

# PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000



small business  
development

Department:  
Small Business Development  
REPUBLIC OF SOUTH AFRICA

# **Promotion of Access to Information Act 2 of 2000**

## **SECTION 14 PAIA Manual**

**Date: 15 MARCH 2016**

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## A. APPROVAL

Quality Assurance	:	Deputy Director: Bonginkosi Mkhathshwa
Recommendation	:	Deputy Information Officer: Patricia Langa
Approved By	:	Director-General: <b>DSBD</b> - Ms Edith Vries
Signature	:	
Date	:	

Validity Period: This manual shall be reviewed after 2 years or amended by DSBD as and when required.

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## A. ACRONYMS AND ABBREVIATIONS

ACRONYM	DEFINITION
AU	Author
AP	Approver
RE	Reviewer
BBSDP	Black Business Supplier Development Programme
CIPC	Companies and Intellectual Property Commission
CIS	Co-operatives Incentive Scheme
DDG	Deputy Director-General
SAHRC	South African Human Rights Commission
ICT	Information Communication and Technology
NEDP	National Exporter Development Programme
SEDA	Small Enterprise Development Agency
STP	Seda Technology Programme
DSBD	Department of Small Business Development
BEE	Black Economic Empowerment

SMMEs	Small Medium and Micro-Sized Enterprises
SAWEN	South African Women Entrepreneurs' Network
NIBUS	National Informal Business Upliftment Strategy
APP	Annual Performance Plan
PAIA	Promotion of Access to Information Act
ODG	Office of the Director-General
IWF	Isivande Women's Fund
ISP	Incubation Support Programme
DBSA	Development Bank of Southern Africa
CEO	Chief Executive Officer
DIO	Deputy Information Officer

## A. TERMS AND DIFINITIONS

<b>Terms</b>	<b>Description</b>
Form A	Found on the DSBD website, South African Human Rights Commission's website, and the websites of various other public institutions. This form is used to request access to information held by a public body.
Guide	Refers to the PAIA Guide which has been compiled and published by the South African Human Rights Commission as provided for in Section 10 of PAIA, to assist individuals in using and understanding the Act.
Third party	This relates to any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.
Requester	A person who makes a request for access to a record of a public body, including a person acting on behalf of someone else.
Request fee	The fees to be paid to the public body before further processing of the request.



Record	Any recorded information-  (a) regardless of form or medium;  (b) in the possession or under the control of that public or private body, respectively; and  (c) whether or not it was created by that public or private body, respectively
Public body	Also referred to as a public institution, department, or body, this is any department or institution of the national, provincial and local spheres of government.
Natural person	An individual who is not a legal or juristic person such as a corporation
Juristic person	Company or body which is recognized by law as a single entity or 'person' having rights and duties.
Information Officer	The Information Officer is the Director-General of a national department.
Deputy Information Officer	It is a person designated by the Information Officer in question to handle PAIA requests.
Internal Appeal (Form B)	It is a PAIA form that the Requesters would use to appeal a decision made only by the national, provincial or municipal spheres of government regarding access to information

## 1. INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa, 1996 (No.108 of 1996) states that everyone has the right to access information held by public bodies and information that is held by private bodies to protect any of their constitutional rights. Section 32 also describes regulations that must be enacted which would give effect to the right of access to information by describing the ways in which information from public and private bodies could be accessed and by providing further information on the grounds under which a public and private body could refuse access to information.

The Promotion of Access to Information (PAIA) Act, 2000 (Act No. 2 of 2000) was constituted to provide fulfilment of the Constitutional rights of access to information, to foster a culture of transparency and accountability, and to encourage an open democracy where individuals from all spheres of life are empowered to engage with government and to participate in decisions which affect their lives.

According to Section 14 of PAIA, every public body is required to produce a manual which contains information on how to use PAIA to access their own records. The PAIA manual gives effect to section 32 by means of the following:

- Providing and describing the processes that must be followed in order to make a request for information;
- Describing the structure and functions of the public body, from whom you have made a request;

- Description of PAIA Section 10 Guide compiled by South African Human Rights Commission and how to access it;
- Defining what mechanisms and procedures are available to you if your request for access to information is refused;
- Stating from whom you can make a request;
- Defining what information can be requested;
- Describing when the requested information must / may be refused.

