



# **PUBLIC SERVICE COMMISSION SECTION 14 MANUAL**

**In terms of Section 14 of the Promotion of Access to Information  
Act, 2000 (Act No. 2 of 2000)**

**FINANCIAL PERIOD: 2020 /2021**

<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
1. <b>OVERVIEW AND OBJECTIVES OF THE MANUAL</b> .....	1
2. <b>CONSTITUTIONAL MANDATE OF THE PSC</b> .....	2
2.1. Mandate.....	2
2.2. Key Performance Areas.....	3
3. <b>STRUCTURE OF THE PSC</b> .....	3
3.1. Background.....	3
3.2. Members of the PSC.....	4
3.3. Organisational Structure.....	4
4. <b>CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTIES</b> .....	6
5. <b>ACCESS TO RECORDS</b> .....	7
5.1. Description of the subjects/categories on which the PSC holds records.....	7
5.2. Request for information with sensitive classification.....	8
5.3. Granting or refusal of request.....	8
5.4. How to Request information from the PSC.....	9
5.5. Disability and request for assistance.....	9
5.6. Form of request.....	9
5.7. How long should a Requester wait before receiving the information.....	10
5.8. How will the Requester be informed of the outcome of the request.....	11
5.9. Successful request.....	11
5.10. Under which circumstance will the request for access to information be refused.....	11
5.11. What is deemed refusal of a request.....	13
5.12. Remedies available to a Requester if the request for information is refused.....	13
6. <b>FEES</b> .....	14
6.1. Request fee.....	14
6.2. Access fee.....	14
6.3. Exemption from paying the access fee.....	14
7. <b>SERVICES AVAILABLE TO THE PUBLIC AND HOW TO ACCESS THEM</b> .....	14
7.1. Services.....	14
7.2. How to gain access to services.....	15
8. <b>ARRANGING ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMATION OF POLICY</b> .....	15
8.1. Informing policy and legislation.....	15
9. <b>UPDATING OF THE MANUAL</b> .....	16
10. <b>AVAILABILITY OF THE MANUAL</b> .....	16
11. <b>GUIDE OF THE SAHRC ON HOW TO USE THE PAIA</b> .....	16
<b>Annexure A: REQUEST FORM</b> .....	17
<b>Annexure B: SCHEDULE OF FEES</b> .....	21

## **1. OVERVIEW AND OBJECTIVES OF THE MANUAL**

The Promotion of Access to Information Act No 2 of 2000 (PAIA) gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required for the exercise and protection of rights.

More broadly, PAIA aims to underline the importance of access to information in a democratic society by fostering a culture of transparency and accountability. PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information.

PAIA sets the limits on the types of information that can be accessed and circumstances when information requested may not be granted.

This manual is compiled in accordance with section 14 of PAIA and offers an outline of the Public Service Commission (PSC) and Office of the Public Service Commission (OPSC) information, which is accessible to the public. This includes:

- Mandate, vision, mission and objectives of the PSC
- Contact details for the PSC
- Procedure for requesting information
- Information that is automatically available through the PSC website
- Fees payable when requesting access to PSC records

The investigation and grievance reports of the PSC / OPSC are regarded as sensitive and confidential information and therefore can only be accessed in terms of the Access to Information Act by those that are not directly affected in the subject matter of the report. PAIA support the confidentiality of these reports and provides the information contained in a report may only be released to persons to whom it relates or that person's authorised representative.

This PSC / OPSC access to information Act manual describes the procedure for requesting access to PSC / OPSC records. The PSC and OPSC subscribes to the principle of accountability, integrity, and responsibility to its stakeholders in line with the democratic values enshrined in section 195 of the Constitution.

## **2. CONSTITUTIONAL MANDATE OF THE PUBLIC SERVICE COMMISSION**

### **2.1 Mandate**

The PSC is an independent institution established in terms of Chapter 10 of the Constitution. It derives its mandate from sections 195 and 196 of the Constitution, 1996, which sets out the values and principles governing public administration which should be promoted by the PSC, as well as the powers and functions of the PSC. The PSC is required by the Constitution to exercise its powers and to perform its functions without fear, favour or prejudice. The Constitution links the PSC's independence firmly with its impartiality and no organ of state may interfere with the functioning of the PSC.

