

Section 14 Manual of the KZN GROWTH FUND TRUST (KGFT)

(prepared in terms of the Promotion of Access to Information Act (PAIA) of 2000)

The Promotion of Access to Information Act 2 of 2000 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; and to provide for matters therewith

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1. Introduction

KZN Growth Fund Trust (KGFT) is committed to the observance of and compliance with the directives of the Constitution and national legislation like the Promotion of Access to Information Act (PAIA). PAIA supports important principles of good governance, transparency and accountability.

In the pursuit of its objectives KGFT encourages the sharing of information with requesters and members of the public as optimally as is possible.

This manual was developed as a guide on how members of the public can access information held by KGFT. It describes what information is available, and tells you how to access the information.

The Promotion of Access to Information Act, 2000, states that each body must designate an Information Officer and Deputy Information Officer(s) who will be responsible for processing applications for access to information, and help applicants to lodge their applications.

The manual gives effect to the right of access to information, provided for in the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).

The manual will be translated into another language should a request by the public be made in this regard.

1.1 Overview of the KGFT

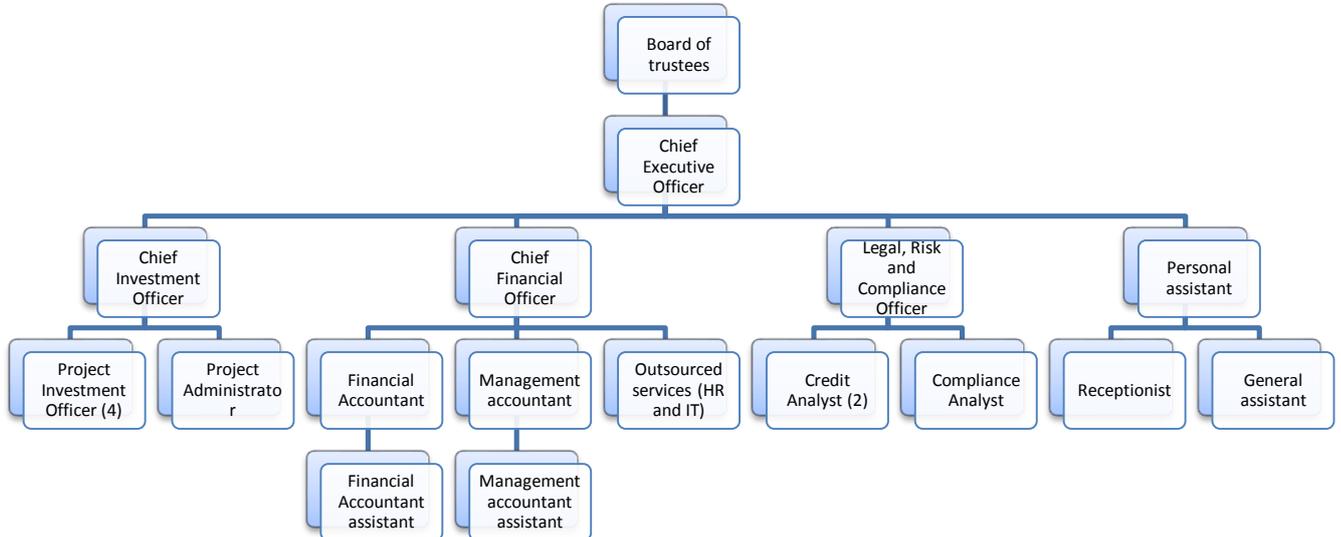
KGFT was set up in 2008 as an initiative of the KZN Government's Department of Economic Development and Tourism (DEDTEA) to administer the KZN Growth Fund (Fund). The Fund finances medium to large scale sustainable projects throughout the KwaZulu-Natal (KZN) province. This initiative is a first of its kind in South Africa, aimed at creating sustainable economic development, job creation and black economic empowerment within the infrastructure sector. The DEDTEA is the sole beneficiary of the Trust.

The Fund is a closed project finance debt fund, structured as a unique public-private partnership between the Provincial Government, Standard Bank of South Africa (SBSA) and the Development Bank of Southern Africa (DBSA).

The Fund finances projects ranging between R30m and R100m in size and focuses on strategic infrastructure and economic sectors such as:

- transport and logistics;
- tourism;
- energy;
- telecommunications;
- water and sanitation services;
- agro-processing;
- manufacturing;
- mining and mineral beneficiation; and
- health infrastructure.

2. Organisation structure



3. Key Contact Details for Access to Information Queries

Information Officer: Mr Siddiq Adam

PA: Ms Ayesha Asmal

Tel: 031 372 3731

Fax: 031 306 2547

Email: siddiq@kzngrowthfund.co.za

Deputy Information Officer: Mr Mlungisi Phungula

Tel: 031 372 3725

Fax: 031 306 2547

Email: mlungisi@kzngf.co.za

Physical Address:

28th Floor, Old Mutual Building

303 Dr Pixley Kaseme (Old West) Street,

Durban

4000

Postal Address:

P O Box 1718

Durban

4000

Website: www.kzngrowthfund.co.za,

E-mail: info@kzngrowthfund.co.za

4. Guide on use of the Access to Information Legislation - Section 14(1) (c)

The Human Rights Commission (SAHRC) (hereafter referred to as 'the commission') has, in terms of Section 10 of the PAIA, 2000, compiled a guide on the use of this Act.

