



DEPARTMENT OF HOME AFFAIRS

Manual

in terms of section 14

of the

**Promotion of Access to Information Act,
2000
(Act No. 2 of 2000)**

*"Accessing records and services
of the Department"*



Department of Home Affairs

Access to information Manual

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INTRODUCTION

HISTORICAL BACKGROUND

The pre-1994 government operated in an undemocratic fashion and was not accountable for its actions and decisions, and members of the public did not have access to government records and information relating to policy formulation or any other information that affects them. The government was secretive and authoritative and exercised its powers in arbitrary fashion without reason or explanation and people were not afforded an opportunity to access information in the hands of Government that was needed for the exercise and protection of their rights.

RIGHT OF ACCESS TO INFORMATION

Public access to information is fundamental to encouraging transparency and accountability in the way Government and public authorities operate. The right of access to information is based on the idea that people should have access to information in possession of the State that has an impact on them. The right of access to information held by the State was first recognised and entrenched in the South African Constitution, 2003 and is now provided for in section 32(1)(a) of the South African Constitution, 1996 ("the Constitution").

ACCESS TO INFORMATION ACT

The Constitution further provides for enactment of national legislation in order to give effect to the right of access to information and to regulate the implementation thereof and that saw the subsequent coming into being of the **Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)** ("the Act"), which came into operation on 9 March 2001. The Act aims to achieve the following objectives:

- (a) to give effect to the constitutional right of access to information held by the State;
- (b) to give effect to that right subject to justifiable limitations, including, but not limited to, reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution; and
- (c) generally, to promote transparency, accountability and effective governance of all public bodies by, including, but not limited to, empowering and educating everyone to understand their rights in terms of the Act in order to exercise their rights in relation to public bodies; to understand the functions and operations of public bodies; and to effectively scrutinise, and participate in, decision-making by public bodies that affect their rights.

The right of access to records held by the State is particularly provided for in section 11(1) of the Act and the section provides for the granting of access to records held by the State to any person seeking access to such information if that person complies with all the procedural requirements in the Act, and also if granting of access to such information is not prohibited in terms of any of the grounds for refusal in the Act.

The Act further encourages the State to establish voluntary and mandatory mechanisms or procedures to give effect to the right of access to information in a manner which enables members of the public to obtain access to records held by the State as swiftly, inexpensively and effortlessly as reasonable as possible, and in this regard section 14(1) of the Act requires that every State Department must compile a manual, in three official languages, containing the following information, that will give guidelines to members of the public on how to lodge a request for access to records of a particular State Department:

- (a) a description of the structure and functions of that body;
- (b) contact details of the information officer, as well as every deputy information officer of the body
- (c) a description of the guide on how to use the Act, and how to gain access to the guide;
- (d) a description of the manner and procedure for lodging a request for access to records of the body;
- (e) a description of the of the records held by a particular body;
- (f) records that are automatically available to members of the public from the body;
- (g) services rendered to members of the public by the body and how to gain access to those services;
- (h) a description of how members of the public can participate in the formulation of policy, exercise of powers or performance of duties of the body;
- (i) a description of all remedies available in respect of an act or a failure to act by the body; and
- (j) such other information as may be prescribed.

The Department has thus compiled this manual in order to give effect to the provisions of section 14(1) of the Act mentioned above.

II. DEFINITIONS

In this manual, unless the context otherwise indicates—

"**access fee**" means a fee payable by a requester for reproduction of the records requested;

"**deputy information officer**" means a person designated, in writing, by the information officer for performance of the powers conferred to the information officer in terms of the Act as is necessary to render the Department as accessible as reasonably possible for a person requesting access our records;

"**Human Rights Commission**" means the South African Human Rights Commission referred to in section 181(1)(b) of the Constitution;

"**information officer**" means the Director-General of the Department or the person who is acting as such, and reference to the information officer shall, where appropriate, include deputy information officer;

"internal appeal" means an appeal against the decision of the information officer, lodged with the relevant authority;

"person" means a natural person or a juristic person;

"personal information" means information about an identifiable individual, including, but not limited to information relating to, 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 individual; information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; any identifying number, symbol or other particular assigned to the individual; address, fingerprints or blood type of the individual; personal opinions except if they are about another individual, correspondence sent by the individual that is implicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the name of an individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual;

"personal requester" means a requester seeking access to a record containing personal information about himself or herself;

"prescribed" means prescribed by regulation in terms of section 92 of the Act;

"public body" means any department of State or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or any other functionary or institution when performing public function in terms of any legislation;

"record" of, or in relation to, the Department, means any recorded information, regardless of form and medium, in the possession or under the control of the Department, and whether or not it was created by the Department;

"relevant authority", in relation to the Department, means the Minister of Home Affairs or the person designated in writing by the Minister;

