

# PAIA Resource Kit

A guide to requesting information in terms of the  
Promotion of Access to Information Act 2 of 2000 (PAIA)



# ACKNOWLEDGEMENTS

**The material in this PAIA Resource Kit was developed by the South African History Archive (SAHA) through its *Freedom of Information Project: Capacity Building in the Community-based Sector*.**

SAHA's *Freedom of Information Project: Capacity Building in the Community-based Sector* is part of a long-term strategy aimed at building the capacity of individuals and organisations to understand and utilise the Promotion of Access to Information Act 2 of 2000 (PAIA) as a strategic advocacy tool.

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SAHA gives permission for the *PAIA Resource Kit* to be used freely by all those seeking to better understand and utilise PAIA.

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The process of developing this PAIA Resource Kit was informed by a consultative process involving members of the Khulumani Support Group (Khulumani), Tshwaranang Legal Advocacy Centre (TLAC) and organisations from the TLAC Paralegal Forum, whose involvement in the pilot training has informed the contents of this resource.

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Khulumani is a non-government organisation that empowers survivors of apartheid-era violations by building their advocacy skills and supporting their efforts to become self-reliant. Khulumani's work includes lobbying and advocacy for redress for outstanding TRC issues, capacity building of provincial structures and documenting stories of success.

TLAC is a non-government organisation that uses the law as a tool for social change for women who are survivors of gender-based violence. TLAC's work involves education, training, research and legal advocacy, as well as providing legal services and referrals for abused women and survivors of rape and sexual assault.

SAHA also thanks the Human Rights Commission and the Public Protector for their expert input into the pilot workshops.

It is SAHA's intention that this PAIA Resource Kit will stimulate and contribute to the excellent work of its partners in the National PAIA Civil Society Network.



**The Freedom of Information Project: Capacity Building in the Community-based Sector commenced in April 2008. For further information please contact:**

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# INTRODUCTION TO THE PAIA RESOURCE KIT

**The material in this PAIA Resource Kit was developed by the South African History Archive (SAHA) through its *Freedom of Information Project: Capacity Building in the Community-based Sector*.**

The PAIA Resource Kit provides a guide on how to fill in each of the official forms you will need to complete in order to submit a request for information in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA). The main objectives of PAIA are:

1. PAIA gives South Africans and non-South Africans a legal right to access information held by South African public and private bodies, enabling them to more fully exercise and protect their rights.
2. PAIA aims to foster a culture of openness and accountability in South Africa.

## What can be achieved through using PAIA?

Each of us can participate in South Africa's democracy by using PAIA to ask questions:

- to hold public and private bodies accountable for the decisions they make
- to know how public bodies are spending our money
- to push for better governance
- to improve service delivery
- to reduce corruption
- to encourage better policies
- to improve openness of government

When each citizen uses PAIA we send a clear message to both public and private bodies that we demand our right to access information. We demand our right to live in a society where public bodies are accountable to the people they serve and private bodies respect our human rights.

If we each take hold of this responsibility we will be rewarded as a nation as it helps South Africa develop an open and accountable participatory democracy.

## When can we use PAIA?

Ordinary citizens can use PAIA if:

- you have tried to get hold of information held by a public or private body informally but have been unsuccessful.
- you need information on some activity of government.
- you would like to know the reason for a certain decision made by a public body.
- you would like to know who is in charge of a particular government-run project (e.g. development of ablutions, building of a new school, extension to a hospital), what money has been allocated to the project and how it is being spent.
- you suspect corruption in the appointing of a contract to a certain individual or company: You may wish to ask for records demonstrating the process for tenders.
- you know of or suspect corruption or wrongdoing in any public or private body. Simply asking for information can reduce illegal acts, since wrongdoers feel restrained or threatened by exposure.
- you are concerned that your provincial government is giving money back to the National Treasury at the end of the financial year.
- you want to know why money allocated to specific projects and for policy implementation is not being spent by your provincial government.

# INTRODUCTION TO THE PAIA RESOURCE KIT

## Some effective ways we can use PAIA in order to access other rights:

Problems can be solved with access to information. Information is power and through using PAIA we are empowered to solve problems.

### For example:



#### **If you would like to know the status of your application for an RDP house you may submit a PAIA Request to the relevant authority for:**

- Records detailing the current status of my application for an RDP house. Please note my application was submitted on (state date you applied for the RDP house).
- Records detailing the department's policy for administering RDP houses to eligible applicants in a timely and accurate manner.
- Records detailing the reason for the delay in administering my application for a RDP house (my application was submitted on: state the date).



#### **If you want to improve the quality of water supplied by a local government body you can ask for:**

- Records detailing programmes implemented by the municipality to ensure that all residents have the opportunity to realise their right to live in an environment that is not harmful to their health or well-being in accordance with the National Water Act of 1998 and Section 24 of the Constitution.
- Records demonstrating that the basic level of water (25 litres per person per day) is provided to people living in poor households free of charge in the province.



#### **If you are concerned about the poor treatment of victims of domestic violence you can submit a PAIA Request to the relevant authority requesting:**

- Records detailing the (i) number and (ii) location of police stations that provide adequate facilities to care for victims of domestic violence in accordance with the Sexual Offences Act of 2007.
- Records detailing the number of complaints that have been filed against police officers relating to sexual harassment, mistreatment of a victim of domestic violence, sexist behaviour and other gender-related complaints.



#### **If you are concerned about the lack of community development taking place in your area you can submit a PAIA Request to the relevant authority for:**

- Evaluation reports demonstrating the effectiveness of work carried out by community development workers throughout the province each year from 2003 to 2009.



#### **If you would like to know the status of your application for a Special Pension Fund you may submit a PAIA Request to the relevant authority for:**

- Records detailing the current status of my application for a Special Pension in terms of the Special Pensions Act of 1996 (Act No 69 of 1996).
- Records detailing the department's policy for administering Special Pensions to eligible applicants in a timely and accurate manner.
- Records detailing the reason for delay in administering my Special Pension (my application was submitted on state the date) in terms of the Special Pensions Act of 1996.

# INTRODUCTION TO THE PAIA RESOURCE KIT

## How to use the *PAIA Resource Kit*

- 1) You will need a blank copy of the relevant PAIA Form.
  - You can download PAIA Forms from SAHA's website ([www.saha.org.za](http://www.saha.org.za)) **OR** from <http://www.info.gov.za/gazette/regulation/2002/23119.pdf>
  - You may be able to access blank PAIA Forms from your local government office.

- 2) Look at the relevant section of the *PAIA Resource Kit*.

In the *PAIA Resource Kit* you will find guidelines on how to complete:

- Fax Cover
- Letter of Authorisation
- Form C
- Form B
- Grounds for Internal Appeal
- Cover Letter
- Form A

Each guideline contains:

- (i) an introduction to each PAIA Form: providing key information you will need to consider before completing the form.
- (ii) prompts to help you complete each relevant section of each PAIA Form.

- 3) Use the TIPS on the right-hand pages to help you complete the relevant PAIA Form:

### KEY: TIPS ON HOW TO FILL IN THE FORMS

**A**

**A**

Explanation

**1**

Fee information

- 4) Fill in your blank PAIA Form once you have read through the relevant section of the *PAIA Resource Kit*.

