



Custodian of Good Governance

PUBLIC SERVICE COMMISSION

MANUAL FOR THE PUBLIC SERVICE COMMISSION AND THE
OFFICE OF THE PUBLIC SERVICE COMMISSION In terms of Sec-
tion 14 of the Promotion of Access to Information Act, 2000 (Act
No. 2 of 2000)

FINANCIAL PERIOD: 2012/2013

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1. FUNCTIONS OF PUBLIC SERVICE COMMISSION (PSC)

The Public Service Commission (PSC) is an independent and impartial public institution, established in terms of Section 196 of the Constitution of the Republic of South Africa, 1996. The PSC is tasked and empowered to, amongst others, investigate, monitor, and evaluate the organisation and administration of the Public Service. This mandate also entails the evaluation of achievements, or lack thereof of Government programmes. Linked to the aforementioned powers, the PSC has an obligation to also promote measures to ensure effective and efficient performance within the Public Service and to promote values and principles of public administration as set out in the Constitution, throughout the Public Service.

1.1. Constitutional mandate of the PSC

The PSC is the only institution established in terms of Chapter 10 of the Constitution. It derives its mandate from sections 195 and 196 of the Constitution, 1996¹, which sets out the values and principles governing public administration which should be promoted by the PSC, as well as the powers and functions of the PSC. It is vested with custodial oversight responsibilities for the Public Service and monitors, evaluates and investigates public administration practices. It also has the power to issue directives regarding compliance with personnel procedures relating to recruitment, transfers, promotions and dismissals. The PSC is accountable to the National Assembly but must report on an annual basis to provincial legislatures on its activities in provinces.

1.2. Key Performance Areas

The PSC's work is structured around the following six key performance areas:

- leadership and human resource reviews
- labour relations improvement
- governance monitoring
- service delivery and compliance evaluations
- public administration investigations
- professional ethics

¹ The Constitution of the Republic of South Africa, 1996 (promulgated by Proclamation No. 108 of 1996).

2. STRUCTURE OF THE PSC

2.1. Background

The PSC was established in terms of Section 196 of the Constitution of the Republic of South Africa, 1996. The Constitution stipulates that there is a single PSC for the Republic of South Africa, consisting of fourteen members, five of whom are appointed by the President on the recommendation of the National Assembly, while one member for each province is appointed after nomination by the Premier. Five of the Commissioners are based at the PSC's head office in Pretoria. A Commissioner is appointed for a term of five years, which is renewable for one additional term. The PSC is headed by a Chairperson who is the Executive Authority. The Chairperson is appointed by the President.

The PSC is accountable to the National Assembly and must report to it annually. It must also report to the Legislature of the province concerned on its activities in each province. The PSC is supported by the Office of the Public Service Commission (OPSC), with its Head Office in Pretoria and Regional Offices in each province. The OPSC is headed by the Director-General, who also serve as the Accounting Officer.

2.2. Members of the Commission

The President designates one Commissioner as Chairperson and another as Deputy Chairperson of the PSC. The following are members of the PSC:

Nominated by the National Assembly

- Mr B Mthembu (Chairperson)
- Ms S Nkosi
- Ms PC Nzimande
- Adv RK Sizani
- Ms L Sizani

Nominated by the Provincial Legislatures

- Ms PM Tengeni (KwaZulu-Natal), and designated as Deputy Chairperson by the President
- Mr S Mafanya (Eastern Cape)
- Mr P Helepi (Free State)
- Mr M Seloane (Gauteng)
- Mr MZ Mawasha (Limpopo)

- Mr DS Mkhwanazi (Mpumalanga)
- North West Province - *vacant at the time of submission of the manual*
- Ms M Marais-Martin (Northern Cape)
- Western Cape - *vacant at the time of submission of the manual*

2.3. Management Structure

The organisational structure of the PSC is designed around its strategic objectives and consequently its performance areas. These areas are divided into four branches, as outlined below:

Programme 1: Administration

This programme provides overall management of the PSC and centralised support services.

The programme consists of the following three sub-programmes:

- Public Service Commission
- Management
- Corporate Services

Programme 2: Leadership and Management Practices

This programme promotes sound Public Service leadership, human resource management, labour relations and labour practices.

