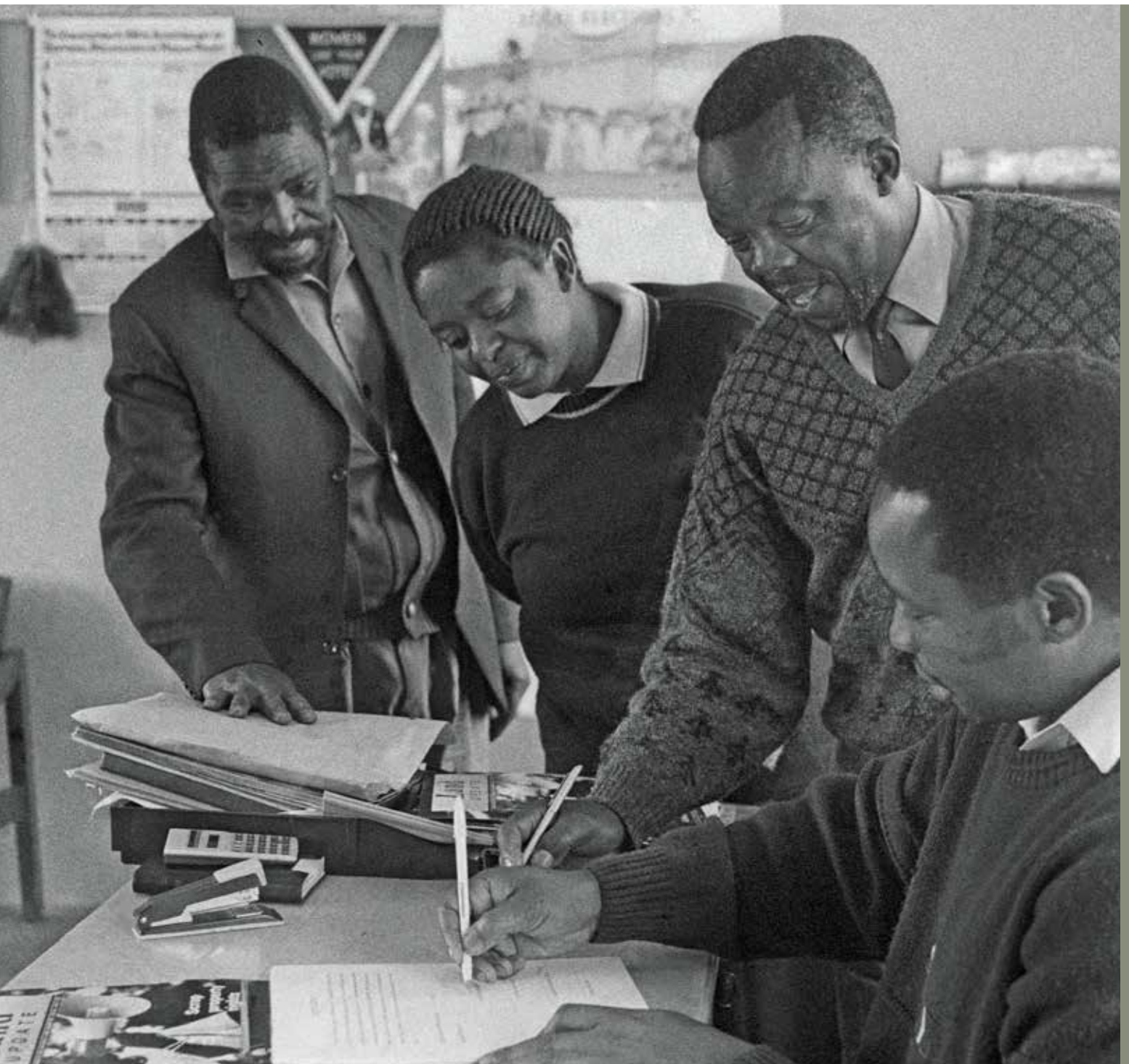


TRANSPARENCY AND LOCAL GOVERNMENT: A guide to processing PAIA requests





ABOUT THE SOUTH AFRICAN HISTORY ARCHIVE

The South African History Archive (SAHA) is an independent human rights archive dedicated to documenting, supporting and promoting greater awareness of past and contemporary struggles for justice in South Africa.

Through its Freedom of Information Programme (FOIP) SAHA aims to extend the boundaries of freedom of information in South Africa by:

- Creating awareness about the right of access to information and its power as an enabling right that can be used to protect, promote and fulfil other human rights
- Empowering individuals and organisations to understand and utilise the Promotion of Access to Information Act, 2000 (PAIA) as a strategic tool
- Creating awareness about the need for, and value in, transparency and accountability
- Empowering government officials to ensure realisation of the right of access to information
- Increasing compliance with PAIA

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www.saha.org.za and <http://foip.saha.org.za/>

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SAHA gives permission for this guide to be used and reproduced, with acknowledgement, by all those seeking to better understand, utilise and comply with PAIA.

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OVERVIEW

This guide is presented in the form of a process checklist that outlines all the record creation duties of municipalities within the PAIA request process. The checklist provides references to templates within the guide that can be used by municipal officials dealing with PAIA requests.

This guide should be used in conjunction with SAHA's PAIA Unpacked – A Resource for Lawyers and Paralegals which sets out the legal requirements of PAIA and how those requirements have been interpreted and applied by the courts, as well as with other publications in SAHA's Local Government Series. Other publications in the Local Government Series include:

1. **The Request Process Flow Chart** – a diagram illustrating the PAIA request process and highlighting important duties within the request process linked to prescribed timeframes.
2. **The Translating PAIA glossary** – a plain language guide to words and terms used in PAIA in English, Afrikaans, SeSotho, SeTswana and IsiZulu.
3. **The Proactively Ensuring Access Handout** – a list of certain records that municipalities are legally required to ensure are proactively made publicly accessible.
4. **The Municipal Managers' Access to Information Sheet** – a short summary for municipal managers of their constitutional and legislated duties relating to the right of access to information, and the legal consequences of non-compliance.
5. **The Enabling Participation through Access to Information Handout** – a short guide to links between constitutionally mandated public participation, record keeping and access to information. The guide highlights certain key participation duties imposed, by law, on municipalities and the related record keeping and transparency obligations.

All of the above mentioned publications, as well as other publications and resources, developed to assist with the utilisation and understanding of PAIA, are accessible from the RESOURCES section of the FOIP website (<http://foip.saha.org.za/>).

You will know when to refer to other SAHA PAIA resources when you see the following icons:

- RK** The **PAIA RESOURCE KIT** provides a step by step instructions on how to complete the forms required to submit a PAIA request.
- WG** The **PAIA WORKSHOP GUIDE** provides a comprehensive training manual for people wanting to learn how to use and engage practically with PAIA.
- PU** **PAIA UNPACKED** is a resource for lawyers and paralegals that sets out the key legal requirements of PAIA and how those requirements have been interpreted and applied by the courts.
- PA** The **PROACTIVELY ENSURING ACCESS HANDOUT** is a list of certain records that municipalities are legally required to ensure are proactively made publicly accessible.
- PC** The **REQUEST PROCESS FLOW CHART** is a diagram illustrating the PAIA request process and highlighting important duties within the request process linked to prescribed timeframes.
- MM** The **MUNICIPAL MANAGERS' ACCESS TO INFORMATION SHEET** is a short summary for municipal managers of their constitutional and legislated duties relating to the right of access to information, and the legal consequences of non-compliance.

PAIA PROCESS CHECKLIST:	Template Number	√ N/A
PROACTIVE RELEASE:		
• Provide notice in accordance with section 15 of PAIA (form prescribed by the Department of Justice and Correctional Services)	-	
• Prepare / update section 14 manual accordingly	T1	
RECEIVE REQUEST:		
• If request cannot be processed due to non-compliance with section 18 of PAIA: issue section 19 notice of intention to refuse	T2	
<i>If record is held by / more closely connected to the functions of / contains the commercial information of another public body:</i>		
• WITHIN 14 DAYS OF RECEIPT OF REQUEST: transfer request to that other public body and notify requester of transfer	T3	
	T4	
<i>If record is / should be held by your organisation:</i>		
• Determine whether a request fee is payable or not	-	
• Send acknowledgement and fees notice	T5	
• Determine which record / records might hold the requested information	-	
• Determine who in the organisation is the record holder	-	
• Request record from record holder	-	
<i>If there is no record:</i>		
• WITHIN 30 DAYS OF RECEIPT OF REQUEST: issue a decision in terms of section 25 read with section 23 of PAIA and provide a section 23 affidavit	T6	
	T7	
<i>Receive record / records:</i>		
• Consider whether extension of time notice should be issued – WITHIN 30 DAYS OF RECEIPT OF REQUEST: issue section 26 notice of extension of time, if required	T8	
• Determine whether section 47 of PAIA (third party notification) applies – AS SOON AS POSSIBLE, BUT WITHIN 21 DAYS OF RECEIPT OF REQUEST: issue section 47 notice to third party and notify requester of third party process	T9	
	T10	
• Consider whether the provisions of Chapter 4 of PAIA apply to the record – if so consider applicability of sections 28 and 46 of PAIA	-	
• WITHIN 30 DAYS OF RECEIPT OF REQUEST / WITHIN EXTENDED PERIOD UNDER SECTION 26 / WITHIN 30 DAYS OF NOTICE TO THIRD PARTY: Provide decision letter:	-	
• If there is no third party involved: provide a decision to the requester in terms of section 25 of PAIA	T11	
• If there is a third party involved: provide a decision to the third party in terms of section 49(1)(b) of PAIA and to the requester in terms of section 49(1)(c) of PAIA	T12	
	T13	
<i>Provide access:</i>		
<i>If there is no third party involved:</i>		
• If there is no access fee payable: provide access immediately	-	
• If there is an access fee payable: provide access upon payment of the access fee		

