



# ***NRF Records and Document Management***

***Manual in terms of Section 14 of the  
Promotion of Access to Information (PAIA) Act  
(Act No.2 of 2000)***

Version 0.002




April 2015

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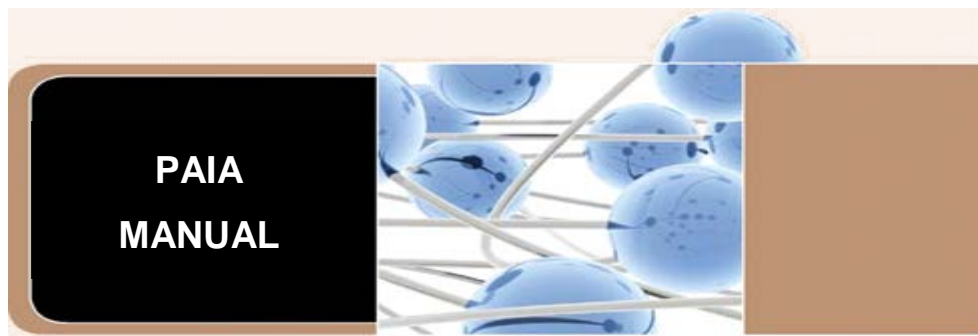
## TERMS EXPLAINED

### TERMS EXPLAINED

The following definitions and interpretations are used to define various terms used in the Act. They have been attached here to assist with the meaning which should be attached to these words in the Act and in this Guide.

- **“Access fee”** means a fee prescribed for the purposes of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure.
- **“Application”** means an application to a court in terms of section 78.
- **“Court”** means:
  - the constitutional court acting in terms of section 167 (6) (a) of the constitution of the Republic of South Africa, 1996; or
  - a high court or another court of similar status; or
  - a magistrate’s court, either generally or in respect of a specified class of decisions in terms of PAIA, designated by the minister; by notice in the gazette and presided over by a magistrate or an additional magistrate designated in terms of section 91a, within whose area of jurisdiction –
- **“Information Officer”** means the chief executive officer, equivalent officer or the person who is acting as such.
- **“Notice”** means notice in writing.
- **“Personal Requester”** means a requester seeking access to a record containing personal information about the requester.
- **“Public body”** means:
  - Any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere; 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 other legislation.

- **“Record”** of, or in relation to, a public or private body, means any recorded information:
  - regardless of the form or medium;
  - in the possession or under the control of that public or private body respectively; and
  - whether or not it was created by that public or private body, respectively.
- **“Request for access”** in relation to:
  - Public body, means a request for access to a record of a public body in terms of section 11 of PAIA.
- **“Requester”** in relation to:
- A public body, means:
  - 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
  - A person acting on behalf of the person referred to in subparagraph (i)
- **“Third party”**, in relation to a request to access to:
  - A record of a public body, means any person (including, but not limited to the government of a foreign state, an international organization or an organ of that government or organization) other than:
    - The requester concerned; and
    - A public body.



## 1 Introduction and purpose of the Manual

The Promotion of Access to Information Act (PAIA), Act No. 2 of 2000 (hereafter also called the Act), seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

The Act also requires public and private bodies to compile manuals that provide information on both the types and categories of records held by such public and private bodies. The National Research Foundation (“NRF”) is a public body under paragraph (b)(ii) of the definition of “public body” in section 1 of the Act. This document serves as the NRF’s manual with regard to information or records in relation to which the NRF is a public body.

The NRF PAIA Manual is intended to outline the procedures to be followed in accessing information held by the NRF in accordance with the requirements of the Act, also contains contact information for the Accounting Officer (also referred to as the Information Officer) and designated Deputy Information Officers at the National Research Facilities (“NFs”) and other Business Units (BUs) of the NRF.

## 2 The South African Human Rights Commission's Guide on PAIA (Section 10)

The **South African Human Rights Commission** (SAHRC) has, in terms of Section 10 of the PAIA Act, compiled a guide on the use of PAIA. The Guide is available at the offices of the SAHRC at the following address:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Physical Address: Braampark Forum 3  
33 Hoofd Street, Braamfontein

Postal Address: Private Bag X2700  
Houghton  
2041

Tel: +27 11 877 3600

Website: <http://www.sahrc.org.za>

Email address: [PAIA@sahrc.org](mailto:PAIA@sahrc.org)

### 3 Contact Details of the Information Officer (IO) and Deputy Information Officers (DIOs) at the NRF Business Units and National Research Facilities (Section 14(1) of the Act)

