

REGULATIONS

GNR.187 of 15 February 2002: Regulations regarding the Promotion of Access to Information

as amended by

Notice	Government Gazette	Date
R.1244	25411	22 September 2003
R.990	29278	13 October 2006

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

The Minister for Justice and Constitutional Development has, under section 92 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), made the regulations in the Schedule.

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CHAPTER 1 GENERAL PROVISIONS

1. Definition.—In these Regulations any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates—

“**the Act**” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

2. Availability of guide.—(1) The Human Rights Commission must, as soon as possible after the guide has been compiled in terms of section 10 (1) or updated in terms of section 10 (3) of the Act—

- (a) make available a copy of the guide, in each official language—
 - (i) to the head of the national department responsible for Government communications and information services;
 - (ii) to every place of legal deposit as defined in section 6 of the Legal Deposit Act, 1997 (Act No. 54 of 1997), and every tertiary education institution established by or under any law; and
 - (iii) upon request, to the head of a private body;
- (b) make available, in each official language—
 - (i) to the information officers of public bodies such number of copies of the guide as the information officer concerned has indicated in order to comply with regulation 3 (1) or (2); and
 - (ii) to the Director-General: Communications such number of copies of the guide as the Director-General has indicated in order to comply with regulation 3 (3);
- (c) publish the guide in each official language in the *Gazette*;
- (d) make available a copy of the guide in each official language for public inspection during office hours at the offices of the Human Rights Commission; and
- (e) make available the guide on the website of the Human Rights Commission.

(2) The Human Rights Commission may, on request, make available to the persons and the institutions referred to in subregulation (1) (a) additional copies of the guide in the official languages requested.

(3) (a) Subject to paragraph (b), the Human Rights Commission may not charge any fee for a copy of the guide made available in terms of subregulation (1) or (2) or for inspection of a copy of the guide in terms of subregulation (1) (d).

(b) In respect of a copy of the guide made available in a manner other than that contemplated in paragraph (a), the Human Rights Commission may charge the fee prescribed in Item 1 of Part I of Annexure A.

3. (1) The information officer of the Department of Justice and Constitutional Development must, within 30 days after receipt of the copies of the guide in terms of regulation 2 (1) (b) (i), provide—

(a) every Magistrate's Office with at least one copy of the guide in each official language; and

(b) all other offices of the Department of Justice and Constitutional Development with at least one copy of the guide in each of the official languages used for the purposes of government as contemplated in section 6 (3) of the Constitution by the province in which such office is located: Provided that a copy of the guide must be so provided in at least two of the official languages.

(2) The information officer of a public body must, within 30 days after receipt of the copies of the guide in terms of regulation 2 (1) (b) (i), provide every office of that public body with at least one copy of the guide in each of the official languages used for the purposes of government as contemplated in section 6 (3) of the Constitution by the province in which such office is located: Provided that a copy of the guide must be so provided in at least two of the official languages.

(3) The Director-General: Communications must, within 30 days after receipt of the copies of the guide in terms of regulation 2 (1) (b) (ii), provide every post office, as defined in section 1 of the Postal Services Act, 1998 (Act No. 124 of 1998), with at least one copy of the guide in each of the official languages used for the purposes of government as contemplated in section 6 (3) of the Constitution by the province in which such post office is located: Provided that a copy of the guide must be so provided in at least two of the official languages.

(4) The head of an office referred to in subregulations (1) and (2) and the person in charge of a post office referred to in subregulation (3)—

(a) must, during office hours and upon request, make available for public inspection a copy of the guide in the official languages available;

(b) may not charge a fee for a public inspection referred to in paragraph (a); and

(c) may, in respect of a copy of the guide or part thereof made available in a manner other than that contemplated in paragraph (a), charge the fee prescribed in Item 1 of Part I of Annexure A.

3A. Offences and penalties.—(1) An information officer of a public body or a head of an office referred to in regulation 4 (1) (a) (i) (bb), who wilfully or in a grossly negligent manner—

(a) fails to comply with a provision of regulation 4 (1) (a) or 5 (a), as the case may be; or

(b) contravenes regulation 4 (3) or 5 (b), as the case may be; or

(c) charges any fee other than the fee prescribed in terms of these regulations,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(2) A head of a private body who wilfully or in a grossly negligent manner—

(a)

fails to comply with a provision of regulation 9 (1) (a) or (2) (a); or

(b)

contravenes regulation 9 (2) (b); or

(c)

charges any fee other than the fee prescribed in terms of these regulations,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

[Reg. 3A inserted by GNR.990 of 2006.]

