



**DISTRICT MUNICIPALITY**

# MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION FOR THE CAPRICORN DISTRICT MUNICIPALITY

In Terms of Section 14 of the Promotion of Access  
to Information Act, 2000 (Act No. 2 of 2000)

Version 1

MANUAL IN TERMS OF SECTION 14 OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT, 2000

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ct, 2000 prescribes that the public body is obliged to compile a

manual containing; description of its structure and functions, addresses including contact details of the public body, a description of the services available to members of the public from the body and how to gain access to those services. The Manual further stipulates various categories of information held by a public body and the procedure to be followed when requesting access to information held by a public body.

This is to foster the culture of transparency and accountability of public and private bodies and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights. It further 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

**THE FOLLOWING WORDS AND ABBREVIATIONS WILL**

**BEAR THE FOLLOWING MEANING:**

<b>'CDM'</b>	<b>Means the Capricorn District Municipality</b>
<b>'Deputy Information Officer'</b>	<b>Means the Executive Manager of a relevant CDM department</b>
<b>"EM"</b>	<b>Means the Executive Mayor of the Capricorn District Municipality</b>
<b>'Information Officer'</b>	<b>Means Municipal Manager appointed in terms of 82 of the Local Government: Municipal Structures Act, 1998</b>
<b>'MM'</b>	<b>Means the Municipal Manager of the Capricorn District Municipality</b>
<b>'Records'</b>	<b>Means records as defined in section 1 of the Act</b>
<b>'SAHRC'</b>	<b>Means the South African Human Rights Commission</b>
<b>'The Act'</b>	<b>Means the Promotion of Access to Information Act, no. 2 of 2000,  together with regulations published in terms thereof;</b>
<b>'The manual'</b>	<b>Means this manual together with all annexures thereto, available at  the offices of CDM</b>

## MAN RIGHTS COMMISSION ON HOW TO USE THE ACT

3.1 Section 10 guide is available at all CDM offices and also available from the South African Human Rights Commission. Please direct your queries to:

### 3.2 Postal Address: The South African Human Rights Commission

**PAIA Unit**

**The Research and Documentation Department**

**Private Bag 2700**

**Houghton**

**2041**

### 3.3 Physical Address: PAIA Unit

**The Research and Documentation department**

**29 Princess of Wales Terrace**

**Parktown**

**Johannesburg**

Website : [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail : [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### 3.4 Posting of PAIA in legal deposits

