



mineral resources  
& energy

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Department:  
Mineral Resources and Energy  
REPUBLIC OF SOUTH AFRICA

**MANUAL ISSUED IN TERMS OF SECTION 14  
OF THE PROMOTION OF ACCESS TO INFORMATION  
ACT, 2000 (ACT NO 2 OF 2000)**

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## 1. **INTRODUCTION**

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996 provides that everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereinafter referred to as “*PAIA*”) is the national legislation which was enacted to give effect to the constitutional right of access to information.

PAIA gives all South Africans the right to have access to records held by the state, government institutions and private bodies. The following are the objectives which PAIA seeks to achieve:

- To ensure that the State takes part in promoting a human rights culture and social justice;
- To encourage openness and to establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner as reasonably possible; and
- To promote transparency, accountability and effective governance of all public and private bodies, by empowering and educating everyone to understand their rights in terms of PAIA so that they are able to exercise their rights in relation to public and private bodies, to understand the functions and operation of public bodies, and to effectively scrutinise, and participate in decision making by public bodies that affects their rights.

PAIA, however, recognises that such a right of access to information is subject to justifiable limitations and seeks to balance the requester’s constitutional right to information against the information officer’s right to refuse access to information on any of the grounds mentioned in Part 2, Chapter 4 of PAIA. Such limitations are acknowledged within these provisions of **PAIA** and the Protection of Personal Information Act 4 of 2013 (hereinafter referred to as “**POPIA**”), as it specifies circumstances under which there would be limited or restricted access to the information held by the State.

In terms of section 14 of PAIA, all public bodies must have information manuals to assist any person wanting to access records of public bodies. In this regard, the Department is pleased to publish this Manual in the hope that the information contained herein will be of assistance and ensure that all requests for access to information are dealt with efficiently and effectively, and thereby promote the objectives and spirit of PAIA.

## 2. **DEFINITIONS**

In this manual any word or expression to which a meaning has been assigned in the Promotion of Access to Information Act, 2000, shall bear the meaning so assigned, and unless the context otherwise indicates -

**“Data subject”** means the person to whom personal information relates;

**“Department”** means the Department of Mineral Resources and Energy and shall include its regional offices;

**“Guide”** means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in PAIA and the Protection of Personal Information Act 04 of 2013, as contemplated in section 10 of PAIA;

**“information officer”** means the Director-General of the Department;

**“Information Regulator”** means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;

**“Manual”** means this manual compiled in terms of section 14 of the Act;

**“Mineral Resources and Energy Related Legislation”** means the legislation listed in paragraph 4.2 of this Manual;

**“PAIA”** Promotion of Access to Information Act No. 2 of 2000;

**“Personal Information”** means information relating to an identifiable, living, natural person, including, but not limited to—

- 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 person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person; and
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person,

but excludes information about an individual who has been dead for more than 20 years;

**“personal requester”** means the person requesting access to a record containing personal information about the requester;

**“personnel”** means any person who works for, or provides services, to or on behalf of, the Department and receives or is entitled to receive any remuneration, including all permanent, temporary and part-time staff as well as contract workers;

**“PoPIA”** means the Protection of Personal Information Act 4 of 2013;

**“record”** means any recorded information, regardless of form or medium, which is in the process or under the control of the Department, irrespective of whether it was created by the Department or not;

**“relevant authority”** means the Minister of Mineral Resources and Energy;

**“request”** means a request for access to a record of the Department;

“**requester**” means any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of ‘public body’ in PAIA, or an official thereof) making a request for access to a record of the Department and includes any person acting on behalf of that person or requester; and

“**SAHRC**” means the South African Human Rights Commission.

### **3. INFORMATION REGULATOR’S GUIDE ON THE ACT**

The Information Regulator has, in terms of section 10(1) of **PAIA**, as amended, updated the **PAIA** Guide, as initially compiled by the SAHRC. The purpose of the aforesaid Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in **PAIA** and **POPIA**. This Guide will specifically assist a person, also called a data subject, on how to access his/her or its personal information in terms of section 23 of **POPIA**.

The guide is available in all official languages from the Information Regulator. The contact details for the Information Regulator are as follows:

P.O. Box 31533  
BRAAMFONTEIN  
2017

Telephone: +27 10 023 5200

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

Email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

### **4. ABOUT THE DEPARTMENT**

#### **4.1 MANDATE, VISION AND MISSION OF THE DEPARTMENT**

##### **Mandate**

To develop a mineral resources and energy sector that promotes economic growth and development, social equity and environmental sustainability.

##### **Vision**

A leader in the transformation of South Africa through economic growth and sustainable development in the mining and energy sectors

##### **Mission**

To regulate, transform and promote the minerals and energy sectors, providing sustainable and affordable energy for growth and development, and ensuring that all South Africans derive sustainable benefit from the country’s mineral wealth.