CHAPTER 2 ACCESS TO RECORDS OF PUBLIC BODIES

4. Availability of manual: Public body.— (1) Immediately after the manual has been compiled in terms of section 14 (1) or updated in terms of section 14 (2) of the Act—

(a)

the information officer of a public body must—

(i)
make available a copy of the manual in at least the three official languages in which the manual is compiled as required by section 14 of the Act, to—

(aa)

the Human Rights Commission; and

(bb)

the head of office of every office of that public body;

[Sub-par. (i) amended by GNR.990 of 2006.]

(ii)

make available the manual on the web site, if any, of the public body; and

(b)

the information officer of a public body may publish the manual in three of the official languages in the *Gazette*.

[Sub-r. (1) substituted by GNR.1244 of 2003.]

(2) The information officer of a public body, may, on request, make available to the institutions referred to in subregulation (1) (a) additional copies of the manual in the official language requested.

(3) The information officer of a public body may not charge any fee for a copy of the manual made available in terms of subregulation (1) or (2).

5. The Human Rights Commission and the head of an office referred to in regulation 4 (1) (a) (i) (bb)—

(a)

must, during office hours and upon request, make available for public inspection copies of the manual in all the official languages available;

(b)

may not charge a fee for a public inspection referred to in paragraph (a); and

(c)

may, in respect of a copy of the manual or part thereof made available in a manner other than that contemplated in paragraph (a), charge the fee prescribed in Item 1 of Part II of Annexure A.

[Reg. 5 amended by GNR.990 of 2006.]

6. Form of request.—A request for access to a record as contemplated in section 18 (1) of the Act must substantially correspond with Form A of Annexure B.

7. Fees for records of public body.—(1) The fees for reproduction referred to in section 15 (3) of the Act are prescribed in Item 2 of Part II of Annexure A.

(2) The request fee payable by every requester, other than a personal requester, referred to in section 22 (1) of the Act is prescribed in Item 3 of Part II of Annexure A.

(3) The access fees payable by a requester referred to in section 22 (7), unless exempted under section 22 (8), of the Act are prescribed in Item 4 of Part II of Annexure A.

8. Notice of internal appeal.—Notice of an internal appeal as contemplated in section 75 (1) of the Act must substantially correspond with Form B of Annexure B.

CHAPTER 3
ACCESS TO RECORDS OF PRIVATE BODIES

9. Availability of manual: Private body.—(1) Immediately after the manual has been compiled in terms of section 51 (1) or updated in terms of section 51 (2) of the Act—

(a) the head of a private body—

(i)

must make available a copy of the manual to—

(aa) the Human Rights Commission; and

(bb) the controlling body of which that private body is a member, if applicable;

(ii)

must make available the manual on the web site, if any, of the private body; and

(b) the head of a private body may publish the manual in the *Gazette*.

(2) The head of a private body—

(a) must, during office hours and upon request, make available for public inspection a copy of the manual;

(b) may not charge a fee for a public inspection referred to in paragraph (a); and

(c) may, in respect of a copy of the manual or part thereof made available in a manner other than that contemplated in paragraph (a), charge the fee prescribed in Item 1 of Part III of Annexure A and the actual postage if a copy of the manual must be posted.

[R. 9 substituted by GNR.1244 of 2003.]

10. Form of request.—A request for access to a record as contemplated in section 53 (1) of the Act must substantially correspond with Form C of Annexure B.

11. Fees for records of private body.—(1) The fees for reproduction referred to in section 52 (3) of the Act are prescribed in Item 2 of Part III of Annexure A.

(2) The request fee payable by a requester, other than a personal requester, referred to in section 54 (1) of the Act is prescribed in Item 3 of Part III of Annexure A.

(3) The access fees payable by a requester referred to in section 54 (7), unless exempted under section 54 (8), of the Act are prescribed in Item 4 of Part III of Annexure A.

CHAPTER 3A
TABLING OF REPORT IN TERMS OF SECTION 91A (7) OF THE ACT
[Chapter 3 inserted by GNR.990 of 2006.]

