

### PART THREE (INTERNAL APPEALS)

#### A. **INTERNAL APPEAL PROCEDURE: WHERE THE REQUESTER IS THE APPELLANT (AN INTERNAL APPEAL IS LODGED TO THE RA (SG) AGAINST A DECISION OF THE IO OF AN INSTITUTION.)**

##### 1. **APPELLANT**

The requester starts the appeal procedure:

1.1 The requester may, in terms of section 74(1) of the Act, lodge an internal appeal against the decision of the IO:

1.1.1 to refuse a request for access

1.1.2 to levy fees (section 22)

1.1.3 to extend the period to process a request (section 26(1))

1.1.4 to amend the form (format) of granting access (section 29(3))

- **The requester who wishes to appeal, must, within 60 days after he or she has been informed of the decision of the IO, lodge an internal appeal. Such an appeal application must be submitted to the IO on Form C (see Annexure 8). (Institutions must duplicate these forms (Form C) themselves to be made available to requesters.)**
- **The requester may post the completed Form C to the IO or deliver it to his or her address or send it to his or her fax number or e-mail address (section 75(1)(b)). (The RO of the institution concerned will handle the general administrative work of the internal appeal as required in sections 74 to 75(4). From the provisions of section 75(2), the responsibility of the administrative handling of the internal appeal rests with the office personnel of the RA (SG).)**

The Act determines various time-restrictions within which an appeal must be lodged:

- In cases where no third party is involved, the requester must, as mentioned above, lodge the appeal within 60 days after the IO has notified the requester that his or her request has been refused (section 75(1)(a)(i)).
- In cases where the IO has refused the request as a result of representations by a third party, the requester must lodge the appeal within 30 days after the IO has notified the requester that his or her

8. **Decision about an internal appeal by the RA(SG) and notice thereof - section 77**
- 8.1 The RA(SG) must, among other things, take the following into thorough consideration when a decision about an internal appeal is made (section 77(1)):
- The particulars that the third party provided in his or her appeal application document(s) and representations that may possibly have been made afterwards by the third party/parties.
  - When it is not possible to get in touch with a third party, the RA(SG) must bear in mind that the third party did not have an opportunity to submit representations or to present his or her side.
  - The reasons supplied by the IO for his or her decision against which an appeal has now been lodged.
  - The RA(SG) must decide about the appeal within 5 working days after the requester has made his or her representations - section 77(3)(c)(i).
  - If the requester decides not to make representations, the RA(SG) must decide about the appeal within 30 days from the date on which he or she has notified the requester of the appeal - section 77(3)(c)(ii).
  - When a third party is involved, the RA(SG) must make his or her decision within 30 days from the day on which the third party has been notified of the appeal - section 77(3)(b).
- 8.2 **The RA(SG) must, immediately after he or she has made a decision, notify the THIRD PARTY whether the internal appeal application has been successful or not.**
- 8.3 The RA(SG) must, immediately after he or she has made a decision, notify the REQUESTER whether the appeal application of the third party concerned has been successful or not.