## 4.2 LEGISLATION ADMINISTERED BY THE DEPARTMENT

<b>Legislation in chronological order</b>
Mines and Works Act, 1956 (Act No. 27 of 1956)
Mining Titles Registration Act, 1967 (Act No. 16 of 1967)
Central Energy Fund Act, 1977 (Act No. 38 of 1977)
Petroleum Products Act, 1977 (Act No. 120 of 1977)
Diamonds Act, 1986 (Act No. 56 of 1986)
Mineral Technology Act, 1989 (Act No. 30 of 1989)
Abolition of the National Energy Council Act, 1991 (Act No. 95 of 1991)
Geoscience Act, 1993 (Act No. 100 of 1993)
Nuclear Energy Act, 1993 (Act No. 131 of 1993)
Mine Health and Safety Act, 1996 (Act No. 29 of 1996)
Nuclear Energy Act, 1999 (Act No. 46 of 1999)
National Nuclear Regulator Act, 1999 (Act No. 47 of 1999)
Abolition of Lebowa Mineral Trust Act, 2000 (Act No. 67 of 2000)
Gas Act, 2001 (Act No. 48 of 2001)
Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)
Gas Regulator Levies Act, 2002 (Act No. 75 of 2002)
Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)
Petroleum Pipelines Levies Act, 2004 (Act No. 28 of 2004)
National Energy Regulator Act, 2004 (Act No. 40 of 2004)
Precious Metals Act, 2005 (Act No. 37 of 2005)
Electricity Regulation Act, 2006 (Act No. 4 of 2006)
National Energy Act, 2008 (Act No. 34 of 2008)
National Radioactive Waste Disposal Institute Act, 2008 (Act No. 53 of 2008)

### **4.3 ORGANISATIONAL STRUCTURE**

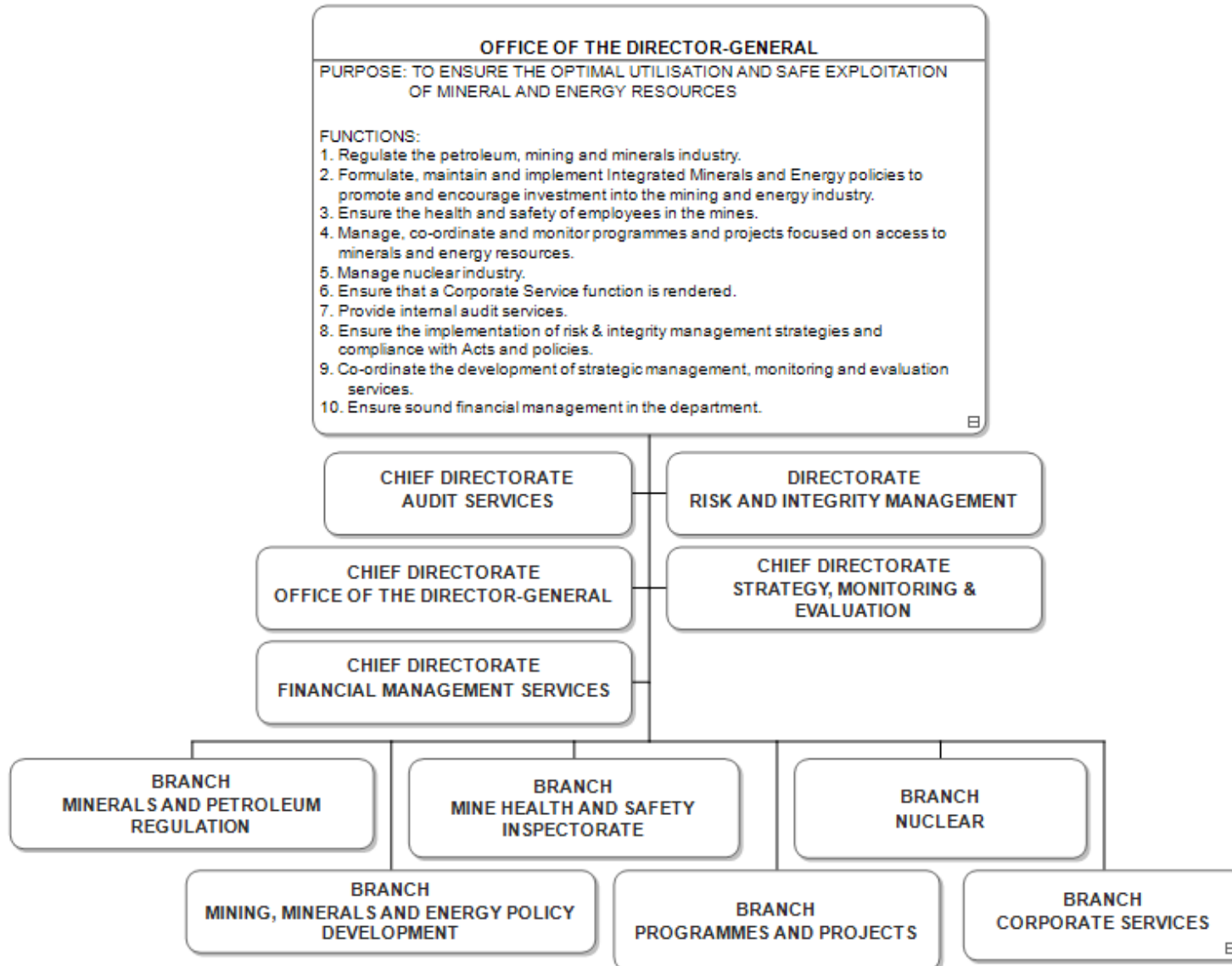
4.3.1 The Department consists of a national office that is situated in Gauteng Province and various Regional Offices that are situated Eastern Cape (East London) Free State(Welkom), KwaZulu-Natal (Durban), Limpopo (Polokwane), Mpumalanga(Witbank) Northern Cape (Kimberley), Western Cape(Cape Town), Gauteng (Pretoria) North West (Mafikeng).

