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PROMOTION for ACCESS to INFORMATION ACT MANUAL

DPW
PAIA



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA



public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA



Ms Stella Sigcau
Minister



Mr Ntopile Kganyago
Deputy Minister



Mr Themba James Maseko
Director-General

1. Introduction

The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), section 32 stipulates that every one has the right of access to any information held by the State or any another person provided the information is required for the exercise or protection of any rights. The Act further stipulates that national legislation must be enacted to give effect to this right.

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) hereafter referred to as “the Act” gives effect to the constitutional right of access to information held by any public or private body and is required for the exercise or protection of any rights. The Act details the procedures to be followed when making such request for information held either by a public body or private body.

Section 9 of the Act, however, recognizes that such right to access to information is subject to certain justifiable limitations such as those including, but not restricted to:

- ✧ The reasonable protection of privacy;
- ✧ Commercial confidentiality; and
- ✧ Effective, efficient and good governance.

Section 14 of the Act obliges public bodies to compile a manual to assist a person to obtain access to information held by the public body . The Act also stipulates the minimum requirements with which such a manual has to comply.



The purpose of this manual is therefore to inform a person on how to obtain access to records held by the Department of Public Works, hereafter referred to as “the Department” thus giving effect to section 14 of the Act.

2. Human Rights Commission Guide on how to use the Act [Section 14(1)(c)]

2.1 Legitimate Mandate

The South African Human Rights Commission has compiled an easy to understand guide to assist any person who wishes to exercise any right contemplated in the Act. This guide is available in all the official languages from the South African Human Rights Commission.

2.2 Any enquiries should be directed to:

The South African Human Rights Commission

2.2.1 Contact Details

Telephone No:	+27 11 484 8300
Fax No:	+27 11 484 1360
E-mail Address:	PAIA@sahrc.org.za
Postal Address:	PAIA Unit The Research and Documentation Department Private Bag 2700 Houghton 2041

Street Address:	PAIA Unit The Research and Documentation Department Boundary Road, Isle of Houghton Wilds View, Entrance 1 Houghton JOHANNESBURG
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Website:	http://www.doj.gov.za
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3. Structure and Functions of the Department

3.1 Vision

“To be a world-class Public Works Department”

3.2 Values

The following values are the principles that bind and guide the Department in its continuing service delivery improvement drive and are provided for in the Leadership Way and the Service Delivery Improvement of the Department as promised in Government Batho Pele Principles.

- ✘ Open Communication
- ✘ Urgency
- ✘ Commitment
- ✘ Integrity
- ✘ Decisiveness
- ✘ Client Focus
- ✘ Team Work



3.3 Strategic Goals

- ✘ Promoting economic growth and development by providing strategic leadership to the Construction and Property industries.
- ✘ Promoting Black Economic Empowerment (BEE).
- ✘ Contributing to the National Goals of Poverty Alleviation and Job Creation.
- ✘ Contributing to the African Renaissance/NEPAD
- ✘ Improving service delivery
- ✘ Adhering to Good Corporate Governance
- ✘ Developing a comprehensive Human Resource Plan supporting (Departmental) business and Government imperatives

3.4 Core Business of Public Works

- ✘ Custodian of National Government's fixed property assets.
- ✘ Provision of accommodation and facilities to National Government.
- ✘ Co-ordination of the Expanded Public Works Programme (EPWP).
- ✘ Regulation and transformation of the Property and Construction industries.

