

# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 491

Pretoria, 11 <sup>May</sup>  
Mei 2006

No. 28794

## **M A N U A L**

*IN ACCORDANCE WITH*

**THE PROMOTION OF ACCESS TO  
INFORMATION ACT (NO. 2 OF 2000)**

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**SECTION 14 MANUAL: PROMOTION OF ACCESS  
TO INFORMATION: THE DEPARTMENT OF JUSTICE  
AND CONSTITUTIONAL DEVELOPMENT**

MANUAL PREPARED IN TERMS OF SECTION 14  
OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT,

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**SECTION 1**

THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (Act No. 2 of 2000) PRESCRIBES THAT A PUBLIC BODY MUST PROVIDE DETAILS OF RECORDS HELD BY SUCH BODY SO THAT ANY REQUEST FOR INFORMATION MAY BE ACCOMMODATED.

THE DETAILS OF RECORDS KEPT BY A PUBLIC BODY IS CONTAINED IN A BOOK COMMONLY KNOWN AS A MANUAL. THE MANUAL THEREFORE RELATES TO THE RECORDS KEPT BY THE PUBLIC BODY. THE RECORDS KEPT PERTAINS TO THE BUSINESS/FUNCTIONS OF EACH AND EVERY UNIT. TO DISTINGUISH BETWEEN THE FUNCTIONS/BUSINESS OF EACH UNIT, THE RECORDS OF EACH UNIT ARE NUMBERED DIFFERENTLY. EACH RECORD ALSO CARRIES A DISPOSAL INSTRUCTION.

APART FROM RECORDS, ALSO CALLED FILES, THE MANUAL ALSO CONTAINES INFORMATION ON THE ADDRESSES OF THE HEAD OF THE DEPARTMENT AS WELL AS THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER/S OF THE PUBLIC BODY AND ALSO THE NAME OF EACH UNIT IN THE PUBLIC BODY, IT'S CORE FUNCTION AND A LIST OF ALL RECORDS KEPT BY THE PUBLIC BODY.

**SECTION 2****SECTION 10 GUIDE OF ALL MANUALS IN THE REPUBLIC OF SOUTH AFRICA**

THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION HAS PUBLISHED THE GUIDE AS IS PRESCRIBED BY SECTION 10 OF THE PROMOTION OF ACCESS TO INFORMATION ACT AND IS AVAILABLE AT THE OFFICES OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION.

THE PAIA UNIT (PROMOTION OF ACCESS TO INFORMATION) AT THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

THE RESEARCH AND DOCUMENTATION DEPARTMENT  
PRIVATE BAG X2700  
HOUGHTON  
2014

Telephone	+27 11 484 8300
Fax	+27 11 484 0582/1360
Website	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
e-mail	<a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a>

**SECTION 3****CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY/IES FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT****INFORMATION OFFICER**

Director-General DOJCD:  
Adv. Menzi Simelane  
Private Bag X81  
PRETORIA  
0001

Telephone: +27 12 315 1111  
Facsimile: +27 12  
e-mail: [MeSimilane@justice.gov.za](mailto:MeSimilane@justice.gov.za)

**Description of functions:**

To provide departmental direction to the DOJCD and to ensure a transparent, accountable and professional and efficient client service, that include litigants, Parliament and Government.

**DEPUTY INFORMATION OFFICERS**

Adv. Bonisiwe Makhene  
e-mail: [BMakhene@justice.gov.za](mailto:BMakhene@justice.gov.za)

Ms Marllyn Raswiswi  
e-mail: [MRaswiswi@justice.gov.za](mailto:MRaswiswi@justice.gov.za)

Private Bag X81  
PRETORIA  
0001

Telephone: +27 12 315 1730 (Ms Raswiswi)  
+27 12 315 1073 (Adv Makhene)

Facsimile: +27 12 357 8004

**Description of functions:**

To co-ordinate all matters relating to transparency legislation and to process requests in terms of the Promotion of Access to Information Act.

