

**LIMPOPO PROVINCIAL TREASURY PAIA GUIDE**



**LIMPOPO**

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**PROVINCIAL GOVERNMENT**  
REPUBLIC OF SOUTH AFRICA

**GUIDE**  
**ON HOW TO USE THE**  
**PROMOTION OF ACCESS TO**  
**INFORMATION ACT 2 OF 2000, AS**  
**AMENDED**

## **LIMPOPO PROVINCIAL TREASURY PAIA GUIDE**

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### FOREWORD BY THE HEAD OF DEPARTMENT / INFORMATION OFFICER

The Constitution of the Republic of South Africa, 1996 ("Constitution") states that South Africa is a democratic state that is founded on the improvement of human rights and an accountable, responsive and transparent system of governance as part of its values.

Before South Africa became a constitutional democracy with an enforceable Bill of Rights, the system of Government in South Africa amongst others, resulted in a secretive and unresponsive culture in both public and private bodies which often led to the abuse of power and human rights violations.

It is in this regard that section 32(1) of the Bill of Rights in the Constitution, provides for the right of access to information held by the state; and any information held by another person that is required for the exercise or protection of any rights. Section 32(2) of the Constitution in turn provides for the enactment of national legislation that will give effect to this right, by respecting, protecting, promoting and fulfilling this right.

This serves to present the Limpopo Provincial Treasury's PAIA Guide as contemplated on the use of the Promotion of Access to Information Act, (Act No 2 of 2000), as amended. The purpose of this guide is to facilitate easy access by employees of Limpopo Provincial Treasury and all members of the public to information held by Limpopo Provincial Treasury.

The Promotion of Access to Information Act, No. 2 of 2000 (hereinafter referred to as "PAIA", or "the Act" interchangeably), as amended, is the national legislation which was enacted in accordance with the above-mentioned section 32(2) of the constitution.

The aim of PAIA, is to foster a culture of transparency and accountability by the public body (LPT). It does that by giving effect to the right of access to information and actively promoting a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights and also to realise South Africa's goals of an open and participatory democracy.

This PAIA Guide has been developed in fulfilment of the Information Regulator's ("Regulator") obligation under Section 10 of the PAIA, which requires Limpopo Provincial Treasury as a public body to develop and make available the Guide on how to use PAIA.

Therefore, this Act (Promotion of Access to Information Act, (Act No 2 of 2000, as amended), obliges Limpopo Provincial Treasury to develop and publish this guide at least in two (02) official languages of the country. This Guide has been designed to be a guiding, user-friendly and accessible tool for any person who wishes to exercise any right contemplated in PAIA and the Protection of Personal Information Act, 2013.

  
Mr. G.C Pruthi (SA)  
HEAD OF DEPARTMENT

11/12/2024  
Date

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### **1. LIST OF ACRONYMS AND ABBREVIATIONS**

<b>HoD</b>	Head of Department
<b>MEC</b>	Member of Executive Council
<b>AO</b>	Accounting Officer
<b>CFO</b>	Chief Financial Officer
<b>DIO</b>	Deputy Information Officer
<b>DoJ &amp; CD</b>	Department of Justice and Constitutional Development
<b>IO</b>	Information Officer
<b>LPT</b>	Limpopo Provincial Treasury
<b>PAJA</b>	Promotion of Administrative Justice Act, 2000
<b>PFMA</b>	Public Finance Management Act No. 1 of 1999, as amended
<b>POPIA</b>	Protection of Personal Information Act No. 4 of 2013
<b>PAIA</b>	Promotion of Access to Information Act No. 2 of 2000
<b>IR</b>	Information Regulator

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### 2. USEFUL TERMS EXPLAINED IN AN EASILY COMPREHENSIBLE FORM AND MANNER

Term	Description
<b>Guide</b>	This Guide, made in pursuance of section 10 of <b>PAIA</b> , as amended which seeks to assist a person who wishes to exercise any right contemplated in <b>PAIA</b> and the Protection of Personal Information Act, 2013.
<b>Access Fee</b>	This access fee is paid by the requester to the body from which you are requesting the information, to cover the costs of finding and copying the records you require. What can be charged is prescribed by regulation.
<b>Administrator</b>	Is an organ of state or any natural or juristic person taking administrative action.
<b>Administrative Action</b>	<p>Is any decision taken, or any failure to take a decision, by</p> <ul style="list-style-type: none"> <li>(a) an organ of state, when: <ul style="list-style-type: none"> <li>(i) exercising a power in terms of the Constitution or a provincial constitution;</li> <li>or</li> <li>(ii) exercising a public power or performing a public function in terms of any legislation;</li> <li>or</li> </ul> </li> <li>(b) a natural or juristic person, other than an organ of state, when exercising a public power of performing a public function in terms of an empowering provision.</li> </ul> <p>which adversely affects the rights of any person and which has a direct, external legal effect.</p>
<b>Authorised Person</b>	The authorised person is the person who is making a request on behalf of someone else, and who has been properly authorised in writing to do so.
<b>Automatically Available Records</b>	These are records that a public or private body will provide to a requester without them needing to file a request. These records are listed in a 'voluntary disclosure notice', which should be made available to the public.
<b>Data Subject</b>	Is the person to whom personal information relates.
<b>Days</b>	Unless specified as a 'working day' in a section in <b>PAIA</b> , a day is considered to be a calendar day. To calculate time

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	period, the day on which the request is received is excluded, and every day thereafter is included including weekends and public holidays until the final day is counted. If the final day for responding to a request falls on a Sunday or public holiday.	
<b>Deemed Refusal</b>	If not response is received to a request within the prescribed time, this is defined as a 'deemed refusal'. the next day is counted as the final day.	
<b>Form 2</b>	This form is prescribed by regulation and should be used to request access to information held by a public or private body	
<b>Form 4</b>	This form is prescribed by regulation and should be used when appealing a decision made by a public body in relation to a request for access to information.	
<b>Information Officer</b>	The information Officer is the person authorised to handle <b>PAIA</b> requests.	
<b>Public Body</b> (as defined in section 239 of the Constitution)	National Department	Director-General or the person who is acting as such.
	Provincial Administration	Head of Department or the person who is acting as
<b>Deputy Information Officer</b>	<p>The Deputy Information Officer is the person designed or delegated by the Information Officer of a public body to assist the requester with their information request, and to whom the Information Officer can delegate other <b>PAIA</b> powers to.</p> <p><b>NB:</b> Whilst only a public body can designate or delegate a Deputy Information Officer(s), in terms of Section 17(1) of <b>PAIA</b>, the Protection of Personal Information Act 2013</p>	
<b>Information Regulator</b>	The Office of the Information Regulator has been established, in terms of section 39 of <b>POPIA</b> , to monitor and enforce compliance with both <b>POPIA</b> and <b>PAIA</b> . In this Guide the Office of the Information Regulator or the information Regulator is referred to as the Regulator.	
<b>Internal Appeal</b>	An internal appeal is the process for challenging a decision made in terms of a <b>PAIA</b> request to a public body, which must be completed before a challenge can be made to the Regulator or to a court having jurisdiction.	
<b>Public Body</b>	A public body means a government department or other functionary or institution, which is performing a public function. However, with regard to internal appeal, any	

