



MANUAL ON

ACCESS TO INFORMATION ACT

For

CITY OF JOBURG PROPERTY COMPANY
(Proprietary) Limited

(2000/017147/07)

Access to Information

A short guide to help you understand the Promotion of Access to Information Act 2 of 2000.

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1. Who should read this manual?

This is a manual to assist the public with sufficient detail on the procedure on how to make request for access to the records held by the City of Joburg Property Company (Pty) Ltd. If there is any doubt on interpretation, reference should be made to the **"Promotion of Access to Information Act 2 of 2000"** (hereinafter the "Act") and its associated proclamations.

2. Summary of responsibilities

The City of Joburg Property Company (Pty) Ltd ("JPC") has been established by the City of Johannesburg as a municipal entity and business unit in terms of the Municipal Structures Act, No 117 of 1998. JPC's vision is to be the City's provider of property management, property development and property asset management services in order to maximise the social, economic and financial benefit to the City and support the City's delivery objectives on a cost competitive basis.

It is the responsibility of the various City of Johannesburg business units, also as part of a public body, to ensure general information is available on the City's Intranet, JPC's website and is constantly updated.

Therefore JPC holds all property files of properties registered in the name of the City of Johannesburg in its custody, including but not limited to all title deeds, notarial deeds of servitude and lease agreements.

The overwhelming majority of requests for information received from members of the public will be dealt with immediately. Most general information will be available without delay or recourse to a third party.

3. The "Promotion of Access to Information Act" has strengthened significantly the right of members of the public to information held by the City of Johannesburg and its municipal entities

Every effort will be made to provide the requested information without recourse to the Act. However, in a very small number of cases where there is reasonable doubt whether the information should be made available to the requester, the requester now has the right to make a formal application for this information under the Act.

At present a requester can make a formal application at JPC or telephonically to JPC. In both cases the request will be captured electronically and a reference number given to the requester. The request can then be tracked until a decision is made to provide the information or whether the request is rejected in terms of the Act and any appeal is completed.

Where a request for information cannot be met, a requester will be:

- Informed of his/her right to make a formal application under the Act.
- Informed of the fact that certain types of requests for information may be refused.
- Informed of his/her right to appeal if a request is initially refused.

4. Give the public access to information

Most types of general information held by JPC will be made available to members of the public on request. General information is available on both the Intranet and Internet. If the information is not presently available on the Internet, the onus is on JPC to provide the information within a reasonable timeframe.

4.1 In terms of the Act, JPC has a responsibility to:

- Foster a culture of transparency and accountability by giving effect to the right of access to information.

- Actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

4.2 At present, JPC will make the following information automatically, subject to payment of prescribed fee for reproduction:

- **Financial information**
 - Tariffs and fee structure
- **Other**
 - Board Agenda and Minutes
 - Schedule of Meetings of the Board and committees
- **Property information**
 - Title Deeds
 - Approved Policies

5. Making a formal application in terms of the Act

5.1 As previously stated, most information held by JPC will be made available to members of the public without recourse to the formal procedures required by the Act and every effort will be made to meet a requester's request.

5.2 If there is a reasonable belief that the information would not be made available in terms of existing legislation, the requester will be informed of his/her right to make a formal application. However, a requester has the right, at any time, to make a formal request for information in terms of the Act.

5.3 A member of the public who wishes to make formal application can visit JPC and will be assisted regarding the specific request.

5.4 Formal Application Process:

5.4.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

5.4.2 The requester must complete the prescribed form enclosed herewith in Annexure A, and submit the same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number as stated in clause 12 below.

5.4.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

- (a) the record or records requested;
- (b) identity of the requester;
- (c) which form of access is required if the request is granted;
- (d) postal address or fax number of the requester.

5.4.4 The requester must state that he requires the information in order to exercise or to protect a right and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

5.4.5 If the request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

5.4.6 If an individual is unable to complete the prescribed form because of illiteracy or disability, such person may make the request orally.

5.4.7 The requester must pay the prescribed fee before any further processing can take place.

5.5 **Personal Requester**

JPC will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

5.6 Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, JPC is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request fee and access fee.

6. IF A FORMAL APPLICATION UNDER THE "PROMOTION OF ACCESS TO INFORMATION ACT" IS MADE

6.1 The Information Officer will respond to a formal request for information as soon as reasonably possible but within **30 days** after the request has been received.

6.2 In certain limited circumstances JPC's Information Officer may extend the period once, by a subsequent 30 days.

6.3 The response will state whether the request has been granted or give adequate reasons in terms of the Act why the request has been refused. If there are defects in request, the requester will be given an opportunity to rectify before refusing the application.

7. IF AN REQUEST IS GRANTED

7.1 Normally, the information requested will be made available immediately. In a very small number of cases the information will not be available immediately and reference should be made to Section 24 of the Act for situations where deferment is acceptable.

7.2 Note that if a fee is required, this fee should be paid before the information is supplied.

7.3 Every reasonable effort will be made to provide the information in an accessible form as may be requested by the requester.

8. IF A REQUEST IS REFUSED

8.1 Grounds for refusal

8.1.1 Mandatory protection of:

- (a) privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- (b) commercial information of third party, if the record contains:
 - o trade secrets of that third party;
 - o financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - o information disclosed in confidence by a third party to the company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- (c) certain confidential information of a third party, if it is protected in terms of an agreement, and protection of confidential information of public body;
- (d) safety of individuals and protection of property;
- (e) records which would be regarded as privileged in legal proceedings;

8.1.2 Other grounds for refusal:

- (a) Commercial activities of the company which may include:-
 - o Trade secrets of the company;
 - o Financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of the company;
 - o Information which, if disclosed, could put the company at a disadvantage in negotiations or commercial competition;
 - o A computer programme which is owned by the Company, and which is protected by copyright.
- (b) The research information of the company or a third party, if its disclosure would disclose the identity of the company, the researcher

or the subject matter of the research and would place the research at a serious disadvantage;

8.1.3 Transparently frivolous or vexatious requests, or would involve a substantial and unreasonable diversion of resources.

