

**PROMOTION OF ACCESS TO INFORMATION MANUAL, 2020
COMPILED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 FOR THE WESTERN CAPE TOURISM, TRADE AND INVESTMENT
PROMOTION
AGENCY**

(A Schedule 3C of the PFMA provincial public entity of the Western Cape Department of Economic Development and Tourism, duly incorporated in terms of the Western Cape Tourism Trade and Investment Promotion Agency Act, 1996 (Act 3 of 1996) (as amended))

(Hereinafter referred to as “the Agency”)

VERSION 2: December 2021

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1. INTRODUCTION

- 1.1 The Constitution of the Republic of South Africa, 1996 (the Constitution) makes provision for the right of access to any information held by the State, subject to justifiable limitations, which includes the limitation to protect privacy.
- 1.2 The Constitutional Court interpreted the right of access to information as not merely a right to obtain access to information for the exercise or protection of a right, but also to ensure that there is an open and accountable administration at all levels of government.
- 1.3 Section 32(1)(a) and (2) of the Constitution reads as flows:

“(1) Everyone has the right of access to –

 - (a) any information held by the State; and
 - (b) any information that is held by another person and that is required for the exercise or protection of any rights.

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.”
- 1.4 The aforesaid resulted in the enactment of the Promotion of Access to Information Act, 2000 (PAIA). The purpose of PAIA is to foster a culture of transparency and accountability in public and private bodies and to empower and educate the people of South Africa to understand their rights.
- 1.5 This manual is compiled in terms of section 14 of PAIA which requires that the Agency must have a manual which sets out, amongst others, its structure and functions, include an index of its records and services, provide assistance on the procedure to access its records and services.

2. VISION AND MISSION

Vision

The Agency's vision is to help the Western Cape become one of the world's leading regional economies.

Mission

The Agency's purpose is to help facilitate the growth of the economy of Cape Town and the Western Cape on a sustainable basis and in so doing create employment opportunities for a broad range of skilled, semi-skilled and un-skilled workers. The mission of the Agency is to:

- Facilitate the retention and growth of investment, exports, film and tourism.

- Position and market the Province as a competitive and sustainable investment, exports, tourism and film destination globally.
- Facilitate the link between business and government decision-makers.
- Provide service excellence in all our business support functions.

3. AGENCY STRUCTURE (Section 14(1) (a) (i))

3.1 Agency Board Structure

The Agency is a Schedule 3C public entity, as stipulated in the Public Finance Management Act, 1999 (Act 1 of 1999), (PFMA), and is managed by a board of directors appointed by the executive authority. The Board consists of no more than 15 directors, namely-

- one senior official nominated by the Minister responsible for economic development, ex officio;
- one senior official nominated by the executive Mayor for Cape Town, ex officio;
- subject to subsection (3), no more than ten directors appointed by the Minister;
- two directors nominated by organised local government, one representing category B municipalities and one representing category C municipalities; and
- the chief executive officer appointed in terms of section 10, as a director ex officio.

The table below provides a list of the current Agency Board members.