## 1. STRUCTURE AND FUNCTIONS OF THE DSBD

### 2.1 DSBD's Mandate

To create a conducive environment for the growth and sustainability of small businesses and Co-operatives through the provision of financial and non-financial business support services.

## 2.2 DSBD's Vision

The DSBD's vision is to radically transform the economy through effective development and increased participation of SMMEs and Co-operatives in the mainstream economy.

## 2.3 Values

- Integrity – to consistently honour our commitments, uphold ethical, honest behaviour and transparent communication.
- Professionalism – to serve with utmost respect, competence, mannerism and cooperate with all role players
- Accessibility – to always be available and accessible in providing public services to our society
- Commitment – to be committed to efforts of job creation, alleviating poverty, reducing inequality.

## 2.4 Strategic outcome-oriented goals and Strategic Objectives

<b>STRATEGIC GOAL</b>	<b>1. AN EFFECTIVE AND EFFICIENT ADMINISTRATION</b>
<b>GOAL STATEMENT</b>	To create a stable public service organisation as reflected by efficient service delivery, policy implementation, sound governance, systems, and processes to ensure the effective utilisation and leveraging of resources.
<b>STRATEGIC OBJECTIVES</b>	1.1. To promote compliance and good governance
	1.2. To drive sound financial management and controls
	1.3. To maintain a sound performance planning, reporting and monitoring process
	1.4. To build human resource capability and promote culture of high performance
	1.5. To promote external and internal communication on the work of the department

<b>STRATEGIC GOAL</b>	<b>1. AN ENABLING ENVIRONMENT FOR COMPETITIVE SMALL BUSINESSES AND Co-OPERATIVES</b>
<b>GOAL STATEMENT</b>	To promote integrated planning and the review of existing legislation and policies to create a simplified environment for the development and promotion of small businesses.
<b>STRATEGIC OBJECTIVES</b>	1.1. To create a conducive legislative & policy environment for SMMEs and Co-operatives
	1.2. To drive integrated planning and monitoring for SMMEs and Co-operatives development in townships and rural areas
	1.3. To drive a comprehensive research agenda on key areas of support to SMMEs and Co-operatives
	1.4. To develop and implement a relevant international relations strategy
<b>STRATEGIC GOAL</b>	<b>2. SUSTAINABLE SMALL BUSINESSES AND CO-OPERATIVES IN TOWNSHIPS AND RURAL AREAS.</b>

<b>GOAL STATEMENT</b>	To provide business support services to small businesses and Co-operatives in townships and rural areas, in particular, to stimulate jobs and wealth creation.
<b>STRATEGIC OBJECTIVES</b>	1.1. To design and implement targeted programmes to support new and existing small and medium enterprises townships and rural areas
	1.2. To increase participation of SMMEs and Co-operatives in the main stream economy
	1.3. To coordinate and maximize support for SMMEs and Co-operatives through public and private partnerships

## 2.5 Services Rendered by DSBD

### 2.5.1 Administration

The purpose of this programme is to provide strategic leadership, management and support services to the department.

This programme contributes to Strategic Goal 1: An effective and efficient administration:

The Programme comprises of the following sub-programmes:

- I. **The Ministry:** Provides leadership and policy direction to the department;
- II. **Departmental Management :** Provides overall management of the DSBD's resources;
- III. **Communications and Marketing:** Facilitates greater awareness of the department's role and increases the uptake of its products and services through improvement of the customer touch points and ensuring strong customer relationship management; and creates consumer awareness and educational campaigns to ensure a meaningful understanding of the department's offerings.

- I. **Corporate Services:** Provides customer-oriented and integrated resource solutions in human resource management, information and communication technology, legal services and auxiliaries management;
- II. **Financial Management:** Provides support to the department, with respect to financial resource allocation and the management thereof, to aid the fulfilment of the department's goals and objectives;

### 2.5.2 SMMEs and Co-operatives Policy and Research

The purpose of SMMEs and Co-operatives Policy and Research is to formulate policy and conduct research for the development and growth of sustainable small businesses and co-operatives contributing to the creation of employment and economic growth.

