

Western Cape Gambling and Racing Board

Wes-Kaapse Raad op Dobbelary en Wedrenne Vokungcakaza Ngemali Neyemidyarho

MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000, AS AMENDED

TABLE OF CONTENTS

1.	INTRODUCTION	4
2.	REQUIREMENTS PER SECTION 14 OF PAIA	4
2.1	STRUCTURE	4
	2.1.1 THE WCGRB	.4
	2.1.2 CHIEF EXECUTIVE OFFICER	.4
	2.1.3 COMMITTEES OF THE WCGRB	. 5
	2.1.4 DEPARTMENTS OF THE WCGRB	. 5
	2.1.5 ORGANOGRAM OF THE WCGRB	.6
2.2	FUNCTIONS AND POWERS	6
3.	CONTACT DETAILS	7
4. PAI	GUIDE BY THE INFORMATION REGULATOR (SOUTH AFRICA) ON HOW TO US A AND HOW TO OBTAIN ACCESS TO THE GUIDE	
5.	ACCESS TO RECORDS HELD BY THE WCGRB	8
5.1	THE REQUEST PROCEDURE	8
6.	CATEGORIES OF RECORDS HELD BY THE WCGRB 1	0
6.1	RECORD THAT MAY BE REQUESTED 1	0
6.2	RECORDS AUTOMATICALLY AVAILABLE 1	0
	6.2.1 RECORDS FOR INSPECTION	LO
	6.2.2 RECORDS FOR PURCHASE OR COPYING	11
	6.2.3 RECORDS FREE OF CHARGE	11
7.	INFORMATION RELATED TO POPIA 1	2
8.	SERVICES RENDERED BY THE WCGRB AS A PUBLIC ENTITY 1	4
	PUBLIC PARTICIPATION PROCESSES IN THE FORMULATION OF POLICY O ERCISE OF POWERS OR PERFORMANCE OF DUTIES	
10.	REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE WITH THE PAIA. 1	5
11.	AVAILABILITY OF THE MANUAL	6

12.	2. PRESCRIBED FEES – PUBLIC BODIES				
AN	NEXURE A		17		
	DEFINITION	S	. 17		
	FORM 1:	REQUEST FOR A COPY OF THE GUIDE	. 20		
	FORM 2:	REQUEST FOR ACCESS TO RECORD	. 22		
	FORM 3:	OUTCOME OF REQUEST AND OF FEES PAYABLE	. 26		
	FORM 4:	LODGING OF AN INTERNAL APPEAL	. 29		
	FORM 5:		. 32		
AN	ANNEXURE B				
FEE	FEES				
AN	ANNEXURE "LAWS"				
	RECORDS KEPT IN TERMS OF THE OTHER LEGISLATION				

1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (Act 2 of 2000), as amended ("PAIA"), was promulgated to give effect to the constitutional right of access to information held by the State or by another person which information is required for the exercise or protection of any rights. This right is entrenched in Section 32 of the Constitution of the Republic of South Africa, 1996.

The Western Cape Gambling and Racing Board ("the WCGRB") is a Schedule 3C public entity in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended ("PFMA"). The WCGRB is established in terms of the Western Cape Gambling and Racing Act, 1996, as amended ("the Act") and is in terms of Section 14 of PAIA duty-bound to compile a manual concerning the records and information held by the WCGRB.

The WCGRB's main object is to control all gambling, racing and activities incidental thereto in the Province of the Western Cape and subject to the Act and any policy determinations issued by the Executive Council. The WCGRB is responsible for instilling public confidence and trust that gambling in the Province is conducted honestly, is free from corruptive elements and unlawful gambling and racing activities.

2. REQUIREMENTS PER SECTION 14 OF PAIA

2.1 STRUCTURE

2.1.1 THE WCGRB

In terms of the Act, Members of the WCGRB are appointed on a part-time basis by the Executive Council in accordance with the prescribed procedure. Provision is made for a public participation process, in the nomination of candidates for appointment as Board Members.

In terms of the Act, the WCGRB consists of seven members (non-executive), who shall be eligible persons with appropriate knowledge or experience. The Provincial Minister of Finance appoints, from amongst the members of the WCGRB, the Chairperson and deputy-Chairperson. Board members are appointed for a maximum term of four (4) years, with the option of a one (1) year extension by the Executive Council.

2.1.2 CHIEF EXECUTIVE OFFICER

The Chief Executive Officer is a suitably qualified and experienced person, appointed by the WCGRB to assist the WCGRB in fulfilling its legislative mandate. The Chief Executive Officer is accountable to the WCGRB in relation to:

- (i) The day-to-day business operations of the WCGRB;
- (ii) The performance of all financial, administrative and clerical responsibilities pertaining to the functions of the WCGRB.

2.1.3 COMMITTEES OF THE WCGRB

The WCGRB, as per Section 11 of the Act, formed several sub-committees from its members to oversee specific industry-related matters for the different sectors of the gambling industry. The WCGRB further appointed three external members to serve on its Audit Committee. The WCGRB designates the chairperson of a particular Committee. The Committees exercise the powers and perform its functions subject to the provisions of the Act and such directives of the WCGRB as are not in conflict with such provisions. The WCGRB has adopted a Charter for each of the sub-committees outlining their mandate. The Committees of the WCGRB are as follows:

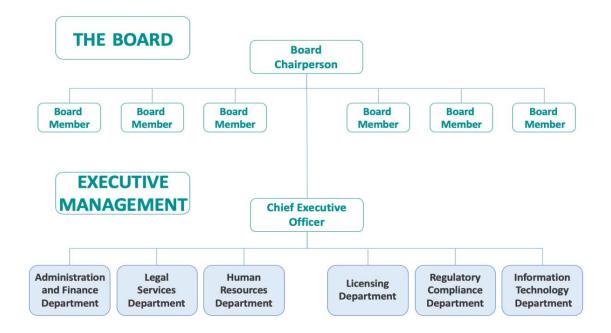
- (i) Audit Committee;
- (ii) Finance, Information Technology and Ethics Committee;
- (iii) Horseracing Committee;
- (iv) Limited Payout Machine Committee;
- (v) Casino Committee;
- (vi) Human Capital Committee; and
- (vii) Licensing Committee

2.1.4 DEPARTMENTS OF THE WCGRB

The WCGRB has various departments that assist it in giving effect to its legislative mandate and performance of its powers and functions. The departments are as follows:

- (i) The Office of the Chief Executive Officer
- (ii) Legal Services Department
- (iii) Human Resources Department
- (iv) Administration and Finance Department
- (v) Regulatory Compliance Department
- (vi) Licensing Department
- (vii) Information Technology (IT) Department.

2.1.5 ORGANOGRAM OF THE WCGRB



2.2 FUNCTIONS AND POWERS

The WCGRB was established with the main object of controlling and regulating gambling and racing and all other activities incidental thereto, in the Western Cape. Its functions and powers are outlined in Section 12 of the Act. In summary the function, powers and role of the WCGRB is to:

- (i) Invite applications for licences in terms of the Act;
- (ii) Receive and investigate applications for national and provincial licences;
- (iii) Issue national and provincial licences to qualifying or suitable persons, subject to such conditions as the WCGRB deems appropriate;
- (iv) Probe the suitability of persons acquiring an interest in a licensee or the business to which a licence relates;
- (v) Conduct hearings and investigations into the conduct of licences or pertaining to any matter that the WCGRB must administer in terms of the Act;
- (vi) Ensure on-going compliance in the licensed industry and impose administrative penalties or such measures as the WCGRB deems appropriate for contraventions of the law;
- (vii) Protect the public from illegal gambling and instil / ensure public confidence and trust in legalised gambling;
- (viii) Detect illegal gambling activities and ensure prosecution thereof;
- (ix) Administer, calculate and collect taxes and levies due to the provincial fiscus and all statutory fees as prescribed by the Act;

- Conduct on-going research into gambling and racing throughout the Province and elsewhere to keep abreast of and detect shortcomings in the Act and regulatory practices of the WCGRB;
- (xi) Impose appropriate licence conditions for effective regulation;
- (xii) Attend regulatory forums and conferences in order to keep abreast of the latest developments of the industry; and
- (xiii) Generally, exercise all powers and perform the functions specified in the Act and conferred by any other law.

3. CONTACT DETAILS

The Western Cape Gambling and Racing Board

- Information Officer: Mr Primo Abrahams (Chief Executive Officer) E-mail: <u>primo@wcqrb.co.za / ceo@wcqrb.co.za</u>
- Deputy-Information Officer: Mrs Yvonne Skepu E-mail: <u>yvonne@wcgrb.co.za</u>

A list of the names of the other Deputy-Information Officers can be located on the WCGRB website at <u>www.wcgrb.co.za</u> under Notices.

- Information Regulator Registration Number 20321/2021-2022/IRRTT.
- Street Address: 100 Fairway Close
 Parow
 7500
- Postal Address: PO Box 8175 Roggebaai 8012
- **Telephone:** (021) 480 7400
- Facsimile: N/A
- Website: <u>www.wcgrb.co.za</u>

4. GUIDE BY THE INFORMATION REGULATOR (SOUTH AFRICA) ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1 The Information Regulator (South Africa) has, as prescribed in Section 10 of PAIA, updated the PAIA Guide ("The Guide"), as initially compiled by the South African Human Rights Commission ("SAHRC") pertaining to the use of PAIA.
- 4.2 The Guide contains the information that guides persons on how to exercise any right contemplated in PAIA and POPIA, and outlines the processes to guide persons (i.e. data subjects) on how to access his/her or its personal information in terms of Section 23 of POPIA.

- 4.3 The Guide is available in all the South African official languages on the website of the Information Regulator (South Africa) at <u>https://justice.gov.za/inforeg/docs.html</u>. The Guide can also be obtained from the Government Gazette, and any person can request a copy of the Guide from the Information Regulator by completing the prescribed Form 1 set out under of <u>Annexure "A"</u>.
- 4.4 Members of the public can inspect or make copies of the Guide, during normal working hours, either at the offices of the WCGRB (which is available in English and Afrikaans), or at the office of the Information Regulator (which is available in each of the official languages).
- 4.5 If you have any queries on the Guide, please contact the Information Regulator directly at:
 - Information Officer: Mr Mosalanyane Mosala (Chief Executive Officer)
 Contact Person: Ms Pfano Nenweli
 E-mail: <u>PNenweli@justice.gov.za</u>
 - Deputy Information Officer: Ms Varsha Sewlal Email: <u>VarSewlal@justice.gov.za</u>
 - Physical Address: JD House, 27 Stiemens Street Braamfontein Johannesburg 2001
 - Postal Address:
 P.O Box 31533
 Braamfontein
 Johannesburg
 2017
 - **Telephone:** 010 023 5200
 - General enquiries email: <u>inforeg@justice.gov.za</u>.
 - Complaints email: <u>complaints.IR@justice.gov.za</u>

5. ACCESS TO RECORDS HELD BY THE WCGRB

5.1 THE REQUEST PROCEDURE

- 5.1.1 Section 18 of PAIA prescribes the procedure to be followed in making a request for access to information held by a public body. The requester must use the prescribed forms detailed under **Annexure "A"** when requesting access to a record.
- 5.1.2 The prescribed Form must be addressed and submitted to the Information Officer or Deputy Information Officer by hand, post, per fax or e-mail, which details are set out in paragraph 3 above.
- 5.1.3 The requester must provide sufficient information on the requester and the record(s) requested in order for the Information Officer to identify the record(s).