**CHIEF OPERATIONS OFFICER**

Dr. Khotso De Wee

Telephone: +27 12 315 1896



DIRECTORATES IN THE DEPARTMENT OF JUSTICE

<u>COURT SERVICES</u>			<u>MASTER OF THE HIGH COURT</u>	
Deputy Director-General	Adv. Simon Jiyane		Deputy Director-General	Mr. Hassen Ebrahim
	Ensure cost effective court services and facilitate separation of judicial, prosecutorial and administrative functions.			To provide specialized services of supervision, custodian ship, arbitration and information regarding deceased estates, and trusts, to serve estate practitioners, beneficiaries of estates and trusts, minors and mentally challenged persons to safeguard their financial and proprietary rights and wellbeing.
<u>LEGISLATIVE AND CONSTITUTIONAL DEVELOPMENT</u>			<u>LEGAL ADVISORY SERVICES</u>	
Deputy Director-General	Mr. Trevor D Rudman		Chief State Law Adviser	Adv. Enver Daniels
	Review, amend and maintain the Constitution, promote and implement democratic values, review and amend primary and secondary legislation. Continuously investigate laws to seek constitutional compliance and advice to government on policy.			Provide professional, cost effective and highly efficient legal services to the government, by establishing a legal unit, develop legislation and policies on cyber crime, money laundering, modernizing legislative drafting and centralize legal services.
<b>CORPORATE SERVICES DR. KHOTSO DE WEE</b>				
<u>FINANCE</u>			<u>HUMAN RESOURCES</u>	
Chief Financial Officer	Ms. Sandra Gomm (Act.)		Chief Director	Mr. Elijah Tladi
	To render support services on financial matters			Provide a responsive human resource service. This includes policy guidance, advice, administrative assistance and training in order to attain a stable and motivated work force on the DOJCD.
<u>PUBLIC EDUCATION AND COMMUNICATION</u>			<u>INFORMATION SYSTEMS MANAGEMENT</u>	
Chief Director	Mr. Leslie Mashokwe		Chief Director	Ms Sharon Thomas
	Provide communication			Ensure that the DOJCD

	<p>services through distribution of information and public education services, align with the National Communication Programme and internalize the national theme: "A NATION AT WORK FOR A BETTER LIFE"</p>		<p>utilize the best technology to attain cost effective management system, promote public accountability and deal with information and management systems needs in an efficient manner.</p>
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**CONSTITUTIONALLY ESTABLISHED INDEPENDENT UNITS THAT REPORT TO THE MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**NATIONAL PROSECUTING AUTHORITY**

Information Officer: Adv. Vusi Pikoli  
Private Bag X752  
PRETORIA  
0001

Telephone: +27 12 845 6000

Facsimile: +27 12 845 7298

Body was established by section 179 of the Constitution and has constitutional powers to institute criminal prosecution on behalf of the state and carry out any necessary function incidental to instituting criminal proceedings.

**JUDICIAL SERVICE COMMISSION**

Information Officer: The Chairperson  
Private Bag X258  
BLOEMFONTEIN  
9300

Telephone: +27 51 447 2769

Facsimile: +27 51 447 0836

Body established in terms of section 178 of the Constitution with the primary function to advise on matters relating to the judiciary or the administration of justice.

**MAGISTRATES COMMISSION**

Information Officer: The Chairperson  
P O Box 9096  
PRETORIA  
0001

Telephone: +27 12 325 3951

Facsimile: +27 12 325 3957

e-mail: [secretariatofmagistratescommission@justice.gov.za](mailto:secretariatofmagistratescommission@justice.gov.za)

Independent body established by statute to advise on matters relating to the magistrates' courts functions and powers.

**PUBLIC PROTECTOR**

Information Officer: The Public Protector  
Sinodale Sentrum  
Private Bag X677  
PRETORIA  
0001

Telephone: +27 12 322 2915/16 (free call 0800 11 2040)  
Facsimile: +27 12 322 5093  
e-mail: [publicprotector@hotmail.com](mailto:publicprotector@hotmail.com)

An independent watch-dog established in terms of section 182 of the Constitution.