3.5 The Value Plan & Public Works Strategic Drivers:

The Strategic Drivers

3.5.1 Service

- ✘ Service Delivery Improvement Programme
- ✘ Transformation
- ✘ Leadership Way

3.5.2 Capacity

- ✘ People
- ✘ Systems/Processes
- ✘ Budget

3.5.1 Asset Management

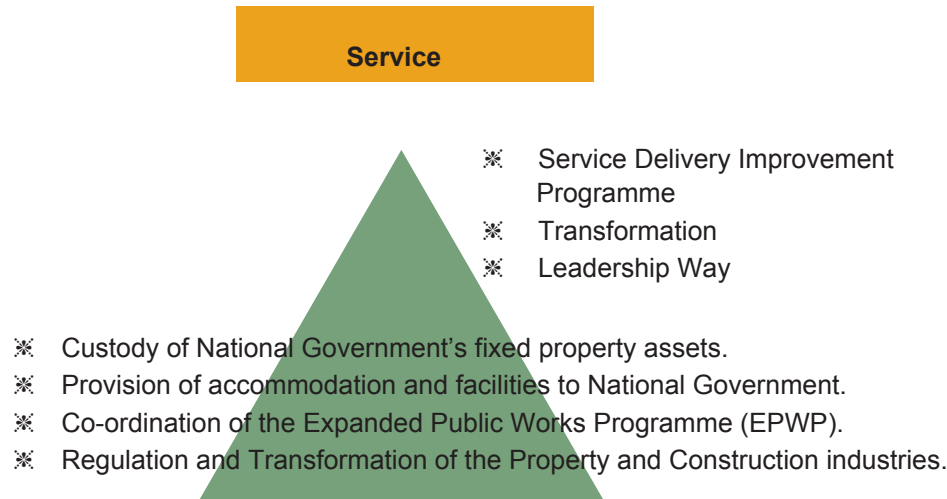
- ✘ Asset Management Information System
- ✘ Asset Life Cycle Management/Return on Investment
- ✘ Policy

3.6 The Leadership Way

The Leadership Way is a change management initiative led by the Director-General. The initiative provides for a new way of doing business in Public Works by focusing on change of behavior, culture, and the adoption of a positive attitude to serve the department's customers and shareholders better.

3.5 The Value Plan & Public Works Strategic Drivers

The Strategic Drivers



3.6 Composition of Public Works Structure

The Ministry of the Department of Public Works is headed by the Minister of Public Works, **Ms Stella Sigcau** and the Deputy Minister **Mr Ntopile Kganyago**.

The Accounting Officer and the Chief Executive Officer who is the Head of the Department is the Director-General (DG), **Mr Themba James Maseko**.

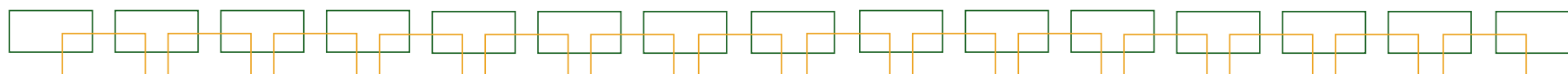
The Chief Operating Officer (COO) is **Dr Sean D Phillips** who reports directly to the DG. The Department consists of the following five Branches headed by Deputy Director Generals (DDGs):

Branches reporting to the COO	Head of the Branch
Asset Management (AM) Acting:	Dr Sean D Phillips
Expanded Public Works Programme	Mr Bongani Gxilishe
Operations	Mr Themba Camane
Policy	Ms Lydia Bici
Finance and Supply Chain Management	Mr Zingi Ntsaluba(CFO)