The programme consists of the following sub-programmes:

- Labour Relations Improvement
- Leadership and Human Resource Reviews

Programme 3: Monitoring and Evaluation

This programme establishes a high standard of service delivery, monitoring and good governance in the Public Service.

The programme consists of the following sub-programmes:

- Governance Monitoring
- Service Delivery and Compliance Evaluations

Programme 4: Integrity and Anti-Corruption

This programme undertakes public administration investigations, promoting a high standard of professional ethical conduct amongst public servants and contributing to the prevention and combating of corruption.

The Programme consists of the following two sub-programmes:

- Public Administration Investigations
- Professional Ethics

3. CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTIES

The Director-General of the OPSC, Prof Richard M Levin is the Information Officer in terms of the Promotion of Access to Information Act. His contact details are as follows: RichardL@opsc.gov.za, Tel (012) 352-1011. The Deputy Information Officers of the OPSC are:

- a. Deputy Director-General: Leadership and Management Practices - *vacant at the time of submission of the manual*
- b. Dr Dovahani Mamphiswana, Deputy Director-General: Integrity and Anti-Corruption, email: DovahaniM@opsc.gov.za, Tel: (012) 352 1040
- c. Ms Bontle Lerumo, Deputy Director-General: Corporate Services, email: bontlel@opsc.gov.za, Tel (012) 352 1194
- d. Ms Mmathari Mashao, Chief Director: Labour Relations Improvement, email: mmatharim@opsc.gov.za, Tel (012) 352 1012
- e. Mr Humphrey Ramafoko, Director: Communication and Information Services, email: humphreyr@opsc.gov.za, Tel (012) 352 1196.

Address

Postal address:

Private Bag X121

Pretoria

0001

Physical address:

Commission House

Corner Hamilton and Ziervogel Streets

Pretoria
0001

Website: (www.psc.gov.za)
Telephone: (012) 352 1000
Fax: (012) 325 8344

4. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE ACT

The guide on how to use the Promotion of Access to Information Act, 2000, is available from the South African Human Rights Commission. Enquiries can be directed to:

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

Telephone: (011) 484 8300
Fax: (011) 484 1360
Website: (www.sahrc.org.za)
E-mail: PAIA@sahrc.org.za

5. ACCESS TO RECORDS

5.1. Description of the subjects on which the PSC holds records and categories of records held on each subject

A description of the subjects on which the PSC holds records and the categories of records held on each subject are as follows:

- Service Delivery Improvement Plans
- Service Charter
- Papers presented

- Records of workshops and conferences
- Internal newsletters
- External newsletters and magazines
- Annual Reports of the PSC
- Posters
- PSC published reports
- Human Resource policies
- Personnel files
- Information relating to training of staff
- Budgets
- Medium Term Strategic Plans
- Medium Term Expenditure Framework submissions
- Financial statements
- Procurement policies
- Departmental asset register
- Tender documents received from the suppliers, after the tender has been awarded
- Contracts with suppliers
- Minutes of the Association of African Public Services Commissions
- Judge White records
- Audits and investigations into public administration practices
- National Anti-Corruption Hotline Case Reports
- Financial Disclosures of Senior Managers
- Minutes of the National Anti-Corruption Forum meetings
- Grievance reports
- Guidelines and protocol documents

5.2. Voluntary disclosure and records automatically available

Section 15 Voluntary Disclosure Notice of the PSC/OPSC is updated on an annual basis and is available on the PSC website, www.psc.gov.za. The PSC/OPSC's Section 15 Notice gives access to among others, all PSC reports that have been published and tabled in Parliament, as well as all the other records on the PSC website, without a person having to make a request in terms of the said Act.

It should be noted that certain province and department-specific reports that were compiled by the PSC are available from the respective provinces and departments and not the PSC/OPSC. In addition, the Annual Report of the PSC, newsletters/magazines, posters, and pamphlets, are automatically available from the Directorate: Communication and Information Services (D: CIS) by contacting Mr Ben De Villiers, at bend@opsc.gov.za, or Tel. (012) 352 1059. A detailed list of easily accessible documents is contained in the Section 15 Notice referred to above.

