



OFFICE OF THE
VALUER-GENERAL

PAIA MANUAL

Prepared in accordance with Section 14 of the Promotion of Access to Information Act, 2000 for Office of the Valuer-General ("the Organisation").

1. APPLICABILITY AND AVAILABILITY OF THIS MANUAL ("Manual")

- 1.1. The Promotion of Access to Information Act 2 of 2000 ("**the Act**") gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights.
- 1.2. The Act sets out the procedural requirements attached to requests for information, the requirements which requests must meet as well as the grounds for refusing requests.
- 1.3. The Act also recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.
- 1.4. This Manual informs requesters of procedural and other requirements which a request for information must meet, and further, this Manual in its entirety is available for inspection, free of charge, at the Organisation's offices and website (see details below).

2. THE ORGANISATION'S CONTACT DETAILS & INFORMATION OFFICER

Information Officer:

Motlatso Maloka

Physical Address:

267 Lillian Ngoyi Street Praetor Forum Building

Pretoria

Gauteng 0001

South Africa

Telephone number: 0767932170

267 Lillian Ngoyi Street Praetor Forum Building

Pretoria

Gauteng 0001

South Africa

Website:

<http://www.ovg.org.za>

E-mail Address of Information Officer:

motlatso.maloka@ovg.org

3. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

The South African Human Rights Commission (“**SAHRC**”) is required, as directed by the Act, to compile a guide containing information that may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be obtained from the SAHRC and can be [accessed here](#). In this regard, enquiries should be directed to:

The South African Human Rights Commission:

Telephone Number: (011) 484 8300

Fax Number:

(011) 484 7149

Website:

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

4. SECTION 15 NOTICE: VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

This section is not applicable, as there has been no voluntary disclosure.

5. THE ORGANISATION’S RECORDS

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

- Property Valuation Act, 17 of 2014;
- Income Tax Act, 58 of 1962;
- Labour Relations Act, 66 of 1995;
- Basic Conditions of Employment Act, 75 of 1997;
- Employment Equity Act, 55 of 1998;
- Skills Development Levies Act, 9 of 1999;

- Compensation of Occupational Injuries and Diseases Act, 130 of 1993;
- Occupational Health & Safety Act, 85 of 1993;
- Electronic Communications and Transactions Act, 25 of 2002; and
- Telecommunications Act, 103 of 1996.

Access to the documents as set out below may be subject to the grounds of refusal, which grounds of refusal are set out in clause 6 below:

5.1. Client Records

"**Client**" in the Manual refers to a natural person or juristic entity that receives services from the Organisation. Client records include the following:

5.1.1. Any such records which may pertain to services rendered by the Organisation including:

5.1.1.1. records provided by a third party and which are in the possession of the Organisation;

5.1.1.2. records provided by a Client to a third party whilst acting for or on behalf of the Organisation;

5.1.1.3. records generated by or within the Organisation relating to its Clients.

5.2. Supplier Records

"**Supplier**" in the Manual refers to a natural person or juristic entity that provides services or goods to the Organisation. Supplier records include the following:

5.2.1. Any such records which may pertain to services received by the Organisation including:

5.2.1.1. records provided by a third party and which are in the possession of the Organisation;

5.2.1.2. records provided by a Supplier to a third party whilst acting for or on behalf of the Organisation;

5.2.1.3. records generated by or within the Organisation relating to its Suppliers.

5.3. Personnel Records

"**Personnel**" in the Manual refers to any person who works for or provides any service to or on behalf of the Organisation and who receives or is entitled to receive remuneration therefrom. Personnel further refers to any other such person who assists in carrying out or conducting the business of the Organisation, and which includes but is not limited to directors, whether executive or non-executive, all permanent, temporary and part-time staff as well as contract workers. Personnel records include inter alia the following:

5.3.1. personal records which are provided by the Personnel themselves and/or by any other third party;

5.3.2. internal evaluation records as well as other internal records;

5.3.3. conditions of the Personnel's employment and other personnel-related contractual and legal records;

5.3.4. correspondence relating to Personnel; and

5.3.5. such training schedules, courses and material as have been provided from time to time.