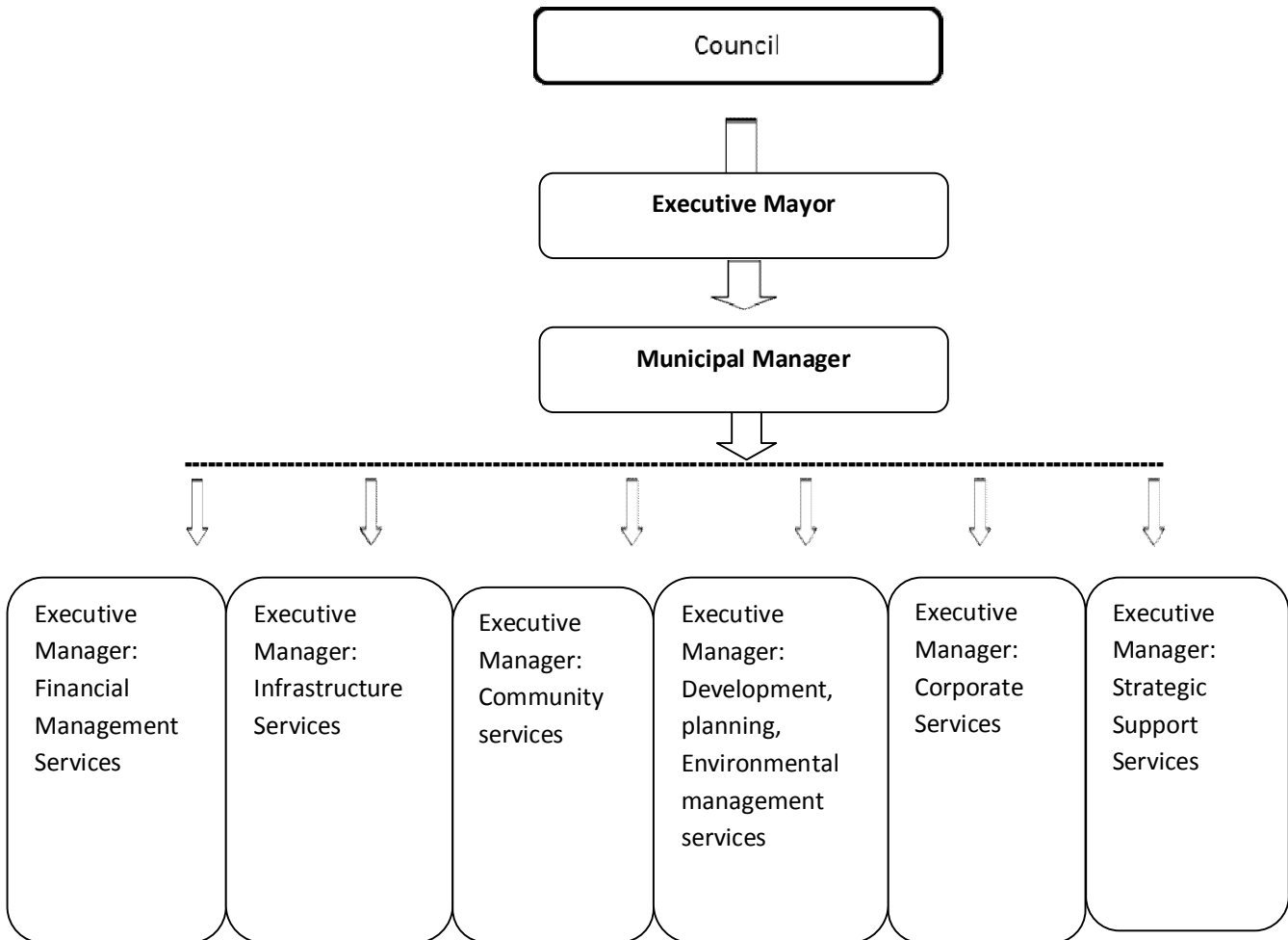
The Legal deposits in terms of the Legal Deposits Act:

- City Library Services (Bloemfontein), [Karen.lerou@managung.co.za](mailto:Karen.lerou@managung.co.za)
- The Library of Parliament (Cape Town), [www.parliament.gov.za](http://www.parliament.gov.za)

- The State Library, (Pretoria), [www.nsla.ac.za](http://www.nsla.ac.za)
- National Film, Video and Sound Archive for the purpose of certain categories of documents prescribed (Pretoria), or any other library or institution prescribed by the Minister for the purposes of certain prescribed categories of documents.

#### 4. ORGANOGRAM, FUNCTIONS AND STRUCTURE

##### 4.1 Organogram



ments namely Infrastructure Services, Community Services,  
ment Services, Development Planning and Environmental  
Management Services and Strategic Support Services.

#### **4.2.1 Infrastructures Services**

The Department is responsible for the following functions:

- 4.2.1.1 Water planning and design
- 4.2.1.2 Water and sanitation implementation
- 4.2.1.3 Water and sanitation operations
- 4.2.1.4 Water and sanitation maintenance
- 4.2.1.5 Water quality management

#### **4.2.2 Community Services**

The Department is responsible for the following functions:

- 4.2.2.1 Provision of municipal health services (environmental health services)
- 4.2.2.2 Provision of disaster management services
- 4.2.2.3 Provision of emergency management services (fire and rescue)

#### **4.2.3 Corporate Services**

The Department is responsible for the following functions:

- 4.2.3.1 Legal services
- 4.2.3.2 Human resource management and development support
- 4.2.3.3 Information and communication technology support services
- 4.2.3.4 Institutional knowledge management
- 4.2.3.5 Administration support and facilities management

#### **4.2.4 Development Planning and Environmental Management Services**

The Department is responsible for the following functions:

- 4.2.4.1 Integrated development plan
- 4.2.4.2 Land use and spatial development
- 4.2.4.3 Economic development

#### **4.2.5 Strategic Support Services**

The Department is responsible for the following functions:

4.2.5.1 Council Support (Support to the Speaker, Whippery and Council in general) – including public participation support