"request fee" means a fee payable by a requester, other than a personal requester, upon lodging a request for access to information with the Department;

"requester", in relation to the Department, means any person (other than a public body) making a request for access to a record of the Department; or a person acting on behalf of the person referred to herein;

"request for access", in relation to the Department, means a request for access to a record of the Department in terms of section 11 of the Act;

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

"the Department" means the Department of Home Affairs;

"the Regulations" means Regulations to the Act, published by Government Notice No. R. 187 of 15 February 2002; and

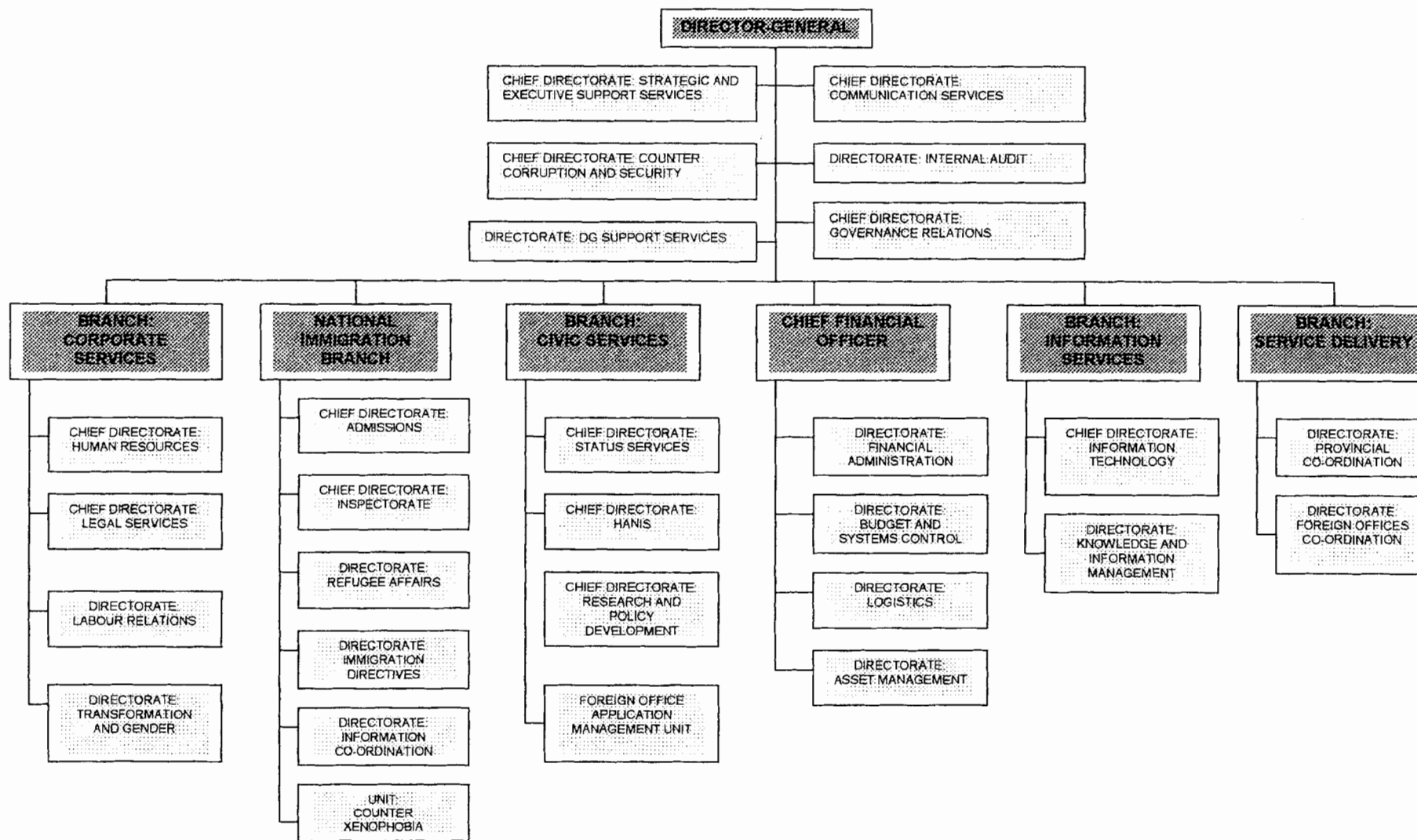
"third party", in relation to a request for access to a record of the Department, means any person, other than the requester concerned and Home Affairs.