4.3.2 The Branches of the Department are as follows:

- (a) Corporate Services
- (b) Minerals and Petroleum Regulation
- (c) Mining, Minerals and Energy Policy Development
- (d) Programmes and Projects
- (e) Nuclear
- (f) Mine Health and Safety Inspectorate

4.3.3 The Department's macro structure is indicated below:

## DEPARTMENT OF MINERAL RESOURCES AND ENERGY





## 5. **CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS**

### 5.1 Information Officer :

Mr Jacob Mbele  
Director-General  
Private Bag X96  
PRETORIA  
0001

PA to Director-General  
Ms Mamabefu Modipa  
Mamabefu.Modipa@dmre.gov.za  
Telephone number: +27 12 444 3880

5.2 **ALL** requests for access to records of the Department, and any internal appeal in terms of section 74 of PAIA, shall be submitted for the attention of the **Chief Director: Legal Services** through any one of the following methods:

(a) By post to-  
Department of Mineral Resources and Energy  
Private Bag X96  
PRETORIA  
0001;

(b) By hand delivery to-  
Department of Mineral Resources and Energy:  
Head Office  
2<sup>nd</sup> Floor Block 2B Trevenna Campus,  
Corner Schoeman and Meintjies  
Streets,  
Arcadia,  
Pretoria or,

(c) By e-mail: [paia@dmre.gov.za](mailto:paia@dmre.gov.za) and [diphoko.modiselle@dmre.gov.za](mailto:diphoko.modiselle@dmre.gov.za)

### 5.3 Deputy Information Officers

The following officials have been designated as Deputy Information Officers in terms of section 17(1) of PAIA.

Mr Pieter Alberts  
Chief Director: Legal Services  
Private Bag X96  
PRETORIA  
0001  
[paia@dmre.gov.za](mailto:paia@dmre.gov.za)

Ms Saandhri Naidoo  
Director: Legal Services  
Private Bag X96  
PRETORIA  
0001  
[Saandhri.Naidoo@dmre.gov.za](mailto:Saandhri.Naidoo@dmre.gov.za)

Ms Rudessa Harris  
Director: Legal Services  
Private Bag X96  
PRETORIA  
0001  
[Rudessa.Harris@dmre.gov.za](mailto:Rudessa.Harris@dmre.gov.za)

Mr Woods Mogopudi  
Director: Legal Services  
Private Bag X96  
PRETORIA  
0001  
[Woods.Mogopudi@dmre.gov.za](mailto:Woods.Mogopudi@dmre.gov.za)

Ms Hilda Mhlongo  
Deputy Director-General: Corporate Services  
Private Bag X96  
PRETORIA  
0001  
[Hilda.Mhlongo@dmre.gov.za](mailto:Hilda.Mhlongo@dmre.gov.za)

Mr Tseliso Maqubela  
Deputy Director-General: Minerals and Petroleum Regulation  
Private Bag X96  
PRETORIA

0001  
Tseliso.Maquibela@dmre.gov.za  
Ms Ntokozo Nzimande  
Deputy Director-General: Mining, Mineral and Energy Policy Development  
Private Bag X96  
PRETORIA  
0001  
[ntokozo.nzimande@dmre.gov.za](mailto:ntokozo.nzimande@dmre.gov.za)

Mr David Msiza  
Chief Inspector of Mines  
Private Bag X96  
PRETORIA  
0001  
David.Msiza@dmre.gov.za  
Mr Zizamele Mbambo  
Deputy Director-General: Nuclear  
Private Bag X96  
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Zizamele.Mbambo@dmre.gov.za

Mr Thabo Kekana  
Deputy Director-General: Programmes and Projects  
Private Bag X96  
PRETORIA  
0001  
Thabo.Kekana@dmre.gov.za

Ms Yvonne Chetty  
Chief Financial Officer  
Private Bag X96  
PRETORIA  
0001  
Yvonne.Chetty@dmre.gov.za

Project Officer  
Independent Power Producer Programme Office  
Bylsbridge Office Park, Building 9,  
Cnr Jean and Olievenhoutbosch Ave,  
CENTURION

Mr Kwena Makgohlo  
Chief Director: Auxiliary Support and Security Services  
Private Bag X96

PRETORIA  
0001  
[Kwena.Makgohlo@dmre.gov.za](mailto:Kwena.Makgohlo@dmre.gov.za)

Ms Nthatsi Rapoo  
Chief Director: Human Resources  
Private Bag X96  
PRETORIA  
0001  
[Nthatsi.Rapoo@dmre.gov.za](mailto:Nthatsi.Rapoo@dmre.gov.za)

Ms Cathy Leso  
Chief Information Officer  
Private Bag X96  
PRETORIA  
0001  
[Cathy.Leso@dmre.gov.za](mailto:Cathy.Leso@dmre.gov.za)

Chief Director: Mineral Regulation and Administration (Northern Regions)  
Private Bag X96  
PRETORIA  
0001

Chief Director: Mineral Regulation and Administration (Central Regions)  
Private Bag X96  
PRETORIA  
0001

Chief Director: Mineral Regulation and Administration (North-Western Regions)  
Private Bag X96  
PRETORIA  
0001

## **6. SUBJECT AND CATEGORIES INFORMATION HELD BY THE DEPARTMENT**

Below is a list of subjects on which the Department holds records and categories of records held under each subject. The list is not exhaustive and may be amended from time to time. The records held under the various subjects are not automatically available and access to the records is subject to the nature of the information contained in the record.