<i>If there is a third party involved:</i>	-	
<ul style="list-style-type: none"> If there is no access fee payable: provide access once 30 days have expired, if no appeal is lodged by third party (if appeal is lodged, follow appeal process) If there is an access fee payable: provide access once 30 days have expired, and once the access fee has been paid, if no appeal is lodged by third party (if appeal is lodged, follow appeal process) 		
RECEIVE APPEAL:		
<ul style="list-style-type: none"> Send acknowledgement letter to appellant 	T14	
<ul style="list-style-type: none"> AS SOON AS POSSIBLE, BUT WITHIN 10 DAYS OF RECEIPT OF APPEAL: submit to the relevant authority: <ul style="list-style-type: none"> The internal appeal Your office's reason for its decision under section 23/25/47 of PAIA The contact details of any and all third parties Copies of any other relevant records / documents 	-	
<ul style="list-style-type: none"> If there is a third party involved: update the requester (if the appeal is made by the third party) and / or third party (if the appeal is made by the requester or another third party) 	T15	
<ul style="list-style-type: none"> WITHIN 30 DAYS OF RECEIPT OF APPEAL: provide requester (and where applicable: third party) with a copy of the decision of relevant authority 	T16	
	T17	
<i>Provide access:</i>		
<i>If there is no third party involved:</i>	-	
<ul style="list-style-type: none"> If there is no access fee payable: provide access immediately If there is an access fee payable: provide access upon payment of the access fee 		
<i>If there is a third party involved:</i>	-	
<ul style="list-style-type: none"> If there is no access fee payable: provide access once 180 days have expired and if no court application is lodged by third party (if application is lodged, follow court process) If there is an access fee payable: provide access once 180 days have expired, once the access fee has been paid and if no court application is lodged by third party (if application is lodged, follow court process) 		
RECEIVE NOTICE OF COMPLAINT TO REGULATORY BODY:		
<ul style="list-style-type: none"> Review and update file 	-	
<ul style="list-style-type: none"> Brief colleagues in accordance with internal procedures 	-	
<ul style="list-style-type: none"> AS SOON AS POSSIBLE BUT WITHIN TIMEFRAME PROVIDED: acknowledge and respond to allegations letter 	T18	
<ul style="list-style-type: none"> Participate in any arbitration / dispute resolution process 	-	
RECEIVE NOTICE OF APPLICATION IN TERMS OF SECTION 78 OF PAIA:		
<ul style="list-style-type: none"> Review and update file 	-	
<ul style="list-style-type: none"> Brief colleagues in accordance with internal procedures 	-	
<ul style="list-style-type: none"> Respond in accordance with Rules of Court 	-	

PC For a visual presentation of the request process see the Request Process Flow Chart on page 43.

MM For a quick overview of the duties of Municipal Managers in ensuring access to information see the Municipal Managers' Access to Information Sheet



MANUAL ON FUNCTIONS OF, AND INDEX OF RECORDS HELD BY *[INSERT NAME OF PUBLIC BODY]* issued in terms of section 14 of the Promotion of Access to Information Act, 2000 (PAIA)

A. Structure and Functions:

[Insert description of organisational structure and functions]

B. Information Officer and Deputy Information Officers:

[Insert: Name of information officer]

Postal address

Street address

Phone number

Fax number

Email address]

[Insert: Name of deputy information officer]

Postal address

Street address

Phone number

Fax number

Email address]

[If more than one deputy information officer has been appointed the above mentioned details need to be provided with respect to each and every deputy information officer. It also needs to be specified which of the deputy information officers requests should be submitted to, irrespective of the fact that another deputy information officer may ultimately internally be appointed to process the request.]

C. Section 10 guide on how to use PAIA:

The South African Human Rights Commission (SAHRC) has published a guide on how to use PAIA. The guide is available from their offices and online on their website. The following contact details can be used to request a copy of the guide from the SAHRC:

Physical Address: 2nd Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein

Phone Numbers: +27(0)11 877 3600 and +27(0)11 877 3803

Email Address: paia@sahrc.org.za

Website www.sahrc.org.za

D. How to request access to records held by *[insert name of public body]:*

A person requesting access to information (a "requester") from *[insert name of public body]* could gain access in one of two ways:

1. If a record is automatically available, it can be accessed as provided for in part F, below, of this manual; or
2. If a record is not automatically available:

- 2.1. The requester must complete the prescribed form "Form A" (a copy of this form is attached to this manual as "Annex A" *[Insert "Form A" as "Annex A" to manual]*);
- 2.2. The requester must ensure that they give enough details in Parts B and C of the Form A so that the *[Information Officer / Deputy Information Officer]* can identify the person who is seeking access to the information. If a requester is making a request on behalf of another person, the requester must attach to the request form *[insert here detail about the records that will reasonably satisfy your organisation of the capacity in which one person is requesting records on behalf of another person, example: "2.2.1. written authorisation (such as a letter) from the person on whose behalf they are making the request, which written document that person must authorise the requester to make the request on their behalf; and 2.2.2. a copy of the identity document of the person on whose behalf the request is made"]*;
- 2.3. The requester must ensure that they give enough details in Part D of the Form A so that the *[Information Officer / Deputy Information Officer]* can identify the information to which the request relates.
- 2.4. PAIA and its Regulations provide that persons who are requesting access to a record containing their personal information or persons that earns less than R14,712 annually (if single) or R27,192 annually as a couple (if they are married or have a life partner) are exempt from paying the prescribed fees. If a requester believes that one of these exemptions applies to their request they need to note in part E of Form A:
- 2.4.1. That they believe that an exemption applies to their request;
 - 2.4.2. Which exemption they believe applies; and
 - 2.4.3. Their reasons for believing that the relevant exemption applies.
- In all other instances a requester must pay a request fee before their request will be considered. They must also pay an access fee, if a decision is taken to grant access, before they can get access to the requested information. The requester will receive details of the amount payable and the process for making payment after receipt of the Form A;
- 2.5. The requester must indicate in part F of the Form A the manner and the language in which they wish to be granted access to the requested information;
- 2.6. If the requester requires to be notified of a decision on the request in a manner other than in writing, they need to note this in part G of the Form A. They also need to give details of how they require to be notified, in part G of the Form A;
- 2.7. The requester must submit the completed and signed Form A to *[the Information Officer / the Deputy Information Officer / Ms / Mr [insert name and surname]]*, using the contact details provided above;
- 2.8. The requester will receive a decision on the request within 30 days of the submission of the Form A. They will be granted access unless access may or must be refused, in terms of the provisions in Chapter 4 of PAIA; and
- 2.9. The 30 day period, mentioned in 2.8 above, may be extended to a maximum of a further 30 days. In this case, the requester will receive written notice of the extension of time.

E. Records held by *[insert name of public body]*

[Insert name of public body] holds records in relation to the following subjects:

1. *[Insert name / description of a subject area on which records are held]* in relation to which records are held under each of the following categories:

1.1. *[insert description of category of records]*; and

1.2. *[repeat as for 1.1. for every category]*.

2. *[Repeat as for 1. for every subject]*.

F. Records which are automatically available

1. Categories of records available for INSPECTION in terms of section 15(1)(a)(i):

Description of category of records:	Description of manner in which access can be requested:
<i>[insert description of category]</i>	Records of this kind can be requested from the <i>[insert detail]</i> department, which can be contacted at: <i>[insert contact detail]</i> .
<i>[insert description of category]</i>	Records of this kind can be requested from the <i>[insert detail]</i> department, which can be contacted at: <i>[insert contact detail]</i> .

Description of category of records:	Description of manner in which access can be requested:
<i>[insert description of category]</i>	Records of this kind can be requested from the <i>[insert detail]</i> department, which can be contacted at: <i>[insert contact detail]</i> .
<i>[insert description of category]</i>	Records of this kind can be requested from the <i>[insert detail]</i> department, which can be contacted at: <i>[insert contact detail]</i> .

Description of category of records:	Description of manner in which access can be requested:
<i>[insert description of category]</i>	Records of this kind can be requested from the <i>[insert detail]</i> department, which can be contacted at: <i>[insert contact detail]</i> .
<i>[insert description of category]</i>	Records of this kind can be requested from the <i>[insert detail]</i> department, which can be contacted at: <i>[insert contact detail]</i> .

Description of category of records:	Description of manner in which access gained or requested:
<i>[insert description of category]</i>	Records of this kind can be <i>[Option 1:]</i> accessed on our website: <i>[insert web address]</i> . <i>[Option 2:]</i> requested from the <i>[insert detail]</i> department, which can be contacted at: <i>[insert contact detail]</i> .
<i>[insert description of category]</i>	Records of this kind can be <i>[Option 1:]</i> accessed on our website: <i>[insert web address]</i> . <i>[Option 2:]</i> requested from the <i>[insert detail]</i> department, which can be contacted at: <i>[insert contact detail]</i> .



For more information about some of the records that must, and some records that probably should, be proactively accessible see the Proactively Ensuring Access Handout.

G. Services available to the public

[Insert name of public body] offers the following services to the public:

1. *[Insert description category of service available]:*

1.1. *[Insert description subcategory of service available] to gain access to this service contact the [insert department name] department at [insert contact details];*

[Repeat the above for every category and sub-category of service available.]

H. Public participation

[Insert description of any arrangements or provisions for a person (who is not a public body) to by consultation, making representations or otherwise, participate in or influence the body's formulation of policy or exercise of powers or performance of duties.]

I. Remedies available in respect of an act or failure to act:

[Insert description of all remedies available in respect of an act or failure to act by the body, including: Internal Appeals using Form B in terms of ss74 – 77 of PAIA; Court application in terms of ss78 – 82 of PAIA; and Redress in terms of the Promotion of Administrative Justice Act, 2000.]



For more information about internal appeals and court applications, see pages 42 – 47 of PAIA Unpacked, page 61 of the PAIA Workshop Guide, and page 33 of the PAIA Resource Kit.

J. Prescribed fees in respect of public bodies:

[Insert description of fees, prescribed in the Regulations under PAIA, which must be paid by Requesters before records can be made available.]



Dear Sir/Madam

NOTICE IN TERMS OF SECTION 19 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (PAIA)

OUR REFERENCE: [insert]

YOUR REFERENCE: [insert]

We refer to your request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* received on *[insert date of receipt]*.

