



PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 14 MANUAL



the dtic

Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA



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APPROVAL

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Reasons (Compulsory when document is not approved)			
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ABBREVIATIONS AND ACRONYMS

ACRONYM	DESCRIPTION
B-BBEE	Broad-Based Black Economic Empowerment
CMSB	Corporate Management Services Branch
DDG	Deputy Director General
FER	Foreign Economic Representative
ICT	Information Communication and Technology
MISS	Minimum Information Security Standards
ODG	Office of the Director-General
PAIA	Promotion of Access to Information Act
PAYE	Pay-As-You-Earn
POPIA	Protection of Personal Information Act
R-CTFL	Retail, clothing, textiles, footwear and leather
SAHRC	South African Human Rights Commission
SARB	South African Reserve Bank
SARS	South African Revenue Services
the dtic	The Department of Trade, Industry and Competition
UIF	Unemployment Insurance Fund

DEFINITIONS

DEFINITION	DESCRIPTION
Access fee	Access fee means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be.
Data subject	Data subject means the person to whom personal information relates.
Deputy Information Officer	Deputy Information Officer means the designated individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request.
Information Officer	Information Officer in relation to, a public body - (a) in the case of a national department, provincial administration or organisational component - (i) mentioned in Column 1 of Schedule 1 or 3 to the Public Service Act, 1994 (Proclamation 103 of 1994), means the officer who is the incumbent of the post bearing the designation mentioned in Column 2 of the said Schedule 1 or 3 opposite the name of the relevant national department, provincial administration or organisational component or the person who is acting as such; or (ii) not so mentioned, means the Director-General, head, executive director or equivalent officer, respectively, of that national department, provincial administration or organisational component, respectively, or the person who is acting as such.
Information Regulator	Information Regulator means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013.
Internal appeal	Internal appeal means an internal appeal to the relevant authority in terms of section 74.
Minister	Minister means the Cabinet member responsible for the administration of justice.
Person	Person means a natural person or a juristic person.
Personal information	Personal information means information relating to an identifiable 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, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person; (d) the biometric information of the person; (e) the personal opinions, views or preferences of the person;

	<p>(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;</p> <p>(g) the views or opinions of another individual about the person; and</p> <p>(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;</p>
Public body	<p>Public body means</p> <p>(a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or</p> <p>(b) any other functionary or institution when</p> <p>(i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or</p> <p>(ii) exercising a public power or performing a public function in terms of any legislation.</p>
Record	<p>Record of, or in relation to, a public or private body, means any recorded information -</p> <p>(a) regardless of form or medium;</p> <p>(b) in the possession or under the control of that public or private body, respectively; and</p> <p>(c) whether or not it was created by that public or private body, respectively.</p>
Requester	<p>A requester is any person making a request for access to a record of an organisation and in this regard, PAIA distinguishes between two types of requesters for access to information, i.e. Personal Requester, (data subject) and Other Requester.</p> <p>A data subject is a requester 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, the organisation will provide the requested information, or give access to any record with regard to the data subject's personal information within a reasonable time, (at a prescribed fee, if any) in a reasonable manner and format and in a form that is generally understandable. A prescribed fee for reproduction of the personal information requested will be charged.</p> <p>A person falling in the category of Other Requester is entitled to request access to information pertaining to third parties. However, the organisation is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.</p>
Request for access	<p>Request for access, in relation to a public body, means a request for access to a record of a public body in terms of section 11.</p>

Responsible party	Responsible party' means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.
Third party	Third party, in relation to a request for access to a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than – <ul style="list-style-type: none"> (i) the requester concerned; and (ii) a public body; but, for the purposes of section 34, the reference to 'person' must be construed as a reference to 'natural person'.
The Act	The Act means the Promotion of Access to Information Act 2 of 2000 as amended, and includes any regulation made and in force in terms of section 92.

1. INTRODUCTION

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA) came into operation on 9 March 2001, giving effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. Where a PAIA request is made, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

Section 9 of the Act recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

Furthermore, the previously mentioned right to access to information should be exercised in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights as found in the Constitution.

In addition, the Department of Trade, Industry and Competition (**the dtic**) endeavours to be transparent and regularly and freely provide information to the business community, consumers and public via publications, notifications, its website and call centre.

The Protection of Personal Information Act, No. 4 of 2013 (POPIA), is a piece of legislation that safeguards the integrity and sensitivity of private information. Organisations are required to manage the data capture and storage process of personal information within the lawful framework as set out in the Act.

The Act provides eight conditions under which personal information may legally be gathered and processed. It affords Data Subjects the right to request access, in accordance with the provisions of PAIA, to their personal information from any Responsible Party.

2. PURPOSE

Section 14 of the Promotion of Access to Information Act, No. 2 of 2000 requires public bodies to compile a manual that would assist a person to obtain access to information held by the public body. Section 14 further stipulates the minimum requirements with which a manual must comply.

This manual has been prepared in accordance with Section 14 of the Promotion of Access to Information Act, No. 2 of 2000, as well as the requirements of the Protection of Personal Information Act, No. 4 of 2013.

The manual intends to foster a culture of transparency and accountability within **the dtic** by giving effect to the right to information that is required for the exercise and protection of an individual or organisation's rights. To promote effective governance of public bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of PAIA.

The manual provides anyone who wishes to invoke the Act with the contact details and procedures to obtain specific information from **the dtic**. It also gives such a person a clear overview of the structure, functions, services and index of information of **the dtic** to enable him or her to identify the required information if it is already available.

Included in the manual are the required forms and fees that need to accompany any request for information; as well as forms required to object to the processing of personal information and to request the correction or deletion thereof.

3. EXCLUSIONS

In addition to its internal capacity, **the dtic** relies on a group of specialised, regulatory and financial development agencies and institutions in supporting its economic growth, employment and equity ideals and in delivering products and services to the economic citizens of the country.

This manual provides for the records of **the dtic** only and not for those of its entities. Any requests for access to information related to any of **the dtic**'s public entities must be directed to the Information Officer of the relevant organisation.

4. PROGRAMME STRUCTURE AND FUNCTIONS OF the dtic

The programme, structure and functions of **the dtic** are attached as Annexure A to this Manual.

5. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

Section 10 of the Act imposes a duty on the Information Regulator to "update and make available the existing guide that has been compiled by the South African Human Rights Commission (SAHRC) containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act and the Protection of Personal Information Act, 2013".