PART 1

1. STRUCTURE AND FUNCTIONS OF THE DEPARTMENT**1.1 ORGANISATIONAL STRUCTURE**

OFFICE/BRANCH	CHIEF DIRECTORATES/DIRECTORATES
Office of the Director-General	<ul style="list-style-type: none"> ○ Chief Directorate: Strategic and Executive Support Services ○ Chief Directorate: Counter Corruption and Security ○ Chief Directorate: Communication Services ○ Chief Directorate: Internal Audit ○ Directorate: Director-General Support Services
Branch: Corporate Services	<ul style="list-style-type: none"> ○ Chief Directorate: Human Resources ○ Chief Directorate: Legal Services ○ Directorate: Labour Relations ○ Directorate: Transformation and Gender
National Immigration Branch	<ul style="list-style-type: none"> ○ Chief Directorate: Admissions ○ Chief Directorate: Inspectorate ○ Directorate: Refugee Affairs ○ Directorate: Immigration Directives ○ Directorate: Information Co-ordination ○ Unit: Counter Xenophobia
Branch: Civic Services	<ul style="list-style-type: none"> ○ Chief Directorate: Status Services ○ Chief Directorate: Research and Policy Development ○ Chief Directorate: Home Affairs National Identification System (HANIS)
Chief Financial Officer	<ul style="list-style-type: none"> ○ Directorate: Financial Administration ○ Directorate: Budget and Systems Control ○ Directorate: Logistics ○ Directorate: Asset Management
Branch: Information Services	<ul style="list-style-type: none"> ○ Chief Directorate: Information Technology ○ Directorate: Knowledge and Information Management
Branch: Service Delivery	Provincial Co-ordination

Schematic diagram of the Structure of the Department



1.2 FUNCTIONS OF THE DEPARTMENT

The following are functions of the Department as derived from mandates contained in various pieces of legislation administered by the Department, as well as other relevant pieces of legislation and policy documents:

A. CIVIC SERVICES

Births, and deaths

- Births and Deaths Registration Act, 1992 (Act No. 51 of 1992) as amended;
- Regulations made in terms of the Births and Deaths Registration Act, 1992; and
- Delegations by the Minister in terms of the Births and Deaths Registration Act, 1992.

[to provide for the registration of births and deaths inside and outside the Republic and other related matters]

Marriages

- Marriage Act, 1961 (Act No. 25 of 1961) as amended;
- Regulations made in terms of the Marriage Act, 1961;
- Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998);
- Regulations made in terms of the Recognition of Customary Marriages Act, 1998;
- Civil Union Act, 2006 (Act No. 17 of 2006); and
- Regulations made in terms of Civil Union Act, 2006

[to provide for the solemnization of marriages, the designation of marriage officers, revocation of designations, objections to marriage, prohibition of marriages; to provide for recognition of customary marriages, proprietary consequences of customary marriages, requirements for validity, its registration and change of marriage system, solemnization of civil unions, legal consequences of civil unions and matters related thereto]

Identity Documents and identification

- Identification Act, 1997 (Act No. 68 of 1997);

- Regulations made in terms of the Identification Act, 1997.

[to provide for issuing of Identity Documents to South African citizens and to provide for compilation and maintenance of population register, as well as access thereto]

Citizenship

- South African Citizenship Act, 1995 (Act No. 88 of 1995);
- Regulations made in terms of the South African Citizenship Act, 1995;
- Delegations made in terms of the South African Citizenship Act, 1995.

[to provide for acquisition, loss and resumption of South African citizenship]

Travel documents and passports

- South African Passports and Travel Documents Act, 1994 (Act No. 4 of 1994) as amended;
- Regulations made in terms of the South African Passports and Travel Documents Act, 1994;

[to provide for issuing of South African Travel documents and passports and matters related thereto]

B. IMMIGRATION

- Immigration Act, 2002 (Act No. 13 of 2002) as amended;
- Regulations made in terms of the Immigration Act, 2002;
- Refugees Act, 1998 (Act No. 130 of 1998);
- Regulations made in terms of the Refugees Act, 1998;
- The Criminal Procedure Act, 1977 (Act 51 of 1977) as amended;
- The Universal Declaration of Human Rights as adopted by the General Assembly of the United Nations on 15 December 1948;
- The United Nations Convention relating to the Status of Refugees as adopted on 28 July 1951;
- The 1967 United Nations Protocol relating to the Status of Refugees;
- The Organization of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa as adopted on 10 September 1969.