The PSC is vested with custodial oversight responsibilities for the Public Service and monitors, evaluates and investigates public administration practices. It also has the power to give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles in Section 195 of the Constitution. The PSC is accountable to the National Assembly and must annually report to the National Assembly on its activities and performance, and to provincial legislatures on its activities in a province.

In terms of Section 196 (4) of the Constitution, 1996, the functions and powers of the PSC are:

- a. to promote the values and principles set out in Section 195, throughout the Public Service;
- b. to investigate, monitor and evaluate the organisation and administration, and the personnel practices of the Public Service;
- c. to propose measures to ensure effective and efficient performance within the Public Service;
- d. to give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles set out in section 195;
- e. to report in respect of its activities and the performance of its functions, including any findings it may make and directions and advice it may give, and to provide an evaluation of the extent to which the values and principles set out in section 195 are complied with;
- f. either of its own accord, or on receipt of any complaint-
  - i. to investigate and evaluate the application of personnel and public administration practices and to report to the relevant executive authority and legislature;
  - ii. to investigate grievances of employees in the Public Service concerning

- iii. official acts or omissions and to recommend appropriate remedies;
- iii. to monitor and investigate adherence to applicable procedures in the Public Service; and
- iv. to advise national and provincial organs of state regarding personnel practices in the Public Service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the Public Service; and
- g. To exercise or perform the additional powers or functions prescribed by an Act of Parliament.

## **2.2. Key Performance Areas**

The work of the PSC is structured around the following six key performance areas:

- Labour relations improvement
- Leadership and human resource reviews
- Governance monitoring
- Service delivery and compliance evaluations
- Public administration investigations
- Professional ethics

## **3. STRUTURE OF THE PSC**

### **3.1. Background**

The PSC is established in terms of Section 196 of the Constitution of the Republic of South Africa, 1996 (Constitution). The Constitution stipulates that there is a single PSC for the Republic, consisting of 14 members, five of which are appointed by the President on the recommendation of the National Assembly. One member is appointed from each of the nine provinces, after nomination by the Premier of the province on the recommendation of a committee of the Provincial Legislature. The members are referred to as Commissioners. Five of the Commissioners are based at the PSC's national office in Pretoria while the remaining nine are based in their respective provinces. A Commissioner is appointed for a term of five years, which is renewable for one additional term. The PSC is headed by a Chairperson, who also serves as the Executive Authority of the OPSC. The Chairperson is appointed by the President from the nominated Commissioners.

The PSC is accountable to the National Assembly and must annually report to the National Assembly on its activities and performance, and to provincial legislatures on its activities in a

province.

The PSC is supported by the OPSC, with its National Office in Pretoria and provincial offices in each province. The OPSC is headed by a Director-General, who also serves as the Accounting Officer. The staff members of the OPSC are appointed in terms of the Public Service Act of 1994.

## **2.2 Members of the PSC**

The President designates one Commissioner as Chairperson and another as Deputy Chairperson of the PSC. The following are members of the PSC:

- Adv RK Sizani (Chairperson)
- Mr BM Mthembu (Deputy-Chairperson)
- Ms PC Nzimande (Commissioner, National Office)
- Dr B Luthuli (Commissioner, National Office)
- Ms LV Sizani (Commissioner, Eastern Cape)
- Mr H Boshoff (Commissioner, Free State)
- Mr Goosen (Commissioner, Western Cape).
- Mr MH Seloane (Commissioner, Gauteng)
- Ms MA Marais-Martin (Commissioner, Northern Cape) (Term ends on 10 April 2020)
- Dr MS Leballo (Commissioner, North West)
- Mr TG Mashamba (Commissioner, Limpopo)
- Vacant (National Office)
- Vacant (Commissioner, KwaZulu-Natal)
- Vacant (Commissioner, Mpumalanga)

## **2.3 Organisational Structure**

The organizational structure of the PSC is designed according to its key performance areas and its activities are organized in the following programmes:

### **Programme 1: Administration**

The programme provides overall management of the PSC and centralised support services.

The programme is divided into the following three sub-programmes:

- Public Service Commission

- Office of the Director-General (includes: Chief Operating Officer, Litigation and Legal Services, PSC Support and Planning, Monitoring and Reporting)
- People Management Practices
- Chief Financial Officer

### **Programme 2: Leadership and Management Practices**

The programme promotes sound Public Service leadership, human resource management, labour relations and labour practices.

The programme is divided into the following two sub-programmes:

- Labour Relations Improvement
- Leadership and Human Resource Reviews

### **Programme 3: Monitoring and Evaluation**

The programme is responsible for establishing a high standard of service delivery, monitoring and good governance in the Public Service.