The guide contains information that will assist any person wishing to exercise a right contemplated by the Act and is available in all of the official languages.

The guide is available for inspection inter alia at the offices of the Human Rights

Commission: Any queries relating to the guide should be directed to the commission at:

SAHRC

29 Princess of Wales Terrace
Cnr York and St Andrews Streets
Parktown, Johannesburg

Private Bag X2700
Houghton
2041

Telephone: (011) 484-8300

Fax: (011) 484-1360

E-mail: PAIA@sahrc.org.za

5. Categories of Records

5.1 For the purposes of facilitating a request in terms of the Act, the categories of records held by KGFT are as follows (*These records must be formally requested by lodging a request form* see form on page 15 below*):

Finance and Administration

service provider's database;
financial records and statements;
budget plans and monthly projections;
policies and procedures;
minutes of meetings;
reports;
asset management register;
agreements and contracts; and
tender documentation.

Projects

initial screening report (ISR);
final appraisal report (FAR);
credit files;
legal documentation;
client information;

Legal and Compliance

policies and procedures;
risk assessments;

agreements and legal documents; and
declaration of Interests

****The records listed in the categories above may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds.***

KGFT further 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. Access will also be refused where requests are clearly frivolous and or vexatious.

5.2 Automatically Available Records

The access to information legislation provides for records which are automatically available. Such automatically available records usually do not have information which can reasonably be said to be of a sensitive nature. Most records which fall into this category of information are available on KGFT website: www.kzngrowthfund.co.za. These include:

project application forms;
section 14 Manual;
advertisements of vacancies;
application Forms;
annual Report;
brochures; and
supplier application forms.

8. Request Procedure

A request for access to a record of KGFT must:

- 8.1 Substantially correspond with Form A of Annexure B to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference the form is reproduced as Schedule 1 to this manual;
- 8.2 be submitted to the Information Officer, together with any applicable request fee, at the address, fax number or electronic mail address below:

Information Officer
28th Floor, Old Mutual Building

303 Dr Pixley Kaseme (Old West) Street,
Durban
4000

Postal Address:

P O Box 1718
Durban
4000

Telephone : 031 372 3720

Fax : 031 306 2547

- 8.3 The request form must provide sufficient particulars to enable KGFT to identify both
- the requester; and the record or records requested;
 - indicate the form of access requested;
 - specify the postal address or fax number of the requester in the Republic of South Africa;
 - 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;
 - 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; and

if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of KGFT.

9. Payment Method

- 9.1 A requester is required to pay the applicable request and access fees contemplated in sections 52 and 54 of the PAIA and as prescribed in items 2, 3, and 4 of Part III of Annexure A to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference, the prescribed request and access fees are set out in Schedule 2 to this manual.
- 9.2 In addition, a requester may also be required to pay a deposit.
- 9.3 KGFT may withhold access to any record requested until the requester concerned has paid the applicable fee.

10. Remedies Available if Provisions of the Act are Not Complied With

- 10.1 Any requester or affected third party who is aggrieved by a decision of KGFT's Information Officer to refuse or grant access to a record of KGFT, may within 15 days of receiving notice of the decision, appeal to the Executive Committee of KGFT against the decision.

- 10.2 An appeal must:
- 10.2.1 be in writing;
 - 10.2.2 be addressed to the executive committee of KGFT; and
 - 10.2.3 set out the grounds for the appeal.
- 10.3 Any requester or affected third party who is aggrieved by a decision of the Executive Committee of KGFT on appeal, may approach the relevant court for appropriate relief.

11. Updating of the Manual

This manual will be updated whenever amendments to current information need to be reflected or annually.

Formal Request Form for Documents not automatically available

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:

Postal address:

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.

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.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

<u>Disability:</u>		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"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	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* (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? Postage is payable.			YES
			NO
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

Requesters will be notified whether their 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 thisday of.....20

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF REQUEST IS MADE

SCHEDULE OF FEES Fees in respect of Public Bodies
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1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	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	0, 40
(c) For a copy in a computer-readable form on -	
(i) Stiffy disc	5, 00
Compact disc	40, 00
(d) (i) For a transcription of visual images, for an A4-size page or Part thereof	22, 00
(ii) For a copy of visual images	60, 00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12, 00
(ii) For a copy of an audio record	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
(1) (a) For every photocopy of an A4-size page or part thereof	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	0, 40
(c) For a copy in a computer-readable form on -	
(i) Stiffy disc	5, 00
(ii) Compact disc	40, 00
(d) (i) For a transcription of visual images, For an A4-size page or part thereof	22, 00
(ii) For a copy of visual images	60, 00
(e) (i) For a transcription of an audio record, For an A4-size page or part thereof	12, 00
(ii) For a copy of an audio record	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 for such search and preparation.
 - (2) For purposes 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.
 - (3) The actual postage is payable when a copy of a record must be posted to a requester.