



THE FEDERATED EMPLOYERS MUTUAL ASSURANCE COMPANY (RF) (PTY) LTD

(“FEM”)

PROMOTION OF ACCESS TO INFORMATION MANUAL

Prepared in accordance with section 51 of

The Promotion of Access to Information Act 2 of 2000

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1. Preamble

The Promotion of Access to Information Act No. 2 of 2000, (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we, as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting their rights. In addition to the Promotion of Access to Information Act, the provisions of the Electronic Communications and Transactions Act, 2002, are applicable to all forms, records, documents or any information, which are electronically communicated.

Nature of Business

The Company is a short-term insurer registered in terms of the Short-term Insurance Act 53 of 1998 (STI Act) and has as its main object the carrying on of insurance business in accordance with the STI Act. More specifically, the Company operates as a mutual association licensed in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COID Act) to carry on the business of insurance of certain classes of employers against their liabilities to employees in terms of that Act.

We provide insurance cover to the building and construction industry alongside the State's Compensation Fund, which is managed by the Compensation Commissioner. This Compensation Fund compensates employees or their dependants following injuries arising from occupational accidents and illness occasioned by industrial diseases.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information, which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

2. Definitions

2.1 PAIA – means the Protection of Access to Information Act 2 of 2000

2.2 POPI – means the Protection of Personal Information Act 4 of 2013

2.3 Information Regulator – means the Regulator established in terms of section 39 of POPIA

2.4 Person – means a natural person or a juristic person

2.5 Private body means:

2.5.1 A natural person who carries or carried on any trade, business or profession, but only in such capacity.

2.5.2 A partnership which carries and has carried on any trade, business or profession; or

2.5.3 Any former or existing juristic person but exclude a public body.

2.6 Public body means:

2.6.1 Any department of state or administration in the national sphere of government or any municipality

in the local sphere of government; or

2.6.2 Any other functionary or institution when:

2.6.3 Exercising a power or performing a duty of the Constitution or a provisional constitution; or

2.6.4 Exercising a public power or performing a public function terms of any legislation.

2.7 Head, in relation to, a private body means:

2.7.1 in the case of a natural person, that natural person, or any person duly authorised by that natural person;

2.7.2 in the case of a partnership, any partner of the partnership or any person a duly authorised by the partnership;

2.7.3 in the case of a juristic person:

2.7.3.1 the Chief Executive Officer or equivalent officer of the juristic person or any duly authorised by that officer; or

2.7.3.2 the person who is acting as such or any person duly authorised by such acting person.

2.8 Information Officer – means the head of a private body.

2.9 Deputy Information Officer means the person to whom any power or duty conferred or imposed on an Information Officer by POPI has been delegated.

2.10 Requester in relation to a private body, means any person, including, but not limited to public body or an official thereof, making a request for access to a record of the organisation or a person acting on behalf of such person.

2.11 Personal Requester means a requester seeking access to a record containing personal information about the requester.

2.12 Personal Information means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person, the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual.

2.13 Request for access means a request for access to a record of the organisation in terms of section 50 of PAIA.

2.14 Record means any recorded information regardless of the form or medium, in the possession or under the control of the organisation irrespective of whether or not it was created by the organisation.

2.15 Data subject means the person to whom personal information relates.

2.16 Processing means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of transmission, distribution or making available in any form, or merging, linking, as well as restriction, degradation, erasure or destruction of information.

3. What is the PAIA Manual

3.1 The Promotion of Access to Information Act, 2000, gives effect to section 32 of the Constitution, which provides that everyone has the right to access to information held by the State or any person, when that information is required for the exercise or protection of any rights.

3.2 The purpose of PAIA is to:

3.2.1 foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and to

3.2.2 actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights

3.3 The organisation recognises everyone's right to access to information and is committed to provide access to the organisation's records where the proper procedural requirements as set out by PAIA and POPI have been met. The organisation's PAIA manual is compiled in accordance with section 51 of the Act.

4. The Right to Access to information

4.1 The Information Officer may only provide access to any record held by FEM to a requester if:

4.1.1 the record is required for the exercise or protection of any right.