The programme is divided into the following two sub-programmes:

- Governance Monitoring
- Service Delivery and Compliance Evaluations

### **Programme 4: Integrity and Anti-Corruption**

The programme is responsible for undertaking public administration investigations, promoting a high standard of professional ethical conduct amongst public servants and contributing to the prevention and combating of corruption.

The programme is divided into the following two sub-programmes:

- Public Administration Investigations
- Professional Ethics

#### **4. CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTIES**

In terms of PAIA, the Director-General of the OPSC, Dr Dovichani Mamphiswana is the Information Officer. His contact details are as follows:

**Tel:** (012) 352 1025  
**Fax:** (012) 325 8322  
**E-mail:** DovichaniM@opsc.gov.za

The Deputy Information Officers are:

Mr Ayanda Ndlondlolozi  
Acting Chief Director: People Management Practices  
**Tel:** (012) 352 1212  
**Fax:** (012) 352 8322  
**E-mail:** AyandaN@opsc.gov.za

Adv. Shukrat Makinde  
Director: Litigation and Legal Services  
**Tel:** (012) 352 1188  
**Fax:** (012) 352 8322  
**E-mail:** ShukratM@opsc.gov.za

Mr Humphrey Ramafoko  
Director: Communication and Information Services  
**Tel:** (012) 352 1196  
**Fax:** (012) 325 8344  
**E-mail:** ramafokoh@opsc.gov.za

Ms Irene Mathenjwa  
Deputy Director-General: Monitoring and Evaluation  
**Tel:** (012) 352 1109  
**Fax:** (012) 352 8322  
**Email:** IreneM@opsc.gov.za

**Postal Address:**

Private Bag X121  
Pretoria  
0001



**Physical Address (Head Office):**

Public Service Commission House  
Office Park Block B  
536 Francis Baard  
Arcadia  
**PRETORIA**  
0001

**Tel:** (012) 352 1000

**Fax:** (012) 325 8344

**Website:** [www.psc.gov.za](http://www.psc.gov.za)

## **5. ACCESS TO RECORDS**

### **5.1 Description of the subjects/categories on which the PSC holds records**

Section 15 Automatically Available Records Notice of the PSC is updated on an annual basis and is available on the PSC website ([www.psc.gov.za](http://www.psc.gov.za)). The PSC's Section 15 Notice gives access to among others, all PSC reports that have been published and tabled in Parliament, as well as all the other records on the PSC website, without a person having to make a request in terms of the said Act.

It should be noted that certain province and department-specific reports that were compiled by the PSC are available from the respective provinces and departments and not the PSC. In addition, the Annual Report of the PSC, newsletters/magazines, posters, and pamphlets, are automatically available from the Directorate: Communication and Information Services (D: CIS) by contacting Mr Humphrey Ramafoko at Tel: (012) 352 1197 or E-mail: [ramafokoh@opsc.gov.za](mailto:ramafokoh@opsc.gov.za). A detailed list of easily accessible documents is contained in the Section 15 Notice referred to above.

The following are the selected subjects/categories on which the PSC holds records:

- Annual Reports
- Annual Reports to Citizens
- Asset registers
- Audits and investigations into public administration practices
- Budgets
- Contracts with suppliers
- External newsletters and magazines
- Factsheets

- Financial disclosures of members of the Senior Management Service
- Financial statements
- Grievance reports
- Guidelines and protocol documents
- Information relating to training of staff
- Internal newsletters
- Medium Term Expenditure Framework
- Memoranda of Understanding
- Minutes of meetings
- National Anti-Corruption Hotline case reports
- Papers presented
- Personnel files
- Policies
- Posters
- Presentations
- PSC published reports
- Records of workshops and conferences
- Service Charter
- Service Delivery Improvement Plan
- Annual Performance Plan
- Tender documents received from the suppliers, after the tender has been awarded

## **5.2 Request for information with sensitive classification**

The investigation reports and grievance reports prepared by the PSC are sensitive and are not available for public use. Reports conducted by the PSC are also classified as sensitive information.

