



**GAUTENG PROVINCE**

EDUCATION  
REPUBLIC OF SOUTH AFRICA

# **GAUTENG DEPARTMENT OF EDUCATION**

Manual on the Promotion of Access to Information Act

Prepared in terms of Section 14 of the Promotion of Access to Information Act  
No. 2 of 2000

# **REVISED MANUAL COMPILED IN TERMS OF SECTION 14 (2) OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000**

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## I. DEFINITIONS

In this manual, unless the context otherwise indicates

<b>Term</b>	<b>Definition</b>
<b>Appellant:</b>	means a person or legal entity appealing against the decision of the Information Officer or Deputy Information Officer
<b>Fees:</b>	refers to amounts payable: <ul style="list-style-type: none"><li>• Request fee: fee payable for processing the request</li><li>• Access fee: fee payable for the information or record searched and prepared as requested</li><li>• Appeal fee: fee payable for processing of the appeal</li></ul>
<b>Guide:</b>	refers to the document or book produced by the South African Human Rights Commission (SAHRC) for the purposes of assisting a person who wishes to exercise any right in terms of the Promotion of Access to Information Act (PAIA).
<b>Information officer:</b>	of, or in relation to, a public body— (a) in the case of a national department, provincial administration or organisational component— (i) mentioned in Column 1 of Schedule 1 or 3 to the Public Service Act, 1994 (Proclamation No. 103 of 1994), means the officer who is the incumbent of the post bearing the designation mentioned in Column 2 of the said Schedule 1 or 3 opposite the name of the relevant national department, provincial administration or organisational component or the person who is acting as such; or (ii) not so mentioned, means the Director-General, Head, Executive

Term	Definition
	<p>Director or equivalent officer, respectively, of that National Department. Provincial administration or organisational component, respectively;</p> <p>(b) in the case of a municipality, means the municipal manager appointed in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or the person who is acting as such; or</p> <p>(c) in the case of any other public body, means the Chief Executive Officer, or equivalent officer, of that public body or the person who is acting as such;</p>
<b>Internal appeal</b>	<p>means an appeal against the decision of the information officer, lodged with the relevant authority in terms of Section 74.</p>
<b>Personal information:</b>	<p>means information about an identifiable individual, including, but not limited to</p> <p>(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;</p> <p>(b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;</p> <p>(c) any identifying number, symbol or other particular assigned to the individual;</p> <p>(d) the address, fingerprints or blood type of the individual;</p> <p>(e) the personal opinions, views or</p>

Term	Definition
	<p>preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;</p> <p>(f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</p> <p>(g) the views or opinions of another individual about the individual;</p> <p>(h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and</p> <p>(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 years;</p>
<b>Personal requester:</b>	means a requester seeking access to a record containing personal information about the requester;
<b>Public body:</b>	<p>means-</p> <p>(a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or</p> <p>(b) any other functionary or institution when—</p> <p>(i) exercising power or performing</p>

Term	Definition
	<p>a duty in terms of the Constitution or a provincial constitution; or</p> <p>(ii) exercising public power or performing a public function in terms of any legislation;</p>
<b>Record:</b>	<p>of, or in relation to, a public body, means any recorded information—</p> <p>(a) regardless of form or medium;</p> <p>(b) in the possession or under the control of that public body, and</p> <p>(c) whether or not it was created by that public body</p>
<b>Request for access:</b>	<p>means request for access to a record held by the GDE in terms of Section 11 of the Act.</p>
<b>Requester:</b>	<p>in relation to</p> <p>(a) a public body, means—</p> <p>(i) any person (other than a public body contemplated in paragraph (a) or (h)(i) of the definition of “public body”, or an official thereof making a request for access to a record of that public body; or</p> <p>(ii) a person acting on behalf of the person referred to in sub-paragraph (i);</p> <p>(b) a private body, means—</p> <p>(i) any person, including, but not limited to a public body or an official thereof, making a request for access to a record of that private body; or</p> <p>(ii) a person acting on behalf of the person contemplated in sub-paragraph (i);</p>
<b>The Act:</b>	<p>means Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)</p>
<b>The Department:</b>	<p>means the Gauteng Department of Education</p>
<b>Third party:</b>	<p>in relation to a request for access to</p> <p>(a) a record of a public body, means any person (including, but not limited</p>



Term	Definition
	to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than— (i) the requester concerned; and (ii) a public body;

## II. ACRONYMS

ACRONYM	EXPLANATION
AET	Adult Education and Training
CA	Children's Act
CD	Chief Director
DDG	Deputy Director General
GSEA	Gauteng School Education Act
DIR	Director
ECD	Early Childhood Development
FET	Further Education and Training
GDE	Gauteng Department of Education
GEPA	Gauteng Education Policy Act
GET	General Education and Training
HOD	Head of Department
HRD	Human Resource Development
LSEN	Learner with Special Educational Needs
MEC	Member of the Executive Council
NEPA	National Education Policy Act
PAIA	Promotion of Access to Information Act
PFMA	Public Finance Management Act
POS	Public Ordinary Schools
PSA	Public Service Act
PSS	Public Special Schools (PSS)
RSA	Republic of South Africa
SACE	South African Council of Educators
SDA	Skills Development Act
SG	Strategic Goal
SAHRC	South African Human Rights Commission
SO	Strategic Objective
SASA	South African Schools Act

