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MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION

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Rooibos Council

Contents

1. OVERVIEW AND OBJECTIVES OF THE MANUAL	2
2. ORGANISATION PROFILE	3
3. ORGANIZATIONAL MANDATE	3
4. FUNCTIONS	3
5. MISSION	3
6. VISION	4
7. SARC STRUCTURE	4
8. INFORMATION OFFICER	5
9. SARC'S RECORDS	5
10. REQUEST PROCEDURES	7
11. SERVICES AVAILABLE	10
12. GENERAL	11
ANNEXURE 1	12
ANNEXURE 2	17

1. OVERVIEW AND OBJECTIVES OF THE MANUAL

The Promotion of Access to Information Act 2 of 2000, (PAIA) gives effect to Section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required for the exercise and protection of rights.

More broadly, PAIA aims to underline the importance of access to information in a democratic society by fostering a culture of transparency and accountability. PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information.

PAIA also sets limits on the types of information that can be accessed i.e. information requested might not be granted under various circumstances.

This manual is compiled in accordance with Section 14 of PAIA and offers an outline of the South African Rooibos Council's (SARC) information, which is accessible to the public. This includes:

- a) Structure, functions and objectives of SARC
- b) Contact details SARC
- c) The procedure for requesting information from SARC
- d) Information that is automatically available through SARC's website
- e) Information that is available on request through SARC
- f) Fees payable when requesting access to any of these records.

Secrecy provisions in the Financial Intelligence Centre Act, 38 of 2001, provide that certain information held by or obtained from SARC is confidential and is not subject to disclosure, except under limited circumstances.

PAIA reinforces the confidentiality of this information by providing that it must not be disclosed in terms of the Act, except to the person to whom it relates or that person's authorised representative. In addition, PAIA provides for confidentiality of various aspects of the SARC's business operations, where this would be appropriate or applicable.

The sections that follow describe SARC's procedures for requesting access to SARC's records.

This is consistent with the emphasis SARC places on fostering a culture of transparency, within the ambit of the law, as well as its adherence to the principles of accountability, integrity and responsibility to stakeholders. Considering this, SARC carries extensive information on its website at <https://sarooibos.co.za/>

2. ORGANISATION PROFILE

The South African Rooibos Council (SARC) is an independent organization, representing rooibos processors, packers and branders.

3. ORGANIZATIONAL MANDATE

SARC's mandate is to responsibly promote rooibos and its attributes and protect the interests of the rooibos consumer and industry stakeholders. This is supported by effective research and communication.

SARC's vision is to:

- a. Use available resources to effectively and efficiently promote, grow and protect the rooibos industry of South Africa for its stakeholders, locally and internationally.
- b. Support appropriate research and communication to promote the benefits of rooibos.
- c. Respond to threats and crises in the rooibos industry on behalf of its stakeholders and to protect the interests of the consumers.

SARC dedicates the majority of its funding and activities to research on the benefits of rooibos. The research results are also used to promote rooibos products both locally and internationally and grow the industry. Furthermore, SARC has a strong focus on communication with and protection of the rooibos consumer.

4. FUNCTIONS

In order to fulfil its objectives SARC must:

- Develop SOPs for the collection and management of funds and information
- Process, analyse and interpret information obtained by it
- Collect voluntary levies from members
- Inform, advise and cooperate with regulatory authorities
- Enter into research funding agreements with researchers
- Retain the information collected

5. MISSION

- SARC will use available resources to effectively and efficiently promote, grow and protect the rooibos industry of South Africa for its stakeholders, locally and internationally
- SARC will support appropriate research and communication to promote the benefits of Rooibos

- SARC will respond to threats and crises in the rooibos industry for its stakeholders and to protect the interest of consumers
- SARC will disseminate relevant information to enable consistent product quality and adequate supply

6. VISION

The South African Rooibos Council is an independent organization, responsibly promoting rooibos and its attributes to the consumer and protecting the interests of the rooibos consumer and SARC stakeholders supported by effected research and communication.