## **5.3 Granting or refusal of request**

Access to information listed above must be made by following the procedures outlined below:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

#### **5.4 How to request information from the PSC**

- A requester must use the form (**Annexure A**) that was published in the Government Gazette, Government Notice R187 of 15 February 2002.
- The request must be made in person or by email addressed to the Director-General of the Public Service Commission (email address:ConnieG@opsc.gov.za, copy ShukratM@opsc.gov.za). If an acknowledgement of the report is not received within 14 working days, please contact the Office of the Director-General on 012 352 1025 to ensure that the request has been received.

When completing the form, please remember that:

- Each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced.
- Where a request is made for records relating to an organisation. It is recommended that the organisation's public officer authorise, make or support the request.
- If records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person.
- A detailed description of the records being requested must be provided to enable the Deputy Information Officer to identify it accurately.

#### **5.5 Disability and request for assistance**

- Should difficulties be experienced in completing the request form or if a disability prevents the requester from completing it, please do not hesitate to contact the Deputy Information Officer of the PSC for assistance.
- A person who cannot read or write can request access to information using the telephone numbers provided in the manual.
- Should a requester be unemployed and requests access to information which requires payment, the fees may be waived.

#### **5.6 Form of Request**

- The requester must indicate if he/she wants a copy of the record or if he/she wants to visit the PSC offices to view the record. Alternatively, if the record is not a paper document, it can then be viewed in the requested format, where possible.
- If a person asks for access in a particular format (e.g. a paper copy, electronic copy, and so forth) the requester should obtain access in that format, unless doing so would interfere unreasonably with the running of the public body concerned (PSC),

or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required format but in another format, then the fee must be calculated according to the way that the requester first asked for it.

- If, in addition to a written reply to their request for the record, the requester wants to be informed about the decision in any other way, e.g. telephone, this must be indicated.

### **5.7 How long should a requester wait before receiving the information requested**

The Deputy Information Officer is requested to take a decision on the request within 30 days of receipt of the request, failing which the request is deemed to have been refused.

The Deputy Information Officer may extend the period for taking a decision to 60 days under the following circumstances:

5.7.1 If the 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 the PSC.

5.7.2 If the requested records are not situated in the same town or city as the PSC Offices that the request cannot reasonably be completed within 30 day.

5.7.3 Where consultations among the Branches of the PSC or with another organisation is necessary or desirable to decide upon the request and which consultation cannot be reasonably completed within 30 day.

5.7.4 Where more than one of the circumstances contemplated in paragraphs 5.7.1 to 5.7.3 above exist in respect of the request making compliance with the 30 day period not reasonably possible.

5.7.5 If the requester consents in writing to the extension.

5.7.6 Any other justifiable reasons.

Should the 30 day period be extended the Deputy Information Officer or the Information Officer will notify the requester of the extension as well as provide the requester with the reasons for the extension.

## **5.8 How will the Requester be informed of the outcome of the request.**

The requester will be notified of the Deputy Information Officer's or the Information Officers decision in the manner specified in the request form.

## **5.9 Successful Request**

The requester will be given access to a record if all procedural requirements have been complied with according to PAIA requirements that is-

- the request is properly documented on the prescribed form;
- proof of authority to act on another's behalf is furnished, if making the request on another person's behalf;
- the records that is requested is sufficiently described to enable the Deputy Information Officer to identify it; and
- payment of all required fees.

## **5.10 Under which circumstances will the request for access to information be refused**

Access to a record is refused on one or more grounds of refusal specified in PAIA which as follows:

5.10.1 Mandatory protection of privacy of a third party who is a natural person.

5.10.2 Mandatory protection of certain records of the PSC.

5.10.3 Protection of opinion, advice, report or recommendation obtained or prepared by the PSC.

5.10.4 Protection of information obtained through consultation, discussion or deliberation that occurred, including, but not limited to minutes of a meeting, for the purposes of or performance of a duty conferred or imposed by law or

5.10.5 Mandatory protection where the disclosure of the record could reasonably be expected to frustrate the deliberations process in a public body or between public bodies by inhibiting the candid:

- Communication of an opinion, advice report or recommendation obtained or prepared.
- Conduct of a consultant, discussion or deliberation that has occurred, including but not limited to minutes, of a meeting, for the purposes of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law.

