

Ground Floor, Carisbrook building, The Campus, 57 Sloane Street Bryanston 2129
010-036-4385
info@rvcinc.co.za

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PAIA MANUAL

CHAUSSE INCORPORATED t/a RVC INC ("RVC INC")

Manual prepared in terms of Section 51 of the
Promotion of Access to Information Act, No. 2 of 2000, (the "Act") for
CHAUSSE INCORPORATED t/a RVC INC, Registration number 2022/636389/21

1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 ('the Constitution') of access to any information held by the state or any information that is held by another person and that is required for the exercise or protection of any rights. In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements except where the Act expressly provides that the information may or must not be released. The Act sets of the relevant procedures to be adopted when such an information request is received by RVC INC.

This PAIA Manual is intended to ensure that RVC INC complies with the Act and to foster a culture of transparency and accountability with RVC INC by giving effect to the right to information.

Section 9 of the Act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including but not limited to: i) limitations aimed at the reasonable protection of privacy (refer the POPIA company Privacy Policy on the website: www.rvcinc.co.za); ii) commercial confidentiality and iii) effective and efficient governance and in a manner which balances that right with other rights.

In addition, this PAIA Manual complies with the requirements set out in Section 10 of the Act and recognizes that, upon commencement of the Protection of Personal Information Act 4 of 2013, the appointed Information Regulator will be responsible to regulate compliance with the Act.

2. DEFINITIONS

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

- 2.1 an expression which denotes
 - 2.1.1 any gender includes the other genders;
 - 2.1.2 a natural person includes an artificial or juristic person and vice versa;
 - 2.1.3 the singular includes the plural and vice versa;
- 2.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –
 - 2.2.1 "this document" - this document together with all of its annexures, as amended from time to time;
 - 2.2.2 "the company" – RVC INC;
 - 2.2.3 "the Act" - Promotion of Access to Information Act No. 2 of 2000 and any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 2.3 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;
- 2.4 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 2.5 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 2.6 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 2.7 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the eiusdem generis rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 2.8 insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
- 2.9 this document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the company.
- 2.10 PAIA gives a **requester** the right to lodge a request for information with the Information Officer of a **private body**.
- 2.11 A **private body** is defined as follows in PAIA:
 - "(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;*
 - (b) a partnership which carries or has carried on any trade, business or profession; or*
 - (c) any former or existing juristic person"*
- 2.12 PAIA defines the **head of a private body** as: *"the chief executive officer or equivalent officer of the juristic person or any person duly authorized by that office...."*
- 2.13 A **requester** means –
 - "(i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or*
 - (ii) a person acting on behalf of the person contemplated in subparagraph (i);"*

3. OVERVIEW OF RVC INC

CHAUSSE INCORPORATED t/a RVC INC, ("RVC INC") is a proudly South African, broad based legal practice, based in Gauteng.

RVC INC specialises in all aspects of conveyancing, property law and property transfers and its operations are regulated by the LEGAL PRACTICE OF SOUTH AFRICA, and it is issued with a Fidelity Fund Certificate annually. RVC INC's clients include individual and corporate South Africans and trusts as well as international individuals, corporations and trusts. It is not often that THE FIRM facilitates transactions involving diplomats or public entities, but this may occur from time to time.

4. CONTACT DETAILS (Section 51 (1) (a))

Managing Director:

Roman Valyre Chausse

Postal Address: 2nd Floor, Carisbrook, The Campus, 57 Sloane Street, Bryanston, 2129
Street Address: 2nd Floor, Carisbrook, The Campus, 57 Sloane Street, Bryanston, 2129
Telephone Number: +27 010 036 4391
Email: roman@rvcinc.co.za
Website: www.rvcinc.co.za

Information Officer:

SHANE FERENC BAUMANN

Postal Address: 2nd Floor, Carisbrook, The Campus, 57 Sloane Street, Bryanston, 2129
Street Address: 2nd Floor, Carisbrook, The Campus, 57 Sloane Street, Bryanston, 2129
Telephone Number: +27 010 036 4391
Email: shane@rvcinc.co.za
Website: www.rvcinc.co.za

Communications Officer

SHANE FERENC BAUMANN

Postal Address: 2nd Floor, Carisbrook, The Campus, 57 Sloane Street, Bryanston, 2129
Street Address: 2nd Floor, Carisbrook, The Campus, 57 Sloane Street, Bryanston, 2129
Telephone Number: +27 010 036 4391
Email: shane@rvcinc.co.za
Website: www.rvcinc.co.za

This PAIA Manual of RVC INC is available to view at its premises: 2nd Floor, Carisbrook, The Campus, 57 Sloane Street, Bryanston, Gauteng, South Africa 2129 and on its website: www.rvcinc.co.za.