7. SARC STRUCTURE

The Rooibos Council is managed by a Board of Directors elected from and by its members to represent the various stakeholders in the Rooibos value chain.

Board member	Portfolio
Martin Bergh	Core function and membership
Adele du Toit	Marketing and promotion
Dawie de Villiers	Compliance, legal and GI
Joe Swart	Research
Déan Nigrini	Finance
Nicie Vorster	Corporate communication

8. INFORMATION OFFICER

Name: Marthane Swart

Telephone number: 0218852347

Cell phone number: 0845118937

Email address: marthane@skaa.co.za

9. SARC'S RECORDS

9.1. Records available without formal requests:

- 9.1.1. Promotion of Access to Information Manual
- 9.1.2. Newsletters
- 9.1.3. Published research Articles
- 9.1.4. Press releases
- 9.1.5. Information available from the SARC website: www.sarooibos.co.za
- 9.1.6. General Information about SARC
 - Organizational profile
 - Overview
 - Objectives
 - Functions
 - Members
 - Contact information for SARC

9.2. Records and information that should be formally requested in terms of PAIA

The following information should be formally requested by using the request procedure stipulated in Paragraph 12 below. Broad categories of information held by SARC, include:

9.2.1. Compliance and regulatory records

- Board meeting minutes
- Annual General Meeting minutes

9.2.2. Legislative and policy framework records

- Contracts and agreements
- Memoranda of understanding
- Legal opinions

9.2.3. Corporate governance records

- Organizational business plans
- Organizational policies
- Standard Operating Procedures

9.2.4. Information technology records

- Incidents and service requests
- System event logs
- System performance logs
- Systems maintenance check lists
- Monthly operations reports
- Service level agreements
- ICT policies and procedure manuals
- Network maintenance

9.2.5. Financial management records

- Financial accounting
- Financial reporting
- Contracts and tender administration
- Asset management
- Management accounting

9.2.6. Secretariat administration records

- Service Level Agreement with secretariat
- Secretariat Proposals and Reports

9.2.7. Project management records

- Project methodology and standards framework
- Project lifecycle information
- Project operations documentation

9.2.8. Communications records

- Official external communication records e.g.: media releases
- Website content
- Corporate identity

9.2.9. Trade records

- Export records
- Production and volume records

9.3. Requests for information with sensitive classification?

How will requests for sensitive information be handled?

The Information Officer will evaluate the request within the statutory and regulatory frameworks and respond to the request accordingly to the requestor.

10. REQUEST PROCEDURES

Access to information listed above must be made by following the procedures outlined below:

10.1. How to request for information from SARC?

Complete **Form A**, which is found as **Annexure 1** to this manual. The request must be made by e-mail to the Information Officer listed in Paragraph 10 of this manual. If an acknowledgement of receipt for the request is not received within 14 days, please contact the Information Officer to ensure that the request has been received.

Some important points to remember when completing the request form:

- Each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced.
- Where a request is made for records relating to an organisation, it is strongly recommended that the organisation's public officer make or authorise the request.
- If records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person.
- A detailed description of the records being requested must be provided to enable the Information Officer to identify it accurately.
-

If any difficulties are experienced in completing the request form or if a disability prevents the requester from completing it, please do not hesitate to contact the Information Officer for assistance.

10.2. How long must a requester wait before receiving the information requested?

The Information Officer is required to take a decision on the request within 30 days of receipt of the request, failing which the request is deemed to have been refused.

The Information Officer may extend the period for taking a decision to 60 days under the following circumstances:

- 10.2.1.** If the request is for large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of SARC
- 10.2.2.** If the requested records are not situated in the same town or city as the SARC offices that the request cannot reasonably be completed within 30 days
- 10.2.3.** Where consultation among the members of SARC or with another entity is necessary or desirable to decide upon the request and which consultation cannot be reasonably completed within 30 days
- 10.2.4.** Where more than one of the circumstances contemplated in paragraphs I, II, and III above exist in respect of the request making compliance with the 30- day period not reasonably possible; or
- 10.2.5.** If the requester consents in writing to the extension.

