



**MANUAL IN TERMS OF**

**THE PROMOTION OF ACCESS**

**TO**

**INFORMATION ACT, 2000**

**(ACT 2 OF 2000)**

---

**CHAIRPERSON OF THE BOARD**

**13 AUGUST 2007**

## **TABLE OF CONTENTS**

<b>1.</b>	<b>INTRODUCTION</b>
<b>2.</b>	<b>OVERVIEW OF FREEDOM PARK TRUST</b>
<b>2.1</b>	<b>Vision</b>
<b>2.2</b>	<b>Mission</b>
<b>3.</b>	<b>STRUCTURE OF FPT</b>
<b>3.1</b>	<b>Structure</b>
<b>3.1.1.</b>	<b>Organisational Structure</b>
<b>4.</b>	<b>GENERAL CONTACT DETAILS OF FPT</b>
<b>5.</b>	<b>INFORMATION OFFICERS</b>
<b>6.</b>	<b>SECTION 10 OF THE ACT: GUIDE ON HOW TO USE THE MANUAL</b>
<b>7.</b>	<b>CATEGORIES OF INFORMATION HELD BY FPT</b>
<b>7.1.</b>	<b>CEO's Office</b>
<b>7.2.</b>	<b>Finance Department</b>
<b>7.3.</b>	<b>Corporate Governance Department</b>
<b>7.4.</b>	<b>Corporate Services Department</b>
<b>7.5.</b>	<b>Marketing Department</b>
<b>7.6.</b>	<b>Heritage Department</b>
<b>7.7.</b>	<b>Projects Department</b>
<b>8.</b>	<b>PROCEDURE ON REQUESTING OF INFORMATION</b>
<b>8.1</b>	<b>Automatic Available records</b>
<b>8.2</b>	<b>Reproduction fees for automatically available records</b>
<b>8.3</b>	<b>Application process</b>
<b>8.4</b>	<b>Fees</b>
<b>9.</b>	<b>REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED</b>
<b>9.1</b>	<b>Refusal of request</b>
<b>9.2</b>	<b>Appeal</b>
<b>Annexure A</b>	<b>Information Officer's details</b>
<b>Annexure B</b>	<b>Deputy Information Officer's details</b>
<b>Annexure C</b>	<b>Reproduction fees</b>
<b>Annexure D</b>	<b>Access fees</b>
<b>Annexure E</b>	<b>Form for Request for Access to Record</b>
<b>Annexure F</b>	<b>Form for Internal Appeal</b>

## 1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“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.

Section 9 of the Act recognizes that the right to access information is subject to certain justifiable limitations, for instance limitations aimed at, but not limited to:

- the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient and good governance.

The purpose of this Manual is to inform a person on how to obtain access to records held by Freedom Park Trust and thereby giving effect to Section 14 of the Act.

## 2. OVERVIEW OF FREEDOM PARK TRUST (FPT)

As per the Deed of Trust, the Principal Sponsor (Department of Arts and Culture) created a *Trust* in April 2001 in terms of the Trust Property Control Act of 1957, *for historic and educational objectives, in the interests of the public, to acknowledge the heritage of the people of South Africa, and to promote the development of a common identity and purpose as South Africans.*

*To this end the Trust shall develop the Freedom Park legacy project, inter alia, through -*

- *overseeing the development of the Freedom Park legacy project*
- *fundraising for the development of the Freedom Park legacy project, and financing the development of its components*
- *assisting and promoting fundraising initiatives, through the appointment of eminent Trustees*
- *consulting with interested stakeholders.*

## 2.1 Vision

To be a leading national and international icon of humanity and freedom.