This letter is a notice in terms of section 19(2)(a) of PAIA that we intend to refuse the request because it does not comply with section 18(1) of PAIA for the following reasons:

[Delete whichever is not relevant below]

[OPTION 1:]

It does not provide enough details for us to identify the records that you have requested, as is required by section 18(2)(a) of PAIA.

[OPTION 2:]

It does not provide enough details for us to identify who the requester is, as is required by section 18(2)(a) of PAIA.

[OPTION 3:]

It does not indicate in what manner you want to be granted access to the requested *[record / records]*, as is required by section 18(2)(b) of PAIA.

[OPTION 4:]

It does not state whether you prefer to access the *[record / records]* in a particular language, as is required by section 18(2)(c) of PAIA.

[OPTION 5:]

It does not provide a postal address or fax number where we can contact you within the Republic, as is required by section 18(2)(d) of PAIA.

[OPTION 6:]

You indicated that you will need to be informed of a decision on your request not only in writing, but you did not specify in which other way you need to be so informed, as is required by section 18(2)(e) of PAIA.

[OPTION 7:]

It does not provide proof of the capacity in which you are making the request on behalf of *[insert the name of the person on whose behalf the request is made]*, as is required by section 18(2)(f) of PAIA.

It is possible to correct the request to ensure it complies with section 18(1) of PAIA. You will have to *[insert detail about what steps the requester can take or what documents they can provide you with in order to remedy the defect]* within *[insert reasonable period for remedying of defect, example "two weeks"]*. If you need any further assistance to ensure that your request is in the correct form, you can contact *[insert name and contact details of information officer or official identified by information officer to assist]* to request such further assistance.



For more information about the requirements set by sections 18 and 19 of PAIA, see pages 19 – 20 and 22 of PAIA Unpacked and page 17 – 24 of the PAIA Resource Kit.

Yours sincerely



***** REMEMBER:** Requesters do not need to explain why they are asking for information from a public body or to explain how they plan to use that information. The Constitution says that everyone has a right to access information held by the state (and that any exceptions to that rule must be in terms of legislation – a written law) it specifically does not require that reasons be given for requesting access to information held by the state. PAIA also provides that requesters must be given access to information held by any state body or entity and provides limited circumstances, in Chapter 4 of PAIA, for when access to certain information can or must be refused. PAIA also does not require that reasons be provided for requesting access to information held by the state. In fact, PAIA goes further and says, in section 11(3), that a requester’s right of access to information cannot be affected by their reason for accessing the information – or by the reasons a government official might assume a person has for wanting to access that information.



Dear Sir/Madam,

NOTICE OF TRANSFER IN TERMS OF SECTION 20 OF PAIA

OUR REFERENCE: [insert]

YOUR REFERENCE: [insert]

Kindly find attached a copy of a request for access to [a record / records] related to [repeat request description] that has been made in terms of the Promotion of Access to Information Act, 2000 (PAIA) (the PAIA request).

Kindly note that [this request / the part of this request relating to [insert detail about the part of the request that is transferred]] is hereby transferred to [insert name public body] in terms of the provisions of section 20 of PAIA. This transfer has been made on the basis of the fact that



For more information about the transfer of requests, see pages 22 – 23 of PAIA Unpacked and page 55 of the PAIA Workshop Guide.

[Delete whichever is not relevant below]

[OPTION 1:]

the [record / records] falling within the request description [is / are] not [in our possession / under our control] but [is / are] [in the possession / under the control] of [insert name of transferee public body]. The transfer has therefore been effected in terms of section 20(1)(a) of PAIA.

[OPTION 2:]

the subject matter of the [record / records] falling within the request description is more closely connected with the functions of [insert name of transferee public body] than with our functions. The transfer has therefore been effected in terms of section 20(1)(b) of PAIA.

[OPTION 3:]

the [record / records] falling within the request description [contains / contain] commercial information, as contemplated in section 42 of PAIA, in which [insert name of transferee public body] has a greater commercial interest. The transfer has therefore been effected in terms of section 20(1)(c) of PAIA.



For more information about commercial information of third parties, see pages 32 – 34 of PAIA Unpacked.

[OPTION 4:]

the [record / records] falling within the request description [is / are] not [in our possession / under our control] and [is / are] not closely connected to any of our functions, however, [it / they] [was / were] [created by / first received by] [insert name of transferee public body]. The transfer has therefore been effected in terms of section 20(2)(c)(i) / (ii) of PAIA.

In accordance with the provisions of section 20(4) of PAIA you are required to provide a decision on the PAIA request to the requester, at the contact details in the attached request, within 30 days of receipt of this notice, that is, by [insert date 30 days from date of transfer]. You are required however, in terms of the provisions of section 20(3) of PAIA, to prioritise transferred requests and attempt to respond within less than 30 days, given the request was first submitted to our office on [insert date request received].



For more information about the time period for responding to a request, see pages 24 – 25 of PAIA Unpacked and page 32 – 33 of the PAIA Workshop Guide.

We trust you will find the above in order. Please do not hesitate to contact the writer hereof should you have any questions in this regard.

Yours sincerely



Dear Sir/Madam,

NOTICE IN TERMS OF SECTION 20 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (PAIA)

OUR REFERENCE: [insert]

YOUR REFERENCE: [insert]

We refer to your request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* received on *[insert date of receipt]*.

In terms of section 20 of PAIA, *[delete whichever is not applicable: your request / the part of your request relating to [insert]]* has been transferred to *[insert name public body]*. As the transfer occurred on *[insert date of transfer]* PAIA provides that you need to receive a decision from *[insert name public body]* by *[insert date 30 days from date of transfer]*.



For more information about the transfer of requests, see pages 22 – 23 of PAIA Unpacked and page 55 of the PAIA Workshop Guide.

[Delete whichever is not applicable: Your request / This part of your request] has been transferred because

[Delete whichever is not relevant below]

the *[record / records]* that you have requested *[is / are]* not *[in our possession / under our control]* but *[is / are]* *[in the possession / under the control]* of *[insert name of transferee public body]*. We have therefore transferred *[your request / this part of your request]* in terms of section 20(1)(a) of PAIA to *[insert name of transferee public body]*.

the subject matter of the *[record / records]* that you have requested is more closely connected with the functions of *[insert name of transferee public body]* than with our functions. We have therefore transferred *[your request / this part of your request]* in terms of section 20(1)(b) of PAIA to *[insert name of transferee public body]*.

the *[record / records]* that you have requested *[contains / contain]* commercial information, as contemplated in section 42 of PAIA, in which *[insert name of transferee public body]* has a greater commercial interest. We have therefore transferred *[your request / this part of your request]* in terms of section 20(1)(c) of PAIA to *[insert name of transferee public body]*.



For more information about commercial information of third parties, see pages 32 – 34 of PAIA Unpacked.

the *[record / records]* that you have requested *[is / are]* not *[in our possession / under our control]* and *[is / are]* not closely connected to any of our functions. However, *[it / they]* were *[created by / first received by]* *[insert name of transferee public body]*. We have therefore transferred *[your request / this part of your request]* in terms of section 20(2)(c)(i) / (ii) of PAIA to *[insert name of transferee public body]*.



Kindly note that you can contact the [information / deputy information officer] of [insert name of transferee public body] to whom [your request / this part of your request] has been transferred at the following contact details, if you wish to follow up on progress with [your request / this part of your request]:

Name: [insert title name and surname]

Telephone: [insert]

Fax: [insert]

Address: [insert]

Email: [insert]

We trust you will find the above in order. Please contact us if you require further information. [Add if appropriate: A decision on the remainder of your request will be provided by [insert due date as per section 25 and if appropriate section 26].]



For more information about the time period for responding to a request, see pages 24 – 25 of PAIA Unpacked and page 32 – 33 of the PAIA Workshop Guide.

Yours sincerely



Template Number: T5

Dear Sir / Madam,

RE: PAIA REQUEST FOR *[summarise request]*
OUR REFERENCE: *[insert]*
YOUR REFERENCE: *[insert]*

We thank you for and acknowledge receipt of your request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* and dated *[insert date of request]*. Your request was received on *[insert date of receipt]*.

[Delete whichever paragraph is irrelevant:]

[OPTION 1:]

Please note that we can charge a request fee (R35) in terms of the Promotion of Access to Information Act, 2000 (PAIA) and its Regulations when we receive a request. We can also charge an access fee (which is calculated according to the manner of access, the size of the record/s and the amount of time spent searching for the record/s) before we grant you access to records.

Before we can process your request, you must pay the prescribed request fee of R 35,00. You can pay this amount at *[insert detail of offices where payment can be made]*, or you can make an electronic payment into the following bank account: *[insert bank account details]*. To assist with the administration of your request **please forward a copy of the receipt or proof of electronic payment to** *[insert name and contact details of information officer or deputy information officer]*. We will calculate the access fee once we have taken a decision on the record/s in terms of PAIA and we will inform you of the amount payable, if any, when we provide you with our decision on your request.

Please note that PAIA and its Regulations provide that persons who are requesting access to a record containing their personal information or persons that earn less than R14,712 annually (if single) or R27,192 annually as a couple (if they are married or have a life partner) are exempt from paying the prescribed fees. If you believe that you are such a person, and the exemption was not applied to your request, kindly contact *[insert name and contact details of information officer or deputy information officer]* and provide them with reasons why you believe one of the exemptions apply.

Please note also that **you may, within 60 days of receipt of this notice, lodge an internal appeal against being required to pay the request fee.** If you would like to lodge an internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.



For more information about the right of appeal, see pages 42 – 44 of PAIA Unpacked and pages 61 – 19 of the PAIA Workshop Guide.

[OPTION 2:]

Please note that a requester must usually pay a prescribed request fee before we can process a request made in terms of the Promotion of Access to Information Act, 2000 (PAIA). However, in terms of PAIA and its Regulations you are exempt from paying the fees as you: *[delete whichever is not applicable: are requesting access to a record containing your personal information / earn less than R14,712 annually / earn less than R27,192 annually together with your [delete whichever is not applicable: spouse / partner]]*. Your request will therefore be processed without any delay.