Should the 30-day period be extended, the Information Officer will notify the requester of the extension as well as provide the requester with the reasons for the extension.

10.3. How will a requester be informed of the outcome of the request?

The requester will be notified of the Information Officer’s decision in the manner specified in the request form.

10.4. Under which circumstances will the request for access to information be refused?

Access to a record is refused on one or more grounds of refusal specified in PAIA, which fall into the following categories: –

- Mandatory protection of privacy of a third party who is a natural person
- Mandatory protection of certain records of SARC
- Mandatory protection of commercial information of a third party
- Mandatory protection of certain confidential information and protection of certain other confidential information of a third party
- Mandatory protection of safety of individuals and protection of property
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings
- Mandatory protection of records privileged from production in legal proceedings
- Economic interests and financial welfare of the Republic and commercial activities of public bodies
- Mandatory protection of research information of a third party and protection of research information of a public body
- Operations of public bodies; and
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

10.5. What is deemed refusal of a request?

If the Information Officer does not give the decision on a request for access to the requester within the 30-day period or within any extended period, then the Information Officer will be regarded as having refused the request.

10.6. What can a requester do if the request for information is refused?

Should the requester not be satisfied with the decision of the Information Officer, the requester may apply to court for relief. The said application must be made within 180 days after the decision has been made by the Information Officer. On hearing such an application the court may grant a just and equitable order including:

- Confirming, amending or setting aside the decision that is the subject of the application
- Requiring the Information Officer to take some action or to refrain from taking such action as the court considers necessary within the period mentioned in the order
- Granting an interdict, interim or specific relief, a declaratory order or compensation or costs

Such an application may be made at the Magistrates Court.

10.7. What if the request is successful?

The requester will be given access to a record if all procedural requirements have been complied with according to PAIA requirements, that is –

- The request is properly documented on the prescribed form
- Proof of authority to act on another's behalf is furnished, if making the request on another person's behalf
- The record that is requested is sufficiently described to enable the Information Officer to identify it; and
- Payment of all required fees.

10.8. Fees in respect of public bodies

It may be necessary to pay fees for access to records in terms of PAIA. These fees are for the following:

10.8.1. Request fee –

If the request is to access a record containing personal information about the requester, he/she will not be required to pay the request fee. Any other request must be accompanied by the required request fee, which is currently R35.00.

10.8.2. Access fee –

If the request is granted, then an access fee must be paid for the reproduction of records and for time in excess of one hour to search and prepare the records for disclosure. Where the time to prepare the records for disclosure is likely to exceed six hours, a deposit of one third of the anticipated access fee may be required as a deposit.

Please refer to **Annexure 2** below for a complete breakdown of the fees for reproduction.

10.9. Exemptions from paying the access fee

The following persons are exempt from paying the access fee contemplated in paragraph 12.8) above:

- i. A single person whose annual income, after permissible deductions, does not exceed R14 712.00 per annum; and
- ii. Married persons or a person and his or her life partner whose annual income, after permissible deductions, does not exceed R27 192, 00 per annum.

Further:

- i. Where the cost of collecting any fee contemplated in paragraph 12.8 exceeds the amount charged, such fee does not apply
- ii. The access fee contemplated in paragraph 12.8. does not apply to the personal record of a requester; and
- iii. The request fee and the access fee contemplated in in paragraph 12.8. do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

11. SERVICES AVAILABLE

For the purposes of this PAIA Manual, the Information Officer provides assistance to anyone who may experience difficulties in completing the request form or if a disability prevents the requester from completing the request form.

How to gain access to these services?