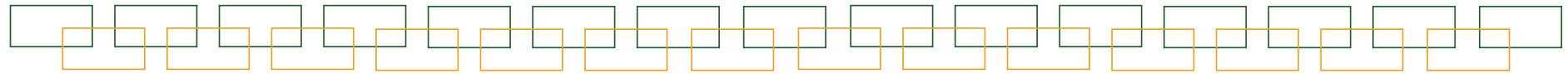
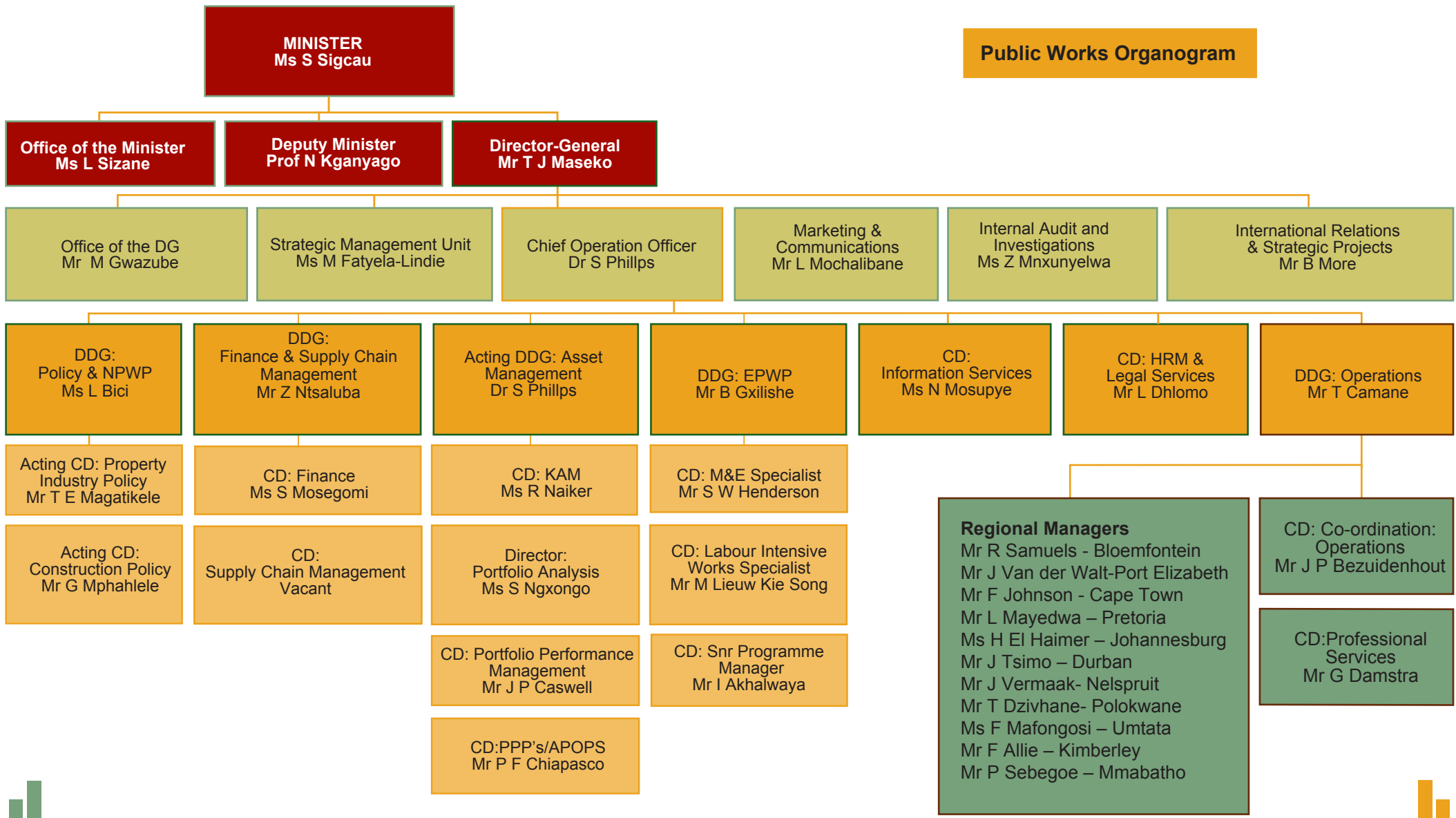
Chief Directorates reporting to the DG	Head of the Unit
Strategic Management	Ms Mandisa Fatyela-Lindie
Communication and Marketing	Mr Lucky Mochalibane
Internal Auditing	Ms Zanele Mxunyelwa

Chief Directorates reporting to the COO	Head of the Unit
Human Resources Management	Mr Langa Dhlomo
Information Services	Ms Nthabiseng Mosupye

Official Department Committees and Chairperson of the Committee	
Executive Management Committee (EMC)	Minister
Top Management Committee (TMC)	DG
Management Committee (MANCO)	DG
Branches Executive Committees (Branch Excocs)	DDGs
Budget Committee	COO
Bid Committee	CFO
Structural Changes Committee	COO
Human Resources Forum	Chief Director - HRM and Legal Services



Public Works Organogram



4. Core Business Functions:

※ **Asset Management Branch**

- Portfolio Analysis
- Portfolio Performance and Monitoring
- Asset Procurement and Operating Partnership System
- Key Account Management

※ **Operations Branch**

- Coordination Operations
 - ❖ Property Management Regional Support
 - ❖ Project Management Regional Support
 - ❖ Statutory Compliance
 - ❖ Disposals
- Professional Services
 - ❖ Major and Special Projects
- Professional Services
- Regional Offices (11 regions):
 - ❖ Pretoria
 - ❖ Johannesburg
 - ❖ Bloemfontein
 - ❖ Kimberley
 - ❖ Cape Town
 - ❖ Port Elizabeth
 - ❖ Umtata
 - ❖ Nelspruit
 - ❖ Mmabatho
 - ❖ Durban
 - ❖ Polokwane

※ **Policy and National Public Works Programme (NPWP) Branch**

- Construction Industry Policy Unit
 - ❖ Emerging Contractor Development Programme
 - ❖ Procurement and BEE
 - ❖ Industry Policy and Monitoring
- Innovation Unit
- Corporate Governance and NEDLAC