## **1. INTRODUCTION**

### **1.1 RIGHT OF ACCESS TO INFORMATION**

- 1.1.1 The purpose of the manual is to outline the procedures to be followed in accessing information held by the Gauteng Department of Education in compliance with the requirements of the Promotion of Access to Information Act.
- 1.1.2 The Promotion of Access to Information Act (Act No. 2 of 2000), which flows from Section 32 of the Constitution of the Republic of South Africa (RSA), Act No. 108 of 1996, gives effect to the constitutional right of access to any information held by the State or any information held by any other person, provided that such information is required for the exercise or protection of any rights, and matters connected therewith.
- 1.1.3 Section 32(1) (a) of the Constitution entrenches the right that everyone has access to any information held by the state.
- 1.1.4 This manual has been developed to meet the requirements as set out in Section 14 of the Promotion of Access to Information Act No. 2 of 2000 and it promotes the constitutional right of access to any information held by the state.
- 1.1.5 The manual provides a brief description of the structure and function of the Department outlines the legislation from which mandates are received, and provides the contact details of the SAHRC, the Information Officer, Deputy Information Officer and District Directors.
- 1.1.6 The manual further describes the nature of the records kept by the Department and distinguishes between those records that are automatically available to the Public and those that need to be accessed through processes set out in PAIA. The manual clearly guides the public as to how the latter type of request should be lodged with the Department.

### **1.2 THE PURPOSE OF THE PAIA**

- 1.2.1 To give effect to the constitutional right of access to any information as stated above;

- 1.2.2 To set out justifiable limitations on the right of access to information aimed at protecting people's privacy, confidential commercial information and ensuring effective, efficient and good governance;
- 1.2.3 To balance the right of access to information with all the other rights in the constitution;
- 1.2.4 To promote a culture of human rights and social justice;
- 1.2.5 To establish mechanisms and procedures to enable persons to obtain access to records as swiftly, inexpensively and effortlessly as is reasonably possible;
- 1.2.6 To promote transparency, accountability and effective governance;
- 1.2.7 To empower and educate everyone to:
  - (i) Understand their rights in terms of the Act;
  - (ii) Understand the functions and operation of public bodies;
  - (iii) Effectively scrutinise and participate in decision-making by public bodies that affect their rights.

## **2. AVAILABILITY OF THE MANUAL**

- 2.1 This manual is available in four (4) languages namely in English, Afrikaans, IsiZulu and Sepedi.
- 2.2 The manual is available on the departmental website: <http://www.education.gpg.gov.za> in the PDF format and as a booklet from GDE Head Office and District Offices.

## **3. A GUIDE ON HOW TO USE THE ACT IN TERMS OF SECTION 10 OF THE ACT:**

In order to educate and assist members of the public on how to use the Act, the SAHRC was mandated to compile and publish a Guide in all South African official languages containing the following information:

- a) the objects of the Act
- b) contact details of the information officer and deputy information officer of every public body
- c) how to lodge a request for access to a record of a public body

- d) the assistance available from the information officer of a public body in terms of the Act
- e) the assistance available from the Human Rights Commission in terms of the Act
- f) all remedies in law available where a requester feels aggrieved by an action of a public body
- g) how to obtain access to manuals of public bodies compiled in terms of Section 14 of the Act;
- h) information about records that are automatically available from public bodies;
- i) the notices issued regarding fees to be paid in relation to request for access; and
- j) The regulations made in terms of Section 92 of the Act.

#### **4. HOW TO GAIN ACCESS TO THE GUIDE**

4.1 The guide is available at the Offices of the South African Human Rights Commission. Members of the public can direct any queries to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag X 2700

Houghton

2041

Physical address: 33 Hoofd Street

Braampark Forum 3

Braamfontein

2017

Telephone: +27 11 877-3600

Fax: +27 11 4841360 / 7146/7

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

4.2 The guide can also be accessed at the following places of Legal Deposit as defined in Section 6 of the Legal Deposit Act No.54 of 1997:

- a) Library of Parliament, Cape Town
- b) National Film, Video and Sound Archives, Pretoria for purposes of certain prescribed categories of documents
- c) South African Library, Cape Town
- d) State Library, Pretoria
- e) Any other library or institution prescribed by the Minister of Arts & Culture for purposes of certain prescribed categories of documents.

## **5. STRUCTURE OF THE DEPARTMENT**

### **5.1 ORGANISATIONAL STRUCTURE**

The GDE consists of a Head Office that is situated in Johannesburg at 111 Commissioner Street, and fifteen district offices that are situated across Gauteng Province. The GDE is made up of the office of the MEC and the office of the Head of Department, which consists of five branches. See attached Organgram (Annexure D).

## **6. THE FUNCTIONS OF THE DEPARTMENT**

The functions of the Department are derived from mandates in various pieces of legislation administered by the Department, as well as other relevant pieces of legislation and policy documents.

### **A. The Department's mandate**

1. The Constitution of the Republic of South Africa (Act No. 108 of 1996), as amended, puts an obligation on the Gauteng Department of Education to provide compulsory basic education to all learners in the province. This includes the provision of Adult Basic Education and Training, General Education and Training and Further Education and Training.
2. To realise this Constitutional mandate, the Department uses various educational programmes such as
  - (a) Early Childhood Development;
  - (b) Public Ordinary Schools;
  - (c) Public Special Schools for Learners with Special Education Needs;
  - (d) Independent Schools;
  - (e) General Education and Training;
  - (f) Further Education and Training;
  - (g) Adult Basic Education and Training ; and
  - (h) Auxiliary Services.
3. All these programmes unfold within the various legislative frameworks. However, basic education is a concurrent competence of national and provincial government, except for Higher Education and Training Institutions, which falls under the jurisdiction of the National Minister of Higher Education. The Bill of Rights in the Constitution guarantees the right to basic education, including adult education as well as making general and further education progressively available and accessible.

