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

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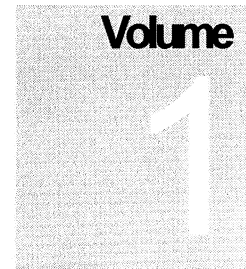
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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

**SECTION 14 MANUAL:
PROMOTION OF ACCESS TO INFORMATION**

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Updated 30 May 2013

MANUAL PREPARED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

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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 are contained in a book commonly known as a manual. The manual therefore relates to the records kept by the Public Body. The records kept pertain 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 contains information on the addresses of the Head of the Department as well as the Information Officer/s of the Public Body and also the name of each unit in the Public Body, its 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. The guide 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 11 877 3600
Website	www.sahrc.org.za
e-mail	PAIA@sahrc.org.za

SECTION 3

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

INFORMATION OFFICER

Director-General DOJCD: Ms N Sindane
Private Bag X81
PRETORIA
0001

Telephone: +27 12 406 4669
Facsimile: +27 12 406 4703
E-mail: nsindane@justice.gov.za

Description of functions:

To provide departmental direction to the Department of Justice and Constitutional Development (DOJCD) and to ensure a transparent, accountable, professional and efficient client service, that includes litigants, Parliament and Government.

DEPUTY INFORMATION OFFICER: Ms Marlyn Raswiswi

The Chief Director: Ms Marlyn Raswiswi
 Access to Information & Records Management
 Private Bag X81
 PRETORIA
 0001

Telephone: +27 12 315 1730 (Ms Raswiswi)
 E-mail: MRaswiswi@justice.gov.za
 Facsimile: +27 12 357 8004

Description of functions:

The facilitation of the implementation of PAIA by all Public Bodies and co-ordination of the Promotion of PAIA to the public and training of Deputy Information Officers on the implementation of the Act.

DIRECTORATES IN THE DEPARTMENT OF JUSTICE & CONSTITUTIONAL DEVELOPMENT

<u>COURT SERVICES AND POLICY DEVELOPMENT</u> Deputy Director-General	Ensure cost effective court services and facilitate separation of judicial, prosecutorial and administrative functions; the speedy resolution of family law matters
<u>MASTERS OF THE HIGH COURTS</u> Chief Master	To provide accessible services in respect of deceased and insolvent estates, curatorships and trusts. The mandate of the Masters of the High Courts is to supervise the administration of deceased and insolvent estates of individuals and juristic persons, trusts and curators and to improve access to the Guardian's Funds by persons who are entitled to claim money from this fund.
<u>LEGISLATIVE AND CONSTITUTIONAL DEVELOPMENT</u> Deputy Director-General	Investigate, prepare and promote amendments to the Constitution of the Republic of South Africa, 1996. Investigate, prepare and promote new or amending primary legislation, including subordinate legislation, for the Department.
<u>LEGAL ADVISORY SERVICES</u> Chief State Law Adviser	Provide professional, cost effective and highly efficient legal services to the Government, by maintaining a legal unit, develop legislation and policies on money laundering, modernizing legislative drafting and centralize legal services.
<u>FINANCE</u> Chief Financial Officer	To render support services on financial matters.
<u>HUMAN RESOURCES</u> Deputy Director-General	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 for the Department of Justice and Constitutional Development.
<u>PUBLIC EDUCATION AND COMMUNICATION</u> Deputy Director-General	Provide communication services through the distribution of information and public education services, aligned with the National Communication Programme and internalize the national theme: "A NATION AT WORK FOR A BETTER LIFE".
<u>INFORMATION SYSTEMS MANAGEMENT</u> Deputy Director-General	Ensure that the DOJCD utilize the best technology to attain cost effective management systems, promote public accountability and deal with information and management systems needs in an efficient manner.

SECTION 4

RECORDS IN THE POSSESSION OF THE DEPARTMENT, WHICH ARE AUTOMATICALLY AVAILABLE

INTRODUCTION

This chapter deals with the provisions of section 14(1) (d) of the Promotion of Access to Information 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 Department of Justice and Constitutional Development is divided into two main categories with regard to information/records in its possession:

- Directorates performing core business – masters, courts, etc.
- Directorates performing support functions – HR, PEC, ISM, etc.

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(2), publish in the Government Gazette a notice of records that are automatically available.

This chapter describes in general terms the records that are automatically available. This information is also available on the website of the Department: www.justice.gov.za.

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) OF THE PROMOTION ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)

1. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)

Court Services

- Court Services Structure.
- Application form for appointment as Commissioner of Oaths.
- Requirements for application as Commissioner of Oaths.
- Application form for appointment as sheriff.
- Application form for appointment as appraiser.
- General information on the Office of the Family Advocate.
- General information regarding the implementation of the Hague Convention on the on the Civil Aspects of International Child Abduction
- Contact numbers of the Chief Family Advocate and Family Advocate sub-offices.
- The Children's Act 38 of 2005
- Department of Justice's Regulations to the Children's Act
- Mediation in Certain Divorce Matters Act 24 of 1987
- Various forms prescribed by applicable legislation
- General information on the Equality Courts and Legislation.
- Legislation on Equality Courts.
- Forms used in the Equality Courts.

1. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)

	<ul style="list-style-type: none"> • Other documents, booklets, brochures and pamphlets, general documents. • Equality Review Committee matters and documents. • Contact numbers for Court Services. • A practical guide – court and case flow Management for Regional and District Criminal Courts
<u>Legislative and Constitutional Development</u>	<ul style="list-style-type: none"> • General information on Legislative and Constitutional Development. • The Legislative Process. • Legislation administered by the Department. • The South African Law Reform Commission (SALRC). • Contact numbers.
<u>Public Education and Communication</u>	<ul style="list-style-type: none"> • General Information on Public Education and Communication. • Calendar of events. • Contact numbers.
<u>Financial Management</u>	<ul style="list-style-type: none"> • General information on Financial Services. • Contact numbers.
<u>Legal Advisory Services</u>	<ul style="list-style-type: none"> • General information on Legal Advisory Services. • Legislation reports and work schedules.
<u>Human Resources</u>	<ul style="list-style-type: none"> • Publication on vacancies in the Public Service and the Department of Justice and Constitutional Development
<u>Masters of the High Courts</u>	<ul style="list-style-type: none"> • Forms (Deceased Estate, Liquidation, Trusts, Curators and Guardians Fund forms) • Newsletters/reports. • Pamphlets. • Master's newsletter • ICMS – Web Portal
<u>Information Systems Management</u>	<ul style="list-style-type: none"> • The Vanguard. • Hearsay newsletter. • Human Resources special report. • The Headline Review. • Our Voice. • National Crime Prevention Strategy.

1. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)	
2. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii)	
(a) The list of records above	(a) The records may be obtained on request in writing addressed to the PAIA unit, Department of Justice & Constitutional Development; Private Bag X81; Pretoria; 0001, (fax number 012 357 8004) and on payment of the amount of R20-00.
3. DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)	
(a) The list of records above	(a) The records may be obtained on request in writing addressed to the PAIA unit, Department of Justice & Constitutional Development; Private Bag X81; Pretoria; 0001, (fax number 012 357 8004) 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.
4. DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
(a) The list of records above and where the record requested is available free of charge	(a) The records may be obtained on request in writing addressed to the PAIA unit, Department of Justice & Constitutional Development; Private Bag X81; Pretoria; 0001, fax number 012 357 8004.

MANNER OF ACCESS TO 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 are 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, stiffy 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)

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 onwards.

1 ORGANISATIONAL RECORDS

Areas covered by the records: the information relates to all divisions of the Department including individual divisions, not within the Department, of the Departmental records, which include the courts, prosecuting authority and 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.

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

Security measures

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

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, vote accounts, financial controls, collection of debts, irrecoverable monies, receipts and various payments, Public Finance Management Act 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 and as outlined above would have a separate manual, National Office still keeps records and co-ordinates appointments, remuneration and such issues shall also reflect as records 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 the Attorney General 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, Reconstruction and Development Programme.

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, 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:

- Human Resource Development 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 SA
- Office of the Public Protector
- South African Law Reform Commission
- Commission for Gender Equality

- Truth and Reconciliation Commission
- Masters Office – budget for individual offices
- Information leaflet on the Family Advocates' service

RECORDS KEPT BY THE MINISTRY

1. 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, economic sector, investment and employment, international relations, peace and security, justice, crime prevention and security cluster, 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. SOUTH AFRICAN LAW REFORM COMMISSION ETC.
3/26	LITIGATION AGAINST THE STATE
3/27	EXTRADITIONS
3/28	LEGISLATION
3/29	CRIMINAL MATTERS
3/30	CIVIL MATTERS
3/31	

3/32	OVERSEAS TRIPS
3/33	HUMAN RIGHTS
3/34	INTERNATIONAL RELATIONS
3/35	INTER-GOVERNMENTAL FORUM
3/36	MATTERS REFERRED TO/RECEIVED FROM OTHER INSTITUTIONS
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 attended to unless the Information Officer/Deputy Information Officer indicates that the provisions of the Act must be carried out – in this case, Form A must be completed.

Voluntary access

Information that is automatically available shall be made available either at the offices of the Department or in the manner or 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 2002 – 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 the Department shall give due consideration to the 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/Deputy Information Officer is obliged to assist such a requestor.

SECTION 7

PAYMENT OF FEES IN TERMS OF THE ACT

Personal requestor

Anyone who seeks information pertaining to her / himself is called a personal requestor and 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/Deputy 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 cash payable at any Magistrates' Court and / or Regional Office or by deposit into the bank account of the Department.

The banking details for the Department are as follows:

Standard Bank
Account number: 010147136
Branch code: 010045
Type of account: Department of Justice and Constitutional Development Vote Account
Deposits

Reference: 7/6/9 Surname and Initials of Requester (Applicant)

IMPORTANT: No request may be processed unless the request fee where applicable 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.

The Department of Justice and Constitutional Development shall also consider increasing the number of languages in which the manual is published until the legislative aim of publishing in all official languages is achieved.

SECTION 11**AVAILABILITY OF THE MANUAL**

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

FEES 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

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 in a computer or in electronic or machine-readable format	0-40
	(i) stiffy disc	5-00
	(ii) compact disc	40-00
(c)	(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
(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.

Form of request

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