## 6.1 Statutory and Regulatory Framework

- Mineral Resources and Energy Policies
- Mineral Resources and Energy legislation
- Regulations issued in terms of Mineral Resources and Energy Legislation;
- Bills
- Other legislations and regulations

## 6.2 Organisation and Control

- Internal Policies
- Functions
- Delegations of authority
- Establishment of new sections and offices
- Planning
- Audit Services
- Meetings
- Security Management
- Programmes and Projects
- Monitoring and Evaluation
- Strategy and Risk Management
- Risk Register
  - Risk Management Committee Charter
  - Risk Management Committee Minutes
  - Risk Management Policy
  - Risk Management Strategy
  - Risk Management Implementation Plan
  - Risk Assessment and Identification Methodology
  - Risk Management Framework
  - Risk Management Committee Members Appointment Letters
  - Risk Management Standard Operation Procedures
  - Risk Assessment Handbook
  - Departmental Code of Conduct
  - Fraud Prevention Plan/Strategy
  - Fraud Implementation Plan
  - Fraud Prevention Policy
  - Whistle Blowing Policy
  - Strategic Plan
  - Annual Performance Plan
- Reports

## 6.3 Human Resource Management

- Human Resource Management Policies
- Organisational Development Efficiency Promotion
- Job Evaluation
- Job Profiles/Description

- Change Management/Organisational Culture and Values Interventions
- Departmental Form Design
- Staff Establishment
- Operation Management
- Personnel Provisioning, including advertisements, appointments, secondments and transfers
- Conditions of Service
- Termination of Service
- Performance Management
- Employment Relations/ Labour Relations
- Human Resources Development
- Employee Wellness Programme
- Occupational Health and Safety
- Employment Equity

#### 6.4 Financial Management

- Financial Planning and Management Accounting Policies
- Revenue management
- Cash flow information
- MTEF, AENE, and ENE allocations
- Expenditure Management
- In year Monitoring reports and budget and expenditure control reports

#### 6.5 Supply Chain Management

- Demand and Acquisition
- Tender Administration
- Logistics Management
- Asset Management

#### 6.6 Facilities Management

- Facilities Management Policies
- Office Accommodation
- Services

#### 6.7 Travel and Transport Management

- Travel and Transport Policies
- Travel Management

#### 6.8 Information Services

- Knowledge Management
- Records Management

- Information Management
- PAIA
- Library
- ICT Plans, Policies and Procedures

## 6.9 Communications

- Communications Policies
- Editorial and Publication Services
- Liaison and Support Services
- Branding
- Marketing
- Media releases, interviews, monitoring and reports
- Press clippings
- Speeches

## 6.10 International Coordination

- International Coordination Policy
- Oversees Trips, Conferences and Seminars
- International Agreements

## 6.11 Legal Services

- Mineral Resources and Energy Laws: Drafting and Amendments
- Litigation
- Appeals
- Legal Opinions and Interpretations
- Contracts and Memoranda of Understanding

## 6.12 Policy Development

- Electricity Policy
- Electricity Supply Policy
- Coal and Gas Policy
- Petroleum and Petroleum Infrastructure Policy
- Nuclear Policy

## 6.13 Integrated Energy Planning

- Energy Planning Policy
- Supply options Planning
- Infrastructure Development
- Market Sectors Demand Profiling
- Energy Information Management, Process Design and Publications
- Energy Economics
- Macroeconomic Analysis

#### 6.14 Nuclear Energy

- Nuclear Energy Policy
- Nuclear Safety, Liabilities and Emergency Management
- Nuclear Technology
- Nuclear Non-Proliferation
- Radiation Technology
- Nuclear Enforcement and Compliance
- Nuclear and Radiation Security

#### 6.15 Operations

- Hydrocarbons Operations including Petroleum Pricing
- Mining and Minerals Regulation and Licensing
- Mine Health and Safety investigations and Reports
- Petroleum Licensing
- Compliance, Monitoring and Enforcement of Mineral resources and Energy related legislation
- Integrated National Electrification Programme and Planning
- Clean Energy
- Designated National Authority
- New and Renewable Energy
- Energy Efficiency and Environment

### **7. VOLUNTARY DISCLOSURES AND INFORMATION AUTOMATICALLY AVAILABLE**

7.1 In terms of section 14(1)(e) of the Act, the Department has the following categories of the records that are automatically available for copying and inspection without a person having to request access in terms of PAIA:

- (a) Acts, Bills and Regulations published by the Department;
- (b) published policies and guidelines;
- (c) application forms;
- (d) contact directory;
- (e) e-publications
- (f) published booklets and brochures
- (g) published marketing material, including departmental marketing brochures
- (h) published newsletters
- (i) published posters and pamphlets
- (j) published reports
- (k) strategic plans;
- (l) annual performance plans;
- (m) annual reports;
- (n) budget speeches;



- (o) vacancy circulars;
- (p) collective bargaining agreements;
- (q) Research in the Public Domain

## 7.2 Available Free of charge in terms of Section 15(1) (a) (iii):

7.2.1 The Department's website at [www.dmre.gov.za](http://www.dmre.gov.za) contains most of the information indicated in paragraph 7.1 above, which is directly accessible from the internet. Please refer to and use the website before submitting requests as it would be an easier way of accessing departmental records. You may also contact the Department to determine if information requiring access is automatically available or if the access to information procedure should be followed to acquire access to such documents.

7.2.2 The other automatically available information that is not posted on the Department's website may be requested from the Department without submitting a request in terms of PAIA. No request form for access in terms of PAIA has to be completed for records automatically available in terms of this section. However a fee for copying may be levied, where applicable.