## 2.2 Mission

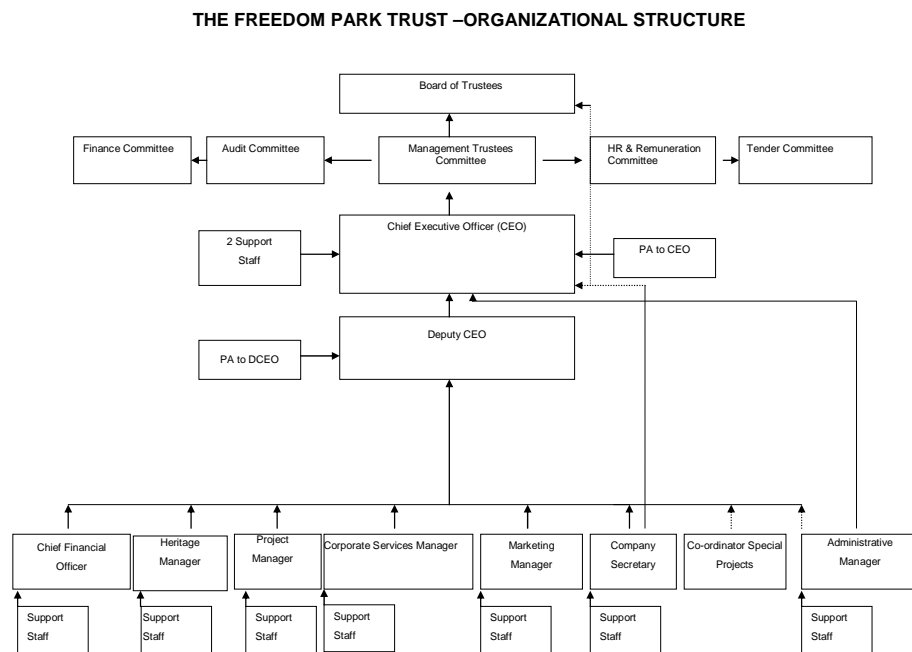
To provide a pioneering and empowering heritage destination that challenges visitors to reflect upon our past, improve our present, and build on our future as a united nation.

## 3. STRUCTURE OF FPT

### 3.1. Structure

FPT is headed by a Chief Executive and a Management team with seven departments.

#### 3.1.1. Organizational Structure



#### 4. GENERAL CONTACT DETAILS OF FPT

**Physical Address:** Glen Manor Office Park, Building no.3  
Cnr Glen Manor Avenue and Frikkie de Beer Street,  
MENLYN  
PRETORIA

**Postal Address:** P.O. Box 2710  
PRETORIA  
0001

**Telephone No:** (012) 470 7400/ (012) 361 0021

**Facsimile No:** (012) 361 1675

**Website:** [www.freedompark.co.za](http://www.freedompark.co.za)

#### 5. INFORMATION OFFICERS

- 5.1. The Chief Executive Officer is, in terms of section 1 of the Act, the Information Officer for FPT. Contact details of the Information Officer are attached as Annexure A.
- 5.2. In terms of Clause 17 (3) all powers of the Information Officer is hereby delegated to the Deputy Chief Executive Officer. He/she will act as the Deputy Information Officer. Contact details for the Deputy Information Officer are attached as Annexure B.

#### 6. SECTION 10 OF THE ACT: GUIDE ON HOW TO USE THE ACT

The guide on how to use the Act is available from the South African Human Rights Commission. Queries relating thereto must be directed to:

The Research and Documentation Department  
South African Human Rights Commission  
PAIA Unit

Private Bag 2700  
HOUGHTON  
2041

Telephone No: +27 11 484 8300  
Telefax No: +27 11 484 1360  
Website: www.sahrc.org.za  
Email: PAIA@sahrc.org.za

## **7. CATEGORIES OF INFORMATION HELD BY FPT**

### **7.1. CEO's Office**

- a. Annual Reports
- b. MTEF and Strategies
- c. Business Plans
- d. Performance Review Reports
- e. Quarterly Reports
- f. Minutes of Meetings
- g. Reports and information re: Conferences/ information sessions
- h. Internal Audit Reports
- i. Risk Reports
- j. General Correspondence

### **7.2. Finance Department**

- a. Budgets
- b. Projections
- c. Cost Centre Reports
- d. Cash Flow Statements
- e. Financial Records
- f. Invoices and receipts
- g. Orders