**LEGAL AID BOARD**

Information Officer: The Chief Executive Officer  
P O Box 62378  
MARSHALLTOWN  
2107

Telephone: +27 11 877 2000  
Facsimile: +27 11 870 1480  
e-mail: [pieterh@legal-aid.co.za](mailto:pieterh@legal-aid.co.za)

A body established to advise government on policy of representation of the indigent in litigation and to advance constitutional democracy through support of access to justice. The Board also controls funds for legal aid.

**DIVISIONS IN THE DEPARTMENT NOT PART OF THE LINE FUNCTION OF THE DEPARTMENT AND WHICH FORMS PART OF THIS MANUAL****TRC**

Deputy Information Officers: see page 4 above.

Was established to investigate past racial violations of human rights, receive applications from perpetrators who seek to apply for amnesty and adjudicate on the amnesty application as prescribed by statute. The TRC now adjudicate on matters of reparation.

**JUSTICE COLLEGE**

Deputy Director-General: Ms Jackie Ngeva  
Telephone: 27 12 481 2810

**SECTION 4****RECORDS IN THE POSSESSION OF THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT AND THAT ARE AUTOMATICALLY AVAILABLE.****INTRODUCTION**

This chapter deals with the provisions of section 14(1)(d) of the Promotion Act, which prescribes that a body must provide details of records in its possession in order to give effect to requests for access to information.

It is important to note that the DOJCD could be divided into two main categories with regard to information/records in possession:

- Branches performing core business – masters, court services, legislative and constitutional development and legal advisory services.
- Branches performing support functions – Human Resources, Public Education and Communication, Information and Systems Management and The Office of the CFO.

included in this manual is the subject of files. Files are the tool used to preserve records in the department. Each file has a number and a brief description of the records kept in the file as well as the subject of the file. **Very important** – each file has its own number, the opening and closing dates and the disposal instruction of that file. The disposal instruction is important because it determines what must happen with the file after a specific period of time has lapsed, e.g. A10 would mean that the file must be sent to NASA (national archives of South Africa) ten years after the closing date on the file cover. The Ministry for the Department has its own record keeping system, similar to that of the Department.

**ACCESS TO RECORDS IN TERMS OF SECTION 14(1)(e)**

The Minister must, in terms of section 15(9)(ii), publish in the Government Gazette a notice of records that are automatically available.

This chapter describe in general terms the records that are automatically available. This information is also available on the website of the Department: [www.doj.gov.za](http://www.doj.gov.za)

<b>DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) OF THE PROMOTION ACCESS TO INFORMATION ACT, 2000</b>	
<b>1. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)</b>	
<ul style="list-style-type: none"> <li>• <b><u>Court Services</u></b></li> </ul>	<p><b>Court Services Structure</b></p> <ul style="list-style-type: none"> <li>• Application for appointment as Commissioner of Oaths.</li> <li>• Requirements for application as Commissioner of Oaths.</li> <li>• General information on the Office of the Family Advocate.</li> <li>• Contact numbers of the Chief Family Advocate and Family Advocate sub-offices</li> <li>• The Hague Convention of the Civil Aspects of International Child Abduction, 1996, (Act 72 of 1996)</li> <li>• General information on the Equality Courts and Legislation.</li> <li>• Legislation on Equality Courts.</li> <li>• Forms used in the Equality</li> </ul>