For more information about the calculation of the request and access fees, see page 21 and 29 of PAIA Unpacked and page 32 – 33 of the PAIA Workshop Guide.



We trust you will find the above in order. *[Delete whichever is not applicable: We look forward to receiving payment of the prescribed request fee / We will inform you by [insert date decision is due] of the outcome of your request].*



For more information about the time period for the provision of a decision, see pages 26 – 27 of PAIA Unpacked.

Yours sincerely

**Template Number: T6**

Dear Sir/Madam,

NOTICE IN TERMS OF SECTION 23 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (PAIA)

OUR REFERENCE: [insert]

YOUR REFERENCE: [insert]

We refer to your request for access to [delete whichever is not relevant: a record / records] related to [repeat request description] received on [insert date of receipt].

We took all reasonable steps to search for [a record / records] related to [repeat request description]. However, [this record / these records] [could not be found / is / are reasonably believed to not exist]. To support this claim, and in line with the provisions of section 23(1) of PAIA, we attach an affidavit attested to by [insert name and surname of information officer / duly authorised deputy information officer] the [information officer / deputy information officer duly authorised to attest to this affidavit in terms of the attached [insert description of record delegating authority] dated [insert date]]. This affidavit confirms the steps we took to search for [select: this record / these records].

This letter is a notice in terms of section 23(3) of PAIA that we will not grant you access to the requested [select: record / records] based on the fact that [select: this record / these records] [select: cannot be found OR does / do not exist]. If you are not satisfied with this decision, **you may, within 60 days of receipt of this notice, appeal this decision to** [insert name and title of relevant authority]. If you would like to lodge and internal appeal, you must do so by submitting a completed "Form B" (available from our office upon request) to [insert name and contact details of information officer or deputy information officer].

PU

For more information about the provisions of section 23, see page 26 of PAIA Unpacked.

PU**WG**

For more information about the right of appeal, see pages 42 – 44 of PAIA Unpacked and pages 61 – 19 of the PAIA Workshop Guide.

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely



AFFIDAVIT

I, the undersigned,

[Insert full names and surname of Information Officer/ Deputy Information Officer]

hereby declare under oath as follows:

1.

I confirm that I am an adult *[female / male]* with employee number *[insert]* employed with *[insert]* stationed at *[insert physical address of office where information officer / deputy information officer is stationed]*.

2.

The facts contained herein, except where indicated otherwise, are within my own personal knowledge and are to the best of my knowledge and belief both true and correct.

3.

I confirm that a request in terms of the Promotion of Access to Information Act, 2000 (PAIA) was received by *[name of requestee body]* from *[name of requester]* for copies of *[quote the request description]*.

4.

I confirm that the following steps were taken to determine whether or not these records exist and to find such records:

4.1.

[Example: I instructed [name and surname of official] of the [name of department] department to search for these records. [Name and surname of official] conducted searches under the following [specify names / titles / ID numbers / file numbers] but could not [select one: locate the records / find any indication that any such records ever existed]. [Name and surname of official] also conducted a search using the following [archival listing / finding aid] [specify] but could not [select one: locate the records / find any indication that any such records ever existed].

4.2.

[Repeat for any other searches conducted by any other person.]

4.3.

I confirm that based on the searches conducted as described above that I believe that there are reasonable grounds to believe that *[select and complete one of the following]*:

i. there are [select: no / no other] records relating to [specify the kind of records requested] that is, the [select: record does / records do not exist / no other record exists / records exist for this request] (see section 23(1)(b)(ii) of PAIA).

OR

ii. although there appears to be evidence that the following [record / records] [select: is / are / at some point in the past was / were] in the possession of [insert name of requestee body] they cannot be found

(see section 23(1)(b)(i) of PAIA). In line with the provisions of section 23(4) of PAIA I further confirm that should *[select: this record / these records]* be found at a future date *[insert name of requester]* will be notified and provided with a decision on access, in accordance with PAIA.

I know and understand the contents of this declaration.
I have no objection to taking the prescribed oath.
I consider the prescribed oath as binding on my conscience.

DEPONENT

It is hereby certified that the aforesaid declaration was signed and sworn in my presence on this the ____ day of _____ 20....., at _____, the deponent having confirmed and acknowledged:-

- a) that s/he knows and understands the contents of this declaration;
- b) that s/he has no objection to taking the prescribed oath; and
- c) that s/he considers the prescribed oath as binding on his/her conscience.

DEPONENT CONFIRMED THAT S/HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT;

DEPONENT THEREAFTER TOOK THE PRESCRIBED OATH BY UTTERING THE FOLLOWING WORDS: "I SWEAR THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT, SO HELP ME GOD" OR "I TRULY AFFIRM THAT THE CONTENTS OF THIS DECLARATION ARE TRUE".

COMMISSIONER OF OATHS

Full names: _____

Business Address: _____

Designation/Rank/Office: _____

Area for which appointed: _____



Dear Sir/Madam,

EXTENSION IN TERMS OF SECTION 26 PAIA OF PERIOD FOR PROCESSING OF REQUEST

OUR REFERENCE: [insert]

YOUR REFERENCE: [insert]

We refer to your request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* received on *[insert date of receipt]*.

Please note that *[delete whichever is not relevant below]*

[OPTION 1:]

your request *[delete whichever is not applicable: covers [insert figure] records / requires a search through [insert figure] records]*. Compliance with the 30 day period prescribed by PAIA for the provision of a decision would unreasonably interfere with the activities of *[insert name of public body]*. **The period for the provision of a decision is therefore extended by [insert number to a maximum of 30] days, in terms of section 26(1)(a) of PAIA.**

[OPTION 2:]

compliance with your request requires *[delete whichever is not applicable: a search for records in / the collection of records from]* an office of *[insert name of public body]* situated in *[insert name of the town or city where the office is that is not the same as the town city where the office of the information officer is]*. As a result, we cannot provide you with a decision within the 30 day period prescribed by PAIA. **The period for the provision of a decision is therefore extended by [insert number to a maximum of 30] days, in terms of section 26(1)(b) of PAIA.**

[OPTION 3:]

compliance with your request requires consultation with *[insert name of the other divisions of your office that needs to be consulted] / [insert name of another public body]*. In order to decide upon your request, these consultations cannot reasonably be completed within the 30 day period prescribed by PAIA. **The period for the provision of a decision is therefore extended by [insert number to a maximum of 30] days, in terms of section 26(1)(c) of PAIA.**

[OPTION 4:]

[NB: If more than one of the above three paragraphs are applicable the wording needs to be amended to indicate that the extension is made in terms of section 26(1)(d) of PAIA.]

Example:

Your request covers 4 000 records and will require consultation with our legal division. In order to enable a decision on your request in terms of PAIA, compliance with the 30 day period prescribed PAIA is therefore not reasonably possible. The period for the provision of a decision is therefore extended by 20 days, in terms of section 26(1)(d) of PAIA.]

[OPTION 5:]

you agreed that we could provide you with a decision at a later date. We attach a copy of your written agreement dated *[insert date]*. **The prescribed period for the provision of a decision on your request is therefore extended by [insert number to a maximum of 30] days, in terms of section 26(1)(e) of PAIA.**

A decision on this request is therefore now due by [insert date].



For more information on the issuance of a notice of extension of time, see pages 24 – 25 of PAIA Unpacked and page 33 of the PAIA Workshop Guide.



For more information on the calculation of timeframes under PAIA, see page 24 of PAIA Unpacked.

Kindly further note that you may, **within 60 days of receipt of this notice, appeal this decision to** *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.



For more information about the right of appeal, see pages 42 – 44 of PAIA Unpacked and pages 61 – 19 of the PAIA Workshop Guide.

Yours sincerely



Dear Sir/Madam

NOTICE IN TERMS OF SECTION 47 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (PAIA)

OUR REFERENCE: [Insert]

YOUR REFERENCE: [Insert]

We refer to a request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* received by our office on *[insert date of receipt]*.

We would like to inform you that *[insert name of information officer]* is considering a request for access to a record made by *[insert name of requestor]* that may contain

[Delete whichever is not relevant below]

personal information, as contemplated in section 34(1) of PAIA, about *[you / your deceased [describe relationship of next of kin to deceased person]]*.

PU

WG

For more information about personal information, see pages 31 – 32 of PAIA Unpacked, and pages 24 – 25 of the PAIA Workshop Guide.

information which the South African Revenue Service obtained to enforce legislation concerning the collection of revenue, as contemplated in section 35(1) of PAIA.

commercial information in the form of *[your / your organisation's] trade [secret / secrets]*, as contemplated in section 36(1)(a) of PAIA.

financial, commercial, scientific or technical information belonging to *[you / your organisation]*, as contemplated in section 36(1)(b) of PAIA.

information, of the kind contemplated in section 36(1)(c)(i), that *[you / your organisation]* supplied to us in confidence, and which, if it is disclosed, may put *[you / your organisation]* at a disadvantage in contractual or other negotiations.

information, of the kind contemplated in section 36(1)(c)(ii), that *[you / your organisation]* supplied to us in confidence, and which, if it is disclosed, may prejudice *[you / your organisation]* in commercial competition.

PU

For more information about commercial information of third parties, see pages 32 – 33 of PAIA Unpacked.

information, of the kind contemplated in section 37(1)(a) of PAIA, which, if it is disclosed, may constitute an action for breach of a duty of confidence in terms of *[describe the agreement on which you believe an action of breach of confidence could possibly be based]* entered into between *[detail of the parties to the agreement]* and concluded on *[date of agreement]*.

information, of the kind contemplated in section 37(1)(b) of PAIA, that *[you / your organisation]* supplied to us in confidence.

PU

For more information about confidential information, see pages 34 – 35 of PAIA Unpacked.

information, of the kind contemplated in section 43(1) of PAIA, about research *[being / to be carried out] [delete whichever is not applicable: by you / your organisation / on your behalf / on behalf of your organisation]*, which, if it is disclosed, may expose *[delete whichever is not applicable: you / your organisation / the person carrying out the research / the subject matter of the research]* to serious disadvantage.



