

Dube TradePort Corporation

A Schedule 3C Provincial Public Entity in terms of
the PFMA

PAIA Manual

As required by Section 14 of the Promotion of
Access to Information Act, 2 of 2000 (as
amended)

DUBE TRADEPORT CORPORATION - PAIA MANUAL

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1. DEFINITIONS, ACRONYMS AND ABBREVIATIONS

For the purpose of this Manual, unless the context otherwise indicates:

“Access fee” means a fee prescribed for the purpose of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure;

“CEO” means the Chief Executive Officer

“Constitution” means the Constitution of the Republic of South Africa, 1996

“Deputy Information Officer” means the DIO, delegated by the Information Officer to fulfil responsibilities in terms of PAIA;

“DTPC” means the Dube TradePort Corporation;

“Information Officer” means the Chief Executive Officer, or equivalent officer, or the person who is acting as such and will be referred to as the CIO;

“PAIA” means the Promotion of Access to Information Act, 2000 (Act no 2, of 2000) as amended;

“PFMA” means the Public Finance Management Act No.1 of 1999 as Amended;

“POPIA” means the Protection of Personal Information Act No.4 of 2013;

“Personal requester” means a requester seeking access to record containing personal information about the requester;

“Public Body” means

- a) Any department of State or administration in the national or provincial sphere of government or any municipality in the local sphere; or
- b) Any other functionary or institution when-
 - (i) Exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) Exercising a public power or performing a public function in terms of any other legislation.

“Regulator” means the Information Regulator

“Record” means any recorded information, regardless of form or medium which is in the possession or under the control of Dube TradePort Corporation, irrespective of whether it was created by Dube TradePort or not;

“Request” means request for access to a record of Dube TradePort Corporation.

“Requester” means any person (other than certain public bodies or an official thereof) making a request for access to a record of Dube TradePort Corporation and includes any person acting on behalf of that person or requester.

“SAHRC” means the South African Human Rights Commission.

“Third Party” refers to a record by any person, not limited to government of a foreign State, an international organisation or an organ of that government, other than the requester concerned and a public body.

2. PURPOSE OF PAIA MANUAL

The Promotion of Access to Information Act (PAIA) requires that a PAIA manual is published that provides details of records held by such public body so that requests for information may be accommodated.

The PAIA gives effect to the provisions of Section 32 of the Constitution, which provides that every person has the right of access to information held by the State or held by another person that is required for the exercise and or protection of any right.

The objectives of the PAIA are to promote transparency, accountability and effective governance within all public and private bodies. This in turn, empowers and educates people to understand their rights, in terms of PAIA, which they may exercise and protect.

This PAIA Manual is useful for the public to:

- 2.1 Check the nature of the records which may already be available at DTPC without the need for submitting a formal PAIA request;
- 2.2 Have an understanding of how to make a request for access to a record of DTPC;
- 2.3 Access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4 Know all the remedies available from DTPC regarding request for access to the records, before approaching the Regulator or the Courts;
- 2.5 Have a description of the services available to members of the public from DTPC, and how to gain access to those services;
- 2.6 Have a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 The purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 Know if DTPC has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9 To know whether DTPC has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. MANDATE OF DTPC

For more detailed information relating to DTPC's strategic goals, refer to the DTPC Strategic Plan available on the website (<https://www.dubetradeport.co.za/>).

Overview Summary

DTPC is a Schedule 3C Provincial Public Entity established by the KwaZulu-Natal government for the development of the Dube TradePort. DTPC was formed under the Department of Economic Development, Tourism and Environmental Affairs (EDTEA) as its mandate speaks primarily to facilitating economic growth and attracting long-term investment to the Province. The entity is the operator of the Dube TradePort Special Economic Zone (SEZ) and is responsible for the Provinces' largest infrastructural development Dube TradePort.

Legislative Mandates

KwaZulu-Natal Dube TradePort Corporation Act no 2 of 2010.

DTPC's legislative mandate is set out in the KwaZulu-Natal Dube TradePort Corporation Act no 2 of 2010. This enabling legislation, defines the objectives of DTPC as:

- To develop the Dube TradePort;
- To undertake or invest in projects associated with the Dube TradePort;
- To facilitate economic growth in the Province through the Dube Tradeport;
- To attract long term investment in the Province;
- To facilitate export and import through the Dube TradePort; and
- Through the Board, to perform the following powers, duties and functions:
 - Ensure the strategic planning, establishment, design, construction and operation, management and control of the Dube TradePort;
 - Implement and give effect to the Master Plan for the economic growth of the Dube TradePort region and the Province
 - Manage and utilize its resources in accordance with its objective and the requirements of the Master Plan;
 - Identify, develop, market and promote investment opportunities in the Dube TradePort; and
 - Develop an investment plan for Dube TradePort.

