

GAUTENG FILM COMMISSION

PROMOTION OF ACCESS TO INFORMATION ACT



TABLE OF CONTENTS

1. Introduction
2. Gauteng Film Commission
2.1 <i>Our Vision</i>
2.2 <i>Our Mission</i>
2.3 <i>Our Core Function</i>
2.4 <i>Our Guiding Values</i>
3. Structure Of Gfc
4. Contact Details Of Information Officer
5. Guidelines of The South African Human Rights Commission on how to use the Act
6. Gfc Records
6.1 <i>Description Of Subjects On Which Gfc Holds Records And Categories Of Records Held On Each Subject</i>
6.2 <i>Records Automatically Available</i>
6.3 <i>Request Procedure</i>
7. Remedies Available In Respect Of Acts Or Failures To Act
8. Prescribed Fees For Public Bodies



I. INTRODUCTION

In accordance with Sections 14 and 51 of Act No 2 of 2000, Promotion of Access to Information, the Gauteng Film Commission (GFC) has prepared the following Access to Information manual. The GFC commits

to reporting and disclosure procedures that are relevant, clear and transparent and regards the publication of this manual as proof of its commitment to managing and sharing information under its control.

2. GAUTENG FILM COMMISSION

The GFC is an agency of the Gauteng Provincial Government tasked with the development and promotion of the audiovisual industries in Gauteng. GFC reports to the Gauteng Department of Economic Development (previously known as the Department of Finance and Economic Affairs) under the political leadership of the Member of the Executive Council (MEC) Mr. Paul Mashatile.

- Working with, and providing advice to industry, government agencies and other key stakeholders about the support, development and growth of a sustainable audiovisual industry;
- Promoting and celebrating an active screen culture across the Province;
- Supporting the transformation of the sector into a world-class industry and that is reflective of South Africa in its entirety.

2.1 Our Vision

To cultivate an environment that allows the film and television industry to play a meaningful role in the socio-economic development of Gauteng.

2.4 Our Guiding Values

Our values compliment the Batho Pele principles which all state employees are required to uphold. These values demonstrate the GFC's commitment to integrity and professional ethics.

2.2 Our Mission

To develop, promote, coordinate and facilitate film and television productions, attract local and international investments in the film and television industry to benefit our people and contribute to socio-economic growth in Gauteng.

- Respect
- Leadership
- Responsibility
- Responsiveness
- Progressive and innovative
- Passion, excellence and commitment
- People development and empowerment
- Efficiency, accountability and transparency

2.3 Our Core Function

GFC aims to be a leader in the film and television industry through harnessing Gauteng's outstanding industry infrastructure, recognised technical and creative expertise and unique and wide-ranging locations, by:

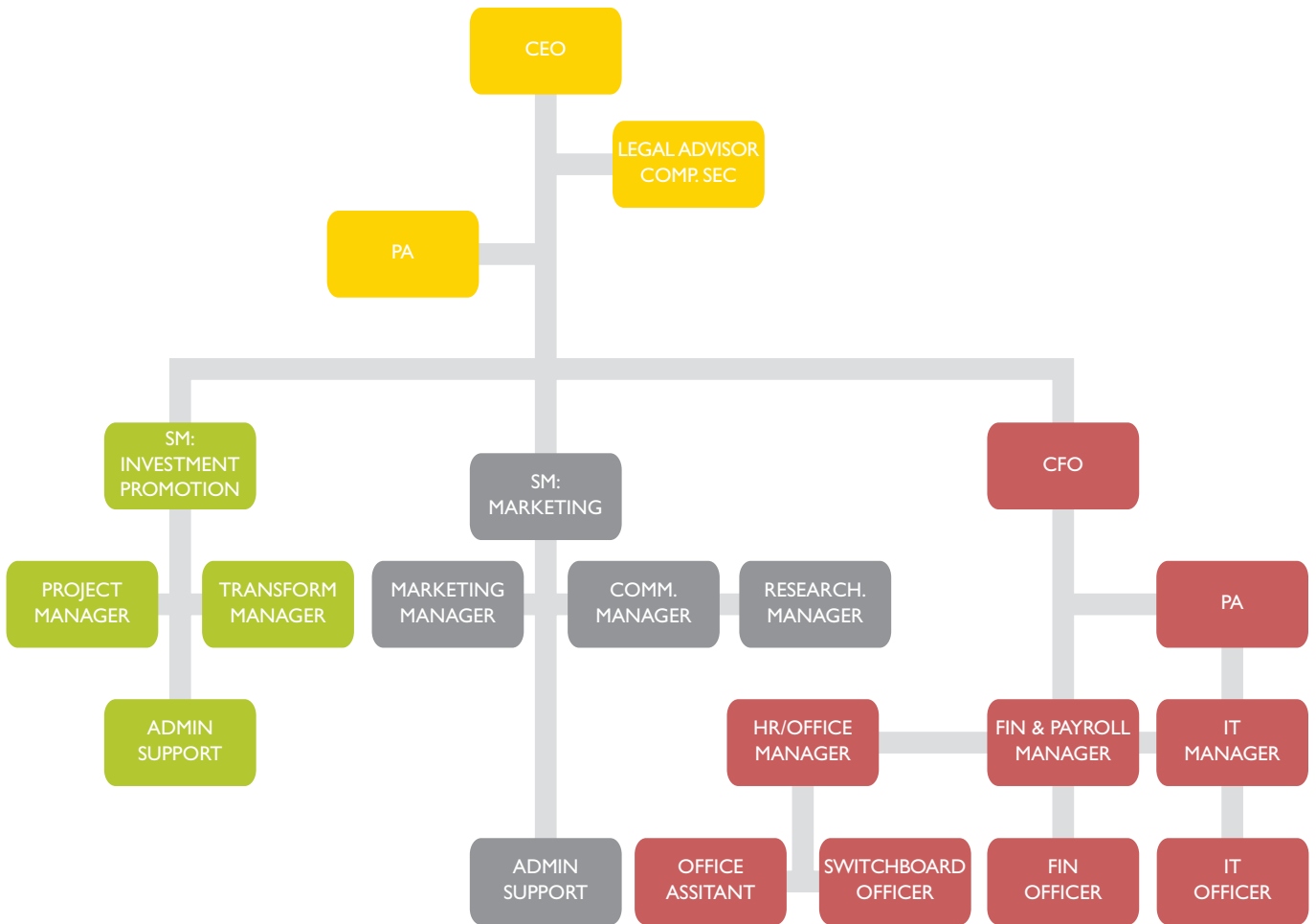
- Marketing Gauteng as a location of choice;
- Acting as a centralised industry intelligence hub and resource;



3. STRUCTURE OF GFC

GFC is structured to fulfill its mandate outlined above. There are four (4) main units in the organisation: Corporate Services, Marketing, Investment Promotion as well as the Office of the Chief Executive. The functions of these units are outlined as follows:

- Corporate Services: The unit aims to provide efficient and effective support services to the entire GFC. Corporate Services comprises of Human Resources, Finance and Information Technology;
- Marketing: Marketing aims to position Gauteng as Africa's location and production centre of choice whilst also actively promoting an interest in film and local content;
- Investment promotion: The unit seeks to identify and develop outstanding film, television and interactive media projects through the activation of local, national and international financial assistance programmes, public-private partnerships and or other investments opportunities;
- Office of the Chief Executive: The Office of the Chief Executive drives the overall achievement of the strategic objectives.



