

INFORMATION MANUAL

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1. INTRODUCTION

This information manual provides an outline of the types of records held by GT and explains how one may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000 (the Act). The Act gives effect to everyone's constitutional right of access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requestor's rights.

A guide to the Act is available from the South African Human Rights Commission website: www.sahrc.org.za.

Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission:

PAIA Unit;

The Research and Documentation Department

Private Bag 2700,

Houghton,

2041

Telephone: +27 11 484-8300;

Fax: +27 11 484-0582;

Website: www.sahrc.org.za;

E-mail: paia@sahrc.org.za

2. AVAILABILITY OF THIS MANUAL

The requester, can access this Manual on our website www.GT247.com or by requesting a copy by e-mail from GT's

Information Officer:

Bianca Diedericks

GT Information Officer

3rd Floor

10 Melrose Boulevard

Melrose Arch

Telephone: +27 11 214 8045

Fax: +27 11 214 8028

E-mail: bdiedericks@gt247.com

3. RECORDS HELD BY GT

GT maintains records on the following categories and subject matters. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

3.1. Internal records

The following are records pertaining to GT's own affairs:

- ❖ Financial records;
- ❖ Operational records;
- ❖ Intellectual property;
- ❖ Marketing records;
- ❖ Internal correspondence;
- ❖ Statutory records;
- ❖ Internal policies and procedures; and
- ❖ Records held by officials of GT.

3.2. Employee records

Employee refers to any person who works for or provides services to or on behalf of GT and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or services for GT. This includes, without limitation, heads of departments, managers, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- ❖ Any personal records provided to GT by their personnel;
- ❖ Any records a third party has provided to GT about any of their personnel;
- ❖ Conditions of employment and other personnel-related contractual and quasi-legal records;
- ❖ Internal evaluation records; and
- ❖ Other internal records and correspondence.

4. STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST

The following steps must be considered before submitting a request:

4.1. Are you entitled to use the Act to request access?

Please take note of section 7(1) of the Act which states:

This Act does not apply to a record of a public body or a private body if—

- a) that record is requested for the purpose of criminal or civil proceedings;
- b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.

If section 7(1) applies, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. GT reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

4.2. Does the information requested exist in the form of a record

Please note that the Act only applies to records that are in existence at the time of us receiving your request. The Act does not compel anyone to create a record which is not yet in existence at the time the request is made.

4.3. Is the record in the possession or under the control of GT

The Act provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by GT or at some point in GT's possession (but no longer in GT's control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

5. HOW TO SUBMIT REQUEST FOR ACCESS

You may submit a request as follows:

5.1. Request form

Please complete the request form in Annexure 1 to this Manual and forward to the Information Officer, specified above. In the Request Form, you need to provide sufficient information to enable us to adequately identify –

- ❖ The record or records requested;
- ❖ The identity of the requester,
- ❖ Which form of access is required, if the request is granted;
- ❖ The postal address or fax number of the requester.

5.2. Description of the right

The right which you are seeking to protect or enforce by means of the records requested must be adequately described. The courts have indicated that access to the records must be necessary for the exercise or protection of the right so stated. It is important to note that GT's Information Officer may refuse you access to the records requested if the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in the Act.

5.3. Representatives

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of GT's Information Officer.

5.4. Prescribed fee

The prescribed access fee, if applicable, as provided for in paragraph 7.2 below must be paid and proof of payment (e.g. copy of deposit slip) must be submitted along with your request.

The Act provides for two types of fees, namely:

- ❖ A request fee, which will be a standard fee; and
 - ❖ An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- a) The requester, other than a personal requester, seeking access to a record containing personal information, must pay the prescribed R50.00 (fifty rand) request fee, before submitting the request and provide a deposit slip as proof of payment which must accompany the Request Form.
 - b) If the search for and preparation of the record (for disclosure), including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer will request you to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
 - c) The Information Officer may withhold a record until the requester has paid the fees as indicated in Annexure 2.
 - d) A requester whose request has been granted must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
 - e) You may ask for a refund of the deposit if your request for access is refused.

6. CONSIDERING YOUR REQUEST

- 6.1. Subject to the provisions in the Act in respect of extension of time periods, GT will process the request within 30 days, unless you have stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 6.2. You will be informed in writing whether access has been granted or denied.
- 6.3. The main grounds for GT to refuse a request for information relate to the –
 - 6.3.1. mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
 - 6.3.2. mandatory protection of the commercial information of a third party, if the record contains –
 - ❖ trade secrets of that third party;
 - ❖ financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - ❖ information disclosed in confidence by a third party to GT, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 6.3.3. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - 6.3.4. mandatory protection of the safety of individuals and the protection of property;
 - 6.3.5. mandatory protection of records which would be regarded as privileged in legal proceedings;
 - 6.3.6. the commercial activities of GT, which may include –
 - ❖ trade secrets of GT;
 - ❖ financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of GT;
 - ❖ information which, if disclosed could put GT at a disadvantage in negotiations or commercial competition;
 - ❖ a computer program which is owned by GT, and which is protected by copyright.
 - 6.3.7. The research information of HT or a third part, if its disclosure would disclose the identity of GT, the researcher or the subject matter of the research would place the research at a serious disadvantage.

