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Department of Arts and Culture

**MANUAL ON THE PROMOTION OF
ACCESS TO INFORMATION
ACT 2 OF 2000**

**Prepared in accordance with section 14 of the Promotion of
Access to Information Act 2 of 2000**

UPDATED DECEMBER 2021



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1. OVERVIEW AND OBJECTIVES OF THE MANUAL

The Promotion of Access to Information Act 2 of 2000, (PAIA) gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required for the exercise and protection of rights.

More broadly, PAIA aims to underline the importance of access to information in a democratic society by fostering a culture of transparency and accountability. PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information.

PAIA also sets limits on the types of information that can be accessed, for instance, information requested might not be granted under various circumstances.

This manual is compiled in accordance with Section 14 of PAIA and offers an outline of the South African Heritage Resources Agency's (SAHRA) information, which is accessible to the public. This includes:

- a. Structure, functions, and objectives of the SAHRA
- b. Contact details for the SAHRA
- c. The procedure for requesting information from the SAHRA
- d. Information that is automatically available through the SAHRA and its website
- e. Fees payable when requesting access to any of these records.

2. ORGANISATION PROFILE

SAHRA is a Schedule 3A public entity, which was established in terms of section 11 of



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the National heritage resources act 25 of 1999 (NHRA) as the national administrative body responsible for the protection of South Africa's cultural heritage.

SAHRA creates an awareness among the people of our country of their right to conserve what they consider to be valuable heritage resources, the mechanism for doing this, and to recognise the exciting new possibilities that they create.

3. LEGISLATIVE MANDATE

As a creature of statute, SAHRA receives its mandate from the NHRA. It has been tasked to manage and implement the NHRA.

The principal objective of SAHRA is to co-ordinate the identification and management of the national estate.

4. FUNCTIONS

To fulfil its objectives, SAHRA must:

- a. establish national principles, standards and policy for the identification, recording and management of the national estate in terms of which heritage resources authorities and other relevant bodies must function with respect to South African heritage resources,
- b. co-ordinate the management of the national estate by all agencies of the State and other bodies and monitor their activities to ensure that they comply with national principles, standards and policy for heritage resources management.
- c. identify, record and manage nationally significant heritage resources and keep permanent records of such work;
- d. advise, assist and provide professional expertise to any authority responsible for the management of the national estate at provincial or local level,
- e. promote and encourage public understanding and enjoyment of the national estate and public interest and involvement in the identification, assessment, recording and management of heritage resources;



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- f. promote education and training in fields related to the management of the national estate; and
- g. perform any other functions assigned to it by this Act or as directed by the Minister.

5. MISSION

SAHRA is a regulatory body that co-ordinates and promotes the management of South Africa's heritage resources for community development and social wellbeing – for the benefit of present and future generations.

6. VISION

SAHRA strives to unite people through heritage.