## B. National and Provincial Legislative mandates

Legislation	Description
1. National Education Policy Act, Act No. 27 of 1996 (NEPA), as amended	NEPA provides the basic framework for the National Minister to, amongst others, determine national educational policies, monitor the implementation of these policies and evaluate the general well-being of the educational system.
2. South African School Act, Act No. 84 of 1996 (SASA), as amended	SASA broadly encompasses the development of an organizational funding and governance framework for all schools in South Africa.
3. Further Education and Training Colleges Act, Act No. 16 of 2006	FETC Act provides for the establishment of public further education and training colleges including its governance, funding and the employment of staff. It further provides for the registration of private further education and training colleges and the promotion of quality in further education and training colleges.
4. Adult Basic Education and Training Act, Act No. 52 of 2002 (ABET)	The ABET Act regulates adult basic education and training sector and provides for the establishment, governance, funding, and registration of public adult learning centres. The Act also provides for quality assurance and quality promotion in adult basic education and training.
5. General and Further Education and Training Quality Assurance Act, Act No. 58 of 2001, as amended	The GENFETQA Act puts in place a quality assurance body to ensure that the continuous enhancement of quality is achieved in the delivery of outcomes of the General Education and Training (GET) and Further Education and Training (FET) sectors of the national education and training systems.
6. Gauteng School Education Act, Act No. 6 of 1995 (GSEA)	The GSEA provides for the powers of the MEC in matters relating to the determination of education policy, provision, governance, administration and control of education in the province.
7. Gauteng Education Policy Act, Act No. 12 of 1998 (GEPA)	GEPA encourages the participation of the broader stakeholders in policy debates and provides the framework for the establishment of the Gauteng Education and Training Council that serves as an advisory body to the Member of the

Legislation	Description
	Executive Council (MEC) for education in the province.

### **C. Other Mandates**

- a) Public Service Act, Proclamation 103 of 1994.
- b) South African Council for Educators Act (SACE), Act No. 31 of 2001, as amended.
- c) Employment of Educators Act, Act No. 76 of 1998, as amended.
- d) Public Finance Management Act (PFMA), Act No. 1 of 1999 as amended.
- e) Skills Development Act (SDA), Act No. 97 of 1998.
- f) Children’s Act, Act No. 38 of 2005, as amended.

## **7. SERVICES RENDERED BY THE DEPARTMENT**

The scope of services offered in the Department is as follows:

- a) Curriculum Support;
- b) Institutional Development and Support;
- c) Human Resources Development;
- d) Human Resources Administration;
- e) Educational-Support Services;
- f) Sport, Culture and values in Education; and
- g) Early Childhood Development.
- h) Auxillary Services.

## **8. THE STRATEGIC GOALS AND OBJECTIVES OF THE DEPARTMENT**

### **8.1 STRATEGIC GOALS**

- SG 1:** Ensuring that Gauteng has effective schools and learning institutions.
- SG 2:** Ensuring that GDE Head Office and District Offices – Provide relevant, co-ordinated and effective support.
- SG 3:** Enabling young people to make the transition from school to further education and or work that provides further training opportunities.
- SG 4:** Strengthening partnerships with all stakeholders, resulting in education becoming a societal priority.



## **8.2 STRATEGIC OBJECTIVES**

- SO 1:** Strengthening school management and institutional capacity to ensure all teachers to be in school, in class, on time, teaching with the required textbooks and necessary resources.
- SO 2:** Focus on efforts to improve the quality and sustainability of ECD and primary schooling including early identification and intervention of learners with special needs.
- SO 3:** The conducting of external tests for grades 3, 6, 9 and 12 based on national and provincial targets to improve learner performance. The results need to be shared with parents and remedial action planned for those that need it.
- SO 4:** To conduct teacher evaluation more effectively to ensure quality learning and teaching.
- SO 5:** To promote recruitment of quality teachers and to strengthen teacher development.
- SO 6:** Determine common guidelines for the role and function of districts. Strengthening their management and leadership capacity to support quality education in schools.
- SO 7:** Expand the combating of poverty combating measures that improve the environment for learning and teaching, such as no fee schools to Quintile 3 schools, the nutrition programme to secondary schools, scholar transport, after school care in high risk areas, socio-psychological support to children and explore the use of hostels for schools in rural areas.
- SO 8:** Within 6 months government will develop and start to implement an action plan for the rehabilitation and maintenance of schools.
- SO 9:** A more effective approach to the use of ICT in schools must be developed with Gauteng Online moving into the classroom and the provision of a laptop with 3G facilities to each teacher.
- SO 10:** School safety: schools require more effective support on strategies which will enable them to deal with safety related issues. These range

from discipline, drugs, weapons, bullying to first aid and traffic management.

**SO 11:** Ensure effective strategies for provisioning and procurement for services to schools and timeous allocation and appropriate usage of school subsidies and allocations.