4.1.2 the requester complies with the procedural requirements relating to a request for access to that record; and

4.1.3 Access to that record is not refused in terms of any of the grounds for refusal listed below.

5. Duties of The Information Officer

5.1 The Information Officer is responsible for:

5.1.1 Publishing proper communication of the manual (i.e. creating policy awareness)

5.1.2 The facilitation of any request for access

5.1.3 Reasonably assist a requester make a request as to enable them to exercise their rights.

5.1.4 Providing adequate notice and feedback to the requester

5.1.5 Where the request should have been made to another public or private body, the requester should be informed and assisted where applicable.

5.1.6 Determining whether to grant a request for access to a complete/full record or only part of a record

5.1.7 Ensuring that access to a record, where so granted, is provided timeously and in the correct format

5.1.8 The transfer where a request is made but the record is no longer in the possession of the body, then the information officer should within 14 days transfer the request to the information officer of the other body.

5.1.9 Reviewing this policy for accuracy and communicating any amendments

5.1.10 Preserving the records that have been requested.

5.1.11 Notifying the requester where the record does not exist or cannot be found.

5.1.12 Having a copy of the guide, in at least two of the official languages, at his or her registered head office, for public inspection during normal office hours.

5.1.13 Making available, upon the written request of any person, on a form which corresponds substantially with Form 1 of Annexure A to the Regulations, the number of copies of the guide in the official languages, as requested.

5.1.14 An information officer may not charge a fee for --

- (a) a copy of the guide made available in terms of sub-regulation (2); or
- (b) inspection of a copy of the guide at the office of the information officer

6. Voluntary disclosure and automatic availability of certain records

6.1 The head of a private body may, on a voluntary and periodic basis, submit to the Minister a description of:

6.1.1 the categories of records of the private body that are automatically available without a person having to request access in terms of this Act, including such categories available-

- i) for inspection in terms of legislation other than this Act;
- ii) for purchase or copying from the private body; and iii)

from the private body free of charge; and

6.1.2 how to obtain access to such records.

7. The request procedures

7.1 Form of request:

7.1.1 The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned per Section A of this manual. *[Section 53(1)].*

7.1.2 The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed *[Section 53(2)(a) and (b) and (c)].*

7.1.3 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right *[Section 53(2)(d)].*

7.1.4 If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body *[Section 53(2)(f)].*

7.2 Form of access

7.2.1 If the record is in written or printed form, the inspector should supply a copy or the record or making arrangements for the inspection of the record.

7.2.2 If a requester has requested access in a particular form, access must subject to section 28 be given in that form.

7.2.3 If the requester with a disability is prevented by that disability from reading, viewing or listening to the record, the information officer must take reasonable steps to make the record available in a form in which it can be read, viewed or heard by the requester.

7.3 Access to health and other records

7.3.1 If the head of a private body who grants a request for, access to a record about the physical or mental health, or well-being of the requester; or if the request has been made on behalf of the person to whom the record relates, is of the opinion that the disclosure of the record to the relevant person might cause serious harm to his or her physical or mental health, or well-being, the head may, before giving access consult with a health practitioner who has been nominated by the relevant person.

7.3.2 If, after being given access to the record concerned, the health practitioner consulted is of the opinion that the disclosure of the record to the relevant person, would be likely to cause serious harm to his or her physical or mental health, or well-being, the head may only give access to the record if the

7.3.2.1 requester proves to the satisfaction of the head that adequate provision is made for such

7.3.2.2 counselling or arrangements as are reasonably practicable before, during or after the

7.3.2.3 disclosure of the record to limit, alleviate or avoid such harm to the relevant person.

7.3.3 Before access to the record is so given to the requester, the person responsible for such counselling or arrangements must be given access to the record.

8. Consideration of a request

8.1 FEM, as soon as reasonably possible, but within 30 days, after the request has been received, decide whether to grant the request.

