



DOCUMENT TITLE

PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000 MANUAL

PURPOSE

To outline a reference as to the records held and the process that needs to be followed to request access to such records.

APPROVAL SIGNATURE RECORD

Approved by the EXCO at its meeting of.....20.....

A handwritten signature in black ink, appearing to be 'M.P. Duze', written over a horizontal line.

**MR MP DUZE
CHAIRPERSON – EXCO**

DATE: 15/04/2020

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1. PURPOSE

To outline provide a reference as to the records held and the process that needs to be followed to request access to such records.

2. OBJECTIVE

The Constitution of the Republic of South Africa in *Section 32 (1 and 2)* states that–

Everyone has the right of access to –

(a) any information held by the State; and

(b) any information that is held by another person and that is required for the exercise or protection of any rights.

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.”

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information as stated above.

Section 9 of the Act recognizes that access to information can be limited. The limitation relates to circumstances where its release would pose a threat to the protection of privacy, commercial confidentiality and the exercising of efficient governance. The Act specifies the requisite procedural issues attached to such request for information.

One of the main requirements specified in the Act is the compilation of a manual by 28 February 2003 that provides information on both the types and categories of records held by the public or private body. The date was subsequently extended to 31 August 2003 by the Minister of Justice and Constitutional Development.

This document serves as the Mhlathuze Water manual in terms of the Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records

3. SCOPE

This applies to all permanent and non-permanent employees of Mhlathuze Water, including the Board Members .

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4. LEGAL FRAMEWORK

- Constitution of the Republic of South Africa.
- Promotion of Access of Information Act.

5. PROCEDURE

5.1 ADMINISTRATION OF THE ACT

The Information Officer Mr MP Duze, Chief Executive, is duly authorized person to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Contact person : MP Duze
Postal address : P O Box 1264, Richards Bay, 3900
Physical address : Corner South Central Arterial / Battery Bank,
Alton,
Richards Bay
Phone number : +27 (35) 902 1000
Fax number : +27 (35) 902 1105
Email : mduze@mhlathuze.co.za

Details of the deputy information officer appointed, are as follows:

Name : D Chiliza
Postal address : P O Box 1264, Richards Bay, 3900
Physical address : Corner South Central Arterial / Battery Bank,
Alton,
Richards Bay
Phone number : +27 (35) 902 1071
Fax number : +27 (35) 902 1105
Email : dmathenjwa@mhlathuze.co.za

5.2 GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

The Human Rights Commission (HRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requesters. This guide will be available from the South African Human Rights Commission. Please direct any enquiries to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

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Postal address : Private Bag 2700, Houghton, 2041
Phone number : +27 (11) 484 8300
Fax number : +27 (11) 484 0582
Email : PAIA@sahrc.org.za
Website : www.sahrc.org.za

5.3 RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

Records are available in accordance with the Regulatory Framework of Mhathuze Water. The said framework highlights all legislations, policies, procedures and standards applicable to Mhlathuze Water.

5.4 RECORDS HELD BY THE BOARD

Records at the Board are managed and controlled based on a centralized classification system. Documents and electronic messages which are created and received by the organization are captured into an electronic records management system. Management of documents by means of this system is in accordance with the Electronic Communications and Transactions Act, No 25 of 2002 as amended from time to time.

Files no longer required by the users are, depending on the nature of the documents they contain, transferred to either the corporate archives or an independent off-site storage facility where they are retained for the duration of the gazetted retention period following which they are destroyed. Records of lasting legal, social, historical or research value are retained permanently.

The record keeping system contains a series of files dealing with internal administrative support matters referred to as the support series. Details of this support series and categories of records contained in them, are as follows:

5.4.1 Planning

Policies
Mhlathuze Water planning
Departmental planning
Collaborative planning

5.4.2 Management

Policies
Mhlathuze Water management
Departmental management

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Management reports
External liaison

5.4.5 Staff

Policies
Staff establishment
Training
Performance appraisal
Staff motivation
Occupational health
Industrial relations
Staff termination
Staff files

5.4.6 Finance

Policies
Financial procedures
Supply Chain Management Procedures
Administration and funding income
Budgeting
Tariff determination
Management accounting
Financial accounting
Financial reports
Financial returns
External audit

5.4.6. Office, Buildings and Grounds Administration / Services

Policies
Property administration
Administration of office services
Acquisition of materials and equipment
Maintenance of equipment

5.4.7 Legal Matters

Policies
Legislation
Agreements
Permits
Legal administration
Litigation

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Licensing
Water rates certificates
Deeds of suretyship

5.4.8 Public Relations

Policy
Communication research
Address lists
Publications
Crisis Communication
Donations administration
Corporate identity
Special events
Social responsibility programme
Advertising
Liaison with public relations consultants
Liaison with public relations suppliers
Membership of professional organizations
Photographic library
Communication evaluation
Quotations

5.4.9 Internal Audit

Policy
Routine audits
Audit investigations
Audit reports

5.4.10 Movable Asset Management

Policy
Maintenance of assets register
Asset stock take
Disposal of assets
Fleet management

5.4.11 IT Management

Policy
Systems investigation
Systems development/installation
Systems support/maintenance