5.4. Public Body Records

"**Public Body**" in this Manual refers to the Organisation, and these are records which include, but are not limited to, records pertaining to the affairs of the Organisation, and which include:

- 5.4.1. operational records;
 - 5.4.2. databases;
 - 5.4.3. financial records;
 - 5.4.4. information technology systems and documents;
 - 5.4.5. internal correspondence;
 - 5.4.6. marketing records;
 - 5.4.7. service records;
 - 5.4.8. statutory records;
 - 5.4.9. internal policies and procedures.
- 5.5. Records held by third parties as well as those which pertain to third parties
- 5.5.1. Personnel, Client or public body records which are in the possession of another party on the Organisation's behalf;
 - 5.5.2. Records held by the Organisation pertaining to other parties, including without limitation, correspondence, financial records, product and service records, contract records, and records which relate to the Organisation's Suppliers, contractors and/or service providers.

6. GROUNDS FOR THE REFUSAL OF ACCESS TO RECORDS

The Organisation must (as applicable) refuse a request for information on, inter alia, the basis of any of the following, as provided for in terms of Chapter 4 of the Act:

- 6.1. The mandatory protection, if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual;
- 6.2. The mandatory protection of the commercial information of a third party, if the record contains:
 - 6.2.1. trade secrets pertaining to a third party;
 - 6.2.2. financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would or could be likely to cause harm to the commercial or financial interests of that third party;
or
 - 6.2.3. information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations, or to prejudice that third party in commercial competition.
- 6.3. The mandatory protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement;
- 6.4. The mandatory protection if its disclosure could reasonably be expected to endanger the life or physical safety of an individual;
- 6.5. The mandatory protection if its disclosure is prohibited in terms of section 60 (14) of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- 6.6. The mandatory protection if its disclosure is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege;
- 6.7. The mandatory protection if its disclosure contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose –

- 6.7.1. the third party;
- 6.7.2. a person that is or will be carrying out the research on behalf of the third party; or
- 6.7.3. the subject matter of the research, to serious disadvantage.

The Organisation may refuse a request for information on, inter alia, the basis of any of the following, as provided for in terms of Chapter 4 of the Act:

6.8. If the record consists of information that was supplied in confidence by a third party, (i) the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source, and (ii) if it is in the public interest that similar information or information from the same source, should continue to be supplied;

6.9. If its disclosure would be likely to prejudice or impair-

6.9.1. the security of (i) a building, structure or system, including, but not limited to, a computer or communication system, (ii) a means of transport, (iii) any other property, or the security of (i), (ii) or (iii) above; or

6.9.2. methods, systems, plans or procedures for the protection of, (i) an individual in accordance with a witness protection scheme, or (ii) the safety of the public, or any part of the public.

6.10. if the record contains; methods, techniques, procedures or guidelines for-

6.10.1. the prevention, detection, curtailment or investigation of a contravention or possible contravention of the law; or

6.10.2. the prosecution of alleged offenders,

and the disclosure of those methods, techniques, procedures or guidelines could reasonably be expected to prejudice the effectiveness of those methods,

techniques, procedures or guidelines or lead to the circumvention of the law or facilitate the commission of an offence;

6.11. if disclosure could reasonably be expected to cause prejudice to-

6.11.1. the defence of the Republic;

6.11.2. the security of the Republic; or

6.11.3. subject to section 41(1)(a)(iii) of the Act, the international relations of the Republic; or

6.12. if disclosure would reveal information-

6.12.1. supplied in confidence by or on behalf of another State or an international organisation;

6.12.2. supplied by or on behalf of the Republic to another state or an international organisation in terms of an arrangement or international agreement, contemplated in section 231 of the Constitution, with that state or organisation which requires the information to be held in confidence; or

6.12.3. required to be held in confidence by an international agreement or customary international law contemplated in section 231 or 232, respectively of the Constitution.

6.13. if the information officer of a public body may refuse a request for access to a record of the body if its disclosure would be likely to materially jeopardise the economic interests or financial welfare of the Republic or the ability of the government to manage the economy of the Republic effectively in the best interests of the Republic;

6.14. if the record contains trade secrets of the State or a public body;

- 6.15. if the record contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the State or a public body;
- 6.16. if the record contains information, the disclosure of which could reasonably be expected.
 - 6.16.1. to put a public body at a disadvantage in contractual or other negotiations; or
 - 6.16.2. to prejudice a public body in commercial competition; or
 - 6.16.3. is a computer program, as defined in section 1 (1) of the Copyright Act, 1978 (Act 98 of 1978), owned by the State or a public body, except insofar as it is required to give access to a record to which access is granted in terms of the Act;
- 6.17. the record contains information about research being or to be carried out by or on behalf of a public body, the disclosure of which would be likely to expose-
 - 6.17.1. the public body;
 - 6.17.2. a person that is or will be carrying out the research on behalf of the public body; or
 - 6.17.3. the subject matter of the research, to serious disadvantage.
- 6.18. if the record contains-
 - 6.18.1. an opinion, advice, report or recommendation obtained or prepared; or
 - 6.18.2. an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting, for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law; or
- 6.19. if-