For more information on research information, see page 35 of PAIA Unpacked.

[Delete if not applicable:] Chapter 4 of PAIA provides that if the requested *[record / records]* is found to be of the nature described above, the request for access either must or may be denied. However, we need to advise you that *[this record / these records]* may be subject to mandatory disclosure in the public interest under section 46 of PAIA. This is because the disclosure of the *[record / records]* may reveal evidence of *[delete whichever is not applicable [option 1:] a substantial [contravention of / failure to comply with] the law [option 2:] an imminent and serious [public safety / environmental] risk]* and the public interest in the disclosure of the *[record / records]* outweighs the harm that may be prevented if we deny access in terms of the provisions in Chapter 4 of PAIA.



For more information on the public interest override, see pages 40 – 41 of PAIA Unpacked, and pages 28 and 64 of the PAIA Workshop Guide.

You may, **within 21 days of receipt of this notice**, provide written consent for the disclosure of the *[record / records]* to the requester or make written or oral presentations to *[insert name and contact details of information officer or deputy information officer]* regarding factors you feel the *[information officer / deputy information officer]* should consider when deciding whether to grant or refuse access to the requested *[record / records]* in terms of PAIA.

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely



Dear Sir/Madam

NOTICE IN TERMS OF SECTION 47 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (PAIA)

OUR REFERENCE: [Insert]

YOUR REFERENCE: [Insert]

We refer to your request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* received by our office on *[insert date of receipt]*.

We would like to inform you that the *[record / records]* requested may contain

[Delete whichever is not relevant below]

personal information, as contemplated in section 34(1) of PAIA, of a third party.



For more information about personal information, see pages 31 – 32 of PAIA Unpacked, and pages 24 – 25 of the PAIA Workshop Guide.

information which the South African Revenue Service obtained to enforce legislation concerning the collection of revenue, as contemplated in section 35(1) of PAIA.

commercial information in the form of a third party's trade *[secret / secrets]*, as contemplated in section 36(1)(a) of PAIA.

financial, commercial, scientific or technical information, as contemplated in section 36(1)(b) of PAIA, belonging to a third party.

information, of the kind contemplated in section 36(1)(c)(i), that a third party supplied to us in confidence, and which, if it is disclosed, may put that third party at a disadvantage in contractual or other negotiations.

information, of the kind contemplated in section 36(1)(c)(ii), that a third party supplied to us in confidence, and which, if it is disclosed, may prejudice that third party in commercial competition.



For more information about commercial information of third parties, see pages 32 – 33 of PAIA Unpacked.

information, of the kind contemplated in section 37(1)(a) of PAIA, which, if it is disclosed, may constitute an action for breach of a duty of confidence in terms of an agreement entered into between *[insert name of requestee organisation]* and a third party.

information, of the kind contemplated in section 37(1)(b) of PAIA, that a third party supplied to us in confidence.



For more information about confidential information, see pages 34 – 35 of PAIA Unpacked.

information, of the kind contemplated in section 43(1) of PAIA, about research *[being / to be]* carried out by a third party, which, if it is disclosed, may expose *[delete whichever is not applicable: that third party / the person carrying out the research / the subject matter of the research]* to serious disadvantage.



For more information on research information, see page 35 of PAIA Unpacked.

[Insert name of requestee organisation] has therefore, as required in terms of the provisions of section 47 of PAIA, issued notice of the request to the third party. According to the provisions of section 48 of PAIA, **the third party has 21 days from *[insert date of issue of s47 notice to third party]* to give written consent for the disclosure of the *[record / records]* to *[insert name of requestee organisation]* or to make written or oral presentations to us about why they believe your request should be denied.**

Please note that, in accordance with the provisions of section 49 of PAIA, we will provide you with a decision on this request by *[insert date 30 calendar days from the date of notification to third party]*.

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely



Dear Sir/Madam

NOTICE IN TERMS OF SECTION 25 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

YOUR REFERENCE: [Insert]

OUR REFERENCE: [Insert]

We refer to your request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* received by our office on *[insert date of receipt]*.

In terms of the provisions of PAIA we have decided to *[grant / refuse / part-grant]* access to the records falling within your request description.

[If access was granted continue here:]

You need to pay an access fee in the amount of *[insert access fee value]* before we can give you access to the *[record / records]*. We calculated this amount in accordance with the Regulations to PAIA, as follows: *[insert detail for example about the number of copies]*. You must pay the prescribed access fee of *[insert access fee value]* at *[insert detail of offices where payment can be made]*, or make an electronic payment into the following bank account: *[insert bank account details]*. **To assist with the administration of your request please forward a copy of the receipt or proof of electronic payment to *[insert name and contact details of information officer or deputy information officer]*.** As soon as we receive payment of the access fee, we will give you access to the records in the form of *[state form of access]*. ***[If access cannot be given in the form requested:]*** We cannot give you access in the form you have requested in part F of "Form A" because providing access in this manner would

[Delete whichever is not relevant]

unreasonably interfere with the effective administration of *[insert name of public body]* because *[provide reasons]*.

be detrimental to the preservation of the record because *[provide reasons]*.

amount to an infringement of copyright in the record, which copyright is not owned by the State.

*[Delete if not relevant: Please note that access to the *[record / records]* has been granted in the public interest, in terms of section 46 of PAIA, despite the provisions of section *[insert section number]* of PAIA applying to the *[record / records]*.]*



PU WG For more information on the public interest override, see pages 40 – 41 of PAIA Unpacked, and pages 28 and 64 of the PAIA Workshop Guide.

*[Delete if not relevant: Unfortunately we cannot grant access in *[insert preferred language indicated by requester in part F of "Form A"]* as the *[record / records]* *[does / do]* not exist in this language. The *[record / records]* *[does / do]* however exist in the following languages: *[insert languages record is available in]*. Kindly indicate in which of these languages you would prefer to be granted access.]*

Kindly note that **you may, within 60 days of receipt of this notice, lodge an internal appeal, against the access fee to be paid or against the form in which access has been granted**, with *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.

[If access was refused continue here:]

We have decided to refuse access because the *[describe record]* contains information about *[describe information in record – without revealing the content of the record – that the relevant section in Chapter 4 of PAIA aims to protect – it is not sufficient to repeat the wording of the section, describe the nature of the information]* which reasonably could *[describe the specific harm that could come about which harm would fall within the ambit of the relevant section in Chapter 4 of PAIA – it is not sufficient to repeat the wording of the section, describe the specific harm]*. We have made the

decision to deny access in terms of section *[insert section number]* of PAIA.

The information which we *[may / must]* refuse in terms of section *[insert section number]* of PAIA could not be severed (separated) from the record in terms of section 28 of PAIA as *[insert reason, example "no coherent and comprehensible remainder would be available for release once such information has been severed (separated)"]*.

In terms of section 46 of PAIA, in certain cases access must be granted if it is in the public interest. This will be the case if the *[record / records]* *[reveals / reveal]* evidence of a substantial contravention of or failure to comply with the law, or if *[it / they]* *[reveals / reveal]* an imminent and serious public safety or environmental risk, and where the public interest outweighs the harm that section *[insert section number]* of PAIA aims to avoid. The provisions of section 46 of PAIA however do not apply to the *[record / records]* referred to in your request.

[The above three paragraphs need to be repeated with respect to each and every record to which access is denied]

Please note that **you may, within 60 days of receipt of this notice lodge an internal appeal, against the decision to deny access**, with *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.

[If access was part-granted continue here:]

We have granted access to *[describe the record / records / part of a record/s to which access is granted]*. You need to pay an access fee in the amount of *[insert access fee value]*. We calculated this amount in accordance with the Regulations to PAIA, as follows: *[insert detail example about the number of copies]*. **You must pay the prescribed access fee of *[insert access fee value]*** at *[insert detail of offices where payment can be made]*, or make an electronic payment into the following bank account: *[insert bank account details]*. To assist with the administration of your request **please forward a copy of the receipt or proof of electronic payment to *[insert name and contact details of information officer or deputy information officer]***. As soon as we receive payment of the access fee, we will give you access to the records in the form of *[state form of access]*. *[If access cannot be given in the form requested:]* We cannot give you access in the form you have requested in part F of "Form A" because providing access in this manner would

[delete whichever is not relevant]

unreasonably interfere with the effective administration of *[insert name of public body]* because *[provide reasons]*.

be detrimental to the preservation of the record because *[provide reasons]*.

amount to an infringement of copyright in the record which copyright is not owned by the State.

[Delete if not relevant:] Please note that access to the *[record / records / part record/s]* has been granted in the public interest, in terms of section 46 of PAIA, despite the provisions of section *[insert section number]* of PAIA applying to the *[record / records]*.

[Delete if not relevant:] Unfortunately we cannot grant access in *[insert preferred language indicated by requester in part F of "Form A"]* as the *[record / records]* *[does / do]* not exist in this language. The *[record / records]* *[does / do]* however exist in the following languages: *[insert languages record is available in]*. Kindly indicate in which of these languages you would prefer to be granted access.]

We have decided to refuse access to *[describe the record / part of a record to which access has been refused]* because it contains information about *[describe information in record – without revealing the content of the record – that the relevant section in Chapter 4 of PAIA aims to protect – it is not sufficient to repeat the wording of the section, describe the nature of the information]* which reasonably could *[describe the specific harm that could come about which harm would fall within the ambit of the relevant section in Chapter 4 of PAIA – it is not sufficient to repeat the wording of the section, describe the specific harm]*. We have decided to deny access in terms of section *[insert section number]* of PAIA.



The information which [may / must] be refused in terms of section [insert section number] of PAIA could not be severed (separated) from the record in terms of section 28 of PAIA as [insert reason, example: "no coherent and comprehensible remainder would be available for release once such information has been severed (separated)"].

