

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



## REPORT ON REQUEST

(in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000))

Request for access received on \_\_\_\_ / \_\_\_\_ / 20\_\_\_\_ by \_\_\_\_\_  
DD MM YEAR *(state rank, name and surname of deputy information officer)*

### SECTION 1: REQUEST SUBMITTED TO:

Request submitted to	Sent by (signature)	Date sent (DD/MM/YEAR)	Received by (signature)	Date received (DD/MM/YEAR)

**Note:**

A copy of the Request form must accompany this Report at all times.

All steps taken in connection with a request for access to a record must be recorded on this Report.

### SECTION 2: IMMEDIATE DUTIES OF LINE MANAGER:

Determine the appropriate action by marking the appropriate block with an AX<sup>®</sup> in the table below. Thereafter this Report, together with the request, must be sent back to the deputy information officer. The deputy information officer must act in accordance with the direction of the line manager as indicated in the table below.

	The requested record resorts under the responsibility of another line manager within the Service and the next line of section 1 (above) has been completed. Transfer request to that line manager within 3 days.
	The requested record is in the possession or under the control of _____ (name of public body). Transfer the request to that public body.
	The subject matter of the request is more closely connected with the functions of _____ (name of public body) than those of the Service. Transfer the request to that public body.
	The requested record contains commercial information in which another public body, namely _____ (name of public body) has a greater commercial interest. Transfer the request to that public body.
	The requested record was created by or for another public body, namely _____ (name of public body). Transfer the request to that public body.
	The requested record was not created by or for any public body, but was received first by _____ (name of public body). Transfer the request to that public body.
	The record falls within my sphere of responsibility and I have indicated on the next pages to the deputy information officer what steps must be taken with regard to the request.

PLEASE PROCEED TO NEXT PAGE

If c	then proceed to c
the period to deal with the request, must be extended,	section 3 of this Report.
access should be granted,	section 4 of this Report. <b>(THE DEPUTY INFORMATION OFFICER WILL COMPLETE SECTION 7)</b>
access should be granted, but the record relates to a third party,	sections 4 and 5 of this Report.
a third party consented to the granting of access to the request or refused access to the record,	section 6 of this Report.
access should be deferred,	section 8 of this Report.
the record cannot be found or does not exist,	section 9 of this Report.
access should be refused,	sections 10(1), and 10(2) of this Report.

**SECTION 3:  
EXTENSION OF PERIOD TO DEAL WITH REQUEST**

If you are of the opinion that an extension of the period to deal with the request is required because of any of the circumstances stated below, mark the appropriate box with an AX@:

The request is for a large number of records or requires a search through a large number of records and compliance within the 30 day-period would unreasonably interfere with the activities of the Service.	
The request requires a search for records in, or collection thereof from, an office of the Service not situated in the same town or city as the office of the deputy information officer and such a search cannot reasonably be completed within the 30 day-period.	
Consultation amongst divisions of the Service or with another public body is necessary or desirable to decide upon the request. Such consultations cannot reasonably be concluded within the 30 day-period.	
More than one of the circumstances above exist in respect of the request, which makes compliance with the 30 day-period not reasonably possible.	
The requester did, or is willing to, consent in writing to such extension.	

If any of the above-mentioned circumstances apply, this Report must, within 2 days, be returned to the deputy information officer. He or she must notify the requester of the extension by completing and sending a SAPS 512(d) to the requester.

**SECTION 4:  
DECISION TO GRANT ACCESS TO THE RECORD**

**Form and manner of access**

State the form and manner in which the requested record can be made available, taking into account the form in which access is requested, and state the number of items that will be required to provide access in that manner:

	Mark with "X"			Mark with "X"	
<b>Written /printed form</b> Number of A4-pages: _____	YES	NO	<b>Words or information reproduced in sound (eg soundtrack)</b> Number of Audio cassettes: _____	YES	NO
<b>Visual Images</b> Number of C Photographs: _____ Video cassettes: _____ Stiffies: _____ A4 pages (sketches) _____	YES	NO	<b>Record on computer or in electronic or machine-readable form</b> Number of C A4 _____ pages: Stiffies: _____ CD=s: _____	YES	NO

State the language(s) in which the record is available \_\_\_\_\_

- (a) If the record relates to a third party, also complete section 5.
- (b) If the record does not relate to a third party, return the Report to the deputy information officer for the completion of section 7.

