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## **M A N U A L**

*IN ACCORDANCE WITH*

### **THE PROMOTION OF ACCESS TO INFORMATION ACT (NO. 2 OF 2000)**

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treasury

Department:  
Treasury  
**PROVINCE OF KWAZULU-NATAL**

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

**KWAZULU-NATAL PROVINCIAL TREASURY,**  
**2010**

*Authorised by the Head of Department*

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## **FOREWORD BY THE HEAD OF DEPARTMENT**

The Constitution of the Republic of South Africa has been hailed as one of the most progressive documents in the world.

Amongst the rights enshrined in our Constitution is a right of access to information and this right is therefore given effect in Section 32 of the Promotion of Access to Information Act 2 of 2000.

The KwaZulu-Natal Provincial Treasury acknowledges the need to promote the principles of transparency and openness. Observance of these principles does not only make a significant contribution in deleting our secretive past. It further serves to enhance good governance and effective participation of broader society in the democratic processes.

The KwaZulu-Natal Provincial Treasury hereby affirms its support of these principles by publishing its manual provided below.

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Mr. L.S. Magagula

Head of Department: KZN Provincial Treasury

**MANUAL**  
**IN TERMS OF THE**  
**PROMOTION OF ACCESS TO INFORMATION ACT, 2000**

This Manual is published by the KwaZulu-Natal Provincial Treasury, in terms of section 14 of the Promotion of Access to Information Act. The Act gives effect to the provisions of section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise or protection of any right. The provision of any information in this Manual, in addition to that specifically required in terms of section 14 of the Act, does not create any contractual right or entitlement to receive such information, other than in terms of the Act.

**1. Definitions**

In this Manual any word or expression to which a meaning has been assigned in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), must, unless clearly inappropriate, bear that meaning, and, unless the context indicates otherwise –

“**the Act**” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

“**the Deputy Information officer**” means the Senior Manager: Legal Services of the Department;

“**Information officer**” means the Head of Department of KwaZulu-Natal Provincial Treasury;

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

“**Treasury**” means KwaZulu-Natal Provincial Treasury;

“**personal requester**” means a requester seeking 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, KwaZulu-Natal Provincial Treasury and receives or is entitled to receive any remuneration, including all permanent, temporary and part-time staff as well as contract workers;

“**MEC**” means the Member of the Executive Council for Finance of the Province of KwaZulu-Natal;

“**the PFMA**” means the Public Finance Management Act 1 of 1999;

“**record**” means any recorded information, regardless of form or medium, which is in the possession or under the control of the KwaZulu-Natal Provincial Treasury, irrespective of whether it was created by the KwaZulu-Natal Provincial Treasury or not;

“**relevant authority**” means the person designated in writing by the Head of Department;

“**request**” means a request for access to a record of the KwaZulu-Natal Provincial Treasury;

“**requester**” means any person (other than certain public bodies or an official thereof) making a request for access to a record of the KwaZulu-Natal Provincial Treasury and includes any person acting on behalf of that person or requester; and

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

(2) Unless a contrary intention clearly appears, words signifying-

- (a) the singular include the plural and *vice versa*;
- (b) any one gender includes the other gender and *vice versa*; and
- (c) natural persons include justice persons.

## 1. Background to the KZN Provincial Treasury

### CORE FUNCTIONS OF THE DEPARTMENT

The KZN Provincial Treasury is established in terms of Section 17 of the PFMA and its core functions are as follows:

- The mobilisation of funds for the provincial government
- The allocation of fiscal resources to provincial departments
- The preparation of annual and MTEF budgets
- Provincial financial management through:-
  1. Budget monitoring
  2. Internal audit
  3. Financial accounting
  4. Financial systems maintenance; and
- Provision of advice on procurement policies and procedures in the provincial and local government spheres together with the KZN public entities.

### VISION

The vision of the Department is: *Be the centre of excellence in financial and fiscal management in the country.*

### MISSION

To ensure the equitable resource allocations for the province of KwaZulu-Natal, analyse and monitor government (provincial and local, including public entities) revenue and expenditure, and instil prudent financial management and good governance.

Through robust public policy research, the Provincial Treasury will contribute to the realisation of government policy priorities by ensuring that government interventions in the economy are targeted, efficient and sustainable and empower the people.