In terms of section 46 of PAIA, in certain cases access must be granted if it is in the public interest. This will be the case if the [record / records] [reveals / reveal] evidence of a substantial contravention of or failure to comply with the law, or if [it / they] [reveals / reveal] an imminent and serious public safety or environmental risk, and where the public interest outweighs the harm that section [insert section number] of PAIA aims to avoid. The provisions of section 46 of PAIA however do not apply to the [record / records] referred to in your request.

[The above three paragraphs need to be repeated with respect to each and every record to which access is denied; where access is granted only to parts of records the paragraph addressing reasons for refusal and the paragraph addressing section 46 should be included, the paragraph related to section 28 must be deleted.]

Kindly note that **you may, within 60 days of receipt of this notice, lodge an internal appeal, against the access fee to be paid, against the form in which access has been granted or against the decision not to grant access**, with [insert name and title of relevant authority]. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to [insert name and contact details of information officer or deputy information officer].

[Delete if not relevant: Please note that the [record / records] [has / have] been disclosed in the public interest in terms of section 46 of PAIA despite the provisions of section [insert section number] of PAIA applying to the [record / records].]

[Whether access was granted, refused or part-granted continue here:]

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely



Template Number: T12

Dear Sir/Madam

NOTICE IN TERMS OF SECTION 49 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

YOUR REFERENCE: [Insert]

OUR REFERENCE: [Insert]

We refer to a request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* received by our office on *[insert date of receipt]*.

We wish to notify you in terms of section 49(1)(b) of the Promotion of Access to Information Act, 2000 (PAIA) that, having given due regard to

[Option 1: representations made by [you / your organisation] [orally / in writing] on [insert date],]

[Option 2: the fact that you did not have an opportunity to make representations,]

a decision has been taken in terms of the provisions of PAIA to *[grant / refuse / part-grant]* access to the requested records.

PU

For more information on third party submissions, see page 24 of PAIA Unpacked.

[If access was granted continue here:]

[Option 1:]

We have granted access because section 11 of PAIA provides that a requester must be given access to a record of a public body if the requester complies with the procedural requirements in PAIA, and if access to the record is not refused in terms of any ground for refusal contemplated in Chapter 4. The requester has complied with the procedural requirements in PAIA and none of the grounds in Chapter 4 *[apply / have been applied]* to the records requested.

**** NOTE:** Remember that while some sections in Chapter 4 require that access must be denied to certain kinds of information, others simply provide that access may be denied to certain other kinds of information. This means that in certain instances, even if the information in the requested record is of the kind described in a section in Chapter 4 (example: section 37(1)(b) and section 44(1)), the information officer / deputy information officer must still apply their discretion in deciding whether to give access or not. In this respect it is worth remembering that **section 89 of PAIA provides that an information officer / deputy information officer can never be held liable (criminally or civilly) for applying their discretion incorrectly, under PAIA, as long as they acted in good faith when they took that decision.** It is also important to remember that this discretion must be applied bearing in mind the purposes of PAIA, which are aimed at creating transparency and accountability and combating secrecy.

[Option 2:]

We have granted access in the public interest, in terms of section 46 of PAIA, even though the provisions of section *[insert section number]* of PAIA apply to the *[record / records]*. This is because disclosure of the requested *[record / records]* reveals evidence of *[delete whichever is not applicable [Option A:] a substantial [contravention of / failure to comply with] the law [Option B:] an imminent and serious [public safety / environmental] risk]* and the public interest in the disclosure of the *[record / records]* outweighs the harm that may be caused by the granting of access to the record.

PU

WG

For more information on the public interest override, see pages 40 – 41 of PAIA Unpacked, and pages 28 and 64 of the PAIA Workshop Guide.

Kindly note that **you may, within 30 days of receipt of this notice lodge an internal appeal, against the decision to grant access,** with *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon



request) to *[insert name and contact details of information officer or deputy information officer]*.

[If access was refused continue here:]

We have decided to refuse access because the *[describe record]* contains information about *[describe information in record – without revealing the content of the record – that the relevant section in Chapter 4 of PAIA aims to protect – it is not sufficient to repeat the wording of the section, describe the nature of the information]* which reasonably could *[describe the specific harm that could come about which harm would fall within the ambit of the relevant section in Chapter 4 of PAIA – it is not sufficient to repeat the wording of the section, describe the specific harm]*. We have decided to deny access in terms of section *[insert section number]* of PAIA.

Kindly note that the requester has an opportunity to, within 60 days, lodge an internal appeal, against the decision to deny access. If the requester lodges an appeal, you will be notified.

[If access was part-granted continue here:]

[Option 1:]

We have decided to grant access to *[describe the record / records / part of a record/s to which access is granted]* because section 11 of PAIA provides that a requester must be given access to a record of a public body if the requester complies with the procedural requirements in PAIA, and if access to the record is not refused in terms of any ground for refusal contemplated in Chapter 4. The requester has complied with the procedural requirements in PAIA and none of the grounds in Chapter 4 *[apply / has been applied]* to *[this record / these records]*.

[Option 2:]

We have decided to grant access to *[describe the record / records / part of a record/s to which access is granted]* in the public interest, in terms of section 46 of PAIA, even though the provisions of section *[insert section number]* of PAIA apply to the *[record / records]*. This is because disclosure of the requested *[record / records]* reveals evidence of *[delete whichever is not applicable [Option A:] a substantial [contravention of / failure to comply with] the law [Option B:] an imminent and serious [public safety / environmental] risk]* and the public interest in the disclosure of the *[record / records]* outweighs the harm that may be caused by the granting of access to the record.

However, we have decided to refuse access to *[describe the record / records / part of a record/s to which access is granted]* because the *[describe record]* contains information about *[describe information in record – without revealing the content of the record – that the relevant section in Chapter 4 of PAIA aims to protect – it is not sufficient to repeat the wording of the section, describe the nature of the information]* which reasonably could *[describe the specific harm that could come about which harm would fall within the ambit of the relevant section in Chapter 4 of PAIA – it is not sufficient to repeat the wording of the section, describe the specific harm]*. We have decided to deny access in terms of section *[insert section number]* of PAIA.

Kindly note that the requester has an opportunity to, within 60 days, lodge an internal appeal, against the decision to deny access. If the requester lodges an appeal, you will be notified.

Kindly further note that **you may, within 30 days of receipt of this notice lodge an internal appeal, against the decision to grant access**, with *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.

[Whether access was granted, refused or part-granted continue here:]

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely



Template Number: T13

Dear Sir/Madam

NOTICE IN TERMS OF SECTION 49 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

YOUR REFERENCE: [Insert]

OUR REFERENCE: [Insert]

We refer to your request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* received by our office on *[insert date of receipt]*.

We wish to notify you in terms of section 49(1)(c) of the Promotion of Access to Information Act, 2000 (PAIA) that, after giving due regard to

[Option 1: representations made by [name of third party, or name of third party organisation],]

[Option 2: the fact that [name of third party, or name of third party organisation] did not have an opportunity to make representations,]

we have taken a decision in terms of the provisions of PAIA to *[grant / refuse / part-grant]* access to the requested records.

PU

For more information on third party submissions, see page 24 of PAIA Unpacked.

[If access was granted continue here:]

Please note that the *[third party / third parties]* *[has / have]* an opportunity to, within 30 days, lodge an internal appeal, against the decision to grant access. We will therefore only grant you access after this period has expired. Alternatively, if the *[third party / third parties]* *[lodges / lodge]* an appeal, we will only grant you access after the appeal process has been finalised and if the appeal is unsuccessful. Please note that the *[third party / third parties]* can apply to court for further relief if their appeal is unsuccessful. If a court application is lodged, it may take even longer before we can grant you access. We will notify you if the *[third party / third parties]* *[lodges / lodge]* an appeal.

As soon as the 30 day period expires, and if no appeal has been lodged, you must pay an access fee in the amount of *[insert access fee value]*. We have calculated this amount in accordance with the Regulations to PAIA, as follows: *[insert detail example about the number of copies]*. You must pay the prescribed access fee of *[insert access fee value]* before we can grant you access. You can pay at *[insert detail of offices where payment can be made]*, or you can make an electronic payment into the following bank account: *[insert bank account details]*. **To assist with the administration of your request please forward a copy of the receipt or proof of electronic payment to *[insert name and contact details of information officer or deputy information officer]*.**

We will give you access to the records in the form of *[state form of access]*. *[If access cannot be given in the form requested:]* We cannot give you access in the form you have requested in part F of "Form A" because providing access in this manner would

[Delete whichever is not relevant]

unreasonably interfere with the effective administration of *[insert name of public body]* because *[provide reasons]*.

be detrimental to the preservation of the record because *[provide reasons]*.

amount to an infringement of copyright in the record which copyright is not owned by the State.

[Delete if not relevant: Please note that access to the [record / records] has been granted in the public interest, in terms of section 46 of PAIA, despite the provisions of section [insert section number] of PAIA applying to the [record / records].]

PU

WG

For more information on the public interest override, see pages 40 – 41 of PAIA Unpacked, and pages 28 and 64 of the PAIA Workshop Guide.



[Delete if not relevant: Unfortunately we cannot grant you access in [insert preferred language indicated by requester in part F of "Form A"] as the [record / records] [does / do] not exist in this language. The [record / records] [does / do] however exist in the following languages: [insert languages record is available in]. Please indicate in which of these languages you would prefer to be granted access.]

Please note that **you may, within 60 days of receipt of this notice, lodge an internal appeal, against the access fee to be paid or against the form in which access has been granted**, with *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.

[If access was refused continue here:]

We have decided to refuse you access because the *[describe record]* contains information about *[describe information in record – without revealing the content of the record – that the relevant section in Chapter 4 of PAIA aims to protect – it is not sufficient to repeat the wording of the section, describe the nature of the information]* which reasonably could *[describe the specific harm that could come about which harm would fall within the ambit of the relevant section in Chapter 4 of PAIA – it is not sufficient to repeat the wording of the section, describe the specific harm]*. We have decided to deny you access in terms of section *[insert section number]* of PAIA.

The information which *[may / must]* be refused in terms of section *[insert section number]* of PAIA could not be severed (separated) from the record in terms of section 28 of PAIA as *[insert reason, example "no coherent and comprehensible remainder would be available for release once such information has been severed (separated)"]*.

