



Accelerating the development of sustainable human settlements through land assembly, building and property acquisitions, and project management and support services



## The Housing Development Agency Promotion of Access to Information Manual

## TABLE OF CONTENTS

1. DEFINITIONS AND EXPLANATIONS .....	3
2. FUNCTIONS, STRUCTURE AND OBJECTIVES OF THE HDA.....	3
3. CONTACT DETAILS.....	4
4. ACCESS TO RECORDS (SECTIONS 14(1)(D)).....	4
5. REQUEST PROCEDURE.....	5

## 1. DEFINITIONS AND EXPLANATIONS

All references to a section refer to sections of the Public Information Act, No 2 of 2000. The HDA means the Housing Development Agency, established in terms Housing Development Act23 of 2008.

## 2. FUNCTIONS, STRUCTURE AND OBJECTIVES OF THE HDA

The HDA is a PFMA compliant organisation with a unitary board comprising a majority of non-executive directors. The senior executives within the organisation are the Chief Executive Officer and the Chief Financial Officer.

### 2.1 FUNCTIONS (IN TERMS OF THE HDA)

The Housing Development Agency shall:

- develop a development plan to be approved by the Minister in consultation with the relevant authorities in the provinces and municipalities;
- develop strategic plans with regard to the identification and acquisition of state, privately and communal owned land which is suitable for residential and community development;
- prepare necessary documentation for consideration and approval by the relevant authorities as may be required in terms of any other applicable law;
- monitor progress of the development of land and landed property acquired for the purposes of creating sustainable human settlements;
- enhance the capacity of organs of state including skills transfer to enable them to meet the demand for housing delivery;
- ensure that there is collaboration and intergovernmental and integrated alignment for housing development services;
- identify, acquire, hold, develop and release state, privately and communal owned land for residential and community development;
- undertake such project management services as may be necessary, including assistance relating to approvals required for housing development;
- contract with any organ of state for the purpose of acquiring available land for residential housing and community development for the creation of sustainable human settlement;
- assist organs of state in dealing with housing developments that have not been completed within the anticipated project period;
- assist organs of state with the upgrading of informal settlements; and
- assist organs of state in respect of emergency housing solutions.

### 2.2 MEMBERSHIP

- Membership of all governing structures is composed with representation from the State, the human settlements industry and experts.
- The HDA Board is appointed by the Minister of Human Settlements and includes appointees representing the Ministries of Cooperative Governance and Traditional Affairs, Public Works, and Rural Development and Land Reform. All members of the board are appointed by the Department of Human Settlements.
- The Chairpersons of all Board sub committees are independent persons.

### 3. CONTACT DETAILS

The Chief Executive Officer (CEO) is the Information Officer in terms of the Promotion of Access to Information Act. The HDA has one Deputy Information Officer:

Chief Executive Officer: Taffy Adler  
The Housing Development Agency  
Block A, Riviera Office Park, 6-10 Riviera Road,  
Killarney, Johannesburg  
South Africa  
Tel: 011 544 1000  
Email: [taffy.adler@thehda.co.za](mailto:taffy.adler@thehda.co.za)

Deputy Information Officer: Kate Shand  
The Housing Development Agency  
Block A, Riviera Office Park, 6-10 Riviera Road,  
Killarney, Johannesburg  
South Africa  
Tel: 011 544 1000  
Email: [kate.shand@thehda.co.za](mailto:kate.shand@thehda.co.za)

### 4. ACCESS TO RECORDS (SECTIONS 14(1)(D))

#### 4.1 DESCRIPTION OF SUBJECTS ON WHICH THE HDA HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

For purposes of facilitating a request in terms of the Act, the subjects on which the HDA holds records and the categories of records held on each subject are as follows:

- (i) Financial records
  - *Budget and budget projections*
  - *Policies and procedures*
  - *Banking details*
  - *Employee payment and benefits*
  - *Accounting records*
  - *Asset registers*
  - *Correspondence with internal and external parties*
  - *Tender and bid documentation*
  - *Supplier Service Level Agreements and Contracts*
  - *Leases*
- (ii) Human resources records
  - *Policies and procedures*
  - *Employee information*
- (iii) Company secretary
  - *Policies and procedures*
  - *Minutes of meetings*
  - *Board reports*
- (iv) Information technology
  - *Processes, policies and procedures*

- (v) Office of the CEO
  - *Corporate strategies*
  - *Business plans*
  - *Annual reports*
  - *Correspondence*
  - *Agreements*
- (vi) Marketing and corporate communications
  - *Corporate marketing material*
  - *Image library*
  - *Media and marketing reports*
  - *Marketing material*

## 4.2 RECORDS AUTOMATICALLY AVAILABLE

The records on the website of the HDA are available for viewing or downloading without a person having to make such a request in terms of the said Act. Currently such material includes:

- *Annual report*
- *Relevant legislation and policies*

## 5. REQUEST PROCEDURE

- (a) 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.*
- (b) How to request access to a record:
  - *A requester must use the form (Form A) that was printed in the Government Gazette (Government Notice R187 of 15 February 2002).*
  - *The requester must also indicate if the requester wants a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a paper document it can then be viewed in the requested form, where possible.*
  - *If a person asks for access in a particular form (eg a paper copy, electronic copy, etc) then the requester should get access in that form. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in another form, 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 told about the decision in any other way, eg telephone, this must be indicated.*
  - *If a requester is asking for the information on behalf of someone else, the capacity in which the request is being made must be indicated.*
  - *If a requester is unable to read or write, or has a disability, then the request can be made orally. The information officer must then fill in the form on behalf of such a requester and give them a copy of the completed form.*

- (c) Fees payable for a request and notification of decision on access:
- *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 fee of R35.*
  - *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 tender or payment of a 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 wanted to be notified in.*
  - *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.*
  - *Access to a record will be withheld until all the applicable fees have been paid.*

## 6. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURES TO ACT

The following procedures exist for persons to report or remedy alleged, improper or unlawful official acts or omissions by the GFC 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 Minister of Human Settlements. 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(l)(a)), or the Employment Equity Act, 1998 (Act No.55 of 1998 – section 34(e)).
- (v) 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)).
- (vi) In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by the employer or fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No.26 of 2000).
- (vii) Use 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 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 to report to the appropriate authorities, fraud, corruption, nepotism, mal-administration 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.4.10 of Chapter 2 of the Public Service Regulations, 2000).
  - (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).

## 7. PRESCRIBED FEES FOR PUBLIC BODIES

*(Part II of Notice 187 in the Government Gazette on 15 February 2002)*

### Fees in respect of public bodies

1. The fee for a copy of the manual as contemplated in regulation 5c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for a reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	
(i) stiff disc	5,00
(ii) compact disc	40,00
(d) (i) For a transaction of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a person requester, referred to in regulation 7(2) is R35,00.

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on -	

(i)	stiff disc	5,00
(ii)	compact disc	40,00
(i)	For a transaction of visual images, for an A4-size page or part thereof	22,00
(ii)	For a copy of visual images	60,00
(i)	For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii)	For a copy of an audio record	17,00
(f)	To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for each search and preparation	

(2) For purposes of section 22(2) of the Act, the following applies:

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) One third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

Date of publication of this Manual: October 2010