- h. Documentation and Reports and records relating to Supply Chain Management
- i. Copies of authorization for payments made
- j. General and Statutory Financial Reports
- k. General Correspondence

### **7.3. Corporate Governance Department**

- a. Deed of Trust
- b. Policies
- c. Contracts
- d. Minutes of Statutory Meetings
- e. Board and Sub-Committee documents
- f. Legal Opinions
- g. Statutory Registers
- h. General Correspondence

### **7.4. Corporate Services Department**

- a. Personnel Information, i.e. claim forms, leave forms, CVs, Job Descriptions, Performance Agreements , Staff progress reports etc.
- b. Remuneration Reports
- c. Pay scales
- d. Employee Contracts
- e. Letters of appointments
- f. Performance Management
- g. IT User Requirements Specifications
- h. Minutes of Meetings
- i. Documentation related to Training and Development
- j. Disciplinary Proceedings and documentation
- k. Grievance Proceedings and documentation
- l. General Correspondence
- m. Policies
- n. Human Resources Consultants Reports

#### **7.5. Marketing Department**

- a. Documentation relating to Conferences/ information sessions
- b. News Letters and Magazines
- c. Publications
- d. Documentation related to media monitoring
- e. Stakeholder Database
- f. Documentation and Reports related to Fundraising
- g. General Correspondence

#### **7.6. Heritage Department**

- a. Minutes of Meetings
- b. Visitors Survey
- c. Details of site visits
- d. Research Papers
- e. Concept Documents
- f. Archives of events
- g. Wall of Names Database
- h. Documentation and Reports related to Conferences/ information sessions
- i. General Correspondence

#### **7.7. Projects Department**

- a. Minutes of Meetings
- b. Project progress reports
- c. Site and Construction Reports
- d. Designs
- e. General Correspondence

## 8. PROCEDURE ON REQUESTING OF INFORMATION

### 8.1. Automatic available records

8.1.1. Due to the fact that the fact that The Freedom Park is a project at present and most of the activities are related to the developing of unique concepts and research, no records will be made automatically available unless published as such on the FPT Website.

8.1.2. Automatic available records may be obtained free of charge. Should a need arise for the reproduction of such record, a reproduction fee will be payable.

8.2. **The reproduction fees for automatically available records**, in accordance with the Regulations to the Promotion of Access to Information Act 2 of 2000 (the Regulations) section 7(1), are attached as Annexure C.

### 8.3. Application Process

#### 8.3.1. Step 1: The request

8.3.1.1. Where a person wishes to access information held by FPT, other than automatic available records, such a person must make a request for access to such information on the prescribed form, attached as Annexure E. This form is available on the FPT website or may be obtained upon request from either the Information or Deputy Information Officer.

8.3.1.2. The prescribed form must be completed with enough particulars to enable the Information Officer to identify:

- a. The record or records requested;
- b. The identity of the Requester;
- c. Which form of access is required, if the request is granted;
- d. The postal address or fax number of the Requester.

8.3.1.3. 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 Information Officer.

8.3.1.4. The completed form may be submitted in either of the following manners to the Information / Deputy Information Officer:

- a) By hand
- b) By post
- c) By facsimile

8.3.1.5. In accordance with section 18 (3) (a), of the Act, an individual who, because of illiteracy or a disability is unable to make a request for access to a record, may make that request orally. The Information Officer or Deputy Information Officer will then reduce the oral request to writing in the prescribed form and provide a copy thereof to the Requester.

**8.3.1.6. Request fees**

- a. A request fee of R 35.00, or proof of payment thereof, must accompany the completed form for request of information.
- b. The request fee payable by a Requester, other than a personal Requester, as defined in the Act, is R50, 00.

**8.3.2. Step 2: Validation and acknowledgement**

8.3.2.1. The Information Officer receives and validates the request to see whether the required information is available within FPT. The request is then accepted, rejected or transferred to the rightful keepers of the required information. An acknowledgement confirming the status of the request is then forwarded to the Requester.