This programme contributes to two Strategic Goals:

2. An enabling environment for competitive small businesses and Co-operatives;
3. Sustainable small businesses and Co-operatives in townships and rural areas.

#### Description of sub-programmes

- (i) **Policy, Research and Legislation:** To provide reliable information for policy formulation on SMME and Co-operatives support and to further provide for an analysis of quantifiable information on SMMEs and Co-operatives in South Africa.

- (ii) **Monitoring and Evaluation:** The objective of the sub-programme is to gather reliable information for policy formulation on SMME and Co-operatives support and to further provide for an analysis of quantifiable information on SMMEs and Co-operatives in South Africa.

### 2.5.3 SMMEs and Co-operatives Programme Design and Support

The purpose of this programme is to support the development and growth of small businesses through designing financial and non-financial business development support programmes and interventions.

This programme contributes to the following Outcome Oriented Strategic Goals:

1. An enabling environment for competitive small businesses and Co-operatives;
2. Sustainable small businesses and co-operatives in townships and rural areas;

#### b) Description of Sub-Programmes

- (i) **Co-operatives Development:** This sub-programme is aimed at supporting individual primary co-operatives with start-up support which will enable co-operatives members to run the co-operative on co-operatives principles.

- (ii) **SMMEs Development Finance:** To provide incentive programmes that promote broader participation in the mainstream economy by small businesses and co-operatives owned by individuals from historically disadvantaged communities and marginalised regions.

- (iii) **Market Development and Stakeholder Relations:** To forge partnerships with other spheres of government for the sustainable development of SMMEs and Co-operatives through ensuring access to markets.

- (iv) **Competitiveness Support:** To create an enabling environment for the development and growth of sustainable small businesses so that they contribute to the creation of employment and economic growth

- (v) **Enterprise Development:** To create an enabling environment for the development and growth of sustainable small businesses so that they contribute to the creation of employment and economic growth.

### 2.54 Organisational Structure

## 3 SECTION 10 GUIDE ON HOW TO USE THE ACT

Section 10 of the Act imposes a duty on the South African Human Rights Commission (SAHRC) to “compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act”. The guide on how to make use of the PAIA manual has been made available by the South African Human Rights Commission and is obtainable from their website [www.sahrc.org.za](http://www.sahrc.org.za).

The SAHRC 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 SAHRC.

Any queries with reference to the PAIA guide should be directed to the following contact details:

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 (0)11 877 3600

Website : [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail : [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

Twitter : @SARHCommission

Facebook : SAhumanrightscommission

YouTube : SAHRC1

## 4 CONTACT DETAILS

### 4.1 Information Officer

**Table 1: Information Officer Contact Details**

Name	Prof Edith Vries
Designation	Director General
Telephone Number:	+27 (0)12 394 5817
Fax Number	+27 (0)12 394 6817
Email Address	<a href="mailto:evries@dsbd.gov.za">evries@dsbd.gov.za</a>

### 4.2 Deputy Information Officer (DIO)

Name	Ms Patricia Langa
Designation	Director: Administration
Telephone Number:	+27 (0)12 394 1781
Fax Number	+27 (0)12 394 2781
Email Address	<a href="mailto:planga@dsbd.gov.za">planga@dsbd.gov.za</a>

**Table 2: Contact Details for Deputy Information Officer**

### 4.3 Addresses

**Table 3: DSBD Contact Details**

POSTAL ADDRESS	PHYSICAL ADDRESS	WEBSITE
The Information Officer	The Information Officer	www.dsbd.gov.za
DSBD	DSBD	
Private Bag X84	77 Meintjies Street	
Pretoria	Sunnyside	
0001	Pretoria	

## 5 ACCESS TO RECORDS HELD BY DSBD

### 5.1 Categories of Records Held by DSBD

#### 5.1.1 Product and Market Information

This includes information that relates to products and market conditions, and indicator measurements around which these products exist. This information category includes details of small enterprises producing products and providing services nationally and internationally.