8.2 FEM must notify the requester of the decision in the requested manner if reasonably possible.

8.3 FEM must state when notifying the requester:

8.3.1 The access fee to be paid upon access;

8.3.2 The form in which access will be given;

8.3.3 That the requester can lodge an application with the court against the access fee to be aid or form of access to be grated;

8.3.4 Procedure and the period allowed for lodging the application with the court.

8.4 If access is refused, FEM must state the reasons for the refusal including any provisions of PAIA relied upon and state that the requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.

9. Extension of period to deal with request

9.1 FEM may extend the original period of 30 days once for a further period of not more than 30 days if:

9.1.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of FEM;

9.1.2 the request requires a search for records in, or collection thereof from, an office of FEM not situated in the same town or city as the office of the head that cannot reasonably be completed within the original period;

9.1.3 consultation among divisions of FEM or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period; or

9.1.4 the requester consents in writing to such extension.

9.2 FEM must within 30 days after request is received, notify the requester of that extension, the period of extension and the reasons for the extension.

9.3 The extension notice to the requester must state the period of the extension, the reasons for the extensions including the provisions of the PAIA relied upon and that the requester may lodge an application with a court against the extension and the procedure (including the period) for lodging the application.

10. Grounds for Refusal

10.1 The Information Officer must assess whether there are any grounds for refusing a request for access. Where any grounds for refusal are found, a request for access will not be granted if:

10.1.1 the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law or imminent and serious public or environmental risk, and

10.1.2 the public interest in disclosing the record, will clearly outweigh the harm contemplated in the provision in question.

10.1.3 the record consists of information about an individual who is or was an employee of FEM and which relates to the position or functions of the individual, including, but not limited to the title, work address, work phone number, the classification, salary scale or remuneration and responsibilities of the position held, or services performed by the individual and the name of the individual on a record prepared by the individual in the course of employment; 10.1.4 the record consists of information that contains trade secrets of FEM;

10.1.5 the records consist of information that contains financial, commercial, scientific or technical information, of FEM, the disclosure of which would be likely to cause harm to the commercial or financial interests of FEM;

10.1.6 the record consists of information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition.

10.1.7 the record consists of information whose disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

10.1.8 the record consists of information whose disclosure could reasonably be expected to endanger the life or physical safety of an individual.

10.1.9 the record consists of information that if disclosed would be likely to prejudice or impair the security of a building, transport or any property.

10.1.10 the record consists of information that if disclosed would be likely to prejudice or impair the methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public, or any part of the public.

10.1.11 the record consists of information that is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

10.1.12 the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party; a person

that is or will be carrying out the research on behalf of the third party; or the subject matter of the research, to serious disadvantage.

11. Affected third parties

11.1 The information officer must refuse a request for access to a record of the body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

11.2 A record may not be refused insofar as it consists of information:

11.2.1 about an individual who has consented otherwise in writing to its disclosure to the requester concerned;

11.2.2 already publicly available;

11.2.3 that was given to the private body by the individual to whom it relates, and the individual was informed by or on behalf of the private body, before it is given, that the information belongs to a class of information that would or might be made available to the public;

11.2.4 about an individual's physical or mental health, or well-being, who is under the care of the requester and who is under the age of 18 years; or incapable of understanding the nature of the request, and if giving access would be in the individual's best interests.

11.2.5 an individual who is deceased and the requester is the individual's next of kin; or making the request with the written consent of the individual's next of kin; or

11.2.6 about an individual who is or was an official of a private body and which relates to the position or functions of the individual.

11.3 The information officer when considering a request for access to a record must take all reasonable steps to inform a third party to whom or which the record relates of the request.

11.4 The information officer must inform a third party as soon as reasonably possible, but in any event within 21 days after that request is received; and by the fastest means reasonably possible.

11.5 A third party that is informed of a request for access,

may, within 21 days after being so informed make written or oral representations to the information officer why the request should be refused or give written consent for the disclosure of the record to the requester concerned.

11.6 The information officer must, as soon as reasonably possible, but in any event within 30 days after every third party is informed decide, after giving due regard to any representations made by a third party whether to grant the request for access.

