

*Last updated: February 2022*

**This PAIA manual was prepared in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 (PAIA) and is applicable to CropLife South Africa.**

<b>TABLE OF CONTENTS</b>		
section	description	page
1	PAIA – the act and guide on how to use it	2
2	CropLife SA – the association	2
3	CropLife SA - contact details	2
4	Automatic availability of certain records	3
5	Records available in terms of other legislation	3
6	Records that may be requested	4
7	Process for requesting records	5
8	Availability of this manual	6
9	Prescribed forms – Annexure 'A'	6

## 1. PAIA – the act and guide on how to use it

- According to the South Africa Human Rights Council (SAHRC) website, the objectives of PAIA are listed as:
  - o To promote transparency, accountability and effective governance of all public and private bodies
  - o To assist members of the public to effectively scrutinize and participate in decision making by public bodies
  - o To ensure that the state promotes a human rights culture and social justice
  - o To encourage openness
  - o To establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner
- The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA
  - o This guide is available from the SAHRC
    - Postal address: Private Bag 2700, Houghton 2041
    - Physical address: Braampark Forum 3, 33 Hoofd Street, Johannesburg
    - Telephone: +27 11 877 3600
    - Website: [www.sahrc.org.za](http://www.sahrc.org.za)
    - Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 2. CropLife SA – the association

- CropLife South Africa is a non-profit, voluntary industry association that serves and represents responsible manufacturers, suppliers and distributors of sustainable crop protection and public health solutions in the agricultural, public health, non-crop and consumer sectors of South Africa
- We enable our members to be providers of environmentally compatible solutions that ensure sustainable, safe and affordable food production, and therefore food security, in South Africa
- CropLife South Africa offers a wealth of resources, training, regulatory assistance, and industry updates to its members. In addition, we are the leading industry voice for our members in matters pertaining to crop protection and public health in South Africa

## 3. CropLife SA – contact details

- Company details:
  - o CropLife South Africa
  - o Company registration number: 2002 / 031906 / 08
- Physical Address:
  - o Unit 19, 1st floor, Cambridge Office Park
  - o 5 Bauhinia Street, Centurion, 0169
- Postal Address:
  - o PostNet Suite 437
  - o Private Bag X132, Centurion, 0046
- Email:
  - o [info@croplife.co.za](mailto:info@croplife.co.za)
- CEO & Designated Information Officer
  - o R. Bell
    - Telephone: +27 72 224 4715
    - Email: [rod@croplife.co.za](mailto:rod@croplife.co.za)
- Deputy Information Officer
  - Email: [info@croplife.co.za](mailto:info@croplife.co.za)

#### 4. Automatically available records

- CropLife SA makes freely available a range of documents
  - o these documents are available on the CropLife SA website ([www.croplife.co.za](http://www.croplife.co.za)), under the following categories
    - About
      - Our vision
      - Our Actions
      - Our values
      - Our code of conduct
      - Our Team
      - Our Executive Council
      - Our members
    - Crop Protection
      - Stewardship
      - Education and training
      - Regulatory
      - Resources
    - Plant biotechnology
      - Plant biotech 101
      - Regulatory
      - Stewardship
      - Resources

#### 5. Records available in terms of other legislation

- Where applicable, in terms of the functioning of the association, information relating to the following legislation is available:
  - o Basic Conditions of Employment Act No. 75 of 1997
  - o Companies Act No. 61 of 1973
  - o Companies Act No. 71 of 2008
  - o Employment Equity Act No. 55 of 1998
  - o Hazardous Substances Act No. 15 of 1973
  - o Income Tax Act No. 58 of 1962
  - o Labour Relations Act No. 66 of 1995
  - o Protection of Personal Information Act No. 4 of 2013
  - o Skills Development Act No. 97 of 1998
  - o Unemployment Insurance Act No. 63 of 2001
  - o Fertilizers, Farm Feeds, Seeds and Remedies Act 36 of 1947
  - o Agricultural Remedies Regulations 2006
  - o Chemical equivalence guideline 2000
  - o Emergency Registration Protocol of Agricultural Remedies 2018
  - o Guideline for Registration Process for Agricultural Remedies 2015
  - o Guideline for shelf-life extension of Pesticides in South Africa 2015
  - o Guideline on Import and Export Permit Requirement for Agricultural Remedies
  - o Guidelines for preparing Agrochemical field trials in sugarcane
  - o Guidelines for Registration of Adjuvants in South Africa - 05 February 2018
  - o Guidelines for Registration of Biological Remedies 2015 Registrar of Act 36 of 1947
  - o Guidelines for Registration of Swimming Pool and Spa Pool Remedies
  - o Guidelines for the Management of Risk Agricultural Remedies on Insect Pollinators
  - o Guidelines on Data Requirements for Agricultural Remedies 2015
  - o Guidelines on the design on flue-cured tobacco smoke trials April 2018
  - o Guidelines on the Registration of Agricultural Remedies in Non-Crop Situations

- Guidelines for Minor Crop Registration 30 September 2010
- Seed Treatment Registration Guidelines May 2019
- Residue Guidelines 04 April 2016
- Wine Fermentation Guideline 2018

