



POLICY ON PAIA IMPLEMENTATION AT THE SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION (SACAP)

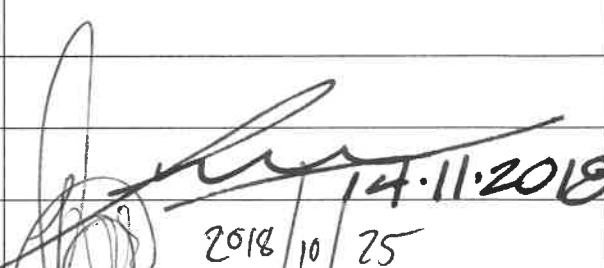
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Name of the Policy:	POLICY ON PAIA IMPLEMENTATION AT THE SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION (SACAP)
Revised by Council	
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The South African Council for the Architectural Profession is a regulatory body established in terms of section 2 of the Architectural Profession Act, 2000 (Act No.44 of 2000), in order to regulate the architectural profession in South Africa.

1. STRUCTURE AND FUNCTIONS OF the SACAP

SACAP is directed and managed by a Council comprising of members appointed by the Minister of Public Works for a four year term, with members being drawn from various stakeholder groups after a public nomination process.

SACAP is mandated in terms of the Act to regulate the architectural profession and protect the members of public in so doing.

2. CONTACT DETAILS OF SACAP AND THE INFORMATION OFFICER

SACAP

The postal address:	P.O. Box 1500 Rivonia 2128
Physical Address:	51 Wessel Road, Right Wing, Rivonia, 2128
Tel number:	011 479 5000
Fax number:	011 479 5100
Email address:	info@sacapsa.com
Website address:	www.sacapsa.com

INFORMATION OFFICER

Information Office :	Registrar
Physical Address:	51 Wessel Road, Right Wing, Rivonia, 2128
Tel number:	011 479 5000

Fax number: 011 479 5100

Email address: registrar.rp@sacapsa.com

3. THE HUMAN RIGHTS COMMISSION GUIDE IN TERMS OF SECTION 14(1)(c) OF PAIA.

Section 10 of the PAIA imposes a duty on the Human Rights Commission to "compile in each official language a guide containing information in an easily comprehensible form and manner, as may be reasonably required by a person who wishes to exercise any right in terms of the Act".

Enquiries regarding the Guide can be addressed to the SAHRC , the contact details of which are as follows:

South African Human Rights Commission:

Promotion of Access to Information Unit

Postal address: Private bag 2700

Houghton

2041

Telephone: 011 484 8300

Fax: 011 484 0582

Website: www.sahrc.org.za

Email: PAIA@sahrc.org.za

4. RECORDS AND CATEGORIES OF RECORDS AVAILABLE FROM SACAP

Records refer to those records created or received in the course of official business and kept as evidence of the application submitted with documentary evidence as well as SACAP's functions, activities and transactions. These records will only be made available on formal request.

The following documents may be requested.

4.1. **Registrations, Continuing Professional Development and Records**

- a) Registers of all architectural professionals according to their category of registration upon receipt of payment of such request.
- b) Names of accreditors and accredited service providers of CPD;
- c) Registration Rules and Regulations; and
- d) Prescribed forms.

4.2. **Finance**

Audited financial statements.

4.3. **Support services**

Tender submissions

4.4. **Communications**

- a) Annual reports;
- b) Media statements; and
- c) Newsletters.

4.5. **Legal services**

- a) Information gathered during investigation of complaints;
- b) Record of proceedings of all disciplinary tribunals;
- c) Code of professional conduct;
- d) Rules for disciplinary proceedings;
- e) Charge sheets;
- f) Policies; and
- g) Rulings/Findings of disciplinary tribunals.

4.6. RECORDS AVAILABLE WITHOUT A FORMAL REQUEST

- a) Affidavit for lodging a formal complaint;
- b) Board Notices;
- c) General information brochures; and
- d) Architectural profession news.

5. DESCRIPTION OF THE SERVICES AVAILABLE TO PUBLIC MEMBERS FROM SACAP AND HOW TO ACCESS THOSE SERVICES.

Nature of the services

SACAP is mandated in terms of the Act to protect the interests of members of the public and regulate the architectural profession.

6. PROVISION FOR PARTICIPATION IN THE FORMULATION OF POLICY OR EXERCISE OF POWER.

SACAP seeks to actively facilitate the engagement with all its stakeholders in planning and policy making process through collaboration.

7. REMEDIES AVAILABLE IN RESPECT OF AN ACT OR FAILURE TO ACT BY SACAP.

A requester may lodge an appeal with SACAP against a decision of the Information Officer if:

- a) A request for access is refused;
- b) The fees charged are unacceptable;
- c) The period within which a decision regarding access to a record must be made, is extended;
- d) Access to a record in the requested form is not granted; and
- e) A third party may lodge an internal appeal with SACAP against a decision by the Information Officer to disclose information relating to the third party.

8. OTHER INFORMATION AS PRESCRIBED IN TERMS OF SECTION 14(1)(i)

There is no other information available from SACAP to be placed here.

9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

9.1. The access for information must be made on the prescribed form to the Information Officer whose details have been provided above.

9.2. The Requester must specify the following in their request:

- a) The record requested;
- b) The personal particulars of the requester including contact numbers within South Africa;
- c) The language in which the record is requested;
- d) Capacity in which the requester is requesting the information; and
- e) Form of access required.

