

FEES FOR RECORDS OF PUBLIC BODY

1. The **"request fee"** payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is **R35**. The **"access fees"** referred to in section 22(7) of the Act (unless the requester is exempted under section 22(8)) and **"fees for reproduction"** referred to in section 15(3) 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 **R0.40**
- (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**
 - (ii) compact disc **R40**
- (d) (i) for transcription of visual images, for an A4-size of part thereof **R22**
- (ii) for a copy of visual images **R60**
- (e) (i) for a transcription of an audio record, for an A4-size page or part thereof **R12**
- (ii) for a copy of an audio record **R17**

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

REQUEST FOR RECORDS OF PRIVATE BODY

Form of request

A request for access to a record, made in terms of section 53(1) of the Act, must be made in the form of "Form C". The "Form C" is available upon request from the Deputy Information Officer of the Department (or from any Information Officer or Deputy Information Officer of a Public or Private Body) or from the Department's website (www.justice.gov.za).

FEES FOR RECORDS OF PRIVATE BODY

1. The **"request fee"** payable by a requester, other than a personal requester, referred to in section 54(1) of the Act, is **R50**.
2. The **"fees for reproduction"** referred to in section 52(3) and **"access fees"** payable by a requester referred to in section 54(7), 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 - R10**
 - (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 - R75**
 - (c) for a copy in a computer-readable form on:
 - (i) stiffer disc **R7 - R50**
 - (ii) compact disc **R70**

- (d) (i) for a transcription of visual images, for an A4-size page or part thereof **R40**
- (ii) for a copy of visual images **R60**
- (e) (i) for transcription of an audio record, for an A4-size page or part thereof **R20**
- (ii) for a copy of an audio record **R30**
- (f) To search for the record for disclosure, **R30** 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 Exemptions from paying "access fees"

Person or persons exempted from paying access fees:-

- (i) A single person whose annual income does not exceed **R14,712.00; or**
- (ii) Married persons or a person and his/her life partner whose annual income does not exceed **R27,192.00**

NOTES: Please take note of the following differences when making an application for access to information to a Public Body and a Private Body

| | PUBLIC BODY | PRIVATE BODY |
|---|--|--|
| Application form to use | "Form A" | "Form C" |
| Request fee payable | R35.00 | R50.00 |
| Remedy available <i>(when not satisfied with the decision (including "deemed refusal") of the Information Officer or Deputy Information Officer)</i> | Internal Appeal to the Relevant Authority (e.g. Minister, MEC or Mayor) <ul style="list-style-type: none"> • use "Form B" • no fee payable | Application to Magistrates' Court <i>(there is no Internal Appeal)</i> |
| Remedy available <i>(only when not satisfied with the outcome of the Internal Appeal)</i> | | Application to Magistrates' Court |

The Information Officer of the Department of Justice is: The Director-General Enquiries and Requests for Information should be sent to: The Deputy Information Officer Postal Address: Access to Information and Records Management Department of Justice and Constitutional Development Private Bag x81, PRETORIA, 0001

Telephone: 012 315 1730 or 012 357 8892
Fax: 012 357 8004 or 315 4837

E-mail: paia@justice.gov.za
Website: www.justice.gov.za

PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (Act No.2 of 2000)



HOW TO ACCESS INFORMATION HELD BY A PUBLIC BODY

Such as the Department of Justice and Constitutional Development



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

WHAT IS THE PURPOSE OF THE ACT?

- The purpose of the Promotion of Access to Information Act, 2000 (often referred to as “PAIA”) is to give effect to section 32 of the Constitution. Section 32 provides for “the right of access to information” and states that “everyone has the right of access to any information held by the State and to information held by another person that is required for the exercise or protection of any rights.”
- The motivation for giving effect to the right of 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.
- Examples of “Public Bodies” include National and Provincial Government Departments, Municipalities and Parastatals (e.g. Eskom, Telkom).
- Examples of “Private Bodies” include a natural person or partnership that carries on trade, business or profession; and a former or existing juristic person.

WHAT INFORMATION CAN I REQUEST AND HAVE ACCESS TO FROM THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT?