## 6. Records that may be requested

- It must be noted that listing the below summary of records, or category of records, does not automatically mean access will be granted.
  - Each application for access to information will be judged on its merit
  - CropLife SA takes the Protection of Personal Information Act (POPIA) very seriously and all PAIA applications will be considered in accordance with the POPIA and PAIA
- Where applicable to the association, the following records may be requested:
  - Association records
    - Memorandum of incorporation
    - Minutes of Executive Council Meetings
    - Documentation relating to directors' appointments
    - Asset register
    - Insurance policies
  - Financial records
    - Annual financial statements as prepared by auditors
    - Accounting documentation
    - Bank statements and records
    - Financial transactions (invoices and payments)
  - Personnel documents and records
    - Employee contracts and personal information
    - Payroll information
    - Vacation records
  - Membership records
    - Register of current and past membership
    - Membership fees paid
    - List of persons participating in the association's Continuous Professional Development (CPD) programme and certification status
  - Commercial contracts
    - Office space lease agreements
    - Office equipment lease agreements
  - Training course documentation
    - Personal details of persons having completed the basic crop protection course
  - Agendas and minutes of the association's forums and working groups
    - Herbicide Resistance Action Committee
    - Insecticide Resistance Action Committee
    - Fungicide Resistance Action Committee
    - Stewardship Forum
    - Regulatory Forum
    - Compliance Forum
    - Biologicals Forum

## 7. Process for requesting records

- It must be noted that the action of applying for access to information does not guarantee said access
  - o Each application for access to information will be judged on its merit
  - o CropLife SA takes the Protection of Personal Information Act (POPIA) very seriously and all PAIA applications will be considered in accordance with the POPIA and PAIA
- All requests for access to information must be submitted to CropLife SA on the designated request form – see section 9, Prescribed Forms (PAIA section 53(1))
  - o All completed request forms are to be submitted to the CropLife SA CEO using the email or postal addresses detailed in section 3
  - o Said request form must require the requester to ((PAIA section 53 (2)(a) to (f)):
    - Provide sufficient information so as to provide the CEO of CropLife SA the ability to identify:
      - the record or records requested and the requester
      - which form of access is required
    - to specify a postal address or fax number of the requester in the Republic;
  - o to identify the right the requester is seeking to exercise, or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right
  - o if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed
  - o if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head.
- Fees
  - o As per the terms of the PAIA, fees are payable by the requester to CropLife SA for the search, preparation and copying of documents (PAIA section 54 (1))
  - o Even if the request for access to information is granted, no information will be supplied to the requester before the prescribed fees have been paid
  - o The prescribed fee structure as published by the South African Human Rights Commission is available in Annexure B
- Notification
  - o Once the CropLife SA CEO has made a decision (as soon as reasonably possible but within 30 days of receipt of the request for access to information) regarding the requested access, the requester will be notified as to the decision taken in the form of notification detailed by the requester on the prescribed request form
- Records that cannot be found or do not exist
  - o If all reasonable steps have been taken to find a requested record requested and there are reasonable grounds for believing that the record is in the possession of CropLife SA but cannot be found, or does not exist:
    - The CEO of CropLife SA will, by way of affidavit or affirmation, notify the requester that it is not possible to give access to that record (PAIA section 55 (1))
- Grounds for refusal
  - o The PAIA clearly protects the privacy of a third party (PAIA sections 63, 64, 65 & 67)
  - o The CEO of CropLife SA will take these sections into consideration when processing any request for access to information

## **8. Availability of this manual**

- A copy of this manual is available upon request from either the Designated Information Officer or the Deputy Information Officer using the contact details listed in section 3 of this manual.

## **9. Prescribed forms**

- Annexure 'A' contains the designated request for access to information form

## ANNEXURE "A"

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
(Section 53 (1) of the Promotion of Access to Information  
Act, 2000(Act No. 2 of 2000))  
[Regulation 10]**

**A. Particulars of private body**

The Head:

**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.  
Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname :

Identity number:

Postal address:

Telephone number:

Fax number (if applicable) :

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 referencenumber if that is known to you, to enable the record to be located.

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.

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 hereunder, 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 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.

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:			
	Copy of record*		Inspection of record
2. If record consists of visual images (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 (audio cassette)		transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			

	Printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (compact disc)	
<p>*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.</p>			YES	NO

**G. Particulars of right to be exercised or protected**

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. Indicate which right is to be exercised or protected:
  
  2. Explain why the record requested is required for the exercise or protection of the aforementioned right:
- .
- .
- .

#### H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/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?

Signed at    this    day of    20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

## Annexure B: published PAIA fees

## SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Tel: (011) 877 3600

Fax: 011 403 0625

Physical Address  
33 Hoofd Street  
Braampark Forum 3  
Braamfontein  
2198

Postal Address  
Private Bag X 2700  
Houghton  
2041



**NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000**  
**RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE**  
**REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES**

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

#### 1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *interpretively* and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

#### 2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

##### Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

##### Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

##### **Public Bodies:**

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

##### **Private Bodies:**

- Copy per A4 page – R110
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

#### 3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,



Advocate L M Mashwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.

Chairperson: ML Mashwana; Deputy Chairperson: P Govender; Commissioners: L Mokate, B Mlatji, J Love, D Titus  
Chief Executive Officer: K Ahmed