7.2.3 The records as listed below in respect of applications for rights pending or finalized in terms of the Mineral and Petroleum Resources Development Act 28 of 2002, as amended, will be made available voluntarily via the Regional Managers: Mineral Regulation. Contact details of the Regional Managers. Voluntary access to these records is limited to the extent that confidential information and **personal information** In respect of applicants for or holders of rights in terms of the Mineral and Petroleum Resources Development Act disclosed in such applications will not be made available without the prior consent of the applicant or holder concerned.

- The Completed Application Form for rights in terms of the Mineral and Petroleum Resources Development Act 28 of 2002
- The Plan as contemplated in Regulation 2(2)
- Title Deed(s) or certified copy/copies in respect of the land concerned
- Social and Labour Plan, excluding confidential commercial and financial information
- Proof of Consultation with Interested and Affected parties
- Proof of Consultation with other Government Departments, excluding the result of consultation, which may be obtained from the relevant Department
- Status of identified land
- Name of holders of prospecting, mining or other rights in terms of the Minerals and Petroleum Development Act 28 of 2002 in respect of specified land
- Details of existing rights within RSA;

- Executed prospecting and mining rights
- Prospecting and Mining Works Programmes, excluding proof of financial ability
- Environmental Management Programmes, Environmental Management Plans and Environmental Authorisations
- Financial Provision for Rehabilitation

#### 7.2.4 **Records of Registrations at the Mining Titles Registration Office**

Records of Registered Rights held by the Mining Titles Registration Office are available on request directly from the said office. These are public documents.

#### 7.2.5 **Records of Applications at the Office of the Controller of Petroleum Products**

The application forms for licences in terms of the Petroleum Products Act, 1977 (Act No. 120 of 1977) will be made available voluntarily and free of charge through the Regional Directors. Completed applications submitted by Applicants to the Controller are available for inspection at the Department's Regional Offices for the prescribed period during which objections may be lodged; however voluntary access to these records is limited to the extent that such records do not contain confidential information of third parties or Applicants for licences in terms of the Petroleum Products Act, 1977.

Any person requesting access to an application lodged with the Controller during the period allowed for inspection will be directed to the Regional Office to inspect the records. **No request for access in accordance with PAIA will be processed during this period. Please be advised that the Department will not be able to timeously facilitate access in terms of PAIA to records of applications for the purposes of objecting or otherwise making representations on pending applications. Access is already provided through the inspection of records at the Regional Offices.**

### **8. PROCEDURE FOR REQUESTING ACCESS TO RECORDS**

- 8.1 All requests for access to records in terms of PAIA must be submitted by completing **Form 2 in Annexure A** and forwarding it to the Chief Director: Legal Services by post, email or hand delivery as set out in paragraph 5.2 above. Any person requiring assistance with the completion of the Form 2, may contact the Chief Director: Legal Services telephonically on 012 4443814.
- 8.2 Unless the request is made by a personal requester or a person claiming an exemption, the request fee of R100.00 must be paid to the cashier at Head Office

or into the bank account of the Department and proof thereof must be submitted to the Department. To claim a fee exemption granted by the Minister in terms of section 22(8) of PAIA, please complete Part E of Form A.

8.3 The Department's banking details are as follows:

Bank: ABSA  
Branch Code: 632005  
Account Name: Department of Mineral Resources and Energy  
Account Number: 4061769154  
Reference Number: PAIA Surname and initials of the Requester

8.3 Once a complete request is received, the Chief Director: Legal Services will submit the request to the relevant Deputy Information Officer for decision within the prescribed time period. A decision shall be taken within 30 days of receipt of a complete request, however this period may be extended for a further period of 30 days by the Deputy Information Officer in certain circumstances.

8.4 If access is granted to records of the Department, the requester will be notified and required to pay the prescribed access fees as set out in **Annexure C** before access is granted. If access is requested in a particular form, then the requester shall, subject to section 28 of PAIA, be given access in that form unless doing so would interfere unreasonably with the effective administration of the Department, damage the record, or infringe the copyright not owned by the state or Department.

8.5 If the request has been refused, the requester will be notified thereof together with reasons for the decision.

## **9. RIGHT TO INTERNAL APPEAL OR APPLICATION TO COURT FOR RELIEF**

9.1 If a request for access to a record of the Department has been refused for whatever reason, the requester has a right to make an internal appeal to the relevant authority, who is Minister of Mineral Resources and Energy, by completing the form in **Annexure B** and submitting same to the Chief Director: Legal Services in a manner set out in paragraph 5.2. A third party may lodge an internal appeal with the relevant authority against a decision of the information officer to grant a request for access. The following are other grounds upon which a requester may lodge an internal appeal with the Minister of Energy, against a decision taken by the information officer:

- When the requester is not satisfied with the fees that are required to be paid in respect of the request.
- When the requester is not satisfied with the extension of the period to deal with request.
- If the form of access in which the records are provided are not in line with the particular form in which the requester preferred.

- 9.2 The internal appeal must be lodged within 60 days; or if notice to a third party is required by section 49(1)(b), within 30 days after notice is given to the third party of the decision appealed against. However the Minister of Mineral Resources and Energy may allow the late appeal upon good cause shown.
- 9.3 Where a requester has been unsuccessful in an internal appeal to the Minister of Mineral Resources and Energy, the requester may within 180 days lodge a complaint with the Information Regulator in accordance with Chapter 1A of PAIA as set out in paragraph 10 below, or apply to court in terms of section 78 of PAIA for appropriate relief.