4. CONTACT DETAILS OF INFORMATION OFFICER

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

Chief Information Officer: Terry Tselane

Gauteng Film Commission

56 Main Street

Johannesburg

South Africa

Tel: 011 833 0409

Email: terry@gautengfilm.org.za

Deputy Information Officer: Mokarane Tlhopane

Gauteng Film Commission

56 Main Street

Johannesburg

South Africa

Tel: 011 833 0409

E-mail:

5. GUIDELINES OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE ACT

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

Queries can be made at:

South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700, Houghton, 2041

Tel: (011) 484 8300

Fax: (011) 484 1360

E-mail: paia@sahrc.org.za



6. GFC RECORDS

6.1 Description of subjects on which GFC 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 GFC holds records and the categories of records held on each subject are as follows:

(a). Corporate Services and Office of the Chief Executive

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

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
- Partnership agreements

(b). Marketing, Corporate Communications, Information Management and Research

i). International research and marketing material

- Sample film directories
- Sample production guides
- Sample location guides
- Sample material/ case studies & promotional material: film schools, studios and support programmes

- Sample material: incentive schemes and rebate programmes
- Membership documentation: Association of Film Commissioners International
- Sample material: production services companies
- Sample material/ case studies & promotional material: film festivals, summits, conferences, markets and exhibitions
- Sample copies of international trade publications
- International case studies: film strategies, cluster case studies and research documentation

ii). National and local research and marketing material

- Corporate and marketing material
- National and provincial film policies, strategies and research documentation
- Trade publications and magazines including back copies of The Call Sheet, Screen Africa, Whole lot directory, Maximum Exposure, Design Indaba, Marketing Mix, Filmmakers Guide to SA and more
- Sample material/ case studies & promotional material: film festivals, summits, conferences, markets and exhibitions
- Audio-visual promotional material
- Image library: Gauteng locations
- Film posters

iii). GFC marketing and communications programme

- Media and marketing reports
- Marketing material
- Gauteng audio-visual directory database
- Permit policies and procedures

(c). Investment promotion

- Production support
- Skills development and training
- Investment facilitation
- Audio-visual infrastructure development
- Special projects
- Partnership agreements

6.2 Records automatically available

The records on the website of GFC, as well as , are available for viewing or downloading without a person having to make such a request in terms of the said Act. In addition, the GFC collects and distributes a number of documents which is voluntarily disclosed. Such material includes:

- Reports
- Booklets
- Newsletters
- Marketing material



- Pamphlets
- Journals
- Magazines

The above information is considered automatically available at the offices of the GFC in Johannesburg during normal working hours. Note however that the GFC cannot guarantee availability of material when such material is not published by the GFC or where print copies are out of stock.

6.3 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 do I 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 (e.g.: 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, e.g. telephone, this must be indicated.
 - If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made must be indicated.
 - 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 that requester is not required to pay the request fee. Every other requester must pay the request 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.



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

The following procedures exist for persons to report or remedy alleged irregular, 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 MEC of Economic Development. After exhausting the internal appeal remedy an application may be lodged with a court (sections 78 - 82).
- (ii) A public service employee may lodge a grievance or complaint for investigation by the Public Service Commission concerning an official act or omission (section 35 of the Public Service Act, 1994).
- (iii) A person may use labour remedies regarding official acts or omissions of a labour nature, namely disputes of rights (the Public Service Act, 1994, and Labour Relations Act, 1995);
- (iv) A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 - section 78(1)(a)), or the Employment Equity Act, 1998 (Act No. 55 of 1998 - section 34(e)).
- (v) A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)).
- (vi) A person may lodge a complaint with the South African Human Rights Commission concerning an official act or omission that is suspected to constitute a violation of or threat to any fundamental right (Human Rights Commission Act, 1994 (Act No. 54 of 1994)).

(vii) In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by the employer or a fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No. 26 of 2000).

(viii) 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 an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (section 5).
- (ii) A person may request access to records of a government department or other public body in terms of the Promotion of Access to Information Act, 2000 (section 11).

(c) Duty to report:

- (i) A public service employee, in the course of his or her official duties, is obliged in terms of the Code of Conduct 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, 2001).
- (ii) The responsibility of every employer and employee to disclose criminal and any other irregular conduct in the workplace also underpins the Protected Disclosures Act, 2000 (Preamble).



8. 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 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for 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) stiffer disc	5,00
	(ii) compact disc	40,00
(d)	(i) For a transcription 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 personal 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
(1)	(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) stiffer disc	5,00
	(ii) compact disc	40,00
	(d) (i) For a transcription 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
(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 such 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.