



RTIA
Road Traffic Infringement Agency

Justice in Adjudication

PAIA Manual

2023

**This manual is prepared in accordance with Section 14
of the Promotion of Access Act 2 of 2000, as amended**

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FOREWORD BY THE REGISTRAR

The Registrar of the Road Traffic Infringement Agency (RTIA), hereinafter referred to as the Agency in compliance with the Promotion of Access to Information Act 20 of 2000, as amended (PAIA), has prepared this PAIA Manual (which Manual must be read in conjunction with the Guide on how to use PAIA) to facilitate the public's access to information held by the Agency. One of the basic values and principles governing public administration is transparency. The Constitution of the Republic of South Africa Act 108 of 1996 (Constitution) demands that transparency must be fostered by providing the public with timely, accessible and accurate information.

The role of the RTIA is to forge a closer, more effective and efficient link between enforcement and the independent adjudication processes. The Agency is mandated to ensure the implementation of objective, transparent and fair systems that encourage compliance with all road traffic laws. The Agency is set apart from other transport entities responsible for law enforcement on the basis of its independence and adjudicative role.

It is of paramount importance that the constitutional right of access to any information held by the State, and if such information is required by another person in the exercising or protecting of any rights, is enshrined within the PAIA Act and the Agency as a public body have the obligation to provide access to such information in terms of the provisions outlined in the PAIA Act and this Section 14 Manual.

The Agency, in as much as it promotes transparency and accountability, also acknowledges that in order to give effect to the right to information requested, that such requests may be subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. This will need to be achieved through a manner which balances the right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution.

This PAIA Manual has been developed in the fulfilment of the Agency's obligations to provide a manual that clearly outlines the functions of, and index of records held by the Agency.


Mr Matsemela Moloi
Registrar

1 Definitions and Interpretations

1.1 Definitions

- 1.1.1** “**AARTO**” means the Administrative Adjudication of Road Traffic Offences Act 46 of 1998, as amended and includes any regulation made and in force in terms of section 34;
- 1.1.2** “**Access Fee**” means a fee prescribed for the purposes of section 22 (6) or 54 (6), as the case may be;
- 1.1.3** “**Data Subject**” means the person to whom personal information relates;
- 1.1.4** “**Deputy Information Officer**” means the designated individual in the public body who is responsible for assisting the Information Officer with the PAIA requests;
- 1.1.5** “**Guide**” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (PAIA) and the protection of Personal Information Act 4 of 2013, as contemplated in section 10 of PAIA;
- 1.1.6** “**Human Rights Commission**” means the South African Human Rights Commission referred to in section 118 (1)(b) of the Constitution;
- 1.1.7** “**Information Officer**” means the Registrar of the Agency;
- 1.1.8** “**Information Regulator**” means the Information regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;
- 1.1.9** “**Person**” means a natural person or juristic person;
- 1.1.10** “**Personal Information**” means information relating to an identifiable natural person, including but not limited to-
- (a)** Information relating to the race, gender, sex, pregnancy, marital status, national; ethnic origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - (b)** Information relating to the education or medical, financial, criminal or employment history of the person;
 - (c)** Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
 - (d)** The biometric information of the person;
 - (e)** The personal opinions, views or preferences of the person;
 - (f)** Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

- (g) The views or opinions of another; another individual about the person; and
- (h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years.

1.1.11 “Public Body” means the Agency as an institution exercising a public power or performs a public function in terms of any legislation;

1.1.12 “Record” means any recorded information –

- (a) Regardless of form or medium;
- (b) In the possession or under the control of that public body; and
- (c) Whether or not it was created by that public body.

1.1.13 “Request for access” means –

- (a) a request for access to a record of a public body in terms of section 11;
- (b) any person making a request for access to a record of a public body; and
- (c) a person acting on behalf of the person referred to under subparagraph (b).

1.1.14 “Responsible Party” means a public or private body or any other person which, alone or in conjunction with other, determines the purpose of and means of processing personal information.

1.1.15 “Third Party”, in relation to a request for access to-

- (a) A record of a public body, means any person (including, but not limited to, the government of a foreign state, and international organisation or an organ of that government or organisation) other than-
 - (i) the requester concerned; and
 - (ii) a public body, but for the purposes of section 34 and 63, the reference to “person” in paragraph (a) must be construed as a reference to “natural person”.

1.1.16 “The Act” means the Promotion of Access to Information Act of 2000 as amended, and includes any regulation made and in force in terms of section 92

- (a) A record of a public body, means any person (including, but not limited to, the government of a foreign state, and international organisation or an organ of that government or organisation) other than-
 - (i) the requester concerned; and

- (ii) a public body, but for the purposes of section 34 and 63, the reference to “person” in paragraph (a) must be construed as a reference to “natural person”.

1.2 Interpretation

- 1.2.1** any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 1.2.2** if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this manual;
- 1.2.3** where any terms are defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 1.2.4** where any number of days to be calculated from a particular day, such number shall be calculated as excluding the first day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 1.2.5** any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 1.2.6** insofar as there is a conflict in the interpretation of or application of this Manual and the Act, the Act shall prevail; and
- 1.2.7** this Manual does not purport to be exhaustive of or to be comprehensively deal with every procedure provided in the Act. A requester is advised to familiarise his/ her / itself with the provisions of the Act before lodging any request with the Agency.