5.3. Request procedure

5.3.1 Granting or refusal of request:

A requester must be given access to a record of a public body if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

5.3.2 How does one request access to records

- A requester must use the form **(Form A)** that was published in the Government Gazette, Government Notice R187 of 15 February 2002.
- The requester must indicate if he/she wants a copy of the record or if he/she wants to visit the offices of the PSC/OPSC to view the record. Alternatively, if the record is not a paper document, it can then be viewed in the requested format, where possible.
- If a person asks for access in a particular format (e.g. a paper copy, electronic copy, and so forth) the requester should obtain access in that format, unless doing so would interfere unreasonably with the running of the public body concerned (PSC/OPSC), or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required format but in another format, then the fee must be calculated according to the way that the requester first asked for it.

- If, in addition to a written reply to their request for the record, the requester wants to be informed about the decision in any other way, e.g. telephone, this must be indicated.
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.

5.3.3 Fees payable

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester must pay the request fee of R35 (payable to public bodies).
- The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the bid or payment of the request fee.
- After the Information Officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester would like to be notified in.
- If the request is granted a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until the requester has paid all the applicable fees.

A fee schedule is attached as **Annexure B**.

5.3.4 Disadvantaged requesters

- If a requester is unable to read or write, or has a disability, the request for the record can be made orally. The Information Officer or Deputy Information Officer must complete the form on behalf of such a requester and provide them a copy of the completed form.

- An individual who cannot read or write can request access to information using telephone numbers given in the manual.
- If requester is unemployed and requests access to information which requires payment, fees will be waived.

6. SERVICES AVAILABLE TO THE PUBLIC AND HOW TO ACCESS THEM

6.1 Services

The PSC/OPSC does not offer services directly to the public. As such, our clients are the National Assembly, Provincial Legislatures, other government departments and public institutions/organisations. However, certain information about the Public Service, for instance, the National Anti-Corruption Hotline (0800 701 701) for the Public Service, can be obtained from the D: CIS by contacting Mr Ben De Villiers, at bend@opsc.gov.za, or Tel. (012) 352 1059. The public has access to the Hotline which is managed by the PSC.

6.2 How to gain access to services

Clients of the PSC/OPSC can gain access to its services by making requests to:

The Director-General: Office of the Public Service Commission

Postal address:

Private Bag X121
PRETORIA
0001

Street address:

Commission House
C/o Hamilton and Ziervogel Streets
PRETORIA

Contact person/s:

Prof Richard M Levin, Tel: (012) 352 1011
Fax: (012) 325-8323
Email address: RichardL@opsc.gov.za

Website: (www.psc.gov.za)

7. ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND PERFORMANCE OF DUTIES

7.1 Informing policy and legislation

The mandate of the PSC is to monitor and evaluate Public Service programmes with the purpose of providing advice and, where necessary, conduct investigations to explore ways to improve service delivery in the Public Service. Although the PSC is not directly involved in policy-making, through its programmes around community consultation and performance assessment it provides a platform for communities to have a direct say in how they want policies to be structured. Examples of such programmes include amongst others, Citizen satisfaction surveys which assess the effectiveness of service delivery from the perspective of citizens who are the users of the particular service. The research conducted by the PSC is also used to inform policy and legislation making processes.

The PSC also drafts rules or guidelines that are aimed at improving governance and/or service delivery within the Public Service. At times existing rules and guidelines/policies are reviewed to fit in with the operational/structural changes within the Public Service.

8. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURES TO ACT

The following procedures exist for citizens to report or remedy alleged irregular, improper or unlawful official acts or omissions by the PSC/OPSC or any of its employees.

8.1 Procedures for reporting

8.1.1 Remedies in respect of acts or failures to act in terms of the Promotion of Access to Information Act: The internal appeal authority for purposes of this Act is the Chairperson of the PSC (sections 74 – 77 of the Promotion of Access to Information Act). After exhausting the internal appeal remedy, an application may be lodged with a court (sections 78 – 82 of the Promotion of Access to Information Act).