## GET YOUR COPY OF THE ACT!

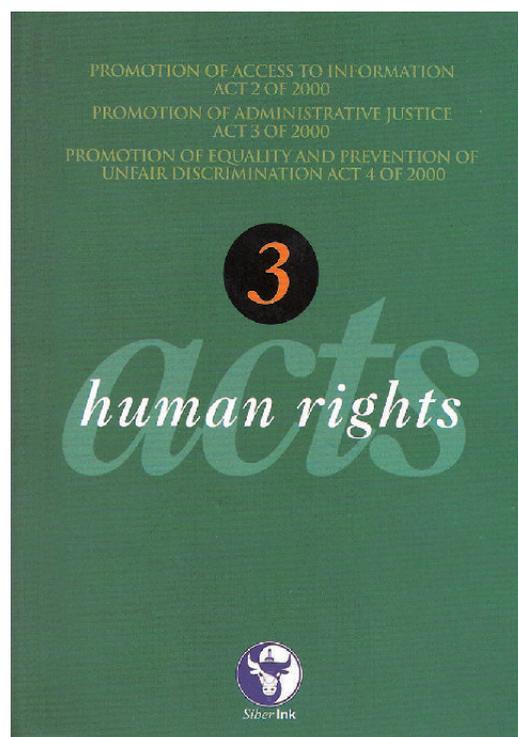
In 2000 three Acts were established in support of the human rights legislation mandated by the Constitution of the Republic of South Africa (1996). They are:

- 1) The Promotion of Access to Information Act 2 of 2000 (PAIA)
- 2) The Promotion of Administrative Justice Act 3 of 2000 (PAJA)
- 3) The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA)

These Acts give effect to the constitutional rights to access to information, administrative justice, and equality.

Section 32 of the Constitution says that “everyone has the right to access any information held by the state” and “any information held by another person and that is required for the exercise or protection of any rights”.

- PAIA applies to **records**.
- Anyone can request a **record** held by a **public** or **private body**.
- The **requester** must fill in a form.
- Most requesters are required to pay a **request fee**.
- The body that receives the PAIA Request must give access to the record(s) unless there is a reason (grounds) for refusing the request.
- The request can be granted in a number of different ways but in the case of a paper **record** the usual way is to give the **requester** a paper copy.
- PAIA lists a number of reasons (grounds) for refusing access to a **record** (Sections 34-46 and Sections 64-70).
- PAIA provides remedies to resolve disputes about access.
- For a dispute concerning a **public body** a **requester** can submit an **Internal Appeal** to a higher authority within the body (Section 74). If they are still not satisfied, the **requester** can take the matter to the court (Section 78).
- There are no provisions for an **Internal Appeal** for a dispute with a **private body**. In this case the matter must go directly to court (Section 78).



You can view PAIA online at: [www.info.gov.za/gazette/acts/2000/a2-00.pdf](http://www.info.gov.za/gazette/acts/2000/a2-00.pdf)

You can also contact the Department of Justice and Constitutional Development [Tel: 012 315 1111] or the Deputy Information Officer directly [Tel: 012 315 1730] and request a copy of 3 Human Rights Acts: PAIA, PAJA and PEPUDA.

## PAIA GLOSSARY:

**access fee:** A fee prescribed for the purpose of reproduction, search and preparation of records and, if applicable, postal fees.

**appellant:** An individual(s)/organisation who submits an Internal Appeal.

**date of submission:** The date on which the requester submits the PAIA Request. The Information Officer must respond to the request within 30 days of this date.

**Deputy Information Officer (DIO):** The individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request.

**Grounds for Internal Appeal:** The Section(s) of PAIA referred to by the appellant in order to submit an Internal Appeal against the decision made by the Information Officer or Deputy Information Officer to refuse a PAIA Request.

**grounds for refusal:** The Section(s) of PAIA referred to by the Information Officer or Deputy Information Officer in order to refuse a PAIA Request.

**Information Officer (IO):** The individual in the public or private body who is responsible for dealing with a PAIA Request.

**Internal Appeal:** A document submitted by the requester to a public body calling for them to reconsider the decision made about the PAIA Request.

**inventory:** A complete list of items in the custody of a particular public or private body.

**letter of authorisation:** A letter from an individual who requires the requester to submit a PAIA Request on their behalf in terms of PAIA. The letter must state that the individual authorises the requester (and other representatives from the requester's organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf.

**PAIA:** The Promotion of Access to Information Act 2 of 2000.

**PAIA Request:** The name given to the document(s) submitted to a public or private body requesting access to information in terms of PAIA.

**PAIA Request reference number:** The reference number you allocate for an individual PAIA Request, e.g. 0124/DOJ/2008. It is advisable to use this reference number throughout all correspondence with the requestee, as well as asking them to do the same.

**personal requester:** A requester seeking access to a record containing personal information about themselves.

**private body:** Generally, any kind of business operation independent from government.

**public body:** Generally, any section of government, or any organisation that is set up by government, set up by law, or gets its money from government.

**record:** Any recorded information.

**request fee:** The fee that must be paid by the requester before a request can be processed.

**requestee:** The individual(s)/organisation who receives the PAIA Request.

**SAHA:** The South African History Archive.

**third party:** Any person other than the requester concerned.

THIS IS NOT AN OFFICIAL PAIA FORM

## HOW TO COMPILE A

# Fax Cover

**NB!** The purpose of a Fax Cover is to advise the Information Officer/ Deputy Information Officer of the contents of your fax.

- This is NOT an official PAIA Form. It is an example of a Fax Cover you may wish to use when submitting a PAIA Request by fax.
- It is best practise to provide a Fax Cover when submitting a PAIA Request (or other correspondence) by fax.

## A COUPLE OF THINGS TO CONSIDER BEFORE YOU START:

### The fax details of the public/private body

You will need to find the name of the Information Officer (IO)/Deputy Information Officer (DIO), and his/her correct fax number:

- These details are available on the **public/private body's** website. For a list of national government department contact details visit: <http://www.info.gov.za/aboutgovt/contacts/dept.htm>
- For a list of provincial government contact details visit: <http://www.info.gov.za/aboutgovt/contacts/prov.htm>
- For other **public/private bodies** you will need to conduct an internet search to find the contact details.
- If you do not have access to the internet you may need to go to the office of the **public/private body** to find out the details of the IO/DIO.
- Always call the relevant IO/DIO to confirm that the details you have are up to date and correct.

### You will need to give your PAIA Request a reference number

You may already have an existing filing system. If you do not it is suggested you give your **PAIA Request reference number the following format: 0001/DHA/2009.**

0001 – this will be the first PAIA Request you submit this year. Label your second PAIA Request 0002, your 23rd request of the year should be 0023 and so on.

DHA – this should be the abbreviation of the department you are submitting your PAIA Request to, e.g. Department of Home Affairs = DHA.

2009 – this should be the year in which you are submitting your PAIA Request.

## EXAMPLE OF A FAX COVER (PAGE 1 OF 1)

### FAX COVER

DATE: \_\_\_\_\_ **A**

TO: \_\_\_\_\_ **B**

FAX NO: \_\_\_\_\_ **C**

FROM: \_\_\_\_\_ **D**

CELL NO: \_\_\_\_\_ **E**

RE: \_\_\_\_\_ **F**

Number of pages, including this one: \_\_\_\_\_ **G**

Message: **H**

Dear \_\_\_\_\_ **I**

Please find the following letter and attachments relating to the PAIA Request reference number 000/000/0000.

Please don't hesitate to contact me should you have any questions or concerns regarding this request. **J**

Kind regards,

\_\_\_\_\_  
Thandi Skhosana  
Project Manager  
Freedom of Information Programme  
South African History Archive  
Tel: 011 717-1941  
Fax: 011 717-1964

**K**

## TIPS ON HOW TO COMPILE A FAX COVER

- A** Always include the date that you are submitting the PAIA Request. This is the **date of submission**.
- B** Fill in the name of the Information Officer (IO) or Deputy Information Officer (DIO).
- C** Fill in the fax number of the IO or DIO.
- D** Fill in the name of the **requester** (the individual who is submitting the PAIA Request).
- E** Fill in your cellphone number. The IO or DIO may use this number to contact you.
- F** Always refer to your **PAIA Request reference number**. This is the unique number YOU will give each PAIA Request, e.g. write: **PAIA Request 0029/DOH/2005**.
- G** Count all the pages included in the PAIA Request, as well as any relevant attachments, the Cover Letter and Fax Cover, and insert the total here. Write the number in full (letters) in brackets to ensure clarity, e.g. 11 (eleven) pages.
- H** The following section is the body of your fax.
- I** Address the fax directly to the IO or DIO.
- J** This should be a brief sentence or two stating that the PAIA Request and its attachments will follow:
  1. Always refer to your **PAIA Request reference number**.
  2. Always advise the IO/DIO that you are happy to be contacted regarding the PAIA Request.
- K** Sign and provide your name, title, programme (if applicable) and organisation. Be sure that your contact information is reliable.

**NB!** It is Best Practice to call the IO or DIO to confirm receipt of the fax and PAIA Request. You should make a record of the phone conversation on an A4 piece of paper and store this record in a file along with all other documents relating to your PAIA Request .



THIS IS NOT AN OFFICIAL PAIA FORM

## HOW TO COMPILE A

# Cover Letter

**NB!** The purpose of a Cover Letter is to provide the Information Officer (IO)/Deputy Information Officer (DIO) with an official introduction to your PAIA Request and to alert them to any additional and relevant information.

### A COUPLE OF THINGS TO CONSIDER BEFORE YOU START:

#### The address of public/private body

- These details are available on the **public/private body's** website. For a list of national government department contact details visit: <http://www.info.gov.za/aboutgovt/contacts/dept.htm>
- For a list of provincial government contact details visit: <http://www.info.gov.za/aboutgovt/contacts/prov.htm>
- For other **public/private bodies** you will need to conduct an internet search to find the contact details.
- If you do not have access to the internet you may need to go to the office of the **public/private body** to find out the details of the Information Officer (IO)/Deputy Information Officer (DIO).
- Always call the relevant IO/DIO to confirm that the details provided on the website are up to date and correct.

#### Supplying a PAIA Request reference number

Every PAIA Request needs YOU to allocate a **PAIA Request reference number**.

#### Supporting documents

Enclose relevant attachments that relate to your PAIA Request and refer to these in your Cover Letter, e.g.:

- pages from a relevant report
- a section from a relevant Act
- a relevant newspaper article
- a relevant notice from the Government Gazette
- other.

#### Submitting a PAIA Request on behalf of an individual or organisation

If you are submitting a PAIA Request on behalf of an individual you will need proof that you have permission to do so. You are required to provide:

- 1) a copy of the individual's **South African ID** or **passport** (SA or foreign); and
- 2) a **letter of authorisation** from the individual stating that they authorise you (and other representatives from your organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf. See page 14 for an example of a **letter of authorisation**.

If you are submitting a PAIA Request on behalf of an organisation you will need the same documents as stated above from an individual within the organisation with the appropriate responsibilities.

#### Filling in contact details

If you do not supply valid contact details, your form will not be processed. If you do not have a fax number or e-mail, leave these sections blank. The IO/DIO will not be able to contact you if you provide incorrect or outdated contact details.

## EXAMPLE OF A COVER LETTER (PAGE 1 OF 1)

**A** PO Box 31719  
Braamfontein 2017  
South Africa  
Tel: 011 717 1941  
Fax: 011 717 1964  
E-mail: foip@saha.org.za

\_\_\_\_\_  
\_\_\_\_\_ **B**

Our ref: \_\_\_\_\_ **C**

Date: \_\_\_\_\_ **D**

Dear \_\_\_\_\_ **E**

### **REQUEST PURSUANT TO THE PROMOTION OF ACCESS TO INFORMATION ACT 2000** **F**

Please find enclosed a completed **FORM A\*** request for access to information pursuant to the **Promotion of Access to Information Act 2 of 2000**.

Please state the above PAIA Request reference number in all future correspondence. **G**

.....  
.....  
.....  
..... **H**

Yours sincerely,

\_\_\_\_\_  
Thandi Skhosana  
Project Manager  
Freedom of Information Programme  
South African History Archive **I**

## TIPS ON HOW TO COMPILE A COVER LETTER

- A** Fill in **all** your contact details, including your address, phone number, fax number, e-mail and physical address. This is very **IMPORTANT**.
- B** Write the name and address of the Information Officer (IO) or Deputy Information Officer (DIO).
- C** Include the **PAIA Request reference number**.  
This is the unique number you will give each PAIA Request. See page 7 for more details.
- D** Fill in the date that you are submitting the PAIA Request. This is the **date of submission**.
- E** Address your letter to the IO or DIO.
- F** This is your subject heading for the letter – it allows the IO or DIO to immediately identify the purpose of your correspondence.

\* State either Form A (if your PAIA Request is to a public body) or Form C (if your PAIA Request is to a private body).

- G** By referring to the **PAIA Request reference number** in all correspondence you will be able to successfully keep all records relating to this request in order. You (the **requester**) must also refer to the **PAIA Request reference number** in all correspondence.
- H** When writing the **body of the letter refer specifically to all attachments included in the PAIA Request, e.g.:**

Please also find the following documents attached as proof of capacity to submit this PAIA Request on behalf of Mr S J Moroka:

1. A copy of Mr S J Moroka's ID; and
2. A **letter of authorisation** from Mr S J Moroka. See page 14 for an example.

**and/or**

Please find enclosed the relevant attachments in relation to the above-mentioned PAIA Request:

1. A copy of the HIV and AIDS and STI Strategic Plan 2007-2011, pages 71, 72 Goal 1.3 (Highlighted).

**If there are no additional attachments don't include this section in your Cover Letter.**

- I** Sign and provide your name, title, programme (if applicable) and organisation.

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## EXAMPLE OF A

# Letter of Authorisation

This document provides an example of a Letter of Authorisation that you may wish to use as a guide. A Letter of Authorisation must be completed by an individual or an organisation who would like you or your organisation to submit a PAIA Request on their behalf. The Letter of Authorisation must then be submitted by you (the requester) as an attachment to the PAIA Request, along with a copy of that individual's South African ID or passport (South African or foreign).

## EXAMPLE OF A LETTER OF AUTHORISATION

Director  
South African History Archive  
PO Box 2017  
Braamfontein 2017

A

Individual's Name

Individual's Address

B

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

C

Dear \_\_\_\_\_,

D

This is to confirm that I authorise \_\_\_\_\_ and its representatives to access information on my behalf in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA).

E

F

Yours truly,

\_\_\_\_\_

G

Signed: \_\_\_\_\_

H

## TIPS ON HOW TO COMPILE A LETTER OF AUTHORISATION

- A** Write the name and address of the individual or organisation who will be submitting the PAIA Request on behalf of the individual/organisation on the top left-hand corner of the page.
- B** The individual or organisation must write their name and address at the top right-hand corner of the page.
- C** Write the date the letter is being signed.
- D** Address the letter to the individual who will submit the PAIA Request. If the requester is an organisation, such as the South African History Archive, the **letter of authorisation** should be addressed to the director of the organisation.
- E** Insert the name of the organisation who is being authorised to submit a request on behalf of an individual or organisation, e.g. the South African History Archive (SAHA). It is useful to give permission to all representatives of the organisation. If the individual who submits the PAIA Request leaves the organisation at any time, their colleague(s) can take over the case.  
If the PAIA Request will be submitted by an individual (the requester) on behalf of another individual or organisation, write the requester's name here.
- F** State that the authority is to access information in terms of PAIA.
- G** The individual or a representative from the organisation with the appropriate authority must sign here.
- H** The individual or a representative from the organisation with the appropriate authority must write their name and title in full here. If they have no title, just write their name. This must be the same person as stated in **B** above.