2 List of Abbreviations

2.1	AARTO	The Administrative Adjudication of Road Traffic Offences Act, Act No. 46 of 1998, as amended
2.2	Agency	Road Traffic Infringement Agency
2.3	Constitution	Constitution of the Republic of South Africa. Act No. 108 of 1996
2.4	DIO	Deputy Information Officer
2.5	GEPF	Government Employee Pension Fund
2.6	IA	Issuing Authority
2.7	IO	Information Officer
2.8	IR	Information Regulator
2.9	Manual	PAIA Manual
2.10	Minister	Minister of Transport
2.11	PAIA	Promotion of Administrative Justice Act, 2000
2.12	PAYE	Pay as You Earn
2.13	PoPIA	Protection of Personal Information Act, No 4 of 2013
2.14	Regulator	Information Regulator
2.16	SAHRC	South African Human Rights Commission
2.17	UIF	Unemployment Insurance Fund

3 Introduction

- 3.1** This manual is published in terms of Section 14 of the Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/ or protection of any right. In addition, PAIA, as amended by section 110 of PoPIA, was promulgated to give effect to the constitutional right of access to information held by the State, which information is required for the exercise or protection of any rights.
- 3.2** The reference to any information, in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of this Act.
- 3.3** Any request in terms of Act will only be given if the requester of such information:
- (a)** Complies with all the procedural requirements in this Act relating to a request for access to that record; and
 - (b)** Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the Act.
- 3.4** The Agency is committed in upholding the principles enshrined in the Constitution and the AARTO Act, including but not limited to PAIA and PoPIA.

4 Purpose of this Manual

This manual can be used by requester for access to information held by the Agency to –

- 4.1** establish the nature of the records which may be already available at the Agency, without the need for submitting a formal PAIA request;
- 4.2** have an understanding of how to make a request for access to a record of the Agency;
- 4.3** access all the relevant contact details of the persons who will assist the public with records they intend to access;
- 4.4** know all the remedies available from the Agency regarding request for access to records, before approaching the Courts;
- 4.5** describe the services available to members of the public from the Agency and how to gain access to those services;
- 4.6** outline the description of the guide on how to use PAIA. as updated by the Regulator and how to gain access to it;

- 4.7** understand if the Agency will process personal information, the purpose of processing of personal information, the description of the categories of data subjects and of the information or categories of information relating hereto;
- 4.8** know if the Agency has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 4.9** know if the Agency has appropriate security measures to ensure the confidentiality, integrity and availability of the information which is to be processed.

5 RTIA Establishment and Overview

5.1 Establishment

- 5.1.1** The RTIA is established in terms of Section 3 of the Administrative Adjudication of Road Traffic Offences Act, 1998(Act No 46 of 1998).
- 5.1.2** The Agency is established as a juristic person responsible to the Minister.
- 5.1.3** The Agency may do anything that is necessary to perform its functions in terms of any law, or assigned to it by the Minister.
- 5.1.4** The Minister may, on request of an issuing authority, assign any function vested in such issuing authority in terms of this Act, to the Agency.
- 5.1.5** The Agency has one national office, and may establish sub offices at provincial or municipal level.

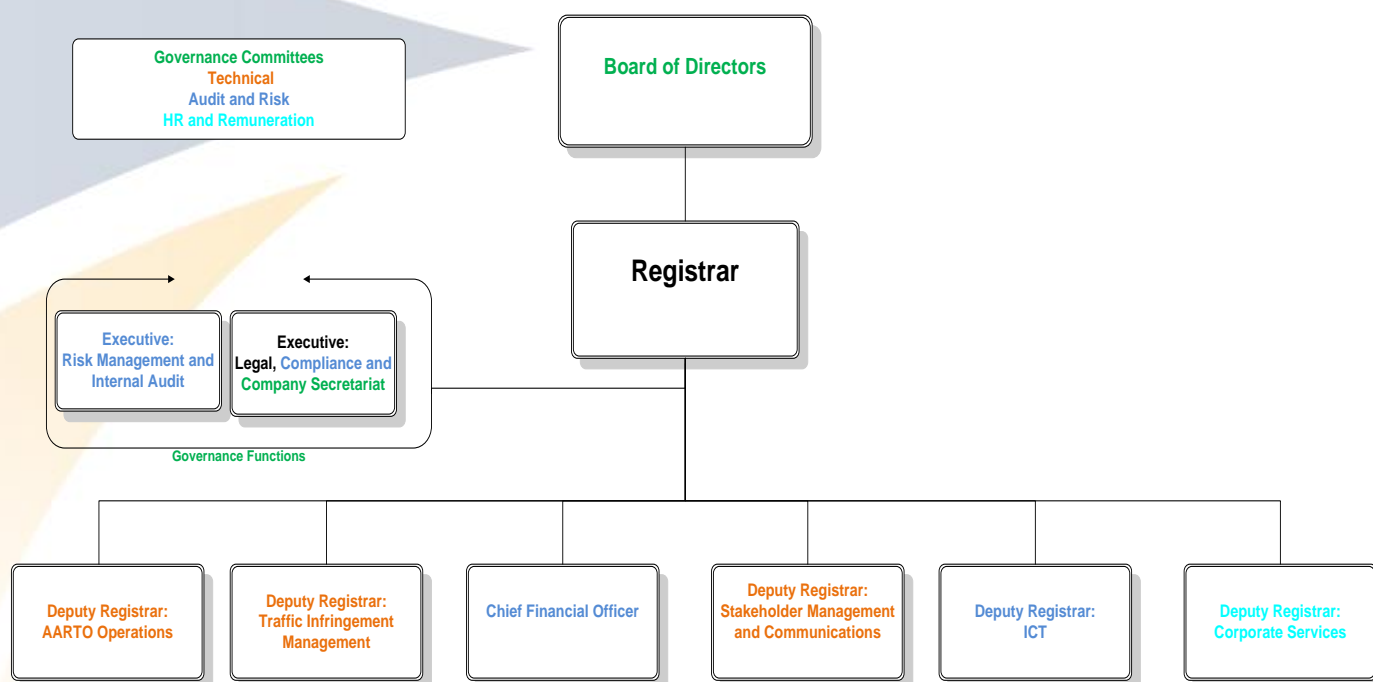
5.2 Overview

- 5.2.1** The Agency administers a procedure to discourage the contravention of road traffic & road transport laws.
- 5.2.2** The Agency also manages the National Contravention Register (NCR) on which all road traffic violations (infringements & offences) for Issuing Authorities (IA's) are recorded.
- 5.2.3** The Agency furthermore has the legislative objective to collect the infringement penalties and the prescribed fees arising from the issuance of Courtesy Letters & Enforcement Orders to non-compliant infringers.
- 5.2.4** The Agency also serve courtesy letters in terms of section 19 on some infringers who has failed to comply with an infringement notice.
- 5.2.5** The Agency also serve enforcement orders in terms of section 20 on an infringer who has failed to comply with the requirements of a notification.