- 5.1.4 The requester must indicate, as per Section 29(2) of PAIA, the form of access that is required.
- 5.1.5 The requester must indicate whether the requested record(s) is preferred in any particular language.
- 5.1.6 The requester should indicate the manner in which he / she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
 - 5.1.6.1 The requester will receive the information in such manner as indicated. Section 29(3) of PAIA however indicates that making available the information will depend on whether the request will not interfere unreasonably with the effective administration of the WCGRB, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.
 - 5.1.6.2 According to Section 29(4), should access in the form as requested, be refused as per Section 29(3), but access is given in an alternative form, then the fee charged may not exceed the amount that would have been charged for access in the form initially requested.
- 5.1.7 If, in addition to a written reply to the request for the record, the requester wants to be informed of the decision in any other manner, the requester must specify the manner and provide the necessary particulars to be informed accordingly.
- 5.1.8 Where the requester is making a request for the information on behalf of another person, he or she must provide proof of the capacity in which the request is being made and pay the prescribed fee set out under **Annexure "B"**.
- 5.1.9 An oral request for access to a record(s) may be made, if the requester is illiterate or has a disability. The Information Officer must complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 5.1.10 The requester will be notified of the prescribed fee payable before a request for information is processed further which are set out under <u>Annexure "B".</u>
- 5.1.11 The request for information will, in terms of Section 25 of PAIA be processed by the Information Officer within 30 days after receipt of the request or as soon as is reasonably possible, where the Information Officer will inform the requester of his/her decision.
- 5.1.12 Section 26 of PAIA prescribes the instances where the period of 30 days referenced in Section 25, may be extended once for a further 30 days.
- 5.1.13 If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or in an unacceptable form, the requester may lodge an internal appeal as per Section 74 of PAIA. Section 74 allows for appeals against the decision of the Information Officer of a public body referred to in paragraph (a) of the definition of "public body" in Section 1 of PAIA. The WCGRB is a public body as referenced in paragraph (b) of the definition of "public body" in Section 1 of "public body" in Section 1 of PAIA. Therefore, no internal appeal may be lodged against a decision of an Information Officer of a public body such as the WCGRB.
- 5.1.14 Refer to Section 10 below for the remedies open to a Requester and/or Third party aggrieved by a decision of the Information Officer.

6. CATEGORIES OF RECORDS HELD BY THE WCGRB

6.1 RECORD THAT MAY BE REQUESTED

As per Section 14 (1)(d), the WCGRB holds the following records that may be requested via the PAIA request process:

DEPARTMENT / FUNCTIONS	RECORDS
Executive Department: Legal Services	 Gambling Legislation of the WCGRB Policy Determinations Requests for access to information Correspondence of legal import
Executive Department: Secretariat	 Recordings and Resolutions of the WCGRB regarding Public Hearings Minutes of Board Meetings, per Section 19 and 17 of the Act
Executive Department: Human Resources	 Advertisements for positions at the WCGRB Recruitment policy Staff records
Administration and Finance Department	 List of Applicants for Tenders List of Tenders Awarded Supply Chain Management Legislation Annual Reports Strategic Plan Annual Performance Plan The WCGRB's Budget as per the Budget Estimates of Provincial Revenue and Expenditure, once tabled in Provincial Legislature
Licensing Department	 Public inspection copies of applications for licences, objections and replies to same. Licences and Certificates with licence conditions (subject to Section 17 of the Act and PAIA provisions) issued by the WCGRB

6.2 RECORDS AUTOMATICALLY AVAILABLE

As per Section 15 of PAIA, the following records are automatically available without a person having to request access in terms of PAIA.

6.2.1 RECORDS FOR INSPECTION

- The Western Cape Gambling and Racing Act and Regulations
- Rules of the WCGRB:
 - Bookmaker Operational Rules;
 - Totalisator Rules;
 - Casino Operational Rules;
 - LPM Operational Rules;
 - Racing and Betting Operational Rules;

- Gambling Licences, Certificates of Approval and Certificates of Suitability with the generic conditions of licence, where applicable, and subject to Section 17 and PAIA provisions
- Public Notices.
- Annual Reports of the WCGRB
- List of Gambling Devices approved by the WCGRB.

6.2.2 RECORDS FOR PURCHASE OR COPYING

- The Western Cape Gambling and Racing Act, Regulations and Rules
- WCGRB Tender Documents
- Extracts from public inspection copies of licence applications

6.2.3 RECORDS FREE OF CHARGE

The following application forms and records are available for printing from the WCGRB's website, which details are listed under paragraph 3 above. Should physical / hard copies be requested from the WCGRB, a fee will be payable for such copies.

- The Western Cape Gambling and Racing Act and Regulations
- Rules of the WCGRB:
 - Bookmaker Operational Rules;
 - Totalisator Rules;
 - Casino Operational Rules;
 - LPM Operational Rules; and
 - Racing and Betting Operational Rules
- Application forms (New / Renewal) for Licences (including National licences), Certificates of Suitability, Certificates of Approval, Procurement of Financial Interest, Employee licences
- Annual Reports of the WCGRB
- Public Notices
- Request for Applications (RFA)
- Business Entity Disclosure Forms for New Licence Applications and Finding of Suitability, Renewal of Site Licence
- Notification of Sale/Other Disposal of Financial Interest (Form LPM 58)
- Standard Site Manager's Agreement
- Affidavits in respect of licence applications and finding of suitability, various employee licences, limited probity application
- Personal History Disclosure Forms Natural Person
- Application form for Premises Licences
- Letter of Certification (LOC) in respect of Gambling Devices
- Gambling Fees
- Procedural Guidelines for lodging Objections to Applications Advertised in Media

There has been no Notice published in terms of Section 15(2).