Designation	Name & Address of the Information Officer	Telephone	Fax	e-Mail
<b>Information Officer: Acting Chief Executive Officer – NRF</b>	<b>Dr Beverley Damonse</b> National Research Foundation: Head Office P O Box 2600 Pretoria 0001  Meiring Naude Road Brummeria Pretoria, South Africa	012 481 4000	012 349 1179	<a href="mailto:info@nrf.ac.za">info@nrf.ac.za</a> <a href="mailto:beverley.damonse@nrf.ac.za">beverley.damonse@nrf.ac.za</a>  <a href="mailto:Ziphora@nrf.ac.za">Ziphora@nrf.ac.za</a>
<b>Deputy Information Officer : Executive Director – KM</b>	<b>Dr Daisy Selematsela</b> National Research Foundation: Corporate Office P.O. Box 2600 Pretoria 0001  Meiring Naude Road Brummeria Pretoria, South Africa	012 481 4158	012 481 4006	<a href="mailto:daisys@nrf.ac.za">daisys@nrf.ac.za</a>
<b>Deputy Information Officer : Acting Managing Director - HartRAO</b>	<b>Prof Ludwig Combrinck</b>  HartRAO P.O.Box 443 Krugersdorp 1740  Farm 502, JQ Hartebeesthoek Broederstroom Road, Krugersdorp District	012 301 3100	012 301 3300	<a href="mailto:Ludwig@hartrao.ac.za">Ludwig@hartrao.ac.za</a>



	South Africa			
<b>Deputy Information Officer : Acting Managing Director - iThemba Labs</b>	<b>Dr Kobus Lawrie</b> iThemba Labs P O Box 722 Somerset West 7129  Old Faure Road Faure, South Africa	021 843 1000	021 843 3525	<a href="mailto:lawrie@tlabs.ac.za">lawrie@tlabs.ac.za</a>
<b>Deputy Information Officer :Executive Director - SAASTA</b>	<b>Dr Jabu Nukeri</b> South African Agency for Science & Technology Advancement PO Box 1758 Pretoria 0001  Didacta Building 211 Nana Sita Street Pretoria, South Africa	012 392-9300	012 320-7803	<a href="mailto:info@saasta.ac.za">info@saasta.ac.za</a>  or  <a href="mailto:Jabu@saasta.ac.za">Jabu@saasta.ac.za</a>
<b>Deputy Information Officer :Managing Director – SAAO</b>	<b>Prof Ted Williams</b> South African Astronomical Observatory PO Box 9 Observatory 7935  Observatory Road Observatory Cape Town, South Africa  Old Frasersburg Road, Sutherland, South Africa	021 447 0025	021 447 3639	<a href="mailto:enquiries@sao.ac.za">enquiries@sao.ac.za</a>  or  <a href="mailto:Williams@sao.ac.za">Williams@sao.ac.za</a>
<b>Deputy Information Officer :Managing Director – SAIAB</b>	<b>Dr Angus Paterson</b> South African Institute for Aquatic Biodiversity Private Bag 1015 Grahamstown	046 603 5800	046 622 2403	<a href="mailto:a.paterson@saiab.ac.za">a.paterson@saiab.ac.za</a>

	6140 Somerset Street Grahamstown, South Africa			
<b>Deputy Information Officer :Managing Director – NZG</b>	<b>Dr Clifford Nxomani</b> National Zoological Gardens of South Africa 232 Boom Street Pretoria 0001  232 Boom Street Pretoria, South Africa	012 339 2700	012 323 4540	<a href="mailto:Clifford@nzg.ac.za">Clifford@nzg.ac.za</a>  or  <a href="mailto:info@nzg.ac.za">info@nzg.ac.za</a>
<b>Deputy Information Officer: Director Designate – SKA SA</b>	<b>Dr Rob Adam</b> South African Square Meter Array PO Box 522940 Saxonwold 2132  17 Baker Street Rosebank, Johannesburg South Africa  3 <sup>rd</sup> Floor The Park Park Road Pinelands, South Africa	011 442 2434	011 442 2454	<a href="mailto:enquiries@ska.ac.za">enquiries@ska.ac.za</a>  or  rob@ska.ac.za
<b>Deputy Information Officer: Managing Director - SAEON</b>	<b>Mr. Johan Pauw</b> South African Environmental Observation Network Po Box 2600 Pretoria 0001  The Woods Building C, Ground Floor 41 De Havilland Crescent Persequor Technopark Pretoria, South Africa	012 349 7722	012 349 7719	<a href="mailto:johan@saeon.ac.za">johan@saeon.ac.za</a>

## 4 Availability of the NRF PAIA Manual

The NRF PAIA Manual will be available in the following languages:

- English and
- The language spoken in the region where the NRF has representation in terms of its Business Units and National Research Facilities

The NRF PAIA Manual can be obtained in hard copy or downloaded from the **NRF website**. The hard copy (booklet) is available at the NRF Corporate offices located in Pretoria.