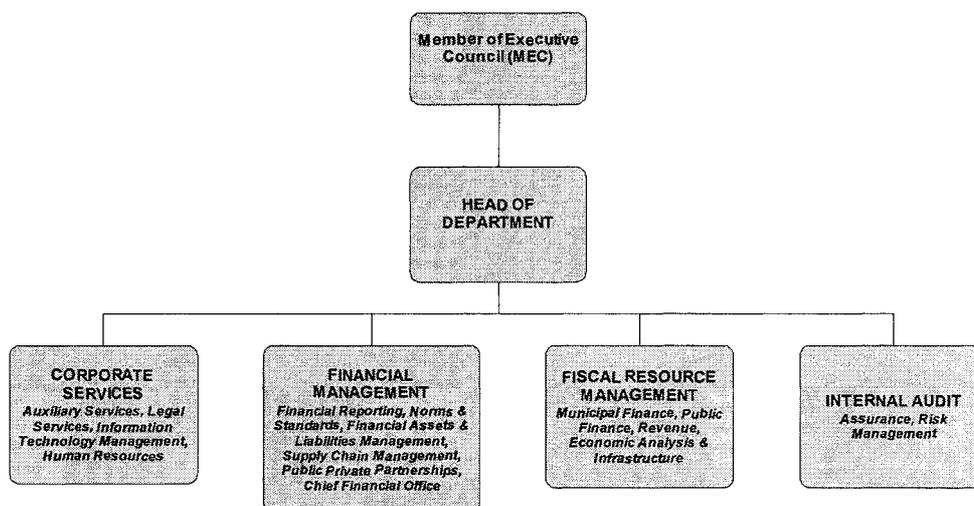
## STRATEGIC OBJECTIVES

The Departmental strategic goals are as follows:-

- To promote sound financial and fiscal management and good governance.
  - To place strong emphasis on fighting poverty and creating jobs in partnership with communities through the mobilisation and funding of co-operatives and effective procurement targeting;
  - To focus on the enhancement of Broad-Based Black Economic Empowerment (BBBEE) through effective supply chain management policies;
  - To implement a policy of zero tolerance on fraud and corruption;
  - To ensure good financial management with the elimination of over-expenditure and the reduction of roll-overs;
  - To target government investment in service delivery; and
  - To promote sound cash management practices and to improve liquidity in the province.
- (3) The KwaZulu-Natal Provincial Treasury supports the constitutional right of access to information and is committed to providing any requester access to its records in accordance with the provision of the Act.

## 2. Particulars in terms of section 14 of the Act

3.1. The structure of the KwaZulu-Natal Provincial Treasury:



The political head for the Provincial Treasury is the MEC for Finance and the administrative head (Accounting Officer) is the Head of Department.

- (a) The office of the MEC
- (b) The Office of the HOD
- (c) Corporate Services
- (d) Internal Audit
- (e) Fiscal Resource Management
- (f) Financial Management Branch

#### 4. Contact details

Contact details in terms of Section 14 (1)(b) of the Act.

INFORMATION OFFICER	ADDRESS
<p><b>Mr Simiso Leslie Magagula</b> Head of Department</p>	<p>E-mail address: <a href="mailto:smiso.magagula@kzntreasury.gov.za">smiso.magagula@kzntreasury.gov.za</a> Telephone: (033) 897 4307 Fax: (033) 342 2486 Street address: 8<sup>th</sup> floor 145 Chief Albert Luthuli Street Pietermaritzburg 3201</p> <p>Postal address: P.O. Box 3613 Pietermaritzburg 3201</p>
DEPUTY INFORMATION OFFICER	ADDRESS
<p><b>Mr. Ndumiso Nkomo</b> Senior Manager: Legal Services</p>	<p>E-mail address: <a href="mailto:Ndumiso.nkomo@kzntreasury.gov.za">Ndumiso.nkomo@kzntreasury.gov.za</a> Telephone: (033) 897 4544 Fax: (033) 897 4594 Street address: 1<sup>st</sup> floor 145 Chief Albert Luthuli Street Pietermaritzburg 3201</p> <p>Postal address: P.O. Box 3613 Pietermaritzburg 3201</p>