※ **Property Policy Development Business Unit**

- Property Owner Activities
- Property Industry Policy
- Asset Management Policy

※ **Expanded Public Works Programme (EPWP) Branch**

- Monitoring and Evaluation Unit
- Labour Intensive Unit
- Senior Project Management Unit

5. Support Business Units

※ **Strategic Management Business Unit Components:**

- Business Analysis and Risk Management
- Change Management
- Development Economic Analysis
- Strategic Planning
- Strategic and Knowledge Management



※ **Internal Audit and Investigations Business Unit Components:**

- Internal Audit
- Fraud Awareness and Special Investigation

※ **Marketing and Communications Business Unit Components:**

- Internal Communications and Mobilization
- Marketing & Public Relations
- Media Liaison

※ **Human Resources Management and Legal Business Unit Components:**

- Human Resources Administration (HRA)
- Human Resources Development (HRD)
- Human Resources Planning and Recruitment (HRPR)
- Labour Relations Management (LRM)
- Legal Services

※ **Finance and Procurement Branch:**

- Customer Billing
- Management Accounting
- Financial Accounting
- Supply Chain Management

※ **Information Services (IS) Business Unit Components:**

- IS Applications
- IS Projects
- IS Support

6. Services

In pursuance of its statutory mandate, the Department of Public Works strives:

- ※ To provide land and accommodation to National Departments and Public Bodies as stipulated by the relevant pieces of legislation.
- ※ To ensure economic growth and emerging sector development as well as the alleviation of the skills shortage by promoting growth and transformation in the Construction and Property industries.
- ※ To promote Black Economic Empowerment and to ensure implementation of preferential procurement prescripts and the Broad Based Black Economic Empowerment (BBBEE) Act. The Department is also determined to influence ownership patterns in the Property and Construction industries by promoting transformation in these sectors.
- ※ To contribute to the African Renaissance / NEPAD initiative by developing government asset management in Africa and by providing institutional support and developmental peace keeping services.
- ※ To improve service delivery by reviewing and re-engineering the relevant processes as well as developing and implementing various capacity building programmes.
- ※ To promote good corporate governance: Compliance with the King Commission 2 provision and with PFMA and other government regulations.
- ※ To contribute to the National Goal of Poverty Alleviation and Job Creation by coordinating the implementation of the Expanded Public Works Programme.

4. **Contact Details of the Information Officer and Deputy Information Officers**

Deputy Information Officers @ Head Office:

Information Officer



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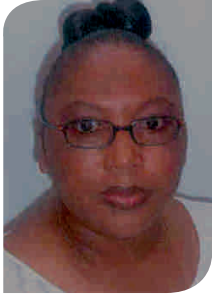
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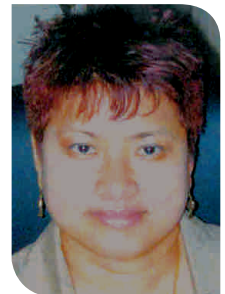
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Deputy Information Officers at Regional Offices



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Fax: (011) 339-6700



6.1. Subjects and Categories

Automatic disclosure of records

In terms of section 15 (1) of the Act, certain records can be accessed without a person having to request access in terms of the Act; e.g.

- * Annual reports
- * Media statements
- * Speeches and messages
- * Vacancies in the Department

The above records can be accessed at the web site of the Department of Public Works: <http://www.publicworks.gov.za>

7. Request Procedure

Access to any existing recorded information in the possession of the Department may be applied for. However in terms of section 22 (1) of the Act, an applicant who seeks access to a record containing personal information about him/herself is not required to pay a fee.

7.1 Process

In order to process *an application for access to information* in terms of the Act, the following processes have been implemented in the Department:

7.1.1 Step 1:

Application process

To apply for information, the applicant has to complete the application form (see Appendixes: Form A) and submit it to:

By hand:

Chief Information Officer of the Department of Public Works

CGO Building Room 534

Corner of Vermeulen & Bosman Streets

Pretoria

0001

OR

By Post:

Chief Information Officer of Department of Public Works

Private Bag X65
Pretoria
0001

OR

By Fax:

+27 12 328 4217

As prescribed by the Act, an amount of R 35 (thirty five rand) is to be paid to the Department on application for information. The payment can be made by cheque, postal order or bank deposit into the Department's bank account (proof of deposit to accompany the request). In the case of a cheque payment the cheque must be marked "not negotiable" and "non-transferable".