#### 5.1.2 Incentives and Grants

This includes information concerning incentives that DSBD provides to small enterprises and cooperatives. The information is categorised by products and industry type for which incentives are provided, applications received, details of companies awarded incentives, incentive conditions and the performance of awarding incentives to companies against these conditions.

#### 5.1.3 DSBD and Divisional Administration

This category mainly deals with information relating to administration and internal documents of DSBD and its divisions. The type of information included in this category is business plan, divisional expenditure and progress reporting, processes, procedures and the existing DSBD internal policy information.

#### 5.1.4 Contact Management and Stakeholders

Contact management information includes information about key stakeholders and clients and their relationship and interactions with DSBD. Requests, status requests and complaints raised by a stakeholder or client will also be retained as part of contact information.

#### 5.1.5 Financial and Human Resource Administration

This includes the DSBD financial information such as budgets, financial expenditure against budgets, and financial position of budgeted incentives against actual incentives/grants issued by DSBD. This information directly relates to both salaries and procurement activities. Human resources information relates to salaries, leave, skills and development plans for individuals, as well as objectives for individuals and their performance against these.



### **5.1.6 Supplier and Skills**

This category includes information about suppliers of skills and services to DSBD as well as the BEE status of such organisations or individuals. This information forms part of the procurement information.

### **5.1.7 Programme/Project Management**

This information relates to DSBD programmes and projects that vary from donor-funded development to programme events organised by DSBD. This includes planning, budgeting, monitoring, deliverables and outcome details.

### **5.1.8 Investigation / Inspection**

The DSBD is anticipated to start conducting investigations and inspections as a result of policy analysis issues, consumer complaints and industry sector requests received. Information that forms part of this category includes investigation/inspection type, procedures by investigation/inspection type, assigned inspector and findings.

### **5.1.9 Policies**

There are policies related to the development of small businesses and cooperatives that give direction to the activities and interventions of the DSBD. These policies are revised and enhanced regularly and form part of the central framework for the related regulatory and incentive information. These policies are made available to the DSBD officials to familiarise themselves with them as well as to know the procedures and processes that they should adhere to.

### **5.1.10 Industry and Sector**

All companies are classified into industry and sector groups to assimilate economic intelligence. The provincial stakeholders, agencies and the DSBD officials will submit information pertaining to the industries and sectors of small businesses and cooperatives.

## **5.2 Categories of Records Automatically**

### **Available from DSBD**

#### **5.2.1 Publications Available**

- Annual Performance Plan (APP)
- Black Business Supplier Development Programme
- Co-operatives catalogue
- Co-operative Incentive Scheme (CIS)
- Co-operatives Act no 14 of 2005
- Co-operatives Amendment Act, 2013 (Act No. 06 of 2013)
- Co-operatives handbook
- Guidelines to Co-Ops Act
- Co-operatives information leaflet
- Guide to the Co-Operatives Act 2005
- CIS Guidelines

- The National Informal Business Upliftment Strategy (NI-BUS)
- DSBD Annual Report
- News
- National Small Business Act, 2004
- Small Business Connect

### 5.2.2 Information Available on the DSBD Website

- Overview of DSBD
- SMME development
- News and Events
- Contact Details
- DSBD Values
- About DSBD
- Co-operatives
- Enterprise Development and Entrepreneurship
- Administration
- Minister Lindiwe Zulu
- Deputy Minister Elizabeth Thabethe
- Mandate, Vision and Mission
- DSBD Programmes

- Leadership
- Strategic Objectives

## 6 PROCEDURES FOLLOWED FOR REQUESTING ACCESS TO RECORDS

### 6.1 Process for Requesting Access to Records

The following process has been implemented in the department to deal with requests for information in terms of the Promotion of Access to Information Act:

#### 6.1.1 Application process

To request information, the request form (see Annexure A) has to be completed and submitted to:

**Table 4: Request Contact Details**

BY POST	BY HAND	BY FAX
The Deputy Information Officer	The Deputy Information Officer	The Deputy Information Officer
DSBD	DSBD	+27 (0)12 394 1781
Private Bag X84	Block A, Second Floor	
Pretoria	77 Meintjies Street	
0001	Sunnyside	
	Pretoria	

As prescribed by the Act, an amount of R35.00 must accompany the request for information if it is not from a personal requester. This amount is payable by cheque or cash, if delivered by hand, or may be deposited into DSBD's bank account, in which case proof of the deposit must accompany the request form.

