

## **PROCEDURE MANUAL**

# **In Terms of Section 14 of the Promotion of Access to Information Act 2 of 2000**

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## Section One

### **1. PURPOSE OF PROMOTION OF ACCESS TO INFORMATION ACT**

- 1.1 The cardinal purpose of the Promotion of Access to Information Act No. 2 of 2000 (“PAIA”) is to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. PAIA sets out the requisite procedures associated with any such request for protection.
- 1.2 In terms of PAIA, where a request for information is made to a public body, there is an obligation to provide the information, except where PAIA expressly provides that the information may not be released. The constitutional right to access to information is subject to:
  - 1.2.1 justifiable limitations including, but not limited to, limitations aimed at reasonable protection of privacy, confidentiality as well as effective, efficient and good governance; and
  - 1.2.2 the balancing of such right with any other rights, including the bill of Rights, as enshrined in the 1996 Constitution.
- 1.3 PAIA establishes a voluntary and mandatory mechanism or procedures to give effect to the right to access to information in a manner which enables persons to obtain access to records of public bodies as swiftly, inexpensively and effortlessly as reasonably possible.
- 1.4 Section 14 of PAIA requires public bodies to compile a manual, subject to the requirements set out in PAIA.

### **2. THE GAUTRAIN MANAGEMENT AGENCY**

Gautrain Management Agency (“GMA”) is a provincial public entity listed under Schedule 3(c) of the Public Finance Management Act, No. 1 of 1999 and was established in terms of the Gautrain Management Agency Act, No. 5 of 2006. GMA, as an agency of the Gauteng Provincial Government, has the Gauteng MEC for Roads and Transport as its Executive Authority and the Board as its Accounting Authority. The daily management of the business and affairs of the

GMA is the responsibility of the Chief Executive Officer (“CEO”), who is duly assisted in this regard by his management team.

## SECTION TWO

### 3. CONTACT DETAILS OF GMA

3.1	<b>Postal Address:</b>	P.O. Box 1266 Kelvin, 2054
3.2	<b>Physical Address:</b>	44 Grand Central Boulevard Grand Central Ext 1 Midrand
3.3	<b>Phone Number:</b>	+27 11 086 3500
3.4	<b>Fax Number:</b>	+27 11 580 0604
3.5	<b>Website:</b>	<a href="http://www.gautrain.co.za">www.gautrain.co.za</a>
3.6	<b>Information Officer:</b>	CEO
3.7	<b>Information Officer’s Electronic Mail Address:</b>	<a href="mailto:jackvdm@gautrain.co.za">jackvdm@gautrain.co.za</a>
3.8	<b>Deputy Information Officer:</b>	Chief Operating Officer
3.9	<b>Deputy Information Officer’s Electronic Mail Address:</b>	<a href="mailto:williamd@gautrain.co.za">williamd@gautrain.co.za</a>

### 4. GUIDE COMPILED BY THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (“SAHRC”)

The guide contemplated in Section 10 of PAIA is available from SAHRC. In this regard, any queries may be directed to:

SAHRC  
PAIA Unit  
Research and Document Department  
Private Bag 2700  
Houghton  
2041

**Telephone:** +27 11 484 8300  
**Fax:** +27 11 484 1366  
**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)

### **SECTION THREE**

#### **5. PROCEDURE FOR ACCESSING OR REQUESTING GMA RECORDS**

A request for access to records held by GMA must be made by completing the prescribed Form, and by delivery, posting or transmitting it to any of the addresses or contact details referred to in paragraph three (3) of this manual. The requester, when submitting a request for access to GMA records, must use Form A, which is attached hereto. The prescribed access fee and request fee may be charged in respect of any request for access to GMA records.

A template or pro forma Copy of the request form as well as details thereof can be obtained from the website of the SAHRC ([www.sahrc.org.za](http://www.sahrc.org.za)) or from that of the Department of Justice and Constitutional Development ([www.justice.gov.za](http://www.justice.gov.za)).

#### **6. CATEGORIES OF THE RECORDS THAT GMA HOLDS**

GMA currently holds the following categories of records:

- Construction updates;
- Construction technology and machine;
- Track progress;
- Projects pictures;
- GMA annual reports; and
- Gautrain newsletters.

The following are some of the statutes in terms of which records are held by GMA. The list is not exhaustive and these records are subject to the limitations set out in PAIA:

- Public Finance Management Act, No. 1 of 1999;
- Income Tax Act, No. 58 of 1962;
- Value-Added Tax Act, No. 89 of 1991;
- Unemployment Insurance Act, No. 63 of 2001;
- Employment Equity Act, No. 55 of 1998;
- Occupational Health and Safety Act, No. 85 of 1993;
- Trademarks Act, No. 194 of 1993;
- Gautrain Management Agency Act, No. 5 of 2006; and
- Gauteng Transport Infrastructure Act, No. 8 of 2001.

Information relating to the management and daily business activities of GMA may only be made available, subject to the limitations set out in PAIA and other applicable legislation.

However, information pertaining to the promotion and marketing of the Gautrain Rapid Rail Link Project may be made available to members of the public, subject to availability and prior arrangements. Where GMA is requested to reproduce such information or records, the requester concerned shall be charged the prescribed reproduction fee.

Copies of the following documents may be freely downloaded from Gautrain website ([www.gautrain.co.za](http://www.gautrain.co.za)) and/or may be inspected, at no cost, at GMA's offices (subject to reasonable prior arrangement and availability of documents):

- construction updates;
- construction technology and machine;
- track progress;
- projects pictures;
- GMA annual reports; and
- Gautrain newsletters.