Account Details

South African Reserve Bank
Branch number 910 145
Account: No: 80332137910145
Type of Account: Cheque
Name of Account Holder: Department of Public Works

7.1.2 Step 2:

Validation and acknowledgement

The Information Officer of the Department receives and validates the application to see whether the required information is available in the Department. The request is then accepted, rejected or referred to the relevant designated deputy information officer. An acknowledgement is then forwarded by the Information Officer to the applicant to confirm the status of the request.

7.1.3 Step 3:

Information processing

If the application is accepted, the Department will gather and prepare the information and calculate the cost payable.

7.1.4 Step 4:

Final Notification

The applicant will be informed of the completion of his/her application as well as the outstanding fees payable to the Department.

7.1.5 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 is released to the applicant.



7.2 General Information

The prescribed form must be filled in with enough particularity to, at the least, enable the Information Officer to identify the record or records requested: the identity of the applicant ; the form of record required, if the application is granted; the postal address or fax number of the applicant.

The applicant must indicate if the application is for a copy of the record or if he/she wants to inspect the records at the offices of the Department

Access to the aforesaid information will only be granted to the applicant in a manner requested, unless such manner would unreasonably interfere with the running and operation of the Department or damage its records or infringe its copyright.

If for, practical reasons, access cannot be given in the requested manner but in an alternative manner then the fee for access will be calculated according to the manner that the applicant had requested.

If the applicant is unable to read or write, or has a disability, then he or she can make an oral request for the record, in which event the Information Officer will complete the form.

The applicant must state that he/she requires the information in order to exercise or protect a right, and clearly state the nature of the right to be exercised or protected.

The Department will process the request within 30 days, unless the applicant has stated special reasons which would satisfy the Information Officer that circumstances dictate that the prescribed time period should not be complied with.

The 30 (thirty) day period within which the Department has to decide whether to grant or refuse the request may be extended for a further period of not more than 30 (thirty) days if it is for a large amount of information, or if it requires a search for information held at another office of the Department and the information cannot reasonably be obtained within the initial 30 day period.

The Department will notify the applicant in writing should an extension be sought. If a request is made on behalf of another person, then the applicant must submit proof of the capacity in which the applicant is making the request to the reasonable satisfaction of the Information Officer.

The applicant must pay the prescribed fee, before any further processing can take place.

8. Fees

8.1 The Act provides for two types of fees:

An application fee, which will be a standard fee; and an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs. When the request is received by the Information Officer, the officer shall by notice require the applicant, other than a personal applicant, to pay the prescribed request fee (if any), before further processing of the request.

If a search for the record has been made and the preparation of the record for disclosure - including arrangement to make it available in the requested form - requires more than the hours prescribed in regulation 7(3), the Information Officer shall notify the applicant to pay the prescribed portion of the access fee as a deposit. If the request is granted the deposit will be refunded. The Information Officer shall withhold a record until the applicant has paid the fees.



An applicant whose request for access to a record has been granted, must pay an access fee for reproduction and for 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 making arrangements to make it available in the requested form. If a deposit has been paid in respect of a request for access which is refused, then the Information Officer concerned must repay the deposit to the applicant.

8.2 Fees In Respect of Public Bodies

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

8.2.1 Description Amount (R)

The request fee payable by every applicant, other than a personal applicant, referred to in regulation 7(2) is R35, 00. Copy of the manual as contemplated in regulation 5(c) (for every photocopy of an A4-size page or part thereof) 60c

8.2.2 Reproduction fees

The fees for reproduction referred to in regulation 7(1) are as follows:

- 1) For every photocopy of an A4-size page or part thereof
R 1,10
- 2) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine 75c
- 3) For a copy in a computer-readable form on
 - a) Stiffy disc R7, 50
 - b) Compact disc (readable form); R70, 00

- 4) For a transcription of visual images
 - a) For an A4-size page or part thereof R40, 00
 - b) For a copy of visual images R60, 00
- 5) For a transcription of an audio record
 - a) For an A4-size page or part thereof R20, 00
 - b) For a copy of an audio record R30, 00

Fees above changed in line with amendments that were recently made in the regulations



8.5 Access fees

The access fees payable by an applicant referred to in regulation 7(3) are as follows:

- 1) For every photocopy of an A4-size page or part thereof: 60c
- 2) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine - readable form: 40c
- 3) For a copy in a computer-readable form on
 - i) stiffy disc: R5,00
 - ii) compact disc: R40.00

4) For a transcription of visual images, for an A4-size page or part thereof	R22.00
5) For a copy of visual images	R60.00

6) For a transcription of an audio record, <ol style="list-style-type: none">i) for an A4-size page or part thereofii) For a copy of an audio record	R12.00 R17.00
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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.

