

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act 2000 (*Act No. 2 of 2000*))

[Regulation 8]

STATE YOUR REFERENCE NUMBER: **SAH-2017-MPE-0001**

A. Particulars of public body

The Information Officer/Deputy Information Officer:

MOC Mhlabane
Mpumalanga Provincial Department of Education (MPE)
Building No 5 Government Blvd.
Riverside Park, Mpumalanga
Private Bag x11341, Mbombela
1200

B. Particulars of requester/third party who lodges the internal appeal

- (a) The particulars of the person who lodge the internal appeal must be given below.*
- (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname: South African History Archive (SAHA)

Identity/Passport number: Non-Profit Trust No. 2522/93

Postal address: P.O.Box 31719, Braamfontein, 2017

Fax number: +27866491491

Telephone number: +27117182563

E-Mail Address: foip@saha.org.za

Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:

Identity number:

The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

X	Refusal of request for <i>access</i>
	<i>Decision</i> regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
-	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

1. On 5 July 2017 SAHA made a request to the Mpumalanga Provincial Department of Education ('the Requestee') for information under PAIA ('the request'). A copy of the request is attached to this appeal.
2. On 10 July 2017 and 15 July 2017 SAHA wrote to the Requestee, requesting acknowledgement of receipt of the PAIA request.

3. On 9 August 2017 and 19 August 2017 SAHA wrote to the Requestee, reminding them that in accordance with PAIA they were required to respond to the request within 30 days and that period had expired.

4. On 3 September 2017 SAHA again wrote to the Requestee noting that they had failed to respond to the PAIA request within the 30 days provided for in PAIA despite SAHA writing to them to remind them of their obligations. SAHA provided the Requestee with an opportunity to contact it in order to resolve the matter, failing which SAHA would submit an internal appeal.

5. Despite SAHA reminding the Requestee of its obligations under PAIA, the Requestee has failed to respond to the request. The failure by the Requestee to provide a decision on the request constitutes a deemed refusal in accordance with section 27 of PAIA.

6. SAHA contests the refusal and submits this appeal.

7. Section 11 of PAIA provides that a requester must be given access to a record of a public body if the requester complies with the procedural requirements in PAIA and access to the record is not refused in terms of any ground for refusal contemplated in Chapter 4.

8. SAHA has complied with the procedural requirements of PAIA and the Requestee has not offered any ground for refusal in Chapter 4 for refusing access to the requested records. The Requestee has therefore unlawfully refused access to the requested records.

9. Furthermore, there is no justifiable basis on which the Requestee could refuse access to the requested records.

10. SAHA therefore respectfully submits that the relevant authority should order that SAHA be given access to the requested records pursuant to section 77(2) of PAIA, which empowers the relevant authority to substitute the information officer's decision with a new decision.

State any other information that may be relevant in considering the appeal:

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. *If* you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: **IN WRITING via email**
Particulars of manner: **foip@saha.org.za**

Signed at JOHANNESBURG this 12th of September 2017.

A handwritten signature in black ink, appearing to read 'Khumalo', with a large, stylized initial 'K'.

SIGNATURE OF APPELLANT

Ms Nonhlanhla Khumalo (FOIP Intern)

South African History Archive (SAHA)

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on

(date) by (state rank, name and surname of information officer/deputy information officer).
Appeal accompanied by the reasons for the information officer's/deputy information officer's
decision and, where applicable, the particulars of any third party to whom or which the record
relates, submitted by the information officer/deputy information officer on (date) to the relevant
authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
CONFIRMED/NEW DECISION SUBSTITUTED
NEW DECISION:

DATE

RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
FROM THE RELEVANT AUTHORITY ON (date):