

NOTICE 246 OF 2002**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT****PROMOTION OF ACCESS TO INFORMATION ACT, 2000
(ACT NO. 2 OF 2000)****PART A****COMMENCEMENT OF SECTIONS 10, 14 16 AND 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND REGULATIONS UNDER SECTION 92 OF THE ACT**

1. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)(the Act), gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.
2. The Act, with the exception of sections 10,14,16 and 51, came into operation on 9 March 2001 (Proclamation No. R. 20,2001). On the same date Regulations under section 92 of the Act were promulgated. (Government Notice No. R. 223 of 9 March 2001).
3. Sections 10, 14, 16 and 51 of the Act came into operation on 15 February 2002. The Proclamation fixing the date of commencement was published in the *Gazette* (No. 23119) of 15 February 2002 (Proclamation No. R. 9, 2002). Regulations to facilitate the implementation of the aforementioned sections also commenced on 15 February 2002. The Regulations were published in the *Gazette* (No. 23119) of 15 February 2002 (Government Notice No. R. 187 of 15 February 2002).
4. Certain forms have been prescribed in terms of the Regulations. All public and private bodies will have to arrange for the reproduction and distribution of the prescribed forms so that they are readily available to persons who would like to make use of the provisions of the Act.

5. You will notice that the Regulations which commenced on 15 February 2002 provide for the repeal the Regulations which commenced on 9 March 2001. This was done in order to have one set of Regulations covering all aspects of the Act. Only minor amendments have been affected to the Regulations which commenced on 9 March 2001. See for the instance the Regulations dealing with the forms, the appeal fee and search and preparation fee.

6. The Regulations are available on the Government Website at the following address: www.doj.gov.za.

PART B

INVITATION TO MAKE SUBMISSIONS FOR PURPOSES OF EXEMPTIONS IN TERMS OF SECTIONS 14(5), 22(8), 51(4) AND 54(8) OF THE ACT.

7. In terms of sections 14(5) and 51(4) of the Act the Minister for Justice and Constitutional Development (the Minister) may, on request or of his or her own accord by notice in the *Gazette*, for security, administrative or financial reasons, exempt any public bodies or category of public bodies and private bodies or category of private bodies respectively from any provisions of these sections for such period as the Minister thinks fit.

8. In terms of sections 22(8) and 54(8) of the Act the Minister may in respect of public bodies and private bodies, respectively, by notice in the *Gazette* -

- (a) exempt any person or category of persons from paying any fee referred to in those sections;
- (b) determine that any fee referred to in those sections is not to exceed a certain maximum amount;
- (c) determine the manner in which any fee referred to in those sections is to be calculated;
- (d) determine that any fee referred to in those sections does not apply to a category of records;

- (e) exempt any person or record or category of persons or records for a stipulated period from any fee referred to in sections 22(6) and 54(6); and
- (f) determine that where the cost of collecting any fee referred to in those sections exceeds the amount charged, such fee does not apply.

9. You are hereby invited to submit motivated suggestions and proposals for purposes of sections 14(5), 22(8), 51(4) and 54(8) of the Act.

Please submit your motivated suggestions on or before 31 March 2002 to:

The Director: Secondary Legislation

Department of Justice

Private Bag X 81

Pretoria

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or

Room 403

Saambou Building

Church Square

Pretoria

or

Fax to (012) 328 5567

or

E mail to Cvanvuuren@justice.gov.za