- 5.2.6 The Agency also adjudicate over representations submitted in terms of section 18.
- 5.2.7 The Agency also adjudicate over revocation applications submitted in terms of section 20.
- 5.2.8 The Agency also administers a Point Demerit System in terms of section 24.

6 Structure of the Agency

- 6.1 The Agency consist of a National Office (Head) situated in Midrand and will in the near future and subject to approval by the Board, establish Regional Offices in all nine (9) Provinces.
- 6.2 The Board consists of three persons, who are not employed by the State, appointed by the Minister on account of their commercial and technical expertise; a Director of Public Prosecutions, nominated by the National Director of Public Prosecutions, in consultation with the Directors of Public Prosecutions; and the registrar of the Agency.
- 6.3 The Executive Committee of the Agency consists of the Registrar, Deputy Registrars, Chief Financial Officer, Executive Risk Management and Internal Audit and Executive Legal Compliance and Company Secretary.
- 6.4 The Registrar, must in terms of, section 8, oversee the functions of the agency in accordance with a business plan prepared by the registrar and approved by the board, and in particular –
 - (a) the efficiency of penalty collection and supporting administrative procedures;
 - (b) the operational and organizational functioning of the agency; and
 - (c) the introduction of managerial and operational improvements to facilitate the implementation of this Act.
- 6.5 The Registrar may, in writing, assign a function contemplated in subsection (2) to a deputy registrar or deputy registrars.
- 6.6 The registrar must annually submit a report concerning the activities and operations of the Agency to the Board.
- 6.7 Below is a high level description of the organisational structure of the Agency:



6.8 The RTIA consists of the following internal management structures:

1. Executive Management Committee (EXCO),
2. Management Committee (MANCO);
3. Compliance Universe Committee;
4. Occupational Health and Safety Committee (OHS);
5. Internal Audit, Audit & Risk Committees, and
6. Remuneration and Employment Conditions Committee (REMCO).

6.9 The RTIA is responsible for the coordinating of AARTO matters on a National basis and therefore established the AARTO National Task Team to fulfil the role of a committee overseeing the preparation and implementing of AARTO country wide. This committee convene on a quarterly basis or when required. This task team also created a sub-committee called the AARTO National Technical Committee.

6.10 In addition, various Operational Committees have been established to coordinate AARTO related matters between the implementing Issuing Authorities and some important stakeholders. These committees convene on a monthly basis:

- AARTO Operational Meeting;
- RTIA /IA's & South African Post Office Meeting;
- RTIA/IA's & Government Printing Works Meeting;

6.11 The RTIA is also depended on the Road Traffic Management Corporation (RTMC) as our technology partner for the co-development of the NCR and therefore information requested on the functionality of the NCR system and related matters may need approval by both parties. In this regard FORM A may need to be submitted to both entities for consideration. The RTMC can be reached on www.rtmc.co.za .

7 Availability of this Manual

7.1 This Manual of the Agency is made available in at least three official languages. A copy is available

- on the website of the Agency at <https://rtia.co.za> ;
- at the head office of the Agency for public inspection during normal business hours; and
- to any person upon request and upon the payment of a reasonable amount.

7.2 A fee for a copy of the Manual, as contemplated in annexure B, shall be payable per each A4 size photocopy made.

8 Structure of the Agency

8.1 Requests for access to records held by the RTIA must be made on the request form that is available on its website, or from the IR website (www.inforegulator.org.za) of the Department of Justice and Constitutional Development - (www.doj.gov.za).

8.2 Kindly note that requests need not to be accompanied by a prescribed payment from the onset, but will only be levied processing such request.

8.3 Requests for access to records must be made to the Registrar at the address, fax, and email portal provided below.

8.4 The requester must at all times provide sufficient detail on the request form to enable the Registrar to positively identify the requested record and requester. Some important detail, amongst others, to be provided includes:

- (a) Full names and the address of the requester;
- (b) If the request is made on behalf of someone, the name and the address of the person on whose behalf the request is being made as well as a proof of authority which may be in the form of an affidavit or a sworn statement;
- (c) The details regarding the information that is being requested including the purpose for which that information is being requested;
- (d) The preferred language in which the information must be provided; and
- (e) If the requester wishes to be informed of a decision on the request in any particular manner, to state the manner in which such a decision must be communicated.

8.5 A requester wanting to make oral requests for access to information due to illiteracy a disability or for any other reason, is allowed to do so. The Registrar will ensure that such oral request is transferred to the prescribed document and a copy thereof to be given to the requester.

8.6 The standard form that must be used for making the request is attached as FORM A. By not utilising the standard request form may cause your request to be refused or delayed, this will also be the case if you provide insufficient information.

8.7 Kindly note that all requests will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories of information or records held by the RTIA does not give rise to any rights (in contract or otherwise) to access such information or records, except in terms of the Act.

9 Remedies Available if Provisions of PAIA are not complied with or in Respect of an Act or Failure to Act by the Agency

9.1 If the Agency fails to comply to the provisions of PAIA, the requester or any aggrieved person may, in accordance with section 78 of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA), approach the Court with jurisdiction for appropriate relief.