[to provide for the regulation of admission of persons to, their residence and their departure from the Republic; to administer applications for Asylum by asylum seekers, determine asylum status and refugee status and matters incidental thereto]

C. OTHER DEPARTMENTAL MANDATES

- Public Holidays Act, 1994 (Act No. 36 of 1994);
- Electoral Act, 1998 (Act No. 73 of 1998);
- Electoral Laws Amendment Act, 2003 (Act No. 34 of 2003);
- Electoral Laws Second Amendment Act, 2003 (Act No. 40 of 2003);
- Film and Publications Act, 1996 (Act No. 65 of 1996) as amended;
- Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000);
- The Alteration of Sex Description and Sex Status Act, 2003 (Act No. 49 of 2003)

D. OTHER MANDATES

- The Constitution of the Republic of South Africa, 1996;
- Public Service Act, 1994 (Proclamation No. 103 of 1994) as amended;
- Regulations made in terms of the Public Service Act, 1994;
- Delegations in accordance with the Public Service Act, 1994;
- Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended;

VISION AND MISSION OF THE DEPARTMENT

Vision

To render a world class service

Mission

To commit the Department as required by stipulated mandates to determine and confirm status of persons by providing enabling documents in the interest of promoting and protecting the national integrity.

PART 2**2. SERVICES RENDERED BY THE DEPARTMENT TO THE PUBLIC AND HOW TO ACCESS THEM****2.1 SERVICES****A. Services available to citizens and permanent residents****Identity documents**

Initial issue of an identity document; re-issue of an identity document and issue of temporary identity document.

Travel documents

Issue of tourist passport; temporary passport; child passport; document for travel purposes; emergency travel certificate; maxi passport; official passport; crew member certificate; replacement of new format South African tourist passports than runs out of blank visa pages; replacement of lost or stolen South African passport; replacement of lost or stolen child passport and replacement of lost or stolen document for travel purposes.

Citizenship documents

Registration of foreign birth; application for naturalization; application for retention of citizenship; application for exemption from loss of citizenship; application for resumption of citizenship; application for renunciation of citizenship; determination of status; duplicate copy of naturalization certificate and other related documents.

Birth registration documents

Registration of birth; late registration of birth; registration of birth outside South Africa and application for a birth certificate.

Adoption registration documents

Recording of adoption.

Marriage documents

Registration of marriage; application for a marriage certificate; consent to marriage of a minor; letter of confirmation of marital status and verification of marital status online.

Death registration documents

Registration of death; application for death certificate and registration of death outside South Africa.

Amendment documents

Re-registration of a child born out of wedlock; insertion of biological father's particulars in the birth registration of his child registered as born out of wedlock; insertion of forename or surname in a birth registration of a person registered without a forename or surname; changing of forename(s); changing of surname of a minor; changing of surname of majors; changing of gender; and correction of error(s).

B. Services available to foreigners

Visas

Issue of South African visa

Temporary residence permits

Issue of temporary residence permit; visitor's permit; diplomatic permit; study permit; treaty permit; business permit; crew permit; medical treatment permit; relatives permit; work permits; retired person permit; corporate permit exchange permit; cross-border and transit passes.

Permanent residence permits

Issue of permanent residence permit; direct residence permit and residence on other grounds.

Asylum

Granting refugee status to persons seeking asylum in the Republic.

2.2 HOW TO ACCESS SERVICES OF THE DEPARTMENT

- The services can be accessed through the various offices of the Department around the Country and abroad. For more information visit: www.dha.gov.za

PART 3

**3. CONTACT DETAILS
INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS**

3.1 INFORMATION OFFICER

	<i>Postal Address</i>	<i>Telephone</i>	<i>Fax</i>
Director-General	Private Bag X114 Pretoria, 0001	012 810 8911	012 810 7307

3.2 DEPUTY INFORMATION OFFICERS

Deputy Director-General Corporate Services Branch	Postal Address	Telephone	Fax
	Private Bag X114 Pretoria, 0001	012 810 8321	012 328 6419

Deputy Director-General National Immigration Branch	Postal Address	Telephone	Fax
	Private Bag X114 Pretoria, 0001	012 810 8011	012 810 7334

Deputy Director-General Information Services Branch	Postal Address	Telephone	Fax
	Private Bag X114 Pretoria, 0001	012 810 7159	012 810 7134

Deputy Director-General Civic Services Branch	Postal Address	Telephone	Fax
	Private Bag X114 Pretoria, 0001	012 810 8116	012 810 7066

Chief Financial Officer	Postal Address	Telephone	Fax
	Private Bag X114 Pretoria, 0001	012 810 8595	012 810 8622

Deputy Director-General Service Delivery	Postal Address	Telephone	Fax
	Private Bag X114 Pretoria, 0001	012 810 8272	012 810 7134

PART 4

4. PUBLIC PARTICIPATION IN THE POLICY AND LEGISLATIVE PROCESSES AND PERFORMANCE OF DUTIES OF THE DEPARTMENT

The Department has a range of programmes aimed at encouraging members of the public to participate in the policy and legislative processes of the Department.

4.1 PUBLIC PARTICIPATION IN THE POLICY AND LEGISLATIVE PROCESSES OF THE DEPARTMENT

(a) Public perception surveys

This involves a research conducted amongst South Africans, foreign nationals and officials from the Department to determine the quality of service delivered by the Department. Comments and recommendations are invited from members of the public and given consideration in making policy decisions of the Department towards improved service delivery.