### **8.3.3. Step 3: Information processing**

- 8.3.3.1. If the request is accepted, FPT will gather and prepare the information and calculate the relevant cost involved as indicated in Annexure D.
- 8.3.3.2. FPT will process the request within thirty (30) days, unless the Requester has stated special reasons, which would satisfy the Information Officer that circumstances dictate that the above time periods should not be complied with. The 30-day period within which FPT has to decide whether to grant or refuse the request may be extended for a further period of not more than thirty (30) days if the request is for a large amount of information, or the request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original thirty (30) day period. FPT will notify the Requester in writing should an extension be sought.

### **8.3.4. Step 4: Final Notification**

- 8.3.4.1. The Requester will be informed of the completion of the request as well as the outstanding fees payable to FPT.

### **8.3.5. Step 5: Payment and delivery**

- 8.3.5.1. Once the payment is received, the information is released to the Requester in accordance with Section 29 (2) of the Act which provides as follows:
- a) *If the record is in written or printed form, by supplying a copy of the record or by making arrangements for the inspection of the record;*
  - b) *If the record is not in written or printed form –*
    - i) *in the case of a record from which visual images or printed transcriptions of those images are capable of being reproduced by means of equipment which is ordinarily available to the public body concerned, by making arrangements to view those images or be supplied with copies or transcriptions of them;*

- ii) *in the case of a record in which words or information are recorded in such manner that they are capable of being reproduced in the form of sound by equipment which is ordinarily available to the public body concerned-*
  - (aa) *by making arrangements to hear those sounds; or*
  - (bb) *if the public body is capable of producing a written or printed transcription of those sounds by the use of equipment which is ordinarily available to it, by supplying such a transcription;*
- iii) *in the case of a record which is held on computer, or in electronic or machine-readable form, and from which the public body concerned is capable of producing a printed copy of-*
  - (aa) *the record, or a part of it; or*
  - (bb) *information derived from the record, by using computer equipment and expertise ordinarily available to the public body, by supplying such a copy;*
- iv) *in the case of a record available or capable of being made available in computer readable form, by supplying a copy in that form; or*
- v) *in any other case, by supplying a copy of the record.*

8.3.5.2. It must be noted that should a Requester with a disability be prevented by that disability from reading, viewing or listening to the record concerned in the form in which it is, the Information Officer must, if it is requested, take reasonable steps to make the record available in a form in which it is capable of being read, viewed or heard by the Requester.

#### 8.3.5.3. **Copies by Requester**

8.3.5.3.1. The Requester who inspected, viewed or heard a record made available to him/her, may make copies of, or transcribe the record using his own equipment, unless to do so would-

- (a) interfere unreasonably with the effective administration of FPT;
- (b) be detrimental to the preservation of the record; or
- (c) amount to an infringement of copyright not owned by the State or FPT.

## 8.4. Fees

8.4.1. 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.

8.4.2. When the request is received by the Information Officer, such Officer shall by notice require the Requester to pay the prescribed request fee, before further processing of the request.

8.4.3. If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the 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.

**8.4.4. The Information Officer shall withhold a record until the Requester has paid the relevant fees as indicated.**

8.4.5. 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 arrangement to make it available in the requested form.

8.4.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must refund the Requester the said deposit.