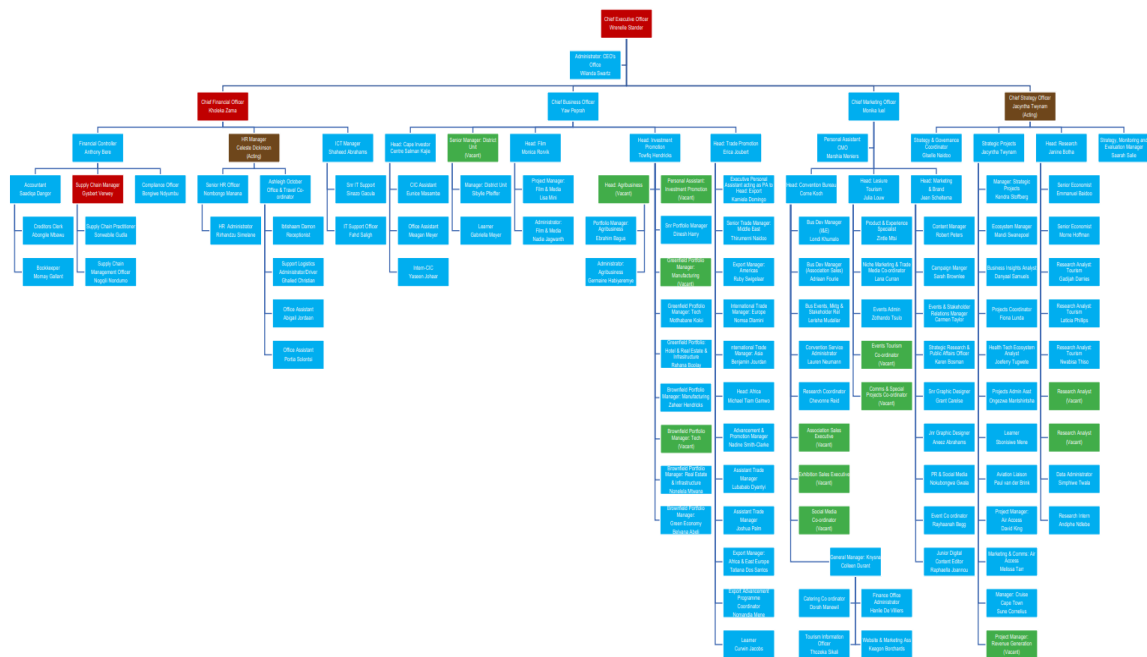
Table 1: Agency Board Members

Wesgro Board Members	
Name	Title
Mr. Michael Spicer	Chairperson
Mr. David Green	Deputy Chairperson
Mr. Ian Bartes	Director/Chairperson of the Audit, IT and Risk Committee
Ms. Andrea Böhmert	Director
Mr. Paul Bannister	Director
Mr. John Copelyn	Director
Mr. John van Rooyen	Director
Mr. Geoffrey Jacobs	Director
Ald. Marius Koen	Director
Ald. (Dr.) Helena von Schlicht	Director
Mr. Solly Fourie	Ex-Officio Member of the Board representing the Provincial Government of the Western Cape

Mr. Lance Greyling	Ex-Officio Member of the Board representing the City of Cape Town/Chairperson of the Human Resource and Remuneration Committee
Ms Wrenelle Stander	Chief Executive Officer

3.2 Agency Staff Organogram

The current organisational structure is indicated in the Figure hereunder.



4. AGENCY FUNCTIONS - Section 14(1) (a) (i)

The Agency focusses on the creation of opportunities for economic growth and jobs creation in the Western Cape Province through the following programmes:

PROGRAMME	DESCRIPTION
Programme 1: Corporate Services	The purpose of the programme is to provide efficient, cost-effective, transparent and responsive corporate services to the Agency, and to ensure that the principles of good corporate governance are implemented.
	Sub-programme 1.1: Financial Management Effective financial management is aimed at ensuring the upholding of the legislative requirements of the Agency. The financial management sub-

		programme ensures that the necessary resources are provided to efficiently run core operations.
	Sub-programme 1.2: IT and Administrative Services	The corporate services programme has a focus on maintaining sound IT and administrative systems and infrastructure
	Sub-programme 1.3: Human Resources Management	An Agency priority is to attract, recruit and retain staff by creating a climate and culture conducive to sustaining a motivated workforce.
	Sub-programme 1.4: Monitoring and Evaluation	This sub-programme is responsible for the implementation and management of reporting systems, which must comply with financial guidelines.
	Sub-programme 1.5: Strategic Projects	This sub-programme aims to provide for effective management and completion of funded projects.
Programme 2: Investment Promotion	The purpose of the programme is to attract and facilitate foreign and domestic direct investment in the Western Cape and the City of Cape Town. The programme is executed via various special projects being: Agribusiness Investment Unit, InvestSA One Stop Shop: Western Cape and District Unit	
Programme 3: Trade Promotion	The purpose of this programme is to promote and facilitate the export of goods and services from qualified companies in the Western Cape and to facilitate and support operations and expansion of qualified Western Cape companies to the rest of Africa through investment.	
	Sub-programme 3.1: Trade Promotion	Wesgro focusses on companies that have export experience and capacity to supply a demand for goods or services in global markets.
	Sub-programme 3.2: African expansion (OFDI)	Wesgro focusses on Western Cape companies that have export or outward investment experience and have the capacity to expand their operations to the rest of the African market.
Programme 4: Research	The purpose of the programme is to provide tourism, export and investment research to inform the Agency's goals and strategy, as well as to provide evidence-based research to augment the Agency's promotion activities.	
Programme 5: Marketing and Communication	The purpose of this programme is to conduct marketing and communication for the Wesgro business units, the City of Cape Town and the Western Cape in terms of tourism, trade and investment promotion.	
	Sub-programme 5.1: Positioning of the Agency and the destination	To improve the position of the Agency and the destination with shareholders, citizens, domestic and international businesses