Management Team of RVC INC:

Available from the Administrative Manager: shane@rvcinc.co.za, Telephone Number: +27 010 036 4391

5. INFORMATION OFFICER

The Act prescribes the appointment of an Information Officer where such Information Officer is responsible, inter alia, to assess requests for access to information. Unless otherwise stipulated, the Information Officer appointed in terms of that Act herein will also be the appointed Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer therefore oversees the functions and responsibilities as required in terms of both this Act as well as the duties and responsibilities in terms of Section 55 of POPIA 2013.

6. THE ACT AND SECTION 10 GUIDE

The South African Human Rights Commission has compiled the Guide as required in terms of Section 10 of the Act.

Requestors are referred to the Guide in terms of Section 10 which will contain information for the purposes of exercising their Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

7. REQUEST PROCEDURES AND FACILITATION

7.1. Procedural requirements:

- 7.1.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 7.1.2 The requester must complete the prescribed form enclosed hereto and submit same as well as payment of the required fee/s and a deposit if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as noted in 6 above;
- 7.1.3 The prescribed form must be completed with sufficient information to enable the Information Officer to identify:
 - The record/records requested;
 - The identity of the requester;
 - The rights based on which the requester is requesting the information or copies of documents.
 - Which form of access is required and supply the postal or physical address to which the information or copies are to be sent and/or the fax number or electronic mail address of the requester;
- 7.1.4 RVC INC will process the request within a period of 30 (thirty) business days from the date of receipt of the request unless the requester has stated special reasons acceptable to the Information Officer for the information to be delivered sooner;
- 7.1.5 The Information Officer shall advise the requester whether access is granted or denied in respect of the request and such notice shall be in writing. Unless the requester requests reasons for a decision, the Information Officer shall not be obliged to supply such reasons;
- 7.1.6 The above request should be made by the requester him/herself but in the event that the request is made on behalf of someone else, then proof of the authorization must accompany the initial request to the Information Officer;
- 7.1.7 The required fees must be paid before any further processing can take place;
- 7.1.8 The Information Officer's response may be delayed if it is found that information required from the requester is outstanding on the request and will remain delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information.

7.2. Refusal of Access to Records

- 7.2.1 The main grounds on which RVC INC may refuse a request for information relate to:
 - 7.2.1.1 The mandatory protection of privacy of a third party who is a natural or deceased person, or a juristic person as precluded by the POPIA 4 of 2013;
 - 7.2.1.2 The mandatory protection of the commercial information of a third party if the records contain trade secrets, financial/commercial/scientific or technical information which may cause harm to such third party if disclosed;
 - 7.2.1.3 The mandatory protection of confidential information if it is protected in terms of an agreement;
 - 7.2.1.4 The mandatory protection of records which would be regarded as privileged in legal proceedings.
- 7.2.2 The commercial activities of RVC INC.
- 7.2.3 Client information of RVC INC;
- 7.2.4 Financial and client information where harm may be caused to the company;
- 7.2.5 Information which, if disclosed, may put RVC INC at a disadvantage;
- 7.2.6 Any software or hardware or any computer program to which RVC INC has copyright.
- 7.2.7 Requests which are clearly frivolous or vexatious and which divert from usual resources.

7.2.8 Each request for information will be assessed by RVC INC's Information Officer on its own merits and in accordance with reasonable and applicable legal principles.

7.3. Lost records

If a requested record cannot be found or if the record does not exist, the Information Officer shall make an affidavit or other acceptable declaration to such effect notifying the requester that it is not possible to give access to the request.

7.4 Additional to the Act, the www.sahrc.org.za website provides guidance and details to request information or lodge an appeal.

8. PRESCRIBED FEES

The Act refers to two types of fees, namely the request fee which is a form of administration fee payable by all requesters except personal requesters and the access fee which is payable by all requesters in the event that the request is granted. This fee includes the costs of obtaining and preparing a record for delivery to the requester. A summary of all PAIA fees is set out in the Addendum A: PAIA Fee Schedule and Addendum B: Prescribed Form C which is also available from the SAHRC's website at www.sahrc.org.za.