**5. How to access the Guide as described in sections 10 and 14(1)(c) of the Act**

- 5.1. The Guide on how to use the Act in terms of Section 14 (1) (c) of the Act is available from the SAHRC. Please direct any queries to:  
The South African Human Rights Commission: PAIA Unit  
The Research and Documentation Department  
Private Bag 2700  
HOUGHTON  
2051  
Telephone: (011) 484 8300  
Fax: (011) 484 0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

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

**6. Access to the records held by the KZN Treasury in terms Sections 15 of the Act**

6.1 As per Section 15 of the Act, KZN Treasury has the following categories of the records that are automatically without a person having to request access in terms of the Act (voluntary disclosures):-

- (a) Newsletters;
- (b) Annual Reports;
- (c) Annual Performance Plans;
- (d) Strategic Plans;
- (e) General information brochures
- (f) Acts of Parliament;
- (g) Regulations;
- (h) Practice Notes;
- (i) Policies;
- (j) Booklets;
- (k) Posters;
- (l) Pamphlets;
- (m) Municipal budgets;
- (n) Municipal integrated development plans;
- (o) Municipal monthly and quarterly reports.
- (p) Provincial Budget Speech

**7. Records maintained by the KZN Provincial Treasury that may be requested [section 14(1)(d)]**

**7.1. Details to facilitate access to the records held by the Provincial Treasury [section 14(1) (d)].**

<b>Division</b>	<b>Records</b>
<b>OFFICE OF THE MEMBER OF THE EXECUTIVE COUNCIL (MEC)</b>	Cabinet memoranda, submissions and resolutions Communication campaigns and programmes Press Releases Media monitoring reports Budget road shows Delegations
<b>OFFICE OF THE HEAD OF DEPARTMENT</b>	Cabinet meeting supporting documents Cabinet memoranda Memoranda of agreement Reports Delegations Inputs to annual reports General Correspondence
<b>CORPORATE SERVICES AUXILIARY SERVICES</b>	Fleet Management Records Facilities Management Records Office Support records Record Management Policy and records Contracts Library and Information Services records
<b>INFORMATION TECHNOLOGY MANAGEMENT</b>	Office automation business processes record IT Strategies Business Continuity Plan Records Electronic Content Management Records State Information Technology Agency service level agreements General Contracts Website management Records

<b>LEGAL SERVICES</b>	<p>Legal contracts          Treasury Certificates          Litigation Records          Legal opinions          Bills          Acts          Regulations</p>
<b>HUMAN RESOURCES MANAGEMENT</b>	<p>Human Resource Management Plans          Human Resource Management Policies          Human Resource Development Policies          Personnel Records          Performance Management Records          Disciplinary Records          Labour Relations Agreements          Guidelines on job evaluation          Panel agenda and minutes          Approval for post levels          Guidelines on job descriptions          Templates of job descriptions.</p>
<b>FINANCIAL MANAGEMENT</b>	<p>Auditor-General Queries          Budget Matters          Internal Control          Policies &amp; Procedures          Monthly Reporting          SCOPA matters          SCM compliance reports          SCM training records          Composition of bid committees          SCM practice notes          Public Private Partnership Agreements          Reports of the Auditor General          Consolidated annual financial statements          Department and municipal annual financial statements          Assets and Liability Management Records</p>

<b>FISCAL RESOURCES MANAGEMENT</b>	Provincial Allocations Overview of Provincial Revenue Expenditure Estimates of Provincial Revenue Expenditure Adjustments Medium Temp Expenditure Committee reports Budget Circulars Budget Forum reports Growth Fund reports Budget Statements Budget Speeches Budget related Cabinet Memos Municipal chief financial officers forum records Integrated development plan processes meetings Municipal annual financial statements submissions In-year municipal reporting Municipal budget performance Infrastructure Development and Improvement Program Macro-economic research records
<b>INTERNAL AUDIT</b>	General Audit reports Forensic Audit reports Assurance Audit reports Provincial Risk and Audit Committee reports Risk Management Workshop records Forensic investigation reports General Contracts

**8. Arrangement allowing for public involvement in the formulation of policy and the exercise of power [Section 14(1)(g)]**

KZN Treasury is part of the executive branch of the KwaZulu-Natal Provincial Government. There is no direct mechanism for public participation in policy formulation however, members of the public can indirectly influence policy formulation by –

- (a) Participating in provincial elections;
- (b) Communicating with their elected representatives;
- (c) Involving themselves in the legislature and other public participatory processes of the KwaZulu-Natal Provincial Legislature ([www.kznlegislature.gov.za](http://www.kznlegislature.gov.za)) and its committees; and
- (d) Attending sessions of the KwaZulu-Natal Provincial Legislature.

