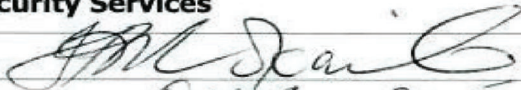


**read**

Department:
**Rural, Environment and Agricultural
Development**
North West Provincial Government
REPUBLIC OF SOUTH AFRICA

Organisation	Department of Rural, Environment and Agricultural Development
Programme	Security Services
Manual	Promotion of Access to Information
Policy ref. number	2/6/7
Compiled by	Security Services
Approved by	
Date of effect	01 October 2015



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2. PREFACE

- 2.1 The Promotion of Access to information Act, Act No 2 of 2000, gives effect to the constitutional right of access to any information held by the State, as well as information held by another person that is required for the exercise or protection of any right.
- 2.2 This public right is available to the public or any citizen of South Africa, private bodies or individuals as contemplated in section 32 of the Constitution, to advance and increasingly focus on the development of good governance.
- 2.3 The Act aims to foster a culture of transparency and accountability in the public (citizens and individuals) and private bodies by giving effect to the right of access to information and actively promote a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect their rights.
- 2.4 In terms of section 14 (1) of this Act, the "Information Officer" of a public body concerned must compile in at least three official languages a manual that provides information regarding the subjects and categories of records held by such a body.
- 2.5 This manual is intended to fulfil this requirement and provides an overview of records held by Department and the processes that needs to be adopted to access such records.
- 2.6 All requests for access to information (other than information freely available to the public) should be directed to the Information Officer as provided for in section 3 of this manual.



3. OBJECTIVES OF THE INFORMATION MANUAL:

The Department of Rural, Environment and Agricultural Development recognizes and is committed in fulfilling its constitutional obligation to:

- a. Foster a culture of transparency and accountability in its affairs by giving effect to the right of access to information;
- b. Actively promote and create an enabling environment in which requests have effect to access to information;
- c. Put such necessary measures in place to render it as accessible as reasonably possible for requesters of its records.

3.1 Bearing in mind

- 3.1.1 That the rights of access to any information held by the Department may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic environment based on human dignity, equality and freedom as contemplated in section 36 of the Constitution and also as specified in Part 2, Chapter 4, of the Promotion of Access to Information Act.

3.2 Applicable standards

- 3.2.1 The standard definition applicable to this Access to Information Manual will be that the Department of Rural, Environment and Agricultural Development follow the prescribed procedure of PAIA when granting requests of information.
- 3.2.2 The importance of the standard is to encourage openness and to establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner as reasonably possible, striving towards transparency, accountability and effective governance in the public sector.



3.2.3 Relevant Legislations and Policies applicable to this Access to Information Manual are:

- 3.2.3.1 The Promotion of Access to Information Act 2, of 2000 (PAIA);
- 3.2.3.2 Government Notice: No. R 1244;
- 3.2.3.3 Government Notice: No. R 990;
- 3.2.3.4 Government Notice: No. R 187; and
- 3.2.3.5 Government Notice: No. R 223.

3.3 The minimum standards

3.3.1 The minimum standards of the Access to Information Manual as prescribe in the Act are as follows:

- 3.3.3.1 Ensure that the Access to Information Manual incorporates all functions as prescribe in the Act;
- 3.3.3.2 Ensure that an index of records held by the Department of Rural, Environment and Agricultural Development as a public body is incorporated into the manual;
- 3.3.3.3 To ensure that the Access to Information Manual is compliant with all the requirements of Section 14 of the Act;
- 3.3.3.4 To ensure that the Department automatically and voluntarily issue and disclose records / notices in terms of Section 15 of the Act without a person having to request access to these types of records at least once a year (or on annual basis);



- a) To indicate and list these categories of records to be classified within the Access to Information Manual of the Department and the Records Management Policy of the Department available for free access;
- b) To indicate within the Access to Information Manual of the Department as to when these records will be automatically and voluntarily been issued and disclosed on annual basis by the Department;
- c) To indicate within the Access to Information Manual of the Department as to:
- How to access;
 - Where to obtain;
 - The method of access to these records;
 - The contact details, name and address of the relevant contact person / official from whom these records could be obtained, which, records are freely accessible without reviewing the necessary procedural arrangements as prescribe by the Act that can be obtained by the public;
- d) To indicate and list the categories of records classified for public availability on request as prescribe by the PAIA Act and listed within the Access to Information Manual of the Department and the Records Management Policy of the Department; and
- e) To indicate and list the categories of records classified not for public consumption due to a limitation clause as prescribe within the PAIA Act (Chapter 4, Section 62 to



Section 70 of the PAIA Act) and listed in the Access to Information Manual of the Department and Records Management Policy of the Department as justifiable grounds to not disclose a record to a requester.

3.3.3.5 To ensure that the Department of Agriculture and Rural Development submits accurate reports to the Human Rights Commission Section 32 of the Act (PAIA) on:

- a) How it handles information requested in terms of the Access to Information Manual of the Department;
- b) That the information requested and issued is fully compliant with the Act as required in terms of Section 32 of the Act (PAIA);
- c) To ensure that there are adequate records kept on the Department's Section 32 Reports as approved and submitted to the SAHRC on quarterly and annual basis as required in terms of the Act; and
- d) To provide regular reports to the Accounting Officer of the Department including the SAHRC on the typical types of requests received and the general type of requests issued, recorded and provided to the public and to inform them of any high trend patterns.

