

ACCESS TO INFORMATION

MANUAL

FOR

OIL POLLUTION

CONTROL

SOUTH AFRICA

(OPCSA)

CONTENTS

1. [FUNCTIONS, STRUCTURE AND OBJECTIVES OF OPCSA](#)
2. [CONTACT DETAILS](#)
3. [ACCESS TO THE RECORDS](#)
4. [REQUEST PROCEDURE](#)
5. [SERVICES AVAILABLE](#)
6. [HOW TO GAIN ACCESS TO THESE SERVICES](#)
7. [ARRANGEMENT ALLOWING FOR PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND THE EXERCISING OF THE POWERS OF THE SAHRC/ PUBLIC BODY](#)
8. [REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH](#)
9. [ANNEXURES](#)



1. **FUNCTIONS, STRUCTURE AND OBJECTIVES OF OPCSA**
[Section 14(1)(a)]

1.1 **Structure**

The company is a subsidiary of CEF (Pty) Ltd and consists of 4 sites, namely:

- Saldanha
- Cape Town
- Parow (Head Office)
- Ogies

Personnel formerly employed by SFF Association (also a subsidiary of CEF (Pty) Ltd) have been transferred to OPCSA to manage the pollution control division.

CEF (Pty) Ltd employees provide the following additional functions:

- Finance services
- Human Resources Services
- Legal Services
- IT Services
- Internal Audit Services
- Company secretariat services

1.2 **A schematic diagram of the company structure**

None available

1.3 **Functions/ objectives of OPCSA**

Oil Pollution Control SA implements oil prevention and clean-up measures in the South African petroleum sector to ensure the oil companies comply with the environmental laws.

The core business is to provide the required prevention, control and remediation personnel and/ or equipment and/ or facilities to ensure that any significant pollution or environmental degradation caused by any person in the marine environment is prevented from continuing or recurring, and where necessary, is minimized and rectified.

2. **CONTACT DETAILS [Section 14(1)(b)]**

2.1 **OPCSA**

Postal Address: Box 5696
 TYGERVALLEY
 7536

Street Address: Prosano Office Park, South Gate Entrance
 Office Block G03, Carl Cronje Drive
 Tyger Waterfront
 TYGERVALLEY
 7530

Telephone: (021) 914 3434

Fax: (021) 914 3465

2.2 **Information officer information**

Mr P D Coetzee - CEO as the Information Officer

pcoetzee@opcsa.org.za

Mr Abdul Haffejee – Group Company as the Deputy Information Officer

abduh@cef.org.za

3. **ACCESS TO THE RECORDS [Section 14(1)(d)]**

3.1. **Automatic disclosures [Section 14(1)(e)]**

- Annual financial statements
- Press releases

3.2. **Records that may be requested [Sections 14(1)(d)]**

- Annual business Plan
- Project descriptions
- Annual financial statements
- Management accounts
- Accounting records
- Budgets and corporate plan
- Human Resource related documents
- Payslips and IRP5's
- Other remuneration related records
- Contracts
- Ministerial Directives
- Correspondence/ CM forms and special resolutions submitted to Registrar of Companies
- Internal Audit reports
- Terms of References
- Risk and control framework

4. **REQUEST PROCEDURE**

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

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

Nature of the request:

- A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002 (Form A)].

- The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the offices of OPCSA. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- If a person asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].
- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [s 18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].
- If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee s22:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

5. **SERVICES AVAILABLE [Section 14(1)(f)]**
No services are provided by OPCSA under this category

6. **HOW TO GAIN ACCESS TO THESE SERVICES**
Not Applicable

7. **ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWER [Section 14(1)(g)]**
OPCSA is not involved in any policy formulation process.

8. **THE REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH [Section 14(1)(h)]**
OPCSA does not have internal appeal procedures, the courts will have to be approached in such instances where there is no compliance with the provisions of the Act. This would apply to any situation in which the requester wishes to appeal a decision made by the information officer. Although mention is made of internal appeal procedures, this is subject to such a mechanism actually being in place within a public body to facilitate such an internal appeal.

9. **ANNEXURES**
Prescribed Fees

[Annexure 1](#)

Prescribed forms for access to a record

[Annexure 2](#)

PRESCRIBED FEES FOR PUBLIC BODIES

PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002

FEES IN RESPECT OF PUBLIC BODIES

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
(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

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.



ANNEXURE 2
PRESCRIBED FORMS FOR ACCESS TO A RECORD OF A PUBLIC BODY.

ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002

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 2]

<p>FOR DEPARTMENTAL USE</p> <p style="text-align: right;">Reference number:</p> <p>Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).</p> <p>Request fee (if any): R</p> <p>Deposit (if any): R</p> <p>Access fee: R</p> <p>SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER</p>
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A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

<p><i>(a) The particulars of the person who requests access to the record must be recorded below.</i></p> <p><i>(b) Furnish an address and/or fax number in the Republic to which information must be sent.</i></p> <p><i>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</i></p>
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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.

Full names and surname:

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

*(b) If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*

(b) You will be notified of the amount required to be paid as the request fee.

*(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*

(d) If you qualify for exemption of the payment of any fee, please state the reason therefore.

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:	
<p>Mark the appropriate box with an "X".</p> <p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
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 -			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)

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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)
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<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>	YES	NO
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Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof 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