4.2.5.2 Organisational Strategy and Planning

4.2.5.3 Intergovernmental and External Relations Support

4.2.5.4 Communications support – including protocol support, speech writing support, document editing

4.2.5.5 Policy development support

4.2.5.6 Research Support (excluding committee research support)

4.2.5.7 Coordination of the outsourced PMU

4.2.5.8 Organisational Performance Management/ Monitoring, Evaluation & Reporting

Institutional development

4.2.5.9 Transforming the service culture of the municipality

4.2.5.10 Managing the Office of the Executive Mayor as well as overseeing Special Focus Programmes

#### **4.2.6 Financial Management Services**

The Department is responsible for the following functions:

4.2.6.1 Financial planning

4.2.6.2 Financial reporting

4.2.6.3 Supply chain management

4.2.6.4 Asset management and disposal

4.2.6.5 Expenditure management

4.2.6.6 Payment processing

4.2.6.7 Revenue management



Public from CDM are listed below:

- 4.3.1 Water Management - The provision of affordable, clean bulk and potable water.
- 4.3.2 Sanitation – provision of decent sanitation facilities to needy communities and households.
- 4.3.3 Road and Transport – The provision of facilities to enable accessible public transport services to the Community.
- 4.3.4 Electricity – the overview of the area is to look into energy provision within the district.
- 4.3.5 Environmental Management - ensure compliance with environmental legislation to manage conservation and protection of the environment and sustainable socio-economic development.
- 4.3.6 Emergency and disaster management – the responsibility include to prevent, mitigate and address disasters in the District and to protect life, property and the environment.
- 4.3.7 Sport, Arts and Culture – the unit is responsible to promote sport, arts and culture in the entire within the district.
- 4.3.8 Local Economic Development – deals with creation and promotion of Local Economic Development (LED) and focuses on support.
- 4.3.9 Integrated Development Planning (IDP) – the section deals with the coordination and increased integrated development planning, rural development & urban renewal.

at in section 4.1 of the organogram. In terms of legislation the executive Mayor is the Executive Authority with the Municipal Manager as the head of administration and the Accounting Officer.

#### 4.5 CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

##### Information Officer

The Municipal Manager is the Information Officer in terms of the Promotion of Access to Information Act.

Postal address : Private Bag X4100  
POLOKWANE  
0700  
Physical Address : 41 Biccard Street  
Polokwane  
0700  
Telephone : 015-294 1000  
Fax: 015-294 4297  
Email address: [molokommen@cdm.org.za](mailto:molokommen@cdm.org.za)

##### Deputy Information Officers

The Deputy Information Officers have been designated in terms of section 17 (3) of the Act for CDM and the contact details are as follows:

##### Executive Manager Corporate Services

Postal address : Private Bag X4100  
POLOKWANE  
0700  
Physical Address : 41 Biccard Street  
Polokwane  
0700  
Telephone : 015-294 1064  
Fax: 015-294 4297

##### Executive Manager Strategic Support Services

Postal address : Private Bag X4100  
POLOKWANE  
0700  
Physical Address : 41 Biccard Street  
Polokwane  
0700  
Telephone : 015-294 1283  
Fax: 015-294 4297

- Integrated Development Plans
- Service Delivery and Budget Implementation Plans
- Annual Report
- By – laws
- Schedules of meetings of Council and its committees
- Vacancies
- Media Statements
- Speeches and Messages
- CDM official newsletters
- Adopted Service Standards
- Information relating to the vision, mission and strategic objectives of the Capricorn District Municipality are available on the following website [www.cdm.org.za](http://www.cdm.org.za)

## 5.2 RECORDS THAT MAY BE REQUESTED

### Employee records of individuals

- Personnel records of employees
- Files of applicants for vacant positions
- Records of interviews for vacancies
- Records of procedures relating to grievances and discipline

### Policy documents

- Internal policies of the Municipality
- National policies relating to the institution of Local Government
- Planning documents

### Minutes of meetings

- For Council meetings
- For the policy making and coordinating structures outlined earlier
- For working meetings held in various sections

### Proceedings of workshops and seminars

- Relating to any of the functional areas of the Municipality

### Draft legislation

- This could relate to any area of municipal service

### Financial documents

- Financial planning documents.
- Statements of accounts.
- Records of income and expenditure.
- Current accounts
- Audited financial statements
- Annual Budget
-

proposals and adjudication)

#### **Administrative documents**

- Various official forms for job applications, financial transactions, evaluation.