**NB!** If you are *not* submitting a request on behalf of an individual or an organisation, you do not need to submit a LETTER OF AUTHORISATION along with your PAIA Request.

# INTRODUCTION TO PAIA FORMS

## There are three PAIA Forms

1. Form A – to be completed when submitting a PAIA Request to a public body
2. Form B – to be completed when submitting an Internal Appeal.
3. Form C – to be completed when submitting a PAIA Request to a private body.

## The Sections of the Act that pertain to each of these Forms are:

1. Form A – Section 18 and Section 19
2. Form B – Section 74 and Section 75
3. Form C – Section 53

## There are special provisions for requesters with a disability.

- (i) The requester may make the request orally if they are unable to submit the request by letter, fax or e-mail;
- (ii) The IO/DIO of the public body must, if requested, take reasonable steps to make the record available in a form that can be viewed, read or heard by the requester.

# Form A

## HOW TO COMPLETE

A REQUEST FOR ACCESS TO A RECORD(S) OF A **PUBLIC BODY**

**This Form is the standard form to be completed when submitting a PAIA Request to a PUBLIC BODY: it was written as part of the Regulations to the Act and its format must not be changed.**

You **must** complete this form and submit it to the relevant **PUBLIC BODY** in order to apply for access to information in terms of PAIA.

### A COUPLE OF THINGS TO CONSIDER BEFORE YOU START:

#### The contact details of the public body

- These details are available on the **public body's website**. For a list of national government department contact details visit: <http://www.info.gov.za/aboutgovt/contacts/dept.htm>
- For a list of provincial government contact details visit: <http://www.info.gov.za/aboutgovt/contacts/prov.htm>
- For other **public bodies** you will need to conduct an internet search.
- If you do not have access to the internet you may need to go to the office of the **public body** to find out the details of the **Information Officer (IO)/Deputy Information Officer (DIO)**.
- Always call the relevant **IO/DIO** to confirm that the details you have are up to date and correct.

#### Submitting a PAIA Request on behalf of an individual or organisation

If you are submitting a PAIA Request on behalf of an individual you will need proof that you have permission to do so. You are required to provide:

- 1) A copy of the individual's **South African ID** or **passport** (SA or foreign); and
- 2) A **letter of authorisation** from the individual stating that they authorise you (and other representatives from your organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf. See page 14 for an example of a **letter of authorisation**.

If you are submitting a PAIA Request on behalf of an organisation you will need the same documents as stated above from an individual within the organisation with the appropriate responsibilities.

**NB!** When submitting a PAIA Request to a public body you do not need to explain *why* you are requesting access to the records.

# 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 2]

#### FOR DEPARTMENTAL USE

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

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

(state rank, name and surname of Information Officer/Deputy Information Officer)

on \_\_\_\_\_(date) at \_\_\_\_\_(place).

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

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

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

\_\_\_\_\_  
SIGNATURE OF INFORMATION  
OFFICER/DEPUTY INFORMATION OFFICER

#### A. Particulars of public body

The Information Officer/Deputy Information Officer: \_\_\_\_\_

**A**

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

*(a) The particulars of the person who requests access to the record must be recorded below.*

*(b) Furnish an address and/or fax number in the Republic to which information must be sent.*

*(c) Proof of the capacity in which the request is made, if applicable, must be attached.*

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

Identity/passport number: \_\_\_\_\_

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

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

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

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

**B**

## TIPS ON HOW TO COMPLETE FORM A

Any area marked with a grey block is for office use only. Leave this section blank.

**A** Write the name and address of the **IO/DIO**:

- Always call the relevant IO/DIO to confirm that the details provided on the website are up to date and correct.

**B** The **requester** (person who is submitting the PAIA Request) must provide these details. This person is then responsible for follow up and future action regarding the PAIA Request.

### Filling in contact details:

If you do not supply valid contact details your form will not be processed. If you do not have a fax number or e-mail address, leave these sections blank. The **IO/DIO** will not be able to contact you if you provide incorrect or outdated contact details.

## EXAMPLE OF FORM A (PAGE 2 OF 4)

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

### 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/passport number: \_\_\_\_\_ **D**

### 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 (pages).**

1. Description of record or relevant part of the record: \_\_\_\_\_ **E**

2. Reference number, if available: \_\_\_\_\_ **F**

3. Any further particulars of record: \_\_\_\_\_ **G**

### 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. **1**
- (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. **2**

Reason for exemption from payment of fees: \_\_\_\_\_

\_\_\_\_\_ **3**

### 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.*

## TIPS ON HOW TO COMPLETE FORM A

**C** If you are not submitting the **PAIA Request on behalf of another person or organisation**, leave this section blank.

If you are submitting the **PAIA Request on behalf of another person or organisation**, fill in your capacity, e.g.:

- Research Assistant
- Next of kin
- Paralegal Adviser
- Advocate

**D** Fill in particulars of the person you are submitting the PAIA Request on behalf of. If you are not submitting the PAIA Request on behalf of another person leave this section blank.

**E** Provide as concise and accurate information as possible concerning the record itself (e.g. annual reports, training manuals or records detailing...): refer to dates (e.g. 2006 – 2007) and use bullets and/or numbering for clarity if the PAIA Request is for more than one record. (See page 3 for examples).

**F** You may have this information (from a report that you read, or by coming across information online, or you may have seen an **Inventory** of the information). Leave blank if you have no reference number.

**G** Relevant and concise information that may be useful to assist the **public body** to locate the **record**. E.g. date of birth/prison number/military service number of individual concerned, or the name of a specific Treaty or Act that may relate to the **record**.

### FEES:

**1** The standard amount for the **request fee** for a **public body** is R35.

- 2**
- **Personal requester** (i.e. if the **requester** is seeking access to a record containing personal information about themselves) is exempt from paying **request fees**. **Access fees** are additional.
  - **Requesters** who earn less than R14 712.00 per year (if single) or R27 192.00 (if you are married or have a life partner) are exempt from paying **request fees** and **access fees**.

**3** If you are not exempt from paying fees leave this section blank.

If you are exempt from paying fees state either:

"**personal requester**"; or;

"My individual income is lower than R14 712.00 (or R27 192.00 if you are married or have a life partner) per annum. I am therefore exempt from paying **request fees** and **access fees** as stipulated in Government Notice No. 28107 of 14 October 2005".