The NRF physical address is:

NRF Building  
Meiring Naudé Road  
CSIR South Gate  
Brummeria  
Pretoria  
0184

The NRF website: [www.nrf.ac.za](http://www.nrf.ac.za)

General e-mail address: [info@nrf.ac.za](mailto:info@nrf.ac.za)

## **5 Function and structure of the NRF [Section 14(1) (a)]**

### **5.1 Mandate**

The NRF's mandate, which is derived from the National Research Foundation Act (Act No. 28 of 1998) is to promote and support research through funding, human resource development and the provision of the necessary facilities in order to facilitate the creation of knowledge, innovation and development in all fields of science and technology, including indigenous knowledge, and thereby contribute to the improvement of the quality of life of all the people of the Republic.

### **5.2 Vision**

The vision of the NRF is to ensure research excellence within a transformed research workforce, and a sustainable environment, not only for the benefit of the present generation but also for future generations of South Africans. In short, this vision seeks to create:

- World-class research;
- A transformed society; and
- A sustainable environment.

### **5.3 Mission**

The NRF's mission is to contribute to the knowledge economy in South Africa by attaining at least 1% of global Research and Development (R&D) output within a defined timeline.

### **5.4 Values**

- Passion for excellence
- World-class service
- Ethics and Integrity
- Respect
- People-orientated
- Accountability

### **5.5 Strategic goals**

The NRF has adopted the following broad strategic goals:

- Promote internationally competitive research as basis for a knowledge economy.
- Grow a representative science and technology workforce in South Africa.
- Provide cutting-edge research, technology and innovation platforms.
- Operate world-class evaluation and grant-making systems.
- Contribute to a vibrant national innovation system.

## 5.6 Core Competencies of the NRF

The core competencies of the NRF are embedded in:

- Leading-edge grant management systems.
- World-class research evaluation and benchmarking practices.
- Science and technology management experience.
- State-of-the-art research platforms.
- Specialised research capacity at the National Research Facilities.
- Strategic information accumulation and dissemination capability.
- Capacity to catalyse local and international science cooperation, networks and partnerships
- Science Engagement expertise and platforms.

## 5.7 Composition of the NRF

The organisation is clustered into five programmes in order to support the achievement of objectives. These programmes are:

- Programme 1 – Corporate
- Programme 2 – Science Engagement
- Programme 3 – Research and Innovation Support and Advancement (RISA)
- Programme 4 – National Research Facilities Biodiversity, Environment and Nuclear
- Programme 5 - National Research Facilities Astro Geo Sciences (incl. the SKA SA Project)

The NRF Corporate programme supports the business units and the National Research Facilities by overseeing the following functions:

- Finance and Business Systems
- Human Resources and Legal Services
- Governance
- Science Engagement

- Corporate Relations
- Knowledge Management

## 6 Description of subjects on which the NRF holds records [Section 14(1)(d) ]

Automatic Disclosure [Section 15(1)(a)]. The following records are available automatically on the NRF website [www.nrf.ac.za](http://www.nrf.ac.za), and are voluntarily disclosed:

- Reports
- Booklets
- Newsletters
- Marketing material
- Posters
- Pamphlets

The records mentioned above will also be submitted annually to the Minister in terms of Section 15(1).

### **Categories of records that may be requested in line with PAIA (Section 14 (1) (d))**

With regards to the Policies and Procedure documentation, it should be noted that all NRF Policies and Procedures are held by the NRF Corporate Governance unit.

- **Financial Records**

- Budget and budget projections
- Insurance policies and claims
- Tax
- Policies and procedures
- Bank details
- Employee remuneration and benefits
- Annual Financial Statements and interim reports

- **Human Resource Records**

- Policies and procedures
- Employee information

- **Corporate Secretary Records**
  - Terms of Reference of the NRF Board
  - Terms of Reference of the sub committees of the NRF Board
  - Minutes of meetings of the Board and the various Board sub-committees
  
- **Corporate Communication**
  - Intranet
  - Correspondence with internal and external parties
  
- **Corporate Legal Services**
  - Title deeds
  - Agreements
  
- **Knowledge Management (KM)**
  - Policies and procedures
  - Minutes of meetings
  - Records and Document Management
  - Content Resource Management
  - Communities of Practice
  - Data Archiving
  
- **Reviews and Evaluation (RE)**
  - Policies and Procedures
  - Minutes of Meetings
  - Evaluations and Ratings
  - Programme/Funding instruments reviews
  
- **Business and Industry Partnership Programme**
  - Policies and procedures
  - Minutes of meetings
  - THRIP (Technology for Human Resource Industry Programme)
  - Business Partnerships
  - Industry partnerships

- Technology Brokerage
- **Research Development and Support**
  - Policies and procedure
  - Minutes of meetings
  - Central Grant Administration
  - Institutional Research Programme
  - Student Support
  - Technikon Programme
  - Thuthuka Programme
- **Research Promotion and Support**
  - Policies and procedures
  - Minutes of meetings
  - Conservation and management of ecosystems and biodiversity
  - Economic Growth and International Competitiveness
  - Education and Challenges for Change
  - Indigenous Knowledge Systems
  - ICT & Information Society in South Africa
  - Socio-Political impact on Globalisation
  - Sustainable livelihood
  - Unlocking the Future
  - Distinct Research Opportunities
- **Science Engagement**
  - Policies and Procedures
  - Minutes of Meetings
  - Science Communications
  - New Business Development
  - Museum of Science and Technology
  - Programmes in Science and Technology
- **Hartebeesthoek Radio Astronomy (HartRAO)**
  - Policies and procedures
  - Minutes of meetings