7. INFORMATION RELATED TO POPIA

In terms of the Protection of Personal Information Act, Act 4 of 2013 ('POPIA") we are required to provide data subjects with a description of the personal information which we process and why it is processed, and who we may share this information with, which detail is described below:

Personal information the WCGRB processes

The type of personal information that the WCGRB processes will depend on the purpose for which it is collected.

The WCGRB will disclose to data subjects conducting business with or interacting with the WCGRB as Regulator, why the personal information is being collected and will process the personal information for that purpose only, which is done under the WCGRB's specific and detailed processing notices housed on the WCGRB website.

Below is a listing of the personal information that is processed by the WCGRB, including the category of data subject that it belongs to. The information provided under this section refers to broad categories of information.

This list is not exhaustive.

Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.

Juristic persons / entities: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.

Foreign persons / entities: names; contact details; physical and postal addresses; financial information; date of birth; passport number; nationality; gender; confidential correspondence; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.

Intermediary / Advisor: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.

Regulatory Authorities - Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.

Firms - Juristic persons / entities: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.

Staff, Directors, Executives, Committee members, Employees and related parties: gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; ID number; next of kin; children's name,

gender, age, school, grades; physical and postal address; contact details; opinions, criminal behaviour and/or criminal records; well-being; trade union membership; external commercial interests; medical information.

Website end-users / Application end-users: names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data.

Sharing of personal information

The WCGRB may supply personal Information to the following potential recipients:

- Management;
- Employees;
- Operators;
- Stakeholders;
- Regulators and governmental bodies; and
- Other third party recipients

This list is not exhaustive.

Cross border transmission of personal Information

The WCGRB may disclose personal information we process to any of our overseas regulatory counterparts or third-party service providers, with whom we engage in business or whose services or products we elect to use. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

The WCGRB will in this regard, endeavour to enter into written agreements to ensure that other parties comply with the POPIA and our confidentiality and privacy requirements, or request consent / authorisation from the affected data subject(s) for the onward transmission of such personal information.

General description of information security measures

The WCGRB employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information.

These measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up our information technology infrastructure; and
- Outsourced service providers who are contracted to implement security controls.

Requests

Any request for access to personal information as per the provisions of POPIA, must be made in accordance with the provisions set out under this PAIA Manual.

You have the right to request the correction, deletion or destruction of your personal information, in the prescribed form, which form is available on our website.

You may object to the processing of your personal information in the prescribed form, which form is available on our website.

8. SERVICES RENDERED BY THE WCGRB AS A PUBLIC ENTITY

- 8.1 The WCGRB is mandated to:
 - (i) Receive and investigate applications for licences pertaining to various sectors of the gambling and betting industries in the Province;
 - (ii) Consider licence applications; and
 - (iii) Exercise regulatory authority over the conduct of gambling and betting operations by all entities and persons licensed by it.
- 8.2 As such, the WCGRB renders services to the Province, the gambling industry and the public, by ensuring:
 - Through probity investigations, that only appropriate persons, who meet the applicable legal requirements, are licensed to participate in the industry.
 - Through ongoing oversight over the licensed industry, that licensed operations take place in accordance with the prescribed requirements and procedures and operate fairly towards the public.
 - Through the imposition of licence conditions, that licence holders comply with the undertakings made in their bids or other requirements stipulated by the WCGRB and conduct their activities in a socially responsible manner.
 - Through ongoing research, that the legal framework within which the WCGRB operates keeps pace with developments on technological and other levels.
 - Through enforcement of the law, that illegal gambling activities are detected and prosecuted.
 - Through consistent and thorough regulation, that the industry functions in a stable and credible environment.
 - Through regular and detailed compliance audits, that any instances of noncompliance by licence holders are detected and appropriately addressed.
 - Through regular and comprehensive financial audits, the taxes and levies due to the provincial fiscus are accurately calculated and timeously paid.
 - Through the attendance at both national and international conferences and industry related events, together with the internal training programmes in respect of such attendance, that the WCGRB is kept abreast of the latest development in the industry.

8.3 Self-Exclusion

Licensed gambling operators in the Province operate a system of self-exclusion in terms whereof a punter can voluntarily request to be excluded from a licensed gambling establishment. The National Responsible Gambling Programme has a help-line for treatment and counselling of problem gamblers. The Programme can be contacted on 0800 006 008 toll free.

The Information Officer of the WCGRB or the Office of the WCGRB can be contacted in relation to access to the aforementioned services. The website of the WCGRB can also be consulted in this regard. Kindly see paragraph 3 above for the necessary contact details.

9. PUBLIC PARTICIPATION PROCESSES IN THE FORMULATION OF POLICY OR EXERCISE OF POWERS OR PERFORMANCE OF DUTIES

- 9.1 The Provincial Legislature invites comments from the general public in the event of proposed amendments to the Western Cape Gambling and Racing Act and Regulations. The WCGRB invites comments from the general public on proposed amendments to the Rules of the WCGRB.
- 9.2 When considering and awarding gambling licences, the WCGRB involves the public in such process, by:
- 9.2.1 Publishing Applications for licences in the *Provincial Gazette* and newspapers circulating in the relevant district / area; and
- 9.2.2 Interested parties are invited to lodge written objections or comments to licence applications. Should the WCGRB decide to hold a Public Hearing in relation to any licence application, the public is invited to make oral representation at such hearing.
- 9.3 In addition to the above, members of the public can, at any time make representations to the WCGRB regarding the conduct of any person or entity regulated by the WCGRB. The public is also encouraged to submit proposals for policy or legislative reform. These will be considered by the WCGRB, who will then advise the responsible Member for purposes of legislative amendments.

10. REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE WITH THE PAIA

- 10.1 Should the requester be aggrieved or dissatisfied with the decision of the WCGRB, he or she can, in terms of Section 78, apply to a Court for the appropriate relief.
- 10.2 A requester who is aggrieved by a decision of the information officer of a public body, referred to in paragraph (b) of the definition of "public body" in section 1 of PAIA,
 - (i) To refuse a request for access; or
 - (ii) taken in terms of section 22, 26 (1) or 29 (3),

may, in terms of Section 77A of the PAIA, within 180 days of the decision, submit a complaint, alleging that the decision was not in compliance with PAIA, to the Information Regulator in the prescribed manner and form, detailed under <u>Annexure A</u>, for appropriate relief.

10.3 A third party who is aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of "public body" in section 1 of PAIA, to grant a request for access may, in terms of Section 77A of PAIA, within may within 180 days of the decision, submit a complaint, alleging that the decision was not in compliance with this Act, to the Information Regulator in the prescribed manner and form, detailed under **Annexure A**, for appropriate relief.

11. AVAILABILITY OF THE MANUAL

This manual will be made available on the WCGRB's website: <u>www.wcgrb.co.za</u> in three official languages, and will be available at the offices of the WCGRB for public inspection during normal business hours.

12. PRESCRIBED FEES – PUBLIC BODIES

The fees set out under <u>Annexure "B"</u> have been prescribed in the Regulations promulgated in terms of PAIA and must be paid by a requester before any records requested can be made available to the requester.

For any request that would require more than six hours to access or to prepare for disclosure, one third of the access fee is payable as a deposit by the requester, as per Section 22(2) of PAIA. The actual postage is payable when a copy of a record must be posted to a requester.

ANNEXURE A

DEFINITIONS

Term	Definition		
Act	Means the Western Cape Gambling and Racing Act, 4 of 1996		
Access Fee	A fee prescribed for the purpose of reproduction and for search and preparation; and for the time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure.		
Court	(a) the Constitutional Court acting in terms of section 167 (6)(a) of the Constitution; or		
	(b) (i) a High Court or another court of similar status; or		
	(ii) a Magistrate's Court for any district or for any regional division established by the Minister for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), either generally or in respect of a specified class of decisions in terms of this Act, designated by the Minister by notice in the Gazette and presided over by a magistrate, an additional magistrate or a magistrate of a regional division established for the purposes of adjudicating civil disputes, as the case may be, designated in terms of section 91A, within whose area of jurisdiction-		
	(aa) the decision of the information officer or relevant authority of the public body or the head of a private body has been taken;		
	(bb) the public body or private body concerned has its principal place of administration or business; or		
	(cc) the requester or third party concerned is domiciled or ordinarily resident.		
Information officer	Means the Chief Executive Officer of the WCGRB or the		
	person who is acting as such.		
Manual	Means this PAIA Manual.		
Official	Means –		
	the Chief Executive Officer, or		
	such other staff as appointed by the WCGRB		

ΡΑΙΑ	Means the Promotion of Access to Information Act, 2 of 2000		
Person	Means a natural or juristic person.		
PFMA	Means the Public Finance Management Act, 1 of 1999)		
ΡΟΡΙΑ	Protection of Personal Information Act, 4 of 2013		
Public body	Means –		
	any department of state administration in the national or provincial sphere of government or any municipality in the local sphere of government; or		
	any other functionary or institution when -		
	exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or		
	exercising a public power or performing a public function in terms of any legislation.		
Record	In relation to a public body, means any recorded information –		
	(a) regardless of the form or medium;		
	(b) in the possession or under the control of the WCGRB;		
	(c) whether or not it was created by the WCGRB.		
Regulator	The Information Regulator		
Request for access	Means a request for access to a record of the WCGRB in terms of Section 11 of PAIA		
Requester	In relation to – (a) a public body means –		
	(i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of "public body", or an official thereof) making a request for access to a record of that public body; or		
	(ii) a person acting on behalf of the person referred to in subparagraph (i).		
	In relation to a request for access to –		
Third party	(a) a record of a public body, means any person (including, but not limited, to the government of a foreign state, an international organisation or an organ of that government or organisation) other than –		
	(i) the requester concerned; and		

	 (ii) a public body or (b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but for the purposes of section 34 and 63 of PAIA, the reference to "person" in paragraphs (a) and (b) must be construed as a reference to "natural person".
WCGRB	Western Cape Gambling and Racing Board
Working days	Means any days other than Saturdays, Sundays or public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act, No. 36 of 1994).

In this Guide, words inferring any one gender shall include the other gender, and the singular shall include the plural, unless the context indicates otherwise.

FORM 1: REQUEST FOR A COPY OF THE GUIDE

[Regulations 2 and 3]

TO: *The Information Regulator P.O Box 31533 Braamfontein, 2017 E-mail address: <u>inforeg@justice.gov.za</u> Tel number: +27 (0) 10 023 5200

OR

*The Information officer

Ι,

Full names:

In my capacity as (mark with "x"):	Information office	r	c	Other	
Name of					
*public/private body (if applicable)					
Postal Address:					
Street Address:					
E-mail address:					
Facsimile:					
Contact numbers:	Tel.(B):		Cellular:		

hereby request the following copy(ies) of the Guide:

Language (mark with "X")	No of copies	Language(mark with "X")	No of copies
Sepedi,		Sesotho	
Setswana		siSwati	

Tshivenda	Xitsonga	
Afrikaans	English	
isiNdebele	isiXhosa	
isiZulu		· · ·

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at_____this____day of_____20___

Signature of requester

* Delete whichever is not applicable

FORM 2: REQUEST FOR ACCESS TO RECORD

[Regulation 7]

