



Practice Note: 36
Page: Page 1 of 9
Effective Date: 01.06.2019

SUBJECT: GUIDELINES FOR DEALING WITH ACCESS TO INFORMATION

PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000.

PART I

1) INTRODUCTION

The Promotion of Access to Information Act No. 2 of 2000 ("**the Act**").

- Provides for the right of access to information, which fosters a culture of transparency and accountability in both public and private bodies.

However, the right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

2) PURPOSE

The purpose of this guideline is to provide clarity on dealing with requests for access to information of the PG Group of Companies.

NOTE: PG Group and its subsidiaries do not waive their right to refuse any party access to any information, and strictly reserve their right to do so as far as may be permitted by law.

3) GROUNDS FOR REFUSAL

The grounds for refusing a request for information can relate to, without limitation:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of the commercial information of a third party;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreements;
- Mandatory protection of the safety of individuals and protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- Mandatory protection of the commercial activities of PG Group;
- Requests for the disclosure of information which require third party consent; and
- Requests for information that are clearly frivolous or which involve an unreasonable diversion of resources shall be refused.



Practice Note: 36
Page: Page 2 of 9
Effective Date: 01.06.2019

SUBJECT: GUIDELINES FOR DEALING WITH ACCESS TO INFORMATION

PART II

4) ACCESS TO RECORDS HELD BY PG GROUP

Records held by PG Group may be accessed by requests only once the prerequisite requirements for access have been met.

NOTE: All Company and client information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- a) Where disclosure is under compulsion of law;
- b) Where there is a duty to the public to disclose;
- c) Where the interests of the Company require disclosure; and
- d) Where disclosure is made with the express or implied consent of the data subject.

5) REQUESTER

A requester is any person making a request for access to a record of PG Group.

A personal requester is a requester who is seeking access to a record containing personal information about the requester. PG Group will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information (to the personal requester only).

The requester (other than a personal requester) is entitled to request access to information on third and/or related parties. However, PG Group is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

6) REQUEST

A request must be directed to the PG Group Information Officer, and the prescribed form must be sent to his/her address, facsimile number or e-mail address, or may be provided to the requester by PG Group.

The requester must provide sufficient detail on the request form to enable the Group Information Officer to identify the record requested and the requester's identity. When completing a request on the prescribed form, the requester should also indicate:

- The preferred language if applicable;
- Whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
- Facsimile number, e-mail and/or postal address.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the PG Group Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.



Practice Note: 36
Page: Page 3 of 9
Effective Date: 01.06.2019

SUBJECT: GUIDELINES FOR DEALING WITH ACCESS TO INFORMATION

NOTE: Requester must pay the prescribed fee (as determined and published by the Department of Justice and Constitutional Development) before any further processing can take place (refer to appendix B for more detail).

The form must be adequately completed, with sufficient information particularly so that the PG Group Information Officer can identify:

- From where and from whom the request is made;
- What record(s) are being requested; and
- What the access fee will be should access be granted.

PART III

7) PRESCRIBED FORM (Refer to Annexure A, Form C)

The prescribed form is also available on the website of the Department of Justice and Constitutional Development at www.doj.gov.za

8) FEES (Refer to Annexure B for detail)

The Act provides for two types of fees (contemplated in regulation 9, 11 and 54 of the Act), namely:

- A request fee, *i.e. when requested by a party other than a personal requester*; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the PG Group Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (unless excepted), before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the PG Group Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The PG Group Information Officer shall withhold a record until the requester has paid the required fees.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the PG Group Information Officer must repay the deposit to the requester.



Practice Note: 36
Page: Page 4 of 9
Effective Date: 01.06.2019

SUBJECT: **GUIDELINES FOR DEALING WITH ACCESS TO INFORMATION**

PART IV

9) DECISION

PG Group will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period within which PG Group has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of PG Group and the information cannot reasonably be obtained within the original 30 day period. PG Group will notify the requester in writing should an extension be sought.

10) REMEDIES AVAILABLE WHEN PG GROUP REFUSES A REQUEST FOR INFORMATION

Internal Remedies

PG Group does not have an internal appeal procedure. The Courts will have to be approached if the request for information is refused by the Group Information Officer, and the requester wishes to appeal this decision made by the Group Information Officer.

External Remedies

A requester who is dissatisfied with the PG Group Information Officer's refusal to disclose information, may, within 180 days of notification of this decision, apply to a Court for relief. Likewise, a third party dissatisfied with the PG Group Information Officer's decision to grant a request for information, may, within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and the Magistrates Court.

11) RECORDS THAT CANNOT BE FOUND

If PG Group searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

12) RECORDS THAT PREDATE REQUIRED RETENTION PERIODS

Requests for information relating to documentation that predates required retention periods will not be facilitated.



Practice Note: 36
Page: Page 5 of 9
Effective Date: 01.06.2019

SUBJECT: GUIDELINES FOR DEALING WITH ACCESS TO INFORMATION

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) Regulation 10.

A. PARTICULARS OF PRIVATE BODY

The PG Group 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:

E-mail address:

Capacity in which request is 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:



Practice Note: 36
Page: Page 6 of 9
Effective Date: 01.06.2019

SUBJECT: **GUIDELINES FOR DEALING WITH ACCESS TO INFORMATION**

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 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 for exemption from payment of fees:
.....



Practice Note: 36
Page: Page 7 of 9
Effective Date: 01.06.2019

SUBJECT: GUIDELINES FOR DEALING WITH ACCESS TO INFORMATION

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 hereunder, state your disability and indicate in which form the record is required.	
Disability:	Form in which record is required:
Mark the appropriate box with an X. NOTES: (a) Compliance with your request in 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: Copy of record* <input type="checkbox"/> Inspection of record <input type="checkbox"/>	
2. If record consists of visual images: (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.) View images <input type="checkbox"/> Copy of the images* <input type="checkbox"/> Transcription of images* <input type="checkbox"/>	
3. If record consists of recorded words or information which can be reproduced in sound: Listen to the soundtrack (audio cassette) <input type="checkbox"/> Transcription of soundtrack* (written or printed document) <input type="checkbox"/>	
4. If record is held on computer or in an electronic or machine-readable form: Printed copy of record* <input type="checkbox"/> Printed copy of information derived from the record* <input type="checkbox"/> Copy in computer readable form* <input type="checkbox"/>	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable. YES <input type="checkbox"/> NO <input type="checkbox"/>	



Practice Note: 36
Page: Page 9 of 9
Effective Date: 01.06.2019

SUBJECT: GUIDELINES FOR DEALING WITH ACCESS TO INFORMATION

ANNEXURE B

FEEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R 1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	01,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in machine readable form	00,75
(c) For a copy in a computer-readable form on: <ol style="list-style-type: none">(i) Stiffy disc(ii) Compact disc	07,50 70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(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	20,00
(ii) For a copy of an audio record	30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is 50,00
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

(1) (a) For every photocopy of an A4-size page or part thereof	01,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	00,75
(c) For a copy in a computer-readable form on: <ol style="list-style-type: none">(i) Stiffy disc(ii) Compact disc	07,50 70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(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	20,00
(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

 - (2) 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.
 - (3) The actual postage is payable when a copy of a record must be posted to requester.