PLEASE PROCEED TO NEXT PAGE

**SECTION 5:  
ACCESS SHOULD BE GRANTED, BUT RECORD RELATES TO A THIRD PARTY**

If access to the record may be granted, determine whether the requested record relates to another individual and, if so, provide the following information regarding the third party.

Name \_\_\_\_\_

Address (if available) \_\_\_\_\_

Telephone number: (if available) \_\_\_\_\_  
of the third party.

Nature of reference in the record to this person: \_\_\_\_\_

If reference is made to more than one person, attach to the Report a folio with the above-mentioned particulars of every person and return this Report to the deputy information officer.

Folio(s) attached	YES		NO	
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The deputy information officer must complete and send a SAPS 512(f) to every third party identified in this section and a letter to the requester informing him or her that a third party is involved and has been afforded the opportunity to make representations on whether access to the record should be granted or not. Note that if access may be granted, you must nevertheless complete section 4 of this Report. In such a case, access will be granted by the deputy information officer if the written consent of the third party is received or no reaction is received from the third party during the specified period.

**SECTION 6:  
THIRD PARTY MADE REPRESENTATIONS THAT ACCESS TO THE RECORD BE REFUSED**

This section may only be completed after section 5 above has been completed and the third party has been informed accordingly.

If any third party has made representations (orally or in writing) on why access to the record should not be granted, you must consider such representations, and decide whether access to the record should be granted or refused and indicate your decision in the table below.

Access to the record may be granted		Access to the record must be refused*	
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\*If your decision is that access to the record must be refused, section 10 of this Report must be completed. (If your decision is that access to the record must be granted despite the representations of the third party, the deputy information officer will consult with you and the relevant legal services before informing the third party thereof and allowing him or her to lodge an internal appeal.)

**This Report must now be sent back to the deputy information officer.** The deputy information officer must inform the third party (on a SAPS 512(g)) and requester (on a SAPS 512(e)) (if access is refused) accordingly.

If your decision is to grant access, the deputy information officer may not grant access to the record before the period, during which an internal appeal or application to court may be lodged by the third party, has expired.

**SECTION 7:  
FOR COMPLETION BY DEPUTY INFORMATION OFFICER ONLY**

Determine the access fee in accordance with the manner in which access will be granted			
Request for record assessed	Number of items	Fee per item	Total
Photocopy (A4-pages), including sketches		R	R
Photograph(s)		R	R
Video cassette(s)		R	R
Stiffy		R	R
Audio cassette(s)		R	R
Compact Disc		R	R
Search and Preparation of record, if more than one hour			
	Number of hours	Fee per hour	Total
		R	R
<b>Postal fee</b>			R
<b>TOTAL AMOUNT DUE: (excludes request fee)</b>			R

**SECTION 8:  
DEFERRAL OF ACCESS**

The requested record is <input type="checkbox"/>	Mark with "X"
(a) to be published within 90 days after the receipt or transfer of the request or such further period as is reasonably necessary for printing and translating the record to publish it.	
(b) required by law to be published but is yet to be published.	
(c) prepared for submission to any legislature or a particular person but is yet to be submitted.	

**Recommendation of the line manager:**

Defer until \_\_\_\_ / \_\_\_\_ / 20 \_\_\_\_  
DD MM YEAR

Reasons for deferral: \_\_\_\_\_

After this section is completed, this Report must be sent to the relevant deputy information officer within 3 days to enable him or her to inform the requester accordingly and allow the requester an opportunity to make representations on why access should not be deferred.