7. VALUES

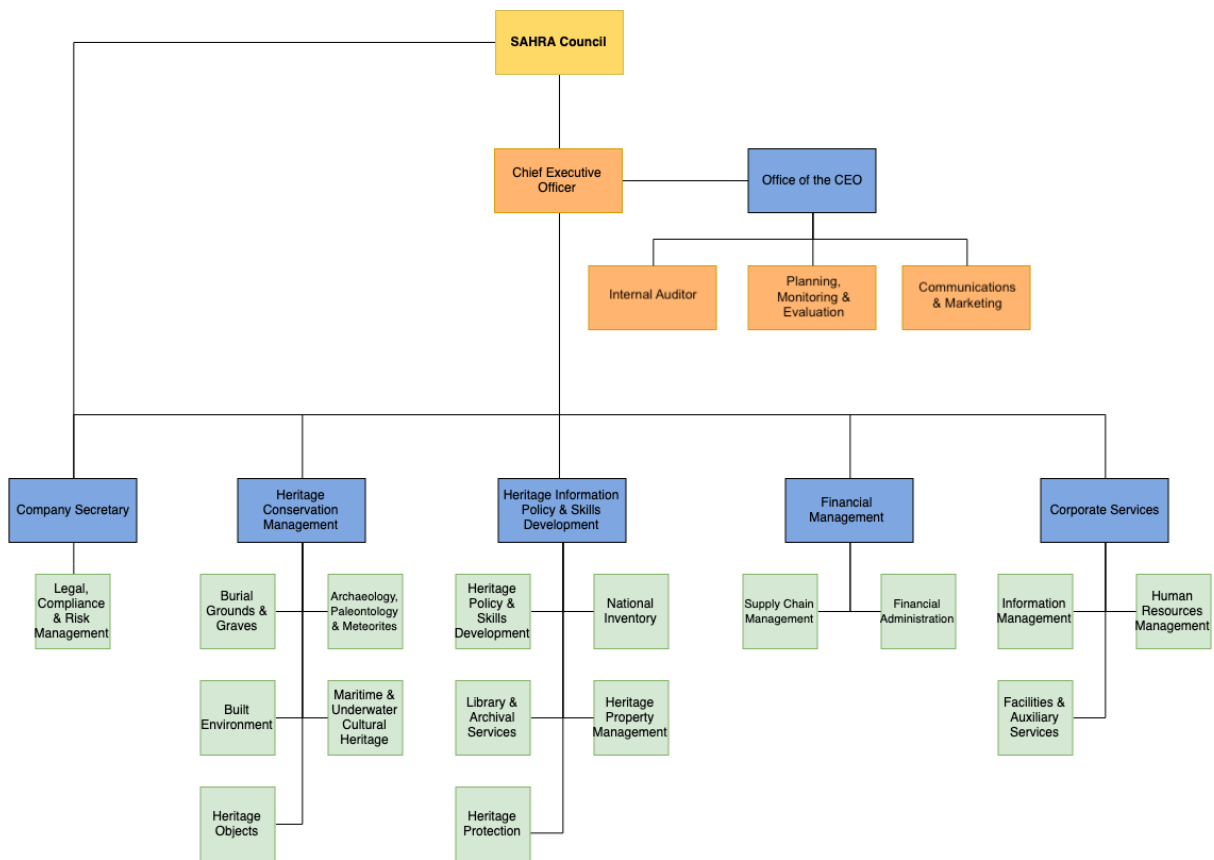
SAHRA seeks to be known as an organisation that promotes the following:

- a. integrity and honesty
- b. accountability and professionalism
- c. objectivity and consistency
- d. teamwork and collaboration, and
- e. unity of purpose



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8. SAHRA STRUCTURE





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9. INFORMATION OFFICER

The CEO, **Advocate Lungisa Malgas** in terms of PAIA, is the Information Officer of the South African Heritage Resources Agency (SAHRA). However, it is recommended that the Deputy Information Officer be used as a contact person for purposes of this Manual.

10. DEPUTY INFORMATION OFFICER

All requests for information must be directed to the Deputy Information Officer:

Name : Mr. Simphiwe Mome
Telephone number : 021- 462 4502
Fax number : 021- 462 4509
E-mail address : smome@sahra.org.za
Postal Address : P O BOX 4637, CAPE TOWN, 8001, South Africa

11. SAHRA'S RECORDS

11.1 RECORDS AVAILABLE WITHOUT FORMAL REQUESTS

- a. **Promotion of Access to Information Manual**
- b. **Annual Reports**
- c. **Information available on SAHRA's website and SAHRIS**
 - I. Public Notices to accountable and reporting institutions and other stakeholders
 - II. Information relating to the SAHRA's registration and reporting system
 - III. Public Compliance Communications
 - IV. Directives
 - V. Guidance Notes
- d. **General Information pertaining to SAHRA:**
 - I. Organisational profile (overview, objectives and functions)
 - II. SAHRA's contact information
 - III. Public Notices
 - IV. News articles of interest to the SAHRA
 - V. Legislation (Acts and Regulations)
 - VI. General notices



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11.2 Records and information that should be formally requested in terms of PAIA

The following information should be formally requested by using the request procedure stipulated in Paragraph 12 below:

11.2.1 Compliance and regulatory records

- I. Compliance profiles
- II. Compliance Handbook
- III. Public query information

11.2.2 Legislative and policy framework records

- I. Research paper
- II. Documents distributed for purposes of internal meetings
- III. Legal opinions

11.2.3 Corporate governance records

- I. Organisational and business plans
- II. Memoranda of understanding
- III. SAHRA policies and procedures
- IV. Occupational health and safety plan
- V. Evacuation procedures