3.3.3.6 To ensure adequate implementation of the Access to Information Manual of the Department as approved, in:

- a) Developing an implementation plan for the adequate implementation of the Access to Information Manual of the Department as approved; and



- b) Developing a process flow on the review of the implementation plan (that incorporates the training of the information officer, deputy information officer and treasurer on PAIA).

3.3.3.7 To report on compliance of the Access to Information Manual of the Department against the requirements of the Act (PAIA) within the annual report to Parliament / legislature;

3.3.3.8 To ensure that there is regular (monthly or quarterly) management meetings on the Access to Information Manual of the Department to assess its compliance and periodic reviews against the implementation plan in terms of the Act (PAIA):

- a) To record these management meetings through appropriate minutes of such meetings where these compliance / monitoring reviews took place between the Access to Information Manual of the Department and the implementation plan against the requirements of the PAIA Act;
- b) To record any actions / recommendations / resolutions for any enforcement, a compliance standard improvement emanated from these management meetings through such periodic reviews;
- c) To monitor and track progress on any of the resolutions recorded from these management meetings, and whether these resolutions were appropriately address, implemented, followed-up and addressed, through an improved implementation plan;



- 3.3.3.9 To ensure that the records management policy of the Department of Rural, Environment and Agricultural Development is adequately and appropriately aligned to the Departmental Access to Information Manual as required by the Act;
- 3.3.3.10 To ensure that adequate training is facilitated for the Information Officer and the Deputy Information Officer to enable them to properly execute the requirements of the Act as prescribe, and revisited as and when the need arise;
- 3.3.3.11 To ensure that there is an appropriate designated appointment letter for both the Information Officer and the Deputy Information Officer as listed in the Access to Information Manual of the Department and revisited as and when the need arise;
- 3.3.3.12 To ensure that there is an appropriate Performance Agreement and Job Descriptions for both the Information Officer and the Deputy Information Officer as listed in the Access to Information Manual of the Department and revisited as and when the need arise;
- 3.3.3.13 To ensure that the Access to Information Manual of the Department in respect of Section 14 of the Act (PAIA) is published as prescribed in terms of the Section 15 Notice as Gazetted by the DOJCD as secondary Data;
- 3.3.3.14 To inform the Human Rights Commission of the appointed Departmental Information Officer, Deputy Information Officer (s of the Access to Information Manual of the Department in terms of Section 10(2)(b)(i) & (ii) of the Act.



4. FUNCTIONS OF THE NORTH WEST DEPARTMENT OF RURAL, ENVIRONMENT AND AGRICULTURAL DEVELOPMENT

4.1 Department of Rural, Environment and Agricultural Development is the North West Provincial department and it is responsible for all agricultural and rural development services in the province. this would include the following:

- Sustainable Resource Management
- Farmer Support Development
- Veterinary Services
- Research and Technology Development Services
- Agricultural Economics Services
- Structured Agricultural Education and Training
- Rural Development Services

Our Vision

The Vision of the Department is "A united and prosperous agricultural sector for economic growth and integrated rural development"

Our Mission

The Mission of the Department is "Working with our partners to provide sustainable agricultural and rural development services"

Our Values

Dedicated

Integrity

Productivity

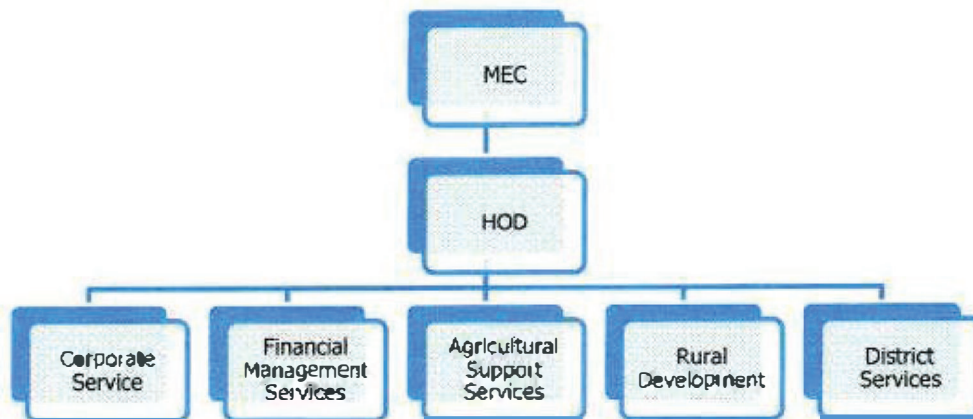
Rational

Solution orientated

Teamwork



4.2 Organizational Structure



5. CONTACT DETAILS IN TERMS OF (SECTION 14(1)(b))

5.1 Requesters are required to address all requests to the Information Officer, at the contact details listed below:

Designation : Head of Department

Physical Address : Department of Rural, Environment and
Agricultural Development
Agricentre Building
Cnr Dr James Moroka Drive
And Stadium Road, Mahikeng