11.7 If, after all reasonable steps have been taken a third party is not informed of a request, any decision whether to grant the request for access must be made with due regard to the fact that the third party did not have the opportunity to make representations why the request should be refused.

12. Notice

12.1 Where a request for access has been received, the Information Officer will notify the requester of receipt and the fact that the requester will not be charged a request fee. The notice must state:

12.1.1 That the requester may lodge a complaint with the Information Regulator or an application with a court against the FEM for failure to comply with a request for access to information; the Information Officer to whom the request is made, must as soon as reasonably possible, but in any event within 30 days, after the request has been received in the prescribed format:

12.1.2 Decide in accordance with PAIA whether to grant the request, and

12.1.3 Notify the requester of the decision and, if the requester stated that he or she wishes to be informed of the decision in any other manner, inform him or her in that manner, if it is reasonably possible.

12.2 If access is denied, the Information Officer must notify the requester in writing that it is not possible to provide access to that record. The notification must provide full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be.

13. Records that cannot be found and do not exist

13.1 If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in the private body's possession but cannot be found or does not exist, the head of the private body must, by way of affidavit or affirmation, notify the requester that it is not possible to give access to that record.

13.2 The affidavit must give a full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communications with every person who conducted the search on behalf of the head.

13.3 Submission of an affidavit is regarded as a decision to refuse a request for access to the record concerned.

13.4 If, after notice is given and the record in question is found, the requester concerned must be given access to the record unless access is refused on a ground for refusal.

14. Fees:

14.1 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:

14.1.1 The head of the private body 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 [Section 54(1)].

14.1.2 The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [Section 54(3)(b)].

14.1.3 After the head of the private body has made a decision on the request, the requester must be notified in the required form.

14.1.4 If a requester has requested access in a particular form but access in that form is refused, the fee charged may not exceed what would have been charged if that requester had been given in the form requested.

14.1.5 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [Section 54(6)].

15. Severability

15.1 If FEM receives a request for access to a record containing information which may or must be refused, every part of the record which does not contain and can reasonably be severed from the part that contains any such information must be disclosed.

16. Appealing request decisions

16.1 A requester that is aggrieved by a decision of FEM's information officer can apply within 30 days to a court.

16.2 This application must be lodged with a High Court or another court having jurisdiction.

16.3 The court hearing the application may examine any record of any private body.

16.4 The court hearing the application may grant any order that is just and equitable including:

16.4.1 confirming, amending or setting aside the decision which is the subject of the application concerned.

16.4.2 requiring the information officer to take action or refrain from taking such action as the court considers necessary.

16.4.3 granting an interdict, interim or specific relief, a declaratory order or compensation.

Section A – Contact details and Business type [Section 51(1)(a)]

Full Name : THE FEDERATED EMPLOYERS' MUTUAL ASSURANCE COMPANY
(RF) (PTY) LIMITED

Registration Number : 1936/008971/07

Registered Address : 2nd Floor Oxford & Glenhove
114 Oxford Road
Houghton Estates
2198

Postal Address : Private Bag X87109
Houghton
2041

Telephone Number : +27 11 359-4300

Fax Number : +27 11 359-4302

Head/CEO : Mrs Ndivhuwo Manyonga

Designated Information Officer : Mr G M Mc Intosh

Email Address of Information Officer : gysmc@fema.co.za

Website : <http://www.fema.co.za/>

Section B – Section 10 PAIA guide [Section 51(1)(b)]

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. Where a public body lodges a request, the public body must be acting in the public interest. Requests in terms of PAIA shall be made in accordance with the prescribed procedures provided herein. Requesters are referred to the guide in terms of section 10 of the Act which was originally compiled by the South African Human Rights Commission, but which has now been taken over by the Information Regulator. The guide contains information for the purposes of exercising Constitutional rights. The guide is available in all South African official languages free of charge and any person may request a copy of the guide.

Copies of the various guides and details of the Information Regulator can be found on the website of the Information Regulator at the link: <https://www.justice.gov.za/inforeg/docs.html>

Section C – Statutory Records

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes [Section 51(1)(d)]:

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Value-added Tax Act No. 89 of 1991
- Short-term Insurance Act No. 53 of 1998
- Insurance Act 18 of 2017.
- POPI Act 4 of 2013.