8.4.7. The access fees payable are as indicated in Annexure D and in accordance with the Regulations section 7(3).

## **9. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED**

### **9.1. Refusal of request**

**9.1.1. FPT will refuse a request for access to information, in terms of the Act, on grounds relating to:**

- 9.1.1.1. A request for access if disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual. Access will however in terms of this section, not be refused insofar as it consists of information-
- (a) about an individual who has consented in terms of section 48 of the Act or otherwise in writing to its disclosure to the Requester concerned;
  - (b) that was given to FPT by the individual to whom it relates and the individual was informed by or on behalf of FPT, before it is given, that the information belongs to a class of information that would or might be made available to the public;
  - (c) already publicly available;
  - (d) about an individual's physical or mental health, or well-being, who is under the care of the Requester and who is-
    - (i) under the age of 18 years; or
    - (ii) incapable of understanding the nature of the request, and if giving access would be in the individual's best interests;
  - (e) about an individual who is deceased and the Requester is-
    - (i) the individual's next of kin; or
    - (ii) making the request with the written consent of the individual's next of kin; or
  - (f) about an individual who is or was an official of FPT and which relates to the position or functions of the individual, including, but not limited to-
    - (i) the fact that the individual is or was an official of FPT;
    - (ii) the title, work address, work phone number and other similar particulars of the individual;
    - (iii) the classification, salary scale, remuneration and responsibilities of the position held or services performed by the individual; and
    - (iv) the name of the individual on a record prepared by the individual in the course of employment.

9.1.1.2. A request for access to a record of FPT if the record contains-

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
- (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected-
  - (i) to put that third party at a disadvantage in contractual or other negotiations; or
  - (ii) to prejudice that third party in commercial competition.

Access will however in terms of this section, not be refused insofar as it consists of information-

- (a) already publicly available;
- (b) about a third party who has consented in terms of section 48 of the Act or otherwise in writing to its disclosure to the Requester concerned; or
- (c) about the results of any product or environmental testing or other investigation supplied by a third party or the result of any such testing or investigation carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk. This does not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.

9.1.1.3. A request for access to a record of FPT if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement. Access will however in terms of this section, not be refused insofar as it consists of information-

- (a) already publicly available; or

(b) about the third party concerned that has consented in terms of section 48 of the Act or otherwise in writing to its disclosure to the Requester concerned.

9.1.1.4. A request for access to a record of FPT if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

9.1.1.5. A request for access to a record of FPT if access to that record is prohibited in terms of section 60 (14) of the Criminal Procedure Act, 1977 (Act 51 of 1977).

9.1.1.6. A request for access to a record of FPT if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

9.1.1.7. A request for access to a record of FPT if the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose-

- (a) the third party;
  - (b) a person that is or will be carrying out the research on behalf of the third party; or
  - (c) the subject matter of the research,
- to serious disadvantage.

**9.1.2. FPT may refuse a request for access to information, in terms of the Act on grounds relating to:**

9.1.2.1. A request for access to a record of FPT if the record consists of information that was supplied in confidence by a third party-

- (i) the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source; and
- (ii) if it is in the public interest that similar information, or information from the same source, should continue to be supplied.

Access will however in terms of this section, not be refused insofar as it consists of information-

- (a) already publicly available; or
- (b) about the third party concerned that has consented in terms of section 48 of the Act or otherwise in writing to its disclosure to the Requester concerned.

9.1.2.2. A request for access to a record of FPT if its disclosure would be likely to prejudice or impair-

- (a) the security of-
  - (i) a building, structure or system, including, but not limited to, a computer or communication system;
  - (ii) a means of transport; or
  - (iii) any other property; or
- (b) methods, systems, plans or procedures for the protection of-
  - (i) an individual in accordance with a witness protection scheme;
  - (ii) the safety of the public, or any part of the public; or
  - (iii) the security of property contemplated in subparagraph (a) (i), (ii) or (iii).

9.1.2.3. A request for access to a record of FPT if-

- (a) the record contains methods, techniques, procedures or guidelines for-
  - (i) the prevention, detection, curtailment or investigation of a contravention or possible contravention of the law; or
  - (ii) the prosecution of alleged offenders,

and the disclosure of those methods, techniques, procedures or guidelines could reasonably be expected to prejudice the effectiveness of those methods, techniques, procedures or guidelines or lead to the circumvention of the law or facilitate the commission of an offence;

- (b) the prosecution of an alleged offender is being prepared or about to commence or pending and the disclosure of the record could reasonably be expected-
  - (i) to impede that prosecution; or
  - (ii) to result in a miscarriage of justice in that prosecution; or
- (c) the disclosure of the record could reasonably be expected-

- (i) to prejudice the investigation of a contravention or possible contravention of the law which is about to commence or is in progress or, if it has been suspended or terminated, is likely to be resumed;
- (ii) to reveal, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law;
- (iii) to result in the intimidation or coercion of a witness, or a person who might be or has been called as a witness, in criminal proceedings or other proceedings to enforce the law;
- (iv) to facilitate the commission of a contravention of the law, including, but not limited to escape from lawful detention. Access may however not be refused insofar as it consists of information about the general conditions of detention of persons in custody; or
- (v) to prejudice or impair the fairness of a trial or the impartiality of an adjudication.