The Information Regulator has updated the Section 10 Guide, as initially compiled by the SAHRC, accordingly. Members of the public can inspect or make copies, during normal working hours, of the Guide from the offices of public and private bodies (in at least two of the official languages), including the office of the Regulator (in each of the official languages). The Guide, in each of the official languages, can also be obtained:

- from the Government Gazette;
- upon request from the Regulator, by the Information Officer, on a form which corresponds substantially with Form 1 (see Annexure C);
- upon request from the Regulator, by any person, other than an Information Officer referred to above, on a form that corresponds substantially with Form 1 (see Annexure C); and

- from the website of the Regulator <http://www.inforegulator.org.za/> and that of any public and private bodies.

6. CONTACT DETAILS

6.1. Information Officer

DIRECTOR-GENERAL	PHONE	EMAIL ADDRESS
Ms M. Mabitje-Thompson	+27 (0)12 394 1058	MMabitje-Thompson@thedtic.gov.za

6.2. Deputy Information Officer

DIO	PHONE	EMAIL ADDRESS
Dr GJ Calitz	+27 (0)12 394 5561	GCalitz@thedtic.gov.za

6.3. Addresses

POSTAL ADDRESS	PHYSICAL ADDRESS	WEBSITE	GENERAL ENQUIRIES
The Information Officer the dtic Private Bag X84 Pretoria 0001	The Information Officer the dtic 77 Meintjies Street Sunnyside Pretoria	www.thedtic.gov.za	the dtic Customer Contact Centre National callers: 0861 843 384 International callers: +27 12 394 9500

7. ACCESS TO RECORDS HELD BY the dtic

7.1. Categories of records held by the dtic

Subjects	Categories of Records
Product and Market Information	This includes information that pertains to products and market conditions, and indicator measurements around which these products exist. This information category includes details of companies that produce or import products, the non-proliferation status of products, market trends pertaining to products nationally, regionally and internationally, and key factors driving the trends.

Subjects	Categories of Records
Trade Agreements	This covers information relating to trade agreements between South Africa and international countries and other organisations. Key information relating to this category deals with agreements between South Africa and other countries and external economic regions, agreement details associated with products, economic indicators and market trends, and conditions for products for which are included in agreements.
Incentives and Grants	This includes information pertaining to incentives that the dtic provides to organisations for technology transfer and industrial development etc. Key information in this category includes products and industry type for which incentives are provided, applications received, details of companies awarded incentives, incentive conditions and the performance of awarding incentives to companies against these conditions.
Permits	This includes information that relates to permits the dtic issues to organisations, including export/import and liquor trading permits, as well as those that deal with products controlled under the non-proliferation Act. Key information in the context of permits is company and product information as well as import/export limits associated with the product, where applicable.
Imports and Exports Tariffs	This includes current and historic tariffs for both the import and export of products. The information relates to trade agreements between South Africa and other countries, as well as between foreign countries.
SARS and SARB	This information relates to financial transactions and reports within SARS, SARB and the dtic . This includes export and import transactions by companies, foreign exchange that is acquired by organisations for imports, as well as VAT and turnover figures of registered organisations.
the dtic and Divisional Administration	This category mainly deals with information relating to administration and internal documents of the dtic and its Branches. The type of information included in this category is business plans, branch expenditure and progress reporting, processes, procedures and the dtic internal policy information.
Contact Management and Stakeholders	Contact management information includes information about key stakeholders and clients and their relationship and interactions with the dtic . Requests, status requests and complaints raised by a stakeholder or client will also be retained as part of contact information.
Financial and HR Administration	This includes the dtic financial information such as budgets, financial expenditure against budgets, and financial position of budgeted incentives against actual incentives/grants issued by the dtic . This information directly relates to both salaries and procurement activities. Human resources information relates to salaries, leave, skills and development plans for

Subjects	Categories of Records
	individuals, as well as objectives for individuals and their performance against these.
Supplier and Skills	This category includes information about suppliers of skills and services to the dtic as well as the B-BBEE status of such organisations or individuals. This information forms part of the procurement information.
Programme/Project Management	This information relates to the dtic programmes and projects that vary from donor-funded development to programme events organised by the dtic . This includes planning, budgeting, monitoring, deliverables and outcome details.
Regulatory and Legal	the dtic administers a range of trade- and industry-related Acts, regulations and policies. In addition, the dtic has records of legal cases related to trade and industry issues of local and international incidents.
Investigation/Inspection	the dtic conducts investigations and inspections as a result of policy analysis issues, consumer complaints and industry sector requests. Information that forms part of this category includes investigation/inspection type, procedures by investigation/inspection type, assigned inspector and findings.
Policies	There are a number of policies related to trade, industry, economic and socio-economic aspects that drive the actions and interventions of the dtic . These policies are revisited and improved at regular intervals and form the central framework for the related regulatory and incentive information. Operational policies are available to all employees of the dtic by means of the intranet so they are able to familiarise themselves with the functionality of all branches and any change that may have an impact.
Industry and Sector	All companies are classified into industry and sector groups to assimilate economy intelligence. Companies submit annual financial and tax reports that are used to populate economy statistics.

7.2. Categories of records available for inspection in terms of legislation other than PAIA

RECORDS	ACT
Liquor registration records (register and certificates)	Liquor Act, No. 59 of 2003: Section 23
Inspection or verification reports provided to the person inspected	Non-Proliferation of Weapons of Mass Destruction Act, No. 87 of 1993: Section 14

7.3. Categories of records automatically available from the dtic

Category	Document Type	Website
Publications	Brochures, booklets, plans, guides, acts	X
Overview of the dtic	<ul style="list-style-type: none"> • Leadership • Organogram • the dtic Agencies 	X
Speeches	Speeches of the Minister and Deputy Ministers	X
Media Statements	Media Statements made by the Department	X
Master Plans	<ul style="list-style-type: none"> • Masterplan Guide • Masterplan Development Toolkit • Cultural and Creative Industries (CCI) Masterplan • Master Plan for the Commercial Forestry Sector in South Africa 2020-2025 • The South African Poultry Sector Master Plan • South African R-CTFL Value Chain Master Plan to 2030 • Geared for Growth South Africa's Automotive Industry Master Plan to 2035 • South African Sugar Value Chain Master Plan 2030 • The South African Steel and Metal Fabrication Master Plan 1.0 • South African Furniture Industry 	X
Parliament	<ul style="list-style-type: none"> • Presentations • Committees • Parliamentary Questions 	X
Financial Assistance	A list of the dtic's incentives, including descriptions, objectives, offerings, contact details and documents (forms, guidelines, etc.) for download, per incentive scheme.	X
Sectors and Service	<ul style="list-style-type: none"> • B-BBEE • Special Economic Zones • Industrial Development • Trade and Export • Legislation and Business Regulation 	X
Strategic and Annual Performance Plans	Strategic and Annual Performance Plans for the dtic and its Entities	X
Annual Reports	Annual Reports for the dtic's Entities	X
Covid-19	<ul style="list-style-type: none"> • Call Centres and hotlines 	X

Category	Document Type	Website
	<ul style="list-style-type: none"> • Frequently Asked Questions • Schedule of Services • Support for Firms in Distress • Presentations • Recommended Guidelines and Specifications • Regulations • Solidarity Fund and In-kind Donations Portal • Public Transport Regulations • Bizportal • Exemptions • Media Releases/Speeches • Impact of Covid-19 on Trade Exhibitions/Incentives • Official Corona Web Information Portals 	
Procurement and Tenders	<ul style="list-style-type: none"> • Tenders • Bids Awarded • Bids Cancelled • Invoice Management Portal 	X
Research and Statistics	<ul style="list-style-type: none"> • Beyond 20/20 • New vehicle sales 	X

7.4. Processing of personal information

To safeguard the privacy and protection of personal information, all personal information processed by **the dtic** is managed in terms of relevant **the dtic** policies and the POPIA principles.