- 8.1.2 A Public Service employee may lodge a grievance or complaint for investigation by the PSC concerning an official act or omission (Section 35 of the Public Service Act, 1994). Rules on how to lodge such a complaint / grievances were published in Government Gazette 23635 of 19 July 2002 and are accessible on the PSC website, (www.psc.gov.za).
- 8.1.3 A person may use labour remedies regarding official acts or omissions of a labour nature, namely disputes of rights (the Public Service Act, 1994, and Labour Relations Act, 1995).
- 8.1.4 A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 - Section 78(1)(a)), or the Employment Equity Act, 1998 (Act No. 55 of 1998 - Section 34(e)).
- 8.1.5 A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (as outlined in the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)).
- 8.1.6 A person may lodge a complaint with the South African Human Rights Commission concerning an official act or omission that is suspected to constitute a violation of or threat to any fundamental right (as per the Human Rights Commission Act, 1994 (Act No. 54 of 1994)).
- 8.1.7 In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by an employer or a fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No. 26 of 2000).
- 8.1.8 The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

8.2 Other supportive remedies

- 8.2.1 A person may request reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Section 5).

8.2.2 A person may request access to records of a government department or other public body in terms of the Promotion of Access to Information Act, 2000 (Section 11).

8.3 Duty to report

8.3.1 A Public Service employee, in the course of his or her official duties, is obliged in terms of the Code of Conduct for the Public Service to report to the appropriate authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes an offence or which is prejudicial to the public interest. An employee, who fails to comply with this, is guilty of misconduct as outlined in Regulation B.3 and C.4.10 of Chapter 2 of the Public Service Regulations, 2001.

8.3.2 The responsibility of every employer and employee to disclose criminal and any other irregular conduct in the workplace also underpins the Protected Disclosures Act, 2000 (Preamble).

9. UPDATING OF THE MANUAL

- The PSC/OPSC will, if necessary, update and publish its manual referred to in subsection (1) of Section 14, at intervals of not more than a year.

10. AVAILABILITY OF THE MANUAL

This manual is available in at least three of the official languages in the following manner:

- Submitted to the South African Human Rights Commission;
- Obtainable at all the offices of the PSC/OPSC;
- Posted onto the PSC website (www.psc.gov.za); and
- Published in the Government Gazette.

ANNEXURES:

Annexure A:

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head/Designated Person:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

C. 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:

D. 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:

3. Any further particulars of record:

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (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:

F. 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 to 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 the 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* (stiffy 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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

G. Particulars of right to be exercised or protected

*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. Indicate which right is to be exercised or protected:

- _____
2. Explain why the record requested is required for the exercise or protection of the
aforementioned right:
- _____

H. 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 your request.

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

Signed at _____ this _____ day of _____
20____

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

Annexure B:**FEES SCHEDULE**

Fee for a copy of the manual as contemplated in Regulation 5(c) for every photocopy of an A4-size page or part thereof.	R0-60
Fees for reproduction referred to in Regulation 7(1) are as follows:	
(a) For every photocopy of an A4-size page or part thereof	R0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	R0-40
(c) For copy in a computer-readable on (i) stiffer disk	R5-00
(ii) compact disk	R40-00
(d) For a transcription of visual images (i) For an A4-size page or part thereof	R22-00
(ii) For a copy of visual images	R60-00
(e) For a transcription of an audio record (i) For an A4-size page or part thereof	R12-00
(ii) For a copy of an audio record	R17-00
Request fee payable by a requester, other than a personal requester, referred to in Regulation 7(2)	R35-00
The access fees payable by a requester referred to in regulation 7(3) are as follows	
(a) For every photocopy of an A4-size page or part thereof	R0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0-40
(c) For copy in a computer-readable on (i) stiffer disk	R5-00
(ii) compact disk	R40-00
(d) For a transcription of visual images (i) for an A4-size page or part thereof	R22-00
(ii) for a copy of visual images	R60-00
(e) For a transcription of an audio record (i) for an A4-size page or part thereof	R12-00
(ii) for a copy of an audio record	R17-00
(f) 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	R15-00 for each hour
2. For purposes of Section 22(2) of the PAIA, the following applies:	
a. Six hours as the hours to be exceeded before a deposit is payable	
b. One third of the access fee is payable as a deposit by the requester	