9.2 If the requester or third party is aggrieved by the decision of the Information Officer, he or she, by way of application and within 180 days, apply to a court for appropriate relief in terms of section 82 of the Act.

9.3 The Agency does not make provision for any internal remedies in terms of section 74 of PAIA and therefore a decision made by the Information / Deputy Information Officer is final and requester must follow the process outlined in paragraph 9.2 above.

10 Key contact details for access to information of the Agency

10.1 Information Officer

Name : Mr Matsemela Moloi
Email : Matsemela.Moloi@rtia.co.za

10.2 Deputy Information Officer

Name : Adv. Mncedisi Bilikwana
Email : Mncedisi.Bilikwana@rtia.co.za

10.3 Deputy Information Officer

Name : Mr Hentie Joubert
Email : Hentie.Joubert@rtia.co.za

10.4 Deputy Information Officer

Name : Mr Peter Baloyi
Email : Peter.Baloyi@rtia.co.za

10.5 Access to information general contacts:

Email : paiarequest@rtia.co.za

10.6 National Head Office

Postal address : P O Box 6341
Halfway House
Midrand
1685

Physical address : Waterfall Office Park
253 Howick Close
Waterfall Office Park
Bekker Road
Midrand
1685

Email : paiarequest@rtia.co.za

Phone number : 087 285 0500

Fax number : 011 207 3210

Website: www.rtia.co.za

11 Guide on how to use PAIA and how to Obtain Access to the Guide

11.1 The Regulator has, in terms of section 10 (1) of PAIA, as amended, updated the PAIA Guide, as initially compiled by the SAHRC.

11.2 The purpose of the aforesaid Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in PAIA and PoPIA.

11.3 The Guide will specifically assist a person, also called the data subject, on how to access his/her or its personal information in terms of section 23 of PoPIA. The aforesaid Guide contain the description of –

(a) the objects of PAIA and PoPIA;

(b) the postal and street address, phone and fax number and, if available, electronic mail address-

- the Information Officer of every public body; and
- every Deputy Information Officer of every public and private body designated in terms of section 17 (1) of PAIA and section.

(c) the manner and forms of request for –

- access to record of a public body contemplated in section 11 of PAIA; and
- access to a record of a private body contemplated in section 50 of PAIA.

- (d)** the assistance available from the Information Officer of a public Body in terms of PAIA and PoPIA.
- (e)** the assistance available from the Regulator in terms of PAIA and PoPIA.
- (f)** all remedies available in law regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and PoPIA, including the manner of lodging –
 - (a)** a complaint to the Regulator; and
 - (b)** an application to a court against a decision by the Information Officer of a public body, a decision on internal appeal or decision by the Regulator or a decision of the head of a private body.
- (g)** the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a Manual, and how to obtain access to the Manual;
- (h)** the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- (i)** the notices issued in terms of section 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
- (j)** the regulations made in terms of section 92 of PAIA.

11.4 Members of the public can inspect or make copies, during the normal working hours, of the Guide from the offices of the public and private bodies (in at least two official languages), including the office of the Regulator (in each of the official languages). The Guide, in each of the official languages, can also be obtained –

- (a)** from the Government Gazette;
- (b)** upon request from the Regulator, by the Information Officer on a form which corresponds substantially with Form 1 of Annexure A to the Regulations;
- (c)** upon request from the Regulator, by any person, other than an information officer referred to in paragraph (b) above, on a form that corresponds substantially with Form 1 of Annexure A of the PAIA Regulations. The fees in relation to a copy of the Guide as provided for in item 1 of Annexure B may apply to the aforesaid person; and
- (d)** from the website of the Regulator <https://www.justice.gov.za/inforeg/> and that of any public or private body.

11.5 Any request for a Guide from the Regulator must be made in writing, by completing **FORM 1** as prescribed.

12 Categories of Records Held by the Information Officer

- 12.1** Records held by the Agency are generated through each of its business units, the core operations process under both PAIA and PoPIA and also decisions taken by its Adjudicators.
- 12.2** Each Business Unit of the Agency generates substantive records which relate to the business of the Agency and operational records in the course of organizational operations.
- 12.3** The categories of records generated in the Agency are classified in the manner listed below –
- 12.3.1** According to the file plan correspondence, files on strategic support, core functions, and operational processes of the Agency.
 - 12.3.2** The Records Control Schedule for other records including publications and audio-visual records and electronic information systems of the Agency.
- 12.4** Certain records of the Agency are acquired in the course of work of the Agency and in certain instances records are received from other public and private bodies in accordance with PAIA and PoPIA.
- 12.5** The Agency reserves the right to transfer requests for records to the relevant bodies were the primary holders or generators of the information requested, or where the Agency no longer has possession of such record.
- 12.6** The Agency also reserves the right to create new categories of records where this is necessary. This Manual will be updated to reflect changes in categories of records accordingly.

13 Voluntary Disclosure

The Agency will publish a notice in terms of Section 52 (2) of the Act in this regard, however, it should be noted that the information related to the RTIA and its services is freely available on the RTIA's websites (www.rtia.co.za / www.aarto.gov.za). Certain other information relating to the RTIA is also made available in the Annual Reports which are published every financial year. These Annual Reports are available in any public library and may also be accessed on the website (www.rtia.co.za).

14 Description of Subjects on which the Agency Holds Records and the Categories of Records held on each Subject

- 14.1** The Agency holds the following records, which are available from the Agency and may be requested by the way of the PAIA request process prescribed below. Such records usually do not have information that can be reasonably be said to be confidential in nature.
- 14.2** Most records which fall into this category are available from the Agency at its National Office or on the Agencies website – <https://www.rtia.co.za> .