Note:

- 1. Proof of identity must be attached by the requester
- 2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The information officer

(Address)

(Add/633)

E-mail address:	
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Fax number:	
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Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

	PERSONAL INFORMATION				
Full names:					
Identity number:					
Capacity in which request is made (when					
made on behalf of					
another person):					
Postal Address:					
Street Address:					
E-mail address:					
Contact numbers:	Tel. (B):		Facsimile:		
	Cellular:				
Full names of person					
on whose behalf					

request is made (if			
applicable):			
Identity number:			
Postal Address:			
Street Address:			
E-mail address:			
Contact numbers:	Tel. (B):	Facsimile	
	Cellular:		·

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or	
relevant part of the	
record:	
Reference number, if	
available:	
Any further particulars	
ofrecord:	

TYPE OF RECORD				
(Mark the applicable box with an "X")				
Record is in written or printed form				
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)				

Record consists of recorded words or information which can be reproduced in sound						
Record is held on a com	Record is held on a computer or in an electronic, or machine-readable form					
	FORM OF ACCESS					
	(Mark the applicable box with an "X")					
Printed copy of record	(including copies of any virtual images, transcriptions and					
information held on com	nputer or in an electronic or machine-readable form)					
Written or printed transo	cription of virtual images (this includes photographs, slides,					
videorecordings, compu	iter-generated images, sketches, etc.)					
Transcription of soundtra	ack (written or printed document)					
Copy of record on flash	drive (including virtual images and soundtracks)					
Copy of record on comp	act disc drive (including virtual images and soundtracks)					
Copy of record saved or	n cloud storage server					
	MANNER OF ACCESS					
	(Mark the applicable box with an "X")					
Personal inspection of re	ecord at registered address of public/private body (including					
listening to recorded w	vords, information which can be reproduced in sound, or					
information held on com	nputer or in an electronic or machine-readable form)					
Postal services to posta	laddress					
Postal services to street	address					
Courier service to street	address					
Facsimile of information	in written or printed format (including transcriptions)					
E-mail of information (in	cluding soundtracks if possible)					
Cloud share/file transfer						
Preferred language:						
(Note that if the record	is not available in the language you prefer, access may be					
granted in the language	granted in the language in which the record is available)					
PARTICUL	ARS OF RIGHT TO BE EXERCISED OR PROTECTED					
If the provided space i	is inadequate, please continue on a separate page and attach	it to this				
For	m. The requester must sign all the additional pages.					
Indicate which right is						
to be exercised or						
protected:						
Explain why the record						
requested is required						
for the exercise or						
protection of the						
aforementioned right:						

	FEES			
A reque	est fee must be paid before the request will be considered.			
You wil	I be notified of the amount of the access fee to be paid.			
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.			
lf you d	qualify for exemption of the payment of any fee, please state the reason for			
exempt	ion			
on:				
	You will The fee and the If you o exempt			

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic Communication (<i>Please specify</i>)

Signed at _____this ____day of _____20 ____

Signature of requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by:	
(state rank, name and	
surname of information	
officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of information officer

FORM 3: OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

Note:

- 1. If your request is granted the-
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record, will only be released once proof of full payment is received.
- 2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO:	_			

Your request dated_____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body *(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)* is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.

OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions	
and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides,	
videorecordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	

Cloud share/file transfer

Preferred language:

(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)

Kindly note that your request has been:



Approved Denied, for the following reasons

4. Fees payable with regards to your request:

Item	Cost per A4-size pageor part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
 For a copy in a computer-readable form on: (i) Flash drive To be provided by requester (ii) Compact disc 	R40.00		
If provided by requestorIf provided to the requestor	R40.00 R60.00		
For a transcription of visual images per A4-size page Copy of visual images	Service to be outsourced. Will depend on the		
	quotation of the service provider.		
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record (i) Flash drive • To be provided by requester (ii) Composed disc	R40.00		
(ii) Compact discIf provided by requestor	R40.00		

If provided to the	R60.00
requestor	
Postage, e-mail or any other electronic	
transfer	Actual costs
TOTAL:	

5. Deposit payable (if search exceeds six hours):

Yes	No
Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following	g Bank account:
Name of Bank:	
Name of account holder:	
Type of account:	
Account number:	
Branch Code:	
Reference Nr:	
Submit proof of payment to:	

Signed at this day of 20	Signed at	this	day of	20
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Information Officer

FORM 4: LODGING OF AN INTERNAL APPEAL

[Regulation 9]

Reference number: _____

PARTICULARS OF PUBLIC BODY						
Name of public body:						
Name and surname of information						
officer:						
PARTICULARS C	OF COMPLAINAN	NT WHO LODGES	S THE	INTERNA	L APPEAL	
Full names:						
Identity number:						
Postal address:						
Contact numbers:	Tel. (B):		Facsi	mile:		
	Cellular:					
E-mail address:						
Is the internal appeal le		•		Yes	No	
If answer is "yes", cap behalf of another pers	on is lodged: (Pro	oof of the capacity	/			
in which appeal is lodg						
PARTICULARS O					. APPEAL IS	
	LODGED (If	lodged by a third	l party	<i>י</i>)		
Full names:						
Identity number:						
Postal address:						
Contact numbers:	Tel. (B):		Facsi	mile:		
	Cellular:					
E-mail address:						
DECISION	AGAINST WHICH				DGED	
		propriate box with	an "X'	')		
Refusal of request for						
Decision regarding fee						
Decision regarding the	•		n the r	equest mu	st be dealt	
with in terms of section	. ,					
Decision in terms of se	ection 29(3) of the	e Act to refuse ac	cess ir	n the form	requested	
by the requester:						
Decision to grant requ						
		IDS FOR APPEA				
(If the provided space			-		e and attach it t	o this
	form. All the add	ditional pages mu	st be s	signed.)		
State the grounds						
on which the						
internal appeal is						
based:						