**9. The remedies available if the provisions of this Act are not complied with [section14(1)(h)]**

The aggrieved requester can appeal to the responsible Member of the Executive Council (MEC for Finance). After that s/he can resort to the High Courts of the Republic of South Africa.

**10. Other information as prescribed in terms of the Act [Section 14(1)(i)]**

There is currently no information available from the Minister in terms of section 92 to be placed here.

**11. Updating of the manual [Section 14(2)]**

The KZN Treasury is responsible for the update of its manual at the intervals of not more than a year.

**12. Availability of the manual [Section 14(3)]**

This manual is available in two official languages: English and IsiZulu. The manual of the KZN Treasury is available on the website as well as at the offices of public bodies, national and provincial departmental, business organisations and civic structures.

**13. Request to the Minister for the compilation of one manual [Section 14(4)(a) and Section 14(4)(b)]**

This manual is solely compiled for the KZN Treasury.

**14. Exemption by the minister from any provision of this section for a determined period [Section 14(5)]**

The KZN Treasury is not exempted from any provision of this section

1. There is currently no other information prescribed by the Minister of Justice and Constitutional Development.

**15. Availability of this Manual as set out in section 14(3) of the Act**

**A copy of this Manual is available –**

- (a) on the official website of the KwaZulu-Natal Provincial Treasury at <http://www.kzntreasury.gov.za>
- (b) by sending a request for a copy to the Information Officer by email, post or fax;
- (c) from every place of legal deposit as defined in section 6 of the Legal Deposit Act, 1997 (Act No. 54 of 1997), for public inspection at our offices as provided in paragraph 4 of this manual;
- (d) from any office of the SAHRC (see <http://www.sahrc.org.za> for details of physical addresses); and
- (e) from the Government Printing Works (see [http://www.home-affairs.gov.za/gov\\_printing\\_works.asp](http://www.home-affairs.gov.za/gov_printing_works.asp) for details of physical address).
- (f) There are no charges for inspecting a copy of this Manual on the official website of the

**KwaZulu-Natal Provincial Treasury or at our offices.**

- (g) The KwaZulu-Natal Provincial Treasury reserves the right to require payment for copies of this Manual in accordance with the same charges that apply to records. The relevant fees are set out in **paragraph 15** of this Manual.

**16. Records that may be requested**

- (1) A requester may request any recorded information regardless of its form or medium which is in the possession or under the control of the KZN Provincial Treasury, whether it was created by the KZN Provincial Treasury or not (see **Form A**).
- (2) The KZN Provincial Treasury is committed to openness and transparency. However, simply because your request falls within the category of records that may be requested does not mean that the KZN Treasury is obliged to provide you with the record/s you have requested. The KZN Treasury is obliged to consider its own rights and responsibilities and those of third persons in deciding whether to provide you with the information that you have requested.
- (3) A requester shall be given access to a record held by the KZN Treasury if the following requirements set out in the ACT are met:
  - (a) the requester complies with all the procedural requirements set out

- in the Act relating to a request; and
- (b) access to the requested record/s is not refused in terms of any ground for refusal set out in Act.
- (4) The KZN Treasury will not consider the identity of a requester or the reason why the requester wants information, in making its decision to allow the requester access to information or not. Instead, the KZN Provincial Treasury will make its decision based on whether the requester has a right to the information.
- (5) In particular, the right of a requester to access information in terms of the Act is not affected by any reasons given by that requester for requiring access. In addition, the information officer's beliefs as to what the reasons for the request may be are not considered in deciding the requester's right to access information in terms of the Act.