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	reference to “public body” has been changed to “Government”, in order to avoid confusion in respect of public bodies in which appeal is not applicable.
<b>Record</b>	A record is any recorded information regardless of the form, including, for example, written documents, audio, digital and video materials. A record requested from a public or private body refers to a record that is in that body's possession regardless of whether that body created the record.
<b>Regulations</b>	<b>PAIA</b> allows the Minister to issue regulations that supplement the Act, which must be published in the Government Gazette, and covers issues like the forms to be used and fees that may be charged for certain processes.
<b>Relevant authority</b>	<b>PAIA</b> uses the term the ‘relevant authority’ to define the person within a National, Provincial and Local Government to whom an internal appeal must be lodged, which is generally the political head of the body concerned (this function can be officially delegated).

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### CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE LIMPOPO PROVINCIAL TREASURY

- 3.1. The Head of Department (IO) is the Deputy Information Officer (DIO) in terms of the Act.

**Name** : Mr Gavin Charles Pratt  
**Telephone No.** : (015) 298 7176  
**Email** : [prattgc@treasury.limpopo.gov.za](mailto:prattgc@treasury.limpopo.gov.za)  
**Fax number** : 015 295 7010

- 3.2. The Head of Department delegated the Information Manager (IM) of the Department to be the Deputy Information Officer in the department.

**Name** : Ms Ndibuwo Ramuntshi  
**Telephone No.** : 015 298 7107  
**Email** : [Ramuntshin@treasury.limpopo.gov.za](mailto:Ramuntshin@treasury.limpopo.gov.za)  
**Fax No.** : 015 295 7010

### GENERAL INFORMATION

- 3.3. Access to information general contacts

Email I: [io@treasury.limpopo.gov.za](mailto:io@treasury.limpopo.gov.za); and  
[dio@treasury.limpopo.gov.za](mailto:dio@treasury.limpopo.gov.za)

- 3.4. Head Office Postal Address

**Postal Address**

Private Bag X9486  
**POLOKWANE**  
0700

**Street Address**

46 Hans van Ransburg Street  
**POLOKWANE**  
0700

**Telephone Numbers (Switch Board):**

(015) 298 7000

**Fax Number**

(015) 295-7010

**General Email address for the department:**

[info@treasury.limpopo.gov.za](mailto:info@treasury.limpopo.gov.za)

**Website of the department:**

[www.limtreasury.gov.za](http://www.limtreasury.gov.za)



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### 4. PURPOSE OF THIS PAIA GUIDE

- 4.1. The purpose of this Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act of 2000 (**PAIA**) and Protection of Personal Information Act, 2013 ("**POPIA**"). Any person, irrespective of citizenship, can apply for access to information under **PAIA**.
- 4.2. This Guide will specifically assist a person, also called a data subject, on how to access his/her personal information in terms of section 23 of **POPIA**. Under **POPIA**, person or data subject has the right to -
  - 4.2.1. request a responsible party to confirm, free of charge, whether or not the responsible party holds personal information about them, and
  - 4.2.2. request from a responsible party the record or a description of the personal information about the data subject held by the responsible party, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information;
  - 4.2.3. request a responsible party to -
    - (a) correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
    - (b) destroy or delete a record of personal information about the data subject that the responsible party is no longer authorised to retain.
- 4.3. This guide will also assist any person on how to request access to records under **PAIA**. The Guide will also assist requesters in:-
  - 4.3.1. understanding **PAIA**, its benefits and background;
  - 4.3.2. learning the step-by-step process by which to make a request and additional tips for making that process easier;
  - 4.3.3. learning the types of information which can be requested using **PAIA**;
  - 4.3.4. understanding the process by which a requester can challenge a decision taken in relation to their request;
  - 4.3.5. being introduced to the changes that will occur to PAIA once POPIA is fully operational.

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- 4.4. This guide will also assist people in understanding how to challenge the granting of access to their records or how to participate in the process of accessing their records.

### 5. ABOUT PAIA

- 5.1. The right to access to information is "one of the most effective ways of upholding the constitutional values of transparency, openness, participation and accountability. The above-mentioned constitutional values cannot be attained if the government has a monopoly on the information that informs its actions and decisions. Therefore, access to information is not only fundamental to a properly functioning participatory democracy, but it also increases public confidence in government and enhances its legitimacy. Other benefits of the right to access to information are for instance, that it discourages fraud and corruption, uncertainty and other improper governmental conduct.
- 5.2. When the South African Constitution was being drafted in the period following the fall of Apartheid in the 1990s, various organisations and individuals campaigned for the inclusion of a right of access to information. It was hoped that the inclusion of this right in the Bill of Rights would ensure that atrocities such as Apartheid could never again take place, as the state and private corporations would be obliged to act in an accountable and transparent manner by providing access to information, and therefore, would be unable to hide behind the veil of secrecy. It was seen as a necessary step for helping to create a culture of justification that would lead to fairer relations between people, and those in power.
- 5.3. Section 32 of the Constitution enshrines the right of access to information held by both public and private bodies. Section 32 also states that legislation must be enacted to give effect to the right of access to information by detailing the ways in which information from public and private bodies can be accessed, and by providing grounds on which a public and private body could refuse access to information.
- 5.4. **PAIA** was enacted in response to the above-mentioned constitutional mandate, and came into force in large part in March 2001. Its preamble acknowledges the "secretive and unresponsive culture" of the pre-democratic era, and asserts that one of the objects of **PAIA** is to "foster a culture of transparency and accountability in public and private bodies."
- 5.5. **PAIA** is meant to give effect to a person's rights of access to information and accountability. It is designed to empower people to use the law, and so helps to facilitate requesting access to information in different ways. One does not

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need a lawyer to make a request for access to information in terms of **PAIA**.

### 6. THE OBJECTS OF PAIA

6.1. The objects of **PAIA** are not to replace the constitutional right, but to give effect to the right in section 32 subject to justifiable limitations, and in a way which helps balance all the other rights contained in the Constitution. It hopes to promote a human rights culture and social justice for people, the public sector and the private sector. **PAIA** seeks to promote transparency, accountability and effective governance of all institutions (both public and private) by empowering people to understand their access to information rights, act on them, and both scrutinise, and engage with, decision-making that affects them.

6.2. The right of access to information is a very powerful constitutional right, as it helps people realise other rights. A person can use it to help monitor and assess the delivery of government services, or to access historical records that might be of interest.