Special Economic Zone Act no 16 of 2014

In July 2014, DTPC was granted an operator license for the DTPC Industrial Development Zone (IDZ). In February 2016, when the SEZ regulations were adopted, bringing the Special Economic Zones Act no 16 of 2014 into operation, DTPC transitioned into an SEZ and, in December 2016, was formally gazetted as such.

Strategic Focus

Vision

To be the leading global innovative manufacturing and air logistics platform in Southern Africa with seamless connectivity in a smart city environment.

Mission

To stimulate inclusive and economic growth through:

- Enabling the development of an aerotropolis by providing leading edge spatial planning and infrastructure;
- Attracting and sustaining investment through the creation and operation of a Special Economic Zone and related commercial zones; and
- Growing business and trade through enhanced logistics and new regional and international air services connectivity.

Values

In executing its business activities, DTPC is committed to adhering to a clear set of values:

Core values / principles

Professional excellence	Being passionate about value-adding professionalism, always acting with integrity in an ethical manner.
Ubuntu	Creating open, honest relationships, built on trust, mutual respect, unity, dignity, fairness and embracing diversity.
Empowerment	Actively pursuing economic and social transformation and the developmental agenda of stakeholders.
Innovation and creativity	Succeeding through innovative, creative and adaptable teams
Service excellence	Providing unsurpassed service excellence to our clients and stakeholders

4. STRUCTURE OF DTPC

DTPC is currently headed by a Chief Executive Officer, supported by an Executive Team responsible for the respective programmes.

Organizational Diagram 1

CORPORATION STRUCTURE

Accounting Authority and Executive Management



Programme 1 Administration	Programme 2 Cargo	Programme 3 Property and SEZ Administration	Programme 4 Dube AgriZone	Programme 5 Dube iConnect	Programme 6 Development Planning and Infrastructure
Executive Hamish Erskine CEO	Executive Mlibo Bantwini	Acting Executive Andile Mnguni	Executive Mlibo Bantwini	Executive Mlibo Bantwini	Executive Owen Mungwe



5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION FROM DTPC (SECTION 14(A) (B))

In terms of the PAIA, the Chief Executive Officer (CEO) of a public body is automatically designated as Chief Information Officer (CIO). The CIO's functions are to provide strategic direction to DTPC and ensure the delivery of key development initiatives in accordance with the DTPC mandate in an accountable, professional and efficient manner.

General enquiries and requests should be directed to: PAIAandPOPIA@dubetradeport.co.za

5.1. Chief Information Officer

DTPC's CIO's contact details are as follows:

5.1.1. Chief Executive Officer

Mr. Hamish Erskine Email Address: hamish.erskine@dubetradeport.co.za

5.2. Deputy Information Officers

Requesters are required to address all requests to the Deputy Information Officers (DIOs). The DIO's functions are to co-ordinate all matters relating to transparency, legislation and to process requests in terms of PAIA.

Contact details listed below:

5.2.1. Corporate Services Executive

Ms. N Ali Email Address: Nolufefe.Ali@dubetradeport.co.za

OR

5.2.2. Information Manager

Ms. T Wingfield Email Address: Tanya.wingfield@dubetradeport.co.za

5.3. DTPC Head Office

Postal Address:

PO Box 57757
King Shaka Airport
4407

Street Address:

29° South
7 Umsinsi Junction
La Mercy
Kwazulu-Natal
4399

Phone:

+27 32 814 0000

Fax:

+27 32 814 0100

Website: www.dubetradeport.co.za

6. CHALLENGING A DECISION AND AVAILABLE REMEDIES

A requester (or a third party, if applicable) may amongst others, challenge the decision of the CIO for the following reasons:

- The tender or payment of a request fee;

- The tender or payment of a deposit;
- The access fee to be paid is too excessive;
- The form of access granted;
- The refusal of the request;
- Inappropriate time extension taken to respond to a request for access;
- Failure to disclose records;
- The granting of a request for access to a record;
- Refusal to grant request to waive fees.

