

PART TWO

RECOMMENDED ADMINISTRATIVE PROCEDURES FOR THE HANDLING OF REQUESTS DIRECTED IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT 2 OF 2000) WITHIN THE INSTITUTION

POSSIBLE ROLE-PLAYERS IN THE HANDLING OF A REQUEST:

- REQUESTER
- RO (ADMINISTRATIVE PERSON/CLERK OF INSTITUTION)
- SRO (HEAD OF DEPARTMENT OF AN INSTITUTION)
- DIO (DEPUTY PRINCIPAL)
- SEARCHERS (ADMINISTRATIVE PERSONNEL OF INSTITUTION)
- THIRD PARTY/PARTIES WHERE APPLICABLE
- LEGAL ADVISOR/ATTORNEY (APPOINTED BY INSTITUTION)
- IO (HEAD/PRINCIPAL OF INSTITUTION)

1. THE REQUESTER/REQUEST

The requester directs a request for access to information by completing the prescribed **Form A**. (This form is included in the Regulations that became operative on 9 March 2001 together with the Act.)

2. RECEIPT OF REQUESTS

2.1 Step One

- 2.1.1 All requests **are received** by an identified officer, the so-called SRO at an institution's **nodal point** (SRO's office). He or she refers the request to the RO of the institution concerned for further attention.
- 2.1.2 Any person who enquires elsewhere in the institution about the handing in of requests in terms of this Act, must therefore be referred to the SRO of the institution concerned. This also applies to telephone or written enquiries that possibly may be received in this regard.

institution, but cannot be found or that the record does not exist, the requester must be notified of this. The necessary affidavits as required in section 23 must be enclosed with LETTER 7.

- No time-restriction is prescribed in the Act to notify a requester that a record has been lost or destroyed. However, against the background of section 25(1), it must be done within a period of 30 days. If the IO has extended the period, it must take place within the period of 30 days as prescribed in section 26(1). (Keep the 90/60 days extended disposal period of section 87(1)(a) in the transitional period in mind.)
- Section 23(3): A notice that a record has been lost or destroyed is deemed to be a decision that the request for access has been refused. This decision could be subjected to an internal appeal (section 74(1)(a)).
- If there are grounds to believe that the record has been destroyed with the intent to prevent the disclosure thereof, section 90 offers an alternative legal remedy in the form of criminal sanctions.
- Section 23(4): If the record is found after notice has been given that it cannot be found, the IO must consider the request for access to it. In such a case the requester does not have to hand in a formal request again.

END OF PART TWO