- Radio Astronomy
- Science education and public awareness
- Very Long Baseline Interferometry
- Space Geodesy
- Site Support
  
- **iThemba Laboratory for Accelerator –Based Sciences (iThemba LABS)**
  - Policies and procedures
  - Minutes of meetings
  - Accelerator Group
  - Clinical Research
  - Materials Research Group
  - Medical Research Groups
  - Physics Group
  - Support Service Group
  - Isotope Radiotherapy Group
  - Science and Technology Awareness
  
- **South African Astronomical Observatory (SAAO)**
  - Policies and procedures
  - Minutes of meetings
  - Astronomical Research
  - Building Research Capacity
  - International Collaboration
  - Science Education and Public Awareness
  - Southern African Large Telescope (SALT)
  
- **South African Institute of Aquatic Biodiversity (SAIAB)**
  - Policies and procedures
  - Minutes of meetings
  - Communications
  - Fish Collections Data, Library and Databases
  - Marine, Freshwater and Estuarine Research
  
- **National Zoological Gardens of South Africa (NZG)**
  - Policies and procedures

- Minutes of meetings
  - Breeding Centres
  - Projects and Attractions
  - Events
  - Partnerships
  - Membership Programmes
  - Facilities
- **South African Environmental Observation Network (SAEON)**
    - Policies and Procedures
    - Minutes of meetings
    - Ecosystem research materials
    - Environmental change and research materials

## **7 Request procedures (Section 14 (1)(d) of the Act)**

Everyone has the right to request access to information held by the NRF. The NRF accepts requests by telephone, email and fax. However, the requester must comply with all the procedural requirements as prescribed in the Act.

The requester should complete (in his/her own hand writing) the prescribed form (Form A: Annexure 1). The request must be made/submitted to the Information Officer ("IO") or Deputy Information Officer ("DIO") of the NRF at his/her address or fax number or electronic mail address.

The requester must provide sufficient particulars to enable the IO or DIO to identify the record, including the reference number, if that is known to the requester. If the space in the Request Form is not adequate, the requester may continue on a separate folio and attach it to the Request Form. The requester must sign all additional folios.

The requester must also indicate if he/she prefers a copy of the record or if he/she wants personally inspect the records at the offices of the NRF. Alternatively, if the record is not a document, it can be viewed in the requested form, where possible.

If a requester asks for access in a particular form then the requester should get access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the NRF .i.e. damage the record, or infringe a copyright not owned by the state. If, for practical reasons, access cannot be given in the required form but in an alternate

manner, then the fee must be calculated according to the format that the requester first asked for it.

If a requester is unable to read or write, or has a disability, then the request for the record can be made orally. The IO or DIO must then fill in the form on behalf of such requester and give him/her a copy.

If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. by telephone, this must be indicated.

If the requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated.

## **8 The assistance available from the Information Officer**

When a requester informs the Information Officer of the NRF that he/she wishes to make a request for access to a record of the NRF or of another public body, the Information Officer must render such reasonable assistance, free of charge, as is necessary, to enable the requester to complete the prescribed form.

Where the request for access does not comply with the provisions of PAIA, the Information Officer may not refuse the request because of such non-compliance, unless the Information Officer has notified the requester in writing of the intention to refuse the request, together with the reasons for the intention to refuse the request and further, that the Information Officer or other official will provide assistance to the requester so that the request is made in such a form where there would no longer be grounds for refusal.

Where reasonably possible the Information Officer must also furnish the requester with, in addition to the information requested (to which access may be granted or may be refused), any other information that is held by the NRF that is relevant to the request.

The Information Officer must afford the requester a reasonable opportunity to either confirm or alter the request, so that it complies with the formalities of the form of requests.

If, after the Information Officer receives a request for access, it becomes apparent that the request should have been made to another public body, the Information Officer must render such necessary assistance so as to enable the person to make the request to the Information Officer of the appropriate public body.

Where a request for access is made to the Information Officer of the NRF and the record is not in the possession or under the control of the NRF, but in the possession of another public body; or where the subject matter of the requested record is more closely connected with the functions of another public body, the Information Officer must, within 14 days after the request is received, transfer the request to the Information Officer of the relevant public body. The Information Officer must notify the requester of this in writing that the request was received and that the public body is dealing with the request.

The Information Officer must respond to a request for access within 30 days after the receipt of the request. The Information Officer may extend the period of 30 days for a further period of 30 days if he/she has given notice to the requester of the extension. The Information Officer may only extend this period once, and under certain conditions, which include *inter alia*, the request being for a large number of records, consultation among divisions within the NRF or with another public body is required, or if the requester has consented thereto in writing.