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5.4.12 Stores Administration

Policy
Procurement of stock
Disposal of stock
Issuing stock
Write-off of stock
Stock take
Inventory control

5.4.13 Security

Policy
Security of building and premises
Security of vehicles
Security of people

5.4.14 Safety

Policy
Procedures
Compliance with safety legislation

5.4.15 Risk Management

Policies
Organizational Risk Register
Whistleblower Reports
Forensic and Ad Hoc Investigation Reports
Insurance market research
Liaison with brokers
Asset revaluation
Insurance policies
Claims administration

5.4.16 Projects

Policies
Project/programme management
Terms of reference/motivations and approvals
Legal documentation
Project/programme liaison/communication
Cost monitoring

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Quality control
Disputes

5.4.16 Scientific Services

Policies
Laboratory procedures
Mhlathuze Water quality monitoring programme
Customer services
Quality control
Pollution control
Schedules

5.4.17 Operations

Policy
Procedures
Water/effluent treatment
Water/effluent transportation
Water storage

5.4.18 Board of Mhlathuze Water

Policy
Selection panel
Appointment of board members
Members of the board
Meetings
Committee meetings
Board functions

Provision is made for the maintenance of case files within the different categories listed where records specific to a project/programme, study or event, are kept.

5.5 CATEGORIES OF DOCUMENTS AVAILABLE WITHOUT RECOURSE TO THE ACT

The following documentation is available on request from the contact person specified in this manual:

Annual report
Shareholder Compact
Information brochures:

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Internal newsletters

5.6 SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

The following services are provided by the Board:

1. Bulk water supply services to industries and municipalities;
2. Waste water disposal services;
3. Laboratory sample testing and analysis services;
4. Training and mentorship services; and
5. Project management

In order to obtain more information regarding these services, the public may write to Mhlathuze Water, P O Box 1264, Richards Bay 3900, or telephone (035) 902 1000.

5.7 REMEDIES AVAILABLE TO THE PUBLIC

Should the Board, or any of its officials, seem to be derelict in their duty or fail to fulfill their mandate, the public has recourse, in the first instance, to the Departmental Manager concerned. Failure to obtain satisfaction would result in a direct appeal to the Chief Executive. If the situation is still not resolved, an application may be made in court for resolution.

5.8 ACCESS REQUEST PROCEDURE

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by the Board.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. The successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

If it is reasonably suspected that the requester has obtained access to the Board's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

5.8.1 Completion of Access Request Form:

In order for the Board to respond to requests in a timely manner, the Access Request Form should be completed, taking due cognisance of the following:

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1. The Access Request Form must be completed in the English language.
2. Type or print in BLOCK LETTERS an answer to every question.
3. If a question does not comply, state "N/A" in response to that question.
4. If there is nothing to disclose in reply to a particular question, state "Nil" in response to that question.
5. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
6. When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

5.8.2 Submission of Access Request Form

The completed Access Request Form must be submitted either by conventional mail, e-mail or fax and must be addressed to the contact person specified in this manual.

5.8.3. Notification

Requests will be evaluated and the requester will be notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

5.8.4 Payment of Fees

Payment details can be obtained from the contact person and payment can be made either by means of a direct deposit, by bank guarantee cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

If the request is successful an **access fee** will be required for the search, reproduction and/or preparation of the record(s) and will be based on the Prescribed Fees. The access fee must be paid prior to access being given to the requested record.

Notification of Extension Period (if required)

The requester may be notified whether an extension period is required for the processing of their requests including:

1. the required extension period, which will not exceed an additional 30 days;
2. adequate reasons for the extension; and

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3. notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

The payment of fees does not apply to persons requesting their own personal information.

5.8.5 Payment of Deposit (if applicable)

The requester may be notified whether a deposit is required, payment thereof depending on certain factors such as the volume and/or format of the information requested and the time required for the search and preparation of the record(s). The notice will state:

1. the amount of the deposit payable (if applicable); and
2. that the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

5.8.6 Decision on Request

If no extension period is required, the requesters will be notified, within 30 days, of the decision on their requests.

If the request for access to a record is successful, the requester will be notified of the following:

1. the amount of the access fee payable upon gaining access to the record (if any);
2. an indication of the form in which the access will be granted;
3. notice that the requester may lodge an application with a court against payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is not successful, the requester will be notified of the following:

1. adequate reasons for the refusal (refer to *Third Party Information* and *Grounds for Refusal* below);
2. the right of the requester to lodge an internal appeal within 60 (sixty) days and

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3. that the requester may lodge an application with a court against the refusal of the request and the procedure within 180 (one hundred and eighty), including the period, for lodging the application.