#### **Correspondence**

- On specific matters pertaining to the Municipality.

### **5.3 REQUEST PROCEDURES**

#### **5.3.1 GRANTING OR REFUSAL OF REQUEST**

A requester must be given access to a record of a public body if the requester complies with the following:

- (I) The requester complies with all procedural requirements in the Act relating to the request to access to that record; and
- (II) Access to that record is not refused on any ground of refusal mentioned in the Act.

#### **5.3.2 CDM MAY REFUSE TO GRANT ACCESS TO RECORDS ON THE FOLLOWING GROUNDS:**

- (a) Mandatory protection of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- (b) Mandatory protection of the commercial information of a third party, if the record contains :
  - Trade secrets of that third party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - Information disclosed in confidence by a third party to CDM if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- (c) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- (d) Mandatory protection of the safety of individuals, and protection of property;
- (e) Mandatory protection of records which would be regarded as privileged in legal proceedings;
- (f) The commercial activities of CDM, which may include :
  - trade secrets of CDM
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of CDM;
  - Information which, if disclosed could put CDM at a disadvantage in negotiations or commercial competition;
  - A computer programme which is owned by CDM, and which is protected by copyright;
- (g) The research information of CDM or a third party, if its disclosure would disclose the identity of CDM, the researched or the subject matter of the research and would place the research at a serious disadvantage.
- (h) Request for information that are clearly frivolous, or vexatious, or which involve an unreasonable diversion of resources.

#### **5.3.3 APPLICATION PROCESS**

##### **Step 1: the Request**

When a person wishes to access information held by CDM, such a person must make a request for access to the relevant information in the prescribed form (i.e. Form A printed in the Government Gazette (Government Notice R187 of 15 February 2002)). This form is available on the government

st from the Deputy Information Officers using contact details

The completed request form may be submitted in anyone of the following ways:

- By hand to: The Deputy Information Officer  
Capricorn District Municipality  
41 Biccard Street  
Polokwane  
0700
- By Post - refer to section 4
- By Facsimile - refer to section 4.

### **Step 2: Validation and acknowledgement**

The Deputy Information Officer receives and validates the request to ensure that the required information is available within CDM. The request is then accepted, rejected or transferred to the relevant department of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

### **Step 3: Information processing**

If the request is accepted, CDM will gather and prepare the information and calculate the relevant cost involved. The cost is calculated in terms of fee structure

### **Step 4: Final Notification**

The requester will be informed of the completion of the request as well as the outstanding fees payable to the Municipality.

### **Step 5: Payment and Delivery**

Once the payment as stipulated in Step 4 has been received (including the payment process in step 1), the information is released to the requester.

## **6. GENERAL INFORMATION**

The form must be completed in detail to at least enable Deputy Information Officer to identify the record or records requested, the identity of the requester, which form of access is required, if the requester is granted information, such information will be directed to the contact details of the requester. CDM will process the request within 30 working days. CDM will notify the requester in writing should an extension be sought.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Deputy Information Officer. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The requester must pay the prescribed fee, before any processing can take place.

	requester is expected to pay an amount of	R35,00
(a)	For every photocopy of an A4-size page or part thereof .....	R 0,60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form .....	R 0.40
(c)	For a copy in a computer-readable form on –	
(i)	Stiffy disc .....	R 5,00
(ii)	Compact disc .....	R40,00
(d)	(i) For a transcription of visuals 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 an audio record .....	R17,00

7.2 The Act provides for two types of fees:

- A request fee, which is a standard fee and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost as well as postal costs

7.3 When the request is received by the Deputy Information Officer, such officer shall by notice require the requester, other than the personal requester, to pay the prescribed fee (if any), before further processing of the request.

If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for the purpose, the Deputy Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted. The Deputy Information Officer shall withhold a record until the requester has paid the relevant fees as indicated above.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonable required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangement to make it available in the requested form. If a deposit has been paid in respect of a request for access, which is refused, then the Deputy Information Officer concerned must repay the deposit to the requester.

**7.4 Payments may be made in the following methods**

(a) Cash payment

Fees can be payable directly to the municipal cash point located at the institution’s Head Office, 41 Biccard Street or

(b) Deposit in

FNB

Account no. : 62005556339

Account holder : Capricorn District Municipality

Branch code : 260148

ice number from the Municipal Revenue services at 015 294  
be done. Proof of payment should be forwarded to Deputy  
Information Officer before any request could be processed.