Postal Address : Private Bag X2039
Mmabatho
2735

Telephone No : 018 389 5146

Fax No : 018 392 4773

5.2 Deputy Information Officer

Designation : Security Manager

Physical Address : Department of Rural, Environment and
Agricultural Development
Agricentre Building

Cnr Dr James Moroka Drive and
Stadium Road, Mahikeng

Postal Address : Private Bag X2039
Mmabatho
2735

Telephone No : 018 389 5163

Fax No : 018 389 5984

**6. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION
(SAHRC) ON HOW TO USE THE ACT (SECTION 10 OF THE ACT)**

- 6.1 The Guide on how to use PAIA is available from **SAHRC**. Queries can be made at:

SAHRC

PAIA Unit

The Research and Documentation Department

Postal address : Private Bag X2700
Houhton, 2041

Telephone No. : (011) 484 8300

Fax : (011) 484 1360

E-mail : paia@sahrc.org.za



7. SERVICES RENDERED BY THE DEPARTMENT TO THE PUBLIC

The core business of department is to provide sustainable agricultural and rural development services, operate in the agricultural sector. The mandate of department is linked to other National Infrastructure Plans, Conditional Grants, Public Entities and Public Private Partnerships

7.1 PROGRAMMES OF DARD

7.1.1 Office of the MEC

7.1.2 Senior Management

7.1.3 Chief Directorate: Corporate Services

7.1.4 Chief Directorate: Financial Management Services

7.1.5 Chief Directorate: Agricultural Support Services

7.1.6 Chief Directorate: Rural Development

7.1.7 Chief Directorate: District Services

7.2 FUNCTIONS

7.2.1 OFFICE OF THE MEC

To provide effective strategic and political leadership

7.2.2 SENIOR MANAGEMENT

Office of the HOD

Manage and coordinate effective Strategic and Administrative Management and Leadership

Security Services

Provide Security and Records Management Services



Risk Management

Monitoring and evaluation of risk management practices, manage Fraud Prevention, internal controls and information technology services

7.2.3 CHIEF DIRECTORATE: CORPORATE SERVICES

- Management of Human Resource Management Services
- Management of Human Resource Development Services
- Management of Communication Services

7.2.4 CHIEF DIRECTORATE: FINANCIAL MANAGEMENT SERVICES

- Management of Financial Accounting and Planning Process
- Provide Leadership in the implementation of Supply Chain Management
- Provide management for the implementation of internal control systems
- Provide a strategic direction on optimal use of resources

7.2.5 CHIEF DIRECTORATE: AGRICULTURAL SUPPORT SERVICES

- Management of Veterinary Services
- Management of Structured Agricultural Training and Empowerment
- Management of Agricultural Economics
- Provision of Sector Risk and Disaster Management Services
- Management of Policy and Planning



7.2.6 CHIEF DIRECTORATE: RURAL DEVELOPMENT

- Coordinate rural and agribusiness enterprise development services
- Facilitate the planning of rural development and secondary value adding projects
- Facilitate the establishment and support of cooperatives and other legal entities
- Provide integrated food security programmes

7.2.7 CHIEF DIRECTORATE: DISTRICT SERVICES

Management of agricultural support and administration services in four districts of the Province, namely:

- Ngaka Modiri Molema District
- Bojanala District
- Dr Ruth Segomotsi Mompati District
- Dr Kenneth Kaunda District



8. ACCESS TO RECORDS HELD BY THE DARD (SECTION 14(1)(D))

8.1. Automatic Disclosures (Section 14(1)(e))

8.1.1 The Act grants a requester access to records of the Department, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

8.1.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided.

8.1.3 Unless the requested information is made freely available, you may be required to pay a request fee and an access fee.

8.1.4 The following are categories of records as listed in paragraph 8.2 below, as generated by the Department, which are available without a person having to request access in terms of the Act Section 15(2):

8.2 List of automatic disclosures freely available to the public

- Legislative programmes since 1994
- Records on legislative amendments
- The constitution, Act 108 Of 1996
- South African Abattoir Corporation Act of 1992
- Performing Animal Protection Act 24 1935
- Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 37 of 1947



- Animal Protection Act 71 of 1962
- Animal Identification Act 6 of 2000
- Animal Improvement Act 62 of 1998
- Animal Health Act 7 of 2002
- Land and Agricultural Development Bank Act 15 of 2002
- Agricultural Debt Management Act 45 of 2001
- Meat Safety Act 40 of 2000
- Onderstepoort Biological Products Incorporation Act 19 of 1999
- Agricultural Laws Rationalisation Act 72 of 1998
- Genetically Modified Organisms Act 15 of 1999
- Marketing of Agricultural Products Act 46 of 1996
- Approved Departmental Structure.
- Copies of speeches by MEC.
- Public Service forms.
- Agricultural promotional material and Provincial Guidelines
- Audited financial statements.
- Personal records if requested by owner / Public official/ Public Servant or relative.
- Services available at institutions/Districts and Facilities.
- Departmental contact details.
- Annual Reports.
- Service Standards and Norms.
- Strategic Plans, Acts and Regulations.
- Newsletters, posters and Brochures.
- Circular for advertisement of posts.
- Circular for advertisement of Tenders



Other publications

- Annual Reports
- News letters
- Booklets
- Brochures

Any other literature intended for public viewing which may be published from time to time

