

**PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

**Prepared in accordance with Section 14 of the Promotion of Access to  
Information Act 2000, (Act 2 of 2000)**

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## 1. INTRODUCTION

- 1.1 The Promotion of Access to Information Act of 2000, (“the Act”) seeks, inter alia, to give effect to the constitutional right of access to information held by the State or by any other person where such information is required for the exercise or protection of any right.
- 1.2 Section 14 of the Act also requires public and private bodies to compile manuals that provide information on both the type and categories of records held by such public and private bodies. ASPIRE is a public body under paragraph (b)(ii) of the definition of “public body” in section 1 of the Act. In terms of section 8 of the Act, a public body referred to paragraph (b)(ii) of the Act may either be a public body or private body in relation to a record of that body. This document serves as ASPIRE’s manual with regard to information or records in relation to which ASPIRE is a public body.
- 1.3 The manual is available in English. Translated version in two other languages are available on request i.e. Afrikaans and isiXhosa.

## 2. PURPOSE AND SCOPE OF MANUAL

Section 14 of the Act obliges the Information Officer (Chief Executive Officer) of public bodies like ASPIRE, to compile manual which would assist a person to obtain access to information held by such public body and stipulates the minimum requirements such manual has to comply with.

**As required under Section 14, this manual contains the following information:**

- A description of the Company’s structure and functions;
- The postal and street address, phone number, fax number and electronic mail address of the Information Officer as well as the Deputy Information Officer(s) designated;
- A description of the Guide compiled by the South African Human Rights Commission and how to access it;
- Sufficient detail to facilitate a request for access to a record of the Company;
- A description of the subjects on which the Company holds records and the categories of records held on each subject;

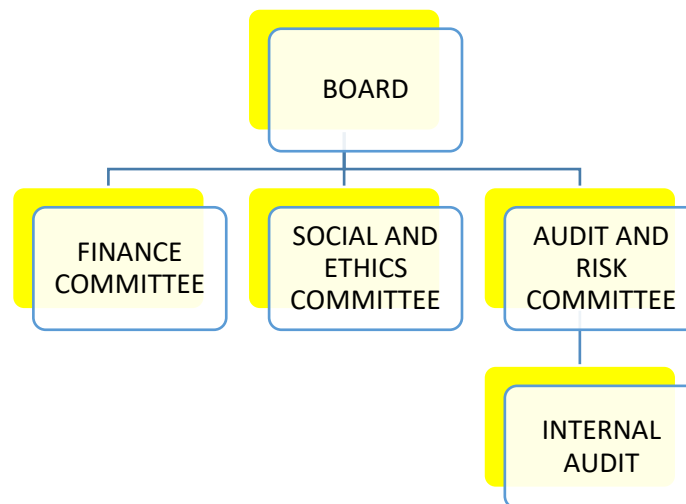
- A description of all remedies available in respect of an act or failure to act by the Company.

### 3. PARTICULARS IN TERMS OF SECTION 14

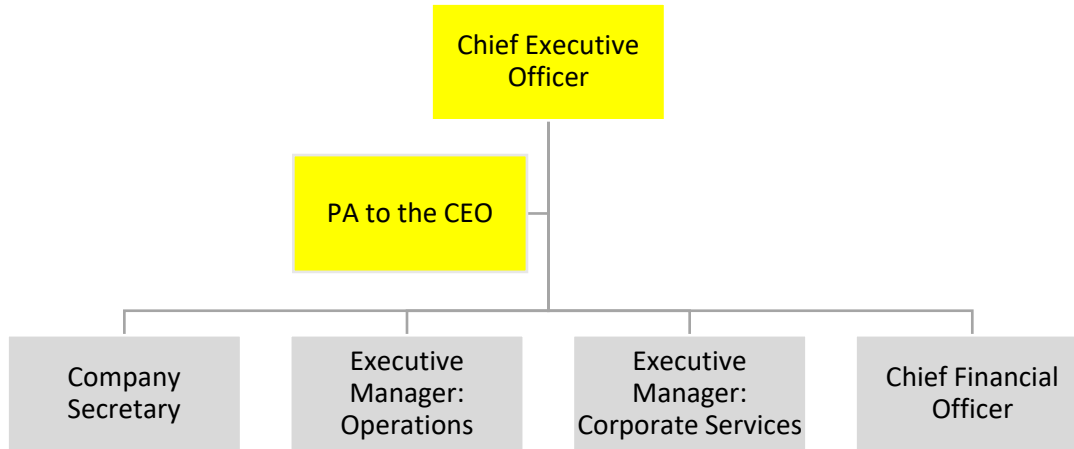
#### 3.1 STRUCTURE AND FUNCTIONS - [Section 14(1)(a)]

