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**GOVERNMENT NOTICE**  
**GOEWERMENTSKENNISGEWING**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**  
**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

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 in 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 R 14 712, 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) determine 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 officer or maintenance investigator for purposes of 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, 1956 (Act No. 24 of 1956);

- (f) rent or mortgage installments 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**

No. R. 991

14 Oktober 2005

**WET OP DIE BEVORDERING VAN TOEGANG TOT INLIGTING, 2000  
VRYSTELLING EN BEPALINGS VIR DIE DOELEINDES VAN ARTIKEL 22(8)**

Ek, Brigitte Sylvia Mabandla, Minister van Justisie en Staatkundige Ontwikkeling handelende kragtens artikel 22(8) van die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000) –

(a) stel hierby die volgende persone vry van betaling van toegangsgelde soos beoog in artikel 22(6) van die Wet:

(i) 'n Enkelpersoon wie se jaarlikse inkomste, na toelaatbare aftrekkings in die Bylae van hierdie kennisgewing bedoel, gedoen word, nie R 14 712, 00 per jaar oorskry nie; en

(ii) getroude persone of 'n persoon en sy of haar lewensmaat wie se jaarlikse inkomste, na toelaatbare aftrekkings in die Bylae van hierdie kennisgewing bedoel, gedoen word, nie R27 192, 00 per jaar oorskry nie; en

(b) bepaal dat –

(i) waar die koste vir die invordering van enige gelde in artikel 22 van die Wet bedoel, die bedrag gehef oorskry, sodanige geld nie van toepassing is nie;

(ii) die toegangsgeld beoog in artikel 22(6) van die Wet nie van toepassing is op die persoonlike rekord van 'n versoeker nie; en

(iii) die versoekgeld beoog in artikel 22(1) van die Wet en die toegangsgeld beoog in artikel 22(6) van die Wet nie van toepassing is nie op 'n rekord versoek deur 'n onderhoudsbeampte of onderhoudsondersoeker vir die doeleindes van 'n onderhoudsondersoek of navraag ingevolge die bepalings van die Wet op Onderhoud, 1998 (Wet No. 99 van 1998) of die regulasies uitgevaardig kragtens artikel 44 van daardie Wet.

**BYLAE**

1. Vir doeleindes van paragraaf (a)(i) en (ii) van die kennisgewing is die volgende aftrekkings toelaatbaar:
  - (a) Werknemersbelasting ingevolge paragraaf 2 van Deel II van die Vierde Bylae van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962);
  - (b) bydraes ingevolge artikel 5 van die "Unemployment Insurance Contributions Act", 2002 (Wet No. 4 van 2002);
  - (c) verpligte bydraes aan 'n Groepsversekeringsfonds ingevolge 'n hofbevel of kragtens 'n kontrak tussen 'n werkgewer en sy of haar werknemer;
  - (d) bydraes aan enige mediese skema geregistreer ingevolge die bepalinge van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998), en toegelaat om afgetrek te word ingevolge artikel 18(1)(a) van die Wet op Inkomstebelasting, 1962 (Wet No. 58 van 1962);
  - (e) bydraes tot pensioenfondse ingevolge artikel 13A van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956);
  - (f) huurbetalings of verbandafbetalings tot die maksimum van R12 000,00 per jaar;
  - (g) onderhoud betaal ingevolge 'n hofbevel; en
  - (h) skoolgelde, uitgesonderd skoolgelde betaal aan 'n private skool.

**B.S. MABANDLA, LP**

**Minister vir Justisie en Staatkundige Ontwikkeling**