9.1.2.4. A request for access to a record of FPT if its disclosure-

- (a) could reasonably be expected to cause prejudice to-
  - (i) the defence of the Republic;
  - (ii) the security of the Republic; or
  - (iii) the international relations of the Republic unless it came into existence more than 20 years before the request; or
- (b) would reveal information-
  - (i) supplied in confidence by or on behalf of another state or an international organisation;
  - (ii) supplied by or on behalf of the Republic to another state or an international organisation in terms of an arrangement or international agreement, contemplated in section 231 of the Constitution, with that state or organisation which requires the information to be held in confidence; or
  - (iii) required to be held in confidence by an international agreement or customary international law contemplated in section 231 or 232, respectively, of the Constitution.

9.1.2.5. A request for access to a record of FPT if its disclosure would be likely to materially jeopardise the economic interests or financial welfare of the Republic or the ability of the government to manage the economy of the Republic effectively in the best interests of the Republic.

9.1.2.6. A request for access to a record of the body if the record-

- (a) contains trade secrets of the State or a public body;
- (b) contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the State or a public body;
- (c) contains information, the disclosure of which could reasonably be expected-
  - (i) to put a public body at a disadvantage in contractual or other negotiations; or
  - (ii) to prejudice a public body in commercial competition; or
- (d) is a computer program, as defined in section 1 (1) of the Copyright Act, 1978 (Act 98 of 1978), owned by the State or a public body, except insofar as it is required to give access to a record to which access is granted in terms of the Act.

Access will however in terms of this section, not be refused insofar as it consists of information-

- (a) already publicly available;
- (b) about or owned by a public body, other than the public body to which the request is made, which has consented in writing to its disclosure to the Requester concerned; or
- (c) about the results of any product or environmental testing or other investigation supplied by a public body or the results of any such testing or investigation carried out by or on behalf of a public body, and its disclosure would reveal a serious public safety or environmental risk. This does not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.

9.1.2.7. A request for access to a record of FPT if the record contains information about research being or to be carried out by or on behalf of a public body, the disclosure of which would be likely to expose-

- (a) the public body;
- (b) a person that is or will be carrying out the research on behalf of the public body; or
- (c) the subject matter of the research, to serious disadvantage.

9.1.2.8. A request for access to a record of FPT-

- (a) if the record contains-
  - (i) an opinion, advice, report or recommendation obtained or prepared; or
  - (ii) an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting,

for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law; or

- (b) if-
  - (i) the disclosure of the record could reasonably be expected to frustrate the deliberative process in FPT or between public bodies by inhibiting the candid-
    - (aa) communication of an opinion, advice, report or recommendation; or
    - (bb) conduct of a consultation, discussion or deliberation; or
  - (ii) the disclosure of the record could, by premature disclosure of a policy or contemplated policy, reasonably be expected to frustrate the success of that policy.

A record may not be refused in terms of this section if such record came into existence more than 20 years before the request concerned.

9.1.2.9. A request for access to a record of FPT if-

- (a) the disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure or method used by a public body;
- (b) the record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise which was-
  - (i) made to the person who supplied the material; and
  - (ii) to the effect that the material or the identity of the person who supplied it, or both, would be held in confidence; or
- (c) the record contains a preliminary, working or other draft of an official of a public body.

A record may not be refused in terms of sections 9.1.2.8 and 9.1.2.9 insofar as it consists of an account or a statement of reasons required to be given in accordance with section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000).

