

# **Government Gazette, No. 21362**

**7 July 2000**

## **GENERAL NOTICE**

**Notice 2555 of 2000**

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

#### **INVITATION TO MAKE SUBMISSIONS REGARDING PROPOSED COMMENCEMENT OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT No. 2 OF 2000) AND PROMULGATION OF REGULATIONS**

1. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (the Act), gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. In General Notice 1813 published in Gazette No. 21146 of 12 May 2000 interested parties were invited to submit requests or suggestions regarding the implementation of certain provisions of the Act.
2. It is now intended to put the Act, with the exception of sections 10, 14, 15, 16, 19, 51 and 52, into operation as soon as possible. At this stage the intended date for commencement is 15 September 2000. The outstanding sections will be put into operation as soon as possible thereafter and after certain outstanding issues, for instance the formulation of regulations in terms of those sections, have been addressed.
3. 3.1 In order to ensure effective implementation of the Act, as proposed in paragraph 2 above, regulations must be promulgated for purposes of sections 18 and 53 which provide for the form of request for access to records, sections 22 and 54 which provide for the request and access fees and section 75 which provides for notice of appeal and appeal fees.  
  
3.2 Draft regulations to give effect to the aforementioned sections are as set out in the Schedule hereto for comment. At this stage the amounts of the fees are not reflected in the draft regulations and motivated suggestions in this respect will be appreciated. The draft regulations will be finalised after the evaluation of comment received and will be promulgated simultaneously with the commencement of the Act. Due to the short period allowed to submit comment on the draft regulations, the regulations to be published will be regarded as interim regulations. Proper consultation will take place after the remaining regulations (in terms of those sections which will not commence on 15 September 2000) have been drafted.
4. Public and private bodies are also reminded that the following actions should be attended to:
  - a. The appointment of deputy information officers to alleviate the burden of information officers and to ensure that access is rendered within the prescribed periods.
  - b. The possible training of information officers and deputy information officers.
  - c. Depending on the number of internal appeals it may be necessary for the relevant authority (for instance a Minister) to delegate his or her powers.
5. Comment on -
  - a. the draft regulations;
  - b. the viability of the incremental approach envisaged to put the Act into operation; and
  - c. the proposed date of commencement,

will be appreciated. If no response is received by the closing date it will be deemed that you agree with our proposals.

**Please submit your comment on or before 31 July 2000 to:**

**The Director: Secondary Legislation  
Department of Justice  
Private Bag X 81  
Pretoria  
0001**

**or**

**Room 403  
Saambou Building  
Church Square  
Pretoria**

**or**

**Fax to (012) 328 5567**

**SCHEDULE**

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000**

**DRAFT REGULATIONS RELATING TO THE PROMOTION OF ACCESS TO INFORMATION**

**Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates -

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

**Form of request**

2. A request for access to a record, contemplated in section 18(1) of the Act, must be made in the form of Form A of the Annexure.

**Fees for records of public body**

3. (1) The request fee payable by every requester, other than a personal requester, referred to in section 22(1) of the Act is **R.....**

(2) The access fees payable by a requester referred to in section 22(7) of the Act, unless exempted under section 22(8) of the Act, are as follows:

	<b>R</b>
a. For every photocopy of an A4-size page or part thereof	.....
b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	.....
c. For a copy in a computer readable form on -	

i. stiffy disk ii. compact disk	..... .....
d. (i) For a transcription of visual images (ii) For a copy of a transcription of visual images	..... .....
e. (i) For a written transcription of an audio reproduction (ii) For a printed transcription of an audio reproduction	..... .....
f. On any request to -  i. inspect any written or printed record -  aa.if the correct reference number is furnished bb.if an incorrect or no reference number is furnished	   ..... .....
ii. view a record of visual images iii. listen to words or information recorded and reproduced in the form of sound	..... .....
g. To search for the record and prepare the record for disclosure, <b>R</b> ..... for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

(3) A postal fee of R is payable when a copy of a record must be sent to a requester.