## EXAMPLE OF FORM A (PAGE 3 OF 4)

|  |  |  |
|--|--|--|
| Disability: _____<br>_____ <b>H</b>  | Form in which record is required: _____<br>_____ <b>I</b>                |  |
| <p>Mark the appropriate box with an "X". <b>J</b></p> <p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested. <b>4</b></p> |  |  |
| <b>1. If the record is in printed form:</b>  |  |  |
| <b>5</b> Copy of record*   | <b>6</b> Inspection of record  |  |
| <b>2. If record consists of visual images:</b><br>(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.).  |  |  |
| <b>7</b> View the images   | <b>8</b> Copy of the images*   | <b>9</b> Transcription of the images*                              |
| <b>3. If record consists of recorded words or information which can be reproduced in sound:</b>  |  |  |
| <b>10</b> Listen to the soundtrack (audio cassette)  | <b>11</b> Transcription of the soundtrack* (written or printed document) |  |
| <b>4. If record is held on computer or in an electronic or machine-readable form:</b>  |  |  |
| <b>12</b> Printed copy of the record*  | <b>13</b> Printed copy derived from the record*                          | <b>14</b> 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<br><b>15</b>   |
| <b>A postal fee is payable.</b>  |  | NO<br><b>16</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.   |  |  |
| <b>In which language would you prefer the record?</b> <b>K</b>   |  |  |

## TIPS ON HOW TO COMPLETE FORM A

- H** Complete this section only if you have a disability. State your disability, e.g. deaf.
- I** Complete this section only if you have a disability. State how you would like the information to be provided: orally, fax, letter, etc.
- J** **Very important** to cooperate with this instruction: Mark with X.
- K** You may state your preferred language: e.g. Afrikaans, English, isiZulu, etc. Read Section 31 of PAIA. It may not be possible for the **records** to be translated for you by the IO/DIO. You may need to hire a translator to help you understand the contents of the **record(s)**.

**FEES:** Box to the left of relevant section should be marked with an 'X', eg. 

|          |       |
|----------|-------|
| <b>X</b> | Issue |
|----------|-------|

- 4** For example, if you wish to view the record rather than request a copy, the **access fee** will be smaller. If you ask for the record to be sent to you in the post there will be a postal cost included in the **access fee**. If you don't want to pay for postage you can choose to collect the record yourself.

Mark with an 'X' if you would like:

- 5** A copy of the **record**. Every photocopy of an A4 size page or part thereof = R0.60 per page.
- 6** To physically go to the archive where the **record** is held and inspect the **record**. There should be no fee for this.
- 7** To physically go to the archive where the **record** is held and view the images. There should be no fee for this.
- 8** A copy of the visual image. Cost = R60.
- 9** A transcription (written description) of visual images. Cost = R22 per A4 size page or part thereof.
- 10** To physically go to the archive where the **record** is held and listen to the soundtrack. There should be no fee for this.
- 11** A transcription of audio **record**. Cost = R12, Copy of audio record = R17.
- 12** A direct copy of the **record** that is held on computer or in an electronic machine. Cost = R0,40 per page or part thereof.
- 13** By ticking this box you are requesting that the **record** be amended (e.g. possibly resized) before it is printed. Cost = R0,40 per page or part thereof.
- 14** A copy in computer readable form. Cost: Stiffy = R5, CD = R40.
- 15** If you select Yes, there will be a postage cost included in your **access fee**.
- 16** If you select No, you will not be charged for postage costs. You need to arrange collection of the record yourself.

## EXAMPLE OF FORM A (PAGE 4 OF 4)

How would you prefer to be informed of the decision regarding your request for access to the record? \_\_\_\_\_ **L**

Signed at \_\_\_\_\_ **M** this \_\_\_\_\_ day of \_\_\_\_\_ **N**

\_\_\_\_\_  
SIGNATURE OF REQUESTER **O**

## TIPS ON HOW TO COMPILE FORM A

**L** It is best practice to have a written record of all correspondence, it is also helpful to request a phone call. NB: If you say "PLEASE WRITE AND PHONE" you must ensure that you include your relevant contact details to allow the IO or DIO to comply with your instruction.

**M** Provide details of the location where the PAIA Request is being submitted, e.g. Johannesburg.

**N** Provide details of the date on which the PAIA Request is being submitted. This is the **date of submission**, e.g. 12th day of October 2007.

**O** This must be signed by the **requester**: the person who will be responsible for following up on the PAIA Request and corresponding with the IO or DIO.

**NB!** The Minister of Justice and Constitutional Development may change fees. Check Government Notices relating to PAIA published in the Government Gazette, [www.doj.gov.za/paia/paia.htm](http://www.doj.gov.za/paia/paia.htm)

# Form B

## HOW TO COMPLETE

### A NOTICE OF INTERNAL APPEAL TO A PUBLIC BODY

**This Form is the standard form to be completed when submitting an INTERNAL APPEAL in relation to a PAIA Request to a PUBLIC BODY. It was written as part of the Regulations to the Act and its format must not be altered.**

There is no provision to submit an **Internal Appeal** to a **PRIVATE BODY**. If you wish to appeal a decision made by a **PRIVATE BODY** you may negotiate with the **Information Officer (IO)** of that body on a good will basis. However, the only formal process is to apply to court for relief.

## A COUPLE OF THINGS TO CONSIDER BEFORE YOU START:

### Terms and conditions of this form

- You **must** complete this form and submit to the relevant **public body** in order to give Notice of **Internal Appeal**. This form should be submitted along with a document entitled: *Grounds for Internal Appeal*.
- Wherever possible, the person lodging the **Internal Appeal** should be the same person who submitted the original PAIA Request. However, this is not essential. Ensure that all information is accurate and up-to-date.
- The **requester** has 60 days (from receipt of Decision to Refuse Request) to submit an **Internal Appeal**.
- The **requester** can still submit an **Internal Appeal** after **60 days** has passed. However, you must provide adequate reasoning for the late submission of the **Internal Appeal**.

### Submitting an Internal Appeal on behalf of an individual or organisation

If you are appealing a decision that was made in relation to a PAIA Request that you submitted on behalf of an individual you will already have provided proof that you have permission to do so. In order to support your **Internal Appeal** you will need to provide:

- 1) a copy of the individual's **South African ID** or **passport** (SA or foreign),
- 2) A **letter of authorisation** from the individual stating that they authorise you (and other representatives from your organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf. Keep a copy of these documents for your records. See page 14 for an example of a **letter of authorisation**.

If you submitted the PAIA Request on behalf of an organisation, you will need the same documents as stated above, from an individual within the organisation with the appropriate responsibilities in order to support your **Internal Appeal**. Keep a copy of these documents for your records.

# FORM B

## NOTICE OF INTERNAL APPEAL **A**

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

### [Regulation 8]

Reference number(s): \_\_\_\_\_ **B**

#### A. Particulars of public body

The Information Officer/Deputy Information Officer: \_\_\_\_\_

\_\_\_\_\_ **C**

#### 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/passport number: \_\_\_\_\_

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

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

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

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

Capacity in which an Internal Appeal on behalf of another person is lodged: \_\_\_\_\_

\_\_\_\_\_ **E**

#### 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/passport number: \_\_\_\_\_

## TIPS ON HOW TO COMPLETE FORM B

**A** There is no provision to submit an Internal Appeal to a **private body**.

**B** State your **PAIA Request reference number(s)**. State "Our ref." and then the **PAIA Request reference number** you have allocated, e.g. 0023/DFA/2009. If the **public body** has given your request a different reference number, provide this number as well, e.g. Our ref: 0023/DFA/2009  
Your ref: 011293.RTZ.08

**C** Provide details of the **Information Officer (IO)/Deputy Information Officer (DIO)** to whom the initial PAIA Request was submitted.

**D** The person submitting the **Internal Appeal** must complete their contact details.

### Filling in contact details:

If you do not supply valid contact details your form will not be processed. If you do not have a fax number or e-mail address, leave these sections blank. The **IO/DIO** will not be able to contact you if you provide incorrect or outdated contact details.