6.3. The objectives of **PAIA** are -

6.3.1. to give effect to the constitutional right of access to

6.3.1.1. any information held by the State; and

6.3.1.2. any information that is held by another person and that is required for the exercise or protection of any rights.

- The requirement relating to the protection of rights is confined to information held in private hands. Private bodies are thus subjected to a less stringent standard of transparency than public bodies. The private sector, in other words, is entitled to keep its information to itself, unless that information is needed to protect rights.

- **PAIA** recognises, in terms of Section 8(1) thereof, that a body may be "public" or "private" for the purposes of the Act depending on whether the record in question "relates to the exercise of a power or the performance of a function as a public body or as a private body."

6.3.2. to give effect to that right -

6.3.2.1. subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and

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effective, efficient and good governance; and

6.3.2.2. in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;

6.3.3. to give effect to the constitutional obligations of the State in promoting a human rights culture and social justice, by including public bodies in the definition of 'requester', and allowing them, amongst others, to access information from private bodies upon compliance with the four requirements in this Act, including an additional obligation for certain public bodies in certain instances to act in the public interest;

6.3.4. to establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and

6.3.5. generally, to promote transparency, accountability and effective governance of all public and private bodies by, including but not limited to, empowering and educating everyone -

6.3.5.1. to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;

6.3.5.2. to understand the functions and operation of public bodies; and

6.3.5.3. to effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.

6.4. Other legislation that protects the right of access to information

**PAIA** also exists within a whole legal environment, which is designed to create a "culture of justification". In recognition of this, **PAIA** states that any other law that gives a person an avenue for accessing information that is less onerous than **PAIA**, can be used instead.

### 6.4.1. Protection of Personal Information Act, 2013 (Act No. 4 of 2013)

6.4.1.1. Section 23 of **POPIA** provides the data subject with the right of access to personal information held by the responsible party, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

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6.4.1.2. This means that whilst access to a record containing personal information about a requester is excluded from **PAIA** in terms Section 11(2) thereof, data subject can request –

6.4.1.2.1. access to his/her personal information; and/or

6.4.1.2.2. identity of all third parties, and/or categories of third parties, who have, or have had, access to to the information.

6.4.1.2.3. correction or deletion of personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

6.4.1.2.4. the record of his/her personal information that the responsible party is no longer authorised to retain to be destroyed or deleted.

6.4.1.3. A responsible party may refuse to disclose any personal information requested, in accordance with the grounds for refusal of access to records, as set out in paragraph 19.4 below.

### 6.4.2. The Promotion of Administrative Justice Act 3 of 2000

6.4.2.1. Another important law to remember when considering access to information is the Promotion of Administrative Justice Act (**PAJA**). **PAJA** gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33(2) of the Constitution (**Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons**).

6.4.2.2. In terms of section 5(1) of **PAJA**, any person whose rights have been materially and adversely affected by administrative action and who has not been given reasons for the action may, within 90 days after the date on which that person became aware of the action or might reasonably have

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been expected to have become aware of the action, request that the administrator concerned to furnish written reasons for the action. The administrator to whom the request is made must, within 90 days after receiving the request, give that person adequate reason in writing for the administrative action.

### 7. MAKING A REQUEST FOR A RECORD

Refer to the step-by step process chart flow in paragraph/item 23 page 40 below, on how to request access to the records.

#### 7.1. Getting started: **PAIA Manuals**

- 7.1.1. While this Guide has been published to assist the public from all walks of life to uphold their constitutional right to access to information, there are other sources of information that can also assist a person in making a request to access to records. **PAIA** requires that all public bodies, compile and make available a **PAIA** manual (section 14 Manual).
- 7.1.2. Before any person takes steps to access the information or records of a particular body, read **PAIA** Manual as the first tool to read/go through.
- 7.1.3. At its most basic, the **PAIA** manual is useful for a person to:
  - 7.1.3.1. check the nature of the records which may already be available without the need for submitting a formal **PAIA** request;
  - 7.1.3.2. have an understanding of how to make a request for access to information held by a particular body;
  - 7.1.3.3. access all the relevant contact details of the person who will assist the public with the records any person intends accessing;
  - 7.1.3.4. know all the remedies available from the body to which access to the records is being requested, before approaching the Regulator or the Courts;

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- 7.1.3.5. know the description of the services available to members of the public from the body and how to gain access to those services;
- 7.1.3.6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 7.1.3.7. know if the body has planned to transfer or process a person's personal information outside the Republic of South Africa; and
- 7.1.3.8. check the nature know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the information which is to be processed.

### **7.2. Where to find PAIA manuals?**

#### **7.2.1. PAIA Manual of public body (Limpopo Provincial Treasury)**

- 7.2.1.1. LPT **PAIA** Manual is available in at least six official languages.
- 7.2.1.2. A copy of **PAIA** Manual is freely available in the department
- 7.2.1.3. On the web site of the public body;  
if a person wants a hard copy, the department will make a copy, but it will request payment of a reasonable fee for the provision of a hard copy; and
- 7.2.1.4. to the Regulator's website.

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### 8. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

- 8.1. Automatically available records are those that a public body will provide without the need for a requester to submit a **PAIA** request (in other words, a person can just request it without completing the **PAIA** Form 2);
- 8.2. The Information Officer of a public body is required, in terms of section 15(1) of **PAIA**, and will make available a list or categories of records that are automatically available;
- 8.3. A description of the categories of automatically available records is made available -
  - (a) on the website of the Information Regulator;
  - (b) on the website of the of the Public Body (LPT); and
  - (c) for inspection, at the offices of a body concerned during normal office hours
- 8.4. Please note that the Regulator will upload the description of automatically available records of a public body on its website.

This list includes records that might be required to be made available by other laws, and any other records that a body chooses to include. In order to avoid the formality of complying with the **PAIA** request process, a requester is advised to check the **PAIA** Manual of LPT. Should a person wish to access records that fall within the body's list of automatically available records, that person may merely request access to them without needing to complete **PAIA** Form 2.

### 9. CONTACT DETAILS OF INFORMATION OFFICERS

Contact details of the Information Officer and Deputy Information Officer for LPT, designated in terms of section 17 and 56 of **PAIA** and **POPIA** respectively registered with it in terms of section 55(2) of **POPIA**, refer to item number three (3) above.

### 10. PROCESS FOR MAKING A REQUEST FOR INFORMATION

- 10.1. The forms of request:-
  - 10.1.1. A request for access to information can be made to public body (LPT).



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- 10.1.2. **PAIA** requires that if you want to make such a request, you have to submit the request on the required form (these forms are prescribed by Regulations). There are two forms that can be used in pursuing the right to access to information

Form type	Description
Form 2	This form can only be used if you want to request access to the records of a public or private body
Form 4	This form can only be used if you want to submit an internal appeal against the decisions of the Information Officers or that of the Deputy Information Officers of a National, Provincial or Local Sphere of Government to which an internal appeal is applicable.