State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner functification:

Postal address	Facsimile	Electronic Communication (Please specify)

Signed at	_this	day of	20
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Signature of appellant/Third party

FOR OFFICIAL USE OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by:					
(state rank, name and sur	mame of Int				
officer)		onnation			
Date received:					
Appeal accompanied by t	ha razeone	for the inf	ormation officer's decision	on Yes	
and, where applicable, the					
	•	•	• •	ch No	
the record relates, submitt			OF APPEAL		
	Yes				
Refusal of request for			New decision (if		
access. Confirmed?	No		not confirmed)		
	Yes				
Fees (Sec 22).			New decision (if		
Confirmed?	No		not confirmed)		
	Yes				
Extension (Sec 26(1)).			New decision (if		
Confirmed?	No		not confirmed)		
	Yes				
Access (Sec 29(3)).			New decision (if		
Confirmed?	No		not confirmed)		
	Yes				
Request for access			New decision (if		
granted. Confirmed?			not confirmed)		
	No				

Signed at _____this ____day of _____20 ____

Relevant authority

FORM 5: LODGING OF COMPLAINT

[Regulation 10]

Note:

- This form is designed to assist the Requester (hereinafter referred to as "the Complainant") in requesting a review of a public or private body's response or non-response to a request for access to records under the Promotion of Access to Information Act 2 of 2000 ("PAIA"). Please fill out this form and send it to the Information Regulator or complete the online complaint form available at https://www.justice.gov.za/inforeg/.
- 2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part E of this complaint form.
- 3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed PAIA form and submit it to the Body.
- 4. A copy of this form will be provided to the Body that is the subject of your complaint. The informationyou provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
- 5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
- 6. Please attach copies of the following documents, if you have them:
 - Copy of the form to the Body requesting access to records;
 - The Body's response to your complaint or access request;
 - Any other correspondence between you and the Body regarding your request;
 - Copy of the appeal form, if your complaint relates to a public body;
 - The Body's response to your appeal;
 - Any other correspondence between you and the Body regarding your appeal;
 - Documentation authorizing you to act on behalf of another person (if applicable);
 - Court order or court documents relevant to your complaint, if any.
- 7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Formand sign each page.
- TO: The Information Regulator P.O Box 31533 Braamfontein, 2017 E-mail address: inforeg@justice.gov.za Tel number: +27 (0) 10 023 5200

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT

(Mark with an "X")

Complainant personally

Representative of complainant

Third party

PREREQUISITES

Did you submit request (PAIA Form) for access to record of a public/private body?	Yes	No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes	No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a pubic body?	Yes	 No	
Have you applied to Court for appropriate relief regarding this matter?	Yes	No	

FOR INFORMATION REGULATOR'S USE ONLY

Received by: (Full names)			
Position:			
Signature:			
Complaint accepted:	Yes	No	
Reference Number:			
Date stamp			

Postal address	Postal address Facsimile		Other electronic communication
			(Please specify)
		PART A	
P	PERSONAL INFORMATION OF COMPLAINANT		
Full names:			
Identity number:			
Postal Address:			
Street Address:			
E-mail address:			

Contact numbers:	Tel. (B):	Facsimile	
	Cellular		

	PART B				
	REPRESE	ENTATIVE INFORMATIC	ON		
(Complete only i	f you will be repr	resented. A Power of Atte	orney must be a	attached if	
complainar	nt is represented	, failing which the compl	laint will be rejeo	cted)	
Full names of					
representative:					
Nature of					
representation:					
Identity number/					
Registration					
number:					
Postal Address:					
Street Address:					
E-mail address:					
Contact numbers:	Tel. (B):		Facsimile		
	Cellular:				

PART C THIRD PARTY INFORMATION (Please attach letter of authorisation)				
Type of body:	Private	Public		
Name of				
*public/private				
body:				
Registration				
number (if any):				
Name, surname				
and title of				
person				
authorised to				
lodge complaint:				
Postal Address:				
Street Address:				
E-mail address:				
Contact numbers:	Tel. (B):	Facsimile		
	Cellular			

PART D BODY AGAINST WHICH THE COMPLAINT IS LODGED				
Type of body:	Private		Public	
Name of			I	1
*public/private body:				
Registration				
number (if any):				
Name, surname and				
title of person you dealt				
with at the public or				
private body to try to resolve your complaint				
or request to access of				
information:				
Postal Address:				
Street Address:				
E-mail Address:				
Contact numbers:	Tel. (B):		Facsimile	
	Cellular			
Reference number				
given (<i>if any</i>):				

PART E COMPLAINT

Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions)

Date on which request for access to					
records submitted:					
Please specify the nature of the right(s)					
to be exercised or protected, if a					
complaint is against a private body:					
Have you attempted to resolve the matter with	the organisation?	Yes	1	No	
If yes, when did you receive it? (Please					
attach the letter to this application.)					