- 5.10.6 Mandatory protection where the disclosure of the record could, be premature disclosure of a contemplated policy, reasonably expected to frustrate the success of that policy or engagement.
- 5.10.7 Protection of records in an investigation of the PSC which contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of a material would breach an express or implied promise which was made to a person who supplied the material.
- 5.10.8 Protection of records, where the disclosure will prejudice future trust relationship between the institutions.
- 5.10.9 Mandatory Protection of records, privileges and confidential information.
- 5.10.10 Mandatory protection of personal information of a third party, confidential information and protection of certain other confidential information of a third party, including a deceased individual.
- 5.10.11 Mandatory protection of commercial information of a third party.
- 5.10.12 Mandatory protection of safety of individuals and protection of property.
- 5.10.13 Mandatory protection of records privileged from production in legal proceedings.
- 5.10.14 Protection of defence, security and international relations of the Republic
- 5.10.15 Protection of economic interests and financial welfare of the republic and commercial activities of public bodies.
- 5.10.16 Mandatory protection of research information of a third party and protection of research information of a public body.
- 5.10.17 Operations of public body.
- 5.10.18 Manifestly frivolous or vexatious request or substantial and unreasonable diversion of resources.
- 5.10.19 Mandatory protection on outcome of grievances where the disclosure of the outcome of the grievance will constitute a breach of confidentiality owned to all parties involved in an investigation of the grievance/
- 5.10.20 Protection of investigation report from parties that are not a party to the complaint, in situations where the disclosure will prejudice the privacy of a third party, or as may be determined by the Information Officer or Deputy Information Officer of the PSC.
- 5.10.21 Protection of information where it may be reasonably expected to prejudice the future supply of information from parties.
- 5.10.22 Protection of mandatory records, privileged and confidential information of the PSC.
- 5.10.23 Other information that are protected in terms of PAIA of 2000.

### **5.11 What is deemed refusal of a request**

If the Information Officer or Deputy Information Officer does not give the a decision on a request for access to the requester within the 30 or within any extended period, then the Deputy Information Officer will be regarded as having refused the request.

### **5.12 Remedies available to a requester if the request for information is refused**

Should the requester not be satisfied with the decision of the Information Officer or Deputy Information Officer of the PSC, the requester may:

5.12.1 Lodges an internal appeal with the Chairperson of the PSC who is the appeal authority for purposes of this Act in terms of sections 74 – 77 of PAIA.

5.12.2 After exhausting the internal appeal remedy, an application may be lodged with a court in terms of sections 78 – 82 of the Promotion of Access to Information Act). The requester may apply to court for relief. The said application must be made within 180 days after the decision has been made by the Deputy Information Officer. On hearing such an application, the court may grant a just and equitable order including:

- Confirming, amending or setting aside the decision that is the subject of the application.
- Requiring the Information Officer to take some action or to refrain from taking such action as the court considers necessary within the period mentioned in the order.
- Granting an interdict, interim or specific relief, a declaratory order or compensation.
- Cost.

Such an application to the Court may be made at the Magistrate Court.

5.12.3 The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

5.12.4 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 (as per the Human Rights Commission Act, 1994 (Act No. 54 of 1994)).

## **6. FEES**

### **6.1 Request Fee**

- 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 must pay the request fee of R35 (payable to public bodies).
- The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed request fee (if any) and deposit (if any) before further processing the request.
- The requester may lodge an internal appeal, where appropriate, or an application to the court against the bid or payment of the request fee.
- After the Information Officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester would like to be notified in.

### **6.2 Access Fee**

- If the request is granted a further access fee must be paid for the reproduction and for search and preparation for any time required in excess of stipulated hours to search and prepare the record for disclosure.
- Access to a record will be withheld until the requester has paid all the applicable fees.

A schedule of fees is attached as **Annexure B**.

### **6.3 Exemption from paying the access fee**

- 6.3.1 The following persons are exempt from paying the access fee contemplated in clause 6.2 above.
- 6.3.2 A single person whose annual income after permissible deductions does not exceed R15 000.00 per annum.
- 6.3.3 Married persons or a person and his or her partner whose annual income after permissible deductions, does not exceed R30, 000.00.
- 6.3.4 Where the cost of collecting any fee contemplated exceeds the fees stated in this manual, such fee does not apply

## **7. Services available to the public and how to access them**

### **7.1 Services**

The PSC does not offer services directly to the public. As such, our clients are the National Assembly, Provincial Legislatures, government departments and public institutions/organisations. However, certain information about the Public Service, for instance general information about the APP report on monitoring and evaluation may be



obtained from the D:CIS by contacting Mr Humphrey Ramafoko at Tel: (012) 352 1197 or E-mail: ramafokoh@opsc.gov.za.