8.3 Procedures to enquire for automatic disclosures**8.3.1 Requests for information automatically/voluntary available, as well as general enquiries regarding availability of information must be:**

8.3.1.1 Directed to the Deputy Information Officer with the relevant contact details, address and name of the officials as stipulated under section 5 of this Access to Information Manual of the Department;

8.3.1.2 Alternatively you can get the list from the Departments website address at www.nwpg.gov.za/agriculture

8.3.1.3 The list of information of records freely accessible is listed within this Access to Information Manual under section 8.2 above;

8.3.1.4 These automatic disclosures will be published on annual basis by April of each year within the Departments website address www.nwpg.gov.za/agriculture



8.3.1.5 There is no formal request required or any prescribe form to be filled, to obtain or access this information that is classified as automatically / voluntary available in terms of the Act; and

8.3.1.6 There is no request fee or access fee prescribe in terms of the Act for this information that is classified as automatically / voluntary available in terms of the Act.

8.3.1.7 Where records that are automatically available are already with National or Provincial Archives for archiving purposes, the records will be made available in compliance with the laws applicable to perusal of such records:

- Promotion of Access to Information Act (Act 2 of 2000)
- Protection of Information Act (Act 84 of 1982)
- National Archives and Records of South Africa Act (Act 42 of 1996)

9. PROCEDURE FOR REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE TO THE PUBLIC

9.1. Requesting procedure to obtain access to these records listed above

9.1.2 The Requester must comply with all the procedural requirements as stipulated in the Act relating to the request for access to that record; and

9.1.3 Access to that record is not refused on any ground of refusal as stipulated in the Act.



9.1.4 Grounds and justifiable reasons to refuse access to a record is regulated in the Act and access to those records are restricted for public knowledge and in terms of the right to access of information as regulated in the Act. These mandatory grounds are justifiable reasons to refuse access to a record that relates to any of these regulated exclusions and limitations to a right of access to a particular record as follows:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of safety of individuals and protection of property;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of a private body;
- Mandatory protection of research information of a third party and protection of research information of a private body; and
- Mandatory protection in public interest.

9.2 How to request access to information

9.2.1 A requester must complete the form similar to the one printed in the Government Gazette (Government Notice R 187 - 15 February - FORM A) (attached at the end of the Manual)

9.2.2 The requester must indicate the form or manner of access sought as prescribed by section 29;



- 9.2.3 READ will give access in the form requested unless this would tamper with the smooth running of READ
- 9.2.4 Giving access will give due consideration to preservation of material, infringement of copyright and request or access fees as prescribed must be paid before a request is processed and search and preparation fees are also payable before access is given;
- 9.2.5 A requester representing another must give details of the capacity in which they act; s 18(2)(f)
- 9.2.6 A requester, who cannot read nor write or needs assistance in completing a request form, may present the request orally and the Deputy Information Officer is obliged to assist such a requester, s 18(3).
- 9.2.7 If the Information Officer fails to give the decision on a request for access to the requester concerned within 30 days after the request is received, the Information Officer is regarded as having refused the request

9.3 Two types of fees required to be paid in terms of the Act, being the request fee and the access fee (522)

- 9.3.1 A Requester who seeks access to a record containing personal information about that Requester is not required to pay the request fee. Every other Requester, who is not a personal Requester, must pay the required request fee of R35:-



9.3.2 Fees must be deposited into the Department's revenue account and proof should be attached to the request forms.

9.3.3 The Information Officer must notify the Requester (other than a personal Requester) by notice, requiring the Requester to pay the prescribed fee (if any) before further processing the request.

9.3.4 The Requester may lodge an internal appeal, or an application to the counter against the tender or payment of fees.

9.3.5 The Requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.

9.3.6 After the Information Officer has made a decision on the request the Requester must be notified of such a decision in the way in which the requester wanted to be notified in.

9.3.7 If the Request is granted then a further access fee must be paid for the search, preparation, and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

9.3.7 Access to a record will be withheld until all applicable fees have been paid.

9.4 [See attached form for prescribed fees for Public Bodies, extracted from Part II of Notice 187 in the government Gazette on the 15 February 2002]



9.5 Transfer of request

9.5.1 Requests for records that are not in possession or control of the Department but are in the possession of another Public Body will be transferred to the relevant Public Body and the Requester will be notified of all details to that effect within a period of 14 days after the request has been received. [S 20(I)(c)].

9.6 Records that cannot be found or do not exist

9.6.1 If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in READ's possession but it is lost or damaged or does not exist, then the Information Officer must by the way of an affidavit notify the requester it is not possible to give access to that record

9.6.2 The affidavit must give a full account of all steps taken to find the record in question or to determine whether the record exists, including communicating with every person who conducted the search on behalf of the Information Officer.

9.7 Deferral of access

9.7.1 If access to a record is deferred in terms of (section 24(I)) of the Act, the Requester will be notified by the Information Officer that he/she may make representations why the record is required before publication or submission within 30 days of receiving the notice.



9.8 Decision on request and notice thereof

- 9.8.1 The Information Officer/Deputy Information Officer to whom request for access is made or transferred shall, within 30 days after the request is received:-
- 9.8.2 Notify the Requester of the decision to grant, fees to be paid for access, the form in which access will be given, the Requester's rights to appeal against access fees/form of access granted and procedure for lodging appeal.
- 9.8.3 Notify the Requester of the decision to refuse access, state adequate reasons for refusal and inform the Requester of his/her rights to lodge an application for an appeal and the procedure normally followed.