## 9. CONTACT DETAILS

### 9.1 INFORMATION OFFICER

Mr. Edward Mosuwe - Head Of Department  
 Gauteng Department of Education  
 111 Commissioner Street  
 Johannesburg  
 2001  
 Tel: 011 355 1517  
 Fax: 011 355 5546  
 E-mail: [edward.mosuwe@gauteng.gov.za](mailto:edward.mosuwe@gauteng.gov.za)

### 9.2 DEPUTY INFORMATION OFFICER

Adv. Ntini Mtshizana – Chief Director: Legal Services and Dispute Management  
 Gauteng Department of Education  
 Tel: 011 355 0505  
 E-mail: [Ntini.mtshizana@gauteng.gov.za](mailto:Ntini.mtshizana@gauteng.gov.za)

### 9.3 DISTRICT CONTACT DETAILS

<p><b>D1 – Gauteng North</b>            Yorkcor Park Building            86 Watermeyer Street,            Meyerspark PRETORIA            Private Bag X 75,            PRETORIA  <b>District Director</b>  <b>Mr. Lazarus Mkhari</b>            Tel: 012 846 3511            Fax: 086 608-1500</p>	<p><b>D2 – Gauteng West</b>            Cnr. Human &amp; Boshoff            Streets,            KRUGERDORP            Private Bag X2020            KRUGERSDORP            1740  <b>District Director</b>  <b>Mr. Peter Skosana</b>            Tel: 011 953 1313/1646            Fax: 011 953 4324</p>	<p><b>D3 – Tshwane North</b>            1<sup>st</sup> Floor            Wonderboom Junction            Cnr Lavender &amp; Voortrekker            Street,            Wonderboom, PRETORIA            Private Bag X 945,            PRETORIA, 0001  <b>District Director</b>  <b>Ms. Shirley Molobi</b>            Tel: 012 543 1479/ 083 310            1908/083 447-6286            Fax: 086 570 3984</p>
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<p><b>D4 – Tshwane South</b>  Lehanhof, Cnr. Gerhard Moerdyk &amp; Walker street, Sunnyside  Private Bag X 278225, SUNNYSIDE  0134  <b>District Director</b>  <b>Ms. Hilda Kekana</b>  Tel: (012) 401 6300/6317  Fax: (012) 401 6318</p>	<p><b>D7 Sedibeng East</b>  SML Building, Cnr. Joubert &amp; Kruger Avenue,  VEREENIGING  Private Bag X05  VEREENINGING, 1930  <b>District Director</b>  <b>Ms. Dorah Moloji</b>  Tel: (016) 440 1767  Fax: (016) 440 1787 / 1788</p>	<p><b>D8 – Sedibeng West</b>  6 Samuel Street,  Zone 18 ,Sebokeng, 1983  Private Bag X 067,  VANDERBIJLPARK  1900  <b>District Director</b>  <b>Mr. Victor Thetha</b>  Tel: 016 594 9100/9120/ 083 475-1633  Fax: 086 647-2495</p>
<p><b>D9 – Johannesburg East</b>  Sandpark Building, Sandton, 2146  <b>District Director</b>  <b>Mr. Mnyamezeli Ndevu</b>  Tel: (011) 666 9002/9162  Fax: (011) 666 9154  086 604 0599</p>	<p><b>D10 – Johannesburg North</b>  FNB Building, 2nd Floor  Cnr. Biccard &amp; Jorrisen Streets, BRAAMFONTEIN  Private Bag X1  BRAAMFONTEIN  2017  <b>District Director</b>  <b>Mr. Siphon Mkhulise</b>  Tel: (011) 694 9357  Fax: (011) 339 8869</p>	<p><b>D11 – Johannesburg South</b>  100 Northern Parkway Crown Wood  ORMONDE  Private bag X13  LENASIA  1820  <b>District Director</b>  <b>Ms. Mumsy Makhubela</b>  Tel:(011) 247 5700/5709  Fax: (011) 247 5827/5921</p>
<p><b>D12 – Johannesburg West</b>  20 Madelile Street, FLORIDA  P O Box 1995  FLORIDA  1710  <b>District Director</b>  <b>Mr. Dennis Macuacua</b>  Tel: (011) 831 5309/5310  Fax: (011) 472 1410</p>	<p><b>D14 – Johannesburg Central</b>  Soweto College of Education,  Cnr. Old Potch &amp; Modjadji Road, Soweto. PIMVILLE  P O Box 90064  BERTSHAM  2013  <b>District Director</b>  <b>Ms. Tshepo Seate</b>  Tel: (011) 983 2308  Fax: (011) 938 4566</p>	<p><b>D15 – Tshwane West</b>  Old Hebron College, Klipgat Road,  Mabopane, PRETORIA  Private Bag X38  ROSSLYN  0200  <b>District Director</b>  <b>Ms. Rachel Mekwa</b>  Tel: (012) 701 5229  Fax: (012) 702-7723</p>
<p><b>D16 – Gauteng East</b>  Old First National Building,  Cnr. Second Ave &amp; Third Street, SPRINGS  Private Bag X 09  SPRINGS  1560  <b>District Director</b>  <b>Ms. Maureen Mthimunye</b>  Tel: (011) 736 0887/8  Fax: (011) 746 8242</p>	<p><b>D17– Ekurhuleni North</b>  Munpen Building, 78 Howard Avenue, BENONI  Private Bag X 059  BENONI  1500  <b>District Director</b>  <b>Mr. Ephraim Tau</b>  Tel: (011) 746 8098  Fax: (011) 746 8027 / 8172</p>	<p><b>D18– Ekurhuleni South</b>  Infinity Office Park, No.2 Robin Close, Meyersdale,  ALBERTON  Private Bag X 8001  ALBERTON  1450  <b>District Director</b>  <b>Mr. Jerry Bhagaloo</b>  Tel (011) 389 6142/ 6064  Fax: (011) 389 6196</p>

## **10. DESCRIPTION OF RECORDS HELD BY THE DEPARTMENT**

### **10.1 LEARNERS**

- 10.1.1 Learners who were refused admission to a public school and the reason for the refusal.
- 10.1.2 Placement of learners with special education needs in an ordinary public schools or a public school for learners with special education needs.
- 10.1.3 Cases of suspension and expulsion of learners from a public school including appeals to the Member of the Executive Council.
- 10.1.4 Registration of learners to receive education at home including withdrawal of registration and appeals.
- 10.1.5 Appeals to the Head of Department against a decision of a school governing body on an application for a remission of or exemption from the payment of school fees.