<ul style="list-style-type: none"> <li>• <b><u>Legislative and Constitutional Development</u></b></li>   <li>• <b><u>Public Education and Communication</u></b></li>   <li>• <b><u>Financial Management</u></b></li>   <li>• <b><u>Legal Advisory Services</u></b></li>   <li>• <b><u>Human Resources</u></b></li> </ul>	<p>Courts.</p> <ul style="list-style-type: none"> <li>• Other documents, booklets, brochures and pamphlets, general documents.</li> <li>• Equality Review Committee matters and documents.</li> <li>• Contact numbers for Court Services.</li> </ul> <ul style="list-style-type: none"> <li>• General information on Legislative and Constitutional Development.</li> <li>• The Legislative Process.</li> <li>• Legislation administered by the Department.</li> <li>• The South African Law Reform Commission (SALRC)</li> <li>• Contact numbers.</li> </ul> <ul style="list-style-type: none"> <li>• General Information on Public Education and Communication.</li> <li>• Calendar of events.</li> <li>• Contact numbers.</li> </ul> <ul style="list-style-type: none"> <li>• General information on Financial Services.</li> <li>• Contact numbers.</li> </ul> <ul style="list-style-type: none"> <li>• General information on Legal Advisory Services.</li> <li>• Legislation reports and work schedules.</li> </ul> <ul style="list-style-type: none"> <li>• Publication on vacancies in the Public Service and the Department of Justice and Constitutional Development.</li> </ul>
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<ul style="list-style-type: none"> <li>• <u>Master of the High Court</u></li>   <li>• <u>Information Systems Management</u></li> </ul>	<ul style="list-style-type: none"> <li>• Forms</li> <li>• Newsletters/reports</li> <li>• Pamphlets</li>   <li>• Master's newsletter</li> <li>• The Vanguard</li> <li>• Hearsay newsletter</li> <li>• Human Resources special report</li> <li>• The Headline Review</li> <li>• Our Voice</li> <li>• National Crime Prevention Strategy</li> </ul>
<b>2. DESCRIPTION OF CATEGORIES OF RECORDS OF RECORDS AUTOMATICALLY AVAILABLE FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
	<p>The records may be obtained on request in writing addressed to the PAIA unit, Department of Justice Private Bag X81, Pretoria, fax number 086 677 7349</p>
<b>3. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
	<p>The records may be obtained on request in writing addressed to the PAIA unit, Department of Justice Private Bag X81, Pretoria, fax number 086 677 7349 and on payment of the fee prescribed in item 2 of Part II of Annexure A of the regulations relating to the Promotion of Access to Information.</p>
<b>4. DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)</b>	
	<p>The records) may be obtained on request in writing addressed to the PAIA unit, Department of Justice Private Bag X81, Pretoria, fax number 086 677 7349.</p>

## MANNER OF ACCESS FOR AUTOMATICALLY AVAILABLE RECORDS

Section 15 of the Promotion of Access to Information Act prescribes that the Department must publish in the Government Gazette the schedule (list) of records that is automatically available in the Department. Requests for these records are not by filling out the prescribed Form A that is utilized to request information. There is also no requestor fees payable for these records. The fees payable are only where copies of the record are to be made, irrespective of whether it is in hard copy format, compact disc, stiffe drive, cassette recording, etc.

In the case of such records already placed with the National Archives of South Africa, the records will be made available in compliance with laws applicable to the perusal of such records:

The Promotion of Access to Information Act, 2000 (Act No 2 of 2000)  
The Protection of Information Act, 1982 (Act No. 84 of 1982)  
The National Archives and Records of South Africa Act, 1996  
(Act No. 43 of 1996) as amended

## SECTION 5

### ACCESS TO RECORDS IN TERMS OF SECTION 14(1)(d)

Records in the Department are preserved by placing the record in a file. All records are named and preceding the name of the record is a numerical number, which is the file number. To explain – if one would want to access records in the department pertaining to the department as an organization, the number of the main file would be 1 and from there on numericals are added to the 1 to identify sub-files e.g. 1/1 DEPARTMENT OF JUSTICE and 1/1/1 POLICY etc.

#### 1 ORGANISATIONAL RECORDS

Areas covered by the records: the information relates to all divisions of the Department. Individual divisions of the Departmental records, which include the courts, prosecuting authority, the deeds office. The matters contained in these files include policy issues, security measures relating to both human and structural assets of the department's divisions, storage of security information and communication policy internally and externally.

Record on other government institutions and departments – information contained includes policy on the above.

Security measures provided for.

This includes security of buildings and personnel, dignitaries, Minister, receipts from other departments, and matters not specifically provided for.

#### 2 ACCOMMODATION

These files describe policy on official office accommodation, official residential accommodation, which would include courts, security of court buildings, repairs, accommodation for seconded officials and the existing building programmes but excluding the housing scheme for public servants.