##### 3.1.1 STRUCTURE OF ASPIRE

ASPIRE is a Municipal Entity established in terms of Local Government: Municipal Systems Act 32 of 2000, and incorporated as a State-Owned Company in terms of the Companies Act 71 of 2008. ASPIRE is constituted of the Board and Administrative Structure. The Board of Directors constitutes the accounting authority of ASPIRE, reporting and accountable to the ADM Council. The Board of ASPIRE consists of three committees, namely the Audit & Risk Committee (ARC), the Finance Committee (FINCOM, and the Social & Ethics Committee (SEC).



The Executive Committee (EXCO) of ASPIRE is comprised of the Chief Executive Officer as chairperson of EXCO and the four (4) Executives, including the Company Secretary.



### 3.2 PARTICULARS IN TERMS OF SECTION 14

#### 3.2.1 INFORMATION OFFICER

In terms of the Act, the Chief Executive Officer of ASPIRE is the Information Officer

<b>Full names</b>	<b>Akhona Tinta</b>
<b>Telephone number</b>	<b>(043) 721 2070</b>
<b>Fax number</b>	<b>(043) 721 2074</b>
<b>Email address</b>	<a href="mailto:PAIA@aspire.org.za">PAIA@aspire.org.za</a>
<b>Postal address</b>	<b>P O Box 500 East London 5200</b>
<b>Physical address</b>	<b>6 Princes Road Vincent East London 5201</b>

### 3.2.2 DEPUTY INFORMATION OFFICER

In accordance with the provisions of the Act, the Information Officer has duly authorised the following persons as Deputy Information Officers. When making a request please direct it to the following two Deputy Information Officers.

1	<b>Full names</b>	<b>Sandra Weppelman</b>
	<b>Telephone number</b>	<b>(043) 721 2070</b>
	<b>Fax number</b>	<b>(043) 721 2074</b>
	<b>Email address</b>	<a href="mailto:PAIA@aspire.org.za">PAIA@aspire.org.za</a>
	<b>Postal address</b>	P O Box 500 East London 5200
	<b>Physical address</b>	6 Princes Road Vincent East London 5201
2	<b>Full names</b>	<b>Thulani Sagela</b>
	<b>Telephone number</b>	<b>(043) 721 2070</b>
	<b>Fax number</b>	<b>(043) 721 2074</b>
	<b>Email address</b>	<a href="mailto:PAIA@aspire.org.za">PAIA@aspire.org.za</a>
	<b>Postal address</b>	P O Box 500 East London 5200
	<b>Physical address</b>	6 Princes Road Vincent East London 5201

### **3.3 THE SECTION 10 GUIDE - [Section 14(1)(c)]**

In terms of Section 10 of the Act, the South African Human Rights Commission (SAHRC) has compiled a guide on the use of the Act which can be obtained from the SAHRC at the following address:

Private Bag 2700

Houghton

2041

Telephone number: (011) 877 3640/3769

Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

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

### **3.4 ACCESS TO RECORDS HELD BY ASPIRE**

#### **3.4.1 THE REQUEST PROCEDURE**

- 3.4.1.1 The requester must use the prescribed form, Annexure A, to make the request for access to a record. The request must be directed to the Deputy Information Officer whose contact details are set out in 3.2.2 above.
- 3.4.1.2 The requester must provide sufficient information on the request form to enable the Deputy Information Officer to identify the records requested.
- 3.4.1.3 The requester should also indicate which form of access is required.
- 3.4.1.4 The requester must state whether the record concerned is preferred in a particular language.
- 3.4.1.5 The requester should also indicate if he or she wishes to be informed of the decision on the request in any manner and state that manner and the necessary particulars to be so informed.
- 3.4.1.6 If the request is made on behalf of another person, the requester must submit proof of the capacity in which he or she is making the request, to the reasonable satisfaction of the Deputy Information Officer.
- 3.4.1.7 The Deputy Information Officer shall notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before processing the request.
- 3.4.1.8 A requester whose request for access to a record has been granted must pay an access fee for the reproduction and for the searching and preparation of the

copies or transactions of the content of the record requested and for the time reasonably required in access of the prescribed hours to search for and prepare the record for disclosure.