### **9.1.3. Mandatory disclosure in public interest**

9.1.3.1. Despite any other provision of this Section and in terms of the Act, the information officer of FPT must grant a request for access to a record of FPT if-

- (a) the disclosure of the record would reveal evidence of-
  - (i) a substantial contravention of, or failure to comply with, the law; or
  - (ii) an imminent and serious public safety or environmental risk; and
- (b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

**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. A Requester may lodge an internal appeal with the Chairperson of the Management Trustees Committee, against a decision of the Information Officer of FPT –
- a. to refuse a request for access; or
  - b. taken in terms of section 22, 26(1) or 29(3) of the Act, in relation to that Requester.
- 9.2.2. A third party may lodge an internal appeal against a decision of the Information Officer of FPT to grant a request for access.
- 9.2.3. An internal appeal must be lodged in the prescribed form, attached as Annexure F–
- a. Within 60 days;
  - b. If notice to a third party is required, within 30 days after notice is given to the appellant of the decision appealed against, or if the notice to the appellant is not required, after the decision was taken;
  - c. It must be delivered or sent to the Information Officer of FPT at his or her addresses, fax number or electronic mail address;
  - 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;
  - f. If applicable, must be accompanied by the prescribed appeal fee, and must specify a postal address or fax number.
- 9.2.4. The prescribed form for an internal appeal is also available on the FPT website or may be obtained upon request from the Information or Deputy Information Officer.
- 9.2.5. If an appeal is lodged after the expiry of the period referred to, the Chairperson of the Management Trustees Committee must, upon good cause shown, allow such late lodging of the appeal.

- 9.2.6. If the Chairperson of the Management Trustees Committee disallows the late lodging of the appeal, a notice of that decision must be given to the person who lodged the appeal.
- 9.2.7. A Requester lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any).
- 9.2.8. If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.
- 9.2.9. As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the Information or Deputy Information Officer of FPT must submit the following to the Chairperson of the Management Trustees Committee:
- 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.
- 9.2.10. An Internal Appeal must be decided upon within 30 days after the internal appeal is received by the Chairperson of the Management Trustees Committee and notice thereof must be given to the appellant.
- 9.2.11. The notice must-
- (a) state adequate reasons for the decision, including the provisions of this Act relied upon;
  - (b) exclude, from such reasons, any reference to the content of the record;
  - (c) state that the appellant, third party or Requester, as the case may be, may lodge an application with a court against the decision on internal appeal-
    - (i) within 60 days; or
    - (ii) if notice to a third party is required in accordance with the Act, within 30 days, after notice is given, and the procedure for lodging the application; and

- (d) if the relevant authority decides on internal appeal to grant a request for access and notice to a third party-
  - (i) is not required, that access to the record will forthwith be given; or
  - (ii) is so required, that access to the record will be given after the expiry of the applicable period for lodging an application with a court against the decision on internal appeal, unless that application is lodged before the end of that applicable period.

9.2.12. If the relevant authority decides on internal appeal to grant a request for access and notice to a third party-

- (a) is not required, the information officer of the body must forthwith give the Requester concerned access to the record concerned; or
- (b) is so required, the information officer must, after the expiry of 30 days after the notice is given to every third party concerned, give the Requester access to the record concerned, unless an application with a court is lodged against the decision on internal appeal before the end of the period contemplated in subsection (5) (c) (ii) of the Act for lodging that application.

9.2.13. If the Chairperson of the Management Trustees Committee fails to give notice of the decision on an internal appeal to the appellant within the specified period, the Chairperson of the Management Trustees Committee is, for the purposes of the Act, regarded as having dismissed the internal appeal.