These forms can be obtained on the departmental website at [www.limtreasury.gov.za](http://www.limtreasury.gov.za) or at the Registry of the department.

### 11. WHO CAN MAKE A PAIA REQUEST?

- 11.1. Any person, whether South African or non-South African, is allowed to make a request under **PAIA**. The requester can be a natural person or juristic person.
- 11.2. A public body is considered a juristic person and may make a request for access to records held by private bodies, but only if the public body is -
- 11.2.1. acting in the interests of the public; and
  - 11.2.2. if the records are required to fulfil or protect any rights other than those of the public body.
- 11.3. Under **PAIA** a requester cannot request access to a record, of the public body, containing personal information about the requester from the public body, however the requester or data subject can, in terms of section 23(1)(b) of **POPIA**, request from a responsible party the record or a description of the personal information about the data subject held by the responsible party. This means that any person can now request access to their personal information held by the public or private body upon production of adequate proof of identity. The personal information that a requester may request from the responsible body may include information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

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### 12. TO WHOM CAN A REQUEST BE MADE TO?

- 12.1. The Information Officer of a public body is required to designate a Deputy Information Officer(s), who must ensure that access to the records of the public body is as reasonably accessible as possible.
- 12.2. The request for access to information, although it may be directed to the Information Officer, can be submitted to the Deputy Information Officer. Particulars of Deputy Information Officer(s) can be obtained in the **PAIA** manual of the department or from the Information Regulator's website.

### 13. COMPLETING THE FORM

#### 13.1. Form 2 - request for access to LPT record:-

- 13.1.1. In order to complete the **PAIA** form, a person needs to provide sufficient detail to allow the Information Officer or Deputy Information Officer to identify the records the requester seeks.
- 13.1.2. **PAIA** Regulations specify the form to be used, which must be sent to the Information Officer, or Deputy Information Officer of the body.
- 13.1.3. Requesters who are unable to read or write can make verbal requests to the Information Officer or Deputy Information Officer of a public body, who is then responsible for completing the form 2 on behalf of the requester. The current form will require you to complete the following sections:-

Information Required	Description
<b>Particulars of public body</b>	This section should contain the relevant email and fax number of the Information Officer and/or Deputy Information Officer.
<b>Particulars of person requesting access to record</b>	This should contain enough information about the requester to make the requester reasonably easy to identify, including the contact details of the requester: postal address, email address, fax and/or telephone number in South Africa. It also asks for your identity number to authenticate your identity. If you are requesting the information on behalf of someone else, proof of the capacity in which you are making the request must be provided (as the 'authorised person').

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<b>Particulars of record requested</b>	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. (If the provided space is inadequate, please continue on a separate page and attach it to the form. All additional pages must be signed.
<b>Type of a record</b>	This should contain enough information about the record to make it reasonably easy to identify. If the information required cannot fit in the space provided in the form, additional typed or handwritten page may be used to give more detail of the request, as long as each additional page is signed and attached to the request form. You might, for example, include an extract from a report or news story that references the record you are looking for. It allows you to include a reference number for the record, if is this applicable.
<b>Fees</b>	<p>The body, to which a requester intends submitting a request for access to a record, including record containing personal information about his or herself, may request that you pay request fee (access fee) or deposit fee, but that amount must not be excessive, as the fees must be for the reasonable time required to search for and prepare a record. The Minister may by notice in the Gazette exempt the payment of fees as listed on paragraph 51.1 below.</p> <p>A space is provided for the requester to indicate why he believes he or she should be exempted from paying any fees. The reason may include, for example, that he or she is unemployed.</p>
<b>Form of access to record</b>	This section allows you to note with an "X" your preferences for the form of access to the record may be provided in a printed copy of record and/or flash drive and/or compact disc drive.

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<p><b>Manner of access</b></p>	<p>Under this section you are required to note your preference in relation to which language the record should be in (this may not be possible in relation to all records, but you should still indicate your preference).</p> <p>The manner of access of the record may contribute to a refusal of access due to higher fees. For example, if a requester wants document in your preferred language, fees for changing the documents to your preferred language may become payable. However, if the record is not available in the language you prefer, access may be granted in the language in which the record is available. The manner of access to record may include personal inspection of record, record sent by email, or fax or courier or postal.</p>
<p><b>Notice of decision regarding request for access</b></p>	<p>A space is provided for the requester to describe the manner in which he wishes to be informed about the decision to grant or deny the request. The requester can specify for instance that he would prefer to be contacted by email or by telephone or the response can be posted or couriered to him.</p>
<p><b>Particulars of right to be exercised or protected</b></p>	<p>When requesting information from a private body a requester is required to describe the "particulars of right to be exercised or protected". Here he must state the right he is relying on (such as his right to a healthy environment) and how the record he is requesting will help you either exercise, or protect, that right. He must show a connection between the record he wants, and the exercise or protection of the right.</p>

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- 13.1.4. If for any reasons his request does not comply with the requirements listed above, the Information Officer may not just refuse his request, unless he notified the requester that he intends to refuse the request and the reasons are provided. The Information Officer must also notify that he will assist the requester or give him an opportunity to correct the error.

### 14. THE FEES INVOLVED

14.1. Generally, fees need to be paid both for making a request, but also to cover the cost of providing access to records in terms of a request. There are, however, some exceptions. If the requester is granted access to the records he or she requested and he or she is not exempted from paying any fees, as indicated in paragraph 14.2 below, the Information Officer or Deputy Information Officer of a public body can charge the prescribed fees relating to the following categories:-

**NB: The fee structure in respect of fees payable to the Public Bodies can be accessed on the Regulator's website and outlined as follows:-**

Description	Amount
The request fee payable by every requester	R100.00
Photocopy of A4-size page	R1.50 per page or part thereof.
Printed copy of A4-size page	R1.50 per page or part thereof.
For a copy in a computer-readable form on:	
(i) Flash drive (to be provided by requestor)	R40.00
(ii) Compact disc	
• If provided by requestor	R40.00
• If provided to the requestor	R60.00
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
Copy of visual images	
Transcription of an audio record, per A4-size page	R24.00
Copy of an audio record on:	
(i) Flash drive (to be provided by requestor)	R40.00

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(ii) Compact disc	
• If provided by requestor	R40.00
• If provided to the requestor	R60.00
To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R100.00
To not exceed a total cost of	R300.00
Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
Postage, e-mail or any other electronic transfer	Actual expense, if any.

14.2. The requester does not need to pay an access fee to a public body if:-

- 14.2.1. He is a single person whose annual income, after permissible deductions, such as **PAYE** and **UIF**, is less than **R14 712.00** a year, or
- 14.2.2. He is married and the joint income with his partner, after permissible deductions, such as **PAYE** and **UIF**, is less than **R27 192.00** per year.
- 14.3. Please note that the public or private body can request, in Form 4 to the Regulations, a deposit from the requester, but only if they believe that the information or records requested will take more than six (6) hours to search, but the deposit amount cannot be more than one-third of the prescribed fee.