	Sub-programme 5.2: Management of the reputation of the Agency and the destination	To improve the position of the Agency and the destination with shareholders, citizens, domestic and international businesses.
Programme 6: Destination Marketing Organisation (DMO)	The purpose of the DMO is to promote the Western Cape internationally and domestically to increase the number of visitors. The DMO markets the destination by focussing on business events (through its Convention Bureau team), tourism trade, media, influencers and marketing campaigns and initiatives. By increasing the visitor numbers of leisure and business tourists to the Province, direct, indirect and induced revenue is generated for the Cape.	
	Sub-programme 6.1: Boost awareness of the Western Cape in key markets and sectors	This sub-programme is made up of the following strategic initiatives: <ul style="list-style-type: none"> • Competitive identity; • Partnership growth strategies in key markets; • Digital management and real-time intelligence; • Growing business tourism; and • CRM and stakeholder management
	Sub-programme 6.2: Improve accessibility of Cape Town and the Regions	This sub-programme is made up of the following strategic initiatives: <ul style="list-style-type: none"> • Air Access (which forms part of a separate strategic unit within Wesgro) • Cape Investor Centre (which forms part of Wesgro's Trade and Investment Unit) • Local transport marketing
	Sub-Programme 6.3: Boost the Attractiveness of the Western Cape Through a Competitive Offering	This sub-programme is made up of the following strategic initiatives: <ul style="list-style-type: none"> • The Cross Cape promotion; • Madiba Legacy Route; • Gastronomy tourism promotion; • Cape of Great Events promotion; and • Service level improvement.
Programme 7: Film and Media Promotion	Establish a globally competitive film sector in Cape Town and the Western Cape.	

5. CONTACT DETAILS OF THE INFORMATION AND DEPUTY INFORMATION OFFICER - Section 14 (1) (a) (ii)

The Chief Executive Officer of the Agency is, in terms of PAIA, the Information Officer of Wesgro. The Chief Executive Officer has however, delegated the powers and duties conferred and imposed on the Information Officer in terms of section 17(3) of PAIA to a Deputy Information Officer, who can be contacted as follows:

INFORMATION OFFICER:

Ms Wrenelle Stander

Designation: Information Officer

Physical Address.

18th Floor, Reserve Bank Building
South African Reserve Bank Building
Cape Town, 8000

Postal Address.

PO Box 1678
Cape Town
8000

Contact Details:

Tel: 021 487 8600

e-mail: wrenelle@wesgro.co.za

DEPUTY INFORMATION OFFICER:

Ms Saarah Salie

Designation: Deputy Information Officer

Physical Address.

18th Floor, Reserve Bank Building
South African Reserve Bank Building
Cape Town, 8000

Postal Address.

PO Box 1678
Cape Town
8000

Contact Details:

Tel: 021 487 8600

e-mail: dio@wesgro.co.za

6. GUIDE BY THE INFORMATION REGULATOR – Section 14(1)(b)(i)

6.1 In terms of section 10 of PAIA, the Information Regulator must make available and update the guide compiled by the SAHRC on how to use PAIA to access information held by public and private bodies and provides the contact details of the information officers in National, Provincial and Local Government.

6.2 The guide is available on the Department of Justice's website at <https://www.justice.gov.za/infoereg/docs> in all 11 official South African languages. Members of the public can inspect or make copies of the guide from the Head Office JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001. P.O Box 31533, Braamfontein, Johannesburg.