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 applicant.
- 6) The actual postage is payable when a copy of a record must be posted to an applicant.

9. Granting / Refusal of Requests

9.1. Refusal of Request

The main grounds on which Department can refuse a request for information relate to:

- * The mandatory protection of the privacy of a third party who is a natural person, if the request entails the unreasonable disclosure of personal information regarding that third party;
- * Mandatory protection of the commercial information of a third party, if the record contains: trade secrets of that third party; financial, commercial, scientific or technical information, if the disclosure is likely to cause harm to the financial or commercial interests of that third party;
- * Information disclosed in confidence by a third party to the institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- * Mandatory protection of confidential information of third parties if it is protected in terms of any agreement; Mandatory protection of the safety of individuals and the protection of property; Mandatory protection of records which would be regarded as privileged in legal proceedings;
- * The commercial activities of the Department, which may include trade secrets of the Department's financial, commercial, scientific or technical information; disclosure of which is likely to cause harm to the financial or commercial interests of the Department and information which, if disclosed could put the Department at a disadvantage in negotiations or commercial competition.

- ※ A computer programme which is owned by the Department, and which is protected by copyright.
- ※ The research information of the Department or a third party, if it entails the disclosure of the identity of the Department, the researcher or the subject matter of the research and would as a result place the research at a serious disadvantage.
- ※ Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

9.2. Appeal

An applicant may lodge an internal appeal against a decision of the Information Officer of a public body to refuse an application for access; or taken in terms of section 22, 26(1) or 29(3), in relation to that applicant with the Minister of Public Works or the person designated in writing by the Minister.

A third party may lodge an internal appeal against a decision of the Information Officer of a public body, as defined in paragraph (a) in section 1, to grant a request for access.

Manner of appeal, and appeal fees

An internal appeal must be lodged in the prescribed form within 60 days; if notice to a third party is required by section 49 (1) (b), within 30 days after notice is given to the appellant of the decision appealed against; or if notice to the appellant is not required, after the decision was taken the notice of appeal must be delivered or sent to the Information Officer of the public body concerned at his address, fax number or electronic mail

address and it 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/she must state that manner and provide the necessary particulars to be so informed. Where applicable, the appeal must be accompanied by the prescribed appeal fee, and must specify a postal address or fax number. If an appeal is lodged after the expiry of the period referred to, the Minister of Public Works, or a person designated in writing by the Minister, must - upon showing good cause - allow the late lodging of the appeal.

If the Minister or the person designated in writing by the Minister disallows the late lodging of the appeal; he or she must give notice of that decision to the person who lodged the appeal. An applicant lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee.

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 ten (10) working days after receipt of an appeal, the Information Officer of the public body concerned must submit the appeal to the Minister, or the person designated in writing by the Minister, 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.



10. Appendixes

10.1 Form A

Particulars of Public Body

The Information Officer/Deputy Information Officer:

10.2 Form 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 of South Africa 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:

10.3 Form 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:



10.4 Form D

Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if it 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 applicant 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:

10.5 Form E

Fees

- (a) A request for access to a record other than a record containing personal information about entities will be processed only after an application has been paid.
- (b) You will be notified of the amount required to be paid as 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 from payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:



10.6 Form F

Form of access to record

If, owing to a disability, you are unable 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.

Disability: Form in which record is required:
Mark the appropriate box with an X. (Please complete)

Notes:

- (a) Compliance with your request for access to information in the specified form may depend on the form in which the record is available.
- (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.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Insert topic for the information below

- 1. If the record is in written or printed form:
 - Copy of record
 - Inspection of record
- 2. If record consists of visual images -

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

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 form:
 - Printed copy of record
 - Printed copy of information derived from the record
 - Copy in computer-readable form (Stiffy or compact disc)
 - If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Please note, postage is payable.

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. YES/ NO

In which language would you prefer the record? _____

Notice of decision regarding request for access

You will be notified in writing 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 on this _____ day of _____ 20_____

SIGNATURE OF APPLICANT / PERSON ON
WHOSE BEHALF REQUEST IS MADE