In instances where the requester needs copies of those records that are freely accessible to be reproduced, the prescribed reproduction fee shall be payable by the requester to GMA.

## 7. HOW TO OBTAIN ACCESS TO THIS MANUAL



Copies of this manual, as updated from time to time, can be obtained and inspected at the offices of GMA at the address listed in paragraph three (3) hereof or on GMA's website.

## 8. REMEDIES FOR REFUSAL OR FAILURE TO ALLOW ACCESS TO CERTAIN INFORMATION BY GMA

Should GMA fail or refuse to allow any requester access to its records, the requester concerned may, in terms of PAIA, lodge an internal appeal with the Gauteng MEC for Roads and Transport. The appeal must be lodged within 60 days from the date the requester received notice that the request has been declined and it must be delivered to the Information Officer/Deputy Information Officer referred to in paragraph three (3) hereof. When lodging an appeal, the appellant is enjoined to use Form B, which is attached hereto.

## 9. APPROVAL

The signatories hereof, confirm their acceptance of the contents and recommend the adoption hereof.

DESIGNATION	SIGNATURE	DATE SIGNED
HEAD OF UNIT		03-03-2015
CHIEF EXECUTIVE OFFICER		2015.03.31

**FORM A**  
**REQUEST FOR ACCESS TO RECORD OF GMA**

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 6]

<p><b>FOR GMA USE</b></p> <p>Reference number: .....</p> <p>Request received by ..... (state rank, name and surname of information officer/deputy information officer) on ..... (date) at ..... (place).</p> <p>Request fee (if any): R .....</p> <p>Deposit (if any): R .....</p> <p>Access fee: R .....</p> <p>..... SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER</p>
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**A. Particulars of GMA**

The Information Officer/Deputy Information Officer:

**GAUTRAIN MANAGEMENT AGENCY (GMA)**

Physical Address: 44 Grand Central Boulevard, Grand Central Ext 1, Midrand,  
Johannesburg

Postal Address: P O Box 1266, Kelvin, 2054

Telephone: 011 086 3500

Fax No: 011 580 0604



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

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

Full names and surname: .....

Identity number: .....

Postal address: .....

Fax number: .....

Telephone number: ..... E-mail address: .....

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

.....

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

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

Full names and surname: .....

Identity number: .....

**D. Particulars of record**

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

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

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

2. Reference number, if available: .....

3. Any further particulars of record: .....

**E. Fees**

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

Reason for exemption from payment of fees: .....

**F. Form of access to record**

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

Disability:		Form in which record is required	
Mark the appropriate box with an X.			
<b>NOTES:</b>			
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.			
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.			
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is in written or printed form:			
copy of record*		inspection of record	
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
view the images	copy of the images*	transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:			
listen to the soundtrack (audio cassette)	transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:			
printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.		YES	NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.			
In which language would you prefer the record?			

**G. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to facilitate compliance with your request.

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

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

Signed at ..... this ..... day of ..... of 20.....

.....  
SIGNATURE OF REQUESTER / PERSON  
ON WHOSE BEHALF REQUEST IS MADE

## PRESCRIBED FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction, referred to in regulation 7(1) or section 15(3) of the Act, are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R0,60;
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,40;
  - (c) For a copy in a computer-readable form on:
    - (i) stiffy disc R5,00;
    - (ii) compact disc R40,00.
  - (d) For a transcription of visual images:
    - (i) an A4-size page or part thereof R22,00;
    - (ii) a copy of visual images R60,00.
  - (e) For a transcription of an audio record:
    - (i) An A4-size page or part thereof R12,00;
    - (ii) A copy of an audio record R17,00.
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) or section 22(1) of the Act, is R35,00.
4. The access fees payable by a requester, referred to in regulation 7(3) or section 22(7) of the Act, are as follows:
  - 4.1
    - (a) For every photocopy of an A4-size page or part thereof R0,60;
    - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,40;
    - (c) For a copy in a computer-readable form on:
      - (i) stiffy disc R5,00;
      - (ii) compact disc R40,00.
    - (d) For a transcription of visual images:
      - (i) An A4-size page or part thereof R22,00;
      - (ii) A copy of visual images R60,00.
    - (e) For a transcription of an audio record:
      - (i) An A4-size page or part thereof R12,00;
      - (ii) A copy of an audio record R17,00.
    - (f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

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- 4.2 For purposes of section 22(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
  - (b) One third of the access fee is payable as a deposit by the requester.
- 4.3 The actual postage is payable when a copy of a record must be posted to a requester.

**FORM B  
NOTICE OF INTERNAL APPEAL**

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

[Regulation 8]

STATE YOUR REFERENCE NUMBER:

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

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

- (a) The particulars of the person who lodges the internal appeal must be given below.
- (b) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given under C below.

Full names and surname: .....

Identity number: .....

Postal address: .....

Fax number: .....

Telephone number: ..... E-mail address: .....

Capacity in which an internal appeal on behalf of another person is lodged: .....

.....

**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: .....

Identity number: .....





**F. Notice of decision on appeal**

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to facilitate compliance with your request.

State the manner: .....

Particulars of manner: .....

Signed at ..... this ..... day of ..... of 20.....

.....  
SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:**

OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on ..... (date)

by .....  
(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or to which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.

**OUTCOME OF APPEAL**

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**DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER  
CONFIRMED/NEW DECISION SUBSTITUTED**

**NEW DECISION:**

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RELEVANT AUTHORITY ..... Date .....

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM  
THE RELEVANT AUTHORITY ON (date): .....