The Information Officer must decide whether to grant the request for access and must give notice to the requester of this decision.

If the request for access is granted, the requester must be given a notice stating the request fee and access fee (if any) that must be paid upon access, and the form in which access will be given. The notice must also state that the requester may lodge an internal appeal or an application with a court, against the access fee or the form of access granted.

## **9 Grounds for refusal of access to a record**

For the purpose of this Manual, only the grounds on which access to a record **MUST BE REFUSED** will be highlighted here.

### **9.1 Mandatory protection of privacy of a third party who is a natural person [Section 34]**

The Information Officer must refuse a request for access to a record if the disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

However, a record may not be refused if it consists of information:

- About an individual who has consented in writing to the disclosure of the information;

- Given to the NRF by the individual to whom it relates, and that individual is informed by the NRF before it is disclosed, that the information belongs to a class of information that might already be publicly available;
- That is already publicly available;
- About an individual who is deceased and the requester is the individual's next of kin, or is making the request with the written consent of the individual's next of kin;
- About an individual who is or was an official of the NRF and the information relates to the position or functions of the individual.

## **9.2 Mandatory protection of commercial information of a third party [Section 36]**

The Information Officer must refuse a request for access to a record if it contains:

- Trade secrets of a third party;
- Financial, commercial, scientific or technical information other than trade secrets of a third party, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party;
- Information supplied by a third party in confidence and, if disclosed, would reasonably be expected to place the third party at a disadvantage in contractual or other negotiations; or prejudice the third party in commercial competition. However, a record may not be refused if it consists of information:
  - Already publicly available;
  - About a the third party who has consented in writing, to its disclosure to the requester;
  - About the results of any product or environmental testing (not the results of preliminary testing or investigations conducted for developing methods of testing) or other investigation carried out by or on behalf of a third party; where the disclosure thereof would reveal a serious public safety or environmental risk.

## **9.3 Mandatory protection of certain confidential information and protection of certain other confidential information of a third part [Section 37]**

The Information Officer must refuse a request for access to a record of the NRF if the disclosure thereof would constitute a breach of a duty of confidence owed to a third party in terms of an agreement.

The Information Officer may refuse a request for access to a record if the record consists of information supplied in confidence by the third party and, if disclosed, could prejudice the

future supply of similar information or information from the same source and it is in the public's interest that the information from the same source continue to be supplied.

However, a record may not be refused if it consists of information:

- Already publicly available;
- About the third party concerned and the third party has already consented in writing to its disclosure to the requester.

#### **9.4 Mandatory protection of safety of individuals and protection of property [Section 38]**

The Information Officer must refuse a request for access to a record of that body, if its disclosure could reasonably be expected to endanger the life or physical safety of an individual. The Information Officer may refuse a request for access to a record of the NRF if its disclosure would likely prejudice or impair:

- The security of a building, structure, or system, including a computer or communication system, or any other property.

The Information Officer may refuse a request for access to a record, if its disclosure would likely prejudice or impair the methods, systems, plans or procedure for the protection of:

- The security of a building, structure, or system, including a computer or communication system, a means of transport or any other property.

#### **9.5 Mandatory protection of research information of a third party and protection of research information of a public body [Section 43]**

The Information Officer must refuse a request for access to a record, if the record contains information about research being carried out or to be carried out on behalf of a third party and, if this were to be disclosed, it would likely:

- Expose the third party, the person carrying out the research or will be carrying out the research on behalf of the third party, or the subject matter of the research, to a serious disadvantage.

The Information Officer may refuse a request for access to a record if the record contains information about research being carried out or to be carried out on behalf of the NRF and, if this were to be disclosed, it would likely:

- Expose the NRF, the person carrying out the research or will be carrying out the research by or on behalf of the NRF or the subject matter of the research, to a serious disadvantage.

## 9.6 Operation of public bodies [Section 44]

The Information Officer may refuse a request for access to a record if the record contains an opinion, advice, report or recommendation obtained or prepared, or an account of a consultation, discussion or deliberation, including the minutes of meetings, for the purposes of assisting to formulate policy or the taking a decision in the exercise of power or the performance of a duty in terms of the law on the NRF.

The Information Officer may refuse a request for access to a record, if the disclosure of the record could reasonably be expected to frustrate the deliberative process of the NRF or between public bodies, by inhibiting the candid communication of an opinion, advice, report or recommendation, or the conduct of a consultation, discussion or deliberation; or if the disclosure of the record could, by premature disclosure of a policy or contemplated policy, reasonably be expected to frustrate the success of that policy.

The Information Officer may refuse a request for access to a record if:

- The disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining, or auditing procedure or method used by the NRF;
- The record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise, which was made to the person who supplied the material, that the material or the identity of the person who supplied it would be held in confidence; or
- The record contains a preliminary, working or other draft of an official of the NRF.