**SECTION 9:  
THE RECORD CANNOT BE FOUND OR DOES NOT EXIST**

- (a) If, after all reasonable steps have been taken to find the requested record, there are reasonable grounds for believing that the record
- (i) is in the possession of the Service but cannot be found, or
  - (ii) does not exist,
- an affidavit or statement on affirmation must be made in which you give a full account of all steps taken to find the record or to determine whether the record exists, as the case may be. The affidavit or statement must mention all communications with every person who conducted the search for the record.
- (b) The affidavit or statement must be sent to the deputy information officer together with this Report within 14 days to enable him or her to notify the requester that it is not possible to give access to that record.
- (c) If the record in question is later found, the deputy information officer must be informed that the record has been found. The record must then be perused and a decision taken whether access should be granted or refused. In such a case, this Report must be obtained from the deputy information officer and the relevant sections must be completed.

**SECTION 10:  
REFUSAL TO GRANT ACCESS TO THE REQUEST**

**(1) Consult with legal services**

If you are of the opinion that access to the requested record should be refused, consult the relevant legal services to determine whether your reasons are justified in terms of the grounds for refusal provided for in the Act.

**(2) Ground for refusal**

(a) After you have consulted with the relevant legal services, and the legal services are also of the opinion that the request should be refused, indicate in the table below the section of the Act relied upon for the refusal to grant access: (the grounds for refusal contained in the Act are attached to the back of this Report for ease of reference)

Section of the Act relied upon	Mark with "X"
Sec 34: Protection of privacy of a third party who is a natural person	
Sec 35: Protection of certain records of the South African Revenue Service	
Sec 36: Protection of the commercial information of a third party	
Sec 37: Protection of certain confidential information, and protection of certain other confidential information, of a third party	
Sec 38: Protection of safety of individuals, and protection of property	
Sec 39: Protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings (* See also next page)	
Sec 40: Protection of records privileged from production in legal proceedings	
Sec 41: Defence, security and international relations of Republic	
Sec 42: Economic interests and financial welfare of the Republic and commercial activities of public bodies	
Sec 43: Protection of research information of third party, and protection of research information of the Service	
Sec 44: Effective functioning of the Service	
Sec 45: The work involved in processing the request would substantially and unreasonably divert the resources of the Service, or the request is manifestly frivolous or vexatious ( <i>scrap the part that is not applicable</i> )	

If section 39 was marked as the reason for refusal, also indicate whether any of the following applies:

<input type="checkbox"/>	Bail proceedings: section 39(1)(a)
<input type="checkbox"/>	Law enforcement: section 39(1)(b)
<input type="checkbox"/>	The requester must be informed that the Service refuses to confirm or deny the existence of the record

(b) State the reasons on which you rely for the refusal:

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(c) Refusal on above indicated ground RECOMMENDED / NOT RECOMMENDED (and any further decision or recommendation)

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Rank and name of legal administration official

Telephone number

Signature

(d) If legal services does not recommend refusal of access, complete section 4 for the granting of the request

**Recommendations of line manager:**

Any additional information or recommendations that indicate the steps the deputy information officer must take regarding the request for access:



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Submit the Report, together with the Request form to the relevant deputy information officer.

Date Report sent to deputy information officer

Signature of line manager

UPON FINALIZATION OF THE REQUEST, THE DEPUTY INFORMATION OFFICER MUST BRIEFLY RECORD HOW THE REQUEST WAS FINALIZED:

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Date request was finalized

Signature of deputy information officer

**FOUNDATIONS FOR REFUSAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
(ACT NO 2 OF 2000)**

**Mandatory protection of privacy of third party who is natural person**

34. (1) Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.
- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information-
- (a) about an individual who has consented in terms of section 48 or otherwise in writing to its disclosure to the requester concerned;
  - (b) that was given to the public body by the individual to whom it relates and the individual was informed by or on behalf of the public body, before it is given, that the information belongs to a class of information that would or might be made available to the public;
  - (c) already publicly available;
  - (d) about an individual's physical or mental health, or well-being, who is under the care of the requester and who is-
    - (i) under the age of 18 years; or
    - (ii) incapable of understanding the nature of the request, and if giving access would be in the individual's best interests;
  - (e) about an individual who is deceased and the requester is-
    - (i) the individual's next of kin; or
    - (ii) making the request with the written consent of the individual's next of kin; or
  - (f) about an individual who is or was an official of a public body and which relates to the position or functions of the individual, including, but not limited to-
    - (i) the fact that the individual is or was an official of that public body;
    - (ii) the title, work address, work phone number and other similar particulars of the individual;
    - (iii) the classification, salary scale or remuneration and responsibilities of the position held or services performed by the individual; and
    - (iv) the name of the individual on a record prepared by the individual in the course of employment.