Remedies available are as follows:

6.1. Internal Appeal

This is not applicable as the definition of a Public Body within PAIA excludes DTPC from this category.

6.2. Process for complaining to the Information Regulator

- 6.2.1. A complaint to the Regulator must be lodged within 180 days of receipt of the decision from DTPC.
- 6.2.2. A requestor may lodge a complaint with the Regulator if dissatisfied with the decision of the CIO in the following instances:
- Refuse a request for access; or
 - Extend the period to deal with the request; or
 - Grant access in a particular form.
- 6.2.3. A third party may lodge a complaint with the Regulator if dissatisfied with a decision of the CIO to grant a request for access.

Complaints to the Regulator must be made in writing and a complaint form must be completed (either manually or online). A Complaint form, Form 5, can be downloaded from the Regulator's website (<https://www.justice.gov.za/inforeg/>).

6.3. Process for approaching the Court

- 6.3.1. An application to the Court must be lodged within 180 days of receipt of the decision from DTPC or from the Regulator
- 6.3.2. A requester or third party may only apply to court for appropriate relief if not satisfied with the decision of a CIO in the following instances:
- Refuse a request for access;
 - Fees payable
 - Extend the period to deal with the request; or
 - Grant access in a particular form.

7. HOW TO OBTAIN ACCESS TO THE PAIA GUIDE

The PAIA guide will be available on the Information Regulator's website (<https://www.justice.gov.za/inforeg/>). Should you have any queries in this regard please contact the Information Regulator directly at:

The Information Regulator

Physical Address:

Postal Address:

JD House
27 Stiemans Street
Braamfontein
Johannesburg
2001

PO Box 31553
Braamfontein
Johannesburg
2017

Email: PAIACompliance@inforegulator.org.za

The guide is also available from DTPC. Please direct any enquiries to the Deputy Information Officer at the address above.

8. CATEGORIES OF RECORDS HELD BY DTPC

This section of the manual serves as a reference to the records that DTPC holds in order to facilitate a request in terms of PAIA. However, note that the mere fact that a category or subject matter is listed in this manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated, on a case-by-case basis, in accordance with the provisions of PAIA.

The categories of records generated at DTPC are classified in the manner listed below:

- According to the file plan for correspondence, files on strategic support, core functions and operational processes; and
- The Records Control Schedule for other records.

Division	Summary of the Categories of Records
Administration	Annual Reports Performance and Strategic Plans Policies Operational Plans Macro-Economic Impact Assessments Accounting records Asset Management records Budgeting and Reporting records Supply Chain Management records Contract records Health and Safety records CSI records Information Management records Fleet and Travel records Marketing and Communication Records Human Resources records Wellness Records Risk Management records Legal Records ICTG records

Cargo Development and Operations Records	<ul style="list-style-type: none"> Safety and security records Operational records Maintenance records Transport and Logistics records
Property Commercial	<ul style="list-style-type: none"> Facilities management records Lease administration records Rental records Property development records Land Portfolio records
Assets and Operations Records	<ul style="list-style-type: none"> Security records Asset Management records Facilities, Engineering and Maintenance records
AgriZone	<ul style="list-style-type: none"> AgriZone service records Operational records Sustainable farm initiatives Training Programmes Water Management records Landscaping and rehabilitation records Maintenance and Technical records AgriLab records Research and Development records Laboratory records
Dube iConnect	<ul style="list-style-type: none"> Operational support records Sales and Product development records Project Management Records Billing and Proposal records
Development Planning and Infrastructure	<ul style="list-style-type: none"> Acquisition of Land records – title deeds and agreements Plans, Studies and Reports Environmental management records Planning records Technical records GIS records Project Files Construction and construction quality records Engineering Plans and Drawings
Investments	<ul style="list-style-type: none"> Investment promotion and attraction records One-stop shop records Sector Analysis records Programme Management records

	Research records
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9. RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS, IN TERMS OF SECTION 15(2) OF THE ACT

Certain records may be accessed directly from DTPC's official website at: <https://www.dubetradeport.co.za/> and you are encouraged to consider this route before submitting a request.

It is also not a requirement that the request fees be paid, however prescribed access and reproduction fees may still apply.