## 10 Notice to third parties [Section 47]

The Information Officer considering a request for access to a record that might be a record considered in Sections 9.1 to 9.6 must take all reasonable steps to inform a third party to whom or which the records relate to the request. The Information Officer must inform the third party:

- As soon as reasonably possible, but in any event, within 21 days after the request is received or transferred; and

- By the fastest means possible.

When informing a third party about the request, the Information Officer must:

- State that he/she is considering a request for access to a record that might be a record considered in Sections 9.1 to 9.6 as the case might be, and describe the content of the record;
- Furnish the name of the requester;
- Describe the provisions of Sections 9.1. to 9.6 as the case may be;
- State that the third party may, within 21 days after the party is informed, make written or oral representation to the Information Officer why the request for access should be refused or give written consent for the disclosure of the record to the requester.

## **11 Representations and consent to third parties [Section 48]**

A third party that is informed of a request for access may, within 21 days after the third party has been informed:

- Make written or oral representation to the Information Officer as to why the request should be refused; or
- Give written consent to the disclosure of the record to the requester concerned.

## **12 Decisions on representations for refusal and notice thereof [Section 49]**

The Information Officer must, as soon as reasonably possible but within 30 days after third party is informed as required in Section 9.2:

- Decide after giving due regard to any representations made by the third party in terms of Section 9.3 whether to grant the request for access and notify the third party.
- Notify the third party in terms of Section 9.2, who made representations before a decision is taken.

If, after all reasonable steps have been taken as required by Section 9.2, a third party is not informed of the request in question and the third party did not make any representation in terms of Section 9.3, any decisions must be made with due regard that the third party did not get any opportunity to make any representation.

If the request for access is granted, the notice must state:



- Adequate reasons for granting the request, including the provision of the PAIA Act which were relied upon.
- That a third party may lodge an internal appeal or an application against the decision within 30 days after notice is given, and the procedure for lodging the internal appeal or application and;
- That the requester will be given access to the record after the expiry of 30 days, unless such internal appeal or application with a court is lodged within that period.

### **13 Preservation of records until final decision on request [Section 21]**

If the Information Officer has received a request for access to a record, the Information Officer must take steps that are reasonably necessary to preserve the record, without deleting any information contained in it, until the Information Officer has notified the requester concerned of his or her decision and the periods for lodging an application with a court or an appeal against a decision of the court have expired.

### **14 Records that cannot be found [Section 23]**

If all reasonable steps have been taken to find a record requested: and there are reasonable grounds for believing that the record is in the NRF's possession but cannot be found, or it does not exist, the Information Officer must, by way of affidavit or affirmation, notify the requester that it is not possible to give access to that record.

The affidavit or affirmation must give a full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communications with every person who conducted the search on behalf of the Information Officer. For the purposes of this Act, the notice herein is to be regarded as a decision to refuse a request for access to the record.

If, after the notice is given, the record in question is found the requester concerned must be given access to the record unless access is refused on grounds for refusal contemplated in Chapter 4 of the Act.

### **15 Deferral of access [Section 24]**

If the Information Officer decides to grant a request for access to a record, but that record:

- Is to be published within 90 days after the receipt or transfer of the request or such further period as is reasonably necessary for printing and translating the 40 record for the purpose of publishing it;
- Is required by law to be published but is yet to be published; or
- Has been prepared for submission to any legislature or a particular person but is yet to be submitted;

The Information Officer may defer giving access to the record for a reasonable period. If access to a record is deferred, the Information Officer must notify the requester concerned:

- That the requester may, within 30 days after that notice is given, make representations to the Information Officer on why the record is required before such publication or submission; and
- Of the likely period for which access is to be deferred.

If a requester makes representations, the Information Officer must, after due consideration of those representations, grant the request for access only if there are reasonable grounds for believing that the requester will suffer substantial prejudice if access to the record is deferred for the likely period for which the record is to be deferred.

## **16 Arrangement allowing for public involvement in the formulation of policy and the exercise of power [Section 14(1)(g)]**

16.1 Members of the Board of the NRF are appointed by the Minister responsible for administering the National Research Foundation Act, 1998, in their personal capacities, but the Minister must ensure that they are broadly representative of the following sectors:

- Higher education;
- Business;
- Agricultural and environmental sciences;
- Health sciences;
- Natural sciences and engineering;
- Social sciences and humanities;
- Civil society.

16.2 The NRF is governed by primary legislation, which legislation, depending on the nature and complexity thereof, may be preceded by a discussion paper setting out a

proposed approach and calling for public comment. This step may be followed or replaced by the release of draft legislation for public comment.

## 17 Prescribed fees -Section 22

There are **two types** of fees required to be paid in terms of the Act, namely the **request fee** and **access fee** (see Section 22). The prescribed fees can be viewed in Annexure 2.