The following applies to requests (other than personal requests):

- a) A requestor is required to pay the prescribed request fees (R50.00, as specified by the SAHRC) before a request will be processed;
- b) If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- c) A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- d) Records may be withheld until the fees have been paid.

If the search for the record has been made and the preparation of the record for disclosure together with arrangements to make the record available, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit, the prescribed portion of the fee.

If a request is declined, any deposit paid by the requester must be refunded to such requester.

REPRODUCTION FEES

Information in an A4 size page photocopy or part thereof	R1.10
A printed copy of an A4 size page or part thereof	R0.75
A copy in computer readable format – Stiffy disk, Compact disk, USB flashdrive	R70.00
A transcription of visual images, in an A4 size page or part thereof	R40.00
A copy of a visual image	R60.00
A transcription of an audio record for an A4 size page or part thereof	R20.00
A copy of audio record	R30.00

ACCESS FEES

Information in an A4 size page photocopy or part thereof	R1.10
A printed copy of an A4 size page or part thereof	R0.75
A copy in computer readable format – Stiffy disk, Compact disk, USB flashdrive	R70.00
A transcription of visual images, in an A4 size page or part thereof	R40.00
A copy of a visual image	R60.00
A search for a record that must be disclosed: **** per hour or part of an hour reasonable required for such search	R30.00
A copy of audio record	R30.00

BANK ACCOUNT DETAILS FOR PURPOSES OF PAYMENT/S:

ACCOUNT NAME	
--------------	--

BANKING INSTITUTION	
ACCOUNT NUMBER	
BANK BRANCH	
PAYMENT REFERENCE	

9. INFORMATION AVAILABLE IN TERMS OF LEGISLATION

Information is available in terms of certain provisions of legislation as listed hereunder:

Department	Legal requirements; regulations; legislation and standards
Finance	Bills of Exchange Act 34 of 1964 ("the Bills Act")
Finance	Business Act 71 of 1991
Finance	Broad-Based Black Economic Empowerment Act 53 of 2003 ("the B-BBEE Act")
Finance	Collective Investment Schemes Control Act, 2002
Finance	Co-operative Banks Act, 2007
Finance	Finance Act, 2007
Finance	Financial Intelligence Centre Act 38 of 2001 ("FICA")
Finance	National Credit Act 34 of 2005 ("the NCA")
Finance	Public Finance Management Act, 1999
Finance	South African Reserve Bank Act, 1989
Finance	South African Revenue Service Act, 1997
Finance	Tax Administration Act, 2011
Finance	The Income Tax Act 58 of 1962 ("the Income Tax Act")
Finance	Tax on Retirement Funds Act, 1996
Finance	The Insolvency Act 24 of 1936 ("the Insolvency Act")
Finance	Taxation Administration Act 28 of 2011 ("The TAA")
Finance	The Value Added Tax Act 89 of 1991 ("the VAT Act")
COMPLIANCE	Consumer Protection Act 68 of 2008 ("CPA")
HR	Basic Conditions of Employment Act 75 of 1997 ("the BCE Act")
HR	Basic Conditions of Employment Amendment Act, No 11 of 2002
HR	Compensation for Occupational Injuries and Diseases Act 130 of 1993 ("the Compensation Act")
HR	Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
HR	Employment Equity Act 55 of 1998 ("the EEA") (Form A4 refer to Commission for Gender Equality Act, 1996)
HR	Employment Tax Incentive Act 26 of 2013 ("ETIA")
HR	Income Tax Act, 1962
HR	Labour Relations Act 66 of 1995 ("the LRA")
HR	Manpower Training Act, 1981
HR	National Road Traffic Act, 1996 (Act No. 93 of 1996)
HR	Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
HR	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 ("PEPUDA")
HR	Skills Development Act 97 of 1998 ("the SDA")
HR	Skills Development Levies Act 9 of 1999 ("the Skills Levies Act")
HR	Tobacco Products Control Act 83 of 1993 ("the Tobacco Act")
HR	Unemployment Insurance Act 63 of 2001 ("the UIA")
HR	Unemployment Insurance Contributions Act 4 of 2000 ("the UICA")
HR	Workmen's Compensation Act
Other	Companies Act 71 of 2008 ("the Companies Act")