(4) For purposes of section 22(2) of the Act -

- a. six hours as the hours to be exceeded before a deposit is payable; and
- b. one third of the access fee is payable as a deposit by the requester.

### Form of request

- 4. A request for access to a record, contemplated in section 53(1) of the Act, must be made in the form of Form B of the Annexure.

### Fees for records of private body

- 5. (1) The request fee payable by a requester, other than a personal requester, referred to in section 54(1) of the Act is R

(2) The access fees payable by a requester referred to in section 54(7) of the Act, unless exempted under section 54(7) of the Act, are as follows:

	<b>R</b>
a. For every photocopy of an A4-size page or part thereof	.....
b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	.....
c. For a copy in a computer readable form on -  i. stiffy disk ii. compact disk	  ..... .....
d. (i) For a transcription of visual images (ii) For a copy of a transcription of visual images	..... .....

e. (i) For a written transcription of an audio reproduction	.....
(ii) For a printed transcription of an audio reproduction	.....
f. On any request to -	
i. inspect any written or printed record -	
aa. if the correct reference number is furnished	.....
bb. if an incorrect or no reference number is furnished	.....
ii. view a record of visual images	.....
iii. listen to words or information recorded and reproduced in the form of sound	.....
g. To search for the record and prepare the record for disclosure, <b>R</b> ..... for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

(3) A postal fee of R is payable when a copy of a record must be sent to a requester.

(4) For purposes of section 54(2) of the Act -

- a. six hours as the hours to be exceeded before a deposit is payable; and
- b. one third of the access fee is payable as a deposit by the requester.

### Notice of internal appeal

- 6. Notice of an internal appeal, contemplated in section 75(1) of the Act, must be lodged in the form of Form C of the Annexure.

### Appeal fees

- 7. The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, contemplated in section 75(3)(a) of the Act, is **R**.....

## ANNEXURE 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 2]

**FOR DEPARTMENTAL  
USE**  
Reference number:  
\_\_\_\_\_

### A. Particulars of public body

*The name and postal or street address, fax number or e-mail address of the information officer must be stated below.*

The Information Officer/Deputy Information Officer:

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## B. Particulars of person requesting access to the record

1. *The particulars of the person who requests access to the record must be recorded below.*
2. *Furnish an address and/or fax number in the Republic to which information must be sent.*
3. *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

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Identity number:

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Postal address:

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\_\_\_\_\_ Fax number:

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Contact telephone number: \_\_\_\_\_ E-mail address:

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

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

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

Full names and  
surname: \_\_\_\_\_

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Identity  
number: \_\_\_\_\_

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## D. Particulars of record

1. *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.*
2. *If the space provided for is insufficient to complete this section, 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:

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2. Reference number, if available:

\_\_\_\_\_

3. Any further particulars of record:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## E. Fees

1. *A request for access to the record will only be processed after a request fee has been paid, unless you are exempted from paying such fee.*
2. *You will be notified of the amount required to be paid as the request fee.*
3. *The fee payable for access to the record depends on the form in which access is required*
4. *If you believe that you qualify for exemption of the payment of the prescribed fee, please state the reason for your belief*

Reason for exemption from payment of fees:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## F. Form of access to record

*Mark the appropriate box with an "X".*

**NOTES:**

1. *Your indication as to the required form of access depends on the form in which the record is available.*
2. *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.*
3. *The fee payable for access to the record, if any, will partly be determined 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
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### 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*
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### 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)
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### 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*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disk)
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Mark your choice below. **REMEMBER:** If you require a record to be posted to you, you will have to pay a postal fee.

\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

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.