#### 3 STORES, EQUIPMENT AND PUBLICATIONS

Files/records for official buildings and offices, provisioning administration which shall include existing acquisition policy. This includes policies on provision, controls, disposal of labour saving equipment, stationery and printing material, publications which includes law reports, library resources, maintenance of library books, packaging and waste material, mechanization and data processing, acquisition of furniture and fittings.



This includes security of buildings and personnel, dignitaries, Minister, receipts from other departments, and matters not specifically.

## 2. ACCOMMODATION

These files describe policy on official office accommodation, official residential accommodation, which would include courts, security of court buildings, repairs, accommodation for seconded officials and the existing building programmes but excluding the housing scheme for public servants.

## 3. STORES AND EQUIPMENT

Files/records for official buildings and offices, provisioning administration, which shall include existing acquisitioning policy.

This includes policies on provision, controls, disposal of labour saving equipment, stationery and printing material, publications which includes law reports, library resources, maintenance of library books, packaging and waste material, mechanization and data processing, acquisition of furniture and fittings.

These files/records deal with policies of telecommunication-instruments, postal – and transport services, purchases, use and related matters.

## 5 FINANCE

## 4. COMMUNICATION

These files/records deal with policies of telecommunication-instruments, postal – and transport services, purchases, use and related matters.

## 5. FINANCE

Files/records pertaining to the fiscal policy of the Department relating to structures of decision, v<sub>o</sub> accounts, financial controls, collection of debts, irrecoverable monies, receipts and various paymen PFMA Regulations. The files contain information on the justice vote account and justice deposit account.

## 6 STAFF

Correspondence relating to individual staff shall be dealt with in the respective files for each staff member. Other files are for general correspondence on named subjects. Staff code is dealt with in the 7/2 sub-series. Sub-series 6/24 deals with the Magistrates Commission and judges of the land claims court.

Though some of the divisions in the Department are independent as outlined above and would have a separate manual, Head Office still keep records and co-ordinates appointments, remuneration and such issues shall also reflect as records that are in the possession of the Department.

These files have records of staff, their conditions of service, staff evaluation, training, promotions, salaries and benefits, awards, rules relating to staff accommodation, uniform and code of clothing, staff collective bargaining issues, collective bargaining structures, dispute resolution structures and methods, registrations and affiliations to other bodies, recreation and catering, parking and garaging policies.

These files also encompass staff in the commissions and in the courts, policies on employment equity and gender equality.

## 7 ADMINISTRATION, CONTROL AND SERVICES

Administration files contain records on Parliamentary services, directives by the Minister and head of administration, evaluation of service by the Department, control of records, appointment of staff, statistics, government publications, controls, employee assistance programme, travel and movement of cabinet members, library services, status and titles, charitable services, social interaction and language matters.

## 8 LEGAL PLANNING

Matters relating to common law, statutory law, laws of intestate succession, international law and cases decided on the above matters.

## 9 LEGAL ADMINISTRATION AND PROCEDURE

Commissions, legal opinions, legal representation, rules board, execution of certification of documents, *venia aetatis*, administration of the courts, prosecutorial support services, criminal procedure and arrested persons, bail, sentences, evidence, appeals, reviews and related matters.

## 10 INTERNAL AUDIT MATTERS

Reports, policies and programmes under the audit division internal audit charter, profile report, safety net, education manual, business risk identification workshops, special report of A-G of 31 March 1998, various reports, King report on corporate governance, annual financial statements, annual reports, budget planning documents.

## 11 STATISTICS

## 12 CONTRACTS – Sneller digital

Records not directly related to the core-function of the Department.

**13 NATIONAL AND CIVIL SECURITY**

These files include issues relating to security forces, ammunition and armory.

**14 POPULATION AND COMMUNITY MATTERS**

Population and personal details, elections; births, marriages and deaths; administration of estates, animal protection and nature conservation, national savings matters, entertainment, sports and recreation; public publications, scientific matters, race classifications, RDP

**15 SOCIAL WELFARE**

Material assistance, child welfare, maintenance, health matters, mental disorders behavioral deviations, establishment and administration of organizations and institutions.

**16 AREA MOVEMENT AND RESIDENTIAL CONTROL**

Possession and occupation of Land Bank, registration of titles, immigration and emigration, citizenship and naturalization, repatriation, passports; permits and related matters, advisory committee on non-racial affairs.

**17 PUBLIC HOUSING**

National housing and rent control measures.

**18 PUBLIC COMMUNICATION****19 FARMING AND FISHERIES****20 TRADE, INDUSTRY, MINING AND MINERALS****21 LABOUR****22 EDUCATION****23 CULTURE****24 BLACK AFFAIRS**

Finalized policies, strategies and programmes on:

- HRD and Court Management
- On women and children
- On legislation and drafting

**OTHER PUBLICATIONS**

- The road to effective justice
- Transformation of the justice system
- Citizens' advice desks
- Sexual offences guidelines

- Gender policy statement
- Draft customer charter for court users
- National Prosecuting Authority
- Establishment documents of special Units
- Human rights programme
- Integrated justice system
- E-justice system
- Constitutive documents of the courts and Constitutional Court
- Document establishing the Rules Board for Courts of Law
- Justice College
- Office of the Family Advocate
- Legal Aid Board
- Office of the Public Protector
- S A Law Commission
- Commission for Gender Equality
- TRC
- Masters Office – budget for individual offices

## RECORDS KEPT BY THE MINISTRY

### DOMESTIC MATTERS

1/P	POLICY
1/1	ACCOMMODATION
1/1/2	OFFICES
1/1/3	OFFICIAL RESIDENCE
1/2	SUPPLIES AND SERVICES
1/3	TRAVEL AND TRANSPORT
1/4	ACCOMMODATION ARRANGEMENTS
1/5	COMMUNICATIONS
1/6	PRESS CONFERENCES, PRESS RELEASES AND STATEMENTS
1/7	OFFICE MANAGEMENT
2	PARLIAMENTARY MATTERS, CABINET AND COMMITTEES
2/1	PARLIAMENT
2/2	CABINET
2/3	CABINET COMMITTEES

This includes social sector, economics sector, investment and employment, international relations, peace and security, justice, crime prevention and security sector, governance and administration.

3	DEPARTMENTAL MATTERS
3/1	NATIONAL OFFICE
3/2	REGIONAL OFFICES
3/3	CONSTITUTIONAL COURT
3/4	SUPREME COURT OF APPEAL
3/5	HIGH COURTS
3/6	APPOINTMENT OF JUDGES
3/7	REGIONAL COURTS
3/8	MAGISTRATES' COURTS
3/9	FAMILY COURTS
3/10	LABOUR COURTS
3/11	LAND CLAIMS COURT
3/12	SMALL CLAIMS COURTS
3/13	ELECTORAL COURTS

- |      |   |
|------|---|
| 3/14 | REGISTRARS  |
| 3/15 | MASTERS   |
| 3/16 | NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS  |
| 3/17 | DIRECTOR SPECIAL OPERATIONS   |
| 3/18 | INVESTIGATING DIRECTORATES  |
| 3/19 | DIRECTOR PUBLIC PROSECUTIONS  |
| 3/20 | PUBLIC PROSECUTORS  |
| 3/21 | STATE ATTORNEYS   |
| 3/22 | FAMILY ADVOCATES  |
| 3/23 | ATTORNEYS   |
| 3/24 | ADVOCATES   |
| 3/25 | OTHER STATUTORY APPOINTMENTS, APPOINTMENTS AND REGULATION OF SHERIFFS, APPRAISERS, JUSTICES OF THE PEACE, COMMISSIONERS OF OATHS STATUTORY INSTITUTIONS e.g. SA LAW COMMISSION ETC. |
| 3/26 | LITIGATION AGAINST THE STATE  |
| 3/27 | EXTRADITIONS  |
| 3/28 | LEGISLATION   |
| 3/29 | CRIMINAL MATTERS  |
| 3/30 | CIVIL MATTERS   |
| 3/31 | OVERSEAS TRIPS  |
| 3/32 | HUMAN RIGHTS  |
| 3/33 | INTERNATIONAL RELATIONS   |
| 3/34 | INTER-GOVERNMENTAL FORUM  |
| 3/35 | MATTERS REFERRED TO/RECEIVED FROM OTHER INSTITUTIONS  |
| 3/36 |   |
- 
- |   |                         |
|---|-------------------------|
| 4 | PARTY POLITICAL MATTERS |
|---|-------------------------|
- 
- |   |  |
|---|--|
| 5 | MINISTERIAL PRIVATE MATTERS  |
|   | This includes honorary awards, membership of organizations, social matters, receptions and business matters. |

## SECTION 6

### REQUEST PROCEDURE

#### Telephonic requests

Informal (telephonic) requests are not forbidden by the Act. Any such request made to the information officer/deputy information officer at the telephone number given in this manual will be attend to unless the information officer indicates that the provisions of the act must be carried out – in this case the filling out of Form a.

#### Voluntary access

Information that is automatically available shall be made available either at the offices of the Department or in the manner of form requested, should this be reasonable and possible. The manner of access shall include: perusal with copying of material if needed and at the prescribed fee for copies.

Access to visual, audio-visual material with transcription, dubbing and/or copying facilities available if required.

#### Section 14(1)(d) requests

- A requestor must complete the form similar to the one printed in the Government Gazette (Govt. Notice R187 – 15 February – Form A)
- The requestor must indicate the form or manner of access sought as prescribed by section 29
- The Department shall endeavour to give access in the form requested unless this would tamper with the smooth running of the Department

- Giving access shall give due consideration to preservation of material, infringement of copyright and a fee as prescribed shall be paid before a request is processed and before access is given.
- A requestor representing another must give details of the capacity in which they act.
- A requestor who can't read or write may present the request orally and the information officer is obliged to assist such requestor.

## SECTION 7

### PAYMENT OF FEES IN TERMS OF THE ACT

#### Personal requestor

A person seeking information pertaining to her-/himself is exempted from paying the requestor's fee.

#### Requestor

The request fee payable to any public body is R35-00 as prescribed by the Regulations to the Act. In addition if any copies or transcripts are requested, those will be charged according to the fee structure as prescribed by the Regulations and the information officer may charge for the time spent on processing the request.

## SECTION 8

### PAYMENT METHOD

All payments shall be made in the form of revenue stamps, available at Post Offices or magistrates' offices where the request is made.

**IMPORTANT:** no request may be processed unless the request fee has been paid – section 22(1) of the act

## SECTION 9

### REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH

The Act provides for an internal appeal procedure in terms of sections 74 and 75. The Minister is the relevant authority to review any decision taken on appeal.

An aggrieved party still has an opportunity to approach the courts if dissatisfied with the decision of the relevant authority.

## SECTION 10

### UPDATING THE MANUAL

The manual shall be updated within twelve months after publication of this first manual.

**SECTION 11****AVAILABILITY OF THE MANUAL**

The manual shall be available in places prescribed by the Legal Deposit Act, the offices of the South African Human Rights Commission as set out in SECTION 3 above.

**FEEES FOR RECORDS OF PUBLIC BODY AS STIPULATED BY THE CURRENT REGULATIONS TO THE ACT**

The fee for reproduction, referred to in section 15(3) of the Act, is as follows

- |     |   |       |
|-----|---|-------|
| (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   | 0-40  |
| (c) | Held on a computer or in electronic or machine readable form  |       |
|     | for a copy in a computer-readable form on -   |       |
|     | (i) stiffy disc   | 5-00  |
|     | (ii) compact disc   | 40-00 |
| (d) | (i) For transcription of visual images, for an A4-size 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 | 35-00 |

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:

- |     |  |       |
|-----|--|-------|
| (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  |
|     | (i) stiffy   | 5-00  |
|     | (ii) compact disc  | 40-00 |
| (c) | For a transcription of visual images,  |       |
|     | (i) for an A4-size page or part thereof  | 22-00 |
|     | (ii) For a copy of visual images   | 60-00 |
| (d) | (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

To search for the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search.

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

For the 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.
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