**E** Leave this section blank if you are not submitting the **Internal Appeal** on behalf of another individual or organisation.  
If you are submitting the request on behalf of an individual or organisation fill in your capacity, e.g. RESEARCH ASSISTANT, PARALEGAL ADVISER, NEXT OF KIN or other capacity.

**F** If you submitted the PAIA Request and you are now submitting the **Internal Appeal** for the same PAIA Request, leave this section blank.  
If you are submitting the **Internal Appeal** in relation to a PAIA Request that was submitted by someone else, you must complete this section.

## EXAMPLE OF FORM B (PAGE 2 OF 4)

### 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:

**G**

|          |   |
|----------|---|
| <b>H</b> | Refusal of request for access   |
| <b>I</b> | Decision regarding fees prescribed in terms of Section 22 of the Act  |
| <b>J</b> | Decision regarding the extension of the period within which the request must be dealt with in terms of Section 26(1) of the Act |
| <b>K</b> | Decision in terms of Section 29(3) of the Act to refuse access in the form requested by the requester                           |
| <b>L</b> | Decision to grant request for access  |

### E. Grounds for appeal

*If the provided space is inadequate, please continue on a separate folio (page) and attach it to this form. You must sign all the additional folios (pages).*

State the grounds on which the Internal Appeal is based:

**GROUND FOR INTERNAL APPEAL ATTACHED **M****

### F. Notice of decision on appeal

*You will be notified in writing of the decision of 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: \_\_\_\_\_ **N**

Particulars of manner: \_\_\_\_\_ **O**

Signed at \_\_\_\_\_ **P** this \_\_\_\_\_ day of \_\_\_\_\_ **Q**

\_\_\_\_\_  
SIGNATURE OF APPELLANT **R**

## TIPS ON HOW TO COMPLETE FORM B

- G** Very important to cooperate with this instruction: **Mark with X**.
- H** Mark with an '**X**' if you have been refused access to the **record(s)** you requested.
- I** Mark with an '**X**' if you believe you have been charged unfairly regarding payment of fees. See Section 22 of PAIA.
- J** Mark with an '**X**' if your **Internal Appeal** relates to Section 26(1) of PAIA.
- K** Mark with an '**X**' if you have not been given the **record(s)** in the form you requested and you are appealing against this decision. See Section 29(3) of PAIA.
- L** You may wish to appeal against the decision if you are dissatisfied with the access that has been granted. For example the records granted are not in fact the records which were originally requested in **Form A**.
- M** It is best practice to detail your **Grounds for Internal Appeal** on a separate document. See pages 31-36.
- N** It is best practice to have a written record of all correspondence, it is also helpful to request a phone call. NB: If you say "PLEASE WRITE AND PHONE" you must ensure that you include your relevant contact details to allow the relevant official in the **public body** to comply with your instructions.
- O** Provide your contact details if you stated "PLEASE WRITE AND PHONE". You must provide the address and telephone number you wish to be contacted on.
- P** Provide details of the location where the **Internal Appeal** is being submitted, e.g. Johannesburg.
- Q** Provide details of the date on which the **Internal Appeal** is being submitted.
- R** The Notice of Internal Appeal must be signed by the individual referred to in Section B.

## EXAMPLE OF FORM B (PAGE 4 OF 4)

### 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

\_\_\_\_\_  
RELEVANT AUTHORITY

\_\_\_\_\_  
RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE  
RELEVANT AUTHORITY ON \_\_\_\_\_ (date)

**NB!** Any area marked with a grey block is for office use only. Leave this section blank.

# FOUNDATIONS FOR INTERNAL APPEAL

To be submitted along with FORM B

This is NOT an official PAIA Form.

It is best practice to attach the **FOUNDATIONS FOR INTERNAL APPEAL** with Form B (Notice of Internal Appeal) as a separate document. Ensure that you refer to this document in Section E of Form B by stating: **FOUNDATIONS FOR INTERNAL APPEAL ATTACHED**.

The purpose of writing your **FOUNDATIONS FOR INTERNAL APPEAL** on a separate piece of paper is to make your argument clearer.

Use this document as a guide when writing your **FOUNDATIONS FOR INTERNAL APPEAL**.

## A COUPLE OF THINGS TO CONSIDER BEFORE YOU START:

### Terms and conditions of this form

- Use a blank piece of paper and either type or handwrite (very neatly) your **Grounds for Internal Appeal**.
- If you are writing your **Grounds for Internal Appeal** as an additional document in order to support the information you have provided in **Form B** you must ensure that you:
  - complete **Section E** of **Form B** by stating: **FOUNDATIONS FOR INTERNAL APPEAL ATTACHED**.
  - refer to your **Grounds for Internal Appeal** in your **cover letter**.
  - initial each page of your **Grounds for Internal Appeal**, e.g. CY.
- You will need to refer to specific sections of PAIA in order to write your **Grounds for Internal Appeal**.
- It is useful to mark sections in your copy of PAIA. This will help you find relevant sections of PAIA in the future.

### Attachments

- It is important to attach copies of relevant documents to your **Grounds for Internal Appeal**.
- Refer to these attachments in your **Grounds for Internal Appeal** as "Appendix A", "Appendix B", etc.
- Mark the top right-hand corner of each attachment with the relevant reference, e.g. "Appendix A", "Appendix B", etc.

## APPEAL PURSUANT TO THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA)

1. The appellant is \_\_\_\_\_ **A**.
  2. This appeal is directed to the \_\_\_\_\_ **B**. The \_\_\_\_\_ **C** is the relevant authority in terms of Section 74 of the Promotion of Access to Information Act (PAIA) to decide an appeal against a decision of the \_\_\_\_\_ **D** of the Department \_\_\_\_\_ **E**.
  3. On \_\_\_\_\_ **F** the appellant made a formal request in terms of PAIA to the Department of \_\_\_\_\_ **G**. The request was for "records relating to \_\_\_\_\_ **H**". A copy of this request is attached to this Appeal and marked Annexure A. **1**
  4. In a letter dated \_\_\_\_\_ **I** the Department of \_\_\_\_\_'s **E** \_\_\_\_\_ **D**, \_\_\_\_\_ **J**, wrote to the appellant to advise that its request had been refused in terms of Section \_\_\_\_\_ **K** of PAIA. A copy of this letter is annexed to this appeal and marked Annexure B **2**.
  5. The appellant refutes this ground for refusal and submits this appeal to the \_\_\_\_\_ **C** in terms of Section 74 of PAIA **L**.
6. The appellant contends that Section \_\_\_\_\_ **K** of PAIA is not a valid basis for refusing its request for the following reasons \_\_\_\_\_ **3**.
  7. Section \_\_\_\_\_ **4a** of PAIA states that an Information Officer must \_\_\_\_\_ **4b**. The appellant contends that \_\_\_\_\_'s **J** letter fails to detail specifically how disclosure of such information would \_\_\_\_\_ **5**.
  8. It is untenable to suggest that \_\_\_\_\_ **6**.
  9. The Department is exploiting its custody of the physical documents by refusing access to them **6**.
  10. Even apart from the specific provisions of Section \_\_\_\_\_ **4a** of PAIA, the fact that \_\_\_\_\_ **6**.
  11. \_\_\_\_\_ **6** should lead to the conclusion that any relevant disclosure of "the records" in response to a request under PAIA is not "unreasonable".

## HOW TO COMPILE GROUNDS FOR INTERNAL APPEAL (PAGE 1 OF 2)

**A** State the name of your organisation (or your name if you are not representing an organisation).

**G** State the name of the department to whom you submitted your original PAIA Request.

**B** The Internal Appeal should be directed to the relevant Head of the **public body**. State the name, title and Department of the relevant Head of **public body**, e.g. Minister of Housing, etc.