### 15. WILL THE INFORMATION OFFICER HELP THE REQUESTER MAKE A PAIA REQUEST?

15.1. The role of the Information Officers and/or Deputy Information Officers of a public body is to, in so far as it relates to the processing of requests for access to records:-

- 15.1.1. receive the **PAIA** or **POPIA** request;
- 15.1.2. coordinate the processing of the request within the body;
- 15.1.3. make a decision as to whether to grant or refuse access to the records being requested;

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- 15.1.4. liaise with the requester (e.g. they may need to ask the requester for more details or they may need to request an extension of time to deal with the request, etc.);
- 15.1.5. Advise the requester of the outcome of their **PAIA** request, which advice must be given as soon as is reasonably possible but within 30 days after receiving the request. The initial period of 30 days may be extended once for a further period of not more than 30 days, if for example, the requester has agreed to the extension or the request requires a search for records that cannot reasonably be completed within the original period;
- 15.1.6. Provide the requester with reasons for the decision to refuse access. It is very important that the reasons given for a refusal are clear and detailed and must include reference to the specific sections of **PAIA** (see paragraph 18.4 below, regarding the grounds for refusal of access to records);
- 15.1.7. Inform relevant third parties through the third-party notification process, in terms of section 47 of **PAIA**; and
- 15.1.8. If access to the records is granted, provide the requester with a copy of the record.
- 15.2. When notifying the requester about the decision, also outline the forms of recourse available and the relevant time-lines (the recourse available is different for public and private bodies).
- 15.3. Because the role of the Information Officers and/or Deputy Information Officers is to facilitate the request for access to information, this also means they have a variety of duties to those making a request.
- 15.4. The Information Officers and/or Deputy Information Officers must provide the assistance for free.
- 15.5. The Information Officers and/or Deputy Information Officers of a public body have the following special tasks:

Duties of Information Officers	Description
Assist with completing the form	The Information Officer must provide reasonable assistance to the requester in completing their <b>PAIA</b>

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	form, and may not refuse to accept a form that is not properly completed unless they have either given that help, or offered that help and the assistance or help has been refused.
<b>Provide relevant information</b>	If it is reasonably possible, the Information Officer must provide the requester with any other information that may be relevant, even if not specifically requested.
<b>Transfer the request</b>	This is a very important duty. When a <b>PAIA</b> request is made to the wrong public body, the Information Officer must transfer the request to the correct public body within <b>14 days</b> of receiving the request and must inform the requester in writing of having done so. Once transferred, the correct Information Officer must then respond with a decision within <b>30 days</b> .
<b>Deferral of release</b>	The Information Officer may decide to defer the release of a record to a requester if that record will be published within 90 days or if the record is required by law to be published but is yet to be.



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- 15.6. In case the department is unable to find the particular records requested or believe that the records do not exist, a detailed affidavit or affirmation to the requester giving notice that the records in question do not exist or cannot be found, but also outline the steps they took to locate them.

### **16. ASSISTANCE AVAILABLE FROM THE INFORMATION REGULATOR IN TERMS OF PAIA AND POPIA**

- 16.1. The Information Officer of a public body has an obligation to render such reasonable assistance, free of charge, as is necessary to enable that requester or data subject to comply with the manner of access as contemplated in sections 18 of the **PAIA** and section 23 of **POPIA**.
- 16.2. However, should the Information Officer fail to comply with his/her duty, referred in paragraph 17.1 above, a requester or a data subject can may lodge a complaint with the Regulator and the Regulator may, upon investigation, issue an Enforcement Notice directing the Information Officer to provide the reasonable assistance.
- 16.3. The Regulator may, if reasonably possible, on request, assist any person wishing to exercise any right contemplated in **PAIA** and **POPIA**, and this includes providing reasonable assistance, free of charge, as is necessary to enable that requester or data subject to comply with the manner of access as contemplated in sections 18 and 53 of the **PAIA** and section 23 of **POPIA**.
- 16.4. The above includes providing guidance on how to complete a request for access form or completing a form on behalf of an illiterate or blind person.

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### 17. CAN THE INFORMATION OFFICER EXTEND THE TIMELINES INVOLVED?

17.1. An outline of the process and the key time-lines involved are contained in the diagram of the **PAIA** request process, in paragraph/item 23 below. The process flow diagram has Having specific time-lines is an important part of **PAIA**, as it fosters the effective management of requests for access to records.

17.2. As a reminder, once you have submitted your request correctly the Information Officer or Deputy Information Officer, to whom the request is made or transferred, will respond to you as soon as is reasonably possible but in any event **within 30 days**. However, the Information Officer of a public body (LPT) can request a single **30 day extension**, but only if:

17.2.1. the request is for a large number of records or requires that a large number of records are searched and, without an extension, this search would interfere with the normal activities of the body concerned;

17.2.2. the request requires a search through records in an office of that body not situated in the same city or town and could thus not be completed **within the 30 days**; and/or

17.2.3. it requires a level of consultation in order to act on the request, which cannot reasonably be completed **within just 30 days**.

17.3. The Information Officer will notify the requester of his or her intention to extend the initial time period, and indicate the period of extension, the reason for the extension, and notify the requester of his or her or its right to:-

17.3.1. Appeal to the relevant authority;

17.3.2. complain to the Regulator; or

18.2.3 launch proceedings in court against the extension as the case may be.

17.4. The Information Officer will also inform the requester of the process for each of the above-mentioned rights in the notice.

### 18. RESPONSES TO A REQUEST FOR INFORMATION

18.1. **PAIA** has provided the public with the right to request access to records from any public or private body. It is often described as the law that keeps citizens in the know about their government. LPT will disclose any information

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requested under the **PAIA** unless it falls under one of **twelve (12) exemptions** or reasons why access to records of a public body may or must not be granted and seven (7) exemptions or reasons why access to records of private body may or must not be granted. The nineteen (19) exemptions provided for in **PAIA** are intended to protect interests such as personal privacy, national security, and law enforcement.

18.2. The guiding principle underlying the administration of **PAIA** is the presumption of openness. This means that any reason for limiting this openness must be justifiable. LPT will also consider whether partial disclosure of information is possible whenever they determine that full disclosure is not possible and they must sever or redact the information that cannot be disclosed and disclose the rest.

### 18.3. Types of responses to requests

18.3.1. When a request for access to a record is made, the Information Officer or Deputy Information Officer will, if a request for access to a record is granted or refused, inform the requester of -

- (a) his or her decision; and
- (b) the fees payable, if any,

on a form that corresponds substantially with **Form 3** of Annexure A to the Regulations:

18.3.2. Since **PAIA** provides a list of reasons or grounds (exemptions) why the request may or must be refused. This is important, as the request can only be refused on the basis of one of these listed grounds for refusal of access to records.

