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M A N U A L

IN ACCORDANCE WITH

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

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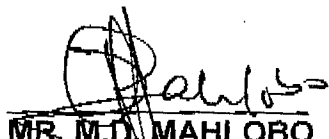
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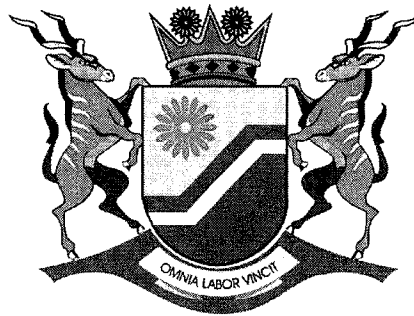
PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)**PUBLICATION OF THE INFORMATION MANUAL**

I, Mbangiseni David Mahlobo, in my capacity as the Head of Department of the Mpumalanga Provincial Department of Co-operative Governance and Traditional Affairs, hereby, in terms of section 14(2) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000), publish the Information Manual of the Mpumalanga Department of Co-operative Governance and Traditional Affairs, as well as the categories of records that are automatically available as contemplated in section 15(1) of the said Act, for general information.

Given under my hand at Nelspruit on 12 December 2012.



MR. M.D. MAHLOBO
HOD: CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS



**MPUMALANGA PROVINCIAL
DEPARTMENT OF COGTA**

**INFORMATION MANUAL IN TERMS OF
SECTION 14 OF ACCESS TO
INFORMATION ACT, 2000
(ACT NO. 2 OF 2000)**

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1. INTRODUCTION

1.1 Purpose of the Manual

1.1.1 The Mpumalanga Department of Co-operative Governance & Traditional Affairs (**COGTA**) recognizes and respects the right of access to information as enshrined in the Constitution of the Republic of South Africa. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereafter referred to as “the Act”) gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedures attached to such request.

1.1.2 Section 9 of the Act, however, recognizes that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at;

- The reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

1.1.3.Section 14 of the Act obliges bodies to compile a Manual, which could assist a person to obtain access to information held by the public body and stipulates the minimum requirements such a Manual has to comply with.

1.1.4.The purpose of this Manual is therefore to inform a person on how to obtain access to records held by the Department of Co-operative Governance and Traditional Affairs, and thereby giving effect to Section 14 of the Act.

1.2 MPUMALANGA DEPARTMENT OF COGTA

Vision

Integrated sustainable people centered development.

Mission

Facilitate and co-ordinate Intergovernmental Structures and Developmental agencies for sustainable integrated Service Delivery through Public Participation and Traditional systems of governance.

Values

- i) Professionalism;
- ii) Activist approach;
- iii) Goal orientated;
- iv) Community-centre;
- v) Excellency in service delivery and development

The Departmental Strategic Objective

1. To provide political, strategic management and administrative guidance and support to all the programmes of the Department.
2. To build clean, effective, efficient, responsive and accountable local government
3. To strengthen partnerships between local government, communities and civil society
4. To ensure that municipalities meet the basic service needs of communities
5. To strengthen the institutions of Traditional Leadership to fulfill their mandate
6. To exercise oversight and participate in the promulgation of legislations by the provincial legislation

2. STRUCTURE OF THE DEPARTMENT OF COGTA

Organizational Structure

The MEC for the Department of **COGTA** is Mr M.B. Masuku and the Accounting Officer and Head of Department is, Mr M.D Mahlobo. The Department of **COGTA** is divided into 5 (five) Programmes, namely:

PROGRAMME 1: ADMINISTRATION

- Office of the Member of the Executive Council (MEC)
- Corporate Services
 - Office of the Head of Department (HOD)
 - Chief Directorate: Corporate Services
 - ✓ Directorate: Legal Services;
 - ✓ Directorate: Communication & ITS;
 - ✓ Directorate: Human Resource Management & Development;
 - ✓ Directorate: Planning & Programme Management;
 - ✓ Directorate: Transversal Issues & Employee Assistance Programme (EAP).
- Chief Financial Officer
 - Directorate: Financial Accounting;
 - Directorate: Management Accounting;
 - Directorate: Supply Chain Management;
 - Directorate: Risk Management.

PROGRAMME 2: CHIEF DIRECTORATE: MUNICIPAL SUPPORT

- Directorate: Municipal Administration and Governance;
- Directorate: Municipal Financial support;
- Directorate: Public Participation;
- Directorate: Municipal Capacity Building;
- Directorate: Service Delivery Improvement (Thusong Services Centers);
- Directorate: Performance Monitoring & Evaluation;

PROGRAMME 3:**3.1 CHIEF DIRECTORATE: INTERGRATED DEVELOPMENT & PLANNING**

- Directorate: Local Economic Development (LED);
- Directorate: Strategic Development, Research and Policy Planning;
- Directorate: Spatial Planning;

3.2 CHIEF DIRECTORATE: MUNICIPAL INFRASTRUCTURE, DISASTER MANAGEMENT AND WATER SERVICES

- Directorate: Municipal infrastructure;
- Directorate: Disaster Management;
- Directorate: Water Services.

PROGRAMME 4: CHIEF DIRECTORATE: TRADITIONAL INSTITUTIONAL MANAGEMENT

- Directorate: Traditional Institutional & Resource Administration;
- Directorate: Rural Development & Land Administration.

PROGRAMME 5: CHIEF DIRECTORATE: PROVINCIAL HOUSE OF TRADITIONAL LEADERS

- Directorate: Committees & Local Houses;
- Directorate: Business Support.

The Department of COGTA is further mandated to administer the **Provincial Committee on Claims and Disputes of Traditional Leadership**, established in terms of section 26A of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003).

3 CONTACT DETAILS OF THE DEPARTMENT OF COGTA

Physical address : No 7 Government Boulevard
Riverside Park
Building 6
NELSPRUIT
1200

Postal Address : Private Bag X11304
NELSPRUIT
1200

Website : <http://cgta.mpg.gov.za>

3.1 INFORMATION OFFICER

The Head of Department is, in terms of section 1 of the Act, the Information Officer of the Department of COGTA and herewith are his details:

Mr M.D. Mahlobo
Head of Department
Tel No.: (013) 766 6237
Facsimile No.: (013) 766 8425

3.2 DEPUTY INFORMATION OFFICERS

The information Office has, in terms of section 17 of the Act, designated the following persons as Deputy Information Officers, namely:

Ms H.G. Shube
Chief Director: Corporate Services
Tel No.: (013) 766 6556
Facsimile No.: (013) 766 8425

Ms R.V. Jones
Director: Legal Services
Tel No. : (013) 766 6266
Facsimile No. :(013)766 8425

4. THE GUIDE ON HOW TO USE THE ACT

The Guide on how to use the Act is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission

PAIA Unit

Research and Documentation Department

Private Bag 2700

Houghton

2041

Telephone: 011 484 8300

Fax: 011 484 1360

Website www.sahrc.org.za**5. RECORDS HELD BY THE DEPARTMENT OF COGTA**

The Department of **COGTA** holds the following records which could be requested in terms of the Act are as follows:

- 5.1 Departmental Strategic Plans, Implementation Plan and Performance Report;
- 5.2 Departmental financial records;
- 5.3. Departmental personnel records;
- 5.4 Departmental reports relating to Summits and Workshops;
- 5.5 Policy documents and legal prescripts relating to Co-operative Governance and Traditional Affairs;
- 5.6 Media products;
- 5.7 Notices published by the Department in the Provincial Gazettes;
- 5.8 Departmental Communication Strategies and Plans, and
- 5.9 Records relating to contractual documents with various service providers.

6. RECORDS AUTOMATICALLY AVAILABLE

- 6.1 Annual Performance Plan and Reports
- 6.2 Strategic Plan
- 6.3 Annual Performance Implementation Plan
- 6.4 IDP Documents
- 6.5 Local Government Turnaround Strategy
- 6.6 Forms
- 6.7 Tender Adverts
- 6.8 Speeches

7. THE REQUEST PROCEDURE

- a. The requester who wishes to obtain access to information held by the Department of **COGTA** has to complete the request form and submit it to the attention of the Information Officer on the contact details stated above (Request Form attached as "Annexure "A")
- b. The prescribed form must be filled in with enough detailed information to at least enable the Information Officer to identify the record(s) requested, the identity of the requester, which form of access is required and the postal address or fax number of the requester.
- c. If the requester is unable to read or write, the request for the record can be made orally by the requester. The Information Officer must then fill in the form on behalf of such a request and give him or her copy.
- d. After lodging the request with the Information Officer, the application will be processed within 30 days.
- e. If the requester requests information in a particular form (e.g. a paper copy, electronic copy etc) then the requester should receive access in that form, unless doing so would interfere unreasonably with the running of a public body concerned or damage to the record or infringe on the copyright not owned by the state.
- f. If the requester requests information on behalf of somebody else, the capacity in which the request is being made, must be indicated.

7.1 Fees payable for a request

7.1.1 The Act provides for two types of fees:

- a. A Request Fee, which will be a standard fee; and
- b. An Access Fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

7.1.2 The requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester must pay the required fee, with exception, to requesters classified for the purpose of section 22(8) of the Act.

7.1.3 The Information Officer must notify the requester by notice, requiring the requester to pay the prescribed request fee and deposit (if any) before further processing the request.

7.1.4 If the request is granted then a further access fee must be paid for the reproduction and for the search and preparation for any time required in excess of the stipulated hours to search and prepare the record for disclosure.

7.1.5 Access to a record will be withheld until all the applicable fees have been paid.

7.1.6 In a case where a deposit has been paid and the records cannot be made available, the Department shall refund the deposit amount to the requester.

7.2 Fees in respect of Public Bodies in terms of section 22(2) of the Act

Refer to "Annexure B"

8. ARRANGEMENTS ALLOWING INVOLVEMENT IN THE FORMULATION OF POLICY & PERFORMANCE OF FUNCTIONS

The Department of **COGTA** maintains a high level of public engagement and interaction with stakeholders through inviting comments on proposed legislation and notices published in the Provincial Gazette, and workshops.

9. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

9.1 Refusal of request

The main grounds for the Department of **COGTA** to refuse a request for information relates to the:

- Mandatory protection of the privacy of a third party who is a natural person, which involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
 - a. Trade secrets of that third party;
 - b. Financial, commercial, specific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - c. Information disclosed in confidence by a third party to the Department of **COGTA**, if the disclosure could put a third part at the Department of **COGTA** at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- Operations of Department of **COGTA**;
- The commercial activities of the Department of **COGTA**, which may include:

- a. Trade secrets of the Department of **COGTA**;
 - b. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Department of **COGTA**;
 - c. Information which, if disclosed could put the Department of **COGTA** at a disadvantage in negotiations or commercial competition;
 - d. A computer programme which is owned by the Department of **COGTA**, and which is protected by copyright;
- The research information of the Department of **COGTA** or a third party, if its disclosure would disclose the identity of the Department of **COGTA**, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

9.2 Appeal

9.2.1 The requester may lodge an internal appeal against a decision of the Information Officer of the Department of **COGTA** –

- a. to refuse a request for access; or
- b. taken in terms of section 22, 26(1) or 29(3), in relation to that requester, with the relevant authority.

9.2.2 A third party may lodge an internal appeal to the relevant authority, against a decision of the Information Officer of the Department of **COGTA**, to grant a request for access.

9.3 Manner of appeal and appeal fees

9.3.1 An internal appeal must be lodged in the prescribed form (**see Annexure "C"**)

- a. Within 60 days;
- b. If notice to a third party is required by section 49(1)(b) of the Act, within 30 days after notice is given to the appellant of the decision appealed against or; if notice to the appellant is not required, after the decision was taken;
- c. It must be delivered or sent to the Information Officer of the Department of **COGTA** at his or her addresses, or fax number;
- d. It must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant,
- e. If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;

9.3.2 If an appeal is lodged after the expiry of the period referred to, the MEC must, upon good cause shown, allow the late lodging of the appeal.

9.3.3 If the MEC disallows the late lodging of the appeal, he or she must give notice of that decision to the person who lodged the appeal.

9.3.4 As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the Information Officer of the Department of **COGTA** must submit to the MEC:

- a. the appeal together with his or her reasons for the decision concerned; and
- b. if the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

10. UPDATING AND AVAILABILITY OF THE MANUAL

The Department of **COGTA** undertakes to update and publish its Manual referred to in Section 14(1), at intervals of not more than a year.

Section 14(1) of the Act, read with Regulation No. R. 187 of 15 February 2002 prescribes that the Manual of a public body must be made available in the following manner:

- A copy will be made available to the South African Human Rights Commission,
- The Manual will be published in the *Provincial Gazette*, which will be published by the Government Printer,
- In addition to this the Department of **COGTA's** Manual will be accessible through the Department of **COGTA's** website on <http://cgta.mpg.gov.za>.

Annexure A

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
 (Section 18(1) of the Promotion of Access to Information Act, 2000)

(Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

Request received by _____ Reference number _____
 officer/deputy _____ (name and surname of information
 officer on _____
 at _____ (place) _____ (date)

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 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: _____

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 for exemption.

Reason(s) for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

<u>Disability:</u>		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
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc:			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
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:			
<input type="checkbox"/>	printed copy of record'	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<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?		<input type="checkbox"/>	YES
		<input type="checkbox"/>	NO
Postage is payable.			
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

You will be notified 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 thisday of..... 20_____

**SIGNATURE OF REQUESTER OR PERSON ON
WHOSE BEHALF THE REQUEST IS MADE**

Annexure B**FEES IN RESPECT OF PUBLIC BODIES**

1. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R 35.00
2. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
3. The fees for reproduction referred to in regulation 7(1) 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) memory stick/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
4. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
5. The access fees payable by a requester referred to in regulation 7(3) 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) memory stick/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 and prepare the record for disclosure R15,00 for each hour or part of hour, excluding the first hour, reasonably required for such search and preparation. | |
- (2) 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.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

Annexure C

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act 2000 (Act No. 2 of 2000))
[Regulation 8]

STATE YOUR REFERENCE
NUMBER:

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- (a) The *particulars of the person who lodge the internal appeal must be given below.*
- (b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed **ONLY** if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

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

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(l) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based _____

State any other information that may be relevant in considering the appeal: _____

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. *If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

State the manner: _____

Particulars of manner: _____

Signed at.....thisday of 20_____

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on:

.....
..... (date) by (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION: _____

.....**DATE**

**RELEVANT AUTHORITY
RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION
OFFICER FROM THE RELEVANT AUTHORITY ON (date):**