**Mandatory protection of certain records of South African Revenue Service**

35. (1) Subject to subsection (2), the information officer of the South African Revenue Service, referred to in section 2(3), must refuse a request for access to a record of that Service if it contains information which was obtained or is held by that Service for the purposes of enforcing legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997).
- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information about the requester or the person on whose behalf the request is made.

**Mandatory protection of commercial information of third party**

36. (1) Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if the record contains-
- (a) trade secrets of a third party;
  - (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
  - (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected-
    - (i) to put that third party at a disadvantage in contractual or other negotiations; or
    - (ii) to prejudice that third party in commercial competition.
- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information-
- (a) already publicly available;
  - (b) about a third party who has consented in terms of section 48 or otherwise in writing to its disclosure to the requester concerned; or
  - (c) about the results of any product or environmental testing or other investigation supplied by, carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk.
- (3) For the purposes of subsection (2)(c), the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.

**Mandatory protection of certain confidential information, and protection of certain other confidential information, of third party**

37. (1) Subject to subsection (2), the information officer of a public body-
- (a) must refuse a request for access to a record of the body if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement; or
  - (b) may refuse a request for access to a record of the body if the record consists of information that was supplied in confidence by a third party-
    - (i) the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source, and
    - (ii) if it is in the public interest that similar information, or information from the same source, should continue to be supplied.
- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information-
- (a) already publicly available; or
  - (b) about the third party concerned that has consented in terms of section 48 or otherwise in writing to its disclosure to the requester concerned.

**Mandatory protection of safety of individuals, and protection of property**

38. The information officer of a public body-
- (a) must refuse a request for access to a record of the body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual; or
  - (b) may refuse a request for access to a record of the body if its disclosure would be likely to prejudice or impair-
    - (i) the security of-
      - (aa) a building, structure or system, including, but not limited to, a computer or communication system;
      - (bb) a means of transport; or
      - (cc) any other property; or
    - (ii) methods, systems, plans or procedures for the protection of-
      - (aa) an individual in accordance with a witness protection scheme;
      - (bb) the safety of the public, or any part of the public; or
      - (cc) the security of property contemplated in subparagraph (i)(aa), (bb) or (cc).

**Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings**

39. (1) The information officer of a public body-

- (a) must refuse a request for access to a record of the body if access to that record is prohibited in terms of section 60(14) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
- (b) may refuse a request for access to a record of the body if-
  - (i) the record contains methods, techniques, procedures or guidelines for-
    - (aa) the prevention, detection, curtailment or investigation of a contravention or possible contravention of the law; or
    - (bb) the prosecution of alleged offenders, and the disclosure of those methods, techniques, procedures or guidelines could reasonably be expected to prejudice the effectiveness of those methods, techniques, procedures or guidelines or lead to the circumvention of the law or facilitate the commission of an offence;
  - (ii) the prosecution of an alleged offender is being prepared or about to commence or pending and the disclosure of the record could reasonably be expected-
    - (aa) to impede that prosecution; or
    - (bb) to result in a miscarriage of justice in that prosecution; or
  - (iii) the disclosure of the record could reasonably be expected-
    - (aa) to prejudice the investigation of a contravention or possible contravention of the law which is about to commence or is in progress or, if it has been suspended or terminated, is likely to be resumed;
    - (bb) to reveal, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law;
    - (cc) to result in the intimidation or coercion of a witness, or a person who might be or has been called as a witness, in criminal proceedings or other proceedings to enforce the law;
    - (dd) to facilitate the commission of a contravention of the law, including, but not limited to, subject to subsection (2), escape from lawful detention; or
    - (ee) to prejudice or impair the fairness of a trial or the impartiality of an adjudication.
- (2) A record may not be refused in terms of subsection (1)(b)(iii)(dd) insofar as it consists of information about the general conditions of detention of persons in custody.