11.2.4 Information technology records

- I. Incidents and service requests
- II. Asset issuing and custodian information
- III. System event logs
- IV. System performance logs
- V. Systems maintenance check lists
- VI. Monthly operations reports
- VII. Service level agreements
- VIII. ICT policies and procedure manuals
- IX. Network maintenance
- X. System development lifecycle documents

11.2.5 Financial management records

- I. Financial accounting
- II. Financial reporting
- III. Contracts and tender administration



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- IV. Asset management
- V. Management accounting

11.2.6 Human resources management records

- I. HR policies and procedures
- II. Advertised posts
- III. Learning and development e.g.: skills development and training plans
- IV. Employment equity plan and statistic

11.2.7 Project management records

- I. Project methodology and standards framework
- II. Project lifecycle information
- III. Project operations documentation

11.2.8 Communications records

- I. Official external communication records e.g.: media releases
- II. Website content
- III. Corporate identity

11.3 Requests for information with sensitive classification

How will requests for sensitive information be handled?

The Deputy Information Officer will evaluate the request within the statutory and regulatory frameworks and respond to the request accordingly to the requestor.

12. REQUEST PROCEDURES

Access to information listed above must be made by following the procedures outlined below:

12.1 How to request for information from the SAHRA?

Complete Form A, which is found as **Annexure 1** to this manual. The request must be made in person or by e-mail, fax or post to the Deputy Information Officer listed in Paragraph 10 of this manual. If an acknowledgement of receipt for the request is not received within 14 days, please contact the Deputy Information Officer to ensure that the request has been received.

Some important points to remember when completing the request form:



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- I. Each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced.
- II. Where a request is made for records relating to an organisation, it is strongly recommended that the organisation's public officer make or authorise the request.
- III. If records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person.
- IV. A detailed description of the records being requested must be provided to enable the Deputy Information Officer to identify it accurately.

If any difficulties are experienced in completing the request form or if a disability prevents the requester from completing it, please do not hesitate to contact the Deputy Information Officer for assistance.

12.2 How long must a requester wait before receiving the information requested?

The Deputy Information Officer is required to take a decision on the request within 30 days of receipt of the request, failing which the request is deemed to have been refused.

The Deputy Information Officer may extend the period for taking a decision to 60 days under the following circumstances:

- 12.2.1 If the request is for large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the SAHRA;
- 12.2.2 If the requested records are not readily available and the request cannot reasonably be completed within 30 days;
- 12.2.3 Where consultation among the Units of SAHRA or with another entity is necessary or desirable to decide upon the request and which consultation cannot be reasonably completed within 30 days;
- 12.2.4 Where more than one of the circumstances contemplated in paragraphs I, II, and III above exist in respect of the request making compliance with the 30- day period not reasonably possible; or
- 12.2.5 If the requester consents in writing to the extension.

Should the 30-day period be extended, the Deputy Information Officer will notify the requester of the extension as well as provide the requester with the reasons for the extension.

12.3 How will a requester be informed of the outcome of the request?



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The requester will be notified of the Deputy Information Officer's decision in the manner specified in the request form.

12.4 Under which circumstances will the request for access to information be refused

Access to a record is refused on one or more grounds of refusal specified in PAIA, which fall into the following categories: –

- I. Mandatory protection of privacy of a third party who is a natural person;
- II. Mandatory protection of certain records of SAHRA;
- III. Mandatory protection of commercial information of a third party;
- IV. Mandatory protection of certain confidential information and protection of certain other confidential information of a third party;
- V. Mandatory protection of safety of individuals and protection of property;
- VI. Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
- VII. Mandatory protection of records privileged from production in legal proceedings;
- VIII. Defence, security and international relations of the Republic;
- IX. Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- X. Mandatory protection of research information of a third party and protection of research information of a public body;
- XI. Operations of public bodies; and
- XII. Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

12.5 What is deemed refusal of a request?

If the Deputy Information Officer does not give the decision on a request for access to the requester within the 30-day period or within any extended period, then the Deputy Information Officer will be regarded as having refused the request.