7. PROCEDURES FOR REQUESTING ACCESS TO A RECORD OF THE AGENCY IN TERMS OF SECTION 18 OF PAIA - Section 14(1) (b) (ii)

Records held by the Agency may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Agency and in this regard, PAIA distinguishes between two types of requesters:

7.1 Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, the Agency will provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by the Agency.

7.2 Other Requester

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Agency is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the PAIA. The prescribed fee for reproduction of the information requested will be charged by the Agency.

7.3 Request Procedure

A requester must comply with all the procedural requirements contained in PAIA relating to a request for access to a record. A requester must complete the prescribed form enclosed herewith in **Annexure "A"** and submit same as well as payment of a request fee and a deposit, if applicable to the information officer at the postal or physical address, fax number or electronic mail address stated herein. The prescribed form must be filled in with enough particularity to at least enable the

- Information officer to identify;
- The record or records requested;
- The identity of the requester;
- What form of access is required; and
- The postal address or fax number of the requester.

A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

7.4 Decision

The Agency will, within 30 (thirty) days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day (thirty day) period within which the Agency has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days (thirty days) if the request is for a large quantity of information, or the request requires a search for information held at another office of the Agency (other than the head office) and the information cannot reasonably be obtained within the original 30-day (thirty day) period. The Deputy Information Officer will notify the requester in writing should an extension be necessary.

Records can be requested from:

DEPUTY INFORMATION OFFICER:

Physical Address.

18th Floor, Reserve Bank Building
South African Reserve Bank Building
Cape Town, 8000

Postal Address.

PO Box 1678
Cape Town
8000

Contact Details:

Tel: 021 487 8600
e-mail: dio@wesgro.co.za

8. INFORMATION HELD BY THE AGENCY

8.1 Subjects and Categories of Agency Records – Section 14(1) (b) (ii)

The Agency holds records on the following subjects and categories:

CATEGORIES AND SUBJECT MATTER	
1	Statutory and Regulatory Framework / Legislation <ul style="list-style-type: none">• National Legislation• Western Cape Provincial Legislation
2	Human Resource Management

	<ul style="list-style-type: none"> • Vacancies and Appointments • Termination of Service • Training and Skills Development • Staff movement • Human resource policies
3	Internal Financial Management <ul style="list-style-type: none"> • Budget • Accounting responsibility • Expenditure • Banking Arrangements • Funds • Corporate Assurance • Internal Audit • Audit reports • Financial Policies
4	Supply Chain Management <ul style="list-style-type: none"> • Procurement • Provisioning • Asset management • Supply Chain Management Policies
5	Communications <ul style="list-style-type: none"> • Internal communications • External Communications • Publications • Personal Information
6.	Project or Service-Related Information <ul style="list-style-type: none"> • Project Information • Research
7	Governance <ul style="list-style-type: none"> • Policies and standard operating procedures

9. RECORDS THAT ARE AUTOMATICALLY AVAILABLE WITHOUT THE NEED TO REQUEST ACCESS – Section 14 (1) (b) (iii)

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii). Documents that are available for download from the Agency's website at www.wesgro.co.za can be accessed free of charge in terms of section 15(1)(a)(iii).

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(b)(iii)	MANNER OF ACCESS TO RECORDS SECTION 15(1)(b)
Annual Reports	Latest available on the Agency Webpage for downloading – www.wesgro.co.za . Copies can be requested from the DIO from the e-mail address listed in par 4 above, or collected at Wesgro offices: 18th Floor, Reserve Bank Building, South African Reserve Bank Building, Cape Town, 8000