#### **Mandatory protection of records privileged from production in legal proceedings**

40. The information officer of a public body must refuse a request for access to a record of the body if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

#### **Defence, security and international relations of Republic**

41. (1) The information officer of a public body may refuse a request for access to a record of the body if its disclosure-
- (a) could reasonably be expected to cause prejudice to-
    - (i) the defence of the Republic;
    - (ii) the security of the Republic; or
    - (iii) subject to subsection (3), the international relations of the Republic; or
  - (b) would reveal information-
    - (i) supplied in confidence by or on behalf of another state or an international organisation;
    - (ii) supplied by or on behalf of the Republic to another state or an international organisation in terms of an arrangement or international agreement, contemplated in section 231 of the Constitution, with that state or organisation which requires the information to be held in confidence; or
    - (iii) required to be held in confidence by an international agreement or customary international law contemplated in section 231 or 232, respectively, of the Constitution.
- (2) A record contemplated in subsection (1), without limiting the generality of that subsection, includes a record containing information-
- (a) relating to military tactics or strategy or military exercises or operations undertaken in preparation of hostilities or in connection with the detection, prevention, suppression or curtailment of subversive or hostile activities;
  - (b) relating to the quantity, characteristics, capabilities, vulnerabilities or deployment of
    - (i) weapons or any other equipment used for the detection, prevention, suppression or curtailment of subversive or hostile activities; or
    - (ii) anything being designed, developed, produced or considered for use as weapons or such other equipment;
  - (c) relating to the characteristics, capabilities, vulnerabilities, performance, potential, deployment or functions of-
    - (i) any military force, unit or personnel; or
    - (ii) any body or person responsible for the detection, prevention, suppression or curtailment of subversive or hostile activities;
  - (d) held for the purpose of intelligence relating to
    - (i) the defence of the Republic
    - (ii) the detection, prevention, suppression or curtailment of subversive or hostile activities; or
    - (iii) another state or an international organisation used by or on behalf of the Republic in the process of deliberation and consultation in the conduct of international affairs;
  - (e) on methods of, and scientific or technical equipment for, collecting, assessing or handling information referred to in paragraph (d);
  - (f) on the identity of a confidential source and any other source of information referred to in paragraph (d);
  - (g) on the positions adopted or to be adopted by the Republic, another state or an international organisation for the purpose of present or future international negotiations; or
  - (h) that constitutes diplomatic correspondence exchanged with another state or an international organisation or official correspondence exchanged with diplomatic missions or consular posts of the Republic.
- (3) A record may not be refused in terms of subsection (1)(a)(iii) if it came into existence more than 20 years before the request.
- (4) (a) If a request for access to a record of a public body may be refused in terms of subsection (1), or could, if it existed, be so refused, and the disclosure of the existence or non-existence of the record would be likely to cause the harm contemplated in any provision of subsection (1), the information officer concerned may refuse to confirm or deny the existence or non-existence of the record.
- (b) If the information officer so refuses to confirm or deny the existence or non-existence of the record, the notice referred to in section 25(3) must-
- (i) state that fact;
  - (ii) identify the provision of subsection (1) in terms of which access would have been refused if the record had existed;
  - (iii) state adequate reasons for the refusal, as required by section 25(3), in so far as they can be given without causing the harm contemplated in subsection (1); and
  - (iv) state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal as required by section 25(3).

#### **Economic interests and financial welfare of Republic and commercial activities of public bodies**

42. (1) The information officer of a public body may refuse a request for access to a record of the body if its disclosure would be likely to materially jeopardise the economic interests or financial welfare of the Republic or the ability of the government to manage the economy of the Republic effectively in the best interests of the Republic.

