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SAAMBR

PROMOTION OF ACCESS TO INFORMATION MANUAL



SOUTH AFRICAN ASSOCIATION FOR MARINE BIOLOGICAL RESEARCH (RF) NPC

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Registration No. 1951/000002/08 | Public Benefit Organisation No. 930025295 | Non-Profit Organisation No. 000-347 NPO

SAAMBR is a Non-Profit Company and a member of: IUCN (World Conservation Union) and WAZA (World Association of Zoos and Aquaria)

Accredited member of PAAZA (Pan-African Association of Zoos and Aquaria).

ORI is academically affiliated to the University of KwaZulu-Natal

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PROMOTION OF ACCESS TO INFORMATION MANUAL

1. INTRODUCTION

The Promotion of Access to Information Act, Act 2 of 2000 (PAIA or “the Act”) seeks to promote a culture of transparency, accountability, and sound administration, by giving effect to every person’s constitutional right of access to information.

In furtherance of this objective, Section 51 of the Act requires that private bodies compile a manual or a policy, that will assist interested persons in obtaining such corporate information from as may be required for whatever reason.

The business activities of SAAMBR include marine research, conservation, and education. Details required for a requester of information to obtain or apply for information held by SAAMBR, is set out in this manual.

2. DISCLAIMER

This manual has been drafted in terms of section 51 of the Promotion of Access to Information Act (Act 2 of 2000). In terms of the Act, certain information must be declared.

However, in addition to the required prescribed information, certain provisions of the Act that deal with mutual rights and obligations, have also been summarised for your convenience. In drafting the said summaries, certain sections of the Act have been reworded or rephrased. Consequently, it is possible that the precise meaning of the Act may not have been sufficiently captured in the summaries as directly intended by the legislature.

Please consult the relevant provisions of the Act and do not rely on this manual as the ultimate doctrine. SAAMBR will not be liable for any loss or damages (direct, indirect, or consequential) suffered by you because of your reliance solely on information, commentary or summaries as stated in this manual that do not precisely represent prescribed information and legislation.

3. DEFINITIONS

What terms are used in this manual?

“Act” means the Promotion of Access to Information Act, Act 2 of 2000 (as amended or replaced).

“Customer” means any person that receives services from SAAMBR.

“HRC” means the South African Human Rights Commission referred to in section 181(1)(b) of the Constitution.

“Information Officer” means the person(s) specifically appointed and authorised to act on behalf of SAAMBR.

“we” or “us” means SAAMBR – The South African Association for Marine Biological Research (Non-Profit Company Registration Number 1951/000002/08), also incorporating the Oceanographic Research Institute (ORI), uShaka Sea World and uShaka Sea World Education.

“you” means a ‘requester’ as defined in the Act.

“Personal requester” means a requester seeking access to a record containing personal information about the requester.

“Personal information” means information relating to an identifiable natural person, including, but not limited to:

- information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person.
- information relating to the education or the medical, financial, criminal or employment history of the person.
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particulars assigned to the person.
- the biometric information of the person.
- the personal opinions, views, or preferences of the person.
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- the views or opinions of another individual about the person.
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

The term excludes information about an individual who has been dead for more than 20 years.

4. COMPANY PARTICULARS

The Executive Committee of the SAAMBR Board has duly authorised the Chief Executive Officer, Dr Lawrence Oellermann, to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

Name of Body: South African Association for Marine Biological Research (SAAMBR)

Head of Body: Dr Lawrence Oellermann (Chief Executive Officer)

Postal Address: P O Box 10712
Marine Parade
4056

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uShaka Marine World
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Durban 4001
Kwa-Zulu Natal
South Africa

Telephone: +27 31 328 8222

Facsimile: +27 31 328 8188

E-mail: info@saambr.org.za

Information Officer: Dr Lawrence Oellermann

Contact Details of Information Officer:

E-mail: loellermann@saambr.org.za

Phone: +27 31 328 8222

Fax: +27 31 328 8188

5. HOW TO REQUEST A RECORD

- a. Section 53 prescribes that the requester must use the prescribed Request Form (Form C, Annexure 1) to make the request for access to a record to the head of the private body, or the duly authorised representative. You can access this request form through the websites of the HRC (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za).
- b. The request form must be submitted to the address, fax number or electronic mail address of the body concerned. In the form:
 - The requester must provide sufficient details on the request form to enable the head of the private body to identify the record/s and the requester.
 - The requester must indicate which form of access is required.
 - The requester must specify a postal address or fax number of the requester in the Republic of South Africa.
 - If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed.
 - The requester must identify the right that he or she is seeking to exercise or protect 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 a 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.
- c. The head of the private body will decide on the request and must notify the requester in the required form.
- d. The head of the private body must by notice inform a requester to pay a prescribed request fee (if any) before such request will be considered. This request fee is not required if the requester is requesting his/ her personal information. The request fee for private bodies is R50.
- e. If the request is granted, then a further access fee must be paid for the reproduction and the search and preparation of the record for disclosure.
- f. The head of the private body must by notice require the requester, other than a personal requester, to pay a deposit fee if the preparation and the time to search and prepare the

record for disclosure has exceeded the prescribed hours. The deposit fee required should not be more than one third of the access fee.

- g. The requester, other than a personal requester, may lodge an internal appeal or an application to the court against the tender or payment of the request fee and/or deposit fee.