## **7.2 How to gain access to services**

Clients of the PSC can gain access to its services by making a request to:

The Director-General: Office of the Public Service Commission

Dr Dovhani Mamphiswana

**Tel:** (012) 352 1025

**Fax:** (012) 325 8322

**E-mail:** DovhaniM@opsc.gov.za

**Website:** www.psc.gov.za

### **Postal Address:**

Private Bag X121

PRETORIA

0001

### **Physical Address:**

Public Service Commission House

Office Park Block B

536 Francis Baard Street

Arcadia

**PRETORIA**

0001

## **8. ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND PERFORMANCE OF DUTIES**

### **8.1 Informing policy and legislation**

The mandate of the PSC is to monitor and evaluate Public Service programmes with the purpose of providing advice and, where necessary, conduct investigations to explore ways to improve service delivery in the Public Service. Although the PSC is not directly involved in policy-making, through its programmes around community consultation and performance assessment it provides a platform for communities to have a direct say in how they want policies to be structured. The research conducted by the PSC is also used to inform policy and legislation making processes.

The PSC also drafts grievance rules and complaints rules, guidelines or circulars in relation to its mandates which are aimed at improving governance and service delivery within the Public Service.

## **9. UPDATING OF THE MANUAL**

The PSC will, if necessary, update and publish its manual referred to in subsection (1) of Section 14, at intervals of not more than a year.

## **10. AVAILABILITY OF THE MANUAL**

This manual is available in at least three of the official languages in the following manner:

- Submitted to the South African Human Rights Commission
- Obtainable at all PSC offices
- Posted onto the PSC website, [www.psc.gov.za](http://www.psc.gov.za)

## **11. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION ON HOW TO USE THE PAIA**

The guide on how to use the Promotion of Access to Information Act, 2000 is available from the South African Human Rights Commission. Enquiries can be directed to:

South African Human Rights Commission  
Promotion of Access to Information (PAIA) Unit  
The Research and Documentation Department  
Private Bag x2700  
Houghton  
2041

**Tel:** (011) 877 3600

**Fax:** (011) 403 0682

**E-mail:** [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)

**ANNEXURES:**

**Annexure A: REQUEST FORM**

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**  
(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number:

Request received by:

Name and surname of information officer/deputy information officer :

Date request received:

Place Request received:

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

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

Access fee: R.....

.....  
Signature of Information Officer/Deputy Information Officer

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

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

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which 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, 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. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.*

<u>Disability:</u>		Form in which record is required:			
Mark the appropriate box with an X. NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.					
1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc:					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record'	<input type="checkbox"/>	printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)		
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				
Note that <i>if</i> the record is not available in the language you prefer, access may be <i>granted</i> in the language in <i>which</i> the record is available.					
In which language would you prefer the record?					

### G. Notice of decision regarding request for access

You will be notified 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?

Postal Address:

Email:

Fax:

Other Specify

Signed at ..... This ..... day of.....20

**SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE**

## Annexure B: SCHEDULE OF FEES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0, 60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0, 40
(c) For a copy in a computer-readable form on -	
(i) Stiffy disc	5, 00
(ii) Compact disc	40, 00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22, 00
(ii) For a copy of visual images	60, 00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12, 00
(ii) For a copy of an audio record	17, 00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	0, 40
(c) For a copy in a computer-readable form on -	
(i) Stiffy disc	5, 00
(ii) Compact disc	40, 00
(d) For a transcription of visual images,	
(i) For an A4-size page or part thereof	22, 00
(ii) For a copy of visual images	60, 00
(e)(i) For a transcription of an audio record, For an A4-size page or part thereof	12, 00
(ii) For a copy of an audio record	17, 00
(f) To search for and prepare the record for disclosure R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(g) For purposes of section 22(2) of the Act, the following applies:	

- (i) Six hours as the hours to be exceeded before a deposit is payable; and
- (ii) one third of the access fee is payable as a deposit by the requester.
- (h) The actual postage is payable when a copy of a record must be posted to a requester.
- (i) Copies shall be printed in black and white.

### **PAIA Glossary**

HRCA	Human Rights Commission Act No. 54 of 1994
OPSC	Office of the Public Service Commission
PAIA	Promotion of Access to Information Act No. 2 of 2000
PAJA	Promotion of Administrative Justice Act No. 2 of 2000
PSC	Public Service Commission
SAHRC	South African Human Rights Commission