5.8.7 Third Party Information

If access is requested to a record that contains information about a third party, the Board is obliged to attempt to contact this third party to inform them of the request. This affords the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

5.8.8 Grounds for Refusal

The Board may legitimately refuse to grant access to a request for a record that falls within a certain category. Grounds on which the Board may refuse access include:

1. protecting personal information that the Board holds about a third person who is a natural person, including a deceased person, from unreasonable disclosure;
2. protecting commercial information that the Board holds about a third person, for example financial, commercial, scientific or technical information that may harm the commercial or financial interests of that third person;
3. if disclosure of a record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
4. if disclosure of the record would endanger the life or physical safety of an individual;
5. if disclosure of the record would prejudice or impair the security of property;
6. if disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
7. if disclosure of the record would prejudice or impair the protection and safety of the public;
8. the record is privileged from production in legal proceedings, unless the legal privilege has been waived;
9. the record is a computer programme;
10. disclosure of the record would put the Board at a disadvantage in contractual or other negotiations and which may prejudice the Board in commercial competition; and

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- 11.the record contains information about research being carried out or about to be carried out on behalf of a third party;
- 12.a record insofar as it consists of information already publicly available.

5.8.9 Records that cannot be found or do not exist

If the Board has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

6. RESPONSIBILITIES

| POSITION TITLE | TASK DESCRIPTION |
|--------------------------|---|
| EXCO | Approves the manual |
| MANCO | Recommends the manual to EXCO |
| Legal Advisor | Custodian and Administrator of the manual Develops, revises and enforces this manual |
| Departmental Managers | Ensure adherence of their personnel to the procedure of this manual |
| Employees and the public | Comply with the procedure of this manual |

7. REVIEW OF THE PROCEDURE

The procedure will be reviewed every three years or as and when required.

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8. APPENDICES

Access Request Form



| | | |
|-------------|------------------------------|---|
| Page 1 of 5 | FOR OFFICE USE ONLY | Reference number: Received by: _____ |
|-------------|------------------------------|---|

(Section 18 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

1

PARTICULARS OF BODY

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:

Contact person: MP Duze

Postal address: P O Box 1264, Richards Bay 3900

Physical address: Corner South Central Arterial/Battery Bank, Alton

Phone number: +27 (35) 902 1000

Fax number: +27 (35) 902 1105

Email: mduze@mhlathuze.co.za

2a

PARTICULARS OF REQUESTER (If Natural Person)

(a) Particulars of the person who requests access to the record must be recorded below.

(b) Furnish an address and/or fax number in the Republic to which information must be sent.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number:

Postal address: _____

Postal Code: _____

Phone number: (_____) _____

Fax number: (_____) _____

E-mail address: _____

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Capacity in which request is made, when made on behalf of another person: _____

2b PARTICULARS OF REQUESTER (if a Legal Entity)

- (a) Particulars of the entity that requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Name of entity: _____

Registration number: _____

Postal address: _____

Postal Code: _____

Phone number: (_____) _____

Fax number: (_____) _____

3 PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must ONLY be completed if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number:

4 PARTICULARS OF RECORD

(a) Provide full particulars of the record to which access is requested, including the reference number if it 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 the additional folios.**

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record:

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5

FEES

- (a) 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 the record.
- (b) You will be notified of the amount required to be paid as the **access fee**.
- (c) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

6a

FORM OF ACCESS TO RECORD

Form in which record is required

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

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 under certain circumstances. In such a case you will be informed whether access will be granted in another form.

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

- Copy of record* Inspection of record

2. If record consists of visual images:

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

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

3. If the record consists of recorded 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:
 (this includes photographs, slides, video recordings, computer-generated images, sketches,

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etc.)

- Printed copy of record* Printed copy of Information derived from the record* Copy in computer readable form* (stiffy or 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.** Y N

6b In the event of disability

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in the form in which the record is required.

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

7 PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.

1. Indicate the right to be exercised or protected: _____

2. Explain why the record requested is required for the exercise or protection of the aforementioned right: _____

8 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 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? _____

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Signed at _____ this _____ day of _____ 20 _____

| | | | |
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SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

YOU MUST:

1. Complete all necessary spaces.
2. Sign the access request form.
3. Sign additional folios completed.

SEND WITH THIS APPLICATION:

1. Any additional folios completed.



Prescribed Fees

(Section 22(7) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000))

1

PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

R 1.25

- (a) For a copy of the manual for every photocopy of an A4-size page or part thereof

(Section 22(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

2

PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- (a) For every photocopy of an A4-size page or part thereof R 1.25
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form R 0.85
- (c) For a copy in a computer-readable form on
- (i) stiffy disc R 8.55
 - (ii) compact disc R79.80
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof R45.60
- (ii) For a copy of visual images R68.40
- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R22.80
- (ii) For a copy of an audio record R34.20
- (f) To search for and prepare the record for disclosure – R34.20 for each hour

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or part thereof reasonably required for such search and preparation

(Section 22(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

3 PLEASE NOTE THAT ALL PRICES FOR THE ITEMS LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) One third of the access fee is payable as a deposit by the requester.

(Section 22(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

4 PLEASE NOTE THAT THE PRICE FOR THE ITEM LISTED BELOW IS INCLUSIVE OF VALUE-ADDED TAX (VAT)

The actual postage fee is payable when a copy of a record must be posted to a requester.

ADDITIONAL PRESCRIBED INFORMATION

The Minister of Justice has prescribed no additional information.

A copy of the manual will be available for inspection at Mhlathuze Water Head Office.

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