8.2 Internal remedies:

The company does not have internal appeal procedures. As such the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is declined, and the requester is not satisfied with the answer supplied by the Information Officer.

8.3 External Remedies

8.3.1 A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to Court for relief.

8.3.2 Likewise, a third party dissatisfied with an Information Officer's decision to decline a request for information may within 30 days of notification apply to a Court for relief.

8.3.3 For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another Court of similar status.

9. RECORDS WHICH ARE LOST OR DO NOT EXIST

9.1 If all reasonable steps have been taken to find a record requested and the record cannot be found or JPC believes it does not exist, the Information Officer of JPC will, by way of affidavit, notify the requester that it is not possible to give access to that record.

9.2 An affidavit is regarded for Access to Information purposes as a decision to refuse a request for access, therefore the requester may make application to a Court for review of the decision.

10. FEE

10.1 A request for access to record will only be processed after a request fee has been paid of which the requester will be notified, being a fee of R50-00 (excl. VAT).

10.2 A further fee is payable for access to a record depending on the form in which access is required and the reasonable time required to search for and prepare a record. An amount of R1-10 (excl. VAT) will be charged per page copied and that a further fee be determined taking into account the time spent in preparing the record.

Request fee	R50,00 (excl. VAT)
Copy per page A4	R 1,10 (excl. VAT)

See **Annexure B** for more particulars on the fees charged.

11. TRANSFER OF REQUEST

11.1 Must be made to the appropriate public body in circumstances such as

- where a request for information is made that is not under the JPC's control or possession; or
- where the record is more closely connected with another public body; or
- where the record contains commercial information in which another public body has greater commercial interest; or
- where the record is not in the possession or under the control of JPC but was created by or for another public body or was received first by another public body.

11.2 Upon transfer of a formal request for access, the Information Officer making the transfer must immediately notify the requester.

12. CONTACT DETAILS

Postal Address: P O Box 31565
Braamfontein
2017

Physical Address: 9th Floor Braamfontein Centre
23 Jorissen Street
Johannesburg

Website: www.jhbproperty.co.za

Telephone: (011) 339 2700

Facsimile: (011) 339 2727

INFORMATION OFFICER

Managing Director, G Mazibuko : gmazibuko@jhbproperty.co.za

DEPUTY INFORMATION OFFICER

Legal Advisor, K Maré : kmare@jhbproperty.co.za

ANNEXURE A

Prescribed form for access to a record of a public body.

ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)
(Regulation 2)

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

A. Particulars of public body

.....

B. Particulars of person requesting access to record

- | |
|--|
| <i>(a) Particulars of person who requests access to the record must be recorded below.</i> |
| <i>(b) Furnish proof of address and/or fax number in the Republic of South Africa to which information must be sent.</i> |
| <i>(c) Proof of capacity in which the request is made, if applicable, must be attached.</i> |

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 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 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 if a request fee has been paid.*
- (b) You will be notified of the amount required to be paid as the request fee.*
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) If you qualify for exemption of payment of any fee, please state reason therefore.*

Reason 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 form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
<p><i>Mark the appropriate box with an "X".</i></p> <p><i>Notes:</i></p> <ul style="list-style-type: none"><i>(a) Your indication as to the required form of access depends on the form in which the record is available.</i><i>(b) Access in the form requested may be refused in certain circumstances. In such a case you will</i>	

(c) *be informed if access will be granted in another form.
The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

	Copy of record*		Inspection of record
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2. If record consists of visual images-
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	View images		Copy of the images*		Transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound-

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
--	--	--	---

4. If record is held on computer or in an electronic or machine-readable form-

	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (stiffy of 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? A postal fee is payable.	YES	NO
--	------------	-----------

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?	
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G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof 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 atthis.....day of.....20.....

Signature of

**REQUESTER /
PERSON ON WHOSE BEHALF REQUESTER**

**FEES APPLICABLE ON FORMAL APPLICATIONS
IN TERMS OF THE ACCESS TO INFORMATION ACT**

REQUEST FEES:

Where a requester submits a request for information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 (excl VAT) is payable up-front before the institution 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 specially excluded in terms of the Act, or an exclusion is determined in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	R30-00
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REPRODUCTION FEES:

- | | |
|--|--------|
| • For every photocopy of an A4-size page or part thereof | R 1,10 |
| • For every printed copy of an A4-size page or part thereof held on a Computer or in electronic or machine-readable form | R 0,75 |
| • For a copy in a computer-readable form on: | |
| ○ Stiffy disc | R 7,50 |
| ○ Compact disc | R70,00 |
| • Transcription of visual images, for an A4-size or part thereof | R40,00 |
| • For a copy of visual images | R60,00 |
| • A transcription of an audio record, for an A4-size page or part thereof | R20,00 |
| • For a copy of an audio record | R30,00 |
| • Where a copy of record needs to be posted, the actual postal fee payable | |

DEPOSITS:

Where an institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is

of the opinion that the preparation of the required record of disclosure will take more than 6 hours, a deposit is payable by the requester.

The amount of the deposit is equal to one third of the amount of the applicable fee.

NOTE:

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