**Table 5: Banking Details**

Account Name	DSBD Deposit Account
Account Type	Business Current Account
Branch Opened:	Centurion
Branch code:	012645
Entity Name	Department of Small Business Development
Account nr:	370 296 726
CIF Number to be linked	30009105

### 6.1.2 Validation and acknowledgement

The Deputy Information Officer of the DSBD receives and validates the request to see whether the required information is available at DSBD. The request is then accepted, rejected or transferred to the rightful keepers of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

### 6.1.3 Information processing

If the request is accepted, the DSBD will gather and prepare the information and calculate the relevant cost involved (see paragraph 6.3).

### 6.1.4 Final Notification

The requester will be informed of the completion of the request as well as the outstanding fees payable to the DSBD.

### 6.1.5 Payment and delivery

Once the payment as stipulated in Step 4 is received (following the same payment process as stipulated in Step 1), the information will be released to the requester.

## 6.2 Additional Information

Any person who wants to obtain access to records held by DSBD must complete the request form enclosed in Form A of Annexure B to the regulations enacted under the Act, and contained as Appendix A at the bottom of this manual. The requester is required to provide the following information as prescribed in Section 18 of the Act:

- Particulars of the public body;
- Details of person requesting access to the records;
- Particulars of the person on whose behalf the request is being made;
- Particulars of the requested record or records;
- Required form of access;
- The contact details of the requester;
- Whether the record concerned should be in a specific language; and
- The requester is expected to indicate how she/he wants to be informed in terms of the decision taken for the request of access to particular record(s).

Any request received will be dealt with within 30 days of receipt, unless the requester has specified special reasons that would satisfy the Information Officer that conditions dictate non-compliance with the above time periods.

The 30-days period within which DSBD has to decide whether to grant or refuse the request may be prolonged for a further period of not more than 30 days if the request is for a large amount of information or needs to search for information held at another office of the institution and cannot reasonably be obtained within the original specified 30-days period.

DSBD will notify the requester in writing should an extension be required. If a request is made on behalf of another person, the requester must submit proof of capacity in which he or she is making the request to the reasonable satisfaction of the Information Officer. If a person is not able to fill the prescribed form because of illiteracy or disability, such a person may do an oral request. The DSBD Information Officer will then reduce that oral request by completing the prescribed form, and provide a copy thereof to the requester.

### 6.3 Fees

Once the Information Officer receives a request, he or she will require the requester to pay the prescribed fee before further processing of the request. If the 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 will notify the requester to pay a deposit for the prescribed portion of the access fee that would be payable should the request be granted. The Information Officer will withhold the requested record until the requester has paid the fees.

A requester, whose request for access to a record has been granted, must pay an access fee for reproduction, 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 arrangements to make it available in the requested format. In case of the public body, the postage fees have to be paid by the requester for the delivery of their records. According to Section 22 (6) of the Act, the following individuals are exempted from paying the access fee:

- A single person whose annual income does not exceed R 14 712, 00 per annum.
- Married couples or somebody and his or her life partner whose annual income does not exceed R27 192, 00 per annum.

The breakdown of fees for reproduction and gaining access to records of public bodies as prescribed in the PAIA guidelines are as follows:

**Table 6: Breakdown of Fees**

ACTIVITY	FEE
The request fee payable by every requester, other than a personal Requester	R35
Copy per A4 Page	60 cents
Printing per A4 page	40 cents
Copy on a CD	R40
Copy on a stiffer disc	R5

ACTIVITY	FEE
Transcription of visual images per A4 page	R22
Copy of a visual image	R60
Transcription of an audio recording per A4 page	R12
Copy of an audio recording	R17
Search and preparation of the record for disclosure	R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation

## 7 GRANTING OF REQUESTS

A request for information may be refused on one of the following grounds, as specified in the Act:

- Protection of the privacy of a third party:** The Act states that an Information Officer of a public body must disallow access to personal information of a natural person, including a deceased individual. PAIA stipulates that it is required that the Information Officer examine whether the information requested would involve irrational disclosure to ensure that the the right of a third party who is a natural person is protected. However, the Information Officer must consider whether the information required falls within the below classifications of personal information which may be disclosed or not:

- A person who has given consent for this information to be released;
- Publicised personal information;
- Personal information concerning a child under age of 18 where the disclosure of such information is in the best interest of the child and the requester is the child's parent or guardian;
- Personal information of a deceased individual who has passed away for a period of more than 20 years;
- Information of a person who is or was an official in public or private sector and where the information relates to their position as an official;
- Personal information of a deceased person to a requester who is the person's next of kin, or who has been authorised by the next of kin.
- Protection of commercial information of a third party:** The Information Officer of the department must refuse access to information if releasing that information would cause harm to the commercial or financial interest of the business. PAIA lists commercial information such as trade secrets, information which had been supplied in confidence to the third party, financial, commercial, scientific, research or technical information about a third party which, if released, would cause harm to the third party which cannot be disclosed by an Information Officer.

- **Protection of certain records of South African Revenue Service (SARS):** Access to a record of SARS must be refused by an Information Officer of the public body, if it holds information obtained or held by SARS for the intentions of enforcing regulation regarding the collection of revenue in terms of the South African Revenue Service Act, No. 32 of 1997; the record may not be refused in case where the requested record contains information concerning the person or requester on whose behalf the request is being made.
- **Protection of confidential information:** Access to a record that will amount to a breach of duty of confidence owed to a third party in terms of a contract or agreement must be refused by an Information Officer as prescribed in the PAIA.
- **Protection of the safety of individual and property:** Access to a record that could reasonably be expected to compromise the safety of a person or property must not be allowed by an Information Officer.
- **Protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings:** The information officer of a public body must refuse a request for access to a record of the body, if the access to that record is prohibited in terms of section 60(14) of the Criminal Procedure Act, No. 51 of 1977. The information officer has a discretionary ground of refusal in terms of section 39(1)(b) of PAIA. A record may not be refused if it consists of information about the general conditions of detention of persons in custody.
- **Protection of information in legal proceedings:** The information pertaining to legal and law enforcement processes must be protected by the Information Officer. The Criminal Procedure Act 51 of 1997 recognises the law governing records relating to bail proceedings and other law enforcement procedures. According to section 40 of PAIA, any records matter to the relationship between an attorney and his/her client must be protected.
- **Protection of Research Information:** Access to records which holds information pertaining to research which is or will be undertaken by the public or private body in question or a third party must not be allowed as prescribed on section 43 and 69 of PAIA. This refusal is in circumstances where the release of the record will expose the research of the third party or public or private body, the individual or institute conducting the research, or the subject matter of the research to a serious disadvantage
- **South Africa's defence, security and international relations:** According to Section 41 of PAIA, an Information Officer is required to consider whether the request for information pertains to information concerning the security of South Africa. Request of access to records that proves that it will compromise the safety of South Africa may be refused by an Information Officer.
- **Information relating to Economic, Financial and Commercial interest of South Africa:** Protection of information of a public body if its release will be harmful to the economic and financial status of the country is required as prescribed on Section 42 of PAIA. Rejection by the Information Officer may only apply in certain instances by taking into account the fact that public bodies are mandated under the Constitution of South Africa to be liable to the public.

The Information Officer is required to prove that the disclosure of the information requested will cause chaos to the financial and economic interest of the country.

- **Information relating to operation of public bodies:** Access to a record that will hamper the operations of the department may be denied by an Information Officer as prescribed on Section 44 of PAIA. The operation records referred to are meetings minutes, advice or opinions records, records relating to consultations with other bodies and records relating to the establishment of policies or recommendations.
- **Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources:** The Information Officer of a public body may refuse access to a record for information if the request is manifestly frivolous or vexatious; if the request is deemed to be futile or would unreasonably distract the resources of the public body.
- **Disclosure in the public interest:** Despite the above listed grounds of refusal, the information officer of a public body must grant a request for access to a record of a public body if, the disclosure thereof would reveal evidence of the following:
  - A substantial breach of, or failure to abide by the law; or an impending and serious public safety or environmental risk; and the public interest in the disclosure of the record, outweighs the harm contemplated under the grounds for refusal.