18.3.3. Despite the above-mentioned reasons for refusal of access to records, the Information Officer of a public body will grant a request for access to a record of the body if the public interest in the disclosure of the record clearly outweighs the harm contemplated in the listed reasons for refusal. This means the requester can rely on public interest whenever any of the grounds of refusal of access to records is being invoked.

18.3.4. In short, the reasons behind why information cannot be disclosed relate to whether the disclosure of the information would cause more harm than non-disclosure would. There are two different types of listed grounds for refusal for access to records of a body:

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### **18.4. Mandatory grounds of refusal (grounds of exemption)**

18.4.1. With mandatory grounds, the Information Officer or Deputy Information Officer shall refuse a request because they apply to the record.

18.4.2. There are more mandatory grounds than discretionary grounds. The following are the mandatory grounds of refusal, and the Information Officer or Deputy Information Officer shall refuse a request because they apply to the record:-

#### **18.4.2.1. Mandatory protection of privacy of third party who is a natural person**

The Information Officer of a public or private body will not allow a requester access to the personal information of another person if it amounts to 'an unreasonable disclosure'. The sections themselves indicate a few reasons when this does not apply, like when records are already in the public knowledge, or where a person has given consent. The consent issue is particularly important as it connects to another part of the process the requester should be aware of, which relates to third party notifications, in terms of chapter 5 of **PAIA**.

#### **18.4.2.2. Mandatory protection of certain confidential information, and protection of certain other confidential information, of a third party**

The Information Officers of LPT will not allow a requester access to a record if its release would amount to a breach of a duty of confidence owed to a third party in terms of an agreement or contract.

#### **18.4.2.3. Mandatory protection of safety of individuals, and protection of property**

The Information Officer will not allow a requester access to a record if its release could reasonably be expected to compromise the safety of an individual. In the same sections, it also states that the Information Officer of a body may refuse access if it would be likely to impair the security of a building or property.

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### 18.5. Deemed refusal of request

18.5.2. A failure to respond properly to a request within the correct timeframe is considered to be a 'deemed refusal'. This is important, because **PAIA** allows the requester to challenge a decision when no decision has been made and the request has been ignored. The requester would merely state in the internal appeal that no response was received.

18.5.3. Request for access to records is deemed to be a refusal after the expiry of 30 days or any extended period and the public body fails to respond.

### 18.6. Discretionary grounds of refusal

18.6.2. With discretionary grounds, an Information Officer or Deputy Information Officer may consider whether or not to refuse a request because the grounds apply to the record requested. Because it is a discretion, the Information Officer will apply his/her mind objectively when considering the different grounds, which are:

18.6.2.1. **Operations of public bodies:** The Information Officer of a public body may refuse access if the release of the information could reasonably hamper operations, for example if it is trying to formulate policy, or deliberate on an issue;

18.6.2.2. **Noticeably playful or annoying requests:** The Information Officers may refuse a request for information if they are of the opinion that processing requests will be unreasonably time consuming and lead to a waste of resources. In addition, they may refuse access to a record if the request is seen to be made by a requester to unnecessarily annoy or provoke.

## 19. MANDATORY DISCLOSURE OF RECORDS IN THE PUBLIC INTEREST

19.1. Even if a discretionary or mandatory ground for refusal exists in relation to a request for access to records of public body, there is always the possibility that the public interest in the disclosure of the record is more important than the harm created by the release of the record.

19.2. Where the importance of the public interest exists as stated above and the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law; or an imminent and serious public

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safety or environmental risk, then the Information Officer of a body will grant a request for access to a record despite the existence of the exemption grounds listed above.

### 20. THIRD PARTY NOTIFICATION PROCESS

20.1. An Information Officer or Deputy Information Officer of a body is required, in terms of sections 47 and 71 of **PAIA**, to take all reasonable steps to inform a third party about a request for his or records that might be a record that contains either personal information,

20.1.1. a SARS record;

20.1.2. trade secrets;

20.1.3. Information the release of which could constitute grounds for an action for breach of a duty of confidence; or research information that could expose someone or the subject matter to serious damage.

20.2. The notice to the third party whose records or Information are subject of request should invite the third party to -

20.2.1. make written or oral representations to the Information Officer why the request for access should be refused; or

20.2.2. give written consent for the disclosure of the record to the requester.

20.3. Importantly for the requester, **PAIA** says that the written notices to the third party must be sent to the third party within 21 days of the request being received, and that the Information Officer or Deputy Information Officer must inform the requester that a notice has been sent to the third party.

20.4. Once that notification has been sent, the Information Officer or Deputy Information Officer will then make a final decision on whether or not to release the records **within 30 days** of that notice being sent.

20.5. The third party must be notified about the decision taken and adequate reasons for granting the request must also be provided. The third party must also be informed about the right and the procedure to challenge the decision as indicated in paragraph 21.6 below.

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### **21. LEGAL REMEDIES AVAILABLE AGAINST A DECISIONS OR FAILURE TO TAKE A DECISION BY THE INFORMATION OFFICER OR DEPUTY INFORMATION OFFICER**

#### **21.1. Action to take once a decision is made on a request**

- 21.1.1. A requester can make a follow-up action in writing, on the pending decision of an Information Officer or Deputy Information Officer. All correspondence between a requester and the Information Officer or Deputy Information Officer will be in writing for future reference purposes.
- 21.1.2. There are different processes to be followed regarding internal appeals, i.e. with regard to a request for access to a record of a public body, the requester must first submit an internal appeal to the department before approaching the Regulator or Court.
- 21.1.3. This section will explain the legal remedies available to requesters who wish to challenge such decisions, which include internal appeals, lodging a complaint to the Regulator and applications to Court. See also diagram of **PAIA** request process flow, in paragraph/item 20 below.
- 21.1.4. A requester may, amongst others, challenge the following decision of a public body:-
  - 21.1.4.1. the tender or payment of the request fee;
  - 21.1.4.2. the tender or payment of a deposit;
  - 21.1.4.3. the access fee to be paid is too excessive;
  - 21.1.4.4. the form of access granted;
  - 21.1.4.5. the refusal of the request;
  - 21.1.4.6. the procedure (including the period) for lodging the internal appeal;
  - 21.1.4.7. inappropriate time extension taken to respond to a request for access;
  - 21.1.4.8. failure to disclose records;
  - 21.1.4.9. the granting of a request for access to a record;
  - 21.1.4.10. refusal to grant request to waive the fees;

#### **21.2. Internal remedies**

- 21.2.1. How does a requester appeal internally against a public body's decision?
  - 21.2.1.1. An internal appeal can only be lodged, in terms of section 74 of **PAIA**, with the relevant authority.