Annual Performance Plans	Copies can be requested from the DIO at saarah@wesgro.co.za or collected at Wesgro offices: 18th Floor, Reserve Bank Building, South African Reserve Bank Building, Cape Town, 8000
Financial Statements	Copies can be requested from the DIO at the e-mail address listed in par 4 above, or at Wesgro offices: 18th Floor, Reserve Bank Building, South African Reserve Bank Building, Cape Town, 8000
Strategic Plans	Copies can be requested from the DIO at the e-mail address listed in par 4 above, or collected at Wesgro offices: 18th Floor, Reserve Bank Building, South African Reserve Bank Building, Cape Town, 8000
Budget Report	Copies can be requested from the DIO at the e-mail address listed in par 4 above or collected at Wesgro offices: 18th Floor, Reserve Bank Building, South African Reserve Bank Building, Cape Town, 8000
Brochures, selected research and information available on the Agency Website:	Latest available on the Agency Webpage for downloading – www.wesgro.co.za . Copies can be requested from the DIO at the address listed in par 4 above, or collected at Wesgro offices: 18th Floor, Reserve Bank Building, South African Reserve Bank Building, Cape Town, 8000
Advertised and Awarded Bids	Copies can be requested from the DIO at the e-mail address listed in par 4 above, or collected at Wesgro offices: 18th Floor, Reserve Bank Building, South African Reserve Bank Building, Cape Town, 8000

10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC – Section 14(1) (b) (iv)

Wesgro renders various services to the public. Full details of these services appear on the Agency website that can be viewed at <https://www.wesgro.co.za/corporate/about>, or a paper printout can be obtained from the DIO, contact details as per paragraph 6.4 of this manual.

11. HOW TO ACCESS SERVICES TO THE PUBLIC – Section 14(1) (b) (iv)

PROGRAMME	DESCRIPTION
Programme 1: Corporate Services	The purpose of the programme is to provide efficient, cost-effective, transparent and responsive corporate services to the Agency, and to ensure that the principles of good corporate governance are implemented.
	Contact Details:
	Name: Kholeka Zama
	Telephone: 021 487 8600
Programme 2: Investment Promotion	The purpose of the programme is to attract and facilitate foreign and domestic direct investment in the Western Cape and the City of Cape Town.
	Contact Details:
	Name: Towfiq Hendricks
	Telephone: 021 487 8600
	e-mail: kholeka@wesgro.co.za
	e-mail: towfiq@wesgro.co.za

Programme 3: Trade Promotion	The purpose of this programme is to promote and facilitate the export of goods and services from qualified companies in the Western Cape and to facilitate and support operations and expansion of qualified Western Cape companies to the rest of Africa through investment.	
	Contact Details:	Name: Erica Joubert
		Telephone: 021 487 8600
		e-mail: erica@wesgro.co.za
Programme 4: Research	The purpose of the programme is to provide tourism, export and investment research to inform the Agency's goals and strategy, as well as to provide evidence-based research to augment the Agency's promotion activities.	
	Contact Details:	Name: Janine Botha
		Telephone: 021 487 8600
		e-mail: janine@wesgro.co.za
Programme 5: Marketing and Communication	The purpose of this programme is to conduct marketing and communication for the Wesgro business units, the City of Cape Town and the Western Cape in terms of tourism, trade and investment promotion.	
	Contact Details:	Name: Jean Scheltema
		Telephone: 021 487 8600
		e-mail: jean@wesgro.co.za
Programme 6: Destination Marketing Organisation (DMO)	The purpose of the DMO is to promote the Western Cape internationally and domestically to increase the number of visitors. The DMO markets the destination by focussing on business events (through its Convention Bureau team), tourism trade, media, influencers and marketing campaigns and initiatives. By increasing the visitor numbers of leisure and business tourists to the Province, direct, indirect and induced revenue is generated for the Cape.	
	Contact Details:	Name: Monika Luel
		Telephone: 021 487 8600
		e-mail: monika@wesgro.co.za
Programme 7: Film and Media Promotion	Establish a globally competitive film sector in Cape Town and the Western Cape.	
	Contact Details:	Name: Monica Rorvik
		Telephone: 021 487 8600
		e-mail: monica@wesgro.co.za

12. ARRANGEMENTS FOR PUBLIC PARTICIPATION BY CONSULTATION AND/OR REPRESENTATION ON THE FORMULATION OF WESGRO POLICY AND/OR PERFORMANCE OF FUNCTIONS – section 14(1)(b)(v)

Any policies that the Agency may participate in formulating and has an external impact, will require public participation. The process to be followed will be approved of by the Western Cape Provincial Cabinet on a case-by-case basis.