Category of Records	Details
Marketing Material	News articles Brochures Press Releases Photographs
Corporate Documents	Annual Reports Strategic Plans Annual Performance Plans BBBEE Certificate PAIA Manual Terms of Reference for various Committees
Tenders	Supply Chain Management Policy Internal Appeals Procedure – RFP Government Procurement - General Conditions of Contract Adverts Awards and Cancellations List of Tenders Received POPIA Data Transfer Agreement
Vacancies	Job Specifications/ Job Adverts

10. PROCEDURE FOR REQUESTING ACCESS TO RECORDS HELD BY DTPC

10.1. Background information incorporating POPIA requirements

Section 18 of PAIA prescribes the procedure to be followed to make a request for access to information held by DTPC. Section 23(1) of POPIA also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA.

A requestor is any person making a request for access to a record of DTPC and in this regard PAIA distinguishes between two types of requesters for access to information i.e. **Personal requestor** (data subject) and **Other requestor**.

- A **Personal Requester** is a data subject who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of PAIA and POPIA, DTPC will provide the requested information, or give access to any record with regards to the data subject's personal information within a reasonable time, (at a prescribed fee, if any) and in a reasonable manner and format and in a form that is generally understandable. The prescribed fee for reproduction of the personal information requested will be charged by DTPC.
- A person falling in the category of **Other Requestor** is entitled to request access to information pertaining to third parties. However, DTPC is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.

10.2. Initiating a PAIA Request

The regulations and Section 18 of the Act require the requester to furnish the following information:

- Particulars of the person requesting access to the records;
- The form or manner of access sought as prescribed by section 29;
- The particulars of the record which access is requested;
- Contact information of the requester (postal address/fax number/email address);
- Language specifications for the requested record;
- If the requester is asking for information on behalf of someone else, the capacity in which the request is being made should be indicated;
- Should the requester wish to be notified of the decision in any way, in addition to a written notification, for example by telephone, this must be indicated; and
- An indication as to how the requester wishes to be notified of the decision regarding the request for access to the record(s) concerned.

Requesters who cannot read or write may make oral requests to the DIO who must fill in the request form for the requester and furnish the requester with a copy.

DTPC will endeavour to give access in the form requested unless this would interfere with the smooth operations of DTPC. DTPC will also give consideration to the preservation of records and the infringement of copyright when processing is required. Access fees will be calculated according to the manner in which the requester originally asked for the record.

The requester must pay the prescribed fee before any processing may take place.

10.3. PAIA Request Application Steps

The following steps are to be followed when making an application for access to a record:

STEP 1: THE REQUEST

Should a person require access to information held by DTPC, the request form (Form 2) must be completed and submitted to the CIO (details may be obtained from DTPC's PAIA Manual). The requester must also indicate if he/she wants a copy of the record or if he/she wants to inspect the record at DTPC's premises.

The DIO must assist the requester with the request for access to ensure that the request complies with the requirements of the Act. The DIO may not refuse the request if it is not fully or correctly completed. The DIO will notify the requester by means of a Notice of Procedural Deficiency of his or her intention to refuse the request. In such an event, the requester may then provide more detailed information regarding to the request.

As required by the Act, a request fee must accompany the request for information if it is not from a personal requester or an exempted party.

STEP 2: VALIDATION AND ACKNOWLEDGEMENT

The DIO receives and validates the request to ensure that the required information is available within DTPC. The request is then accepted, rejected or transferred to the relevant division for the required information. A request for access will be granted unless it may be deferred or may be refused on the basis of the grounds for refusal, mentioned in Chapter 4 of Part 2 of the Act.

A notification will also be issued to inform the requester of an access fee (if payable); the status of the request; and issue the requester with a request number (Form 3).

STEP 3: INFORMATION PROCESSING

If the request is granted, DTPC will gather and prepare the information and calculate the relevant costs involved.

STEP 4: FINAL NOTIFICATION

The requester will be informed of the completion of the request as well as the outstanding fees payable to DTPC.

STEP 5: PAYMENT AND DELIVERY

Once the payment (as stipulated in Step 4) has been received (including payment process in Step 1), the information will be released to the requester.

10.4. Request Considerations

GROUNDINGS FOR REFUSAL

The grounds of refusal are outlined in Part 2 of Chapter 4 and include mandatory protection of:

- Privacy of third party who is a natural person;
- Certain records of South African Revenue Service;
- Commercial information of a third party;
- Certain confidential information and other protection of certain other information, of third party;
- Safety of individuals, and protection of property;
- Records privileged from production in legal proceedings;
- Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- Research information of third a party, and protection of research information of a public body; or
- Certain information regarding the operations of public bodies; and
- Requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.

