



RICHARDS BAY CLEAN AIR ASSOCIATION

PAIA MANUAL

RBCAA-MA-002 Rev 03

Registration number: 1996/01031/08

Prepared in terms of section 51 of the Promotion of Access to Information
Act 2 of 2000 (as amended)

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1. INTRODUCTION

The Richards Bay Clean Air Association has established a real-time monitoring network to characterise ambient air quality within the uMhlathuze Municipal Area. The association's objective is to engage in research, primarily focusing on data capture, monitoring, and prediction of ambient air quality. The RBCAA renders a service to the public and is committed to observing and complying with the directives of the Constitution and national legislation, such as the Promotion of Access to Information Act, 2 of 2000 (PAIA). It endorses the key principles of good governance, transparency, and accountability.

2. LIST OF ACRONYMS AND ABBREVIATIONS

- 2.1 **"PAIA"** Promotion of Access to Information Act No. 2 of 2000 (as amended).
- 2.2 **"POPIA"** Protection of Personal Information Act No.4 of 2013.
- 2.3 **"Regulator"** Information Regulator.
- 2.4 **"RBCAA"** Richards Bay Clean Air Association; and
- 2.5 **"The Act"** PAIA Act

3. THE ACT

The Promotion of Access to Information Act No 2 of 2000 ("The Act") was enacted on 3 February 2000, giving effect to the right of access to any information held by the Government, as well as any information held by another person who is required for the exercise or protection of any rights. This right is entrenched in the Bill of Rights in the Constitution of South Africa. Where a request is made in terms of The Act, the Body to which the request is made is not obliged to release the information, except where The Act expressly provides that the information may or must be released. The Act outlines the necessary procedural requirements associated with such a request.

Section 9 of The Act, however, recognises that such a right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy.
- Commercial confidentiality,
- effective, efficient, and good governance.

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

4. PURPOSE OF PAIA MANUAL

This PAIA Manual is helpful for the public to:

- 4.1 Check the categories of records held by the RBCAA that are available without a person having to submit a formal PAIA request, the records of the RBCAA that are available in accordance with any legislation, and records held with respect to third parties.
- 4.2 Have a sufficient understanding of how to request access to a record of the RBCAA by describing the subjects on which the RBCAA holds records and the categories of documents held on each subject.
- 4.3 Access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access.
- 4.4 Know how to obtain access to the guide on how to use PAIA, as updated by the Regulator.
- 4.5 Know if the RBCAA will process personal information, the purpose of processing personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 4.6 Know the recipients or categories of recipients to whom the personal information may be supplied.
- 4.7 Know whether the RBCAA has appropriate security measures to ensure the confidentiality, integrity, and availability of personal information to be processed.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE RBCAA

Information Officer: SH Camminga

Telephone No: 035 786 0076 / 083 515 2384

E-mail: sandy@rbcaa.org.za

General Information:

Richards Bay Clean Air Association

Registration No: 1996/01031/08

Postal Address: PO Box 10299, Meerensee, 3901 Physical Address: Suite 18, Calypso Centre, 2 Kruger Rand, Richards Bay, 3900.

Telephone No: 035 786 0076

E-mail: info@rbcaa.co.za Website: www.rbcaa.org.za

6. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

6.1. The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

6.2. The guide is available in each of the official languages and in Braille.

6.3. The guide is available on the webpage of the Information Regulator:

<https://inforegulator.org.za/paia/> , enquires@inforegulator.org.za.

Contact number: 010 023 5200

7. RECORDS OF THE RBCAA

This Section refers to the records that the RBCAA holds to facilitate a request in terms of the Act.

The information is classified and grouped according to records relating to the following subjects and categories. It is recorded that the accessibility of the documents listed below may be subject to the grounds of refusal set out hereinafter.

7.1 Categories of records of the RBCAA available without a person having to request access

- RBCAA policies, technical reports, media releases, news, and air quality data and this PAIA manual.

These records are available on the RBCAA Website
<https://rbcaa.org.za/>.

7.2 Description of the records of the RBCAA which are available in accordance with any other legislation.

Records are kept in accordance with legislation applicable to RBCAA, which includes but is not limited to the following:

- Labour Relations Act, 66 of 1995
- Electronic Communications and Transactions Act 36 of 2005
- Basic Conditions of Employment Act, 75 of 1997
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Companies Act, 61 of 1973
- Unemployment Insurance Act, 63 of 2001
- Protection of Personal Information Act, 4 of 2013

- Memorandum of incorporation, Companies Act 71 of 2008

Reference to the legislation mentioned above shall include subsequent amendments and secondary legislation to such legislation. The above records/ information are available upon request.

7.3 Records held in respect of 3rd party/s.

- **RBCAA Members:** Companies' registration numbers, EIAs, employees' names, and contact information.
- **Members of the public logging complaints/queries:** Name, address, contact details.
- **Service Providers:** Company names, personal names, contact details, registration numbers, VAT numbers, address, trade information, and banking details.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

- **Investigation:** Personal information helps identify the complainant and the source of the complaint, allowing the RBCAA and the authorities to investigate alleged breaches of air quality regulations and take appropriate enforcement actions.
- **Statistics:** The RBCAA may collect personal information from complainants to generate statistics on air quality issues.

8.2 The recipients or categories of recipients to whom the personal information may be supplied.

- **Members of the public logging complaints:** to Municipal authorities (if required to process or investigate complaints)
- **Service Providers:** to Credit Bureaus (if required by law).