- (2) The information referred to in subsection (1) includes, without limiting the generality of that subsection, information about-
- (a) a contemplated change in, or maintenance of, a policy substantially affecting the currency, coinage, legal tender, exchange rates or foreign investment;
  - (b) a contemplated change in or decision not to change-
    - (i) credit or interest rates;
    - (ii) customs or excise duties, taxes or any other source of revenue;
    - (iii) the regulation or supervision of financial institutions;
    - (iv) government borrowing; or
    - (v) the regulation of prices of goods or services, rents or wages, salaries or other incomes; or
  - (c) a contemplated-
    - (i) sale or acquisition of immovable or movable property; or
    - (ii) international trade agreement.
- (3) Subject to subsection (5), the information officer of a public body may refuse a request for access to a record of the body if the record-
- (a) contains trade secrets of the State or a public body;
  - (b) contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the State or a public body;
  - (c) contains information, the disclosure of which could reasonably be expected-
    - (i) to put a public body at a disadvantage in contractual or other negotiations; or
    - (ii) to prejudice a public body in commercial competition; or
  - (d) is a computer program, as defined in section 1(1) of the Copyright Act, 1978 (Act No. 98 of 1978), owned by the State or a public body, except insofar as it is required to give access to a record to which access is granted in terms of this Act.
- (4) The information referred to in subsection (2)(c)(i) includes, without limiting the generality of that subsection, information about an agreement, or contemplated agreement, to transfer any interest in or right to shares in the capital of a public body to any person which is not a public body referred to in paragraph (a) or (b)(i) of the definition of "public body".
- (5) A record may not be refused in terms of subsection (3) insofar as it consists of information-
- (a) already publicly available;
  - (b) about or owned by a public body, other than the public body to which the request is made, which has consented in writing to its disclosure to the requester concerned; or
  - (c) about the results of any product or environmental testing or other investigation supplied by, carried out by or on behalf of a public body, and its disclosure would reveal a serious public safety or environmental risk.
- (6) For the purposes of subsection (5)(c), the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.
- (7) If a request for access to a record contemplated in subsection (5)(c) is granted and the testing or other investigation was carried out by or on behalf of the public body from which the record is requested, the information officer must at the same time as access to the record is given, provide the requester with a written explanation of the methods used in conducting the testing or other investigation.

#### **Mandatory protection of research information of third party, and protection of research information of public body**

43. (1) The information officer of a public body must refuse a request for access to a record of the body if the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose-
- (a) the third party;
  - (b) a person that is or will be carrying out the research on behalf of the third party; or
  - (c) the subject matter of the research, to serious disadvantage.
- (2) The information officer of a public body may refuse a request for access to a record of the body if the record contains information about research being or to be carried out by or on behalf of a public body, the disclosure of which would be likely to expose-
- (a) the public body;
  - (b) a person that is or will be carrying out the research on behalf of the public body; or
  - (c) the subject matter of the research, to serious disadvantage.

#### **Operations of public bodies**

44. (1) Subject to subsections (3) and (4), the information officer of a public body may refuse a request for access to a record of the body-
- (a) if the record contains-
    - (i) an opinion, advice, report or recommendation obtained or prepared; or
    - (ii) an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting, for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law; or
  - (b) if-
    - (i) the disclosure of the record could reasonably be expected to frustrate the deliberative process in a public body or between public bodies by inhibiting the candid-
      - (aa) communication of an opinion, advice, report or recommendation; or
      - (bb) conduct of a consultation, discussion or deliberation; or
    - (ii) the disclosure of the record could, by premature disclosure of a policy or contemplated policy, reasonably be expected to frustrate the success of that policy.
- (2) Subject to subsection (4), the information officer of a public body may refuse a request for access to a record of the body if-
- (a) the disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure or method used by a public body;
  - (b) the record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise which was-
    - (i) made to the person who supplied the material; and
    - (ii) to the effect that the material or the identity of the person who supplied it, or both, would be held in confidence; or
  - (c) the record contains a preliminary, working or other draft of an official of a public body.
- (3) A record may not be refused in terms of subsection (1) if the record came into existence more than 20 years before the request concerned.
- (4) A record may not be refused in terms of subsection (1) or (2) insofar as it consists of an account of, or a statement of reasons required to be given in accordance with section 5 of the Promotion of Administrative Justice Act, 2000.

#### **Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources**



45. The information officer or a public body may refuse a request for access to a record of the body if-
- (a) the request is manifestly frivolous or vexatious; or
  - (b) the work involved in processing the request would substantially and unreasonably divert the resources of the public body.