**H** State what records were requested in your PAIA Request.

**C** State the title e.g. MINISTER, PRESIDENT, MEC, etc.

**I** Date of letter received from the IO or DIO.

**D** Write either Information Officer (IO) or Deputy Information Officer (DIO).

**J** State the name of the IO or DIO.

**E** State the name of the department to whom you are appealing, e.g. Department of Defence.

**K** Refer to the Section of PAIA that the IO/DIO referred to when refusing the PAIA Request.

**L** Always refer to Section 74 when lodging the Internal Appeal.

**F** State the date of submission of the PAIA Request (the date which you originally submitted Form A requesting access to information in terms of PAIA).

### TIPS

**1** Attach a copy of the original request. Mark the document “**Annexure A**”.

**2** Attach a copy of the original correspondence received from the Information Officer or Deputy Information Officer. Mark the document “**Annexure B**”.

**3** Use the sections below to list the **Grounds for Internal Appeal**: refer specifically to the Sections of PAIA that illustrate why the decision to refuse access should be reconsidered.

#### Useful Sections when writing Grounds for Internal Appeal in PAIA:

- Section 25(3)(a): If a request is refused the Information Officer is obliged to state adequate reasons for refusal.
- Section 46: Public Interest override.
- Section 34(1)(c); 36(2)(a); 37(2)(a) or 42(5)(a):  
Request may not be refused for information that is already publicly available.
- 34(2)(e): A record may not be refused insofar as it consists of information about an individual who is deceased and the **requester** is (i) the individual’s next of kin or (ii) has the written consent of the individual’s next of kin.

**4a** Refer specifically to the Section of PAIA to which your points relate. There are a number of Sections in PAIA which detail the responsibilities of the IO/DIO. It may be useful to use one of these sections to illustrate your point.

**4b** Summarise the wording of the Section you choose.

**5** Refer to the responsibilities of the IO/DIO if they have failed to fulfil their role.

**6** These are examples of sentence formats which you may like to use to illustrate your point.

## EXAMPLE OF GROUNDS FOR INTERNAL APPEAL (PAGE 2 OF 2)

- 12 \_\_\_\_\_ **A** specifically requests access to the (i) xx, (ii) xx (iii) xx **7**.  
\_\_\_\_\_ **A** contends that as the details of \_\_\_\_\_ **8**  
is already publicly available its request is not in breach of Section 34(1).
- 13 \_\_\_\_\_ 's **A** request for access to information in terms of PAIA does not  
relate to details of the motivation behind the decision to \_\_\_\_\_ **9**.  
\_\_\_\_\_ **A** is merely requesting details of \_\_\_\_\_ **9**.
- 14 The fact that \_\_\_\_\_ **J** has cited Section \_\_\_\_\_ **K** as  
grounds for refusal demonstrates in our opinion a misunderstanding of this provision:  
this section explicitly states that \_\_\_\_\_ **10**. In the appellant's view  
\_\_\_\_\_ **J** has failed to properly apply his/her mind to \_\_\_\_\_  
\_\_\_\_\_ 's **A** request in terms of PAIA.
- 15 \_\_\_\_\_ **11** contends that this refusal to provide access to information  
is in direct contrast to the spirit of openness and disclosure regarding the inter-related  
issues of indemnity, amnesty and pardons that forms the basis of a number of recent  
pieces of legislation, including PAIA, as well as the Promotion of National Unity and  
Reconciliation Act of 1995 and the Indemnity and Further Indemnity Acts of 1990  
and 1991.
- 16 In short, the decision by the \_\_\_\_\_ **D** of the Department of \_\_\_\_\_  
\_\_\_\_\_ **E** to refuse \_\_\_\_\_ 's **A** request for access to records in  
terms of PAIA is inconsistent with the objects of the Act. **12**
- 17 The \_\_\_\_\_ **C** should accordingly order that \_\_\_\_\_ **A**  
be given access to the information requested pursuant to Section 77(2) of PAIA.

## HOW TO COMPILE GROUNDS FOR INTERNAL APPEAL (PAGE 2 OF 2)

### Useful sections when writing Grounds of Internal Appeal:

- Section 25(3)(a): If a request is refused the Information Officer is obliged to state adequate reasons for refusal.
- Section 46: Public Interest override.
- Section 34(1)(c); 36(2)(a); 37(2)(a) or 42(5)(a):  
Request may not be refused for information that is already publicly available.
- 34(2)(e): A record may not be refused insofar as it consists of information about an individual who is deceased and the **requester** is (i) the individual's next of kin or (ii) has the written consent of the individual's next of kin.

### TIPS

- 7 It may be necessary to reinforce the details of the specific records that are being requested. Where possible, it is useful to number these so that your point is easily understood.
- 8 Use this wording only if the records you are requesting are already publicly available in some format, e.g. records are also detailed in a public court hearing.
- 9 Clarify the precise nature of your PAIA Request, i.e. it might be that you are looking for the number of individuals who received RDP housing in 2004 – not the decisions made that led to this fact.
- 10 Clarify by summarising the purpose/content of the Section of PAIA sighted as **grounds for refusal**.
- 11 Use a similar statement when you feel the **Grounds for Refusal** are not only in contradiction to the object of PAIA, but also go against general tools to ensure openness and accountability. You may also wish to refer to other legislation, e.g. Promotion of Administrative Justice Act 3 of 2000 (PAJA).
- 12 Use this statement if the decision made by the IO/DIO is in direct contrast to the concept of openness and accountability.



# Form C

## HOW TO COMPLETE

### A REQUEST FOR ACCESS TO A RECORD(S) OF A PRIVATE BODY

**This Form is the standard form to be completed when submitting a PAIA Request to a PRIVATE BODY: it was written as part of the Regulations to the Act and its format must not be altered.**

You **must** complete this form and submit it to the relevant **PRIVATE BODY** in order to apply for access to information in terms of PAIA.

## A COUPLE OF THINGS TO CONSIDER BEFORE YOU START:

### The contact details of the private body

- The **Information Officer (IO)** for a **Private Body** is always the Head of the Body, e.g. The CHIEF EXECUTIVE OFFICER, DIRECTOR or MANAGING DIRECTOR.
- You may find the **IO** contact details online.
- You will need to phone the **IO** to ensure you have the correct contact details.
- If you do not have access to the internet, you may be able to call (via Directory Enquiries) or physically go to the **private body** to check you have the correct contact details.

**NB!** The Head of the **PRIVATE BODY** may not be aware of his/her responsibilities in terms of PAIA. You may need to explain these to him/her in your **COVER LETTER**.

### Submitting a PAIA Request on behalf of an individual or organisation

If you are submitting a PAIA Request on behalf of an individual you will need proof that you have permission to do so. You are required to provide:

- 1) A copy of the individual's **South African ID** or **passport** (SA or foreign); and
- 2) A **letter of authorisation** from the individual stating that they authorise you (and other representatives from your organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf. See page 14 for an example of a **letter of authorisation**.

If you are submitting a request on behalf of an organisation you will need the same documents as stated above from an individual within the organisation with the appropriate responsibilities.

**NB!** When submitting a PAIA Request to a **PRIVATE BODY** you must state which **right(s)** you are protecting or exercising. Always begin your statement with *'the right to access information and also...'* (detail other rights, e.g. the right to access adequate housing or the right to fair labour practices, etc.).