7. YOUR REMEDIES

GT does not have internal appeal procedures. As such, the decision made by the Information Officer is final. If your request is denied, you are entitled to apply to a court with appropriate jurisdiction for relief.

ANNEXURE 1: REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

This annexure must accompany the cover letter addressed to the Information Officer.

A. Particulars of GT or Division

Bianca Diedericks
GT Information Officer
3rd Floor
10 Melrose Boulevard
Melrose Arch
Telephone: +27 11 214 8045
Fax: +27 11 214 8028
E-mail: bdiedericks@gt247.com

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number: _____

D. Particulars of record

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

The requester must sign all the additional folios.

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

2. Reference number/s, if available:

3. Any further particulars of record:

E. Fees

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

Reason for exemption from payment of fees:

F. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:

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

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request. How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this ____ day of _____ 201_

Signature of requester / person on whose behalf request is made

FOR GT INTERNAL USE ONLY

Reference number:

Information Officer:

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

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

Access fee: R.....

SIGNATURE OF INFORMATION OFFICER (or duly authorised representative)

ANNEXURE 2: FEES IN RESPECT OF PRIVATE BODIES

DESCRIPTION Rand

1. The fee for a **copy of the manual** as contemplated in regulation 9(2) (c) - for every photocopy of an A4-size page or part thereof: R1, 10.
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 thereof 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: R0,75
 - c. For a copy in a computer-readable form on—
 - i. Stiffy disc: R7,50
 - ii. (ii) Compact disc: R70,00
 - d. For a transcription of visual images,
 - i. for an A4-size page or part thereof: R40,00
 - ii. For a copy of visual images: R60,00
 - e. For a transcription of an audio record,
 - i. for an A4-size page or part thereof: R20,00
 - ii. For a copy of an audio record: R30,00
3. The **request fee** payable by a requester, other than a personal requester, referred to in regulation 11(2): R50,00
4. The **access fees** payable by a requester referred to in regulation 11 (3) are as follows:
 - a. For every photocopy of an A4-size page or part thereof R1,10
 - b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form: R0,75
 - c. For a copy in a computer-readable form on—
 - i. Stiffy disc R7,50
 - ii. Compact disc R70,00
 - d. For a transcription of visual images –
 - i. For an A4-size page or part thereof R40,00
 - ii. For a copy of visual images R60,00
 - e. For a transcription of an audio record –
 - i. For an A4-size page or part thereof R20,00
 - ii. For a copy of an audio record R30,00
 - f. To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation
5. 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
6. The actual postage is payable when a copy of a record must be posted to a requester

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

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

Form of request

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

FEES FOR RECORDS OF PRIVATE BODY

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

R50,00

The fee for reproduction referred to in section 52(3) of the Act, is as follows:

- (a) For every photocopy of an A4-size page or part thereof **R1,10**
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form **R0,75**
- (c) For a copy in a computer-readable form on -
 - (i) stiffy disc **R7,50**
 - (ii) compact disc **R70,00**
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof **R40,00**
- (ii) For a copy of visual images **R60,00**
- (e) (i) For transcription of an audio record, for an A4-size page or part thereof **R20,00**
- (ii) For a copy of an audio record **R30,00**

The access fees payable by a requester referred to in section 54(7) of the Act, unless exempted under section 54(8) of the Act, are as follows:

- (a) For every photocopy of an A4-size page or part thereof **R1,10**
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable for **R 0,75**
- (c) For a copy in a computer-readable form on -
 - (i) stiffy disc **R7,50**
 - (ii) compact disc **R70,00**
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof **R40,00**
- (ii) For a copy of visual images **R60,00**

- (e) (i) For transcription of an audio record, for an A4-size page or part thereof **R20,00**
- (ii) For a copy of an audio record **R30,00**
- (f) To search for the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search.

The actual postal fee is payable when a copy of a record must be posted to a requester.

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.

Notice of internal appeal

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

Important: there is no appeal structure for private bodies. The requester must approach the court where a request for information is refused.

Appeal fees

There are no appeal fees to be paid by the requestor.

Value-Added Tax

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in terms of these regulations.

Commencement

These regulations came into operation on 9 March 2001.

Exemptions from paying access fees

If the annual income:

- i) of a single person is R14 712 or less
- ii) of married persons/person & his/her life partner is R27 192 or less

the person or persons are exempted from paying the access fee.