13. REMEDIES AVAILABLE IN RESPECT OF ACTS OR FAILURE TO ACT BY THE AGENCY

13.1 Remedies in respect of acts or failure to act in terms of PAIA

- The relevant authority for purpose of PAIA is the Provincial Minister responsible for Economic development in the Provincial Government of the Western Cape. See also **Annexure “A”**.
- After exhausting the internal appeal processes, an application may be lodged with a court of law.
- A person may lodge a complaint with the Information Officer concerning a suspected unlawful or improper official act or omission.
- A person may lodge a complaint with the South African Human Rights Commission concerning an official act or omission that is suspected to constitute a violation of or threat to any fundamental right (Human Rights Commission Act, 1994 (Act No. 54 of 1994)).

13.2 Questions, Complaints or Comments Regarding any Service Delivery

Questions, complaints or comments regarding any service delivery by the Agency may be made as follows:

The Office of the Chief Executive Officer

Tel: 021 487 8600

e-mail: Wilanda Swartz

Address: 18th Floor, Reserve Bank Building, South African Reserve Bank Building, Cape Town, 8000

14. ACCESSIBILITY AND AVAILABILITY OF THIS MANUAL

The manual is available in English, Afrikaans and Xhosa for viewing between 7.30 and 16.00 Mondays to Fridays (excluding public holidays) at the head office address listed in paragraph 4 above after payment of the prescribed fee (if applicable), or may be accessed online through the World Wide Web by visiting the following web address www.wesgro.co.za.

15. THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT 4 OF 2013), (POPIA) – Section 14(1) (c)

Chapter 3 of POPIA provides for the minimum conditions for lawful "processing" of "personal information" by a "responsible party" (as such terms are defined under POPIA). These conditions may not be derogated from

unless specific exclusions apply as outlined in POPIA. The Agency requires personal information relating to both natural and legal persons in order to carry out its legislative mandate, legislative function, business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by the Agency as set out in the Agency's POPIA Manual and policy documents that can be accessed:

- Via the Agency Website at www.wesgro.co.za;
- Requested from the DIO at the contact details in paragraph 4 above; or
- A paper copy collected from the head office address indicated in paragraph 4 above.

GUIDANCE ON ACCESS TO RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE

1. COMPLETION OF APPLICATION FORM, PAYMENT OF FEES and FORM OF ACCESS – sections 18, 19, 22, 29 and 31.

1.1 Application Form

A prescribed form (attached as FORM A) must be completed by the requester and submitted to the Deputy Information Officer. If a requester cannot read or write or complete the form due to a disability, the request may be made orally. The Deputy Information Officer will then complete **Form 2 (attached as Annexure** on behalf of the requester, keep the original and give the requester a copy thereof. A request may be made on behalf of another person but then the capacity in which the request is made must be indicated on Form A.

1.2 Fees

The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by the regulations made in terms of PAIA. (Attached as FEE SCHEDULE) The following fees are payable:

- Request fee of R35.00 for each request;
- Access fee for the reasonable time spent to search for and prepare the record, if it takes more than an hour to search and prepare a record. A deposit, of not more than a third of the total access fee, may be required. However, the full access fee is payable before access is granted; and
- For making copies of the record.

1.3 Applicants Who Are Exempt from Paying a Request Fee:

- A person requesting a record that contains his/her personal information.

1.4 Applicants Who Are Exempt from Paying an Access Fee:

- A person requesting a record that contains his/her personal information.
- A single person whose annual income does not exceed R14 712 per annum.
- Married persons, or a person and his or her life partner whose annual income does not exceed R27 192.

1.5 Form of Access

- A requester must indicate on Form A if a copy or an inspection of the record is required.
- If a copy is required the requester must indicate the form thereof (e.g. printed or electronic) and the preferred language (where the record is available in more than one language). The Agency does not translate records that are only available in one language.
- The record will be provided in the requested format unless it is unpractical or it will unreasonably interfere with the running of the Agency's business.