In terms of section 46 of PAIA, in certain cases access must be granted to information, if it is in the public interest. This will be the case if the *[record / records] [reveals / reveal]* evidence of a substantial contravention of or failure to comply with the law, or if *[it / they] [reveals / reveal]* an imminent and serious public safety or environmental risk, and where the public interest outweighs the harm that section *[insert section number]* of PAIA aims to avoid. The provisions of section 46 of PAIA however do not apply to the *[record / records]* referred to in your request.

[The above three paragraphs need to be repeated with respect to each and every record to which access is denied.]

Please note that **you may, within 60 days of receipt of this notice lodge an internal appeal, against the decision to deny access**, with *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.

[If access was part-granted continue here:]

We have decided to grant you access only to *[describe the record / records / part of a record/s to which access is granted]*. Please note however that the *[third party / third parties] [has / have]* an opportunity to, within 30 days, lodge an internal appeal, against the decision to grant access. We will therefore only grant you access after this period has expired. Alternatively, if the *[third party / third parties] [lodges / lodge]* an appeal, we will only grant you access after the appeal process has been finalised and if the appeal was unsuccessful. Please note that the *[third party / third parties]* can apply to court for further relief if their appeal is unsuccessful. If a court application is launched, it may take even longer before we can grant you access. We will notify you if the *[third party / third parties] [lodges / lodge]* an appeal.

As soon as the 30 day period has expired, and if no appeal has been lodged, you must pay an access fee in the amount of *[insert access fee value]*. We have calculated this amount in accordance with the Regulations to PAIA, as follows: *[insert detail example about the number of copies]*. You must pay the prescribed access fee of *[insert access fee value]* before we can grant you access. You can pay at *[insert detail of offices where payment can be made]*, or you can make an electronic payment into the following bank account: *[insert bank account]*

details]. **To assist with the administration of your request please forward a copy of the receipt or proof of electronic payment to *[insert name and contact details of information officer or deputy information officer]*.**

We will give you access to the records in the form of *[state form of access]*. *[If access cannot be given in the form requested:]* We cannot give you access in the form you have requested in part F of "Form A" because providing access in this manner would

[Delete whichever is not relevant]

unreasonably interfere with the effective administration of *[insert name of public body]* because *[provide reasons]*.

be detrimental to the preservation of the record because *[provide reasons]*.

amount to an infringement of copyright in the record which copyright is not owned by the State.

*[Delete if not relevant: Please note that access to the *[record / records / part record/s]* has been granted in the public interest, in terms of section 46 of PAIA, despite the provisions of section *[insert section number]* of PAIA applying to the *[record / records]*.]*

*[Delete if not relevant: Unfortunately we cannot grant you access in *[insert preferred language indicated by requester in part F of "Form A"]* as the *[record / records]* *[does / do]* not exist in this language. The *[record / records]* *[does / do]* however exist in the following languages: *[insert languages record is available in]*. Please indicate in which of these languages you would prefer to be granted access.]*

We have decided to refuse you access to *[describe the record / part of a record to which access has been refused]* because it contains information about *[describe information in record – without revealing the content of the record – that the relevant section in Chapter 4 of PAIA aims to protect – it is not sufficient to repeat the wording of the section, describe the nature of the information]* which reasonably could *[describe the specific harm that could come about which harm would fall within the ambit of the relevant section in Chapter 4 of PAIA – it is not sufficient to repeat the wording of the section, describe the specific harm]*. We have decided to deny you access in terms of section *[insert section number]* of PAIA.

The information which *[may / must]* be refused in terms of section *[insert section number]* of PAIA could not be severed (separated) from the record in terms of section 28 of PAIA as *[insert reason, example: "no coherent and comprehensible remainder would be available for release once such information has been severed (separated)"]*.

In terms of section 46 of PAIA, in certain cases access must be granted if it is in the public interest. This will be the case if the *[record / records]* *[reveals / reveal]* evidence of a substantial contravention of or failure to comply with the law, or if *[it / they]* *[reveals / reveal]* an imminent and serious public safety or environmental risk, and where the public interest outweighs the harm that section *[insert section number]* of PAIA aims to avoid.

[The above three paragraphs need to be repeated with respect to each and every record to which access is denied; where access is granted to part records only the paragraph addressing reasons and the paragraph addressing section 46 should be included, the paragraph related to section 28 must be deleted.]

Please note that **you may, within 60 days of receipt of this notice, lodge an internal appeal, against the access fee to be paid, against the form in which access has been granted or against the decision not to grant access**, with *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.

*[Delete if not relevant: Please note that the *[record / records]* *[has / have]* been disclosed in the public interest in terms of section 46 of PAIA despite the provisions of section *[insert section number]* of PAIA applying to the *[record / records]*.]*

[Whether access was granted, refused or part-granted continue here:]

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely



Dear Sir / Madam,

RE: PAIA REQUEST FOR *[summarise request]*
OUR REFERENCE: *[insert]*
YOUR REFERENCE: *[insert]*

We thank you for and acknowledge receipt of your internal appeal related to the request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* and dated *[insert date of appeal]*. We received your appeal on *[insert date of receipt of appeal]*.

We will submit your internal appeal to *[insert name and title of relevant authority]*, the relevant authority for *[insert name of requestee body]* within 10 days of receipt. You will be provided with a copy of the decision of the relevant authority within 30 days of *[insert date of receipt of appeal]*.

PU

For more information about the calculation of time frames, see page 25 of PAIA Unpacked.

PU**WG**

For more information about the time period for the provision of a decision on an internal appeal, see pages 43 - 44 of PAIA Unpacked and page 32 of the PAIA Workshop Guide.

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely

**Template Number: T15**

Dear Sir / Madam,

RE: PAIA REQUEST FOR *[summarise request]*
OUR REFERENCE: *[insert]*
YOUR REFERENCE: *[insert]*

We refer to your internal appeal related to the request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* and dated *[insert date of appeal]*.

We would like to inform you that we have forwarded your internal appeal to *[insert name and title of relevant authority]*, the relevant authority for *[insert name of requestee body]*. You will be provided with a copy of the decision of the relevant authority by *[insert date decision is due]*.



For more information about the calculation of time frames, see page 25 of PAIA Unpacked.



For more information about the time period for the provision of a decision on an internal appeal, see pages 43 - 44 of PAIA Unpacked and page 32 of the PAIA Workshop Guide.

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely



Dear Sir/Madam

NOTICE TO REQUESTER IN TERMS OF SECTION 77 OF PAIA

Your Reference: [insert]

Our Reference: [insert]

We refer to your internal appeal, related to the request for access to [delete whichever is not relevant: a record / records] related to [repeat request description] and dated [insert date of appeal].

We would like to inform you that a decision has been taken by [insert name and title of relevant authority] on your internal appeal. We attach a copy of the decision letter. Importantly, please note

[If decision of relevant authority results in granting of access continue here:]

[if there is no third party involved:]

that you must pay an access fee in the amount of [insert access fee value]. We calculated this amount in accordance with the Regulations to PAIA, as follows: [insert detail, for example about the number of copies and price per copy]. You must now pay the prescribed access fee of [insert access fee value] at [insert detail of offices where payment can be made], or you must make an electronic payment into the following bank account: [insert bank account details]. **To assist with the administration of your request please forward a copy of the receipt or proof of electronic payment to [insert name and contact details of information officer or deputy information officer].** As soon as we receive payment of the access fee we will give you access to the records in the form of [state form of access]. *[If access cannot be given in the form requested:]* We cannot give you access in the form you have requested in part F of "Form A" because providing access in this manner would

[Delete whichever is not relevant]

unreasonably interfere with the effective administration of [insert name of public body] because [provide reasons].

be detrimental to the preservation of the record because [provide reasons].

amount to an infringement of copyright in the record which copyright is not owned by the State.

PU

WG

For more information about the calculation of the access fee, see page 29 of PAIA Unpacked and page 33 of the PAIA Workshop Guide.

PU

For more information about the form of access to a record, see pages 27 – 29 of PAIA Unpacked.

Please note that **you may, within 60 days of receipt of this notice, lodge an internal appeal, against the access fee to be paid or against the form in which access has been granted**, with [insert name and title of relevant authority]. If you would like to lodge an internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to [insert name and contact details of information officer or deputy information officer].

PU

WG

For more information about the right of appeal, see pages 42 – 44 of PAIA Unpacked and pages 61 – 19 of the PAIA Workshop Guide.

[if there is a third party involved:]

that the [third party / third parties] can, within 180 days, lodge a court application against the decision to grant access. We will therefore only grant you access after this period has expired. Alternatively, if the [third party / third parties] [does / do] lodge a court application, we will only grant you access after the court process has been finalised and if the [third party's / third parties'] court application was unsuccessful.



For more information about the right to judicial review, see pages 44 – 47 of PAIA Unpacked and pages 71 – 73 of the PAIA Workshop Guide.

As soon as the 180 day period has expired, and if no court application has been lodged, you must pay an access fee in the amount of *[insert access fee value]*. We have calculated this amount in accordance with the Regulations to PAIA, as follows: *[insert detail, for example about the number of copies and price per copy]*. You must pay the prescribed access fee of *[insert access fee value]* before we can grant you access. You can pay at *[insert detail of offices where payment can be made]*, or you can make an electronic payment into the following bank account: *[insert bank account details]*. **To assist with the administration of your request please forward a copy of the receipt or proof of electronic payment to *[insert name and contact details of information officer or deputy information officer]*.**



For more information about the time period for the provision of a decision, see pages 26 – 27 of PAIA Unpacked.

We will give you access to the records in the form of *[state form of access]*. *[If access cannot be given in the form requested:]* We cannot give you access in the form you have requested in part F of “Form A” because providing access in this manner would *[Delete whichever is not relevant]* unreasonably interfere with the effective administration of *[insert name of public body]* because *[provide reasons]*. be detrimental to the preservation of the record because *[provide reasons]*. amount to an infringement of copyright in the record which copyright is not owned by the State.