Did you appeal against a decision of the information officer of the public body?			No	
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate matter?	relief regarding this	Yes	No	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				

	PART F				
DET	DETAILED TYPE OF ACCESS TO RECORDS				
(Please select one or mo	re of the following to describe your complaint to the Informa	ation			
	Regulator)				
Unsuccessful appeal:	I have appealed against the decision of the public				
(Section 77A(2)(a) or	body and the appeal is unsuccessful.				
section 77A(3)(a) of					
PAIA)					
Unsuccessful application	I filed my appeal against the decision of the public				
for condonation:	body late and applied for condonation. The				
(Sections 77A(2)(b) and 75(2) of PAIA)	condonation application was dismissed.				
Refusal of a request for	I requested access to information held by a body and				
access:	that request was refused or partially refused.				
(Section 77A(2)(c)(i) or					
77A(2)(d)(i) or 77A(3)(b)					
of PAIA)					
The body requires me	Tender or payment of the prescribed fee.				
to pay a fee and I feel it					
is excessive:	The tender or payment of a deposit.				
(Sections 22 or 54 of					
PAIA)					
Repayment of the	The information officer refused to repaya deposit				
deposit:	paid in respect of a request for access which is				
(Section 22(4) of PAIA)	refused.				
Disagree with time extension:	The body decided to extend the time limit for				
(Sections 26 or 57 of	responding to my request, and I disagree with the requested time limit extension or a time extension				
PAIA)	taken to respond to my access request.				
	laken to respond to my access request.				
Form of access denied:	I requested access in a particular and reasonable				
(Sections 29(3) or 60(a)	form and such form of access was refused.				
of PAIA)					
	It is more than 30 days since I made my request and				
Deemed refusal:	I have not received a decision.				
(Sections 27 or 58 of	Extension period has expired and no response				
PAIA)	received.				

Inappropriate disclosure	Records (that are subject to the grounds for refusal	
of a record:	of access) have inappropriately/unreasonable been	
(Mandatory grounds for	disclosed.	
refusal of access to		
record)		
No adequate reasons	My request for access is refused, and no valid or	
for the refusal of access:	adequate reasons for the refusal, were given,	
(Section 56(3)(a) of	including the provisions of this Act which were relied	
PAIA)	upon for the refusal.	
Partial access to record:	Access to only a part of the requested records was	
(Section 28(2) of 59(2)	granted and I believe that more of the records should	
of PAIA)	be disclosed.	
Fee waiver:	I am exempt from paying any fee and my request to	
(Sections 22(8) or 54(8) of	waive the fees was refused.	
PAIA)		
Records that cannot be	The Body indicated that some or all of the requested	
found or do not exist:	records do not exist and I believe that more records	
(Section 23 or 55 of	do exist.	
PAIA)		
Failure to disclose	The Body decided to grant me access torequested	
records:	records, but I have not received them.	
No jurisdiction (exercise	The Body indicated that the requested records are	
or protection of any	excluded from PAIA and I disagree.	
rights):		
(Section 50(1)(a) of		
PAIA)		
Frivolous or vexatious	The Body indicated that my request is manifestly	
request:	frivolous or vexatious and I disagree.	
(Section 45 of PAIA)		
Other:		
(Please explain):		

PART G EXPECTED OUTCOME

How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.

PART H AGREEMENTS

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.

The information in this Complaint Form is true to the best of my knowledge and belief.

I authorise the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.

I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.



If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at_____this____day of_____20____

Complainant/Representative/Authorised person of Third party

ANNEXURE B

FEES

Fees in respect of Public Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc	
	 If provided by requestor 	R40.00
	 If provided to the requestor 	R60.00
5.	For a transcription of visual images per A4-size	Service to be outsourced. Will
	page	depend on quotation from
6.	Copy of visual images	Service provider.
7	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc	
	 If provided by requestor 	R40.00
	 If provided to the requestor 	R60.00
9.	To search for and prepare the record for disclosure	R100.00
	for each hour or part of an hour, excluding the first	
	hour, reasonably required for such search and	
	preparation.	
	To not exceed a total cost of	R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request
		calculated in terms of items 2 to 8
11.	Postage, e-mail or any other electronic transfer	Actual expenses, if any

ANNEXURE "LAWS"

RECORDS KEPT IN TERMS OF THE OTHER LEGISLATION

- Auditing Profession Act 26 of 2005 (Professions)
- Basic Conditions of Employment Act 75 of 1997 (Labour)
- Broad-Based Black Economic Empowerment Act 53 of 2003 (Constitutional Law)
- Companies Act 71 of 2008 (Corporate Law)
- Compensation for Occupational Injuries and Diseases Act 130 of 1993 (Labour)
- Constitution of the Republic of South Africa 108 of 1996 (Constitutional Law)
- Criminal Procedure Act 51 of 1977 (Procedural Law)
- Electronic Communications and Transactions Act 25 of 2002 (Communications)
- Employment Equity Act 55 of 1998 (Labour)
- Financial Intelligence Centre Act 38 of 2001 (Criminal Law)
- Identification Act 68 of 1997 (Citizenship)
- Immigration Act 13 of 2002 (Citizenship)
- Income Tax Act 58 of 1962 (Income Tax)
- Insolvency Act 24 of 1936 (Estates)
- Institution of Legal Proceedings against certain Organs of State Act 40 of 2002(Procedural Law)
- Justices of the Peace and Commissioners of Oaths Act 16 of 1963 (Legal Administration)
- Labour Relations Act 66 of 1995 (Labour)
- National Credit Act 34 of 2005 (Contract and Delict)
- National Environmental Management Act 107 of 1998 (Environment and Conservation)
- National Health Act 61 of 2003 (Health)
- National Gambling Act 7 of 2004

- Occupational Health and Safety Act 85 of 1993 (Labour)
- Prescription Act 68 of 1969 (Procedural Law)
- Prescribed Rate of Interest Act 55 of 1975 (Contract and Delict)
- Promotion of Access to Information Act 2 of 2000 (Constitutional Law)
- Regulation of Interception of Communication and Provision of Communications-Related Information Act 70 of 2002 (Communication)
- Skills Development Act 97 of 1998 (Labour)
- Skills Development Levies Act 9 of 1999 (Labour)
- Unemployment Insurance Act 63 of 2001 (Labour)
- Unemployment Insurance Contributions Act 4 of 2002 (Labour)
- Value-Added Tax Act 89 of 1991 (Revenue)