14.3 Below is a list of records and information that may be formally requested in terms of PAIA or downloaded from above-mentioned website of the Agency-

Subjects	Category of records	Request for Access	Download on website
Strategic Documents Plans	Annual Reports, Strategic Plan, Annual Performance Plan.	Yes	Yes
Human Resources	HR Policies, Employee records, Learning and Development e.g., Skills Development Training Plans, Employment Equity plan and Statistics.	Yes	No
Operational Plans, Frameworks or Policies	Procurement Plans, Specific Tenders & Contracts, Donations, Funds, Supplier details, Risk Management, Internal Audit, Finance, Human Resource, Supply Chain, Marketing Branding and Fleet and Security Management Records.	Yes	No
Legal, Policy & Research	Research Strategy and Plan.	Yes	No
Corporate Governance	Organizational and Business Plans, Memorandum of Understandings, Agency's Policies and Procedures Occupational Health and Safety Plan, Loss Control Register and emergency evacuation procedures.	Yes	No
Manual and Guide	Agencies Manual & Guide.	Yes	Yes
Information Technology	Incidents and service requests, asset issuance and custodian, system event logs, system performance reports, system maintenance check list, monthly operational reports, Service Level Agreements, ICT Policies ad Procedure Manuals, Network maintenance and System development life-cycle documents.	Yes	No

Registers	Code of Conduct, File Plan, Records Control Schedule.	Yes	No
Reports, Minutes & Decisions	AARTO National Task Team, Monthly Business Unit Meetings, Board, Executive, Submissions, Statistics, Survey, Monitoring and Evaluation.	Yes	No
Supply Chain Matters	BID documents, Contracts, Purchase Orders, Quotations, Tenders, Terms of References, Leases, List of applicants for Tenders, List of Tenders Awarded.	Yes	No
National Contravention Register Functionality	Reports, Business Cases, Standard Operating Procedures, Manuals, Training schedules and statistics.	Yes	No
Finances	Financial Accounting, Financial Reporting, Contracts and Tender Administration, Asset Management, Asset registers, Statements, Budgets, Reports, Management Accounting, Audit Reports, Revenue statements, Reports & Returns.	Yes	No
Audio- Visual Recordings	Slides, Photographs, Films and Videos.	Yes	No

14.4 Categories of records that's may be subject to the grounds of refusal of access to records:

- 14.4.1** The records listed below may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds listed in section 33 to 46 and sections 62-70 of PAIA. Please refer to PAIA Guide on how to use PAIA.
- 14.4.2** The Agency reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources.
- 14.4.3** Access will also be refused where requests are clearly frivolous and or vexatious.
- 14.4.4** However, the Information Officer or Deputy Information Officer(s) of the Agency may grant a request for access to a record of the Agency, if:

- 14.4.4.1** the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law; and
- 14.4.4.2** the public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal of access to records.

<i>Category of Record</i>	<i>On request form only</i>
Agencies Information Regulator Compliance Assessments to PAIA & PoPIA	Yes
Security Related Information	Yes
Agency internal communiques	Yes
Records held by the Legal Unit	Yes
Executive Management internal records	Yes
Research conducted on behalf of the Agency by Service Providers	Yes
Service Provider Contractual exemptions and disclosures	Yes
Confidential Client Communications	Yes
Privileged Information sourced during the course of investigations, CCMA conciliation and attorney client confidentiality	Yes
Specific Human Resource information , including, but not limited to files related to disciplinary process and records, medical information and personal information	Yes
Asset disclosures and protection procedures	Yes
Service Level Agreements signed with stakeholders and Service Providers	Yes
Memorandum of Understandings signed with stakeholders and service providers	Yes
Tender Documentation received by the Agency	Yes
Agenda's and Minutes of internal and external meetings undertaken by the Agency	Yes
Draft Reports , policies and discussion documents	Yes
Research Papers and Legal Opinions – - AARTO processes	Yes

- Interpretation of the AARTO Act & Regulations	
Invoices and proof of payments	Yes
Fleet Management records, including infringement notices issued	Yes
Records related to the National Contravention Register business processes and transaction functionality	Yes
Representation and Revocation Adjudication Frameworks	Yes

15 Records of the Agency which are available without a person having to request access, in terms of Section 15(2) of the Act

Category of Records	No request for access required
Legislation	<ul style="list-style-type: none"> • AARTO Act & Regulations • AARTO Act and Regulation Amendments • AARTO Bills • AARTO Schedules to the Regulations
Government Notices	<ul style="list-style-type: none"> • AARTO Act, GN No. 19257, 11 September 1998 • AARTO Amendment Act, GN No.19972, 25 April 1999 • AARTO Amendment Act, GN No. 24577, 20 February 2003 • AARTO Amendment Act, GN No. 21428, 3 August 2000 • AARTO Regulations, GN No. 31242, 16 July 2008 • AARTO Regulation Correction, GN No. 33039, 19 March 2010 • Draft AARTO Amendment Bill, GN No. 36613, 28 June 2013 • AARTO Amendment Regulations, GN No. 39482, 7 December 2015 • AARTO Amendment Act, GN No. 42648, 19 Augustus 2019 • AARTO Amendment Regulations, GN No. 1319, 11 October 2019 • AARTO Amendment Regulations, GN No. 437758, 2 October 2020

Court Order	<ul style="list-style-type: none"> • Court Order Case No. 32097/2020, Pretoria High Court, 13 January 2022
Court Judgments	<ul style="list-style-type: none"> • AARTO Judgment , Case No, 32097/ 2020, 13 January 2022
Forms	<ul style="list-style-type: none"> • Supplier Data Base Registration • PAIA Request for information • AARTO Elective Option Application Forms
Committees of the Agency	<ul style="list-style-type: none"> • Terms of References • Roles & Responsibilities of members of these Committees
Polices & Guidelines	<ul style="list-style-type: none"> • PAIA Guide • PAIA Manual • Policy on the Formulation of Polices
Strategic Documents	<ul style="list-style-type: none"> • Organizational Profile (Overview, Objectives, Functions & Organigram) • Annual Reports • Strategic Plan • Annual Performance Plan • RTIA Objectives
About AARTO	<ul style="list-style-type: none"> • Board of Directors • Executive Management
Media	<ul style="list-style-type: none"> • Statements • Speeches • Events Gallery • Communication Material
Tenders	<ul style="list-style-type: none"> • Current bids • Archived Bids

16 Procedure for Access to Records Held by the Agency

16.1 Section 18 of PAIA prescribes the procedure to be followed in making a request for access to information held by the Agency. Section 23(1) of PoPIA also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of PoPIA should be in accordance with section 18 of PAIA.