9.9 Extension of period to deal with request

- 9.9.1 The Information Officer/Deputy Information Officer to which a request has been transferred may extend the period of 30 days required to respond to a request once for a further period of not more than 30 days after consultation with the Requester. The Requester must consent in writing to such extension, [S 26(2)].

9.10 Payment Method

Every requester who is not a personal requester must pay the required request fee. The requester must deposit the request fee into READ's bank account (details of which will be given to the requester by READ). The proof of the deposit slip must be forwarded to READ's Deputy Information Officer before any request can be processed.



Details of READ's Bank Account:

Bank : First National Bank

Account Holder : Department of Rural, Environment and
Agricultural Development

Account Number : Details will be given when application is done

Branch Number : Details will be given when application is done

It is important to note the provisions of section 22(1) of the Act to the effect that no request may be processed unless a request fee is paid.

See attached fee schedule prescribed by PAIA at the end of the Manual

10 REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH (S 14 (1) H)

10.1 Refusal of request and internal appeals against decisions

10.1.1 The Act provides for an internal appeal against decision of the Information Officer or Deputy Information Officer on the following grounds:

- (a) a refusal to grant access; or
- (b) a decision taken in terms of section 22, 26 (1) or 29 (3)

10.1.2 The MEC is the relevant authority to review any decision taken on appeal.

An aggrieved party may approach the Courts if dissatisfied with the decision of the MEC



10.2 The internal appeal procedure

- When the requester/third party lodges an appeal, the prescribed appeal form (annexure B attached to the Manual) has to be completed and lodged with the Information Officer within 60 days.
- The internal appeal must identify the subject of the internal appeal and state the reasons thereof and may include any other relevant information known to the appellant.
- The internal appeal must state the manner and provide the particulars which the appellant desires to be informed of on the decision of the internal appeal in addition to a written reply and specify a postal address or fax number.
- The Information Officer will forward all internal appeals and accompanying documents to the Deputy Information Officer, who will then forward it to the Relevant Authority, which in this case is the MEC.
- The Information Officer will inform the requester/third party of the outcome of the internal appeal.
- A requester/third party who is dissatisfied with the outcome of the internal appeal may within 30 days of the receipt of the response, submit an application to the court for a final decision.

10.3 Application to court

10.3.1 Applications regarding the decision of the MEC or person designated in writing by the MEC

- A requester/third party may only, after exhausting the internal appeal procedure against a decision of an Information Officer or Deputy Information Officer, apply to a court for appropriate relief.



- A requester/third party whose internal appeal has been unsuccessful or aggrieved by a decision of the MEC or the person designated in writing by the MEC to disallow the late lodging of the appeal in terms of section 75(2) of the Act, may by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82 of the Act.

- **Other supportive measures**

Reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (section 5); must be furnished where a person's rights have been materially and adversely affected by that administrative action.

11. HOW TO GAIN ACCESS TO THESE SERVICES AND PROCEDURAL REQUIREMENTS FOR THE REQUEST

11.1 A Requester for access to a record must be made on the prescribed (Form A) to the Information Officer or Deputy Information Officer at the following address:

Information Officer

Designation : Head of Department

Physical Address : Department of Agriculture and Rural Development

Agricentre Building

Cnr Dr James Moroka Drive

And Stadium Road, Mahikeng

Postal Address : Private Bag X2039

Mmabatho

2735



Telephone No : 018 389 5146

Fax No : 018 392 4773

Deputy Information Officer

Designation : Security Manager

Physical Address : Department of Agriculture and Rural Development
Agricentre Building

Cnr Dr James Moroka Drive
and Stadium Road, Mahikeng

Postal Address : Private Bag X2039
Mmabatho
2735

Telephone No : 018 389 5163

Fax No : 018 389 5984

11.2 The Requester must provide sufficient details on the request form to enable the Department to provide the correct information.

11.3 The Requester should indicate his/her preferential language and specify his/her contact details.

11.4 If a Requester is made on behalf of another person, she/he must submit proof of the capacity in which the Requester is making the request.

11.5 If a Requester is unable to complete the prescribe form because of illiteracy or disability, such a person may make the request orally.



12. AVAILABILITY OF THE MANUAL (Section 14(3))

12.1 The manual will be made available in the following languages, based on commonly used and the most preferred and suitable language, within the locations of the Departmental premises:

- a) English

12.2 Alternatively if the record does not exist in the language so preferred a notice to extension to provide access to such a record, could be given to a requester, to enable the department to translate the record in a preferred language.