# 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 Head: \_\_\_\_\_ **A**

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

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

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

Identity/passport number: \_\_\_\_\_

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

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

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

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

Capacity in which request is made, when made on behalf of another person: \_\_\_\_\_ **C**

### 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: \_\_\_\_\_ **C**

Identity/passport number: \_\_\_\_\_ **C**

### 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 (page) and attach it to this form. **The requester must sign all the additional folios.**

1. Description of record or relevant part of the record: \_\_\_\_\_ **D**

2. Reference number, if available: \_\_\_\_\_ **E**

3. Any further particulars of record: \_\_\_\_\_ **F**

### 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. **1**

## TIPS ON HOW TO COMPLETE FORM C

**A** You must provide the details of the person responsible for receiving the PAIA Requests, as well as the full name of the **private body**. This information is sometimes provided online – if you are unable to access this information online contact the **private body** and ask them directly. The **Information Officer (IO)** of a **private body** is always the Head of the body, e.g. CEO, MD or DIRECTOR.

**B** The **requester** (person who is submitting the PAIA Request) must provide these details. This person is then responsible for follow up and future action regarding the PAIA Request.

### Filling in contact details:

If you do not supply valid contact details your form will not be processed. If you do not have a fax number or e-mail address, leave these sections blank. The **IO** will not be able to contact you if you provide incorrect or outdated contact details.

**C** If you are not submitting the PAIA Request on behalf of another person or organisation, leave this section blank.

If you are submitting the PAIA Request on behalf of another person or organisation, fill in your capacity, e.g.:

- Research Assistant
- Paralegal Adviser
- Next of kin
- Advocate

**D** Provide as concise and accurate information as possible concerning the record itself (e.g. annual reports, training manuals or records detailing...): refer to dates (e.g. 2005 – 2006) use bullets and/or numbering for clarity if the request is for more than one record. (See page 3 for examples).

**E** You may have this information (from a Report that you read, or by coming across information online/in a pamphlet/advertisement, or you may have seen an **Inventory** of the information). Leave blank if you have no reference number.

**F** Relevant and concise information that may be useful to assist the private body to locate the **record**. e.g. date **record** was created or the title of an agreement that may relate to the **record**.

### FEES:

**1** The standard amount for the **request fee** charged by a **private body** is R50. A **personal requester** (i.e. if the **requester** is seeking access to a record containing personal information about themselves) is exempt from paying **request fees**. **Access fees** are additional.

**NB!** Requesters with a low income are not exempt from paying **request fees** and **access fees** to a **private body**.

## EXAMPLE OF FORM C (PAGE 2 OF 4)

- (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. **2**
- (d) If you qualify for exemption of the payment of any fee, please state the reason thereof.

Reason for exemption from payment of fees: \_\_\_\_\_ **3**

### 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: **G**

Form in which record is required: **H**

Mark the appropriate box with an "X". **I**

NOTES:

- (a) Your indication as to the required form of access depends 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. **J**

### 1. If the record is in written or printed form:

**4**

Copy of record\*

**5**

Inspection of record

### 2. If record consists of visual images:

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

**6**

View the images

**7**

Copy of the images\*

**8**

Transcription of the images\*

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

**9**

Listen to the soundtrack  
(audio cassette)

**10**

Transcription of the soundtrack\*  
(written or printed document)

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

**11**

Printed copy of  
the record\*

**12**

Printed copy of  
derived from the  
record\*

**13**

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

**14**

**15**

**A postal fee is payable.**

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? **K****

## TIPS ON HOW TO COMPLETE FORM C

- G** Complete this section only if you have a disability. State your disability (e.g. impaired hearing).
- H** Complete this section only if you have a disability. State how you would like the information to be provided: orally, fax, letter, etc.
- I** **Very important** to cooperate with this instruction: Mark with X.
- J** For example, if you wish to view the **record** rather than request a copy, the **access fee** will be smaller. If you ask for the record to be sent to you in the post there will be a postal cost included in the **access fee**. If you don't want to pay for postage you can choose to collect the record yourself.
- K** You may state your preferred language, e.g. Afrikaans, English, isiZulu, etc.

**FEES:** Box to the left of relevant section should be marked with an 'X', e.g. 

|   |       |
|---|-------|
| X | Issue |
|---|-------|

- 2** The **private body** will notify you of the amount payable for the **access fee**.
- 3** Personal **requesters** are exempt from paying **request fees**. Therefore state: PERSONAL REQUESTER. If you are not exempt from paying fees leave this section blank.

Mark with an 'X' if you would like:

- 4** A copy of the record. For every photocopy of an A4 size page or part thereof = R1.10 per page.
- 5** To physically go to the archive where the **record** is held and inspect the **record**. There is no fee for this.
- 6** To physically go to the archive where the **record** is held and view the images. There is no fee for this.
- 7** A copy of visual image. Cost = R60.
- 8** A transcription (written description) of visual images. Cost = R40 per A4 size page or part thereof.
- 9** To physically go to the archive where the **record** is held and listen to the soundtrack. There is no fee for this.
- 10** A transcription of audio record. Cost = R20, copy of audio record = R30.
- 11** To receive a direct copy of the record that is held on computer or in an electronic or machine. Cost = R0.75 per A4 page or part thereof.
- 12** If you mark this box with an 'X' you are requesting that the record be amended (e.g. possibly resized) before it is printed. Cost = R0.75 per page or part thereof.
- 13** A copy in computer readable form. Cost: stiffer disc = R7.50, CD = R70.
- 14** If you select Yes, there will be a postage cost included in your **access fees**.
- 15** If you select No, you will need to pay for postage. You will need to arrange collection of the record yourself.

## EXAMPLE OF FORM C (PAGE 4 OF 4)

### G. Particulars of right to be exercised or protected

*If the space provided is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.*** **L**

1. Indicate which right is to be exercised or protected: \_\_\_\_\_

### The right of access to information and... **M**

2. Explain why the record requested is required for the exercise or protection of the aforementioned right: **N**

### H. 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 thereof 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? **O**

**Please write and call.**

Signed at \_\_\_\_\_ **P** this \_\_\_\_\_ day of \_\_\_\_\_ **Q**.

\_\_\_\_\_  
SIGNATURE OF REQUESTER **R**

**NB!** The Minister of Justice and Constitutional Development may change fees. Check Government Notices relating to PAIA published in the Government Gazette, [www.doj.gov.za/paia/paia.htm](http://www.doj.gov.za/paia/paia.htm)

## TIPS ON HOW TO COMPLETE FORM C

- L** It is essential that all additional pieces of paper to be viewed with **Form C** are signed by the **requester**.
- M** Explain what other rights are being protected or exercised, by submitting your PAIA Request, e.g. the Right to Access Information, the Right to Administrative Justice and the Right to Adequate Housing.
- N** Give an explanation as to the context of the request. Provide concise details of the individual and/or organisation's objective/mandate/the benefits that will be realised if the aforementioned **record** is disclosed. This information must be provided whether you are submitting the request on behalf of an individual or an organisation, on your own behalf or on behalf of the organisation you work for.
- O** It is best practice to have a written record of all correspondence, it is also helpful to request a phone call. NB: If you state "PLEASE WRITE AND PHONE" you must ensure that you include your relevant contact details to allow the **private body** to comply with your instruction.
- P** Provide details of the location where the PAIA Request is being submitted, e.g. Johannesburg.
- Q** Provide details of the date on which the PAIA Request is being submitted. e.g. 8th day of December 2005.
- R** The **requester** will be responsible for following up on the PAIA Request and corresponding with the **private body**.



## FORD FOUNDATION

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