MANDATORY DISCLOSURE IN THE INTERESTS OF THE PUBLIC

Despite any other provision in PAIA, the CIO must grant a request for access to a record of DTPC if:

The disclosure of the record would reveal evidence of:

- A substantial contravention of, or failure to comply with the law; or
- An imminent and serious public safety or environmental risk; and
- The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

10.5. Time Period for dealing with Requests

DTPC will be entitled to 30 days to make a decision on a request.

DTPC will notify the requester should an extension be sought, the reasons for such an extension as described in section 26(1) of the PAIA.

11. PRESCRIBED FEES

The prescribed fees are set out in Annexure B of the PAIA Regulations.

DTPC's Bank Account Details:

Bank: ABSA
Account Type: Current Account Public Sector
Account Number: 4056873817
Branch Code: 632005
Reference: PAIA Surname (of Requester)

The proof of the payment must be sent to the DIO before any request can be processed and also appear in DTPC's bank statement (contact details within DTPC manual). The proof of payment must accompany the request form.

12. PROCESSING OF PERSONAL INFORMATION

12.1. Purpose of Processing Personal Information by DTPC

DTPC processes personal information of data subjects under its care through fulfilling or executing its statutory obligations under KwaZulu–Natal Dube TradePort Corporation Act no 2 of 2010 and Special Economic Zones Act no 16 of 2014, and by complying with other relevant legislation such as the Public Finance Management Act 1 of 1999, National Treasury Regulations, Labour Relations Act 66 of 1995 and Basic Conditions of Employment Act 75 of 1997, to name a few. The full category of applicable legislation applicable to Dube TradePort is documented within the a legal library table.

12.2. Categories of Data Subjects and their Personal Information

Categories of Data Personal Information that may be processed Subjects	
Natural Persons	Name and Surname, contact details, residential, postal, or business address, unique identifier/Identity number and confidential correspondence etc.

Juristic Persons	Names of contact persons, Name of Legal entity, Physical and Postal Address, Contact details, Registration numbers, Account numbers etc.
Consultants	Name of contact person, name of entity, Physical and Postal address, and contact details, Registration number
Proposed and Contracted service providers	Names of contact persons, name of entity, name of directors and shareholders, physical and postal address and contact details, financial information, registration number, founding documents, tax related information, authorized signatories, broad – based black economic empowerment (B-BBEE) status, affiliated entities, business strategies etc.
Employees/Committee members	Gender, pregnancy, marital status, race, age, language, education information (qualifications), financial information, employment history, ID numbers, physical address, postal address, contact details, criminal record, wellbeing and family members, medical, nationality, ethnic or social origin, physical or mental health, disability, biometric information, professional affiliation and references etc.

12.3. Recipients or categories or recipients to whom the personal information may be supplied

12.3.1. DTPC may supply the personal information of Data Subjects to the employees of DTPC, as part of executing its statutory mandate.

12.3.2. DTPC may supply the personal information of Data Subjects to the services providers who render services to DTPC.

12.4. Planned trans-border flows of personal information

DTPC does not have planned trans-border flows of personal information.

DTPC has sought an exemption for the Dube iConnect storage services from the Information Regulator.

12.5. General Description of Information Security Services

DTPC has an ICT department, which has a number of Policies and measures in place to secure DTPC's information.

13. AVAILABILITY OF THE MANUAL (SECTION 14(3))

13.1. This manual will be made available in three official languages.

13.2. The Manual is available from the following places:

DTPC Head Office (during office hours 08:00 – 16:30)

29°South

7 Umsinsi Junction

La Mercy

KwaZulu-Natal, 4399

- DTPC website at www.dubetradeport.co.za; and
- To the Information Regulator upon request.

13.3. A fee for a copy of the manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4 size photocopy made.

14. UPDATING THE MANUAL (SECTION 14 (2))

DTPC will, if necessary, update and publish this Manual annually.

15. ANNEXURES

[Form 1 – Request for a Copy of the Guide from an Information Officer](#)

[Form 2 – Request for Access to a Record](#)

[Form 3 – Outcome of Request and of Fees Payable](#)

[Form 4 – Internal Appeal Form](#)