8.3 General description of Information Security Measures implemented by the RBCAA.

The information received by the RBCAA is stored in databases with built-in safeguards to ensure its privacy, confidentiality, integrity, and availability of the information. The RBCAA uses state-of-the-art technology and encryption to prevent unauthorised access to information, including Anti-virus, anti-exploit, and anti-ransomware software (Malwarebytes), Communication protection software (Mimecast), and Anti-spoofing software (Sendmarc).

9. REQUEST PROCEDURE FOR OBTAINING INFORMATION

Records held by the RBCAA may be accessed by request only once the prerequisites for access have been met under the Act.

The individual requesting information must complete the **Form 2**: "Request for Access to Record." (Refer to Appendix 1) This form can be downloaded from the RBCAA website and should be submitted to the RBCAA's Information Officer by email (Refer to section 5).

If requests are made on behalf of another person, proof of such authorisation must be attached to **Form 2**.

If an individual is unable to complete the prescribed form due to illiteracy or disability, they may make the request orally by contacting the RBCAA Information Officer (Refer to Section 5).

The prescribed form must be filled in with enough particulars to at least enable the Information Officer to identify:

- The record or records requested.
- The identity of the requester,
- The form of access required.
- The postal address or email address of the requester.

The requester must state that they require the information to exercise or protect a right and clearly specify the nature of the right being exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

The RBCAA will process the request within 30 days, unless the requester provides a special reason that would satisfy the Information Officer, or the circumstances dictate that the above period cannot be complied with.

After receiving a Form 2 request, the information officer shall contact the requester to communicate:

- Whether the request for information has been granted or denied.
- The reasons for the decision.
- Details of any fees that must be paid for accessing the record.

The requester must pay the prescribed fee before any further processing can take place (Refer to Appendix 2).

10. FEES

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee.
- Access fee must be calculated by considering reproduction costs, search and preparation time and cost, as well as courier costs.

When the Information Officer receives the request, they shall, by notice, require the requester to pay the prescribed request fee (if any) before further processing the request.

Suppose the search for the record has been made to prepare the record for disclosure, including arrangements to make it available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose. In that case, the Information Officer shall notify the requester to pay the specified portion of the access fee as a deposit, which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the Fees as indicated in **Appendix 2**.

A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required more than the prescribed hours to search for and prepare the record for disclosure, including planning to make it available in the requested form.

If a deposit has been made regarding a refused access request, then the information officer concerned must repay the deposit to the requester.

11. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

The main grounds for the RBCAA to refuse a request for information relate to the mandatory protection of the privacy of a third party that is a natural person, which would involve the unreasonable disclosure of personal information of that natural person; Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third party.
- Financial, commercial, scientific, or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party.
- Information disclosed in confidence by a third party to the RBCAA, if the disclosure

could put that third party at a disadvantage in negotiations or commercial competition.

Mandatory protection of confidential information and the protection of property;
Mandatory protection of records that would be regarded as privileged in legal proceedings.

The activities of the RBCAA, which may include:

- Financial, scientific, or technical information, disclosure which could likely cause harm to the financial interest of the RBCAA.
- Information which, if disclosed, could put the Body at a disadvantage in
- negotiations or commercial competition.
- A computer program, owned by the Body, and protected by copyright.
- The research information of the Body or a third party, if its disclosure would reveal the
- identity or the Body, the researcher or the subject matter of the research and would
- place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources, shall be refused. Requests for information that are frivolous or vexatious, or involve an unreasonable resource diversion, shall be refused.

12. REMEDIES AVAILABLE IN THE EVENT OF REFUSAL OF REQUEST FOR INFORMATION

Internal remedies

The RBCAA does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to pursue external remedies if their request for information is refused and they are not satisfied with the answer supplied by the Information Officer.

External remedies

A requester dissatisfied with an information officer's refusal to disclose information may apply to a Court for relief within 30 days of notification of the decision.

Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information may apply to a Court for relief within 30 days of notification of the decision. A Court for relief is a Court of Law as referred to in The Act or any other Court of similar status.

13. DECISION

The **RBCAA** will decide whether to grant or decline the request within 30 days of receipt and provide notice, along with reasons (if required), for its decision. The 30 days may be extended for a further period of not more than thirty days if the request is for a large amount of information, requires a search for information held at another office of the RBCAA, and cannot reasonably be obtained within the original 30-day period. The RBCAA will notify the requester in writing should an extension be sought.


14. AVAILABILITY OF THE MANUAL

This PAIA Manual is available on the RBCAA website: <https://rbcaa.org.za>.

15. UPDATING OF THE MANUAL

Updates to the manual will only be made when required by regulatory change or when warranted by a change in communication strategy.

Signed by:



Sandy Camminga

RBCAA Information Officer

Date:

2025/10/17

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer



APPENDIX - 2

REQUEST FEES:

Where a requester (or a person acting on behalf of the requester) submits a request for access to information held by the RBCAA, a fee is payable upfront before the RBCAA will further process the request, except in those instances where payment of the access fee is excluded explicitly in terms of an exclusion as determined by the Minister in terms of Section 54 (8) of *The Act*.

Payable upfront before the RBCAA will further process the request	R50
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REPRODUCTION FEES

For every photocopy of an A4-size page or part thereof	R3.50
For every printed copy of an A4-size page or part	*
For a copy on a computer-readable form (USB Flash Drive provided by the RBCAA)	R100
For a copy of the visual images	*
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	R100 to R500
Where a copy of a record must be couriered, the actual courier fee will be payable.	*

* Service to be based on outsourcing. It will depend on the service provider's quotation.

DEPOSITS:

Where the RBCAA receives a request for access to information and the Information Officer calculates that preparing the required record for disclosure will take more than 6 (six) hours, the requester will be required to pay a deposit equal to one-third of the applicable access fee.

The requested record/portion of the record will only be released once proof of full payment is received.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.