12.6 What can a requester do if the request for information is refused?

Should the requester not be satisfied with the decision of the Deputy Information Officer, the requester may apply to court for relief. The said application must be made within 180 days after the decision has been made by the Deputy Information Officer. On hearing such an application the court may grant a just and equitable order including:



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- I. Confirming, amending or setting aside the decision that is the subject of the application;
- II. Requiring the Information Officer to take some action or to refrain from taking such action as the court considers necessary within the period mentioned in the order;
- III. Granting an interdict, interim or specific relief, a declaratory order or compensation; or
- IV. Costs.

Such an application may be made at the Magistrates Court.

12.7 What if the request is successful?

The requester will be given access to a record if all procedural requirements have been complied with according to PAIA requirements, that is –

- I. The request is properly documented on the prescribed form;
- II. Proof of authority to act on another's behalf is furnished, if making the request on another person's behalf;
- III. The record that is requested is sufficiently described to enable the Deputy Information Officer to identify it; and
- IV. Payment of all required fees

12.8 Fees in respect of public bodies

It may be necessary to pay fees for access to records in terms of PAIA.

These fees are for the following:

12.8.1 Request fee –

If the request is to access a record containing personal information about the requester, he/she will not be required to pay the request fee. Any other request must be accompanied by the required request fee, which is currently R35.00.

12.8.2 Access fee –

If the request is granted, then an access fee must be paid for the reproduction of records and for time in excess of one hour to search and prepare the records for disclosure. Where the time to prepare the records for disclosure is likely to exceed six hours, a deposit of one third of the anticipated access fee may be required as a deposit.



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Please refer to **Annexure 2** below for a complete breakdown of the fees for public bodies.

12.9 Exemptions from paying the access fee

The following persons are exempt from paying the access fee contemplated in paragraph **12.8** above:

- I. A single person who earns less than R14 712.00 per year;
- II. Married or have a life partner and earn less than R 27 192.00 per year.

Further:

- I. Where the cost of collecting any fee contemplated in paragraph E exceeds the amount charged, such fee does not apply; and
- II. The access fee contemplated in paragraph E does not apply to the personal record of a requester.

13. SERVICES AVAILABLE

The SAHRA provides the following services to the public through the following departments:

- 13.1 Compliance and Prevention (Awareness to identified stakeholders and the public on the requirements of the National Heritage Resources Act, and monitoring, inspecting and enforcing NHRA compliance by NHRA supervised Accountable and Reporting Institutions).
- 13.2 Communications (Publishing and disseminating information on behalf of the SAHRA through brochures, media releases and annual reports).
- 13.3 For the purposes of this PAIA Manual, the Deputy Information Officer provides assistance to anyone who may experience difficulties in completing the request form or if a disability prevents the requester from completing the request form.

How to gain access to these services?

- Visit the SAHRA website at www.sahra.org.za
- Send a request through the Deputy Information Officer at e-mail



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SMome@sahra.org.za copying info@sahra.org.za

- Through official invitations by post, e-mail or fax.

14. GENERAL

Updating and availability of this manual.

This manual will be updated, if necessary, on an annual basis and will be available in other translations.

This manual will be placed on the SAHRA's website at www.sahra.org.za

A copy will also be lodged with the South African Human Rights Commission.

15. HUMAN RIGHTS COMMISSION GUIDE TO PAIA

Section 10 of the Promotion of Access to Information Act, 2000 stipulates that the South African Human Rights Commission must compile a guide on how to use PAIA. This guide is available from the South African Human Rights Commission.

Please direct any queries to:

The South African Human Rights Commission



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ANNEXURE 1

FORM A

REQUEST FOR ACCESS TO THE RECORDS OF SAHRA(Section 18(1) of the Promotion of Access to Information Act, 2000) (Act No. 2 of 2000)[Regulation 6]

FOR INTERNAL USE ONLY

Reference number	
Request received by	
Date request received	
Place request received	
Request fee (if any)	
Deposit (if any)	
Access fee	

**Signature of
Information Officer/Deputy Information Officer**

A) Particulars of the Information Officer / Deputy Information Officer

The Information Officer/Deputy Information Officer:

Attention:

Mr. Simphiwe Mome

Telephone number : 021- 462 4502

Fax number : 021- 462 4509

E-mail address : smome@sahra.org.za cc info@sahra.org.za

Postal Address : P O BOX 4637, CAPE TOWN, 8001, South Africa

B) Particulars of requester (person requesting access to information)



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- (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	
Postal address	
Identity number	
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 a request for information is made on behalf of another person.