13. PRESCRIBED FEES FOR THE DEPARTMENT

PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002 PRESCRIBES FEES IN RESPECT OF THE GOVERNMENTAL BODIES AS FOLLOWS:

Description	R
1. The fee for a copy of the manual as contemplated in regulation 5(c) is for every photocopy of an A4-size page or part thereof.	0,60
2. The fees for reproduction referred to in regulation 7(1) are as follows:	
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
a) 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
i) For a transcription 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	35,00
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:	
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	0,40



electronic or machine – readable form	
c) For a copy in a computer-readable form on:	
i) stiffy disc	5,00
ii) compact disc	40,00
d) For a transcription of visual images, for an A4-size page or part thereof	22,00
For a copy of visual images	60,00
e) For a transcription of an audio record, for an A4-size page or part thereof	12,00
For a copy of an audio record	17,00
f) To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonable required for such search and preparation.	15,00
Fees for records of public body as stipulated by the current regulations of the Act:	
5. The request fees payable by every requester, other than a personal requester referred to in section 22(1) of the Act is:	35,00
6. The fee for reproduction, referred to in section 15(3) of the Act is as follows:	
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	0,40
c) Held on a computer or in electronic or machine readable form 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 page or part thereof	12,00
(ii) For a copy of an audio record	17,00
7. 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:	
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:	
i) stiffy disc	0,40
ii) compact disc	5,00
c) For a transcription of visual images	
(i) For an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
d) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
e) To search for the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search.	15,00

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

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



- (3) The actual postage is payable when a copy of a record must be posted to a requester.
- (4) The request and access fees can be paid into the Department's bank account or at any of the Departments Regional offices or Head office of the Department.

**14. PRESCRIBED FORM FOR ACCESS TO A RECORD OF THE
DEPARTMENT ANNEXURE B OF NOTICE 187 IN THE
GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002**



FORM A: REQUEST FOR ACCESS TO RECORD OF THE DEPARTMENT

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 2]**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 or
/Deputy Information Officer

A. Particulars of Public Body

The Information Officer/Deputy Information Officer

B. Particulars of person requesting access to the records

- a) The particulars of the person who requires access to the record must be given below.
b) The address and/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 :

Identify number :

Postal address :

Fax number :

Telephone number :

E-mail address :

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

Identify 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 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 the 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.

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 c) You will be informed if access will be granted in another form. d) 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 or memory stick)	
*If you request a copy or transcription of records (above), do you wish the copy or transcription to be posted to you?			<input type="checkbox"/> Yes <input type="checkbox"/> 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 / 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 records?

Signed at _____ this _____ day of _____ 20

Signature of requester/person on whose behalf request is made



FORM B: NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 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 lodges the internal appeal must be given below.
- b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given in C below.

Full names and surname :
 Identify number :
 Postal address :
 Fax number :
 Telephone number :
 E-mail address :

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

C. Particulars of requester

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

Full names and surname :
 Identify number :

D. Decision against which the internal appeal is lodgeMark the decision against which the internal appeal is lodged with an **x** in the appropriate box:

<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within the request must be dealt
<input type="checkbox"/>	With in terms of section 26 (1) of the Act.
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester.
<input type="checkbox"/>	Decision to grant request for access.

E. Grounds for appeal

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.

State the grounds on which the internal appeal is based:

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

F. Notice of decision on appeal

You will be notified in writing 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.

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 Officers).

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

OUTCOME OF APPEAL:

Decision of Information Officer/Deputy Information Officer confirmed/new decision substituted

NEW DECISION:

RELEVANT AUTHORITY

Date

Received by the Information Officer/Deputy Information Officer from the relevant authority on (date):

15. SUBMISSIONS OF REPORTS TO THE SAHRC (SECTION 32 OF THE ACT)

15.1 Safekeeping of records requested and reports submitted in terms of Section 32 of the Act

16.3.1 The Information Officer of each Department must ensure that all records as listed below be safeguarded in a secured version to allow proper reference and reporting procedures in terms of the Act:

- a. All requests received;
- b. All reports issued in terms of Section 32 of the Act to the SAHRC;
- c. All reports issued to the Accounting Officer;
- d. All records issued in terms of a request;
- e. All records refused on a justifiable ground;
- f. All records in relation to an oral request of illiteracy or disability transferred into written format;
- g. All records of requesting fees received;
- h. All records of access fees received;
- i. All records transferred to another regulatory body; and
- j. All records in terms of notices given.

15.2 When should reports be submitted to the SAHRC in terms of Section 32 of the Act

15.2.1 The Information Officer of each Department must annually submit to the Human Rights Commission (SAHRC) a report in relation to specific activities as stipulated under Section 32 of the Act for the financial year under review.



15.3 Reports to the Accounting Officer, Parliament or the Legislature

15.3.1 On annual basis the process that was followed within a financial period on the compliance and periodic reviews of the Implementation plan against the Access to Information Manual as approved by the Department and the compliance against the Act, should be properly and adequately be reported, to the Legislature / Parliament, as prescribe within the Annual report, of the of Department per financial year.

16. IMPLEMENTATION PROCESS OF THE ACCESS TO INFORMATION MANUAL OF THE DEPARTMENT

16.1 An Implementation plan that stipulates the implementation process, activities and timeframes until adequate implementation should be developed by the Deputy Information Officer of the Department of Rural, Environment and Agricultural Development in the North West Province.

16.2 The Implementation plan should be monitored on regular basis and progress should be recorded and reviewed by management at regular management meetings, to discuss the adequate implementation process of the Implementation Plan to the Access to Information Manual, as approved by the Department, in order to provide recommendations for adequate compliance against the Act (PAIA Act).