For more information about the right of appeal, see pages 42 – 44 of PAIA Unpacked and pages 61 – 19 of the PAIA Workshop Guide.

[If decision of relevant authority results in refusal of access:
you may, within 180 days of receipt of this notice, lodge a court application against the decision to deny access.



For more information about the right to judicial review, see pages 44 – 47 of PAIA Unpacked and pages 71 – 73 of the PAIA Workshop Guide.

[If decision of relevant authority results in access being part-granted continue here:]
[if there is no third party involved:]
 access has been granted to only *[describe the record / records / part of a record/s to which access is granted]*. You must now pay an access fee in the amount of *[insert access fee value]*. We have calculated this amount in accordance with the Regulations to PAIA, as follows: *[insert detail, for example about the number of copies and price per copy]*. You can pay the prescribed access fee of *[insert access fee value]* at *[insert detail of offices where payment can be made]*, or you can make an electronic payment into the following bank account: *[insert bank account details]*. **To assist with the administration of your request please forward a copy of the receipt or proof of electronic payment to *[insert name and contact details of information officer or deputy information officer]*.** As soon as we receive payment of the access fee we will give you access to the records in the form of *[state form of access]*. *[If access cannot be given in the form requested:]* We cannot give you access in the form you have requested in part F of “Form A” because providing access in this manner would *[Delete whichever is not relevant]* unreasonably interfere with the effective administration of *[insert name of public body]* because *[provide reasons]*. be detrimental to the preservation of the record because *[provide reasons]*. amount to an infringement of copyright in the record which copyright is not owned by the State.



For more information about the calculation of the access fee, see page 29 of PAIA Unpacked and page 33 of the PAIA Workshop Guide.



For more information about the form of access to a record, see pages 27 – 29 of PAIA Unpacked.

Please note that **you may, within 60 days of receipt of this notice, lodge an internal appeal, against the access fee to be paid or against the form in which access has been granted**, with *[insert name and title of relevant authority]*. If you would like to lodge and internal appeal you must do so by submitting a completed “Form B” (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.



For more information about the right of appeal, see pages 42 – 44 of PAIA Unpacked and pages 61 – 19 of the PAIA Workshop Guide.

Access has been denied in relation to *[describe the record / records / part of a record/s to which access has been refused]*. The reasons are provided in the attached decision letter.

Please note that you may, **within 180 days of receipt of this notice, lodge a court application against the decision to deny access**.



For more information about the right to judicial review, see pages 44 – 47 of PAIA Unpacked and pages 71 – 73 of the PAIA Workshop Guide.

[if there is a third party involved:]

access has been granted to *[describe the record / records / part of a record/s to which access is granted]*. However the *[third party / third parties]* can, within 180 days, lodge a court application against the decision to grant access. We will therefore only grant you access after this period has expired. Alternatively, if the *[third party / third parties]* *[does / do]* decide to lodge a court application, we will only grant you access once the court process has been finalised and if the *[third party's / third parties']* court application was unsuccessful.

As soon as the 180 day period has expired, and if no court application has been lodged, you must pay an access fee in the amount of *[insert access fee value]*. We have calculated this amount in accordance with the Regulations to PAIA, as follows: *[insert detail, for example about the number of copies and price per copy]*. You must pay the prescribed access fee of *[insert access fee value]* before we will grant you access. You can pay at *[insert detail of offices where payment can be made]*, or you can make an electronic payment into the following bank account: *[insert bank account details]*. **To assist with the administration of your request please forward a copy of the receipt or proof of electronic payment to *[insert name and contact details of information officer or deputy information officer]*.**



For more information about the calculation of the access fee, see page 29 of PAIA Unpacked and page 33 of the PAIA Workshop Guide.

We will give you access to the records in the form of *[state form of access]*. *[If access cannot be given in the form requested:]* We cannot give you access in the form you have requested in part F of “Form A” because providing access in this manner would

[Delete whichever is not relevant]

unreasonably interfere with the effective administration of *[insert name of public body]* because *[provide reasons]*.

be detrimental to the preservation of the record because *[provide reasons]*.

amount to an infringement of copyright in the record which copyright is not owned by the State.



For more information about the form of access to a record, see pages 27 – 29 of PAIA Unpacked.

Please note that **you may, within 60 days of receipt of this notice, lodge an internal appeal against the access fee to be paid or against the form in which access has been granted**, with *[insert name and title of relevant authority]*. If you would like to lodge an internal appeal you must do so by submitting a completed "Form B" (available from our office upon request) to *[insert name and contact details of information officer or deputy information officer]*.

Access has been denied in relation to *[describe the record / records / part of a record/s to which access has been refused]*. The reasons are provided in the attached decision letter.



For more information about the right of appeal, see pages 42 – 44 of PAIA Unpacked and pages 61 – 19 of the PAIA Workshop Guide.

Please note that you may, **within 180 days of receipt of this notice, lodge a court application against the decision to deny access.**



For more information about the right to judicial review, see pages 44 – 47 of PAIA Unpacked and pages 71 – 73 of the PAIA Workshop Guide.

[Whether decision of relevant authority results in access being granted, refused or part-granted continue here:]

We trust will find the above in order. Please contact us if you require further information.

Yours sincerely



Dear Sir/Madam

NOTICE TO THIRD PARTY IN TERMS OF SECTION 77 OF PAIA

Your Reference: [Insert]

Our Reference: [Insert]

We refer to your internal appeal related to a request for access to *[delete whichever is not relevant: a record / records]* related to *[repeat request description]* and dated *[insert date of appeal]*.

We would like to inform you that a decision has been taken by *[insert name and title of relevant authority]* on your internal appeal. We attach a copy of the decision letter. Importantly please note

[If decision of relevant authority results in granting of access continue here:]

you may, within 180 days of receipt of this notice, lodge a court application against the decision to grant access.

[If decision of relevant authority results in refusal of access:]

the requester may exercise their right to launch a court application, within 180 days of this notice, against the decision to deny access.

[If decision of relevant authority results in access being part-granted continue here:]

access has been granted to *[describe the record / records / part of a record/s to which access is granted]*. **You may, within 180 days of receipt of this notice, lodge a court application against the decision to grant access.**

Access has been denied in relation to *[describe the record / records / part of a record/s to which access has been refused]*. The requester may exercise their right to launch a court application, within 180 days of this notice, against the decision to deny access.



For more information about the right to judicial review, see pages 44 – 47 of PAIA Unpacked and pages 71 – 73 of the PAIA Workshop Guide.

[Whether the decision of relevant authority results in access being granted, refused or part-granted continue here:]

We trust you will find the above in order. Please contact us if you require further information.

Yours sincerely

**Template Number: T18**

Dear Sir / Madam,

RE: COMPLAINT ABOUT PAIA REQUEST FOR *[summarise request]*

OUR REFERENCE: *[insert]*

YOUR REFERENCE: *[insert]*

We thank you for, and acknowledge receipt of, your letter notifying us of the complaint received by your office, in relation to the above mentioned PAIA request.

We noted that your notice of the complaint highlights the following as being in issue:

[List the issues raised in point form (example:

- 1. That our municipality has failed to acknowledge receipt of the request; and*
- 2. That our municipality has refused to provide a decision on this request.)]*

[Delete whichever paragraph is irrelevant:]

[OPTION 1:]

Kindly note herewith our responses to the above-mentioned issues:

[List your organisation's responses in point form making sure each response corresponds to the issue by the same number (example:

- 1. The allegation that our municipality has not acknowledged receipt is incorrect, please find attached a copy of the acknowledgement letter sent via email on [insert date] to [insert email address]; and*
- 2. We deny that our municipality has refused to provide a decision. We do however acknowledge that we have not yet provided a decision on this request. The reason why we have not yet provided a decision is [insert reason]. We do however undertake to provide your office with a decision letter, for the requester, by [insert reasonable date].]*

[OPTION 2:]

We note your office's invitation to mediate the issues in dispute and thank you for the invitation. Kindly note that we *[delete whichever is not applicable: accept your invitation to mediate / do not accept your invitation to mediate because we have decided to comply with the request by [insert a description of the steps you intend to take and the dates by which they will be taken (example "providing access to the requested records by 3 January 2017" or "providing a decision letter, with full reasons, compliant with section 25 of PAIA, by 3 January 2017")]*.

Trusting you will find the above in order.

Yours sincerely



HELPFUL CONTACT DETAILS

For assistance with access to information:

South African History Archive

Tel: 011 718 2563 or online at www.saha.org.za or <http://foip.saha.org.za/>

Right2Know Campaign

Tel: 021 447 1000 or 011 339 1533 or online at www.r2k.org.za

Open Democracy Advice Centre

Tel: 021 447 1177 or online at www.opendemocracy.org.za

Information Regulator

Tel: 012 406 4818 or online at www.justice.gov.za/inforeg

South African Human Rights Commission

Tel: 011 877 3600 or online at www.sahrc.org.za

To report on corruption:

Corruption Watch

Tel: 0800 023 456 or online at www.corruptionwatch.org.za

Open Democracy Advice Centre – Whistleblower’s Line

Toll-free Helpline: 0800 52 53 52 (0800 la le la)

Mobile Helpline: 060 643 4355

Email Helpline: helpline@odac.org.za

The South African Police Services

Tel: 0860 010 111 or online at www.saps.gov.za

Public Protector

Tel: 0800 112 040 or 011 366 7143 or online at <http://www.pprotect.org/>

For information about laws that apply to local government:

Local Government Action Group

Online at www.localgovernmentaction.org

South African Local Government Association

Tel: 012 369 8000 or online at <https://salga.org.za/>

PROVIDING INFORMATION UNDER PAIA



NOTE: Reference to "S" and a number is a reference to that section in the Promotion of Access to Information Act, 2000 (PAIA)



This guide seeks to assist municipalities in ensuring they are transparent and accountable and that they deal with PAIA requests in a compliant manner. This is done by providing a process checklist, which outlines the record creation duties of municipalities within the PAIA request process, and templates for many of these records.