#### **17. The request procedure**

- (1) A requester may be given access to such records in the KZN Treasury if the requester complies with the following requirements-
- (a) The requester complies with all the procedural requirements in the Act relating to the requester for access to that record and access to that record is in terms of the requirements of the Act;
- (b) a requester must use the form that has been printed in the *Government Gazette* [Govt. Notice R187- 15 February 2002] (Form A);
- (c) the requester must also indicate if a copy of the record is required or seek permission to come in and look at the record. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [section 29(2) of the Act];
- (d) if a requester asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the department, 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 an alternate manner, then the fee will be calculated according to the way that the requester first asked for it [section 29(3) and (4) of the Act];

- (e) 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 [section 18(2)(e) of the Act];
  - (f) if a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [**section 18(2)(f) of the Act**]; and
  - (g) if a requester is unable to read or write, or has a disability, then he/she can make the requester for the record orally. The information officer must then fill in the form on behalf of such a requester and give him/her a copy [**section 18(3) of the Act**].
- (2) There are two types of fees specified in terms of section 22 of the Act, being the request fee and the access fee.
  - (3) A requester who seeks access to a record containing own personal is not a personal requester, must pay the required fee.
  - (4) The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
  - (5) The requester fee is R35-00. The rest of the fees are reflected under paragraph 15 below. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
  - (6) 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.
  - (7) If the request is granted then a further access fee must be paid for the search, preparation, reproduction, and postage if applicable and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

**18. Services available to members of the public as contemplated in section 14 (1) (f) of the Act**

- (1) As KZN Treasury is largely responsible for functions in paragraph 2 of this Manual.
- (2) Where services relate to the public, the KZN Treasury is involved in management and planning functions and not direct services provision or delivery.

**19. Fees as prescribed under Part 11 Notice 187 in the Government Gazette of 15 February 2002**

- (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-

DESCRIPTION	AMOUNT
	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 – 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 17-00
(ii) for a copy of an audio record	

- 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-

DESCRIPTION	AMOUNT 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) stifty disc (ii) compact disc	5-00 40-00
(d) (i) for a transcription of visual images, for an A4-size page or part thereof (ii) for a copy of visual images	22.-0 60.00
(e) (i) for a transcription of an audio record, for an A4-size page or part thereof (ii) for a copy of an audio record	12-00 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.	

(5) 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.

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

**FORM A**

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

(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

**[Regulation 6]**

**FOR DEPARTMENTAL USE**

Reference number:

Request \_\_\_\_\_ received \_\_\_\_\_ by

name and surname of information officer/deputy information officer on

(date) at ..... (place) .....

Request fee (if any): R.....

Deposit (if any): R .....

Access fee: R.....

.....Signature of information officer/deputy  
Information Officer

**A Particulars of public body**

The Information Officer/Deputy Information Officer:

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

(a) *The particulars of the person who requests access to the record must be given below.*

(b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*

(c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

**C. Particulars of person on whose behalf request is made**

*This section must be completed ONLY if a request for information is made on behalf of another person.*

**Full names and surname:****Identity number:****Particulars of record**

(a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*

(b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*

**The requester must sign all the *additional* folios.**

1. Description of record or relevant part of the record:
2. Reference number, if available:
3. Any further particulars of record:

**D. Fees**

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

**E. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.*

<u>Disability:</u>	Form in which record is required		
Mark the appropriate box with an X			
<p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
1. If the record is in written or printed form:			
	copy of record*		inspection of record
<p>2. If record consists of visual images -</p> <p>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc:</p>			
	view the images	copy of the images*	transcription of the

			images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack  (audio cassette)		transcription of soundtrack*  (written or printed document)
4. If record is held on computer or in an electronic or machine-readable			
	printed copy of record'	printed copy of information  derived from the record*	copy in computer readable form*  (stiffy or compact disc)
<p>If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p><b>Postage is payable.</b></p>			
<p>Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.</p>			
In which language would you prefer the record?			