7.4.1 Purpose of processing

the dtic uses the personal information under its care in the following ways:

- Customer interaction (applications for grants, permits, participation in events, policy and legislation drafting and consultation, informal and formal requests and trade enquiries, etc.);
- Human Resources (processing of employee information);
- Marketing and advertising;
- Supply Chain Management (processing of supplier information);
- Information Management (the classification, retention and security of information);
- Finance (debtors and creditors information).

7.4.2 Categories of data subjects and their personal information

the dtic may possess records relating to suppliers, shareholders, contractors, service providers, staff and clients:

ENTITY TYPE	PERSONAL INFORMATION PROCESSED
Clients: Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.
Clients – Juristic Persons / Entities	Names of contact persons; name of Legal Entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
Clients – Foreign Persons / Entities	Names; contact details; physical and postal addresses; date of birth; passport number; tax related information; nationality; gender; confidential correspondence.
Contracted Service Providers	Names of contact persons; name of Legal Entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
Employees / Members / Committee Members	Gender, marital status; race, age, language, educational information; financial information; employment history; ID number; physical and postal address; contact details; opinions, criminal behaviour; well-being.

7.4.3 Recipients or categories of recipients to whom personal information may be supplied the dtic may supply personal information to organisations which render processing services to the Department. It includes:

- Other Government bodies and institutions;
- Personal information verification and credit reference agencies;
- Regulatory and reporting authorities;
- Professional advisors and consultants;
- Suppliers and service providers;
- Current, past and prospective employers and/or employees;
- Family, associates and representatives of the person whose personal information are processed;
- Survey and research organisations; and
- Law enforcement agencies such as the South African Police Service and courts.

7.4.4 Actual or planned trans-border flows of personal information

The only circumstances in which personal information are transferred out of South Africa, are as follows:

- Outward bound missions / national pavilions (names, company names, passports) – to SA foreign missions (officials, clients/company representatives) and Foreign Chambers of commerce;
- Trade enquiries going to foreign offices;
- Foreign Economic representatives (FERS) (Human Resource information).

7.4.5 **General description of information security measures**

the dtic employs up to date technology to ensure the confidentiality, integrity and availability of the personal information under its care. Measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Backup and replication of data and systems;
- Outsourced Service Providers who process personal information on behalf of the Department are security vetted and required to implement security controls.

the dtic complies with the Minimum Information Security Standard (MISS) requirements for storage and management of physical records.

7.4.6 **Remedies available if the provisions of the act are not complied with**

A requester may lodge:

- An internal appeal;
- A complaint to the Information Regulator; or
- An application with a court.

(Refer section 9.2.)

7.5. **Public Involvement in the Formulation of Policy and the Exercise of Powers or Performance of Duties by the dtic**

In the exercise of the Department's powers or performance of its duties, the public are from time to time invited to engage in various economic initiatives by:

- submitting comments on draft legislation and regulations, policies, strategies, master plans, Special economic Zones, etc.;
- participating in public meetings (community outreach) held to engage stakeholders on various economic initiatives, e.g. Special Economic Zones; and
- conducting relevant studies.

the dtic disseminates information to the public relating to these events via the electronic and print media, the Government Gazette as well as through social media.

In addition, **the dtic** liaises with various stakeholders in stakeholder engagements (meetings and workshops). These engagements are with key stakeholders (e.g., business forums, industry and relevant government departments).

8. REQUEST PROCEDURE

Section 18 of PAIA prescribes the procedure to be followed in making a request for access to information held by **the dtic**. Section 23(1) of POPIA provides the procedure to access personal information. The manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA.

8.1. Process

The following processes have been implemented in the department to deal with requests for records or personal information in terms of PAIA and POPIA:

Step 1: Application process

To request either a record or personal information, the request form (see Annexure D) has to be completed and submitted to:

BY POST	BY HAND	PER EMAIL
The Deputy Information Officer the dtic Private Bag X84 Pretoria 0001	The Deputy Information Officer the dtic Shared Services Centre 77 Meintjies Street Sunnyside Pretoria	The Deputy Information Officer PAIA@thedtic.gov.za

Adequate proof of identity must be provided when submitting the request form.

As required by the Act, an amount of **R100.00** must be paid if the request for information is not from a personal requester. This amount may be deposited into **the dtic's** bank account, in which case proof of the deposit must accompany the request form.

ACCOUNT	DETAILS
Bank:	Standard Bank
Branch:	Sunnyside
Branch code:	010645
Name of account:	Department of Trade, Industry and Competition
Account number:	370 650 026
Reference:	PAIA 11825740

Step 2: Validation and acknowledgement

The Deputy Information Officer of **the dtic** receives and validates the request to see whether the required information is available at **the dtic**. The request is then accepted, rejected or transferred to the rightful

keepers of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

Step 3: Information processing

If the request is accepted, **the dtic** will gather and prepare the information and calculate the relevant cost involved (see paragraph 8.2).

Step 4: Final Notification

The requester will be informed of the completion of the request as well as the outstanding fees payable to **the dtic**. (See Annexure E, Form 3.)

In instances where records do not exist or cannot be located, a response will be provided in the form of an affidavit or affirmation.

Step 5: Payment and delivery

Once the payment as stipulated in Step 4 is received (following the same payment process as stipulated in Step 1), the information will be released to the requester.

GENERAL INFORMATION

A person wishing to obtain access to records held by **the dtic** must complete the request form contained in Form 2 of Annexure D to this manual. Sufficient information must be provided to identify the records, i.e.:

- Particulars (identity) of the person requesting access to the records;
- Particulars of the person on whose behalf the request is being made;
- Particulars of the record or records to which access is requested;
- Which form of access is required, e.g. written or printed form, electronic or computer readable form, etc.?
- The postal address or fax number of the requester;
- Whether the record concerned should be in a specific language; 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.