9.3. Reasons for the request.

- a) A copy of the prescribed form is attached hereto and marked **Annexure "A"**. The requester must indicate which applicable form of access is required and how it is required, whether in writing or by way of an inspection.
- b) The record requested will be furnished on payment of the prescribed fee as per Annexure hereto attached and marked **"B"**.

9.4. Time Limits

The Information Officer will within 21 days of receipt of the request, inform any affected party of such request. The third party must in turn inform the Information Officer why such information should not be made available to the requester. The Information Officer must within 30 days make a decision whether or not the request will be granted. This period may be extended once for an additional 30 days.

9.5. Internal Appeal Procedure.

- a) A party who is aggrieved by the Information Officer's decision to refuse their request may lodge an internal appeal within 60 days of the decision.

- b) The appeal must be lodged on a prescribed form and sent to the Information Officer of SACAP at the address indicated above, stating reasons for the internal appeal and any other relevant information known to the requester.
- c) The appeal costs will be charged as per the attached prescribed fee schedule.
- d) Upon receipt of the internal appeal, the Information Officer must submit the appeal together with his/her reasons for the decision, and further state if the internal appeal is as a result of the refusal or granting of request for access, the name, postal address, phone, fax number and an electronic address of any third party that must be notified of the request.
- e) The Registrar/CEO must inform the third party to whom the record relates to, of the internal appeal within 30 days after receipt of the internal appeal and confirm the decision appealed against or substitute it with a new one.
- f) Once a decision has been made, notice to this effect must be given to the requester and every third party who was informed.
- g) The notice must state adequate reasons for the decision, including the provisions of the Act relied upon and advise the requester of his/her right to lodge an application with a court of law against the decision within 60 days.

10. GROUNDS FOR REFUSAL

The information Officer may refuse a request for information for the following reasons:

- a) Where the disclosure would amount to an unreasonable disclosure of personal information;
- b) Where the disclosure would amount to disclosure of the trade secrets of a third party;
- c) Where the disclosure would lead to a revelation of financial, commercial, scientific or technical information of a third party;
- d) Where such information was supplied in confidence by a third party;
- e) Where the disclosure would breach the duty of confidence owed to a third party;
- f) Where the disclosure would endanger the life or physical safety of an individual;
- g) If the disclosure is prohibited in terms of the Criminal Procedure Act;
- h) If the disclosure is privileged under the legal proceedings of research conducted by or on behalf of a third party;
- i) Where the disclosure would compromise the investigation of pending proceedings.

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11. DISCRETIONARY GROUNDS OF REFUSAL

- a) Where the disclosure of such information relating to a third party would prejudice the supply of similar information in the future;
- b) Where the record contains information around crime prevention, detection and prosecution of alleged offenders;
- c) Where the disclosure would unreasonably reveal consultative material obtained on account of deliberations over formulation of policy, exercise of power or performance of a duty; and
- d) Where the request is frivolous and vexatious.

12. AVAILABILITY OF THE POLICY

The South African Council for the Architectural Profession's policy is available for inspection, free of charge, at the registered address stated above.

Schedule 1

Application for access to Information.

A. Details of the person requesting access to records.

- a) *The details of the person who requests access to records must be given below.*
- b) *The address and/or fax number 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:

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Postal address: _____

Fax number: _____ Telephone number: _____

Email address: _____

B. Access request

- a) *Provide full particulars of the record to which access is required, including the reference number if that is known to you, to enable the record to be located.*
- b) *If the provided space is insufficient, please continue on a separate folio and attach to this form. The requester must sign all the additional folios.*

Description of the record or relevant part of the record:

201

Reference number, if available: _____

Any further details of record

C: 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 format 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.*

Please specify the right you seek to exercise or protect by requesting this access and explain why access to this information will enable you to exercise or protect.

We will notify you of the outcome of our decision as soon as we are able to do so. We will send notification to the above address / email address. Please stipulate with reasons if you require the outcome of our decision to be communicated in any way.

Signed at _____ this _____ day of _____ year _____

Signature of the Requestor

11/11

Schedule 2

Regulation 187 of 15 February 2002 PART III: Fees in respect of Public Bodies

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R1, 00 for every photocopy of an A4 size page or part thereof.

2. The fees for the reproduction referred in regulation 7(1) are as follows:

		R
a)	For every photocopy of A4-sized page or part thereof	1.00
b)	For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machined readable form	1.00
c)	For a copy in a computer readable form: I. Stiffy Disc Compact disc	5,00 40,00
d)	i. For a transcription of visual images, for an A4-size page or part thereof ii. For a copy of visual images	22,00 60,00
e)	i. For a transcription of an audio record, for an A4- size page or part thereof ii. For a copy of an audio record	12,00 17,00

3. The **request fee** payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

		R
a)	For every photocopy of an A4-sized page or part thereof	1,00
b)	For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	1,00
c)	For a copy in a computer-readable form on: i. Stiffy disc ii. compact disc	5,00 40,00
d)	i. For a transcription of visual images, for an A4-size page or part thereof ii. For a copy of visual images	22,00 60,00

e)	i. For a transcription of an audio record, for an A4- size page or part thereof ii. For a copy of an audio record	12,00 17,00
f)	To search for and prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required.	15.00

5. For purpose of section 22(2) of the Act, the following applies:

- a) Six hours as the hours to be exceeded before a deposit is payable; and
- b) One third of the access fee is payable as a deposit by the requester.

The actual postage is payable when a copy of a record must be posted to a requester.