## **10 COMPLAINTS TO THE INFORMATION REGULATOR**

- 10.1 A requester or third party may only submit a complaint to the Regulator in accordance with Chapter 1A of PAIA after that requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer.
- 10.2 A complaint to the Regulator must be made in writing and a complaint form must be completed, either manually or online. A complaint form can be downloaded from the Regulator's website AT [www.inforegulator.org.za](http://www.inforegulator.org.za)

## **11. ARRANGEMENTS FOR PUBLIC PARTICIPATION IN POLICY FORMULATION AS CONTEMPLATED IN SECTION 14(1)(b) OF PAIA**

- 11.1 The Department may, from time to time, solicit public comments on draft legislation, (Bills and Regulations) and other issues and the public are invited to provide their comments and input when these opportunities arise.
- 11.2 The Department is part of the executive arm of government. Although there may be no specific structures in place for public participation in policy formulation, members of the public can indirectly influence policy formulation by-
- (a) participating in national elections;
  - (b) communicating with their elected representatives;
  - (c) involving themselves in the legislative and other public participatory processes of South Africa Parliament and its committee;
  - (d) attending sessions of the Parliament; and
  - (e) the media accessing the Parliament and its committees.

**12. INFORMATION CONCERNING THE PROTECTION OF PERSONAL INFORMATION AS CONTEMPLATED IN SECTION 14(1)(c) OF PAIA**

12.1 The Department processes personal information of the data subjects identified in paragraph 12.2 for the purposes set out in paragraph 12.3.

**12.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto**

<b>Categories of Data Subjects</b>	<b>Personal Information that may be Processed</b>
Employees and applicants for employment	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives ( family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person, Employment history and references, Banking and financial details, Details of payments to third parties (deductions from salary), employment contracts, medical aid records, Pension Fund records, remuneration/salary records, performance appraisals, Disciplinary records, Leave records, Training records, and vehicle type and registration number
Bidders, Vendors, Suppliers and Service Providers	Identity and/or company information and directors' information, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; online identifiers, financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, information related to tax status and broad-based black economic empowerment status, age, race, gender, disability, ethnic origin, colour, marital status, language, education, CVs, and other information not specified but reasonably required to be processed for business operations

<b>Categories of Data Subjects</b>	<b>Personal Information that may be Processed</b>
Persons making application in terms of the PAIA and PoPIA	Identity and/or company information and directors' information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); and registration number
Persons making application in terms Mineral Resources and Energy Related legislation including information and data collected from such persons in terms of such legislation administered by the Department.	Identity and/or company information and directors' information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, broad-based black economic empowerment and Charter information, and other information not specified but reasonably required to be processed in terms of Mineral Resources and Energy Related legislation
Applicants for and Holders of nuclear authorisations, permits or other approvals under the Nuclear Energy Act 46 of 1999 and recommendations on patents in terms of this Act	Identity and/or company information and directors' information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, reasonably required to be processed in terms of Nuclear Related legislation and International Obligations
Mineral and Petroleum Titles Registration Holders	Identity and/or company information and directors' information, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; Banking and financial information, Information about products or services, information related to tax status and broad-based black economic empowerment status, employment history, race, age, information in CV and other information not specified but reasonably required to be processed for registration of Mineral and Petroleum Titles
The holder of a mining right or mining permit, or the manager of any mineral processing plant operating	Identity number and/or company information, names and signature of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; race, gender, online identifier, mining activities and

Categories of Data Subjects	Personal Information that may be Processed
separately from a mine	financial records in connection of such activities

**12.3 Purposes of processing information and the recipients or categories of recipients to whom the personal information may be supplied**

- (a) For employees and applicants for employment:
- (i) Verification and evaluation of applicant’s information during recruitment process including considerations of employment equity.
  - (ii) Verification of employee’s doing business with the State.
  - (iii) General matters relating to employees such as:
    - General benefits
    - Pension
    - Medical aid
    - Payroll
    - Disciplinary action
    - Grievances
    - Leave management
    - Performance management
    - Training and bursaries
    - Travel and Subsistence Claims
    - Security Clearance.
  - (iv) Provision of work tools and state assets (including telephone lines, cellular phones, printers, computers and laptops) as well as to allow access to online Departmental electronic systems.
  - (v) Approval of Remunerative work outside the Public Service.
  - (vi) Disclosure of Designated Employees Interests in terms of regulation 18 of the Public Service Regulations, 2016 as amended
  - (vii) Declaration of gifts and hospitality
  - (viii) Any other reasonably required purpose relating to the employment or possible employment relationship.

Category of personal information	Recipients or Categories of Recipients
Identity number and names, marital status for criminal checks and pension administration	South African Police Services, State Security Agency and Government Employee’s Pension Fund
Qualifications, for qualification verifications and audits	South African Qualifications Authority or verification bodies

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients</b>
Credit and payment history, for credit information	Credit Bureaus and other verification bodies, SARS

(b) For Bidders, Vendors, Suppliers and Service Providers:

- (i) Verifying information and performing reference and other prescribed checks.
- (ii) Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties.
- (iii) Payment of invoices.
- (iv) Complying with the Department's regulatory and other obligations.
- (v) Any other reasonably required purpose relating to the Department's business.