16.2 A requester or data subject to a record must use the prescribed FROM 2, when requesting access to a record or personal information. Form 2 is annexed hereto.

16.3 A requester is any person making a request for access to a record of the Agency and in this regard, PAIA distinguishes between two types of requesters for access to information, i.e. Personal Requester, (data–subject) and Other Requester.

16.3.1 A data subject is a requester who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of PAIA and PoPIA, the Agency will provide the requested information, or give access to any information with regard to data subject’s personal information within a reasonable time, (at a prescribed fee, if any) in a reasonable manner and format and in a form that is generally understandable. The prescribed fee for reproduction of the personal information request will may be charged by the Agency.

16.3.2 A person falling within a category of Other Requester is entitled to request access to information pertaining to third parties. However, the Agency is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of PAIA and PoPIA.

16.4 The FORM 2 must be addressed and submitted to the Information Officer by hand, post, per fax or email, which details are set out in paragraph 8 above.

16.5 The requester must provide sufficient information of the record(s) requested in order for the Information Officer or Deputy Information Officer, if any, to identify the record (s). The prescribed form must be filled in with enough particularity to a least enable the Information Officer to identify-

16.5.1 The identity of the requester;

16.5.2 Particulars of the record requested;

16.5.3 Type of record;

16.5.4 From of access, and

16.5.5 Manner of access.

16.6 Some additional important points when completing the request form:

16.6.1 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;

16.6.2 If records are requested on behalf of another person, please provide a copy of the mandate authorizing you to act on behalf of another person; and

16.6.3 A detailed description of records being requested must be provided to enable the Information Officer or Deputy Information Officer to identify accurately.

16.7 The requester must indicate, as per section 29(2) of PAIA, the form of access that is required.

16.8 The requester must indicate whether the requested record(s) is preferred in any particular language.

- 16.9** The requester should indicate that manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
- 16.10** The requester will receive the information in such a manner as indicated. Section 29(3) of PAIA, indicates that making available the information will depend on whether the request will not interfere unreasonably with the effective administration of the Agency, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.
- 16.11** The requester must indicate as per section 29 (2) of PAIA, the form of access that is required.
- 16.12** The requester must indicate whether the requested record (s) is preferred in any particular language.
- 16.13** The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
- 16.14** An oral request for access to record (s) may be made, if the requester does not have a formal education or has a disability. The Information Officer or Deputy Information Officer will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 16.15** The requester will be notified of the prescribed fee payable, if any, the method of payment and the office which she/he can make such payment or submit proof of payment before a request for information is processed further. Please note that the requester is exempted from paying an access fee to the Agency if-
- 16.15.1** The requester is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R 14 712 a year; or
 - 16.15.2** The requester is married and his/her joint income, after permissible deductions, such as PAYE and UIF, is less than R 27 192 per year.
- 16.16** The request for information will, in terms of section 25 of PAIA be processed by the Information Officer within 30 days after receipt of the request or as soon as possible, where after the Information Officer will inform the requester of his/her decision, either grant or reject the request for access to records. The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.
- 16.17** Section 26 of PAIA prescribed the instances where a period of 30 days referenced in section 25 of PAIA, may be extended once a further 30 days. The period of 30 days may be extended one a further period of not more than 30 days, if-
- 16.17.1** The request is for a 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 the Agency;
 - 16.17.2** The request requires a search of records in, or collection thereof from, an office of the Agency not situated in the same town or city as the office of the Information Officer and can't reasonably be completed within the original period;

- 16.17.3** Consultation among divisions of the Agency or with another public body is necessary or desirable to decide upon the request and such decision-making process can't be reasonably being completed within the original period;
- 16.17.4** More than one of the circumstances contemplated in paragraphs 15.7.1 to 15.7.3 exist in respect of the request making compliance with the original period not reasonably possible; and
- 16.17.5** the requester consents in writing to such extension.
- 16.18** If the period has been extended, the Information Officer must as soon as possible and within 30 days of first receiving the request inform the requester of the extension.
- 16.19** The request for access to a record has been refused, delayed or granted subject to unreasonable fees is granted in an unacceptable form, the requester may lodge and appeal as per section 74 of PAIA to the Agency.
- 16.20** Section 74 of PAIA allows for appeals against the decision of the Information Officer of the Agency and the appeal processes (which is not compulsory) are detailed in paragraph
- 16.21** According to section 78 of PAIA, the requester or third party referred in section 74, may only apply to Court for appropriate relief in terms of section 82 of the Act, after having exhausted the internal appeal procedure against a decision of the Information Officer. As indicated in paragraph 9 above, appeal processes are not compulsory and the requester or third party may, at any time, within the prescribed period of 180 days, approach the court for appropriate relief.
- 16.22** A requester, who is aggrieved by the decision of the Information Officer of the Agency under PAIA, can't lodge a complaint with the Agency and must proceed in terms of paragraph 9 above.

