

**A2. STANDARD FORM TO BE COMPLETED 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]**

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REPUBLIC OF SOUTH AFRICA

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



FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

**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:

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Postal address: .....

Telephone number: (.....) ..... Fax 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:

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**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:

.....  
.....

**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

2. Reference number, if available: .....

3. Any further particulars of record:

.....

.....

.....

.....

**E. Fees**

- |   |
|---|
| <p>(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.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|---|

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.

<p>Disability:</p>  <p>Mark the appropriate box with an <b>X</b>.</p> <p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	<p>Form in which record is required:</p>
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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*

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3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		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.				YES	NO
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.
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How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at ..... this day ..... of ..... year .....

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

### A3. TARIFF STRUCTURE // FEES PAYABLE

The Act provides for two types of fees:

- A request fee, which is 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

#### SOUTH AFRICAN HUMAN RIGHTS COMMISSION

**Physical Address**  
33 Hoofd Street  
Braamfontein Forum 3  
Braamfontein  
2198

**Postal Address**  
Private Bag X 2700  
Houghton  
2041

Tel: (011) 877 3600

Fax: 011 403 0625



#### NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000 RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

**1. The Promotion of Access to Information Act**  
PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added]. Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

**2. Regulations to PAIA**  
In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

##### Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

##### Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

##### **Public Bodies:**

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

##### **Private Bodies:**

- Copy per A4 page – R1,10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

##### **3. Registered VAT Vendors**

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

  
Advocate L M Mushwana  
Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.

Chairperson: ML Mushwana; Deputy Chairperson: P Govender; Commissioners: L Mokate, B Malatji, J Love, D Titus  
Chief Executive Officer: K Ahmed

#### A4. PERSONS EXEMPTED FROM PAYING THE FEES FOR REQUESTED INFORMATION

##### PERSONS EXEMPTED FROM PAYING THE FEES FOR REQUESTED INFORMATION

Database	Government Gazettes
Gazette No	28107
Notice No	991
Regulation	8325
Gazette No	
Gazette	GOV
Date	20051014

##### **Government Notice**

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R.991

14 October 2005

##### **PROMOTION OF ACCESS TO INFORMATION ACT, 2000 EXEMPTIONS AND DETERMINATIONS FOR PURPOSES OF SECTION 22(8)**

I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 22(8) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) hereby-

- (a) exempt the following persons from paying the access fee contemplated section 22 (6) of the Act:
  - (i) A single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R14 714.00 per annum; and
  - (ii) married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R27 192.00 per annum and
- (b) determined that: -
  - (i) where the cost of collecting any fee contemplated in section 22 of the Act, exceeds the amount charged, such fee does not apply;
  - (ii) the access fee contemplated in section 22(6) of the Act does not apply to the personal record of a requester; and
  - (iii) the request fee contemplated in section 22(1) of the Act and the access fee contemplated in section 22(6) of the Act do not apply to a record requested by a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

##### **SCHEDULE**

- 1. For purposes of paragraph (a) (i) and (ii) of the notice the following deductions are permissible:
  - (a) Employees' tax in terms of paragraph 2 of Part II of the Fourth Schedule of the Income Tax Act, 1962 (Act No. 58 of 1962);
  - (b) contributions in terms of section 5 of the Unemployment Insurance Contributions Act, 2002 (Act No.4 of 2002);
  - (c) compulsory contributions to a Group Insurance Fund in terms of a court order or in terms of a contract between an employer and his or her employee;



(d) contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and allowed to be deducted in terms of section 18 (1) (a) of the Income Tax Act, 1962 (Act No. 58 of 1962);

(e) contributions to pension funds in terms of section 13A of the Pension Funds Act, 1958 (Act No. 24 of 1956);

(f) rent or mortgage instalments to the maximum of R12 000.00 per annum;

(g) maintenance paid in terms of a court order; and

(h) school fees, except school fees paid to a private school.

**B.S. MABANDLA,MP**

**Minister for Justice and Constitutional Development**



## A5. RECORDS THAT MAY BE REFUSED ACCESS TO

*Section 9 (b)(ii) recognises that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the Bill of Rights in the Constitution. The Information Officer/Deputy Information Officer may refuse access to certain records under the circumstances as provided for in sections 33 to 46 in Chapter 4 of the Act.*

The Information Officer/Deputy Information Officers may refuse access to records under the circumstances as provided for in Part 2, Chapter 4 of the Act.

## A6. INTERNAL APPEAL FORM

(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

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

<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
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by
<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:

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**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):\_\_\_\_\_