Full names and surname	
Identity/company 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 page and attach it to this form.

Please sign all additional pages.

1. Full description of the record or relevant part of the record
3. Any further particulars of the record
2. Reference number(s), if available



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E) 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 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 the payment of any fee, please state the reason for exemption

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

Mark the appropriate box with an X.

Notes:

- (a) Compliance with your request for access 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.

Disability	Form in which record is required
_____	_____
_____	_____
_____	_____
_____	_____

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 the images
- copy of the images*
- transcription of the images*

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* (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? **Postage is payable.**

- Yes
- No

In which language would you prefer the record?

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.

G) Notice of decision regarding request for access

You will be notified whether your request has been approved or denied.

If you wish to be informed 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?

- Postal address
- E-mail
- Fax
- Other. Specify: _____



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Signed at _____ this _____ day of _____ 20____

SIGNATURE OF REQUESTER



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T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency - Head Office | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001

ANNEXURE 2

FEES IN RESPECT OF PUBLIC BODIES IN TERMS OF GOVERNMENT NOTICE NO. R. 187 IN GOVERNMENT GAZETTE 23119 OF 15 FEBRUARY 2002

- The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4 size page or part thereof.
- The fees for reproduction referred to in regulation 7(1) are as follows:

Description	R/C
(a) For every photocopy of an A4 size paper or part thereof	0,60
(b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form	0,40
(c) For a copy in a computer-readable form on –	40,00
(i) Compact disc	
(d) (i) For a transcription of visual images, for an A4 size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4 size page or part thereof	12,00
(ii) For a copy of audio records	17,00

- The request fee payable by every requester, other than a personal requester, referred to in Regulation 7(2) is R35,00.
- The access fees payable by a requester referred to in Regulation 7(3) are as follows:

Description	R/C
(a) For every photocopy of an A4 size paper or part thereof	0,60
(b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on –	40,00
(i) compact disc	
(d) (i) For a transcription of visual images, for an A4 size page or part thereof	22,00
(ii) For a copy of visual images	60,00



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(e)	(i) For a transcription of audio records, for an A4 size page or part thereof	12,00
	(ii) For a copy of an audio record	17,00
(f)	To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(g)	For purposes of section 22(2) of the Act, the following applies: (i) Six hours as the hours to be exceeded before a deposit is payable; and (ii) One third of the access fee is payable as a deposit by the requester	
(h)	The actual postage is payable when a copy of a record must be posted to a requester	

5. Copies shall be printed in black and white.



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ANNEXURE 3 PAIA GLOSSARY

Access fee	A fee prescribed for the purpose of reproduction, search and preparation of records and, if applicable, postal fees.
Date of submission	The date on which the requester submits the PAIA Request. The Deputy Information Officer must respond to the request within 30 days of this date.
Deputy Information Officer (DIO)	The individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request.
Grounds for refusal	The Section(s) of PAIA referred to by the Information Officer or Deputy Information Officer in order to refuse a PAIA Request.
Information Officer (IO)	The individual in the public or private body who is responsible for dealing with a PAIA Request.
Inventory	A complete list of items in the custody of a particular public or private body.
Letter of authorisation	A letter from an individual who requires the requester to submit a PAIA Request on their behalf in terms of PAIA. The letter must state that the individual authorises the requester (and other representatives from the requester's organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf.
PAIA	The Promotion of Access to Information Act 2 of 2000.
PAIA Request	The name given to the document(s) submitted to a public or private body requesting access to information in terms of PAIA.
PAIA Request reference number	The reference number you allocate for an individual PAIA Request, e.g. 0124/SAHRA /2022. It is advisable to use this reference number throughout all correspondence with the requester, as well as asking them to do the same.
Personal requester	A requester seeking access to a record containing personal information about themselves.
Private body	Generally, any kind of business operation independent from government.
Public body	Generally any section of government, or any organisation that is set up by government, set up by law, or gets its money from government.
Record	Any recorded information irrespective of form or medium.
Requester	An individual seeking or requesting access to records and/or information held by the State and/or public body.
Request fee	The fee that must be paid by the requester before a request can be processed.



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