

## SECTION 51 MANUAL FOR Bio watch South Africa

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## **INTRODUCTION TO BIOWATCH SOUTH AFRICA**

Biowatch South Africa was established in 1997 as a national non-governmental organisation to publicise, monitor and research issues of genetic engineering and promote biological diversity and sustainable livelihoods. The organisation has its head office in Cape Town in the Western Cape and offices in Elandsdraal in Limpopo Province and Mtubatuba in KwaZulu-Natal.

Biowatch South Africa strives to prevent biological diversity from being privatised for corporate gain. We aspire to an environment where people control their food supply systems, where the benefits from commercial use of biological resources are fairly shared and where ordinary citizens are encouraged to help make policy choices about new technologies, such as, genetic engineering. We are working towards a future where there is no hunger, where there is social justice and where our land, water and air is protected.

## **PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

### **1. Contact details [Section 51(1)(a)]**

Ms Leslie Liddell	Director
<b>Postal Address:</b> P O Box 13477 Mowbray 7705 Cape Town	<b>Physical Address:</b> 49 Arnold Street Observatory 7925 Cape Town
Telephone:	+27 21 447 5939
Fax:	+27 21 447 5974
E-mail:	<a href="mailto:biowatch@mweb.co.za">biowatch@mweb.co.za</a>
Website:	<a href="http://www.biowatch.org.za">www.biowatch.org.za</a>

### **2. The section 10 Guide on how to use the Act [Section 51(1)(b)]**

This Guide will be available from the South African Human Rights Commission by not later than August 2004. Please direct any queries to:

The South African Human Rights Commission  
PAIA Unit  
The Research and Documentation Department  
Postal address: Private Bag 2700  
Houghton  
2041  
Telephone: +27 11 484-8300  
Fax: +27 11 484-7146  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### **3. Records available in terms of any other legislation [Section 51(1)(d)]**

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 95 of 1967
- Labour Relations Act No. 66 of 1995
- Occupational Health & Safety Act No. 85 of 1993
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

### **4. Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]**

- The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]**

Biowatch has a 4-year Annual Review and various other publications which are available on request from [biowatch@mweb.co.za](mailto:biowatch@mweb.co.za). Most of these documents are also available on our website.

ii. **Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed [Section 51(1)(e)]**

Administration:

- Minutes of Board of Trustees' meetings
- Minutes of staff meetings
- Funding Agreements
- Etc.

Human Resources:

- Staff recruitment policies
- Employment contracts

- Remuneration records and policies
- Etc.

Finances:

- Annual financial statements
- Assets inventory
- Etc.

iii. **The request procedures**

**Form of request:**

- The requester must use the **prescribed form (please see Appendix 1)** to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

**Fees (please see Appendix 2):**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body 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 [s 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

2. **Other information as may be prescribed [Section 51(1)(f)]**

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

3. **Availability of the manual [Section 51(3)]**

The PAIA Section 51 Manual for Biowatch SA is available at our offices at 49 Arnold Street, Observatory free of charge, copies are available with the SAHRC and on our website: [www.biowatch.org.za](http://www.biowatch.org.za).

**FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**  
(Section 53(1) of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000))

**[Regulation 10]**

**A. Particulars of private body**

The Head:

\_\_\_\_\_

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

- |   |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

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**

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>
---

Full names and surname: \_\_\_\_\_

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

**D. Particulars of record**

- |   |
|---|
| <p>(a) <i>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.</i></p> <p>(b) <i>If the provided space is inadequate, please continue on a separate folio and attach it to this form. <b>The requester must sign all the additional folios.</b></i></p> |
|---|

1. **Description of record or relevant part of the record:**

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

3. **Any further particulars of record:**

**E. Fees**

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

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**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 hereunder, state your disability and indicate in which form the record is required.*

Disability:	Form in which record is required:
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*Mark the appropriate box with an X.*

**NOTES:**

- (a) *Compliance with your request in the specified form may depend on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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**2. If record consists of visual images**

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

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	printed copy of record*		printed copy of information derived from the record*
			copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>			YES
			NO

**G. Particulars of right to be exercised or protected**

*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. Indicate which right is to be exercised or protected:

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

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

*You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to

the record?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

## ***Prescribed fees***

The fees (as per Government Notice No. R. 187) are :

2. The fee for a copy of the manual as contemplated in regulation 9(2)(c)<sup>1</sup> is R1,10 for every photocopy of an A4-size page or part thereof.

3. The fees for reproduction are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
(2) For purposes of section 54(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) One third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

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<sup>1</sup> The Information Officer may, in respect of a copy of the manual or part thereof made available in a manner other than that contemplated in paragraph (a) [of Section 9 of Government Notice No. R. 187, charge the fee prescribed in Item 1 of Part III of Annexure A. (of Government Notice No. R. 187).