### **10.2 SCHOOL GOVERNING BODIES**

- a) Constitutions of governing bodies lodged with the Head of Department.
- b) Programmes to enhance the capacity of governing bodies.
- c) State paid employees on the staff establishment of a public school and,
- d) Recommendations made by governing bodies in this regard.
- e) Functions allocated to governing bodies of public schools and the criteria used for doing so, appeals against decision of the Head of Department and the withdrawal of functions.

### **10.3 PUBLIC ORDINARY SCHOOLS**

- a) A list of public schools established in the province with the contact particulars for each school and the name of the principal.
- b) Particulars of the number of: learners, educators, class-rooms, male and female toilet seats, existence of a principal's office, strong-room, laboratory, media centre or library and the availability of water and electricity at each public school and generally the condition of a school.
- c) Particulars of measures taken by the Member of the Executive Council to ensure that the physical facilities at public schools are accessible to disabled persons. Merger of public schools – names of the schools, the

procedure followed by the reason for the decision and the date of publication of the prescribed notice in the Provincial Gazette.

- d) Restrictions placed on the right of a public school to occupy state owned immovable property.
- e) Immovable property owned by the State for educational purposes.
- f) State assets in the custody of a particular public school.
- g) Establishment of new public schools and the closure of existing public schools.
- h) The approved post establishment of a public school, appointments to the post establishment and vacancies.
- i) Grading of institutions.

#### **10.4 SCHOOL FUNDS AT PUBLIC SCHOOLS**

- a) Directions issued by the Head of Department relating to the establishment and administration of a school fund.
- b) Approval to open an additional banking account, policy and criteria for approvals and approvals granted.
- c) Persons approved for appointment to examine and report on the records and financial statements of a public school – policy, criteria and approvals granted.
- d) Annual financial statements submitted by schools to the Head of Department.

#### **10.5 INDEPENDENT SCHOOLS**

- a) Registration of independent schools – policy, criteria, registrations, withdrawal of registrations and appeals.
- b) Subsidies to independent schools – policy, criteria, allocations, payments, withdrawals and appeals.
- c) Agreements between the Member of the Executive Council and the owner to convert an independent school to a public school.
- d) Damages claims against the Member of the Executive Council – Categories of available information.
- e) Court orders and agreements to pay damages as a result of any act or omission for which the Member of the Executive Council is liable in terms of Section 60 of the South African Schools Act No. 84 of 1996.
- f) Any other claim against the Member of the Executive Council resolved in court or by agreement.
- g) Instances where employees forfeited protection and who are consequently liable for the loss suffered by the department following the settlement of a claim, losses recovered from employees.

- h) Payments to employees for losses suffered in the execution of official duties.

#### **10.6 ADULT EDUCATION AND TRAINING CENTRES**

- a) Public Adult Education and Training Centres established by the Member of the Executive Council – policy, procedures, centres established and agreements with public schools.
- b) Staff establishment of a public Adult Education and Training Centre and employees who manage a centre.
- c) Programmes and classes offered at a public Adult Education and Training Centre.

#### **10.7 FURTHER EDUCATION AND TRAINING INSTITUTIONS**

- a) Particulars of each Public Further Education and Training institution – name and address, approved post establishment and the names of state paid employees on the staff establishment.
- b) Title deed particulars of immovable property registered in the name of a Public Further Education and Training institution and the asset register of each institution.
- c) Particulars of merged and closed institutions.
- d) The strategic plan of an institution, its vision and mission, its language policy,
- e) Particulars of curricula that each institution is accredited to offer, the policy for student support services of and the training programmes offered by each institution.
- f) Posts created additional to the establishment at each institution, service conditions and functions of employees so appointed.
- g) The budget of a Public Further Education and Training institution.
- h) Policies of the Further Education and Training institution.
- i) Steps taken by a Public Further Education and Training institution to ensure that it is accessible to disabled students.
- j) Rules determined by the Member of the Executive Council for the manner in which a Public Further Education and Training institution is required to keep records relating to its activities and finances.
- k) The annual report, audited statement of income and expenditure, balance sheet and cash flow statement by a council of a Public Further Education and Training institution and the name of its auditor.
- l) Departmental directives to Public Further Education and Training institutions.
- m) Investigations initiated by the member of the Executive Council.

- n) Name Changes by Public Further Education and Training institutions – policies and approvals.

#### **10.8 PUBLIC ECD GRADE “R” CLASSES**

- a) A list of public ECD Grade ‘R’ classes established in the province with the contact particulars for each school and the name of the principal.
- b) Particulars of the number of learners, classrooms, practitioners, availability of water and electricity at public schools and generally the condition of the school.
- c) State assets in the custody of a particular public school with a Grade ‘R’ class.