2 DECISIONS TO GRANT OR REFUSE ACCESS – Sections 25 and 26

2.1 Time Period to Make a Decision

The Deputy Information Officer must as soon as reasonably possible after receipt of the R35 and the completed Form A, but at least within 30 days of receipt thereof, decide whether to grant or refuse the request and notify the requester of the decision.

2.2 Extension of Time Period

The Deputy Information Officer may extend the period of 30 (thirty) days, once for a further period of 30 days in the following circumstances:

- The request is for a large number of records or requires a search through a large number of records and attending to the request unreasonably interferes with the department's activities;
- The request requires a search for records from an office that is not in the same town or city as that of the information officer/deputy information officer;
- Consultation is required with Departments of the WCG or other public bodies to decide upon the request; or
- The requester consented to an extension.

3. RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES – sections 47, 48

3.1 Notification:

The Deputy Information Officer must take all reasonable steps to inform a third party as soon as possible, but at least within 21 (twenty one) days, of receipt of any request for a record that contains:

- A third party's personal information;
- A third party's trade secrets;
- A third party's financial, commercial, scientific or technical information and disclosure would likely cause commercial or financial harm to the third party;
- Information supplied by a third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;
- Information supplied in confidence by a third party and disclosure would (i) amount to a breach of a duty of confidence owed to the third party in terms of an agreement; or (ii) reasonably prejudice the future supply of similar information which should, in the public interest, be supplied; or
- Information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent or the research subject matter.

3.2 Third Party Representations and Consent

Within 21 days of the notification (3.1 above) a third party may either (i) make written or oral representations to the Information Officer/ Deputy Information Officer why the request should be refused; or (ii) give written consent for the disclosure of the record.

3.3 Decision on Representation for Refusal

The Information Officer/ Deputy Information Officer must as soon as reasonable possible, but at least within 30 days after the notification (3.1 above) decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester of the decision.

4. INTERNAL APPEAL – SECTIONS 74 AND 75

4.1 Requester

A requester may lodge an internal appeal, within 60 (sixty) days after notice is given of a decision by the information officer/deputy information officer to:

- refuse a request for access (see 2 above);
- pay a fee (see 1.2 above); and
- extend the period to give access (see 2.2 above).

4.2 Third Party

A third party may lodge an internal appeal, within 30 (thirty) days after notice is given of a decision by the Deputy Information Officer to grant access to a record that contains information about the third party (see 3 above).

4.3 Manner of Internal Appeal

An internal appeal is lodged by completing the prescribed form (Form 4- attached as Annexure “B”) and delivering or sending it to the Information Officer/ Deputy Information Officer.

6. APPLICATION TO COURT

6.1 A requester or third party may apply to court for appropriate relief if

- An internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or

6.2 The application to court must be made within 180 days after being informed of the outcome of the internal appeal.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity 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

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1" style="display: inline-table;"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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. (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></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD</p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced 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 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 disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

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 provided 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 exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
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: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another person?		Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	
GROUNDS FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>				
Date received:				
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:			Yes	<input type="checkbox"/>
			No	<input type="checkbox"/>
OUTCOME OF APPEAL				
Refusal of request for access. Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Fees (Sec 22). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Extension (Sec 26(1)). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Access (Sec 29(3)). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Request for access granted. Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority



INFORMATION REGULATOR (SOUTH AFRICA)

Ensuring protection of your personal information
and effective access to information

Address: JD House, 27 Stiemens Street
Braamfontein, Johannesburg, 2001
P.O. Box 31533
Braamfontein, Johannesburg, 2017
Tel: 010 023 5200

Email: PAIAComplaints@infoRegulator.org.za

COMPLAINT FORM

FORM 5 [Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@infoRegulator.org.za or complete online complaint form available at <https://www.justice.gov.za/infoReg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body's response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body's response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT

(Mark with an "X")

☐

Complainant Personally

☐

Representative of Complainant

☐

Third Party

PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Have you applied to Court for appropriate relief regarding this matter?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

FOR INFORMATION REGULATOR'S USE ONLY	
Received by: (Full names)	
Position	
Signature	
Complaint accepted	<div>Yes</div> <div><input type="checkbox"/></div> <div>No</div> <div><input type="checkbox"/></div>
Reference Number	
Date stamp	