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21.2.1.2. When a requester or a third party is unhappy with a decision made by the Information Officer or Deputy Information Officer of a body, the requester or a third party has the right to file an internal appeal, in terms of section 74(1) or (2) of **PAIA**. The process for lodging an appeal is prescribed in the **PAIA** manual of LPT and the manner for lodging an internal appeal is also detailed in the manual.

22.2.1.3. If the response from the department is a deemed refusal, in other words, it has failed to respond to a request within 30 days or any extended period, the requester may file an internal appeal, as per the processes outlined herein, before the requester may approach the Regulator or a Court.

### **21.3. Preservation of records until final decision on request has been finally determined**

21.3.1. The Information Officer of the department to which an internal appeal is applicable is required, in terms of section 21 of **PAIA**, to take appropriate steps that are reasonably necessary to preserve the record and cannot delete or destroy any re-requested record, until such time as all or any proceedings in an internal appeal or a complaint to the Regulator or an application to court, as the case may be, are finally determined.

21.3.2. This means that the information officer cannot delete or destroy any information requested, pending any process prescribed in paragraph 21.3.1. above.

### **21.4. To whom should the internal appeal be directed to?**

21.4.1. Although the appeal will be considered by the relevant authority, an internal appeal must be delivered or sent to the Information Officer of the body (LPT), at his address, fax number or electronic mail address, the contact details of which can be found in the **PAIA** manual.

21.4.2. The Information Officer of the department, as the case may be, has a specific obligation, in terms of section 75(4) of **PAIA**, to submit the appeal to the appeal authority (MEC), together with his reasons for the decision under appeal. The submission of the appeal to the relevant authority must be done within 10 working days after receipt of the appeal.



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### 21.5. Who is the relevant authority?

21.5.1. The relevant authority, herein referred to as “appeal authority” is generally the political head of the body concerned (although this function can be officially delegated) and specifically refers to the following person.

<b>Public body ("Government")</b>	<b>Relevant Authority ("Appeal Authority")</b>
<b>Provincial Department (Limpopo Provincial Treasury)</b>	Member of the Executive Council (MEC) responsible for that Provincial Department or the person designated in writing by the MEC;

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21.5.2. If the appeal authority approves the Information Officers' decision, then the internal appeal is denied and the original decision of the Information Officer stands. However, should the appeal authority disagree with the Information Officer's decision, then the appeal is granted and the original decision is overturned.

### **21.6. Who can lodge an internal appeal?**

- 21.6.1. Any requester whose **PAIA** request for access to the records of the department, has been refused, and believes that one of the appeal grounds listed above is applicable to their request, has the right to file an internal appeal.
- 21.6.2. Third parties can also file internal appeals against the decision made by an Information Officer to grant access to a record that concerns them. If the internal appeal involves a third party, the appeal authority who received the internal appeal is required to notify those third parties (so the responsibility shifts from the Information Officer to the appeal authority).

### **21.7. Period within which to lodge an appeal**

21.7.1. An internal appeal must be lodged:-

21.7.1.1. within **60 days** after the decision was taken;

21.7.1.2. within **30 days** after notice is given to the third party of the decision appealed against.

21.7.2. Lodging an internal appeal after the above-mentioned period (late) may not be allowed, unless a valid reason for being late is provided to the appeal authority. An example, such as being hospitalised for more than 60 days may be accepted as valid reasons for being late.

21.7.3. If the appeal authority does not accept the late lodging of an internal appeal, it must provide you with reasons for rejecting the appeal and provide guidance of any additional information, if any, required in order to accept the appeal. The appeal authority shall also advise you about the process to lodge a complaint against their decision with the Regulator or a court.

21.7.4. As indicated above, your appeal must be submitted by the Information Officer to the appeal authority within 10 working days after receipt of an internal appeal

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### **21.8. Notice of appeal by appeal authority to the requester or third party**

21.8.1. The appeal authority must, as soon as is reasonably possible but in any event within **30 days** after the receipt of the internal appeal, notify:-

21.8.1.1. the third party to whom or which the record under appeal belongs, or

21.8.1.2. the requester about the internal appeal against the granting request for access.

21.8.2. A requester or a third party to whom or which notice is given, may within **21 days** after that notice is given, make written representations to the appeal authority why the request for access should or should not be granted.

### **21.9. Decision on internal appeal and notice thereof**

21.9.1. The appeal authority must decide the internal appeal as soon as reasonably possible but in any event within 30 days:-

21.9.1.1. after the internal appeal is received by the Information Officer of a body;

21.9.1.2. after a third party is informed, as indicated in paragraph 21.8. above.

21.9.2. The decision of the appeal authority must be communicated to the appellant, third party and the requester. The decision of the appeal authority must be accompanied by adequate reasons for the decision, including the provision of **PAIA** or **POPIA** relied upon.

21.9.3. If the appeal authority fails to give notice of the decision on an internal appeal to the appellant within 30 days, the appeal is deemed to have been dismissed and the requester can proceed to lodge a complaint to the Regulator or approach the Court for appropriate relief.

### **21.10. Completing the internal appeal - Form 4**

21.10.1. In order to appeal against any decision by the department, the requester must lodge his internal appeal by completing Form 4. Form 4 must be submitted to the Information Officer of the sphere of government concerned, who is then required to forward it to the appeal authority, as stated above.

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21.10.2. Form 4 is available on the department's website, [www.limtreasury.gov.za](http://www.limtreasury.gov.za), as well as in the website of the Information Regulator.

21.10.3. The Information Officer or Deputy Information Officer of the department is not under an express obligation to help the requester complete the internal appeal form; however, the requester may still request the Information Officer to assist him in this regard.

21.10.4. Below is the step-by-step process to complete the internal appeal form:-

Information Required	Description
<b>Particulars of public body</b>	This section should contain the name of the National, Provincial for Local sphere of Government concerned, and the name and surname of the Information Officer.
<b>Particulars of appellant who lodges the internal appeal</b>	<p>This section should be completed by the appellant, whether in representative capacity or not. The full names and surname, identity number and the capacity, in which an internal appeal is lodged on behalf of another person, if relevant, must be provided. If the appeal is being in a personal capacity, such capacity must be recorded. Additional information required includes the contact details of the requester:</p> <p>postal address, email address, fax and/or telephone number. This information should be the same as in the original request. If the person filling in the form is the representative of the requester, proof of the capacity in which appeal is lodged must be attached to this form.</p>
<b>Particulars of person on whose behalf request is made (If lodged by a third party)</b>	This section only needs to be completed by a person who is requesting information for another person. If the person submitting the internal appeal is not the person who originally requested the information, the particulars of the requester must be provided herein. If the request is in one's personal capacity this section need not be completed.
<b>The decision against which the internal appeal is lodged</b>	The form provides space for the requester to indicate with an "x", which of the listed appeal grounds applies to the appeal.
<b>Grounds for appeal</b>	Under this section, the requester is required to

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	<p>describe in detail why he thinks the appeal grounds apply. He is required to provide reasons(s) why he thinks the decision of the Information Officer is incorrect. He also needs to attach any documents which support the appeal. The list of reasons supplies in support of the appeal can be outlined in greater detail on a separate page, if the space provided in the form is not sufficient. The additional pages submitted should be signed.</p> <p>There must be sufficient reasons and supporting information to enable the appeal authority makes an informed decision.</p> <p>Therefore, one must also include an outline of everything that has happened in the run-up to the internal appeal. On the separate page, one can refer to specific sections of <b>PAIA</b> as a basis for the appeal.</p>
Notice of decision on appeal	<p>A space is provided for a description of the manner in which the decision must be sent, for example by post, couriered or facsimile or e-mail. Please select the preferred manner of notification.</p>

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21.10.5. Whilst there is no prohibition against getting a lawyer to assist at any stage of the request for information, the various **PAIA** processes are meant to be user-friendly removing the need for a lawyer and for legal fees to be incurred.