#### **10.9 REGISTERED INDEPENDENT AND COMMUNITY-BASED ECD GRADE “R” CLASSES**

- a) A list of public ECD Grade ‘R’ classes established in the province with the contact particulars for each school and the name of the principal.
- b) Particulars of the number of learners, classrooms, practitioners, availability of water and electricity at public schools and generally the condition of the school.
- c) Assets list of resources provided to each class.

#### **10.10 MISCELLANEOUS**

- a) Personal records, Financial records;
- b) Reports, Policies; and
- c) Tenders, Contracts.

### **11. AUTOMATICALLY AVAILABLE RECORDS**

#### **11.1 SCHOOL CURRICULUM**

- a) Assessments
- b) National Curriculum Statement
- c) Foundation Phase, Intermediate Phase and Senior Phase
- d) FET Curriculum
- e) Home Schooling

#### **11.2 SCHOOL INFORMATION**

- a) Gauteng General School

- b) Exam instructions
- c) Private Schools
- d) Provincial Schools
- e) Special Schools
- f) ECD
- g) GET
- h) FET
- i) ABET

### **11.3 SCHOOL CALENDARS**

- a) School Terms
- b) Events diary
- c) FET calendar
- d) ABET calendar

### **11.4 LEGISLATION**

- a) Acts
- b) Bills
- c) Green Paper
- d) White Paper
- e) Regulations
- f) Circulars
- g) Gazettes

### **11.5 LIBRARIES**

- a) List of Gauteng Community Libraries
- b) List of Education Libraries

### **11.6 RESEARCH**

- a) Research Information
- b) Research Reports
- c) Research Request Forms

### **11.7 PUBLICATIONS**

- a) Media Releases, Speeches, Articles
- b) Annual Reports and Strategic Plans
- c) GDE Newsletters
- d) Tender Bulletins



## **11.8 FORMS**

- a) Applications for Grade R
- b) Applications for the issue of matric certificates
- c) Application for employment in the Public Service
- d) Application for registration of private schools
- e) Termination of service
- f) Research requests forms
- g) GPG vendor application form
- h) Z83 employment application form
- i) Leave application form

## **11.9 MATRIC RESULTS**

11.9.1 The matriculation results of successful school leaving candidates are published in the following newspapers:

- a) Sowetan
- b) The Star
- c) Citizen
- d) Pretoria News

11.9.2 A successful candidate may view his/her results on the departmental website. Each candidate may obtain a printed copy of his/her results from the last school of attendance or the examination centre where he/she wrote the examination.

11.9.3 The General Education and Training Certificate examination results are made available to learners at the school where he/she wrote the examination. Each learner receives a written report on his/her progress at the end of each school term. The class educator of each learner will hand him/her the report.

11.9.4 The examination results for Public Further Education and Training are obtainable from the institution where the student wrote his/her examination. Copies of past matriculation certificates and statements of subjects passed can be obtained from:

Gauteng Department of Education  
P. O Box 7710  
Johannesburg  
2000  
Telephone Number: (011) 355 0000

11.9.5 Copies of past Further Education and Training certificates and past statement of subjects passed can be obtained from the principal of the institution concerned. The names and addresses and contact particulars of Further Education and Training institutions can be obtained from the departmental website.

11.9.6 In both cases the applicant is required to complete a prescribed form and pay a prescribed fee. The form and an applicable tariff can be obtained from the Examinations component in the case of matriculation results or the Rector of the appropriate Further Education and Training institution concerned.

11.9.7 Records that are automatically available can be found in one of the following :

Website: [www.education.gpg.gov.za](http://www.education.gpg.gov.za)

E-mail: [gdeinfo@gauteng.gov.za](mailto:gdeinfo@gauteng.gov.za)

Tel: 011 355 0000

Address: 111 Commissioner Street, Johannesburg, 2001

## **12. ACCESSING RECORDS HELD BY THE DEPARTMENT THROUGH PAIA**

The requester must comply with all the procedural requirements contained in the Act if he or she seeks for access to a record held at the Gauteng Department of Education. All requesters should send their requests, on prescribed request forms to the Information Officer. A copy of the prescribed request form is available (Annexure A).

### **12.1 THE PROCESS OF LODGING PAIA REQUESTS**

12.1.1 The requester must complete the prescribed form (Annexure A) and submit it as well as payment of a request fee to the Information Officer at the postal or physical address, fax number or electronic mail address of the Department as stated in number 9 above.

12.1.2 The prescribed form must be filled in with enough detailed information to at least enable the Information Officer to identify the record or records requested, the identity of the requester, which form of access is required and the postal, electronic mail, address or fax number of the requester.

- 12.1.3 After lodging the request with the Information Officer, the application will be processed within 30 days.
- 12.1.4 If a requester requests information in a particular form (e.g. paper copy, electronic copy etc.) then the requester should receive access in that form, unless doing so would interfere unreasonably with the running of a public body concerned or damage to the record or infringe on the copyright not owned by the state.
- 12.1.5 If the request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer.

## **12.2 FEES**

- 12.2.1 According to Section 22 of the Act, there are two types of fees required to be paid in terms of the Act, namely the request fee and the access fee.
- 12.2.2 A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester must pay the request fee of R50-00.
- 12.2.3 The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee and deposit before further processing the request.
- 12.2.4 The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- 12.3.5 If the request is granted then 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.
- 12.2.6 Access to a record will be withheld until all the applicable fees have been paid.