Section D – Access to the records held by this private body

1. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]

Voluntary disclosure and automatic availability of certain records of private bodies.	
Types of records	How to obtain the records
Voluntarily Disclosed Records	
<p><u>Financial:</u> Annual reports</p>	<p>Website: https://www.fem.co.za/annual-reports/</p>
<p>The PAIA Information Manual</p>	<p>Website: https://www.fem.co.za/wp-content/uploads/2020/04/PAIA.pdf</p> <p>At the private body's address: 2nd Floor Oxford & Glenhove 114 Oxford Road Houghton Estates 2198</p>
<p><u>Operations</u></p> <ul style="list-style-type: none"> • Various claims statistics • Sales and marketing brochures, newsletters and advertising materials 	<ul style="list-style-type: none"> • The sales and marketing are available on FEM website. • The newsletters and advertising material are published on FEMs social media platforms i.e. LinkedIn • Some statistics are sent to FEM's policyholders.

	<ul style="list-style-type: none"> • The stats are also available on request
Information that needs to be formally requested	
<u>Financial</u> <ul style="list-style-type: none"> • Financial statements and accounting records, together with supporting schedules • Asset register • Finance and Lease Agreements • Copies of all Income Tax Returns and other tax returns and documents 	<p>The information may be obtained after formal request and consideration of FEM. The information may be provided to the requester based on the reasons for the request and necessity.</p>
<u>Administration</u> <ul style="list-style-type: none"> • Minute books • Trademarks, trade names and protected names • Agreements relating to intellectual property such as licence agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements • Material agreements concerning provision of services • Partnership agreements, participation, franchise, comarketing, co-promotion or other alliance agreements • Agreements with shareholders, officers or directors • Acquisition or disposal documentation • Agreements with suppliers and customers • Insurance policies, including details of cover and all claim records • Information Technology agreements and licenses • Claims statistic 	<p>The information may be obtained after formal request and consideration of FEM. The information may be provided to the requester based on the reasons for the request and necessity.</p>
<u>Human Resources</u> <ul style="list-style-type: none"> • Staff recruitment policies • Employment contracts 	<p>The information may be obtained after formal request and consideration of FEM. The information may be provided to the requester based on the reasons for the request and necessity.</p>

<ul style="list-style-type: none"> • Remuneration records and policies i.e. UIF and COID registrations and proof of payment to SARS • Employment Equity Plan • Pension/Provident Fund Rules, account records and minutes of meetings of trustees and members • Disciplinary Policy • Grievance Procedures • Time and attendance records 	
<p><u>Operations</u></p> <ul style="list-style-type: none"> • Information on specific claims or pensions 	<ul style="list-style-type: none"> • On request with consent from injured employee or pensioner

Section E – Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

Section F – Availability of the manual [Section 51(3)]

This manual is available for inspection at our offices, the address details of which appear in Section A of this manual, free of charge, alternatively kindly refer to our website.

17. ANNEXURE “A” - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

ANNEXURE A FORMS

(Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]

FORM 1: REQUEST FOR A COPY OF THE GUIDE

TO: The information Regulator
 P.O. Box 31533
 Braamfontein,
 2017
 E-mail address: infoereg@justice.gov.za

OR

The Information Officer

I,

Full names:				
In my capacity as (<i>mark with “x”</i>):	Information Officer		Other	
Name of *public/private body (if applicable)				
Postal Address:				
Street Address:				
E-mail Address:				
Facsimile:				
Contact numbers:	Tel. (B):		Cellular:	

Hereby request the following copy(ies) of the guide:

Language (<i>mark with “X”</i>)		No of copies	Language (<i>mark with “X”</i>)		No of copies
	Sepedi			Sesotho	
	Setswana			siSwati	
	Tshivenda			Xitsonga	
	Afrikaans			English	
	isiNdebele			isiXhosa	
	isiZulu				

Manner of collection (mark with “X”):

Personal Collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at this day of 20.....

.....

SIGNATURE OF REQUESTER

*Delete whichever is not applicable

FORM 2: REQUEST FOR ACCESS TO A RECORD

Where a request for access to a record is made orally or as a result of illiteracy or a disability the Information officer must complete the form on the requesters behalf and provide a copy thereof to the requester.

Note:

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

TO: The Information Officer

(Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

Request is made in my own name person

Request is made on behalf of another person

PERSONAL INFORMATION		
Full names:		
Identity number:		
Capacity in which request is made <i>(when made on behalf of another person):</i>		
Postal Address:		
Street Address:		
E-mail Address:		
Contact numbers:	Tel. (B):	
	Cellular:	
Full names on whose behalf request is made <i>(if applicable):</i>		
Identity number:		
Postal Address:		
Street Address:		
E-mail Address:		
Contact numbers:	Tel. (B):	Facsimile:
	Cellular:	
PARTICULARS OF RECORD REQUESTED		
<i>Provide full particulars of the record to which access is requested, including the reference number I that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>		

Description of the record or relevant part of the record:	
Reference number if available:	
Any further particulars of record:	
TYPE OF RECORD	
<i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Record consists of recorded words or information which can be produced in sound	
Record is held on a computer or in an electronic or machine-readable form	
FORM OF ACCESS	
<i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on a computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer generated images, sketches etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disk drive <i>(including virtual images and soundtracks)</i>	
MANNER OF ACCESS	
<i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	

Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	
PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the protected space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages</i>	
Indicate which right is to be protected or exercised:	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	
FEES	
a) A request fee must be paid before the request will be considered. b) You will be notified of the amount of the access fee to be paid. c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record. d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.	
Reason:	
You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:	

Postal address	Facsimile	Electronic communication (please specify)

Signed at this day of 20.....

.....

SIGNATURE OF REQUESTER/ PERSON ON WHOSE BEHALF REQUEST IS MADE

FOR OFFICIAL USE

Reference number:	
Request received by:	

Date received	
Access fees:	
Deposit (if any):	

Signature of information officer

FORM 3: OUTCOME OF REQUEST AND OF FEES PAYABLE

Note:

1. If your request is granted the-
 - a) Amount of the deposit, (if any), is payable before your request is processed; and
 - b) Requested record/portion of the record will only be released once proof of full payment is received
2. Please use the reference number here under in all future correspondence.
3. A request for a copy of the Guide may not be refused.

TO: _____

Reference number _____

Your request dated _____, refers

1. You requested:	
Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
OR	
2. You requested:	
Printed copy of record (<i>including copies of any virtual images, transcriptions and information held on a computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer generated images, sketches etc</i>)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of record on compact disk drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

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

Kindly note that your request has been:

Approved

Declined, for the following reasons _____

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer readable form: i) flash drive- o be provided by requester ii) compact disk (if provider by requester or provided to the requester)			
For a transcription of visual images per A4-size page			
Copy of visual images			
Transcription of an audio record, per A4-size			

Copy of an audio record i) flash drive- o be provided by requester ii) compact disk (if provider by requester or provided to the requester)			
Postage, e-mail or any electronic transfer:			
TOTAL:			

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

YES

NO

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
-----------------	--	--	--

The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch code: _____

Reference NR: _____

Submit proof of payment to: _____

Signed at this day of 20.....

.....

Information officer

FORM 13: REQUEST FOR ASSESSMENT

TO: The information Regulator
P.O. Box 31533
Braamfontein,
2017
E-mail address: infoereg@justice.gov.za

I,

Full names:		
Postal Address:		
Street Address:		
E-mail Address:		
Contact numbers:	Tel. (B):	Facsimile:
	Cellular:	

Hereby in terms of section 77H of the Promotion of Access to Information Act, 200 (Act No. 2 of 2000), request that the Information Regulator assess whether the undermentioned public or private body generally complies with the provisions of the Act insofar as its policies and implementation procedures are concerned.