17 Services Available to Members of the Public from the Agency and How to Access those Services

17.1 Infringement Check / Payments

- 17.1.1** infringement records of a data subject can be retrieved by the data subject through Agencies online platforms –
- (a) by registering free of charge @ www.aarto.gov.za ;
- (b) by downloading free of charge the AARTO Application from Google Play Store.
- 17.1.2** Infringement can also be made in person at the Agencies National Office at the address referenced under paragraph 10.6 above.
- 17.1.3** Infringement checks can also be done by the data subject by visiting one of the Agency's Service Outlets located throughout the Republic and listed on the Agency's website www.rtia.co.za .

17.1.4 General infringement queries can also be directed to the Agency's AARTO Call Centre by dialling 0861 227 861 or via email aartoenquiries@rtia.co.za .

17.1.5 Acceptance of payments of penalties and fees payable in terms of notices and notifications issued. Payments are accepted at pay points as advertised on www.aarto.gov.za / www.rtia.co.za and indicated on the notices and notifications issued to infringers. In addition, the Agency also made pay points available at our Head Office and selected AARTO Service Outlets located across the country.

17.2 Submission of AARTO elective option application forms

Infringers may forward AARTO elective option application forms to the Agency, through the following means-

- (a) Registered mail to: Private Bag X112, Midrand , 1685
- (b) Through e-mail
 - Representations@rtia.co.za
 - Nominations@rtia.co.za
 - Court@rtia.co.za
 - Revocation@rtia.co.za
 - Refund@rtia.co.za
- (c) Through hand delivery at the Agency's National Office at the address referenced under paragraph 10.6 above, or at the Service Outlets listed on the Agency's website www.rtia.co.za .

18 Public Involvement in the Formulation of Law and the Exercise of Powers or Performance of Duties by the Agency

18.1 The exercise of its powers or performance of its duties in terms of the AARTO Act and its Regulations, and the amendment of these powers and duties, will be done through Provincial Legislator Public Hearing process.

18.2 During these Public Hearings members of the public may provide inputs and express their concerns with amendments suggested to the AARTO Act and its regulations.

18.3 Any concerns can be raised at the hearing itself or through written submissions for the Department of Transport.

18.4 Public Hearing dates will be published within the main stream written media platforms well in advance by the Agency or the various Provincial Legislatures involved in this process.

18.5 Concerns raised during the Public Hearing process, will be documented and if appropriate, be considered by the Department of Transport to be included in the final Act or Regulation amendments.

19 Process of Personal Information

19.1 Purpose of processing of personal information of data subject under its care in the following ways -

19.1.1 Fulfilling or executing of its statutory obligations under the AARTO Act and its Regulations, through –

19.1.1.1 Accepting and processing of AARTO elective option application forms containing the personal details of the applicant and the scanning and uploading of such documents onto the NCR;

19.1.1.2 Disposing (shredding) of AARTO elective option application forms received, after such documentation has been digitized on the NCR;

19.1.1.3 Preparing and dispatching of statutory NCR notifications to alleged infringers through registered mail or normal mail; and

19.1.1.4 Preparing and dispatching to applicants through normal mail NCR acknowledgment receipts for applications received.

19.1.2 Fulfilling its statutory obligations in terms of the PFMA / Treasury Regulations in relation to supply chain matters, issuance of procumbent orders, accounts and records.

19.1.3 Fulfilling its statutory obligation in terms of staff administration and job applications.

19.1.4 General visitors register at the Agency's National Office and Service Outlets.

19.1.5 Complying with other relevant legislations, such as PFMA, Regulations under the National Instruction Notes.

19.2 Categories of Data Subjects and their Personal Information

The Agency may process records related to infringers, suppliers, board members, contractors, service providers, staff and clients:

<i>Category of Data Subjects</i>	<i>Personal Information that may be processed</i>
Infringers	Names, Surnames, gender, identity number, contact details (contact numbers, residential and postal addresses, email addresses), vehicle details, charge code and charge descriptions, time, date and location of offence and employer details.
Suppliers / Service Providers	Names of contact persons, name of entity, physical and postal addresses and contact details

	(telephone number, fax and email), Registration Number of company, BBBEE Status, tax related information and central data base information.
Employees / Board Members	Gender, pregnancy, marital status, race, age, language, education information, financial information, employment history, ID numbers physical and postal addresses, contact details (contact numbers), criminal record, well-being and facility members, medical membership, nationality, ethnic or social origin, physical or mental health, disability, infringement history, biometric information, professional affiliation and references.
Issuing Authorities	Performance Data in terms of AARTO.

19.3 The recipients or categories of recipients to whom the personal information may be supplied by the Agency

19.3.1 The Agency may supply the personal information related to a data subject to the Employees of the Agency, as part of executing its statutory mandate.

19.3.2 The Agency may supply the personal information of the data subject to the Service Providers / Suppliers who render the following services-

19.3.2.1 Capturing and organizing of personal information;

19.3.2.2 Storing of personal information;

19.3.2.3 Sending emails and other correspondence;

19.3.2.4 Conducting due diligence checks;

19.3.2.5 Conducting criminal checks;

19.3.2.6 Forensic investigation and any other investigation relating to the activities of the Agency;

19.3.2.7 Auditing;

19.3.2.8 Administration of the GEPF fund;

19.3.2.9 Administration of Medical Aid; and

19.3.2.10 ICT infrastructure.

- 19.3.3** The Agency may also supply performance related data of IA's to another IA for the purposes of reporting on the activities undertaken by the applicable IA's from time to time.
- 19.3.4** The Agency may also supply personal information of data subjects to Courts, in respect of any matter taken on judicial review.
- 19.3.5** The Agency may also provide personal detail to the Road Traffic Management Corporation as the technology partner for the NCR for the purposes of populating the NCR with infringer detail.
- 19.3.6** The Agency, through its technology partner for the NCR, may also transfer personal detail to the South African Post Office, for the purpose of serving AARTO notification and acknowledgment documentation on the alleged infringer in terms of sec 30 of AARTO.