- Any information or records, including personal information or records, held by the Department or its officials. It does not matter when that information or record came into existence.
- Personal records held by the Department.

To have a sense of the kind of information you may request, please request an Information Manual from the Deputy Information Officer of the Department (**the details of the Deputy Information Officer are available at the back of this brochure**).

WHAT INFORMATION MAY I BE REFUSED ACCESS TO BY THE DEPARTMENT?

The Act is not unlimited, therefore your request may be refused in certain cases (see, sections 7, 12 and Chapter 4 of PAIA). For example, you may not be given access to information under the following circumstances:

- Information or records about another person or entity, subject to access on these records being approved by such third parties especially if information was given to the Department or Public Body on confidentiality or privacy basis.

- If the record is requested for the purpose of criminal or civil proceedings, where the criminal or civil proceedings have commenced. If such information is obtained, it may not be used in a court of law unless the court thinks that the exclusion of such information will be detrimental to the course of justice.
- The records of Cabinet and its Committees, and those records of an individual member of Parliament or of a Provincial Legislature in that capacity.

Please note that the PAIA is above any other Act or legislation that may prohibit or restricts you from having access to any information.

HOW DO I ACCESS INFORMATION?

The Director-General of any National Government Department is the Information Officer. In the case of the Department of Justice and Constitutional Development the Director-General has appointed Deputy Information Officers to assist in the administration of the PAIA (the contact details of the Information Officer and Deputy Information Officers are found at the back of this brochure).

Therefore, in order to request information you must fill-in and submit a “Form A” to the Deputy Information Officers of the Department. The “Form A” is available upon request from the Deputy Information Officers and is also available at the Department’s website: www.justice.gov.za.

Please take note that the Deputy Information Officers must help and guide you through all the processes.

WHAT INFORMATION (OR RECORD) IN THE DEPARTMENT IS FREELY ACCESSIBLE WITHOUT HAVING TO APPLY FOR IT?

Ask the Deputy Information Officer to make a list of such information available to you, alternatively, you can also find it from the Department’s Website – www.justice.gov.za or at any office of the Department such as National or Regional Offices, Masters Offices 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”. The Deputy Information Officer will advise you on whether or not you are required to pay any fees.

Please take note of the back of this brochure where some of the fees that may be payable are outlined.

HOW LONG WILL THE DEPUTY INFORMATION OFFICER TAKE TO MAKE A DECISION REGARDING MY REQUEST?

The Deputy Information Officer must provide you with a decision (either to provide or deny you access to the information or records) within 30 days. The Deputy Information Officer may extend the period of 30 days by another period of 30 days, however only one extension is allowed.

The period may be extended under certain prescribed circumstances, for example 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 Deputy Information Officer.

Should the Deputy Information Officer not provide you with a decision within 30 days (or within 60 days if there was an extension) he or she is regarded as having refused your request (deemed refusal). In this case of a “deemed refusal” you have a right to appeal to the Internal Authority (see below).

WHAT CAN I DO IF THE DEPUTY INFORMATION OFFICER REFUSES ME PERMISSION TO ACCESS THE INFORMATION I HAVE REQUESTED?

You have the right to appeal to the Internal Authority, who is the Minister. If you are still not satisfied with the decision of the Minister, you may then approach a Court of Law.

In order to lodge an appeal you must fill-in and submit a “Form B” (Notice of an internal appeal) to the Department. The “Form B” is available upon request from the Deputy Information Officer or from the Department’s website (www.justice.gov.za). The Deputy Information Officer must help and guide you through this process.

PLEASE TAKE NOTE THAT NO FEE IS PAYABLE WHEN YOU LODGE AN APPEAL WITH THE INTERNAL AUTHORITY.

Please take note that there is no internal appeal for Private Bodies, therefore a requester must approach a Court of Law if, for example, a request for information is refused.

Should you need any assistance or have further questions regarding how you may access information or records held by the Department (or by any Public Body), please do not hesitate to contact the Deputy Information Officers of the Department (or of any Public Body).

You may also contact the South African Human Rights Commission for assistance at telephone number (011) 484 8300 and request to talk to an official of the PAIA Unit.