(b) **Invitations for inputs on draft legislation**

The Department administers various pieces of legislation which inform the core functions of the Department and whenever a certain piece of legislation is drafted or amended, invitations are issued to members of the public through the *Government Gazette* to submit their comments or representations for consideration before a piece of legislation is finalised.

(c) **Community outreach programmes/Imbizo forums**

The Department goes directly to the communities and launch programmes aimed at soliciting views in relation to improving the quality of service that is rendered by the Department.

4.2 PERFORMANCE OF DUTIES OF THE DEPARTMENT

Volunteer and internship programmes

The Department also offers volunteer and internship opportunities to members of the public to participate in the performance of the functions of the Department.

PART 5

5. DESCRIPTION OF RECORDS HELD BY DEPARTMENT

5.1 CIVIC SERVICES RECORDS

- (a) Records pertaining to fingerprints;
- (b) Records pertaining to identity documents;
- (c) Records pertaining to travel documents;
- (d) Records pertaining citizenship documents;
- (e) Birth registration records;
- (f) Adoption registration records;
- (g) Marriage records; and
- (h) Death registration records.

5.2 IMMIGRATION RECORDS

- (a) Records pertaining to Visas;
- (b) Records pertaining to residence permits;
- (c) Records pertaining to applications for asylum; and
- (d) Deportations.

5.3 MISCELLANEOUS

- (a) Personnel records, Financial records; and
- (b) Tenders, Contracts, Policies.

PART 6**6. RECORDS AVAILABLE AUTOMATICALLY****6.1 ABOUT SERVICES RENDERED**

- (a) Pamphlets; and
- (b) Manuals

6.2 OTHER RECORDS

- (a) Annual reports, Strategic Plans, Presentations;
- (b) Press releases, News letters;
- (c) Vacancies; and
- (d) Legislation Administered by the Department.

PART 7**7. HOW TO ACCESS RECORDS OF THE DEPARTMENT, MANNER & PROCEDURE FOR LODGING A REQUEST FOR ACCESS****7.1 PRESCRIBED FORM AND MANNER FOR LODGING A REQUEST FOR ACCESS(s18)**

A request for access information must be made in the prescribed form to the information officer of the Department at his or her address or fax number or electronic mail address (see contact details in **Part 3** above). A copy of the prescribed request form is available in section "C 1" below.

Particulars required in the prescribed form

The requester must at least, in the prescribed form, provide the following information:

- (a) sufficient particulars to enable the information officer to identify the record or records requested;
- (b) to indicate the said form how he or she would like to be furnished with the information (fax, post etc);
- (c) to specify his or her postal address or fax number in the Republic;
- (d) if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.

7.2 ASSISTANCE FROM THE INFORMATION OFFICER

7.2.2 Compliance with the prescribed form and manner for lodging a request (s19)

The information officer must provide reasonable assistance to a requester who informs him or her that he wishes to make a request for access to a record of the Department, free of charge as is necessary to enable that requester to comply with the procedural requirements for lodging a request for access.

7.2.3 Illiterate requester or a requester with disability

An individual who because of illiteracy or a disability is unable to make a request for access to a record of the Department may make that request orally. The information officer must reduce that oral request to writing in the prescribed form and provide a copy thereof to the requester.

7.2.4 Transfer of requests (s20)

If the information officer receives a request for access that relates to a record that is in possession of another body, he must transfer that request to the said body and inform the requester accordingly.

7.3 ASSISTANCE FROM THE HUMAN RIGHTS COMMISSION (s83(3)(b))

Exercising a right contemplated in the Act

The Human Rights Commission must, upon request and if reasonable possible, offer assistance to any person wishing to exercise any right contemplated in the Act. The Human Rights Commission can, in this regard, be contacted through the contact details mentioned in paragraph 10.2(a) below.

PART 8

8. DECISION TO GRANT OR REFUSE ACCESS AND NOTICE TO THE REQUESTER

8.1 RIGHT OF ACCESS TO RECORDS OF THE DEPARTMENT (s11(1))

A requester must be given access to information held by the Department, if his or her request complies with all the procedural requirements in the Act, as well as if granting of

access to that information is not prohibited in terms of any of the grounds for refusal in the Act (see paragraph 9.4 below).

8.2 DECISION BY THE INFORMATION OFFICER (s25(1))

In compliance with the Act and in order to give effect to the right of access to information, the information officer must as soon as reasonably possible, but in any event within 30 days after the request for access is received, consider the request and make a decision terms of the Act whether or not to grant access to the information requested.