Any request received will be dealt with within 30 days of receipt, unless the requester has stated special reasons that would satisfy the Information Officer that circumstances dictate non-compliance with the above time period. The 30-day period within which **the dtic** has to decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if:

- a) the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the public body concerned;

- b) the request requires a search for records in, or collection thereof from, an office of the public body not situated in the same town or city as the office of the Information Officer that cannot reasonably be completed within the original period;
- c) consultation among divisions of the public body or with another public body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
- d) more than one of the circumstances contemplated in paragraphs (a), (b) and (c) exist in respect of the request making compliance with the original period not reasonably possible; or
- e) the requester consents in writing to such extension.

If a request is made on behalf of another person, the requester must attach proof of such authorisation to the form.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The Information Officer of **the dtic** will then reduce that oral request to writing in the prescribed form, and provide a copy thereof to the requester.

8.2. Fees

The Act provides for two types of fees, namely:

- A request fee, which is a standard fee only payable by non-personal requesters; and
- An access fee, which is calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

The fee structure in respect of fees payable to the Public Bodies is attached as Annexure B.

Once the Information Officer receives a request, he or she will require the requester to pay the prescribed fee before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer will notify the requester to pay as a deposit the prescribed portion of the access fee that would be payable should the request be granted.

The Information Officer will withhold the requested record until the requester has paid the fees as indicated in Annexure B.

A requester, whose request for access to a record has been granted, must pay an access fee for reproduction, search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including arrangements to make it available in the requested format.

The requester does not need to pay an access fee to a public body if s/he is:

- A single person whose annual income, after permissible deductions such as PAYE and UIF, is less than R14 712,00 per annum.
- Married persons or a person and his or her life partner whose joint annual income does not exceed R27 192,00 per annum after permissible deductions such as PAYE and UIF.

It is further determined that:

- Where the cost of collecting any fee exceeds the amount charged such fee shall not apply.
- The access fee does not apply to the personal record of a requester.

9. GRANTING/REFUSAL OF REQUESTS

9.1. Refusal of Requests

A request for information may be refused on one of the following grounds, as specified in the Act:

SECTION	DESCRIPTION
34	<p><u>Mandatory protection of privacy of a third party who is a natural person</u></p> <p>The Information Officer of a public body must refuse a request for access to a record of that public body if it would involve the unreasonable disclosure of personal information about a third party, including a deceased individual. A record may not be refused if it consists of information:</p> <ul style="list-style-type: none"> • About a third party who has consented in writing to the disclosure of the information; • Given to the public body by the individual to whom it relates, and that individual is informed by the public body, before it is disclosed, and the information belongs to a class of information that might already be publicly available; • That is already publicly available; • Relating to an individual's physical or mental health, or well-being, who is under the care of the requester, and who is under the age of 18 years or is incapable of understanding the nature of the request, and further the disclosure would be in the individual's best interests; • About an individual who is deceased and the requester is the individual's next of kin, or is making the request with the written consent of the individual's next of kin; and • About an individual who is or was an official of a public body, and the information relates to the position or functions of the individual.
35	<p><u>Mandatory protection of certain records of SARS</u></p> <p>The Information Officer of SARS must refuse a request for access to a record of SARS if it contains information obtained or held by SARS for the purposes of enforcing legislation concerning the collection of revenue in terms of the South African Revenue Service Act, No. 32 of 1997; unless the record requested consists of information about the requester or the person on whose behalf the request is being made, in which case the record may not be refused.</p>

36	<p><u>Mandatory protection of commercial information of a third party</u></p> <p>The Information Officer of a public body must refuse a request for access to a record, if it contains:</p> <ul style="list-style-type: none"> • Trade secrets of a third party; • Financial, commercial, scientific or technical information other than trade secrets of a third party, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party; or • Information supplied by a third party in confidence and, if disclosed, would reasonably be expected to place the third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition. <p>However, a record may not be refused if it consists of information:</p> <ul style="list-style-type: none"> • Already publicly available; • About a third party who has consented in writing to its disclosure to the requester concerned; or • About the results of any product or environmental testing (not preliminary testing) or other investigation carried out by or on behalf of a third party, where the disclosure thereof would reveal a serious public safety or environmental risk.
37	<p><u>Mandatory protection of certain confidential information, and protection of certain other confidential information of a third party</u></p> <p>The Information Officer must refuse a request for access to a record of that public body if the disclosure thereof would constitute a breach of a duty of confidence owed to a third party in terms of an agreement.</p> <p>The Information Officer of a public body may refuse a request for access to a record of that body if the record consists of information supplied in confidence by the third party and, if disclosed, could prejudice the future supply of similar information or information from the same source; and it is in the public interest that the information from the same source continue to be supplied.</p> <p>However, a record may not be refused, if it consists of information:</p> <ul style="list-style-type: none"> • Already publicly available; or • About the third party and the third party has already consented in writing to its disclosure to the requester.
38	<p><u>Mandatory protection of safety of individuals and protection of property</u></p> <p>The Information Officer of a public body must refuse a request for access to a record of that body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.</p> <p>The Information Officer of a public body may refuse a request for access to a record of that body if its disclosure would likely prejudice or impair the security of a building, structure or system, including a computer or communication system, a means of transport or any other property.</p> <p>The Information Officer of a public body may refuse a request for access to a record of that body if its disclosure would likely prejudice or impair the methods, systems, plans or procedure for the protection of:</p> <ul style="list-style-type: none"> • An individual under a witness protection scheme; • The safety of the public or any part of the public; or