- When a requester requesting access to a record(s) other than personal information that is held by the NRF, a requesting fee is payable;
- When a requester who seeks access to a record containing personal information about him- or herself, there is no need to pay the request fee however, the access fee will be payable.
- The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request;
- The requester may lodge an application to the court against the payment of the request fee;
- After the Information Officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified in;
- If the request is granted, then a further access fee must be paid for search, preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

## 18 Remedies available if provisions of the Act are not complied with [Sections 14(1)(h)]

The NRF does not have an internal appeal procedure in place to facilitate appeals against decisions of the IO or DIOs. The remedy available if the provisions of the Act are not complied with is to make an application to Court with jurisdiction.

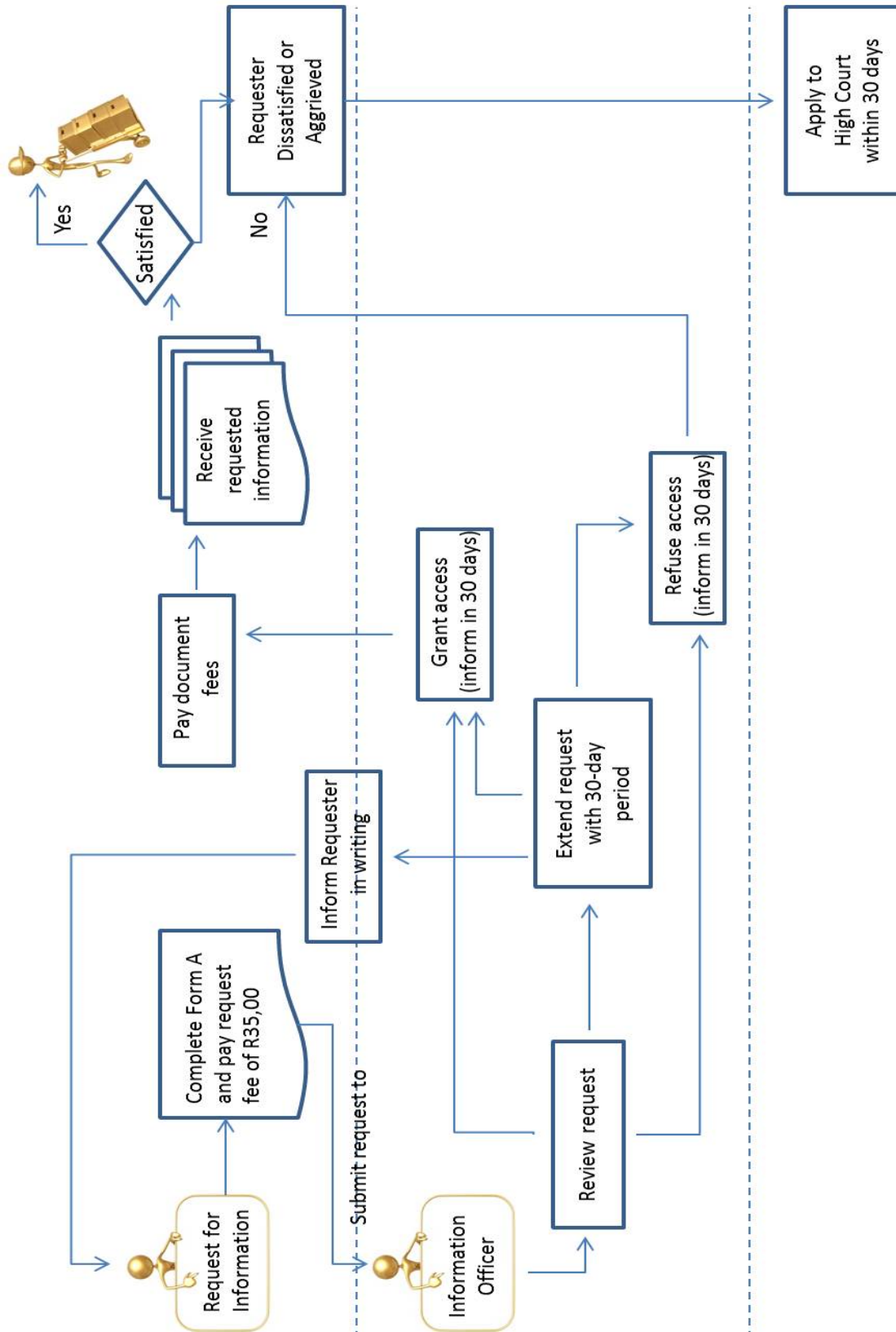
- An aggrieved party may apply to Court for appropriate relief. On hearing such application the Court may grant any order that is just and equitable including:
- To confirm, amend or set aside the decision which is the subject of the application concerned;
- That the Information Officer takes action or refrains from taking action within a period mentioned in the order;
- To grant an interdict, interim or specific relief, a declaratory order or compensation; or

- Costs.