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients</b>
Identity and/or company information and directors' information, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, information related to tax status and broad-based black economic empowerment status, and other information not specified but reasonably required to be processed for business operations	<p>The Department may supply the personal information of the data subject to the employees of the Department, as part of carrying out its responsibilities in relation to the procurement processes and the provision of procured services and to the Auditor-General in relation to audit and oversight.</p> <p>South African Revenue Services and National Treasury</p> <p>Competition Commission in the event of any restrictive bidding practices</p> <p>Information is captured on Central Supplier Database, LOGIS, BAS</p>



(c) For persons making application in terms of the PAIA and PoPIA

Information will be used for processing such requests in accordance with the relevant Act. Third Parties will be notified as required under PAIA and PoPIA; and for reporting and responding to the Information Regulator in accordance with these Acts.

(d) Persons making application in terms of Mineral Resources and Energy Related legislation, including information and data collected from such persons in terms of such legislation administered by the Department

- (i) Verifying and evaluating information to fulfil its statutory obligations under the relevant legislation.
- (ii) Allowing interested and affected parties to access information of applicants for the purposes of objecting or making representations.
- (iii) Complying with the Department’s regulatory and other obligations.
- (iv) Monitoring and enforcing legislation as per statutory obligations.
- (v) Monitoring and enforcing conditions imposed.
- (vi) Any other reasonably required purpose relating to the Department’s business.

Category of personal information	Recipients or Categories of Recipients
Identity and/or company information and directors’ information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets, Banking and financial information, Information about products or services, broad-based black economic empowerment and Charter information, and other information not specified but reasonably required to be processed in terms of Mineral	The Department may supply the personal information of the data subject to the employees of the Department, to fulfil its responsibilities as required under the applicable legislation. Information is captured on the following systems SAMRAD and PPALS systems.

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients</b>
Resources and Energy Related legislation	
Identity and/or company information and directors' information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number;	South African Police Services in the event of non-compliance and statutory offences
Broad-based black economic empowerment and Charter information	Verification bodies and Service Providers for purposes of audits
Financial and tax information	South African Revenue Services

- (e) Persons making application for and Holders of nuclear authorisations, permits or other approvals under the Nuclear Energy Act 46 of 1999 and recommendations on patents in terms of this Act
- (i) Verifying and evaluating information to fulfil its statutory obligations under the relevant legislation, including International Obligations
  - (ii) Complying with the Department's regulatory and other obligations.
  - (iii) Monitoring and enforcing legislation as per statutory obligations.
  - (iv) Monitoring and enforcing conditions imposed.
  - (v) Any other reasonably required purpose relating to the Department's business.

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients</b>
Identity and/or company information and directors' information, shareholders, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets,	The Department may supply the personal information of the data subject to the employees of the Department, to fulfil its responsibilities as required under the applicable legislation including the South African Council for the Nonproliferation of Weapons of Mass Destruction and the Registrar of Patents Auditor-General, Verification bodies and Service Providers for purposes of inspections and audits

Category of personal information	Recipients or Categories of Recipients
Banking and financial information, Information about products or services, reasonably required to be processed in terms of Nuclear Related legislation and International Obligations	International Bodies including the International Atomic Energy Agency (IAEA) in accordance with International Obligations under International Law.  South African Police Services in the event of non-compliance and statutory offences

(f) Mineral and Petroleum Titles Registration Holders

- (i) For the Registration of Rights, Permits and Deeds of Transfer, Cession, Renewal, Mortgage Bonds; and Amendments and Variations in terms of the Mining Titles Registration Act, 1967 (Act No. 16 of 1967) read with the Mining Titles Registration Regulations, 2004, as amended.
- (ii) Records of Registered Rights held by the Mining Titles Registration Office are available on request directly from the said office. These are public documents.

Category of personal information	Recipients or Categories of Recipients
Identity and/or company information and directors' information, names of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; Banking and financial information, Information about products or services, information related to tax status and broad-based black economic empowerment status, employment history, race, age, information in CV and other information not specified but reasonably required to be	Members of the Public may access information in terms of Chapter VII of the Mining Titles Registration Act, 1967. Persons who have received the necessary permission to access the office, may inspect such records, registers, diagrams, plans or other documents as the Director-General may approve on supervision of a responsible officer

Category of personal information	Recipients or Categories of Recipients
processed for registration of Mineral and Petroleum Titles	

(g) The holder of a mining right or mining permit, or the manager of any mineral processing plant operating separately from a mine

- (i) In terms of section 28 of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA), the holder of a mining right or mining permit, or the manager of any mineral processing plant operating separately from a mine, must submit to the Director-General-
- (a) prescribed monthly returns with accurate and correct information and data; and
  - (b) an audited annual financial report or financial statements reflecting the balance sheet and profit and loss account;
  - (c) an annual report detailing the extent of the holder's compliance with the provisions of section 2 (d) and (f), the charter contemplated in section 100 and the social and labour plan

Category of personal information	Recipients or Categories of Recipients
Identity number and/or company information, names and signature of contact persons; physical and postal address; contact details (contact number(s), fax number, email address); registration number; race, gender, online identifier, mining activities and financial records in connection of such activities	Information is captured in the SAMINDEX system. <b>Section 30 of the MPRDA deals with the disclosure of information</b> (1) Subject to subsection (2), any information or data submitted in terms of section 21, 28 or 29 may be disclosed to any person- <ul style="list-style-type: none"> <li>(a) in order to achieve any object referred to in section 2 (c), (d) or (e);</li> <li>(b) in order to give effect to the right of access to information contemplated in section 32 of the Constitution;</li> <li>(c) if such information or data is already publicly available; or</li> <li>(d) if the relevant right, permit or permission has lapsed or been</li> </ul>