- 6.19.1. the disclosure of the record could reasonably be expected to frustrate the deliberative process in a public body or between public bodies by inhibiting the candid-
 - 6.19.1.1. communication of an opinion, advice, report or recommendation; or
 - 6.19.1.2. conduct of a consultation, discussion or deliberation; or
- 6.19.2. 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.
- 6.20. 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 a public body;
- 6.21. 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-
 - 6.21.1. made to the person who supplied the material; and
 - 6.21.2. to the effect that the material or the identity of the person who supplied it, or both, would be held in confidence; or
 - 6.21.3. the record contains a preliminary, working or other draft of an official of a public body.
- 6.22. if the request is manifestly frivolous or vexatious; or
- 6.23. if the work involved in processing the request would substantially and unreasonably divert the resources of the public body.

7. REQUEST PROCEDURE

- 7.1. A requester requiring access to information held by the Organisation is to make such a request in the prescribed form and submit the request, together with the prescribed fee and deposit, to the Organisation's Information Officer at the postal or physical address as set out in clause 2 above.
- 7.2. The prescribed form, which is available on request from the Information Officer, and which must be completed with enough particularity to enable the Organisation to identify:
 - 7.2.1. the record/s requested;
 - 7.2.2. the identity of the requester;
 - 7.2.3. the form of access required, if the request is granted;
 - 7.2.4. the postal address, fax number or email address of the requester.
- 7.3. The requester must:
 - 7.3.1. if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed.
- 7.4. Subject to the Organisation's rights which pertain any extension as set out in the Act relating to extensions in terms of the Act, it will process the request within 30 (thirty) days of receipt of a request unless the requester has submitted special reasons to the Organisation, which the Organisation's reasonable satisfaction, support that the above time periods be dispensed with.
- 7.5. The Organisation will give the requestor written notice of its decision as to whether the request is granted, which written notice shall include the reasons for denying such request, should such request be declined.

- 7.6. The said 30 (thirty) day period may be extended for a further period not exceeding 30 (thirty) days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30 (thirty) day period. The Information Officer will notify the requester in writing should an extension be sought.
- 7.7. If a request is made on behalf of another person, such requester must submit, to the reasonable satisfaction of the Organisation, proof of the capacity in which the requester is making the request.
- 7.8. If an individual is unable to submit a request in the prescribed form on account of illiteracy or disability, such a person is entitled to make the request orally.
- 7.9. The requester is required to pay the prescribed fee, and deposit where applicable, before the request will be considered.

8. ACCESS TO RECORDS

- 8.1. In terms of the Act, a requestor will only be given access to a record held by the Organisation if:
 - 8.1.1. the requestor has complied with all procedural requirements, set out herein and in terms of the Act, relating to a request for access to a particular record including making the request in the prescribed format; and
 - 8.1.2. access to that record is not refused on a ground for refusal as provided for in terms of the Act.

9. REMEDIES AVAILABLE SHOULD THE ORGANISATION REFUSE A REQUEST

- 9.1. Internal Remedies

The Organisation does not have any internal remedies.

9.2. External Remedies

A requester or a third party, who is dissatisfied with the decision of the Organisation (initially or on appeal) in relation to a request for access to a record may, within 30 (thirty) days of such decision apply to the High Court, or any other Court having jurisdiction, for relief.

10. FEES

- 10.1. When a request is received by the Organisation it will require the requester, on notice, other than a personal request made in respect of a person's own personal records, to pay the prescribed request fee (if any), before further processing the request.
- 10.2. If the search for the record has been made and the preparation of the record for disclosure would require more time than that prescribed for this purpose, the Information Officer will notify the requester to pay, as a deposit, the prescribed portion of the access fee which would then be payable if the request is granted.
- 10.3. The Organisation will withhold a record until the requester has paid the prescribed fees together with the deposit, where applicable.
- 10.4. A requester whose request for access to a record has been granted, must pay an access fee for reproduction as well as for the search and preparation thereof, and for the time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.
- 10.5. If a deposit has been paid in respect of a request which is refused, then the Organisation shall repay the deposit to the requester.