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. If you wish to be informed thereof 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 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF REQUESTER / PERSON  
IN WHOSE BEHALF REQUEST IS MADE**

### FOR DEPARTMENTAL USE

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

\_\_\_\_\_  
**SIGNATURE OF DEPUTY  
INFORMATION OFFICER**

## FORM B

### REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 4]

## A. Particulars of private body

\_\_\_\_\_

*The name and postal or street address, fax number or e-mail address of the head of the private body must be stated below.*

The Head:

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

- 1. The particulars of the person who requests access to the record must be recorded below.*
- 2. Furnish an address and/or fax number in the Republic to which information must be sent.*
- 3. Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and  
surname:\_\_\_\_\_

---

Identity  
number:\_\_\_\_\_

Postal  
address:\_\_\_\_\_

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\_\_\_\_\_Fax  
number:\_\_\_\_\_

Contact telephone number:\_\_\_\_\_E-mail  
address:\_\_\_\_\_

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

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

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

Full names and  
surname:\_\_\_\_\_

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Identity  
number:\_\_\_\_\_

**D. Particulars of record**

- 1. 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.*
- 2. If the space provided for is insufficient to complete this section, 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:\_\_\_\_\_

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2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## E. Fees

1. A request for access to the record will only be processed after a request fee has been paid, unless you are exempted from paying such fee.
2. You will be notified of the amount required to be paid as the request fee.
3. The fee payable for access to the record depends on the form in which access is required.
4. If you believe that you qualify for exemption of the payment of the prescribed fee, please state the reason for your belief

Reason for exemption from payment of fees:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## F. Form of access to record

Mark the appropriate box with an "X".

NOTES:

1. Your indication as to the required form of access depends on the form in which the record is available.
2. 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.
3. The fee payable for access to the record, if any, will partly be determined 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
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### 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*
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### 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)
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### 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	<input type="checkbox"/>	copy in computer readable form* (stiff or compact)
--------------------------	-------------------------	--------------------------	-------------------------------------	--------------------------	--

			from the record*		(surly or compact disk)
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Mark your choice below. **REMEMBER:** If you require a record to be posted to you, you will have to pay a postal fee.

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
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## G. Particulars of right to be exercised or protected

If the space provided for is insufficient to complete this section, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected

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2. Explain why the requested record is required for the exercising or protection of the aforementioned right

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## H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved. If you wish to be informed thereof 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 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON  
IN WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_

## FORM C

### NOTICE OF INTERNAL APPEAL

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

[Regulation 6]

STATE YOUR  
REFERENCE  
NUMBER:

*NOTE: A person who lodges an internal appeal may have to pay an appeal fee. If an appeal fee is payable, the decision of the internal appeal may be deferred until the fee is paid.*

#### **A. Particulars of public body**

*The name and postal or street address, fax number or e-mail address of the information officer must be stated below.*

The Information Officer/Deputy Information Officer: \_\_\_\_\_

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

- 1. The particulars of the person who is lodging the internal appeal, must be completed below.*
- 2. Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- 3. If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be stated at C below.*

Full names and surname:

\_\_\_\_\_  
\_\_\_\_\_

Identity number:

\_\_\_\_\_  
\_\_\_\_\_

Postal address:

\_\_\_\_\_  
\_\_\_\_\_

Fax number:

\_\_\_\_\_

Contact 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 ONLY be completed if a third party (other than the requester) is lodging the internal appeal.*

Full names and surname:

\_\_\_\_\_  
\_\_\_\_\_

Identity  
number: \_\_\_\_\_

#### D. The decision against which the internal appeal is lodged

*Mark the decision against which the internal appeal is lodged with an "X," in the appropriate box:*

	Refusal of request for access.
	Decision regarding fees determined in terms of section 22 of the Act.
	Decision regarding the extension of the period within which 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 deny access in the form as requested by the requester.
	Decision to grant request for access.

#### E. Grounds for appeal

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

State the grounds upon which the internal appeal is based: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### F. Notice of decision on appeal

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

State the manner: \_\_\_\_\_

Particulars of manner: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

**OUTCOME OF APPEAL:**

DECISION OF DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION MADE

NEW  
DECISION:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

_____ <b>DATE</b>	_____ <b>RELEVANT AUTHORITY</b>
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**DATE RECEIVED BY THE INFORMATION OFFICER FROM THE RELEVANT AUTHORITY:**