6. CATEGORIES OF RECORDS HELD BY SAAMBR

SAAMBR holds records and information that pertains to, but is not limited to:

- a. Governance
- b. Strategy and Planning
- c. Operations
- d. Movable and Immovable Property
- e. Human Resources
- f. Finances
- g. Information Technology
- h. Risk Management
- i. Research & Education
- j. Communication

7. OTHER INFORMATION AS MAY BE PRESCRIBED

The Minister of Justice and Constitutional Development has not made any regulations in this regard (Section 51(1)(f)).

8. AVAILABILITY OF THE MANUAL

Copies of this manual are available for inspection, free of charge, on the SAAMBR website and at the SAAMBR offices at uShaka Marine World.

9. FEES IN RESPECT OF PRIVATE BODIES

- a. The request fee payable by requester, other than a personal requester, referred to in regulation 54(1) is R50.00.
- b. The fee for a copy of the manual as contemplated in regulation 51(1) is R1,10 for every photocopy of an A4-size page or part thereof.
- c. The prescribed fees for reproduction of voluntary disclosed records as referred to in regulation 52(3) are as follows:
 - For every photocopy of an A4-size page or part thereof R1,10
 - For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75

- For a copy in a computer-readable form on:
 - stiffer disc R7,50
 - compact disc R70,00
 - For a transcription of visual images for an A4-size page or part thereof R40,00
 - For a copy of visual images 60,00
 - For transcription of an audio record, for an A4-size page or part thereof 20,00
 - For a copy of an audio record 30,00
- d. To search for and prepare the information for disclosure, R30,00 for each hour or part of an hour reasonably required for such a search and preparation.
- e. For the purposes of section 54(2) of the Act, six hours are the hours to be exceeded before a deposit is payable; and one third of the access fee is payable by the requester.
- f. Actual postage is payable when a copy of a record must be posted to a requester.

10. DECISION MAKING PROCESS

- a. If the record cannot be found or it does not exist, in terms of section 55 of the Act, the Information Officer must take all reasonable steps to find a record that has been requested. The Information Officer will notify the requester in the form of an affidavit if the record cannot be found or does not exist.
- b. If the record was found, in terms of section 56 of the Act, the Information Officer must notify the requester of the decision as to whether to grant the request.
- c. The company must decide whether to grant the request as soon as reasonably possible, but in any event within 30 days after the correctly completed request form was received. However, in certain circumstances, the Information Officer may extend the period of 30 days by a further period not exceeding 30 days and notice of any extension will be given to requester.
- d. If a request is made for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done by the fastest means reasonably possible and within 21 days of receipt of the request. Furthermore, the third party must be informed on:
- the Information Officer's decision on whether to grant or decline the request.
 - the reasons for the decision.
 - the third party's right to appeal (within 30 days after such notice) against the decision by way of application to court.

11. PROTECTION OF PERSONAL INFORMATION

The Protection of Personal Information (POPI) Act of 2003 needs to be adhered to if there is a request for personal information of a data subject/s. The SAAMBR POPI Policy and SAAMBR's standard operating procedure for managing personal information will provide guidance to ensure compliance to the POPI Act.

12. GRANTING ACCESS

If access is granted, the record will be in the form that is:

- a) reasonably required by the requester; or
- b) if a preference was not identified it will be reasonably determined by the Information Officer.

13. REFUSING ACCESS

The Act sets out numerous grounds on which the company may, and certain grounds on which company must, refuse to give requester access to a record. However, section 70 of the Act states that a record must be disclosed if its disclosure would reveal evidence of:

- a. a substantial contravention of, or failure to comply with, the law.
- b. imminent and serious public safety or environmental risk.
- c. the public interest in the disclosure clearly outweighs the harm.

14. FURTHER ACTION BY REQUESTER

If requester is not happy with the decision of the Information Officer the requester may, within 30 days of notification of the decision, apply to court for relief.

ANNEXURE 1: FORM C**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) Regulation 10****i) Particulars of private body:**

The South African Association for Marine Biological Research

ii) 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:

iii) 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: _____

iv) Particulars of record:

- (a) Provide full particulars of the information 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. **This requester must sign all the additional folios.**

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

2. Reference number, if available.

3. Any further particulars of the record.

v) 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 to be paid as the request fee.

(c) The fee payable for access to a record 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:

vi) 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 hereunder, state your disability and indicate in which the form is required.

Disability: _____ Form in which record is required: _____

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.

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

1. If the record is in written or printed form:

Copy of record* Information of record

2. If the record consists of visual images, including photographs, slides, video - recordings, computer-generated images, sketches etc.:

View the images Copy of the images* Transcription of the images*

3. If the record consists of recorded words or information that can be reproduced in sound:

Listen to the soundtrack (audio cassette)

Transcription of soundtrack* (written or printed document)

4. If the 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)

5. 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

vii) Particulars of right to be exercised or protected

If the provided space is inadequate, please continue 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 information requested is required for the exercise or protection of the right. _____

viii) Notice of decision regarding request for access

You will be notified in writing whether your request has been approved or denied. If you wish to be informed in any other 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 _____

**SIGNATURE OF THE REQUESTER /
THE PERSON ON WHOSE BEHALF THE REQUEST IS SUBMITTED**