Postal address	Facsimile	Other electronic communication (Please specify)
PART A PERSONAL INFORMATION OF COMPLAINANT		
Full Names		
Identity Number		
Postal Address		
Street Address		
E-Mail Address		
Contact numbers	<div>Tel. (B)</div> <div></div> <div>Facsimile</div> <div></div>	
	Cellular	
PART B REPRESENTATIVE INFORMATION <i>(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)</i>		
Full Names of Representative		
Nature of representation		
Identity Number / Registration Number		
Postal Address		
Street Address		
E-mail Address		
Contact Numbers	<div>Tel. (B)</div> <div></div> <div>Facsimile</div> <div></div>	
	Cellular	
PART C THIRD PARTY INFORMATION <i>(Please attach letter of authorisation)</i>		
Type of Body	<div>Private</div> <div><input type="checkbox"/></div> <div>Public</div> <div><input type="checkbox"/></div>	
Name of Public / Private Body		
Registration Number (if any)		
Name, Surname and Title of person authorised to lodge a complaint		
Postal Address		
Street Address		
E-mail Address		

Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
PART D				
BODY AGAINST WHICH THE COMPLAINT IS LODGED				
Type of body	Private	<input type="checkbox"/>	Public	<input type="checkbox"/>
Name of public / private body				
Registration number (if any)				
Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
Reference Number given (if any)				
PART E				
COMPLAINT				
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)</i>				
Date on which request for access to records submitted.				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.				
Have you attempted to resolve the matter with the organisation?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the information officer of the public body?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				
PART F				
DETAILED TYPE OF ACCESS TO RECORDS				
<i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>				
Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	I have appealed against the decision of the public body and the appeal is unsuccessful.			<input type="checkbox"/>
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.			<input type="checkbox"/>

Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>	<input type="checkbox"/>
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>	<input type="checkbox"/>
	<i>The tender or payment of a deposit.</i>	<input type="checkbox"/>
Repayment of the deposit (Section 22(4) of PAIA)	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	<input type="checkbox"/>
Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	<input type="checkbox"/>
Form of access denied (Section 29(3) or 60(a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	<input type="checkbox"/>
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	<input type="checkbox"/>
	<i>Extension period has expired and no response was received.</i>	<input type="checkbox"/>
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonably been disclosed.</i>	<input type="checkbox"/>
No adequate reasons for the refusal of access (Section 56(3)(a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	<input type="checkbox"/>
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	<input type="checkbox"/>
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	<input type="checkbox"/>
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	<input type="checkbox"/>
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	<input type="checkbox"/>
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	<input type="checkbox"/>
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	<input type="checkbox"/>
Other (Please explain)		
<p align="center">PART G EXPECTED OUTCOME</p> <p>How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.</p>		
<p align="center">PART H AGREEMENTS</p>		

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

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I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.

☐

The information in this Complaint Form is true to the best of my knowledge and belief.

☐

I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.

☐

I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.

☐

If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party

Fee Schedule

Item	Description	Amount
1.	The “request fee” payable by every requester	R100.00

The “access fees” referred to in section 22(6) of the Act (unless the requester is exempted under section 22(8)) are as follows:-

Item	Description	Amount
2.	Photocopy of A4-size page	R1.50 per page or part thereof
3.	Printed copy of A4-size page	R1.50 per page or part thereof
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requester) (ii) Compact disc • If provided by requester • If provided to the requester	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size	R24.00
8.	For a copy of an audio record on: (iii) Flash drive (to be provided by requester) (iv) Compact disc • If provided by requester • If provided to the requester	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R100.00

	To not exceed a total cost of	R300.00
10	Deposit: If search exceeds 6 hours	One-third of amount per request, calculated in terms of items 2 to 8
11.	Postage, email or any other electronic transfer	Actual expense, if any

PERSON OR PERSONS EXEMPTED FROM PAYING ACCESS FEES	
A single person whose annual income does not exceed	R14,712.00
Married persons or a person and his/her life partner whose annual income does not exceed	R27,192.00