## **12.3 DECISIONS ON REQUESTS**

- 12.3.1 A requester must be given access to information held by the Department, if his or her request complies with all the procedural requirements in the Act, as well as if granting of access to that information is not prohibited in terms of any of the grounds for refusal in the Act.

- 12.3.2 The Information Officer must decide within 30 days, after the request is received, in accordance with the Act whether to grant the request and notify the requester of the decision in the way in which the requester wanted to be notified in.
- 12.3.3 The Information Officer may extend the period of 30 days once for a further period of not more than 30 days.
- 12.3.4 If the request for access is refused, the Information Officer must state adequate reasons for the refusal, excluding from such reasons, any reference to the content of the record.
- 12.3.5 A requester may lodge an internal appeal against a decision of the Information Officer to refuse a request for access.
- 12.3.6 An internal appeal must be lodged in the prescribed form within 60 days (Annexure B).
- 12.3.7 A requester may only apply to a court for appropriate relief after he or she has exhausted the internal appeal procedure against a decision of the Information Officer.
- 12.3.8 A requester has 180 days to lodge a court application as per the Constitutional Court decision of 2009.

## **12.4 ASSISTANCE FROM THE INFORMATION OFFICER**

### **12.4.1 Compliance with the prescribed form**

The Information Officer must provide reasonable assistance to a requester who informs him/her that she/he wishes to make a request for access to a record of the Department, free of charge as is necessary to enable that requester to comply with the procedural requirements for lodging a request for access to records.

### **12.4.2 Illiterate requester or a requester with disability**

An individual who because of illiteracy or a disability is unable to make a request for access to a record of the Department may make that request orally. The Information Officer must reduce that oral request to writing in the prescribed form and provide a copy thereof to the requester.

### **12.4.3 Transfer of requests**

If the Information Officer receives a request for access that relates to a record that is in possession of another body, s/he must transfer that request to the said body and inform the requester accordingly.

### **12.4.4 Other information as may be prescribed by the Minister of Justice and Constitutional Development**

In terms of Section 92 of the Act, if there is any additional information available from the Minister of Justice and Constitutional Development it must be included.

There is currently no additional information available from the Minister of Justice and Constitutional Development as contemplated in terms of Section 92 of the Act.

## **13. ARRANGEMENT ALLOWING INVOLVEMENT IN FORMULATION OF POLICY AND PERFORMANCE OF FUNCTIONS**

The Constitution of the Republic of South Africa (Act 108 of 1996), as amended puts an obligation on the Gauteng Department of Education to provide compulsory basic education to all learners in the province. This includes the provision of adult basic education and further education.

The Gauteng Department of Education (GDE) is an integral part of the South African Public Service established in terms of section 197 of the Constitution and read with section 7 (1) and 7 (2) of the Public Services Act of 1994. the Department derives its core mandate from the provisions of schedules 4 and 5 of the Constitution of the Republic of South Africa and in accordance with section 104 (1) b of the Constitution.

As a concurrent national and provincial legislative competency listed in schedule 4 of the Constitution, the Gauteng Department of Education (GDE), as part of the system of concurrent governance, derives its administrative mandate from both National Parliament and Provincial Legislature.

The Gauteng Department of Education's mandate is currently vested mainly in the following core and related statutes:

### **National Legislative Mandate**

- The National Education Policy Act (Act 27 of 1996) (NEPA), as amended
- The South African Schools Act (Act 84 of 1996), as amended

- The Further Education and Training Colleges Act (Act 16 of 2006), as amended
- The Adult Basic Education and Training Act (Act 52 of 2000), as amended
- South African Council for Educators Act (Act 31 of 2001), as amended
- General and Further Education and Training Quality Assurance Act (Act 58 of 2001), as amended
- The National Curriculum Statement (Grades R-12)
- E-Learning Education White Paper (2003/04)
- Education of Learners with Special Educational Needs White Paper 6 (July 2001)
- Early Childhood Education White Paper 5 (May 2001)
- Skills Development Act (Act No.97 of 1998)
- Public Finance Management Act (Act 1 of 1999)
- Batho Pele White Paper
- Promotion of Administrative Justice Act (Act No.3 of 2000)
- Higher Education and Training Laws Amendment Act, 2010
- Policy on Learner Attendance, 2010

### ***Provincial Legislative Mandate***

- School Education Act (Act 6 of 1995)
- The Examinations and Assessment Act No.7 of 1997
- Gauteng Education Policy Act (Act 12 of 1998)
- South African Council for Educators Act (Act 31 of 2001)
- National Environment Management Act

### ***14. REMEDIES AVAILABLE WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED***

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful official acts or omissions by the Gauteng Department of Education (GDE) or any of its employees:

#### ***(a) Procedures for reporting or remedying:***

(i) 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 MEC for the Gauteng Department of Education (sections 74 – 77). After exhausting the internal appeal remedy an application may be lodged with a court (sections 78 – 82).

(ii) A public service employee may lodge a grievance or complaint for investigation by the Public Service Commission concerning an official act or omission (section 35 of the Public Service Act, 1994).

(iii) 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);

(iv) 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)).

(v) A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)).

(vi) 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 (Human Rights Commission Act, 1994 (Act No. 54 of 1994))

(vii) 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).

(viii) 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).

**(b) Other supportive remedies:**

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

(ii) 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)

**(c) Duty to report:**

(i) A public service employee, in the course of his or her official duties, is obliged in terms of the Code of Conduct for public service employees 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. (Regulation B.3 and C.4.103 of Chapter 2 of the Public Service Regulations, 2001).

