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The South African Institute of Architectural Technologists
Die Suid-Afrikaanse Instituut van Argitekstegnoloë

Building Professionals to Build the Future!

MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION ACT 2000

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

APPROVED

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INTRODUCTION

The Promotion of Access to Information Act ("the Act) seeks to promote a culture of transparency, accountability and good governance, by giving effect to a person's constitutional right of access to information. This right is entrenched in the Bill of Rights of the Constitution of South Africa.

In furtherance of this objective, Section 51 of the Act requires private bodies to compile a manual which will assist either private or juristic persons in obtaining information from such private body.

Where a request is made in terms of The Act, the body to whom the request is made is not obliged to release the information, **except where The Act expressly provides that the information may or must be released.** The Act sets out the requisite procedural issues attached to such a request.

SAIAT is a private body incorporated whose main business is to promote the social, economic and educational development of qualified built environment professionals and to collect and provide the appropriate resources, financial and otherwise, in the pursuit of such main business.

This manual is compiled in accordance with Section 51 of PAIA and offers an outline of the information which is accessible to the public. Section 9 of the Act recognises that such rights to access to information cannot be unlimited and should be subject to justifiable limitations, including but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

And in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

PAIA reinforces the confidentiality of this information by providing that it must not be disclosed in terms of the Act, except to the person to whom it relates or that person's authorised representative.

In addition, PAIA provides for confidentiality of various aspects of SAIAT'S business operations, where this would be appropriate or applicable.

PARTICULARS IN TERMS OF SECTION 51

1. CONTACT DETAILS

The National Committee of SAIAT have duly authorised Mr. F.J A Dekkker to deal with all matters in connections with request for information in terms of the Promotion of Access to Information Act 2 of 2000.

Name of Body	SAIAT
Head of Body	The National President, as elected on a bi-annual basis. However the National Committee has recommended that Mr. F J A Dekker be used as the contact person in terms of this manual
Postal Address	P.O. Box 807 Bedfordview 2008
Street Address	Suite 9A, Ground Storey Sovereign House Sovereign Street (Corner Mullins) Bedfordview 2008
Telephone	+27 11 622 3168
Facsimile	0866566609
Information Officer	Mr. F.J.A. Dekker/ Miss S.L. Morton
Contact Details of Information Officer	Telephone: +27 11 622 3168 Facsimile: +0866566609 e-mail: adfin@saiat.org.za

2. **THE GUIDE AS PRESCRIBED IN SECTION 10 [Section 51(1)(b)]**

In terms of Section 10 of the Act, the South African Human Rights Commission (SAHRC) must compile a guide containing information that may be required by a person who wishes to exercise a right in terms of the Act. The guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all those public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

3. **CATEGORIES OF RECORDS OF SAIAT WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT**

In terms of Section 52 of the Act, a private body may submit to the Minister responsible for the administration of justice, a description of records, which it holds that are automatically available from the private body. The Minister may then publish such information by way of notice in the Government Gazette. At the time of drafting this manual, no such information has been given by SAIAT to the Minister, and no such notice has therefore been published.

However, certain records are in the public domain, and may be accessed through the website www.saiat.org.za. These include, but are not limited to:

- a. SAIAT Constitution
- b. Code of Conduct
- c. Regulations pertaining to Membership of the organisation
- d. Regulations pertaining Finance and Administration
- e. Regulations pertaining to Continual Professional Development

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

SAIAT keeps information in accordance with the following legislation:

- ❖ Employment Equity Act
- ❖ Labour Relations Act 66 of 1995 (as amended)
- ❖ Basic Conditions of Employment Act
- ❖ Unemployment Insurance Act 30
- ❖ Income Tax Act
- ❖ Value Added Tax Act

5. HOW TO REQUEST A RECORD, A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY SAIAT AND THE CATEGORIES OF WHICH THESE SUBJECTS ARE CLASSIFIED. [Section 51(1)(e)]

5.1 How to request a record (see pro-forma request in Appendix 1)

- The requester must comply with all the procedural requirements contained in The Act relating to the request for access to a record.
- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right..
- If a request is made on behalf of person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The head of the private body will then make a decision on the request and notify the requester in the required form.

5.2 **Categories of Records held by SAIAT.**

5.2.1 **Operational Information**

Minutes of Board Meetings
Resolutions
Memorandum and Articles of Association
Register of list of elected National Committee members
Minutes of General Meetings

5.2.2 **Movable and Immovable Property**

Asset Registers

5.2.3 **Financial Records**

Accounting record books and documentation
Interim and Annual Financial Reports
Details of Auditors
External Audit Report
Tax Returns
Other documents relating to taxation.

6 **GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

- 6.1** Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure personal information of that natural person.
- 6.2** Mandatory protection of the commercial information of a third party if the record contains:
- 6.2.1** Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party.

6.2.2 Information disclosed in confidence by a third party to the SAIAT, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

6.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement

6.4 Mandatory protection of records which would be regarded as privileged in legal proceedings.

6.5 Requests for information that are clearly frivolous or vexatious or which would involve an unreasonable diversion of resources.

7. REMEDIES AVAILABLE WHEN A REQUEST FOR INFORMATION IS REFUSED

7.1 Internal Remedies.

The decision taken by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

7.2 External Remedies

A requester who is dissatisfied with an information officer's refusal to disclose information may, within 30 days of notification of the decision, apply to a relevant Court for relief.

8. AVAILABILITY OF THE MANUAL

This manual is available for inspection on the SAIAT website and has also been lodged with the South African Human Rights Commission.

9 FEES IN RESPECT OF PRIVATE BODIES

The SAIAT will, on request, provide the Minister with a list of categories of reports that will automatically be made available to any person requesting access thereto. Where the records requested in Appendix 1 are part of the aforementioned, the only fee that may be charged for the obtaining of such record shall be for the reproduction of such record.

The applicable fees for the reproduction as referred to above are:

	R
(a) For every photocopy of an A4-size page or part thereof	1.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
(c) For a copy in a computer-readable form on Compact Disc	70.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
(ii) For a copy of an audio record	30.00

Request Fees:

Where a requester submits a request for access to information held by the SAIAT on behalf of a person other than the requester himself / herself, a request fee in the amount of R50,00 payable up front before the SAIAT will further process the request received.

Access Fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of an exclusion as determined by the Minister in terms of The Act.

The access fees that will be payable are:

	R
(a) For every photocopy of an A4-size page or part thereof	1.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
(c) For a copy in a computer-readable form on Compact Disc	70.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
(ii) For a copy of an audio record	30.00

To search and prepare the record for disclosure R15,00 per hour or part thereof, excluding the first hour, reasonably required for such search and preparation.

Should the information officer be of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit will be required, equivalent to 50% of the search fee.

The actual postage is payable by the requester when a copy of a record must be posted to him/her.

In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

APPENDIX 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

A. Particulars of private body

The Head: SAIAT

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.*
- (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 – 4 hereunder, please state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:

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

NOTES:

- (a) Compliance with your request 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

G. Particulars of right to be exercised or protected

*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. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

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

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

Signed at _____ this _____ day of _____ 20

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE