d) Security Unit that regularly assesses the suitability and security of records management facilities;
- (e) Continuous education and monitoring of all officials by the Records Manager on the proper management of records;
- (f) Information received and Records created and managed in accordance with records management principles prescribed by relevant legislation;
- (g) Records management policy and related codes and prescripts are in place and in line with the National Archives and Records Services Act 43 of 1996; and
- (h) Dedicated and experienced team of officials to whom requests for access to information can be made in line with the PAIA.

8. Public involvement in the Formulation of Policy

- Members of the Public can make representations to the Department regarding bills or changes in legislation.
- Members of the Public are encouraged to submit proposals for the development or reform of any legislation.
- The Public are also encouraged to participate in public consultation and stakeholder's engagement arranged by the Department.
- The inputs and submissions of the members of the Public are considered during the formulation of legislation or reform thereof.

PART 12 – UPDATING AND AVAILABILITY OF THE MANUAL

- The Department must, if necessary, update and publish, the manual at intervals of not more than one year.
- Shall be published in all eleven official languages; and
- Is available on the Department' website (www.justice.gov.za/paia/paia.htm) and upon request from the Deputy Information Officer or the Head of any Office of the Department. (details are available in Part 2 of this manual)