Department	Legal requirements; regulations; legislation and standards
Other	The Protection of Personal Information Act 4 of 2013 ("POPIA")
Other	Constitution of the Republic of South Africa 2008 ("the Constitution")
Other	Prevention and Combatting of Corrupt Activities Act 12 of 2004 ("PACCA")
Other	Electronic Communications Act 36 of 2005 ("the ECA")
Other	Promotion of Access to Information Act 2 of 2000 ("PAIA")
Other	Electronic Communications and Transactions Act 25 of 2002 ("ECTA")
Other	Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) ("PAJA")
Other	Protected Disclosures Act (no 26 of 2000) (Whistle blowers Act SA)
Risk	Conversion of SASRIA Act, 1998 (Act No. 134 of 1998) - South African Special Risks Insurance Association
Risk	Long-term Insurance Act, 1998
Risk	Short-term Insurance Act, 1998

10. INFORMATION AUTOMATICALLY AVAILABLE

10.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 9:

- 10.1.1 personnel records are available to the employee whose file it is;
- 10.1.2 records of disciplinary hearings and related matters are available to the employee concerned;
- 10.1.3 the company's policies and procedures manual;
- 10.1.4 the company's document format manual.

10.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in paragraph 9:

- 10.2.1 the company's employment equity plan;
- 10.2.2 the company's skills development plan.

11. INFORMATION AVAILABLE IN TERMS OF THE ACT ON APPLICATION

Please note that a requester is not automatically allowed access to these records and that access to them may or must be refused in accordance with sections 62 to 69 of The Act. These records are not automatically available without a request in terms of the Act. A request in terms of this section is subject to section 63(1) of the Act, which provides that the head of a company must refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

11.1. Accounting records

- Annual financial statements and working papers
- General ledger
- Bank statements, cheque books, cheques
- Customer and supplier statements and invoices
- Deposit slips
- Cash books and petty cash books
- Fixed asset register
- Tax returns and assessments
- VAT returns
- Lease or instalment sale agreements
- Budgets and business plans
- Insurance records
- Auditor's reports
- Internal auditors' reports
- Compiler's reports
- Accounting officer's reports
- Reviewer's reports
- Inventory records (including stock take)
- Systems documentation
- Management reviews
- Capital expenditure
- Record of assets
- Record of liabilities
- Record of loans to related parties
- Record of liabilities and obligations
- Record of property held
- Record of revenue
- Record of expenses

11.11 Auditors

- Correspondence

11.12 Credit Agreements

- Credit Provider's documents

11.13 Fixed Property

- Leases
- Mortgage bonds or other encumbrances
- Title deeds

11.14 Health and Safety

- Evacuation Report

11.15 Information Technology; Systems

- Hardware
- Internet
- Software packages
- Telephone exchange equipment
- Telephone lines, leased lines and data lines

11.7 Insurance

- Claim records
- Details of coverage, limits and insurers
- Insurance policies

11.8 Intellectual Property

- None

11.9 Legal, Agreements and Contracts

- Contracts with Clients
- Contracts with Employees
- Contracts with External Service Providers
- Contracts with Suppliers with shareholders, officers or directors

11.10 Personnel Records (Human Resources)

- Disciplinary records
- Employee information records
- Employee loans
- Employee remuneration
- Employment applications
- Employee date of birth
- Employment contracts
- Group personal accident
- IRP 5 and IT 3 certificates
- Letters of appointment
- Leave applications
- Maternity leave policy
- Payroll
- Particulars of each employee
- Personnel file
- Recruitment and appointments
- Salary and wage registers
- Salary slips and wage records

- Tax returns of employees
- Training and development
- UIF, PAYE and SDL returns
- Workmen's Compensation documents

11.13 Marketing

- Newsletters
- Service and product information
- Grower & Customer registration details
- Marketing agreements
- Debt Acknowledgement
- Invoices, Credit notes, C-notes

11.14 Statutory Company Records

- Annual Statutory Returns
- Certificate of Change of Name
- Certificate of Incorporation
- Certificate to Commence Business
- Dividend register
- Directors' attendance register
- Memorandum and Articles of Association
- Notice and minutes of shareholders' meetings
- Minutes of directors' meetings
- Proxy documents
- Resolutions
- Shareholders' agreements
- Shareholders' register

11.15 Tax

- Income tax returns
- Provisional tax returns
- Tax assessments
- VAT documents

12 INFORMATION REQUESTED ABOUT A THIRD PARTY

- 12.1 Section 71 of the Act makes provision for a request for information or records about a third party.
- 12.2 In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.
- 12.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.
- 12.4 In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the company or the request liaison officer by referring the matter to the High Court.