	<ul style="list-style-type: none"> The security of a building, structure, or system, including a computer or communication system, a means of transport or any other property.
39	<p><u>Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings</u></p> <p>The Information Officer of a public body must refuse a request for access to a record of the body if the access to that record is prohibited in terms of section 60(14) of the Criminal Procedure Act, No. 51 of 1977. The Information Officer has a discretionary ground of refusal in terms of section 39(1)(b) of PAIA.</p> <p>A record may not be refused if it consists of information about the general conditions of detention of persons in custody.</p>
40	<p><u>Mandatory protection of records privileged from production in legal proceedings</u></p> <p>The Information Officer of a public body must refuse a request for access to a record of a public body if the record is privileged from production in legal proceedings, unless such privilege has been waived.</p>
41	<p><u>Defence, security and international relations of the Republic</u></p> <p>The Information Officer of a public body may refuse a request for access to a record of that body if its disclosure could reasonably be expected to cause prejudice to:</p> <ul style="list-style-type: none"> The defence of the Republic; The security of the Republic; or The international relations of the Republic. <p>The Information Officer of a public body may refuse a request for access to a record of that body if its disclosure would reveal information:</p> <ul style="list-style-type: none"> Supplied in confidence by or on behalf of another state or international organisation; Supplied by or on behalf of the Republic to another state or international organisation in terms of an arrangement or international agreement that requires the information be held in confidence; or Required to be held in confidence by an international agreement or customary international law contemplated under sections 231 or 232 of the Constitution.
42	<p><u>Economic interests and financial welfare of the Republic and commercial activities of public bodies</u></p> <p>The Information Officer of a public body may refuse a request for access to a record of that body if its disclosure would likely materially jeopardise the economic interests or financial welfare of the Republic or the ability of the Government to manage the economy of the Republic effectively, in the best interests of the Republic.</p> <p>The Information Officer of a public body may refuse a request for access to a record of that body if the record:</p> <ul style="list-style-type: none"> Contains trade secrets of the state or a public body; Contains financial, commercial, scientific or technical information and the disclosure thereof would likely cause harm to the commercial or financial interests of the state or public body; Contains information that, if disclosed, could place the public body at a disadvantage in contractual or other negotiations or prejudice a public body in commercial competition; or

	<ul style="list-style-type: none"> • Is a computer program, as defined in the Copyright Act, No. 98 of 1978, which is owned by the state or a public body, unless it is required to give access in terms of PAIA. <p>The Information Officer may not refuse a request for access to a record of that body if the record consists of information:</p> <ul style="list-style-type: none"> • Already publicly available; • About or owned by a public body other than the public body to whom the request is made, and this public body has consented in writing to its disclosure; or • About the results of any product or environmental testing or other investigation (excluding preliminary testing) supplied by the public body or the results of any such testing or investigation carried out by or on behalf of a public body, and the disclosure thereof would reveal a serious public safety or environmental risk.
43	<p><u>Mandatory protection of research information of a third party and protection of research information of a public body</u></p> <p>The Information Officer of a public body must refuse a request for access to a record of that body if the record contains information about research being carried out or to be carried out by or on behalf of a third party and, if this were to be disclosed, would likely expose the third party, the person carrying out the research on behalf of the third party or the subject matter of the research to a serious disadvantage.</p> <p>The Information Officer of a public body may refuse a request for access to a record of that body if the record contains information about research being carried out or about to be carried out on behalf of a public body and, if this were to be disclosed, would likely expose the public body, the person carrying out the research on behalf of the public body or the subject matter of the research to a serious disadvantage.</p>
44	<p><u>Operations of public bodies</u></p> <p>The Information Officer of a public body may refuse a request for access to a record of a public body if the record contains an opinion, advice, report or recommendation obtained or prepared, or an account of a consultation, discussion or deliberation, including the minutes of meetings, for the purposes of assisting to formulate policy or taking a decision in the exercise of a power or the performance of a duty in terms of the law.</p> <p>The Information Officer of a public body may refuse a request for access to a record of that body if disclosure of the record could reasonably be expected to frustrate the deliberative process in a public body or between public bodies, by inhibiting the candid communication of an opinion, advice report or recommendation; or the conduct of a consultation, discussion or deliberation; or if the disclosure of the record could by premature disclosure of a policy or contemplated policy reasonably be expected to frustrate the success of that policy.</p> <p>The Information Officer of a public body may refuse a request for access to a record of that public body if:</p> <ul style="list-style-type: none"> • The disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure used by a public body; • The record contains evaluative material, whether the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise, which was made to the person who supplied the material; and

	<p>the material or the identity of the person who supplied it would be held in confidence; or</p> <ul style="list-style-type: none"> • The record contains a preliminary, working or other draft of an official of a public body.
45	<p><u>Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources</u></p> <p>The Information Officer of a public body may refuse a request for access to a record of that public body if the request is manifestly frivolous or vexatious or if the work involved in processing the request would substantially and unreasonably divert the resources of the public body.</p>
46	<p><u>Mandatory disclosure in the public interest</u></p> <p>Despite the above listed grounds of refusal, the Information Officer of a public body must grant a request for access to a record of a public body if the disclosure thereof 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 outweighs the harm contemplated under the grounds for refusal.</p>

9.2. Remedies available if the provisions of the act are not complied with

A requester may lodge:

- an internal appeal;
- a complaint to the Information Regulator; or
- an application with a court.

9.2.1 Internal Appeal

A requester may lodge an internal appeal against a decision of the Information Officer of a public body:

- To refuse a request for access;
- Regarding the request fee, a deposit on the access fee, or the access fee;
- Regarding the extension of the period to deal with the request; and
- Regarding access being granted in a different form than requested.

A third party may lodge an internal appeal against a decision of the Information Officer of a public body to grant a request for access.

Manner of appeal and appeal fees

- An appeal must be lodged in the prescribed form (see Annexure F, Form 4) to the Information Officer or Deputy Information Officer:
 - An appeal must be lodged within 60 days;
 - If notice to a third party is required, an appeal must be lodged within 30 days after notice has been given to the appellant of the decision being appealed against;

- If notice to the appellant is not required after the decision was taken, the appeal must be delivered or sent to the Information Officer of the public body concerned at his or her address, fax number or electronic mail address;
- The appeal must identify the subject of the appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;
- If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, he or she must state that manner and provide the necessary particulars to be so informed; and
- If applicable, an appeal must be accompanied by the prescribed appeal fee and it must specify a postal address or fax number.
- If an appeal is lodged after the expiry of the period referred to, the relevant authority must, upon good cause shown, allow the late lodging of the appeal.
- If that relevant authority disallows the late lodging of the appeal, he or she must give notice of that decision to the person who lodged the appeal.
- A requester lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee, if any.
- If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.
- As soon as reasonably possible, but in any event within 10 working days after receipt of an appeal, the Information Officer of the public body concerned must submit to the relevant authority:
 - The appeal together with his or her reasons for the decision concerned; and
 - If the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.
- The appeal must be processed and decided on within 30 days from the date in which the internal appeal was received by the Information Officer or Deputy Information Officer.

The Minister of Trade, Industry and Competition serves as relevant authority for dealing with appeals within the department.

9.2.2 **Complaint to the Information Regulator**

A requester or third party may only submit a complaint to the Information Regulator after that requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer.

A complaint to the Information Regulator by a requester or third party must be lodged within 180 days of receipt of the decision from the body and must be submitted using Form 5, attached as Annexure G hereto.

9.2.3 **Application with a court**

A requester or third party may only apply to a Court for appropriate relief after having exhausted the internal appeal and complaints procedures against a decision of the Information Officer.

An application to a court for appropriate relief must be lodged within 180 days of receipt of the decision from the body.