Name of public/private body		
Postal Address:		
Street Address:		
E-mail Address:		
Contact numbers:	Tel. (B):	Facsimile:
	Cellular:	
PARTICULARS OF INFORMATION TO BE ASSESSED		
PERSONS AFFECTED BY THE RELEVANT INFORMATION PRACTICE/S		
THE REASON WHY AN ASSESSMENT IS REQUESTED		
SPECIFIC ASPECTS OF THE INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS		

Signed at this day of 20.....

.....

Requester

FORM 14: NOTICE OF *REQUEST/INFORMATION REGULATOR'S OWN DECISION TO DO AN ASSESSMENT

TO: _____

Reference number _____

You are hereby notified that the Information Regulator-



was requested to conduct an assessment



has on its own initiative decided to conduct an assessment,

In terms of section 77H of the Promotion of Access to Information Act, 200 (Act No. 2 of 2000).

PARTICULARS OF INFORMATION TO BE ASSESSED
PERSONS AFFECTED BY THE RELEVANT INFORMATION PRACTICE/S
THE REASON WHY AN ASSESSMENT IS REQUESTED
SPECIFIC ASPECTS OF THE INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS

You are hereby invited to submit a written response together with substantiated proof with regards to the *request/the Information Regulator's own initiative to conduct an assessment on/before_____.

Signed at this day of 20.....

.....

Information Regulator

FORM 15: DECISION WITH REGARDS TO CONDUCTING AN ASSESSMENT

TO: _____

Reference number _____

The Information Regulator *was requested to conduct an assessment/ has on its own initiative decided to conduct an assessment, in terms of section 77H of the Promotion of Access to Information Act, 200 (Act No. 2 of 2000), and has, after taking all the relevant information into consideration, to-

proceed with an assessment; or

not to proceed with an assessment.

Signed at this day of 20.....

.....

Information Regulator

Information request procedure

- The requester must use the prescribed form to make the request for access to a record. A request form is available from our offices.
- The request must be made to the Information Officer. This request must be made to the address, fax number or electronic mail address of the business.
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of Information Officer aforesaid.
- The prescribed request fee must be attached.

- We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.

Please note that the successful completion and submission of a request for access form does not automatically allow the requester access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right; and
- The requester complies with the procedural requirements set out in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as completed in Chapter 4 of Part 3 of the Act.

18. ANNEXURE “B” - FEES in respect of private bodies

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body’s manual, a fee of R1.10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹

Reproduction fees apply to obtaining copies or transcriptions of information, which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

3. Access fees²

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

4. Other fees

4.1 A request fee³ of R50.00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.

4.2 A search fee⁴ may be charged at a rate of R30.00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.

4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.⁵

4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

PART III

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1.0 for every photocopy of an A4size page or part thereof.

¹ Section 52(3) and Regulation 1(1).

² Section 54(7) and Regulation 11(3).

³ Section 54(1) and Regulation 11(2).

⁴ Annexure “A”, Part III, Item 4(1)(f). ⁵ Section 54(2).

The fees for reproduction referred to in regulation 11 (1) are as follows:

(a) For every photocopy of an A4-size page or part thereofR 1.10

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R 0.75

(c) For a copy in a computer-readable form on—

(i) Stiffy discR 7.50

(ii) Compact discR 70.00

(d)

(i) For a transcription of visual images, for an A4-size page or part thereofR 40.00

(ii) For a copy of visual imagesR 60.00

(e)

(i) For a transcription of an audio record, for an A4-size page or part thereofR 20.00

(ii) For a copy of an audio recordR 30.00

2. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.

3. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

I. For every photocopy of an A4-size page or part thereofR 1.10

II. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable formR 0.75

(b) For a copy in a computer-readable form on—

I. Stiffy discR 7.50

II. Compact disc.....R 70.00

(c) (i) For a transcription of visual images, for an A4-size page or part thereofR 40.00

(ii)For a copy of visual imagesR 60.00

(d) (i) For a transcription of an audio record, for an A4-size page or part thereofR 20.00

(ii) For a copy of an audio recordR 30.00

(e) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

(2) For purposes of section 54 (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.