- 3.4.1.9 The Deputy Information Officer will inform the requester of his decision within 30 days after receipt of the request or may extend that period by a further period not exceeding 30 days. The period within which the Deputy Information Officer will inform the requester of his decision is subject to such extension as may be required to give a third party the chance to make representations to the Deputy Information Officer where the record requested is with regard to the records of that third party.
- 3.4.10 If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or in an unacceptable form by a public body, section 78(2) of the Act empowers the requester to apply to court for appropriate relief within 30 days of the decision.
- 3.4.11 if the court orders ASPIRE to grant the requester access to the requested records, the request must pay the access fee before such records can be granted.

### **3.4.2 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

- 3.4.2.1 The Deputy Information Officer shall, subject to other provisions of the Act, refuse request for information or record if that information or record relates:
- (a) Mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
  - (b) Mandatory protection of the commercial information of a third party, of the record contains -
    - (i) Trade secrets of that third party;
    - (ii) Financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;
    - (ii) Information supplied in confidence by a third party to ASPIRE, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.



- (c) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- (d) Mandatory protection of the safety of individuals and the protection of property;
- (e) Mandatory protection of records which would be regarded as privilege in legal proceedings;
- (f) The information about research being or to be carried out by or on behalf of a third party where disclosure would likely expose that third party or the person that is or will be carrying on research on behalf of that third party or the subject matter of the research to serious disadvantage.

3.4.2.2 The Deputy Information Officer may refuse a request for information or record if that information or record relates to:

- (a) information that was supplied by a third party, in confidence, the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source and it is in the public that such information, or information from the same source continue to be supplied;
- (b) mandatory protection of safety of individuals and protection of property;
- (c) mandatory protection of law enforcement and legal proceedings;
- (d) the commercial activities of ASPIRE, which may include -
  - (i) trade secrets of ASPIRE;
  - (ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of ASPIRE;
  - (ii) information which, if disclosed could put ASPIRE at a disadvantage in negotiations or commercial competition;
  - (iv) a computer program which is owned by ASPIRE and which is protected by copyright.
- (e) information about research being or to be carried out by or on behalf of ASPIRE, or the disclosure of which would likely to expose ASPIRE or the person that is or will be carrying out research on behalf of ASPIRE or the subject matter of the research, to serious disadvantage.

- (f) an opinion, advice, report or recommendation obtained or prepared, or an account of a consultation, discussion or deliberation that has occurred, including but not limited to, minutes of a meeting, for the purpose of assisting to formulate policy or to take a decision in the exercise of a power or performance of a duty conferred or imposed by law.
- (g) requests that are frivolous, vexatious or involve unreasonable diversion of ASPIRE resources.

### 3.4.3 CATEGORIES OF RECORDS HELD BY ASPIRE

ASPIRE holds the following records of which a formal PAIA request process will apply

<b>a) Risk Management</b>	- Risk Management Reports
<b>b) Financial management</b>	- Management Accounting Reports - Payroll Documentation - Financial Administration Documents - Journals - Cash flow management - Financial Acts and Regulations
<b>c) Supply Chain Management</b>	- Bid Documents - Third Party Information (KYC, Tax clearance, BEE etc) - Minutes and decision records
<b>d) Human Resources</b>	- Personnel files - Appointment offers - Performance Bonuses - Training and development - Employment equity - Occupational Health and Safety - Labour disputes - Disciplinary records