## Annexure A

### Information Officer:

Dr Mongane Wally Serote  
Chief Executive Officer

Glen Manor Office Park, Building no.3  
Cnr Glen Manor Avenue and Frikkie de Beer Street,  
MENLYN  
PRETORIA

P.O. Box 2710  
PRETORIA  
0001

Telephone No: (012) 470 7400/ (012) 361 0021  
Facsimile No: (012) 361 1675  
E-mail: [lindi@freedompark.co.za](mailto:lindi@freedompark.co.za)

## Annexure B

### Deputy Information Officer:

Ms Peggy Photolo  
Deputy Chief Executive Officer

Glen Manor Office Park, Building no.3  
Cnr Glen Manor Avenue and Frikkie de Beer Street,  
MENLYN  
PRETORIA

P.O. Box 2710  
PRETORIA  
0001

Telephone No: (012) 470 7400 / (012) 361 0021  
Facsimile No: (012) 361 1675  
E-mail: magda@freedompark.co.za

## Annexure C

**The reproduction fees for automatically available records**, in accordance with the Regulations to the Promotion of Access to Information Act 2 of 2000 (the Regulations) section 7(1) are as follows:

ITEM	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) compact disc .....	40,00
ii) stiffy disc .....	5,00
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

## Annexure D

The **access fees** payable by a Requester are as follows:

ITEM	R...
a) For every photocopy of an A4 size page or part thereof.....	1,10
b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form.....	0,75
c) For a copy in a computer readable form on:	
i) compact disc .....	70,00
ii) stiffy disc .....	7,50
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

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.

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.

The actual postage is payable when a copy of a record must be posted to a Requester.

## Annexure E



Glen Manor Office Park, Building 3, Cnr. Frikkie de Beer and Glen Manor Avenue, Menlyn  
PO Box 2710, Pretoria, South Africa, 0001  
Tel: +27 12 361 0021·Fax: +27 12 361 1675  
[www.freedompark.co.za](http://www.freedompark.co.za)

### REQUEST FOR ACCESS TO RECORD

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

[Regulation 6]

### FOR DEPARTMENTAL USE

Reference number: \_\_\_\_\_

Request received by: \_\_\_\_\_

(Rank, name and surname of Information Officer /Deputy Information Officer)

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Request fee (if any): R \_\_\_\_\_

Deposit (if any): R \_\_\_\_\_

Access fess: R \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF INFORMATION OFFICER/**

DEPUTY INFORMATION OFFICER

**PLEASE COMPLETE THE FOLLOWING INFORMATION**

**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 surnames:

---

---

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 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.

Disability:

---

---

Form in which record is required:

Mark the appropriate form of access 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:

Copy of record\* \_\_\_\_\_

Inspection of record \_\_\_\_\_

2. If record consists of virtual images-

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

View the images \_\_\_\_\_

Copy the images\* \_\_\_\_\_

Transcription of the images\* \_\_\_\_\_

3. If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette) \_\_\_\_\_

Transcription of soundtrack\* \_\_\_\_\_

Written or printed document \_\_\_\_\_

4. If record is held on computer or in an electronic or machine-readable form:

Printed copy of record\* \_\_\_\_\_  
 Printed copy of information derived from the record\* \_\_\_\_\_  
 Copy in computer readable form\* \_\_\_\_\_  
 Stiffy or compact disc \_\_\_\_\_

\* If you requested a copy of transcription of a record (above), do you wish the copy or transcription to be posted to you?

Postage is payable: YES NO

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record? \_\_\_\_\_

**G Notice of decision of regarding request for access**

You will be notified in writing 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 \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF REQUESTER / PERSON**  
**ON WHOSE BEHALF REQUEST IS MADE**

## Annexure F



Glen Manor Office Park, Building 3, Cnr. Frikkie de Beer and Glen Manor Avenue, Menlyn  
PO Box 2710, Pretoria, South Africa, 0001  
Tel: +27 12 361 0021·Fax: +27 12 361 1675  
[www.freedompark.co.za](http://www.freedompark.co.za)

### **NOTICE OF INTERNAL APPEAL**

(Section 75 of the Promotion of Access to information Act, 2000 (Act 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(1) 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 \_\_\_\_\_ this \_\_\_\_\_ day 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** \_\_\_\_\_

**CHAIRPERSON: MANAGEMENT TRUSTEES COMMITTEE**

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER ON  
(date): \_\_\_\_\_