**Notice of decision regarding request for access**

You will be notified whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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

SIGNATURE OF REQUESTER 1 PERSON ON  
WHOSE BEHALF REQUEST IS MADE

**FORM B**

## NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act 2000 (*Act No. 2 of 2000*))

[Regulation 8]

STATE YOUR REFERENCE NUMBER:

## A. Particulars of public body

The Information Officer/Deputy Information Officer:

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

(a) *The particulars of the person who lodge the internal appeal must be given below.*

(b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*

(c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:

Identity number:

The decision against which the internal appeal is lodged

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
	<b>Refusal of request for access</b>
	<b>Decision regarding fees prescribed in terms of section 22 of the Act</b>

	Decision regarding the extension of the period within which the request must be
	Decision in terms of section 29(3) of the Act to refuse access in the form
	Decision to grant request for access

**E. Grounds for appeal**

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

State the grounds on which the internal appeal is based:  
 State any other information that may be relevant in considering the appeal:

**F. Notice of decision on appeal**

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

State the manner:

Particulars of manner:

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

SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received on ..... (date) by  
(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.

**OUTCOME OF APPEAL:**

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION  
SUBSTITUTED

NEW DECISION:

.....DATE

RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT  
AUTHORITY ON (date):

**21. Schedule of delegations by Information Officer to Deputy Information Officer**

The following schedule details the delegations by the Information Officer to the Deputy Information Officer.

**SCHEDULE**

<b>Item</b>	<b>Section of Act</b>	<b>A Description of Power</b>	<b>Power vests in</b>	<b>Authority for Delegations</b>	<b>Delegated to</b>	<b>Conditions</b>
1.	14(1)	Compiling a manual containing the information contemplated in section 14(1)(a) to (i)	Head of Department	Section 17 (3)	Deputy Information officer	Delegatee must, if necessary, updated and publish manual at intervals of not more than one year.
2.	15(1)	Submitting to the Minister of Justice a description of the categories of records automatically available and how to obtain access to such records	Head of Department	Section 17(3)	Deputy Information officer	Must be done once a year.
3.	32	Annually submitting to the Human Rights commission a report stating the information contemplated in section 32	Head of Department	Section 17(3)	Deputy Information officer	

4.	15(4)	Delegation of any part of a record contemplated in section 15(1) which, on a request for access, may or must be refused in terms of Chapter 4 of Part (sections 33-46)	Head of Department	Section 17(3)	Deputy Information officer	
5.	18(3)(b)	Reducing an oral request to writing and providing a copy thereof to requester	Head of Department	Section 17(3)	Deputy Information officer	
6.	19(1)(b)	Rendering assistance necessary to enable requester to comply with section 18(1)	Head of Department	Section 17(3)	Deputy Information officer	
7.	19(2)	(a) Notifying requester of intention to refuse and stating reasons for contemplated refusal and assistance available. (b) Giving requester opportunity to seek such assistance. (c) Furnishing requester with information that would assist in making the request in the correct form. (d) Giving requester opportunity to confirm request or alter it to comply with section 18(1)	Head of Department	Section 17(3)	Deputy Information officer	

8.	19(4)	If access should have been made to another public body, rendering necessary assistance to enable person to make request to appropriate public body or transferring the request to information officer of appropriate public body, whichever will result in the request being dealt with earlier.	Head of Department	Section 17(3)	Deputy Information officer	
9.	20(1)(c)(1)	Transferring request to other public body under the circumstances contemplated in Section 20(1)(a)-(c)	Head of Department	Section 17(3)	Deputy Information officer	
10.	20(1)(c)(ii)	Sending record or copy of record to information officer of other public body	Head of Department	Section 17(3)	Deputy Information officer	
11.	20(2)	Transferring request to information officer of public body by or for which the record was created or which received it first, as the case may be.	Head of Department	Section 17(3)	Deputy Information officer	
12.	20(3)	Giving priority to transferred request as if it was received by information officer who transferred request.	Head of Department	Section 17(3)	Deputy Information officer	

13.	20(5)	Notifying requester of transfer, reasons for transfer and period within which request must be dealt with.	Head of Department	Section 17(3)	Deputy Information officer	
14.	21	Taking steps necessary to preserve record.	Head of Department	Section 17(3)	Deputy Information officer	
15.	22(1)	Requiring requester, by notice to pay prescribed request fee (if any)	Head of Department	Section 17(3)	Deputy Information officer	
16.	22(2)	Requiring requester, by notice to pay as deposit the prescribed portion of the access fee which would be payable if requested is granted.	Head of Department	Section 17(3)	Deputy Information officer	
17.	22(4)	Repaying deposit to requester if request for access is refused.	Head of Department	Section 17(3)	Deputy Information officer	
18.	22(5)	Withholding record until requester has paid applicable fees (if any).	Head of Department	Section 17(3)	Deputy Information officer	
19.	23(1)	Notifying requester that it is not possible to give access to record which cannot be found or does not exist.	Head of Department	Section 17(3)	Deputy Information officer	