13 UPDATING OF MANUAL

The company may update this manual annually or at such intervals as may be necessary.

14 SIGNATURES

This PAIA Manual of RVC INC is approved and signed by the Information Officer on this _____ day of _____ 2023 at _____

SIGNATURE _____
Information Officer (Shane Ferenc Baumann)

ADDENDUM A: PAIA FEE SCHEDULE

Also available from the SAHRC's website at www.sahrc.org.za.



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AIDS HELPLINE: 0800-123-22 Prevention is the cure

GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE

No. R. 223

9 March 2001

PROMOTION OF ACCESS TO INFORMATION ACT, 2000
REGULATIONS RELATING TO THE PROMOTION OF ACCESS TO
INFORMATION

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.

SCHEDULE

Definition

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

"the Act" means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Form of request

2. A request for access to a record, as contemplated in section 18(1) of the Act, must be made in the form of Form A of the Annexure.

Fees for records of public body

- 3.(1) The fee for reproduction, referred to in section 15(3) of the Act, is 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 |
- (2) The request fee payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is R 35,00.
- (3) The access fees payable by a requester referred to in section 22(7) of the Act, unless exempted under section 22(8) of the Act, are as follows:
- | | 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 |
| (f) To search for the record for disclosure, R 15,00 for each hour or part of an hour.
excluding the first hour, reasonably required for such search. | |
- (4) The actual postal fee is payable when a copy of a record must be posted to a requester.

- (5) 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.

Form of request

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

Fees for records of private body

- 5.(1) The fee for reproduction referred to in section 52(3) of the Act, is 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 -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(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	20,00
(ii) For a copy of an audio record	30,00

- (2) The request fee payable by a requester, other than a personal requester, referred to in section 54(1) of the Act is R 50,00.

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

	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 -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(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	20,00
(ii) For a copy of an audio record	30,00
(f) To search for the record for disclosure, R 30,00 for each hour or part of an hour reasonably required for such search.	
(4) The actual postal fee is payable when a copy of a record must be posted to a requester.	
(5) For purposes of section 54(2) of the Act the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	

Notice of internal appeal

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

Appeal fees

7. The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, as contemplated in section 75(3)(a) of the Act, is R 50,00 .

Value-added tax

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

Commencement

9. These regulations shall come into operation on 9 March 2001.

ANNEXURE**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 2]**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:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be recorded below.*

(b) *Furnish an address and/or fax number in the Republic to which information must be sent.*

(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 therefor.*

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: _____
_____	_____
_____	_____

Mark the appropriate box with an "X".

NOTES:

- (a) *Your indication as to the required form of access depends 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"/>	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 -					
	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? A postal fee is payable.					YES NO
<i>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.</i>					
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 thereof 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**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 4]**A. Particulars of private body**

The Head:

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 recorded below.</i></p> <p>(b) <i>Furnish an address and/or fax number in the Republic to which information must be sent.</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 therefor.*

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: _____
_____	_____
_____	_____

Mark the appropriate box with an "X".

NOTES:

- (a) *Your indication as to the required form of access depends 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 -			
	copy of record*		inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	view the images		copy of the images* transcription of the images*
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? A postal fee is payable.			YES 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: _____

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041



**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

ADDENDUM B: PRESCRIBED FORM C

Also available from the SAHRC's website at www.sahrc.org.za.



REPUBLIC OF SOUTH AFRICA

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:

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:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

D. Particulars of record

- | |
|---|
| <p>(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.</p> <p>(b) If the provided space is inadequate, please <u>continue on</u> a separate folio and attach it to this form. The requester must sign all the additional folios.</p> |
|---|

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

.....

.....

.....

.....

2. Reference number, if available:

.....

.....

.....

.....

3. Any further particulars of record:

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.....

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:

.....

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.....

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	<input type="checkbox"/>	
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*
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)	<input type="checkbox"/>	
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)

*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
--	-----	----

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 year

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