In considering the request, the information officer must satisfy himself of the following:

- (a) the procedural requirements prescribed in terms of section 18 of the Act must be complied with (the prescribed form must be fully completed with sufficient particulars in order to identify the records requested and the requester must, if the request is lodged on behalf of another person, submit a power of attorney or letter of authority in respect to lodge the request); and
- (b) granting of access to the information requested must not be prohibited in terms of any of the grounds for refusal mentioned (see paragraph 8.4 below).

Once all of the above have been satisfied, the information officer must inform the requester whether or not access will be granted and a requester, other than a personal requester, must be requested to pay the request fee before further processing of the request.

8.3 FEES (s22)

The Act provides for two types of fees, firstly, the requester, other than a personal requester, must pay a request fee for search and preparation of the record, secondly a requester must pay access fees for reproduction of the information requested (charged per copy or otherwise, see table of fees in section C 3 below in this manual).

8.4 GROUNDS FOR REFUSAL

When making a decision on the request for access to a record of the Department, the information officer must have due regard to the following list of grounds where it would be **justifiable** and sometimes **mandatory** to refuse access to information requested:

- (a) **Mandatory protection of privacy of third party who is a natural person** (s34)
if granting access to information would involve the unreasonable disclosure of personal information of third party.

- (b) **Mandatory protection of certain records of South African Revenue Service (s35)**
if the record contains information that was obtained for purposes of enforcing collection of revenue.
- (c) **Mandatory protection of commercial information of third party(s36)**
if information contains financial and trade secrets of a third party and disclosure of information would cause harm to the financial interests of that third party.
- (d) **Mandatory protection of certain confidential information of third party (s37)**
if the record contains information that was supplied in confidence by a third party.
- (e) **Mandatory protection of safety of individuals, and protection of property (s38)**
if disclosure of information could be expected to endanger the life or physical safety of an individual or likely to impair security of property.
- (f) **Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings (s39)**
if disclosure of record is likely to jeopardize the process of an investigation and prosecution of a crime.
- (g) **Mandatory protection of records privileged from production in legal proceedings (s40)**
if record is, in law, privileged from disclosure unless the person entitled to the privilege has waived that privilege.
- (h) **Defence, security and international relations of Republic (s41)**
if disclosure of record—
(i) could compromise the defence and security of the Republic; and
(ii) would amount to breach of duty owed by the Republic in terms of international security relations.
- (i) **Economic interests and financial welfare of Republic and commercial activities of the Department (s42)**
if disclosure of record would jeopardize the economic or financial welfare of the Republic, as well as commercial interests of the Department.

(j) **Mandatory protection of research information of third party, and protection of research information of the Department (s43)**

if disclosure of record would expose a third party conducting research for the Department, as well as the Department or the subject matter of the research to a serious disadvantage.

(k) **Operations of the Department (s44)**

- (i) if record contains opinions and recommendations prepared by officials of the Department in the performance of their duties; and
- (ii) if disclosure of record would amount to premature disclosure of policy.

(l) **Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources (s45)**

- (i) requests lacking in **substance** and having **no sufficient grounds** for the information officer to take action; and
- (ii) requests that are only likely to **unreasonably** waste the resources of the Department.

8.5 MANDATORY DISCLOSURE IN PUBLIC INTEREST (s46)

A request for access to a record that could otherwise be refused in terms of the grounds for refusal mentioned in paragraph 8.4 above must however be granted if—

- (i) disclosure of the record is in the public interest; and
- (ii) public interest in the disclosure of the record clearly outweighs the harm contemplated in the ground for refusal.

8.6 APPLICATION OF THE ACT

- (a) The Act applies to a record of Department, regardless of when the record came into existence (s3).
- (b) The Act applies to the exclusion of other legislation which prohibits disclosure of a record if that legislation is materially inconsistent with the objects of the Act (s4).
- (c) The Act does **not** prohibit the use of other law that provides for access to information (s6).
- (d) The Act does **not** apply to a record of the department if the record is requested for purposes of criminal or civil proceedings after the commencement of the proceedings (s7).

8.7 NOTICE TO THIRD PARTY (s47)

If the information officer receives a request for access to a record held by the Department that contains—

- (a) personal information of a third party;
- (b) information that was obtained for purposes of enforcing collection of revenue;
- (c) trade secrets of a third party;
- (d) information supplied in confidence by a third party; and
- (e) research information of a third party,

he or she must take all reasonable steps to inform the third party concerned about the request in order to afford that third party an opportunity to make representations regarding whether or not the information may be divulged.

8.8 NOTICE TO THE REQUESTER (s25)

Information officer must inform the requester about the decision taken on his or her request for access within 30 days of receipt of the request.

- (a) Notice to the requester if access is **granted**—
 - (i) must indicate the form in which access will be granted; and
 - (ii) fees payable
- (b) Notice to the requester if access is **refused**—
 - (i) must indicate reasons for refusal, including the ground(s) for refusal, in the Act, relied on to refuse the request; and
 - (ii) must inform the requester of his right to lodge an appeal against the decision.