20.	24(1)	Deferring giving access to a record for a reasonable period under the circumstances contemplated in section 24(1)(a)-(c)	Head of Department	Section 17(3)	Deputy Information officer	
21.	24(2)	Notifying requester that requester may make representations and of likely period for which access is to be deferred.	Head of Department	Section 17(3)	Deputy Information officer	
22.	24(3)	Granting request for access if there are reasonable grounds to believing that the requester will suffer substantial prejudice if access is deferred for the likely period referred to in section 24(2)(b)	Head of Department	Section 17(3)	Deputy Information officer	
23.	25(1)(a)	Deciding whether to grant request for access.	Head of Department	Section 17(3)	Deputy Information officer	
24.	25(1)(b)	Notifying requester to decision and if reasonably possible informing requester of decision in any other matter stated by requester.	Head of Department	Section 17(3)	Deputy Information officer	

25.	26(1)	Extending the period of 30 days referred to in section 25 (1) once for a further period not exceeding 30 days under the circumstances contemplated in section 26(1)(a)-(e)	Head of Department	Section 17(3)	Deputy Information officer	
26.	26(1)	Notifying requester of extension.	Head of Department	Section 17(3)	Deputy Information officer	
27.	30(1)	Consulting with a health practitioner nominated by relevant person before giving access in terms of section 29.	Head of Department	Section 17(3)	Deputy Information officer	
28.	30(3)(a)	Giving access to record if requester proves that adequate provision is made for such counseling or arrangements as are reasonable practicable to limit, alleviate or avoid harm to the relevant person.	Head of Department	Section 17(3)	Deputy Information officer	
29.	34(1)	Subject to section 34(2), refusing a request for access to a record if its disclosure of personal information about a third party.	Head of Department	Section 17(3)	Deputy Information officer	

30.	36(1)	Subject to section 36(2), refusing request if record contains the information contemplated in section 36(1)(a)-(c)	Head of Department	Section 17(3)	Deputy Information officer	
31.	37(1)(a)	Subject to section 37(2), refusing request if disclosure of record would constitute action for breach of duty of confidence by a third party.	Head of Department	Section 17(3)	Deputy Information officer	
32.	37(1)(b)	Subject to section 37(2), refusing request if the record consists of information supplied in confidence by a third party.	Head of Department	Section 17(3)	Deputy Information officer	
33.	38(a)	Refusing request if disclosure of record could reasonably be expected to endanger the life or physical safety of an individual.	Head of Department	Section 17(3)	Deputy Information officer	
34.	38(b)	Refusing request of access if disclosure of record would be likely to prejudice or impair the things or matters contemplated in section 38(b)(i) or (ii)	Head of Department	Section 17(3)	Deputy Information officer	

35.	39(1)(b)	Refusing request if access to record is prohibited in terms section 60(14) of the Criminal Procedure Act, 1977	Head of Department	Section 17(3)	Deputy Information officer	
36.	39(1)(b)	Refusing request of access to a record under the circumstances contemplated in section 39(1)(b)	Head of Department	Section 17(3)	Deputy Information officer	
37.	39(3)(a)	Refusing to confirm or deny the existence of a record under the circumstances set out in section 39(3)(a)	Head of Department	Section 17(3)	Deputy Information officer	
38.	40	Refusing record if request is privileged from production in legal proceedings.	Head of Department	Section 17(3)	Deputy Information officer	
39.	41(1)	Refusing request for access to a record if its disclosure could cause prejudice to the matters contemplated in section s41(1)(b)	Head of Department	Section 17(3)	Deputy Information officer	
40.	41(4)(a)	Refusing to confirm or deny the existence or non-existence of a record under the circumstances set out in section 41(4)(a)	Head of Department	Section 17(3)	Deputy Information officer	

