

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 B of the Annexure.

FEES FOR RECORDS OF PRIVATE BODY

The request fee payable by a requester, other than a personal requester, referred to in section 54(1) of the Act is

R50,00

The fee for reproduction referred to in section 52(3) of the Act, is as follows:

- (a) For every photocopy of an A4-size page or part thereof **R1,10**
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form **R0,75**
- (c) For a copy in a computer-readable form on -
 - (i) stiffy disc **R7,50**
 - (ii) compact disc **R70,00**
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof **R40,00**
 - (ii) For a copy of visual images **R60,00**
- (e) (i) For transcription of an audio record, for an A4-size page or part thereof **R20,00**
 - (ii) For a copy of an audio record **R30,00**

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:

- (a) For every photocopy of an A4-size page or part thereof **R1,10**
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable for **R 0,75**
- (c) For a copy in a computer-readable form on -
 - (i) stiffy disc **R7,50**
 - (ii) compact disc **R70,00**
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof **R40,00**
 - (ii) For a copy of visual images **R60,00**

- (e) (i) For transcription of an audio record, for an A4-size page or part thereof **R20,00**
 - (ii) For a copy of an audio record **R30,00**
- (f) To search for the record for disclosure, R30,00 for each hour or part of an 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 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

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 Regulations.

Important: there is no appeal structure for private bodies. The requester must approach the court where a request for information is refused.

Appeal fees

There are no appeal fees to be paid by the requestor.

Value-Added Tax

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

These regulations came into operation on 9 March 2001.

Exemptions from paying access fees

If the annual income:

- i) of a single person is R14 712 or less
- ii) of married persons/person & his/her life partner is R27 192 or less

the person or persons are exempted from paying the access fee.

Information Officer of the Department of Justice: The Director-General
 All enquiries should be sent to the Deputy Information Officer:
 Tel number: 012 315 1730 • Fax number: 012 357 8004
 E-mail address: mraswiswi@justice.gov.za

Postal Address: Access to Information and Records Management
 Department of Justice and Constitutional Development
 Private Bag X81, PRETORIA, 0001 • www.doj.gov.za



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PROMOTION OF ACCESS TO INFORMATION ACT, 2000

HOW TO ACCESS ANY INFORMATION HELD BY A PUBLIC BODY

SUCH AS THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

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

What is the purpose of the Act?

The purpose of the Promotion of Access to Information Act is to give effect to the constitutional right of access to any information held by the state, as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect of the right to access to information is to foster a culture of transparency and accountability both in public and private bodies and to promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

What information can I request and have access to from the Department of Justice and Constitutional Development or any public body for that matter?

- All documentation or records held by the Department or public body or its Officials. It does not matter when that information came into existence.
- Your Personal records held by the Department or a public body.

The Act is not unlimited. You may not be given access to information, for example, under the following circumstances:-

- Third party information or records, subject to access to these records being approved by such third parties, especially if such information was given to the Department or public body on a confidentiality or privacy basis.
- If the record is requested for the purpose of criminal or civil proceedings.
- The records of Cabinet and its Committees.

To have a sense of the kind of information you may request, please request an Information Manual from the Deputy Information Officer.

Please note that this Act is above any other Act or legislation that may prohibit or restrict you from having access to any information.

What information within the Department is freely accessible without having to apply to the Deputy Information Officer?

Ask the Deputy Information Officer to make a list of such information available to you, alternatively, you can get the list from the Department's website – www.doj.gov.za or any office of the Department such as Regional Office, Masters' Office or Magistrates' Office.

Are there any prescribed fees payable in order for me to access any information?

Unless the requested information is made freely available, you may be required to pay a request fee and an access fee (please see schedule of fees at the back of brochure). Payment is by means of revenue stamps that can be purchased from any Post Office.

How do I access information?

The Director-General of any Government Department is the Information Officer. In the Department of Justice and Constitutional Development the Director-General has appointed a Deputy Information Officer to assist in the administration of the Act. The details of both are found below.

The Information Officer or Deputy Information Officer must help you to access whatever information or documents you need. This must be done through the filling in and submission of "Form A". You can also get "Form A" from the Department's Website – www.doj.gov.za.

How long will the Information Officer or Deputy Information Officer take before responding to my request?

The Information Officer or Deputy Information Officer must respond to your request within 30 days. The Information Officer or Deputy Information Officer may extend the period of 30 days once e.g. where the request is for a large number of records or where the requested information is at an office elsewhere from the office of the Information Officer or Deputy Information Officer.

What happens to my request if the information I am requesting is not located within the Department but at another Public or Private body?

The Information Officer or Deputy Information Officer must transfer your request to the Information Officer or Deputy Information Officer of the relevant public or private body within 14 days who is then obliged to deal with your request. You will be notified should this be the case.

What can I do should the Information Officer or Deputy Information Officer deny me permission to access the kind of information I have requested?

You have the right to appeal, to the internal Authority, who is the Minister of the Department concerned. If you are still not satisfied you may approach a Court of law. The Information Officer or Deputy Information Officer must help and guide you through this process.

Should you need any assistance or have further questions regarding how you may access any information within the Department of Justice and Constitutional Development or any Public body, please do not hesitate to contact the Information Officer or Deputy Information Officer of the relevant Department. You may also contact the South African Human Rights Commission for assistance at Tel: (011) 484 8300.

The request fee payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is R35-00

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 | R 0-60 |
| (b) For every printed copy of an A4-size page or part thereof | R 0-40 |
| (c) Held on a computer or in electronic or machine readable form for a copy in a computer-readable form on - | |
| (i) stiffer disc | R5-00 |
| (ii) compact disc | R40-00 |
| (d) (i) For transcription of visual images, for an A4-size or part thereof | R22-00 |
| (ii) For a copy of visual images | R60-00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R12-00 |
| (ii) for a copy of an audio record | R17-00 |

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 | R0-60 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R0-40 |
| (i) stiffer disc | R5-00 |
| (ii) compact disc | R40-00 |
| (d) For a transcription of visual images, | |
| (i) for an A4-size page or part thereof | R22-00 |
| (ii) For a copy of visual images | R60-00 |
| (e) (i) for a transcription of an audio record, for an A4-size page or part thereof | R12-00 |
| (ii) For a copy of an audio record | R17-00 |
| (f) To search for the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search. | R15-00 |

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