## 8. REDRESS FOR FAILURE TO ACT.

In respect of the Promotion of Access to Information Act, a failure to respond to request to the record within 30 working days can be regard as equivalent to refusal to grant access to the document. In this instance, the requester would be able to lodge an appeal in writing with the Executive Mayor. A special form for such an appeal appears in schedule B to this manual.

The contact details for the Executive Mayor are as follows:

Postal address:  
Private Bag X4100  
POLOKWANE  
0700  
Tel: 015 294 1201  
Fax: 015 294 4010

## 9. ARRANGEMENT ALLOWING INVOLVEMENT IN FORMULATION OF POLICY AND PERFORMANCE OF FUNCTIONS

The Capricorn District Municipality is an integral part of the South African Local Government sphere, established in terms of the provisions of the Constitution and the Municipal Structures Act 117 of 1998 as a sphere of government.

Accordingly, the Municipality derives its administrative mandate from both the Constitution and national legislation. The Municipality is currently vested mainly in amongst others the following core and related statutes:

(c) Core statutes:

- The Constitution of the republic of South Africa
- Local Government Municipal Finance Management Act 2003
- Local Government Municipal Systems Act, 2000
- Traditional Leadership and Governance Amendment Act no 41 of 2003
- Local Government Municipal Structures Act
- Inter Governmental Relations Framework Act, no 13 of 2005

(ii) Related Statutes:

- Promotion of Administrative Justice Act no. 3 of 2000
- Local Government Municipal Finance management Act no 56 of 2003 and Treasury Regulations
- Supply Chain Management Framework
- Preferential Procurement Policy framework Act no 5 of 2000
- Broad Based Black Economic Empowerment Act 53 of 2003



- Water Services Act no 108 of 1997

## 10. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful acts or omissions by the CDM or any of its employees:

### 10.1 Procedures for reporting or remedying:

Remedies in respect of acts or failures to act in terms of the Promotion of Access to Information Act: The internal appeal authority for purposes of this Act is the Executive Mayor (sections 74 – 77). After exhausting the internal appeal remedy a review application may be lodged in court (sections 78 – 82).

A person may use labour remedies regarding official acts or omissions of a labour nature, namely disputes of rights (Labour Relations Act, 1995); A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 - section 78(1)(a)), or the Employment Equity Act, 1998 (Act No. 55 of 1998 - section 34(e)).

A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)). A person may lodge a complaint with the South African Human Rights Commission concerning an official act or omission that is suspected to constitute a violation of or threat to any fundamental right (Human Rights Commission Act, 1994 (Act No. 54 of 1994)) In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by an employer or a fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No. 26 of 2000). The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

### 10.2 Other supportive remedies:

A person may request reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (section 5).





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FORM A

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:

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 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.*

**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:	
Mark the appropriate box with an X.			
NOTES:			
(a) Compliance with your request for access 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
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"/>	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:			
<input type="checkbox"/>	printed copy of record'	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	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
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.			
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



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Provide the necessary particulars to enable compliance with your

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

Signed at ..... this ..... day of ..... 20

SIGNATURE OF REQUESTER 1 PERSON ON

WHOSE BEHALF REQUEST IS MADE

**(ANNEXURE B)**

**FORM B  
NOTICE OF INTERNAL APPEAL**

[Regulation 8]

STATE YOUR REFERENCE NUMBER:

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

**B. Particulars of requester/third party who lodges the internal appeal**

- (a) The particulars of the person who lodge the internal appeal must be given below.
- (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which an internal appeal on behalf of another person is lodged:

**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:

Identity number:

**D. The decision against which the internal appeal is lodged**

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

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	Decision regarding the extension of the period within which the request must be dealt
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by
	Decision to grant request for access

**E. Grounds for appeal**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

State any other information that may be relevant in considering the appeal:

**F. Notice of decision on appeal**

You will be notified in writing of the decision on your internal appeal. *If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

State the manner:

Particulars of manner:

Signed at.....this .....day of ..... 20

SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received on ..... (date) by (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.

**OUTCOME OF APPEAL:**

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED  
NEW DECISION:



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.....DATE

RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON (date):