8.9 EXTENTION OF PERIOD TO DEAL WITH REQUEST FOR ACCESS (s26)

The information officer may extend the 30 days period of dealing with a request for access once for a period of not more than 30 days—

- (a) if the processes involved in the search and preparation of the record may reasonably be expected to take longer than the 30 days period; and
- (b) must notify the requester of the said extension (with adequate reasons).

8.10 DEEMED REFUSAL OF REQUEST (s27)

If the information officer fails to take a decision on the request within the applicable time limits, he or she will be regarded as having refused the request and the requester may lodge an appeal against the refusal.

8.11 FORMS OF ACCESS (s29)

Access to a record may be granted in the following forms:

- (a) if record is in a written form: printed copy or inspection of the record;
- (b) if record is in form of visual images: arrangements to view images or copy of transcription of the record;
- (c) if record is in form of a sound: arrangements to hear sounds or copy of transcription of the record; or
- (d) if record is in computer, electronic or machine-readable form: a printed copy of the record.

PART 9

**9. REMEDIES:
WHERE A PERSON FEELS AGRIEVED BY AN ACTION OF THE
DEPARTMENT**

9.1 INTERNAL APPEAL**Right of internal appeal (s74)**

A requester who has been aggrieved by the decision of the information officer may lodge an internal appeal with the relevant authority against the said decision.

Manner of lodging an internal appeal (s75)

An internal appeal must be lodged in the prescribed form (see section "C 2" in this manual below)—

- (a) within 60 days after the requester is informed of the decision taken on his or her request;
- (b) must identify the subject of the internal appeal, as well as provide reasons for the said appeal; and
- (c) must be submitted to the information officer who must forward the same, within 10 days, to the relevant authority.

Notice to third party about the appeal

If the request for access is in relation to a record of a third party, that third party must be informed about the appeal.

Appeal fees

A requester lodging an internal appeal against the refusal of request for access must pay the prescribed appeal fee before the appeal may be considered by the relevant authority.

9.2 APPLICATION TO COURT (s78)

A requester who has been unsuccessful in an internal appeal may, within 30 days of receipt of notice of the decision on his or her appeal, apply to court for appropriate relief.

PART 10**10. THE GUIDE IN TERMS OF SECTION 10 OF THE ACT
HOW TO USE THE ACT****10.1 DESCRIPTION OF THE GUIDE (s10)**

- (a) The Human Rights Commission was mandated in terms of the Act to compile and publish a Guide in all South African official languages, containing the following information, in order to educate and assist members of the public on how to use the Act:
- (i) the objects of the Act;
 - (ii) contact details of the information officer of every public body;
 - (iii) how to lodge a request for access to a record of a public body;
 - (iv) the assistance available from the information officer of a public body in terms of the Act;
 - (v) the assistance available from the Human Rights Commission in terms of the Act;
 - (vi) all remedies in law available where a requester feels aggrieved by an action of a public body;
 - (vii) how to obtain access to manuals of public bodies compiled in terms of section 14 of the Act;

- (viii) information about records that are automatically available from public bodies;
 - (ix) the notices issued in regarding fees to be paid in relation to request for access; and
 - (x) the regulations made in terms of section 92 of the Act.
- (b) The Guide was compiled and published by the Human Rights commission in 2005.

10.2 HOW TO GAIN ACCESS TO THE GUIDE (Reg 2)

Members of the public can access the Guide in the following places:

(a) Offices of the Human Rights Commission

Contact details:

Promotion of Access to Information Act Unit

Tel: 011 484 8300; email: paiaf@sahrc.org.za

[www.sahrc.org.za]

29 Princess of Wales Terrace,

Cnr York and St Andrews Street, Parktown, Johannesburg

- (b) **All South African Post offices**
- (c) **Office of the information officer of a public body**
- (d) **All the Offices of Public bodies**
- (e) **Tertiary Institutions**
- (f) **Government Gazette**
- (g) **Places of legal deposit** as defined in section 6 of the Legal Deposit Act, 1997 (Act No. 54 of 1997—
 - (i) the City Library Services, Bloemfontein;
 - (ii) the Library of Parliament, Cape Town;
 - (iii) the National Society Library, Pietermaritzburg;
 - (iv) the South African Library, Cape Town;
 - (v) the State Library, Pretoria;
 - (vi) the National Film, Video and Sound Archives, Pretoria, for purposes of certain prescribed categories of documents; and
 - (vii) any other library or institution prescribed by the Minister of Arts and Culture for purposes of certain prescribed categories of documents.