(ii) 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).

**15. REDRESS FOR FAILURE TO ACT.**

In general, failures by officials to act in terms of their responsibilities may be reported to the relevant manager. In respect of the Promotion of Access to Information Act, a failure to respond to request to the record within 30 days can be regard as equivalent to refusal to grant access to the document. In this instance, the requester would be able to lodge an appeal in writing with the MEC for Education. An appeal form is available for such an appeal.

The contact details for the MEC are as follows:

Postal address: P.O. Box 7710

Johannesburg

2000

Tel: (011) 355- 0909/0145

Fax: (011) 355-0542

**16 ANNEXURES**

The following documents are attached to this manual:

Annexure A: Form A: Request Form

Annexure B: Form B: Internal Appeal Form

Annexure C: Prescribed Fees in Respect of Public Bodies

Annexure D: Schematic Diagram of the Structure of the Gauteng Department of Education





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## ANNEXURE A

### REQUEST FORM

#### REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 6]

#### **A. Particulars of Public Body**

Information Officer/Deputy Information Officer: Gauteng Department of Education


The name and postal or physical address, fax number or email address of the Information Officer/Deputy Information Officer must be stated below.


#### **B. Particulars of person requesting access to the record**

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

Full names:	
Surname:	
Identity number:	
Postal address:	
Phone number:	
Fax number:	
Cell number:	
Email 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 request for information is made on behalf of another person	
Full names:	
Surnames:	
Identity/company 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. <b>The requester must sign all the additional folios.</b>	
Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of record:	

**E. Fees**

(a) A request for access to a record, other than record containing personal information about yourself, will be possessed 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 therefore.

Reason for exemption from payment of fees:


**F. Form of access to record**

Mark the appropriate box with an "X"
(a) Your indication as the required form of access depends 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 to the record, if any, will be determined partly by the form in which access is requested.

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:

1. If the record is in written or printed form:

Copy of record\*

Inspection of record

2. If \_\_\_\_\_ record \_\_\_\_\_ consists \_\_\_\_\_ of \_\_\_\_\_ visual \_\_\_\_\_ images:

*(This includes photos, slides, video recordings, computer-generated images, sketches, etc.)*

<input type="checkbox"/>	View the images
<input type="checkbox"/>	Copy of the image
<input type="checkbox"/>	Transcription of the images

3. If record consists of record words or information which can be reproduced in sound:

<input type="checkbox"/>	Listen to the soundtrack (Audio Cassette)
<input type="checkbox"/>	Transcription of the soundtrack*

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"/>	Copy in computer readable form* (stiffy or compact disc)

\*If you requested a copy or transcript of a record above, do you wish the copy or transcript to be posted to you? **A postal fee is payable.**

Yes

No

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

In which language would you prefer the record?

---

**G. Notice of decision regarding request for access**

You will be notified in writing if your request has been approved / denied. If you wish to be informed thereof 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 to the record?

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE

**ANNEXURE B**

**NOTICE OF INTERNAL APPEAL FORM**

**NOTICE OF INTERNAL APPEAL**

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)  
[Regulation 8]

<b>STATE NUMBER:</b>	<b>YOUR</b>	<b>REFERENCE</b>
.....		

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

.....  
.....

**B. Particulars of requester/third party who lodges the internal appeal**

- |  |
|--|
| <p>a) The particulars of the person who lodges the internal appeal must be given below.<br/> b) Proof of the capacity in which the appeal is lodged, if applicable, must be attached.<br/> c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.</p> |
|--|

Full Names and Surname.....  
Identity Number.....  
Postal Address.....  
.....  
..... Fax Number.....  
Telephone Number..... E-mail Address.....

Capacity in which an internal appeal on behalf of another person is lodged.....

**C. Particulars of requester**

<p>This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal</p>
---

Full Names and Surname.....  
.....

Identity Number.....

**C. The decision against which the internal appeal is lodged**

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:	
	Refusal of request for access
	Decision regarding fees prescribed in terms of Section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of Section 26 (1) of the Act
	Decision in terms of Section 29 (3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

**D. Ground for appeal**

If the provided space is inadequate, please continue on a separate folio and attach it to this form.  
**You must sign all the additional folios**

State the grounds on which the internal appeal is based.....  
.....  
.....

State any other information that may be relevant in considering the appeal  
.....  
.....  
.....

**F. Notice of decision on appeal**

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner.....  
Particulars of manner.....  
.....

Signed at .....this.....day of .....20.....

\_\_\_\_\_  
SIGNATURE OF APPELLANT



## ANNEXURE C

### PRESCRIBED FEES IN RESPECT OF PUBLIC BODIES

1. 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	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	R 0.40
(c)	For a copy in a computer-readable form on -	
	(i) Stiffy disc	R 5.00
	(ii) Compact disc	R 40.00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R 22.00
	(ii) For a copy of visual images	R 60.00
(e)	(i) For a transcription of an audio record, for an A4 -size page or part thereof	R 12.00
	(ii) For a copy of an audio record	R 17.00
(f)	Request fee payable by everyone other than personal requester	R50.00
(g)	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour	R15.00

2. For purposes of section 22(2) of the Act, the following applies:  
Six hours as the hours to be exceeded before a deposit is payable; and one third of the access fee is payable as a deposit by the requester.
3. The actual postage is payable when a copy of a record must be posted to a requester.