16.3 Such periodic review meetings by management, should ensure that adequate records of the minutes, agenda, progress, recommendations and resolutions as provided by management, is appropriately recorded for a progress report within the Section 32 report of the Department, to the SAHRC, on annual basis.



17. HOSTING OF REGULAR MANAGEMENT MEETINGS ON THE COMPLIANCE OF THE ACT INCLUDING THE MANUAL

17.1 To host regular meetings on the compliance of the Access to Information Manual of the Department against the compliance of the Act (PAIA Act) quarterly, by the Department, as a particular agenda item, at one of the DMC meetings, of the Departmental Management Team.

17.2 To ensure that proper records are kept of the agenda, attendance, minutes and resolutions taken and that any resolutions or recommendations made to enforce or enhance compliance towards the Act are properly followed-up and recorded at such meetings.

18. MANNER OF ACCESS

18.1 Designation of the Deputy Information Officers, and Delegation (Section 17 of the Act)

18.1.1 Every Department for purposes of this Act, subject to legislation governing the employment of personnel of the Department concerned, may designate such number of persons as a Deputy Information Officer (s) as necessary to render the Department as accessible as reasonably possible for requesters of its records.

18.1.2 The Information Officer of the Department has direction and control over every Deputy Information Officer as appointed in terms of this manual.

18.1.3 No other person, other than a designated Information Officer or its Deputy Information Officer(s) as appointed in terms of this manual, is duly authorised to assist the public to access to information in terms of the Act.



18.1.4 Any other employee of the Department that provides information to any requester is in transgression of this Act and can be criminally prosecuted.

18.1.5 The designated Information Officer may delegate a power or duty concerned or imposed on that Information Officer by this Act, to a Deputy Information Officer or (s) of that Department.

18.2 Duty to assist a requester (Section 19 of the Act) (how to handle information requested by the public)

18.2.1 The Information Officer of the Department has a legal duty to assist a requester, who wishes to make a request to access information of the Department, and to render such assistance to a requester in how to make a request within the prescribe form, free of charge. Fees is subjected to the Access fees and requesting fees as prescribe by the Act.

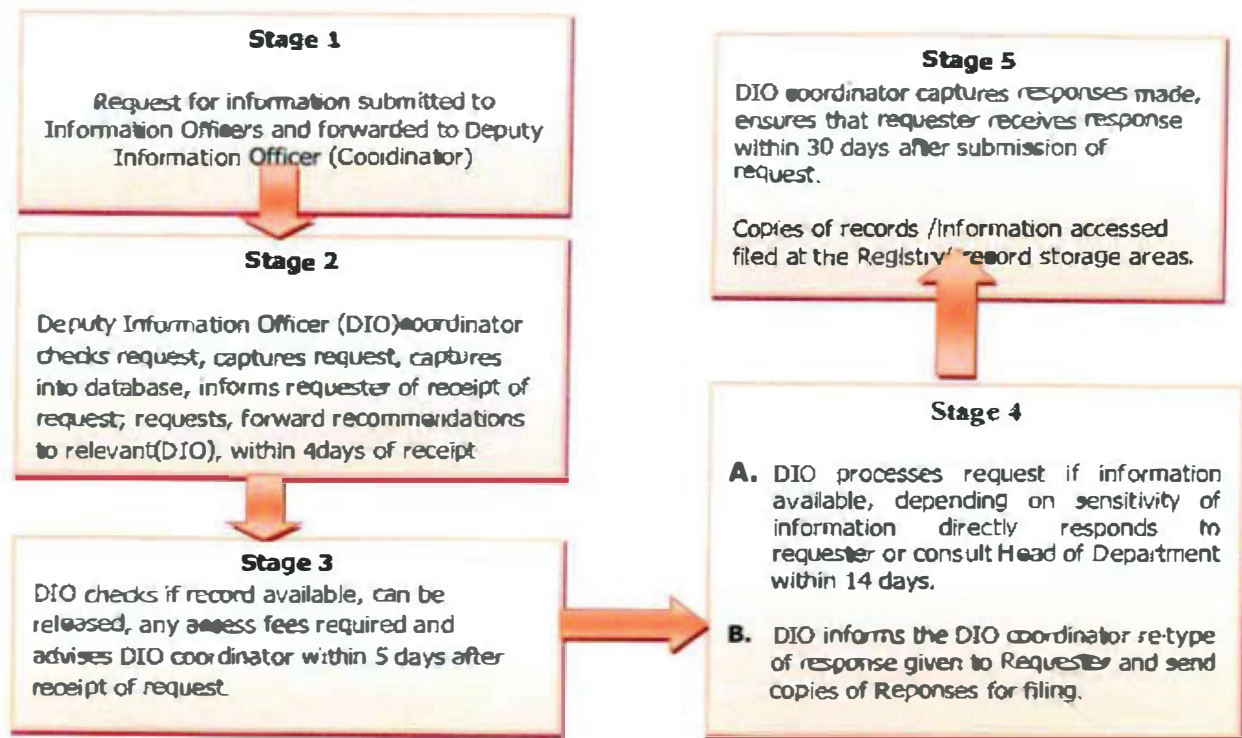
18.2.2 If a request to access to information is not compliant with the requirements in terms of Section 18(1) of the Act, the Information Officer may not refuse the request as a result of such non-compliance, unless the Information Officer has:

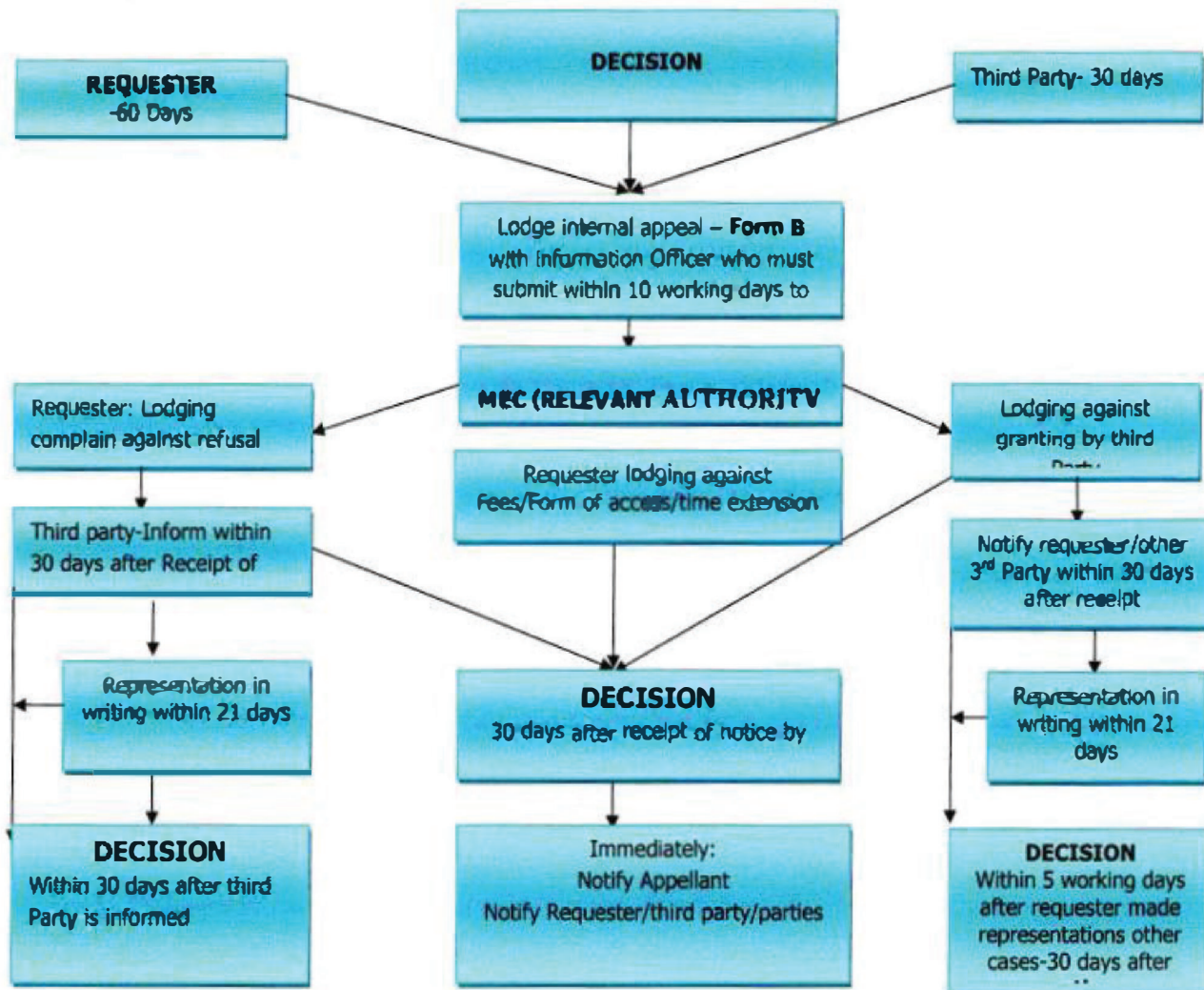
- a. Notified that requester of an intention to refuse the request stated in the notice, including the reasons for the refusal and that the Information Officer or another Official identified by the Information Officer within the notice to the requester, would assist the requester to make the request within the prescribe form that would remove the grounds for refusal of that record(s) requested;



- b. To provide the requester reasonable opportunity to seek assistance, and to confirm the request or alter the request in order to comply with Section 18(1) of the Act;
- c. To furnish the requester with any information that would assist the requester to make the request within the required form;
- d. To assist a requester upon receipt of a request if it is clear that the request was to be made to another public body / department, the Information Officer of the Department, must render such assistance to the requester to redirect ~~its~~ request to the appropriate body; or
- e. To transfer the request (in terms of Section 20 of the Act), to the appropriate body and to give notice to the requester of such transfer; and
- f. The date of notice of non-compliance to the requester (in terms of Section 25(1) of the Act) and the ending date of the confirmation or alteration of the request by the requester, that period in question should be disregarded.



ANNEXURE "A": Flowchart- Formal request for Access to Departmental Information

ANNEXURE "B": FLOWCHART ON INTERNAL APPEAL PROCESS**Internal Appeal Process**

19. REVIEW AND AMENDMENT

- 19.1 This manual shall be subject to review annually when the need arise in order to render quality service and thus to maintain a prompt access to information manual generated by the READ.
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