### **22. COMPLAINT TO THE INFORMATION REGULATOR**

22.1. A requester or third party may only submit a complaint to the Regulator after that requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer of the department (LPT). This means that one can only submit one's complaint, against a particular sphere of government to the Regulator if one is not happy with the decision of the appeal authority. The Regulator will reject the complaint if an appeal process to the relevant sphere of government has not been completed.

22.2. However, with regard to a public body (in respect of which an internal appeal is not applicable), a requester or third party may submit a complaint to the Regulator, if not satisfied by the decision of the body concerned.

22.3. A complaint to the Regulator by a requester or third party must be lodged within 180 days of receipt of the decision from the body.

22.4. A requester may lodge a complaint with the Regulator, if not happy with the outcome of an internal appeal to the appeal authority of the department or a decision of the appeal authority to disallow the late lodging of an internal appeal;

22.5. A third party may lodge a complaint with the Regulator, if not happy with the outcome of an internal appeal to the appeal authority of the department (LPT);

#### **22.6. How does one complain to Regulator?**

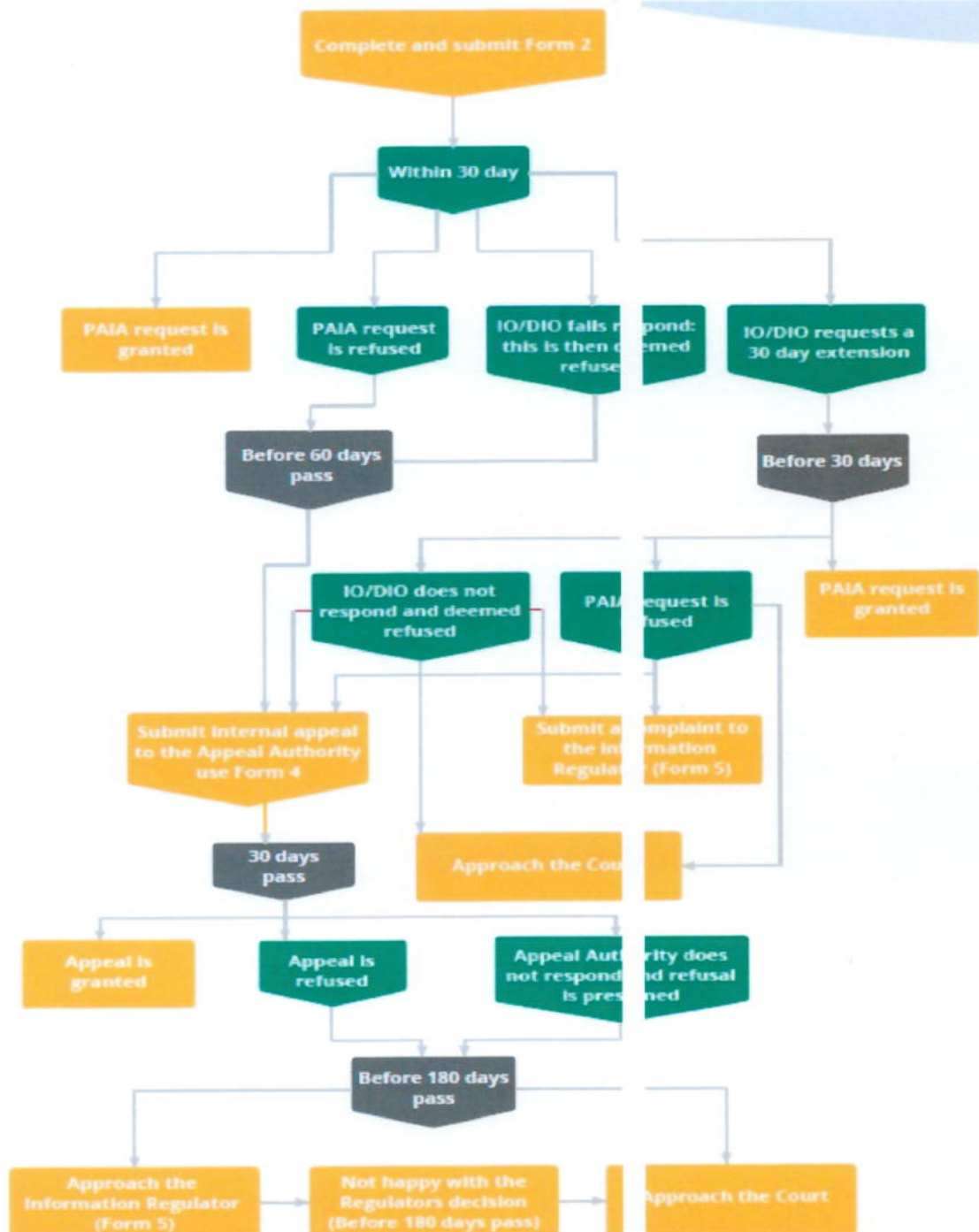
Complaint to the Regulator must be made in writing and a complaint

form must be completed, either manually or online. A complaint form, Form 5, can be downloaded from the Regulator's website, <https://www.justice.gov.za/inforeg/>

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### 23. DIAGRAM OF PAIA REQUEST PROCESS

Please refer to the step-by step process chart flow, on the processes to be followed when exercise the right of access to information.



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## **24. KEY LEGISLATIONS**

The following are legislations , as may be amended from time to time:-

- 24.1. Promotion of Access to Information Act, Act 2 of 2000;
- 24.2. Promotion of Administrative Act, Act 3 of 2000; and
- 24.3. Protection of Personal Information Act, Act 4 of 2013.

## **ACKNOWLEDGEMENT**

This Guide on how to use **PAIA** was compiled guided by the Information Regulator Guide and hereby acknowledges step by step guidance provided by the **Information Regulator**.

Issued by

**HEAD OF DEPARTMENT / INFORMATION OFFICER**