10. AVAILABILITY OF THE MANUAL

This Manual is available:

- On **the dtic**'s website;
- At the head office of the Department during normal office hours; and
- To any person upon request.

ANNEXURE A: PROGRAMME STRUCTURE AND FUNCTIONS OF the dtic

the dtic's vision

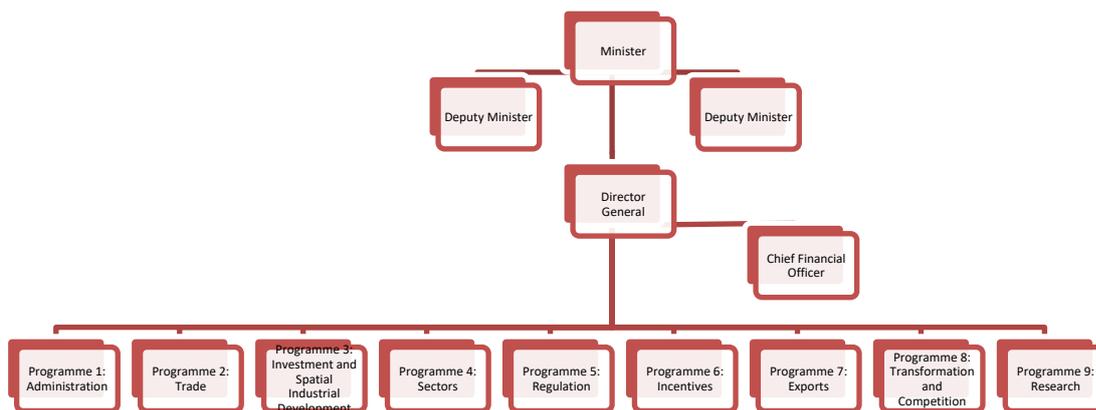
A dynamic industrial, globally competitive South African economy, characterised by meaningful economic transformation, inclusive growth and development, decent employment and equity, built on the full potential of all citizens.

the dtic's mission

the dtic's mission is to:

- Promote structural transformation, towards a dynamic industrial and globally competitive economy;
- Provide a predictable, competitive, equitable and socially responsible environment, conducive to investment, trade and enterprise development;
- Broaden participation in the economy to strengthen economic development;
- Continually improve the skills and capabilities of the dtic to effectively deliver on its mandate and respond to the needs of South Africa's economic citizens;
- Co-ordinate the contributions of government departments, state entities and civil society to effect economic development;
- Improve alignment between economic policies, plans of the state, its agencies, government's political and economic objectives and mandate.

the dtic's organisational structure



Description of Programmes and Sub-Programmes

Programme 1: Administration

- a) **Purpose:** Provide the Department with strategic leadership, management and support services.
- b) **Description of Sub-Programmes:**
- (i) **The Ministry** provides leadership and policy direction to **the dtic**;
 - (ii) **The Office of the Director-General (ODG)** provides overall management of **the dtic**'s resources;
 - (iii) **Corporate Services** provides customer-centric and integrated resource solutions in human resource management, information and communication technology (ICT), legal services and facilities management;
 - (iv) **Office Accommodation** is an allocation for accommodation services to **the dtic** regional offices and ensures continued maintenance service;
 - (v) **Financial Management** provides support to **the dtic**, with respect to financial resource allocation and the management thereof, to aid the fulfilment of the department's goals and objectives;
 - (vi) **Marketing, Communication & Media Relations** facilitate greater awareness of the department's role and increase the uptake of its products and services; as well as ensuring that it is projected positively in the media through influencing the content of all media in favour of the department.

Programme 2: Trade

- a) **Purpose:** Build an equitable global trading system that facilitates development by strengthening trade and investment links with key economies and fostering African development, including regional and continental integration and development co-operation in line with the African Union Agenda 2063.
- b) **Description of Sub-Programmes**
- (i) **International Trade Development** facilitates bilateral and multilateral trade relations and agreements.
 - (ii) **African Multilateral Economic Development** facilitates multilateral African trade relations aimed at deepening regional integration.

Programme 3: Investment and Spatial Industrial Development

- a) **Purpose:** Support foreign direct investment flows and promote domestic investment by providing a one-stop shop for investment promotion, investor facilitation and aftercare support for investors as well as increase participation in industrialisation.
- b) **Description of Sub-Programmes**
- (i) **Investment Promotion** facilitates an increase in the quality and quantity of foreign direct investment, and domestic and outward investment, by providing investment attraction, targeted lead generation and recruitment support.

- (ii) **Investment and Inter-Departmental Clearing House** promotes and facilitates investment and provides support services to the investment and interdepartmental clearinghouse. This sub-programme also provides a specialist advisory service, fast tracks and unblocks processes, and reduces bureaucratic red tape for investors.
- (iii) **Investor Support & Aftercare** provides specialist advisory services through research, information marketing, aftercare and policy advocacy to facilitate new investment, and retain and expand existing investment.
- (iv) **Spatial Industrial Development** promotes industrial development in targeted regions through policies, strategies and programmes such as Special Economic Zones and Industrial Parks, and Township economic initiatives, amongst others.

Programme 4: Sectors

- a) **Purpose:** Design and implement policies, strategies and programmes for the development of manufacturing and related economic sectors, and contribute to the direct and indirect creation of decent jobs, value addition and competitiveness, in both domestic and export markets.
- b) **Description of Sub-Programmes**
 - (i) **Industrial Competitiveness** designs and implement policies, strategies and programmes to strengthen the ability of manufacturing and other sectors of the economy, to create decent jobs and increase value-addition and competitiveness in both domestic and export markets.
 - (ii) **Customised Sector Programmes** designs and implements policies, strategies and programmes to strengthen the ability of manufacturing and other sectors of the economy, to inclusively create decent jobs, promote incusing and increase value addition and competitiveness, in both domestic and export markets.

Programme 5: Regulation

- a) **Purpose:** Develop and implement coherent, predictable and transparent regulatory solutions that facilitates easy access to redress and efficient regulation for economic citizens.
- b) **Description of Sub-Programmes**
 - (i) **Policy and Legislative Development** develops policies, laws and regulatory frameworks; and drafts legislation.
 - (ii) **Enforcement and Compliance** conducts trends analyses, and socioeconomic impact assessments for policies and legislation and market surveys; implements legislation on matters pertaining to liquor; monitors and evaluates the effectiveness of regulation; and oversees the performance of the department's regulatory entities (Companies and Intellectual Property Commission, Companies

Tribunal, National Consumer Commission, National Consumer Tribunal, National Credit Regulator, National Gambling Board, and National Lotteries Commission).

- (iii) **Regulatory Services** oversees the development of policies, laws, regulatory frameworks and the implementation of the branch mandate, and provides strategic support to branch business units, respectively, in line with legislation and applicable governance systems.

Programme 6: Incentives

- a) **Purpose:** Stimulate and facilitate the development of sustainable, competitive enterprises through the efficient provision of effective and accessible incentive measures that support national priorities.

- b) **Description of Sub-Programmes**

- (i) **Broadening Participation Incentives** provides incentive programmes that promote broader participation in the mainstream economy by businesses owned by individuals from historically disadvantaged communities and marginalised regions.
- (ii) **Manufacturing Incentives** provides incentives to promote additional investment in the manufacturing sector. The manufacturing investment cluster comprises the manufacturing competitive enhancement programme, the capital projects feasibility programme, the automotive investment scheme, the export marketing and investment assistance scheme, the sector specific assistance scheme and the section 12I tax incentive scheme.
- (iii) **Services Investment Incentives** provides incentive programmes that promote increased investment and job creation in the services sector. Programmes include the global business process services programme, and the film and television Production Incentive Support Programme for South African and foreign productions.
- (iv) **Infrastructure Investment Support** provides grants for two industrial infrastructure initiatives: Special Economic Zones and the Critical Infrastructure Programme, which are aimed at enhancing infrastructure and industrial development, increasing investment, and the export of value-added commodities.
- (v) **Product and Systems Development** reviews, monitors and develops incentive programmes to support the industrial strategy, and develops sector strategies to address market failures.
- (vi) **Strategic Partnership and Customer Care** facilitates access to targeted enterprises by reviewing the success of incentive schemes and improving them where possible.

Programme 7: Exports

- a) **Purpose:** Increase export capacity and support direct investment flows, through targeted strategies, and an effectively managed network of foreign trade office.

b) **Description of Sub-Programmes**

- (i) **Africa Bilateral Economic Relations** facilitates deeper and broader bilateral African trade and investment relations with African economies and supports the deepening of regional integration.
- (ii) **Export Promotion and Marketing** promotes exports of South African value-added goods and services to increase market share in targeted high-growth markets and sustain market share in traditional markets.
- (iii) **Trade and Investment Foreign Services Management Unit** promotes trade and investment, and administers and provides corporate services to the department's foreign office network of foreign economic representatives to enable South African businesses to access global markets.
- (iv) **Export Development and Support** manages the National Exporter Development Programme, which is designed to contribute to positioning South Africa as a reliable trade partner, and, improve and expand the country's exporter base.

Programme 8: Transformation and Competition

- a) **Purpose:** Develop and roll out policy interventions that promote transformation and competition issues through effective economic planning, aligned investment and development policy tools.

b) **Description of Sub-Programmes**

- (i) **Economic Planning and Advisory:** Promotes integrated economic planning analysis of economic plans and advancement of competition priorities.
- (ii) **Implementation Coordination and Competition Oversight** promotes the implementation economic development plans that are aligned with competition decisions, orders, and recommendations and to provide support to the minister to carry out responsibilities as required in terms of competition legislation.
- (iii) **Investment and Development:** Promotes public and private investment for development.
- (iv) **Equity and Empowerment** promotes broad-based black economic empowerment (BEE) and the growth of the industrial base through the black industrialist programme.

Programme 9: Research

- a) **Purpose:** Undertake economic research; contribute to development of trade and industrial policies and guide policy, legislative and strategy processes to facilitate inclusive growth.

b) **Description of Sub-Programmes**

- (i) **Economic Research and Policy Coordination:** Undertakes economic research, contributes to the development of policy options, and guides policy through consultation with stakeholders.
- (ii) **Macro-Economic Policy:** Evaluate and develop macro-economic and micro-economic policy options to achieve inclusive growth, promote decent work outcomes, productivity, entrepreneurship and innovation.
- (iii) **Growth Path and Decent Work:** Develops and coordinates Master Plans and constituency-based (business, labour and community) interventions to support the creation of decent work, entrepreneurship and innovation.

ANNEXURE B: FEES IN RESPECT OF PUBLIC BODIES

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

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of an A4-size page	R1.50 per page or part thereof.
3.	Printed copy of an 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 the requester) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 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	Service to be outsourced. Will depend on quotation from Service Provider.
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 the requester) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 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. To not exceed a total cost of	R100.00 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.

ANNEXURE C: FORM 1 – REQUEST FOR A COPY OF THE GUIDE

FORM 1

REQUEST FOR A COPY OF THE GUIDE

[Regulations 2 and 3]

To The Information Regulator
P.O Box 31533, Braamfontein
2017

E-mail address: infoereg@justice.gov.za
Tel number: +27 (0)10 023 5200

Or *The Information Officer
.....
.....
.....

I, Full names:			
In my capacity as (mark with "X"):	Information Officer		Other
Name of *Public/Private body (if applicable)			
Postal Address:			
Street Address:			
E-mail address:			
Facsimile:			
Contact numbers:	Tel (W)	Cell	

hereby request the following copy(ies) of the Guide:

Language (mark with "X")	No of Copies	Language (mark with "X")	No of Copies
Sepedi		Sesotho	
Setswana		siSwati	
Tshivenda		Xitsonga	
Afrikaans		English	
isiNdebele		isiXhosa	
isiZulu			

Manner of collection (mark with "X")

Personal Collection	Postal Address	Facsimile	Electronic Communication (Please Specify)

Signed at this day of 20

.....
Signature of requester

**Delete whichever is not applicable*

ANNEXURE D: FORM 2 - REQUEST FOR ACCESS TO RECORD

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

E-mail address: _____
 Fax number: _____

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person

PERSONAL INFORMATION

Full Names						
Identity Number						
Capacity in which request is made <i>(when made on behalf of another person)</i>						
Postal Address						
Street Address						
E-mail Address						
Contact Numbers	Tel (W)		Facsimile		Cell	
Full names of person on whose behalf request is made <i>(if applicable):</i>						
Identity Number						
Postal Address						
Street Address						
E-mail address						
Contact numbers	Tel (W)		Facsimile		Cell	

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

--	--

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

TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected:	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic Communication <i>(Please specify)</i>

Signed at this day of 20

.....
Signature of requester / person on whose behalf request is made

FOR OFFICAL USE

Reference number:	
Request received by: <i>(State Rank, Name and Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

.....
Signature of Information Officer

ANNEXURE E: FORM 3 – OUTCOME OF REQUEST AND OF FEES PAYABLE

FORM 3

OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference No.