SECTION B**B. MISCELLANEOUS****1. AVAILABILITY OF THE MANUAL**

Immediately after the manual has been compiled in terms of section 14(1) of the Act or updated in terms of section 14(2), the information officer of Home Affairs will make available a copy of the manual in each of the three official languages in which the manual is compiled—

- (a) to the Human Rights Commission;
- (b) every office of Department;
- (c) on the website of the Department; and
- (d) may publish the manual in the *Gazette*.

2. OTHER INFORMATION AS MAYBE PRESCRIBED

Not available at the time of publication of this manual.

SECTION C

C. ANNEXURES

1. REQUEST FORM

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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

(Act No. 2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number.....

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

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

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

Access fee: R.....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:
Department of Home Affairs

.....

.....

.....

.....

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:.....

Identity number:.....

Postal address:.....

.....Fax number:.....

Telephone number:.....E-mail address:.....

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:.....

Identity number:.....

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:.....

- 2. Reference number, if available:.....
- 3. Any further particulars of record:.....

E. Fees

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

Reason for exemption from payment of fees:.....

F. Form of access to record

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

Disability:.....	Form in which record is required:.....
.....
.....

- Mark the appropriate box with an **X**.
- NOTES:
- (a) *Compliance with your request for access 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.*

1. If the record is in written or printed form:		
<input type="checkbox"/>	copy of record*	<input type="checkbox"/> inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):		
<input type="checkbox"/>	view the images	<input type="checkbox"/> copy of the images* <input type="checkbox"/> transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:		
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:		
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record* <input type="checkbox"/> 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? Postage is payable.		YES <input type="checkbox"/> NO <input type="checkbox"/>
<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>		
In which language would you prefer the record?.....		

G. 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 at.....thisday of.....20.....

.....
SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

2. NOTICE OF INTERNAL APPEAL FORM

FORM B

NOTICE OF INTERNAL APPEAL

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

[Regulation 8]

STATE YOUR REFERENCE NUMBER:
.....

A. Particulars of public body

The Information Officer/Deputy Information Officer:

.....
.....

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

- (a) *The particulars of the person who lodge the internal appeal must be given below.*
- (b) *Proof of the capacity in which the appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname:.....

Identity number:.....

Postal address:.....

.....

.....Fax number:.....

Telephone number:.....E-mail address:.....

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

.....

C. Particulars of requester

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

Full names and surname:.....

.....

Identity number:.....

D. The decision against which the internal appeal is lodged

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
<input type="checkbox"/>	<i>Refusal of request for access</i>
<input type="checkbox"/>	<i>Decision regarding fees prescribed in terms of section 22 of the Act</i>
<input type="checkbox"/>	<i>Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act</i>
<input type="checkbox"/>	<i>Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester</i>
<input type="checkbox"/>	<i>Decision to grant request for access</i>

E. Grounds for appeal

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

State the grounds on which the internal appeal is based:.....

.....

State any other information that may be relevant in considering the appeal:

.....

F. Notice of decision on appeal

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

State the manner:.....

Particulars of manner:.....

.....

Signed at this day of 20.....

 SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on _____ (date)

By _____ (state
rank, name and surname of information officer/deputy information officer)

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

OUTCOME OF APPEAL:

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

.....
.....
.....
.....

..... DATE

RELEVANT AUTHORITY

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

3. TABLE OF FEES

FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for the reproduction referred to in regulation 7(1) are as follows:
- | | R |
|--|-------|
| (a) For every photocopy of an A4-size page or part thereof | 0,60 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,40 |
| (c) For a copy in a computer-readable form on— | |
| (i) stiffy disc | 5,00 |
| (ii) compact disc | 40,00 |
| (d) (i) for a transcription of visual images, for an A4-size page or part thereof | 22,00 |
| (ii) for a copy of visual images | 60,00 |
| (e) (i) for a transcript of an audio record, for an A4-size page or part thereof | 12,00 |
| (ii) for a copy of an audio record | 17,00 |
3. The request fee payable by every requester, other than a personal requester referred to in regulation 7(2) is R35.00.
4. The access fee payable by a requester referred to in regulation 7(3) are as follows:
- | | R |
|--|-------|
| (1) (a) for every photocopy of an A4-size page or part thereof | 0,60 |
| (b) for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,40 |
| (c) for a copy in a computer-readable form on— | |
| (i) stiffy disc | 5,00 |
| (ii) compact disc | 40,00 |
| (d) (i) for a transcription of visual images, for an A4-size page or part thereof | 22,00 |
| (ii) for a copy of visual images | 60,00 |
| (e) (i) for a transcription of an audio record, for an A4-size or part thereof | 12,00 |
| (ii) for a copy of an audio record | 17,00 |

- (f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonable required for such search and preparation.
 - (2) For purposes of section 22(2) of the Act, the following applies:
 - (a) six hour as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
 - (3) The actual postage is payable when a copy of a record must be posted to a requester.
-