<b>e) Information Communication Technology</b>	<ul style="list-style-type: none"> <li>- ICT Service Level Agreements</li> <li>- System related records</li> <li>- Disaster recovery and implementation plans</li> </ul>
<b>f) Facilities Management</b>	<ul style="list-style-type: none"> <li>- Building plans</li> <li>- Asset Register (non-financial)</li> <li>- Insurance Documentation</li> </ul>
<b>g) Corporate Strategy</b>	<ul style="list-style-type: none"> <li>- Corporate Vision and Mission Statements</li> <li>- Corporate Strategy</li> <li>- Scorecards</li> </ul>
<b>h) Legal Services</b>	<ul style="list-style-type: none"> <li>- Agreements</li> <li>- Memorandum of Understanding</li> <li>- Service Level Agreement</li> <li>- Legal opinions</li> <li>- Litigations</li> </ul>
<b>i) Communication and Marketing</b>	<ul style="list-style-type: none"> <li>- Annual Report</li> </ul>
<b>j) Secretariat</b>	<ul style="list-style-type: none"> <li>- Board minutes</li> <li>- Declaration of Interests</li> <li>- Records relating to Board Members</li> </ul>

#### **3.4.4 RECORDS AUTOMATICALLY AVAILABLE [Section 14(1)(e)]**

The categories of information relate to publicly available information i.e. internally and externally. Such information need not be requested in terms of the Act. For example, the following recorded information can be obtained automatically without a formal PAIA request procedure:

- Policies and procedures
- Annual Reports
- ASPIRE printed publications (Newsletters, Booklets etc.)
- Other information published on the ASPIRE website.

### **3.5 THE REMEDIES AVAILABLE IN RESPECT OF FAILURE TO COMPLY WITH THE PROVISIONS OF THE ACT**

Any requester dissatisfied with any decision in respect of a request for access to a record of ASPIRE can approach the High Court or another court of similar status to seek relief.

### **3.6 OTHER INFORMATION AS MAY BE PRESCRIBED [Section 14(1)(i)]**

No information has been prescribed in terms of this section

### **3.7 AVAILABILITY OF THE MANUAL [Section 14(3)]**

This manual will be made available in three official languages to the Human Rights Commission, in accordance with paragraph 4(1) Regulations promulgated in terms of the Act and is published on the ASPIRE website, [www.aspire.org.za](http://www.aspire.org.za)

### **3.8 PRESCRIBED FEES IN RESPECT OF PUBLIC BODIES**

The following fees have been prescribed in the Regulations promulgated in terms of the Act and must be paid by a requester before ASPIRE contact persons can make any records requested available to the requester.

For any request that would require more than six hours to access or prepare for disclosure, one third of the access fee is payable as a deposit by the requester. The actual postage is payable when a copy of a record must be posted to a requester.

The request fee payable by every requester, other than a personal requester, referred to in Regulation 7(2) of the Act is R35.00. The fee for a copy of the manual as contemplated in Regulation 5(c) of the Act is R0,60 for every copy of an A4 of page or part thereof.

### 3.9 REPRODUCTION FEES [Regulation 7(1)]

DESCRIPTION	FEE
a) For every photocopy of an A4-size page or part thereof	R0,60
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
c) For a copy in a computer-readable form on - (i) Compact disc	R40.00
d) Visual images (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R22.00 R60.00
e) Audio Visual (i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For an audio record	R12.00 R17.00

### 3.10 ACCESS FEES [Regulation 7(3)]

DESCRIPTION	FEE
a) For every photocopy of an A4-size page or part thereof	R0,60
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
c) For a copy in a computer-readable form on - (i) Compact disc	R40.00
d) Visual images (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R12.00 R17.00
e) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R15.00



**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 officer) on

..... (date)

at .....(place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

.....  
SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

**A. Particulars of public body**

The Information Officer/Deputy Information Officer

.....  
.....  
.....  
.....



**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

**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: .....

Telephone number: (.....) ..... Fax number: (.....) .....

E-mail address: .....

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

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

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

Full names and surname:

.....

.....

Identity number:.....

**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....  
.....

2. Reference number, if available:

.....

3. Any further particulars of record:

.....  
.....  
.....  
.....

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....  
.....  
.....  
.....



## F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
.....	.....
.....	.....
.....	.....

Mark the appropriate box with an X.

### NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

	Copy of record*	Inspection of record
--	-----------------	----------------------

2. If records consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):

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

Listen to the soundtrack (audio cassette)	transcription of soundtrack*(written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)	
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\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

<u>YES</u>	<u>NO</u>
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**Postage 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?



**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 ..... year

.....

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