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

Kindly note that your request has been:

<input type="checkbox"/>	Approved
<input type="checkbox"/>	Denied, for the following reasons:
<input type="text"/>	

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(i) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank:	
Name of account holder:	
Type of account:	
Account number:	
Branch Code:	
Reference Nr:	
Submit proof of payment to:	

Signed at this day of 20

.....
Information Officer

ANNEXURE F: FORM 4 – LODGING OF AN INTERNAL APPEAL

FORM 4

LODGING OF AN INTERNAL APPEAL

[Regulation 9]

Reference No.

PARTICULARS OF PUBLIC BODY	
Name of Public Body	
Name and Surname of Information Officer	

PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL						
Full Names						
Identity Number						
Postal Address						
Contact Numbers	Tel (W)		Facsimile		Cell	
Is the internal appeal lodged on behalf of another person?				Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>						

PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of Section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	

GROUNDS FOR APPEAL

*(If the provided space is inadequate, please continue on a separate page and attach it to this form.
All the additional pages must be signed.)*

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

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic Communication <i>(Please specify)</i>

Signed at this day of 20

.....
Signature of Appellant/Third party

**FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received by <i>(state rank, name and surname of Information officer)</i>	
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Date received			
Appeal accompanied by the reasons for the 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	Yes		
	No		

OUTCOME OF APPEAL				
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			

Signed at this day of 20

.....

Relevant Authority

ANNEXURE G: FORM 5 – LODGING OF COMPLAINT

FORM 5

LODGING OF COMPLAINT [Regulation 10]

Note

1. This form is designed to assist the Requester (hereinafter referred to as “the Complainant”) in requesting a review of a public or private body’s response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“PAIA”). Please fill out this form and send it to the Information Regulator or complete the online complaint form available at <https://www.justice.gov.za/inforeg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part E of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as “the Body”) an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed PAIA form and submit it to the Body.
4. A copy of this form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. Please attach copies of the following documents, if you have them:
 - Copy of the form to the Body requesting access to records;
 - The Body’s response to your complaint or access request;
 - Any other correspondence between you and the Body regarding your request;
 - Copy of the appeal form, if your complaint relate to a public body;
 - The Body’s response to your appeal;
 - Any other correspondence between you and the Body regarding your appeal;
 - Documentation authorizing you to act on behalf of another person (if applicable);
 - Court order or court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

To The Information Regulator
P.O Box 31533, Braamfontein
2017

E-mail address: inforeg@justice.gov.za
Tel number: +27 (0)10 023 5200

PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED

Mark with an "X"

<input type="checkbox"/>	Complainant Personally	<input type="checkbox"/>	Representative of Complainant	<input type="checkbox"/>	Third party
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PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY			
Received by (Full names)			
Position			
Signature			
Complaint Accepted	Yes		No
Reference Number			

Date stamp

Postal Address	Facsimile	Other Electronic Communication (<i>Please specify</i>)

PART A : PERSONAL INFORMATION OF COMPLAINANT			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel (W)	Facsimile	Cell

PART B : REPRESENTATIVE INFORMATION			
<i>(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)</i>			
Full names of representative			
Nature of representation			
Identity No./Registration No.			
Postal Address			
Street Address			
E-mail address			
Contact numbers	Tel (W)	Facsimile	Cell

PART C : THIRD PARTY INFORMATION			
<i>(Please attach letter of authorisation)</i>			
Type of body	Private		Public
Name of *Public/Private body			
Registration number (<i>if any</i>)			
Name, surname and title of person authorised to lodge complaint			
Postal Address			

Street Address					
E-mail address					
	Tel (W)		Facsimile		Cell

PART D : BODY AGAINST WHICH THE COMPLAINT IS LODGED					
Type of body	Private			Public	
Name of *Public/Private body					
Registration number (if any)					
Name, Surname and Title of person you dealt with at the public or private body to try to resolve your complaint or request to access of information					
Postal Address					
Street Address					
E-mail address					
	Tel (W)		Facsimile		Cell
Reference Number given (if any)					

PART E : COMPLAINTS	
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions)</i>	
Date on which request for access to records submitted	
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body	
Have you attempted to resolve the matter with the organisation?	
If yes, when did you receive it? <i>(Please attach the letter to this application)</i>	
Did you appeal against a decision of the Information Officer of the public body?	
If yes, when did you lodge an appeal?	
Have you applied to Court for appropriate relief regarding this matter?	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.	

PART F : DETAILED TYPE OF ACCESS TO RECORDS		
<i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>		
Unsuccessful appeal: (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	I have appealed against the decision of the public body and the appeal is unsuccessful.	

Unsuccessful application for condonation: (Sections 77A(2)(b) and 75(2) of PAIA)	I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.	
Refusal of a request for access: (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	I requested access to information held by a body and that request was refused or partially refused.	
The body requires me to pay a fee and I feel it is excessive: (Sections 22 or 54 of PAIA)	Tender or payment of the prescribed fee.	
Repayment of the deposit: (Section 22(4) of PAIA)	The tender or payment of a deposit.	
Disagree with time extension: (Sections 26 or 57 of PAIA)	The Information Officer refused to repay a deposit paid in respect of a request for access which is refused.	
Form of access denied: (Section 29(3) or 60(a) of PAIA)	The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.	
Deemed refusal: (Section 27 or 58 of PAIA)	I requested access in a particular and reasonable form and such form of access was refused.	
Inappropriate disclosure of a record: (Mandatory grounds for refusal of access to record)	It is more than 30 days since I made my request and I have not received a decision.	
No adequate reasons for the refusal of access: (Section 56(3)(a) of PAIA)	Extension period has expired and no response was received. Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonably been disclosed.	
Partial access to record: (Section 28(2) or 59(2) of PAIA)	My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.	
Fee waiver: (Section 22(8) or 54(8) of PAIA)	Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.	
Records that cannot be found or do not exist: (Section 23 or 55 of PAIA)	I am exempt from paying any fee and my request to waive the fees was refused.	
Failure to disclose records:	The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.	
No jurisdiction (exercise or protection of any rights): (Section 50(1)(a) of PAIA)	The Body decided to grant me access to the requested records, but I have not received	

	them. The Body indicated that the requested records are excluded from PAIA and I disagree.	
Frivolous or vexatious request: (Section 45 of PAIA)	The Body indicated that my request is manifestly frivolous or vexatious and I disagree.	
Other: (Please explain):		

PART G: EXPECTED OUTCOME

(How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.)

PART H : AGREEMENTS

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

<input type="checkbox"/>	<i>I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.</i>
<input type="checkbox"/>	<i>The information in this Complaint Form is true to the best of my knowledge and belief.</i>
<input type="checkbox"/>	<i>I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.</i>

	<p><i>I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.</i></p>
	<p><i>If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.</i></p>

Signed at this day of 20

.....
Complainant/Representative/Authorised Person of Third party