## **19 Other information that may be restricted by the Minister of Justice and Constitutional Development**

There is currently no additional information available from the Minister of Justice and Constitutional Development in terms of Section 14(1) I(I) of the Act.

## 20 Flow chart: Handling of PAIA requests in the NRF



## 21 Annexures

The following documents are attached to this manual as annexures:

- Annexure 1: Form A - Request Form
- Annexure 2: NRF PAIA Fees Schedule

# 21.1 Annexure 1: Form A – NRF Request form

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

## Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000) [Regulation 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by : \_\_\_\_\_

name and surname of information officer/deputy Information Officer

on \_\_\_\_\_ (date) at \_\_\_\_\_ (place) \_\_\_\_\_

Request fee (if any): R.....

Deposit (if any): R .....

Access fee: R.....

\_\_\_\_\_

Signature of Information Officer/deputy Information Officer

### A Particulars of public body

The Information Officer/Deputy Information Officer:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**B Particulars of person requesting access to the record**

- (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: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 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 folio and attach it to this form.*

**The requester must sign all the *additional* folios.**

1 Description of record or relevant part of the record: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2 Reference number, if available: \_\_\_\_\_  
\_\_\_\_\_

3 Any further particulars of record: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. Fees**

- (a) *A request for access to a record, other than 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.*

Disability:		Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>A. Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>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.</p> <p>C. The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images -			
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	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* (stiffy or CD)	
*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
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.						
In which language would you prefer the record?						

**G. Notice of decision regarding request for access**

You will be notified 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.....

---

SIGNATURE OF REQUESTER / PERSON ON WHO'S BEHALF REQUEST IS MADE

## 21.2 Annexure 2: NRF PAIA Fee Schedule

<b>Request fees (Section 22 (8))</b>	
Payable by a requester, other than a personal requester, referred to in Regulation 7(2)	R35-00
<b>Reproduction fees (Section 15 (3)) (apply to the reproduction of records that are disclosed voluntarily or that are made available automatically)</b>	
Fee for a copy of the manual as contemplated in Regulation 5 (c) for every photocopy of an A4-size page or part thereof.	R0-60
(a) For every photocopy of an A4-size page or part thereof	R0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	R0-40
(c) For copy in a computer disk (CD)	R40-00
(d) For a transcription of visual images	R22-00
(i) For an A4-size page or part thereof	
(ii) For a copy of visual images	R60-00
(e) For a transcription of an audio record	R12-00
(i) For an A4-size page or part thereof	
(ii) For a copy of an audio record	R17-00
<b>Access fees (apply to records requested by means of the PAIA request form)</b>	
(a) For every photocopy of an A4-size page or part thereof	R0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0-40
(c) For copy in a computer disk (CD)	R40-00
(d) For a transcription of visual images	
(i) for an A4-size page or part thereof	R22-00
(ii) for a copy of visual images	R60-00
(e) For a transcription of an audio record	R12-00
(i) for an A4-size page or part thereof	
(ii) for a copy of an audio record	R17-00

<b>Search and Preparation fees</b>	
(f) To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R15-00  p/hour excl. 1 <sup>st</sup> hour
<b>Deposit required (Section 22 (2))</b>	
For purposes of Section 22(2) of the PAIA, the following applies:	
(a). Six hours as the hours to be exceeded before a deposit is payable	
(b). One third of the access fee is payable as a deposit by the requester	
<b>Postal fees</b>	
The actual postal fee is payable when a copy of a record must be posted to a requester	

The NRF accepts the following methods of payment:

- Direct Transfer (EFT)
- Bank Deposit

Banking details will be provided upon request. The NRF will, upon receiving payment from the requester, issue a receipt.

## 22 Acronyms

CEO	:	Chief Executive Officer
DIO	:	Deputy Information Officer
DST	:	Department of Science & Technology
HartRAO	:	Hartebeesthoek Radio Astronomical Observatory
ICT	:	Information Communication and Technology
IO	:	Information Officer
iThemba LABS	:	iThemba Laboratory for Accelerator Based Sciences
KM	:	Knowledge Management
NFs	:	National Research Facilities
NRF	:	National Research Foundation
NZG	:	National Zoological Gardens of South Africa
PAIA	:	Promotion of Access to Information Act, 2000 (Act No.2 of 2000)
POPI	:	Protection of Personal Information Act, 2013 (Act No.4 of 2013)
RDM	:	Records and Document Management
RE	:	Reviews and Evaluation
RISA	:	Research and Innovation Support and Advancement
SAAO	:	South African Astronomical Observatory
SAASTA	:	South African Agency for Science & Technology Advancement
SAEON	:	South African Environmental Observation Network
SAHRC	:	South African Human Rights Commission
SAIAB	:	South African Institute for Aquatic Biodiversity
SALT	:	Southern African Large Telescope
SKA	:	Square Kilometre Array
S&T	:	Science and Technology
THRIP	:	Technology and Human Resources for Industry Programme

## 23 Document Owner (s)

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## 24 Document Version Control

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