41.	42(1)	Refusing request if disclosure of record would be likely to materially jeopardise the economic interest or financial welfare of the Republic or the ability of the Government to manage the economy of the Republic	Head of Department	Section 17(3)	Deputy Information officer	
42.	42(3)	Subject to section 42(5), refusing a request for access to a record under the circumstances set out in section 42(3)	Head of Department	Section 17(3)	Deputy Information officer	
43.	42(7)	Providing requester with a written explanation of the methods used in conducting the testing or other investigation.	Head of Department	Section 17(3)	Deputy Information officer	
44.	43(1)	Refusing if record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would likely to expose the third party, a person that is or will be carrying out research on behalf of the third party, or the subject matter of the research, to serious disadvantage.	Head of Department	Section 17(3)	Deputy Information officer	

45.	43(2)	Refusing request if record contains information about research being or to be carried out by or on behalf of a public body, the disclosure of which would be likely expose the public body, a person that is or will be carrying out the research on behalf of the public body, or the subject matter of the research, to serious disadvantage.	Head of Department	Section 17(3)	Deputy Information officer	
46.	44(1)	Subject to section 44(3) and (4), refusing request for access if record contains the information contemplated in section 44(1)(a)(i) and (ii), or if the disclosure could be expected to frustrate the deliberative process in a public body or between public bodies or the disclosure of the record could, by premature disclosure, be expected to frustrate the success of that policy.	Head of Department	Section 17(3)	Deputy Information officer	

47.	44(2)	Subject to section 44(4), refusing request under the circumstances contemplated in section 44(2)(a)-(c)	Head of Department	Section 17(3)	Deputy Information officer	
48.	45	Refusing request if request is frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the public body.	Head of Department	Section 17(3)	Deputy Information officer	
49.	46	Granting request contemplated in section 34(1), 36(1), 37(1)(a), or (b), 38(a) or (b), 39(1)(a) or (b), 40, 41(1)(a) or (b), 42(1) or (3), 43(1) or (2), 44(1) or (2) or 45 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 interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.	Head of Department	Section 17(3)	Deputy Information officer	

50.	47(1)	Taking all reasonable steps to inform a third party to whom or which the record relates of the request,	Head of Department	Section 17(3)	Deputy Information officer	
51.	47(2)	Information a third party in terms of section 47(1) as soon as possible, but in any event within 21 days after the request is received or transferred, and by the fastest means reasonably possible.	Head of Department	Section 17(3)	Deputy Information officer	
52.	47(3)	When informing a third party in terms of section 47(1), giving the information contemplated in section 47(3)(a)-(e).	Head of Department	Section 17(3)	Deputy Information officer	
53.	47(4)	Giving written notice stating the matters referred to in section 47(3) to the third party, if not informed orally of request.	Head of Department	Section 17(3)	Deputy Information officer	
54.	49(1)(b)	Deciding, after giving due regard to any representations made by third party in terms of section 48, whether to grant the request for access.	Head of Department	Section 17(3)	Deputy Information officer	

55.	49(1)(b)	Notifying third parties of the decision contemplated in section 49(1)(a)	Head of Department	Section 17(3)	Deputy Information officer	
56.	49(4)	Giving requester access to record as contemplated in section 49(1)(a).	Head of Department	Section 17(3)	Deputy Information officer	
57.	75(4)	Submitting to the relevant authority an internal appeal together with his or her reasons or the decision concerned, and if the internal appeal is against the refusal or granting or a request for access, the particulars of any third party that must be notified in terms of section 47(1) of the request.	Head of Department	Section 17(3)	Deputy Information officer	
58.	77(6)(a)	Giving requester access to record forthwith if the relevant authority decides on internal appeal to grant a request for access and notice to a third party is not required by section 7(4) (a) (ii).	Head of Department	Section 17(3)	Deputy Information officer	

59.	77(6)(b)	Giving requester access to record, if the relevant authority decides on internal appeal to grant request for access and notice to a third party is required by section 77(4)(a)(ii), after the expiry of 30 days after the notice is given to every third party concerned.	Head of Department	Section 17(3)	Deputy Information officer	
60.	82(b)	Taking or refraining from taking actions as ordered by the Court.	Head of Department	Section 17(3)	Deputy Information officer	









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