Category of personal information	Recipients or Categories of Recipients
	<p>cancelled, or the area to which such right or permission relates has been abandoned or relinquished.</p> <p>(2) No information or data may be disclosed to any person if it contains information or data supplied in confidence by the supplier of the information or data.</p> <p>(3) Any person submitting information or data in terms of section 28 or 29 must inform the Regional Manager concerned and indicate which information and data must be treated as confidential and may not be disclosed.</p> <p>(4) Neither the State nor any of its employees- is liable for the <i>bona fide</i> or inadvertent release of information or data submitted in terms of this Act; and guarantees the accuracy or completeness of any such information or data or interpretation thereof.</p> <p>(5) Any data, information or reports lodged with the Council for Geoscience in terms of section 21 must be kept confidential until such time as the right, permit or permission has lapsed or is cancelled, or terminated, or the area to which such right, permit or permission relates has been abandoned or relinquished.</p>

**12.4 Recipients or categories of recipients to whom the personal information may also be supplied**

The Department may also supply the personal information of data subjects to -

- (a) any person entitled to access in terms of legislation;
- (b) any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction;
- (c) law enforcement agencies, such as the National Prosecuting Authority or
- (d) South African Police Service, for criminal investigation; and
- (e) to Courts, in respect of any matter taken on judicial review.

## Electronic systems on which personal information is captured:

1.	<i>Samrad System</i>	Mining Rights/Permits Information
2.	<i>PPALS System</i>	Petroleum Licenses Information
3.	<i>Samrass System</i>	Accidents Information
4.	<i>Exam System</i>	Exam Information
5.	<i>Samindex System</i>	Mines Information

### 12.5 Planned transborder flows of personal information

The Department does not envisage the transborder flow of personal information except if such information is necessary for purposes of fulfilling international obligations. In such event, the Department shall ensure that-

- (a) the recipient country can offer a reasonable level of protection which is substantially similar to the POPIA; or
- (b) the data subject consents to the transfer of their personal information.

### 12.6 Information Security Measures

The Department shall put in place security protocols to safeguard personal information from being accessed unlawfully and the following mechanisms will be enhanced-

- (a) ensuring that the correct classification of information is captured as employee data will need to be classified as 'personal information' or 'special personal information';
- (b) ensuring that security protocols are enhanced to guard against unauthorised access to information by implementing computer and network security measures such as passwords, implementing firewalls, install antivirus protection, ensuring data protection through data encryption and redaction of personal information, securing laptops and computers through passwords or biometric and securing the Virtual Private Network (VPN);
- (c) protocols on notifying employees or other persons when their personal information is compromised or when there is a privacy breach will be institutionalized; and
- (d) ensuring that stricter security protocols are adopted to restrict access by third parties the office environment, computer network, system, application software, data or another resource.

### **13. SERVICES PROVIDED BY THE DEPARTMENT**

- 13.1 The Department's mission is to regulate, transform and promote the minerals and energy sectors, providing sustainable and affordable energy for growth and development, and ensuring that all South Africans derive sustainable benefit from the country's mineral wealth.
- 13.2 All Legislation and policy is published on the Department's website at [www.dmre.gov.za](http://www.dmre.gov.za)
- 13.3 The Department provides updated fuel prices on a monthly basis and periodically provides statistical information and reports on the same website.
- 13.4 The administration and co-ordination of Government Certificates of Competence within the Mine Health and Safety Inspectorate is set under the auspices of the Commission of Examiners. It forms a formal part of an educational qualification and is open to any acceptable candidate. To access these services use the link below:  
[GCC Examinations | Department of Mineral Resources \(dmre.gov.za\)](http://GCC Examinations | Department of Mineral Resources (dmre.gov.za))
- 13.5 For all mineral and petroleum licensing services, please contact the relevant regional office. Their full details are available on the website.

### **14 UPDATING AND AVAILABILITY OF THIS MANUAL AS CONTEMPLATED IN SECTION 14(2) OF THE ACT.**

Section 14(2) of the Act determines that this Manual must, if necessary, be updated and published at intervals of not more than one year.

The Manual shall be published on the Department's official website, [www.dmre.gov.za](http://www.dmre.gov.za) and shall be available at the Department's Head Office and Regional Offices. We will endeavor to translate the Manual in all official languages.

The request form and appeal forms at Annexures A and B are available in all official languages from the Information Regulator. The contact details for the Information Regulator are set out in paragraph 3 above.

**ANNEXURE A**

***Request Form 2  
(attached)***



**ANNEXURE B**

***NOTICE OF INTERNAL APPEAL***  
***(attached)***

## ANNEXURE C

### Fees in respect of public bodies

Item	Description	Amount
1	The request fee payable by every requester	R100.00
2	Photocopy of A4-size page	R1.50 per page or part thereof.
3	Printed copy of A4-size page	R1.50 per page or part thereof.
4	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requestor) (ii) Compact disc	R40.00
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
5	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6	Copy of visual images	
7	Transcription of an audio record, per A4-size page	R24.00
8	Copy of an audio record on:	
	(i) Flash drive (to be provided by requestor) (ii) Compact disc	R40.00
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
9	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R100.00
	To not exceed a total cost of	R300.00
10	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11	Postage, e-mail or any other electronic transfer	Actual expense, if any.