Information Officer of the Department of Justice: The Director-General
 All enquiries should be sent to the Deputy Information Officer:
 Tel number: 012 315 1730 • Fax number: 012 357 8004
 E-mail address: mraswiswi@justice.gov.za

Postal Address: Access to Information and Records Management
 Department of Justice and Constitutional Development
 Private Bag X81, PRETORIA, 0001 • www.doj.gov.za



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 Justice and Constitutional Development
 REPUBLIC OF SOUTH AFRICA



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PROMOTION OF ACCESS TO INFORMATION ACT, 2000

HOW TO ACCESS ANY INFORMATION HELD BY A PUBLIC BODY

SUCH AS THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

FEES FOR RECORDS OF PUBLIC BODY AS STIPULATED BY THE CURRENT REGULATIONS TO THE ACT

What is the purpose of the Act?

The purpose of the Promotion of Access to Information Act is to give effect to the constitutional right of access to any information held by the state, as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect of the right to access to information is to foster a culture of transparency and accountability both in public and private bodies and to 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 their rights.

What information can I request and have access to from the Department of Justice and Constitutional Development or any public body for that matter?

- All documentation or records held by the Department or public body or its Officials. It does not matter when that information came into existence.
- Your Personal records held by the Department or a public body.

The Act is not unlimited. You may not be given access to information, for example, under the following circumstances:-

- Third party information or records, subject to access to these records being approved by such third parties, especially if such information was given to the Department or public body on a confidentiality or privacy basis.
- If the record is requested for the purpose of criminal or civil proceedings.
- The records of Cabinet and its Committees.

To have a sense of the kind of information you may request, please request an Information Manual from the Deputy Information Officer.

Please note that this Act is above any other Act or legislation that may prohibit or restrict you from having access to any information.

What information within the Department is freely accessible without having to apply to the Deputy Information Officer?

Ask the Deputy Information Officer to make a list of such information available to you, alternatively, you can get the list from the Department's website – www.doj.gov.za or any office of the Department such as Regional Office, Masters' Office or Magistrates' Office.

Are there any prescribed fees payable in order for me to access any information?

Unless the requested information is made freely available, you may be required to pay a request fee and an access fee (please see schedule of fees at the back of brochure). Payment is by means of revenue stamps that can be purchased from any Post Office.

How do I access information?

The Director-General of any Government Department is the Information Officer. In the Department of Justice and Constitutional Development the Director-General has appointed a Deputy Information Officer to assist in the administration of the Act. The details of both are found below.

The Information Officer or Deputy Information Officer must help you to access whatever information or documents you need. This must be done through the filling in and submission of "Form A". You can also get "Form A" from the Department's Website – www.doj.gov.za.

How long will the Information Officer or Deputy Information Officer take before responding to my request?

The Information Officer or Deputy Information Officer must respond to your request within 30 days. The Information Officer or Deputy Information Officer may extend the period of 30 days once e.g. where the request is for a large number of records or where the requested information is at an office elsewhere from the office of the Information Officer or Deputy Information Officer.

What happens to my request if the information I am requesting is not located within the Department but at another Public or Private body?

The Information Officer or Deputy Information Officer must transfer your request to the Information Officer or Deputy Information Officer of the relevant public or private body within 14 days who is then obliged to deal with your request. You will be notified should this be the case.

What can I do should the Information Officer or Deputy Information Officer deny me permission to access the kind of information I have requested?

You have the right to appeal, to the internal Authority, who is the Minister of the Department concerned. If you are still not satisfied you may approach a Court of law. The Information Officer or Deputy Information Officer must help and guide you through this process.

Should you need any assistance or have further questions regarding how you may access any information within the Department of Justice and Constitutional Development or any Public body, please do not hesitate to contact the Information Officer or Deputy Information Officer of the relevant Department. You may also contact the South African Human Rights Commission for assistance at Tel: (011) 484 8300.

The request fee payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is R35-00

The fee for reproduction, referred to in section 15(3) of the Act, is as follows:

- | | |
|--|---------------|
| (a) For every photocopy of an A4-size page or part thereof | R 0-60 |
| (b) For every printed copy of an A4-size page or part thereof | R 0-40 |
| (c) Held on a computer or in electronic or machine readable form for a copy in a computer-readable form on - | |
| (i) stiffer disc | R5-00 |
| (ii) compact disc | R40-00 |
| (d) (i) For transcription of visual images, for an A4-size or part thereof | R22-00 |
| (ii) For a copy of visual images | R60-00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R12-00 |
| (ii) for a copy of an audio record | R17-00 |

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

- | | |
|---|---------------|
| (a) For every photocopy of an A4-size page or part thereof | R0-60 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R0-40 |
| (i) stiffer disc | R5-00 |
| (ii) compact disc | R40-00 |
| (d) For a transcription of visual images, | |
| (i) for an A4-size page or part thereof | R22-00 |
| (ii) For a copy of visual images | R60-00 |
| (e) (i) for a transcription of an audio record, for an A4-size page or part thereof | R12-00 |
| (ii) For a copy of an audio record | R17-00 |
| (f) To search for the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search. | R15-00 |

The actual postal fee is payable when a copy of a record must be posted to a requester.