11A. Tabling of report.—The Minister must table a report in Parliament contemplated in section 91A (7) of the Act,—

- (a) within six months after the commencement of this regulation; and
 - (b) within six months after every date on which there is a substantial change in either the content or the implementation of the training courses or both.
- [Reg. 11A inserted by GNR.990 of 2006.]

CHAPTER 4
REPEAL AND COMMENCEMENT

12. Repeal.—The regulations published under Government Notice No. R223 of 9 March 2001 are hereby repealed.

13. Commencement.—These regulations come into operation on 15 February 2002.

Annexure A
GENERAL: 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 this Annexure.

PART I
FEES IN RESPECT OF GUIDE

1.

The fee for a copy of the guide as contemplated in regulations 2 (3) (b) and 3 (4) (c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II
FEES IN RESPECT OF PUBLIC BODIES

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)	5,00

	stiffy disc		
	compact disc	(ii)	40,00
(d)		(i)	22,00
	For a transcription of visual images, for an A4-size page or part thereof	(ii)	60,00
	For a copy of visual images		
(e)		(i)	12,00
	For a transcription of an audio record, for an A4-size page or part thereof	(ii)	17,00
	For a copy of an audio record		

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—		
	stiffy disc	(i)	5,00
	compact disc	(ii)	40,00
(d)		(i)	22,00
	For a transcription of visual images, for an A4-size page or part thereof	(ii)	60,00
	For a copy of visual images		
(e)		(i)	12,00
	For a transcription of an audio record, for an A4-size page or part thereof	(ii)	17,00
	For a copy of an audio record		
(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.		
(2)	For purposes of section 22 (2) of the Act, the following applies:		
(a)	Six hours as the hours to be exceeded before a deposit is payable; and		
(b)	one third of the access fee is payable as a deposit by the requester.		
(3)	The actual postage is payable when a copy of a record must be posted to a requester.		

PART III FEES IN RESPECT OF PRIVATE BODIES

The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.

2.

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

	R
(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	0,75
(c) For a copy in a computer-readable form on—	
stiffy disc	(i) 7,50
compact disc	(ii) 70,00
(d) For a transcription of visual images, for an A4-size page or part thereof	(i) 40,00
For a copy of visual images	(ii) 60,00
(e) For a transcription of an audio record, for an A4-size page or part thereof	(i) 20,00
For a copy of an audio record	(ii) 30,00

3.

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

4.

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

	R
(1) (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	0,75
(c) For a copy in a computer-readable form on—	
stiffy disc	(i) 7,50
compact disc	(ii) 70,00
(d) For a transcription of visual images, for an A4-size page or part thereof	(i) 40,00
For a copy of visual images	(ii) 60,00
(e) For a transcription of an audio record, for an A4-size page or part thereof	(i) 20,00
For a copy of an audio record	(ii) 30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part	

of an hour reasonably required for such search and preparation.

(2)

For purposes of section 54 (2) of the Act, the following applies:

(a)

Six hours as the hours to be exceeded before a deposit is payable; and

(b)

one third of the access fee is payable as a deposit by the requester.

(3)

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

Annexure B

Form A

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	
Request received by (state rank, name and surname of information officer/deputy information officer) on	Reference number:
	(date) at (place).
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

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

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.

Disability:

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
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2. If record consists of visual images—
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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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)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
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*if you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?		YES	NO
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Postage is payable.

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at

this

day of

20

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

Form B
NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

**STATE YOUR
REFERENCE NUMBER:**

A.
Particulars of public body

The Information Officer/Deputy Information Officer:

B.
Particulars of requester/third party who lodges the internal appeal

- (a) *The particulars of the person who lodge the internal appeal must be given below.*
- (b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which an internal appeal on behalf of another person is lodged:

C.
Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:

Identity number:

D.

The decision against which the internal appeal is lodged

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26 (1) of the Act
<input type="checkbox"/>	Decision in terms of section 29 (3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

E.

Grounds for appeal

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

State the grounds on which the internal appeal is based:

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

F.

Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner:

Particulars of manner:

Signed at

this

day of

20

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on

(date) by

(State rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy 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/deputy information officer on

(date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW
DECISION SUBSTITUTED

NEW DECISION:

DATE

RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE
RELEVANT AUTHORITY ON (date):

Form C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

[Regulation 10]

A.

Particulars of private body

The Head:

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 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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an **X**.

NOTES:

- (a) Compliance with your request 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? Postage is payable.			<input type="checkbox"/> YES <input type="checkbox"/> NO

G. 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:

H.
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