20 Planned Trans-border Flows of Personal Information

- 20.1** The Agency has not planned Trans-border flows of personal information. However, the Agency, should it become necessary to transfer personal information to another country for lawful purposes, ensure that anyone who passes personal information is subject to law, binding corporate rules or binding agreement which provided for the adequate level of protection and the third party agrees to that personal information with the same level of protection as the Agency is obliged under PoPIA.
- 20.2** Any transfer of personal information cross border shall be with the data subject's consent, however should it not be reasonably practicable to obtain data subject's consent, the Agency shall transfer the personal information if-
- 20.2.1** It will be for the data subject's benefit; and
- 20.2.2** The data subject would have given consent should it have been reasonably practicable to obtain such consent.

21 General Description of Information Security Measures

- 21.1** The Agency continuously establishes and maintains appropriate, reasonable technical and organizational measures by taking appropriate, reasonable technical and organizational measures to prevent-
- 21.1.1** loss of, damage to unauthorized destruction of personal information; and
- 21.1.2** unlawful access to or processing of personal information.
- 21.2** The Agency, has taken reasonable measures, as contained in paragraph below 21.3, to-

- 21.2.1** Identify all reasonable foreseeable internal and external risks to personal information in its possession or under its control;
- 21.2.2** Establish and maintain appropriate safeguards against the risk identified;
- 21.2.3** Regularly verify the safeguards are effectively implemented; and
- 21.2.4** Ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

21.3 Measures taken by the Agency includes, amongst others-

- 21.3.1** Biometric access control within the different areas at Head Office;
- 21.3.2** Physical Security presence at all entrances at Head Office;
- 21.3.3** Data Backups;
- 21.3.4** Anti-virus and Anti-malware Solutions;
- 21.3.5** NCR transaction access through a compressive application process, including personalized usernames and passwords;
- 21.3.6** Awareness and Vigilance amongst all staff members; and
- 21.3.7** Auditing and Reporting capabilities.

22 Prescribed Fees

- 22.1** Section 22 (1) of PAIA states that fees payable for access to records of the Agency are to be prescribed.
- 22.2** The prescribed fees are set in annexure A, attached hereto.
- 22.3** A who seeks access to any record may be required to pay a fee, unless an exempted, as referred to in paragraph 21.4 below.
- 22.4** The requester does not need to pay an access fee to a public body if –
 - 22.4.1** He or she is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R14 712 per year; or
 - 22.4.2** He or she is married and the joint income with his her partner, after permissible deductions, such as PAYE and UIF, is less than R27 192 per year.

23 Records that can't be found or does not exist

23.1 Requesters has the right to receive a response in the form of an affidavit or affirmation where records can't be reasonably being located, but to which a requester would have had access had the record been available.

23.2 Requesters also have the right to receive a response in form of an affidavit or affirmation where the requested records do not exist.

24 Disposal of Records

24.1 The Agency reserves the right to lawfully dispose of certain records in terms of the authorities obtained from the National Archives and Record Services.

24.2 Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

24.3 In accordance with section 24 (1) of PoPIA, the Agency may, upon receipt of the request from a data subject-

24.3.1 Correct or delete personal information about the data subject in its possession or under his control that is accurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.

24.3.2 Destroy or delete a record of personal information about the data subject that the Agency is no longer authorized in terms of section 14 of PoPIA.

25 Updating of this Manual

The Agency will, if necessary, update and publish this Manual as and when required due to changes in legislation or the operational environment of the Agency.

Issued by –

The Road Traffic Infringement Agency

Promotion of Access to Information Act (PAIA) Forms

Form 01 – Request for a Guide from the Regulator [Regulation 2]

<https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form01-Reg2.pdf>

Form 01 – Request for a Copy of the Guide from an Information Officer [Regulation 3]

<https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form01-Reg3.pdf>

Form 02 – Request for Access to Record [Regulation 7]

<https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

Form 03 – Outcome of Request and of Fees Payable [Regulation 8]

<https://info regulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>

Form 04 – Internal Appeal Form [Regulation 9]

<https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form04-Reg9.pdf>

Form 05 – Complaint Form [Regulation 10]

<https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form05-Reg10-1.pdf>

Form 13 – PAIA Request for Compliance Assessment Form [Regulation 14(1)]

<https://info regulator.org.za/wp-content/uploads/2020/07/PAIA-Request-for-Compliance-Assessment-Form-13.pdf>

Promotion of Personal Information Act (PoPIA) Forms

Form 1 – Objection to the Processing of Personal Information

<https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-1-OBJECTION-TO-THE-PROCESSING-OF-PERSONAL-INFORMATION.pdf>

Form 2 – Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information

<https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-2-REQUEST-FOR-CORRECTION-OR-DELETION-OF-PERSONAL-INFORMATION-OR.pdf>

Form 3 – Application for the Issue of a Code Conduct

<https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-3-APPLICATION-FOR-THE-ISSUE-OF-A-CODE-OF-CONDUCT.pdf>

Form 4 – Application for the Consent of a Data Subject for the Processing of Personal Information for the Purpose of Direct Marketing

<https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-4-APPLICATION-FOR-THE-CONSENT-OF-A-DATA-SUBJECT-FOR-THE-PROCESSING-OF.pdf>

Form 5 – Complaint Regarding Interference with the Promotion of Personal Information/Complaint Regarding Determination of an Adjudicator

<https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-5-COMPLAINT-REGARDING-INTERFERENCE-WITH-THE-PROTECTION-OF-AN-ADJUDICATOR.pdf>

Form 20 – Request for an Internal Review's in the rules of procedure relating to the manner in which a complaint must be submitted and handled by the Information Regulator

<https://inforegulator.org.za/wp-content/uploads/2020/07/20211012-InfoReg-RulesOfProcedure-HandlingPOPIAcomplaints-1.pdf>

Prescribed Fees

Annexure B

	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.