- Visit SARC website at www.sarooibos.co.za
- Send a request through the Information Officer at e-mail
- Through official invitations in person or by e-mail

12. GENERAL

This manual will be updated, if necessary, every 2 years.

This manual will be placed on the SARC's website at www.sarooibos.co.za.

ANNEXURE 1

FORM A

REQUEST FOR ACCESS TO THE RECORDS OF SARC

(Section 18(1) of the Promotion of Access to Information Act, 2000) (Act No. 2 of 2000) [Regulation 6]

For internal use only	
Reference number	
Request received by	
Date request received	
Request fee (if any)	
Deposit (if any)	
Access fee	

Signature of Information Officer

A) Particulars of the Information Officer

The Information Officer

Attention:

Name: Marthane Swart

Telephone number: 0218852347

Cell phone number: 0845118937

Email address: marthane@skaa.co.za

B) Particulars of requester (person requesting access to information)

- i. *The particulars of the person who requests access to the record must be given below*
- ii. *The address in the Republic to which the information is to be sent, must be given*
- iii. *Proof of the capacity in which the request is made, if applicable, must be attached*

Full names and surname	
Postal address	
Identity number	
Telephone number	
Email address	
Capacity (when request is 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/company number	

D) Particulars of record

- 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.*
- ii. *If the provided space is inadequate, please continue on a separate page and attach it to this form.*

Please sign all additional pages.

1. Full description of the record or relevant part of the record

2. Reference number(s), if available

3. Any further particulars of the record

E) Fees

- i. *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.*
- ii. *You will be notified of the amount required to be paid as the request fee.*
- iii. *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.*
- iv. *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.

Mark the appropriate box with an X. Notes:

- i. Compliance with your request for access in the specified form may depend on the form in which the record is available.

- ii. 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.
- iii. The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Disability	Form in which record is required

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

- copy of record*
- inspection of record

2. If record consists of visual images:

This includes photographs, slides, video recordings, computer-generated images, sketches, etc.

- view the images
- copy of the images*
- transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack (MP3)
- transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic form:

- printed copy of record
- printed copy of information derived from the record*
- copy in computer readable form* (USB drive)

*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

In which language would you prefer the record?

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.

G) Notice of decision regarding request for access

You will be notified whether your request has been approved or 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?

Postal address

E-mail

Other. Specify: _____

Signed at _____ this _____ day of _____ 20_____

ANNEXURE 2

FEES IN RESPECT OF PUBLIC BODIES IN TERMS OF GOVERNMENT NOTICE NO. R. 187 IN GOVERNMENT GAZETTE 23119 OF 15 FEBRUARY 2002

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4 size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:
 - a) For every photocopy of an A4 size paper 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: R0,40c
 - c) For a copy in a computer-readable form on (i) Compact disc: R40,00
 - d) (i) For a transcription of visual images, for an A4 size page or part thereof: R22,00
(ii) For a copy of visual images: R60,00
 - e) (i) For a transcription of an audio record, for an A4 size page or part thereof: R12,00
(ii) For a copy of audio records: R17,00
3. The request fee payable by every requester, other than a personal requester, referred to in Regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in Regulation 7(3) are as follows:
 - a) For every photocopy of an A4 size paper or part thereof: R0,60c
 - 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 a copy in a computer-readable form on (i) compact disk: R40,00
 - d) (i) For a transcription of visual images, for an A4 size page or part thereof: R22,00, (ii) For a copy of visual images: R60,00
 - e) (i) For a transcription of audio records, for an A4 size page or part thereof: R12,00, (ii) For a copy of an audio record: R17,00
 - f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation
 - g) For purposes of section 22(2) of the Act, the following applies: (i) Six hours as the hours to be exceeded before a deposit is payable; and (ii) One third of the access fee is payable as a deposit by the requester
 - (h) The actual postage is payable when a copy of a record must be posted to a requester
5. Copies shall be printed in black and white