## 8 APPEAL

The requester has the right to file an internal appeal on the basis that the Information Officer has made a decision that does not please the requester. An internal appeal process is followed with an involvement of a senior person who either approves or denies the Information Officer's decision relating to the PAIA request. A requester is required to fill in the PAIA Form B to lodge an internal appeal. A copy of Form B is obtainable on the DSBD website and can also be found on the South African Human Rights Commission website.

The form B is submitted to the same Information Officer or Deputy Information Officer who denied the initial request and who is then expected to send it to a more senior official within the department. All the relevant third parties that received an internal appeal are expected to be contacted by the department. The requester may lodge an internal appeal against the decision of the department due to the following reasons:

- If the requester is not content with the fees required,
- When the requester is not satisfied with the decision to give a 30 days extension to the public body to reply to the request, and
- On situations where the requester is dissatisfied when the form in which the records are provided is not the same as the form that was requested.

An internal appeal must be filed by the requester within 60 days of receiving the refusal for the original request. If the appeal requires that notice be given to a third party then the appeal must be lodged within 30 days of notice being provided.



An internal appeal lodged after the expiry date must be accepted by the department if a good reason for the late lodging is provided. If the late lodging of an internal appeal is not accepted, the department must provide notice to the person who lodged the appeal. A requester must submit the internal appeal to the Information Officer via post, fax or mail.

The following information must be included on an internal appeal form:

- Subject of the internal appeal;
- An internal appeal must state the reasons that are in support of the appeal;
- The requester must include any other relevant information known to the person making the appeal; and
- The requester is required to state the preferred way and provide any necessary information in circumstances where the requester would like to be informed of the decision pertaining to the internal appeal in a different way.

## 9 APPENDICES

### FORM A

#### REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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

(Act No. 2 of 2000))

### [Regulation 6]

#### FOR DEPARTMENTAL USE

Reference Number: \_\_\_\_\_

Request received by \_\_\_\_\_  
\_\_\_\_\_ (state rank, name  
and surname of Information Officer/Deputy Information Of-  
ficer) on \_\_\_\_\_ (date)  
at \_\_\_\_\_ (place).

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

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

Access fee: R \_\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMA-  
TION OFFICER

#### A. Particulars of public body

The Information Officer/Deputy Information Officer:

#### B. Particulars of person requesting access to the record



- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person:

### **C. Particulars of person on whose behalf request is made**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

### **D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if known to you, to enable the record to be located.
- (b) If the space provided is inadequate, please continue on a separate folio and attach 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 entities, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as a request fee.
- (c) The **fee payable for access** to a record depends on the format 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 format the record is required.

Disability:	Format in which record is required:
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the format in which the record is available.	
(b) Access in the format 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 format in which access is requested.	

<b>1. If the record is in written or printed form:</b>					
	copy of record		inspection of record		
<b>2. If record consists of visual images:</b>					
(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images	transcription of the images	
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	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 or transcription of a record (above), do you wish the copy or transcription to be posted to you?				YES	NO
<b>Postage is payable.</b>					
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 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

## **FORM B**

### **NOTICE OF INTERNAL APPEAL**

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

#### **[Regulation 8]**

**STATE YOUR REFERENCE NUMBER:**

#### **A. Particulars of public body**

The Information Officer/Deputy Information Officer:

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

- (a) The particulars of the person who lodges 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 <b>X</b> in the appropriate box:	
<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

**E. Grounds for appeal**

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

\_\_\_\_\_  
Relevant Authority Date

Received by the Information Officer/Deputy Information Officer from the Relevant Authority on: \_\_\_\_\_  
(Date)

## ENQUIRIES

### PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

Department of Small Business Development  
77 Meintjies Street,  
Sunnyside, 0002  
Gauteng, South Africa

Private Bag X84,  
Pretoria, 0001  
email: [sbdinfo@dsbd.gov.za](mailto:sbdinfo@dsbd.gov.za)  
Website: [www.dsbd.gov.za](http://www.dsbd.gov.za)  
Call Centre: 0861 843 384 (Select option 2)