SOUTH AFRICAN BOARD FOR SHERIFFS (SABFS)

ACCESS TO INFORMATION MANUAL

(Section 14 of the Access to Information Act 2/2000)

Final adopted by the SABFS – BD 45/11/27

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1. INTRODUCTION

This Manual is published by SABFS, the South African Board for Sheriffs in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act") and serves to provide a reference as to the records held and the process that needs to be followed to request access to such records.

The Act gives effect to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right. SABFS is a public body as defined in the Act, which encompass any department of state or administration in the national or provincial sphere of government or any other function or institution thereof which exercises a power or performs a duty in terms of the Constitution or exercises a public power or performs a public function in terms of any legislation.

SABFS supports the constitutional right of access to information and is committed to provide any requester access to our records in accordance with the provisions of the Act.

2. OVERVIEW OF THE PUBLIC BODY

SABFS is a juristic person created by Section 7 of the Sheriffs Act No. 90 of 1986. The Sheriffs Act provides for the appointment of sheriffs, the establishment of the Board for Sheriffs and a Fidelity Fund for Sheriffs, and the regulations of the conduct of sheriffs and matters connected therewith.

2.1. FUNCTIONS AND COMPOSITION OF SABFS

2.1.1. Objectives of SABFS

The objectives of SABFS are:

- the maintenance of the esteem of sheriffs;
- the enhancement of the status of sheriffs; and
- and the improvement of the standards of training of, and functions performed by sheriffs

SABFS has all such powers as are necessary to enable it to perform its duties as set out above and any other powers conferred upon it by virtue of the Sheriffs Act.

2.2. Composition of SABFS

The Board of SABFS consists of 12 members appointed by the Minister of Justice and Constitutional Development.

2.3. VISION, MISSION AND VALUES OF THE SOUTH AFRICAN BOARD FOR SHERIFFS

VISION

- We are a Board that is transparent and responsive to the needs of the sheriffs' profession.
- We will promote a professional sheriffs' service that is respectful and efficient, to deliver justice to all with integrity and accountability.
- We will be accountable in terms of our legislative mandate and strive to entrench the human rights culture envisaged by the Constitution.

MISSION

- We will provide a professional and credible service to all our clients and other stakeholders.
- We will develop skilled, knowledgeable and motivated staff.
- We will develop a unified and committed Board with focused leadership.
- We will conduct all activities and execute our mandate in a manner that is accountable to the public and to government.
- We will enhance the image and goodwill of the sheriffs' profession.

VALUES

- **Accountability**

  We will ensure that the members and officials of the Board carry out their responsibilities conscientiously and with integrity.

- **Integrity**

We will uphold the ethical and moral principles embodied in the Codes and Policies of the Board and the Constitution of South Africa, acting always with honesty, fairness and consistency.

- **Professionalism**

  We are committed to serving our stakeholders with courtesy, to the best of our abilities and with dedication, to the highest standards of service excellence.

- **Transparency**

  We will ensure that all our practices are open to internal and external scrutiny.

- **Efficiency**

  We are committed to managing the resources of the Board efficiently and effectively, and will take steps to eliminate all wasteful and fruitless expenditure.

- **Respect**

  We value and respect the views of all our stakeholders and will treat everyone with dignity and consideration.

- **Equity**

We are committed to employment equity in the recruitment of staff and opposed to all forms of unfair discrimination in our relationships with all stakeholders and the public.

3. CONTACT DETAILS

The Board has duly authorised the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Name of Public Body	SABFS
Designated Information Officer	Executive Manager- Sharon Snell
Designated Deputy Information Officer	Manager: HR and Compliance Bongi Luthuli
Email address	Contact@sheriffs.org.za
Postal address	PO Box 15223 Vlaeberg 8018
Street address	88 Loop Street, Cape Town

Phone number	021 4260577
Fax number	021 426 2598
Internet Website	www.sheriffs.org.za

4. THE ACT AND SECTION 10 GUIDE

5. APPLICABLE LEGISLATION

Records are kept in accordance with such other legislation as is applicable to SABFS which includes, but is not limited to, the following legislation:

No	Ref	Act
1	No 90 of 1986	The Sheriffs Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 75 of 1997	Basic Conditions of Employment Act
8	No 25 of 2002	Electronic Communications and Transactions Act
9	No 2 of 2000	Promotion of Access of Information Act
10	No 30 of 1996	Unemployment Insurance Act
11	No 80 of 1993	Occupational Health and Safety Act
12	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
13	No. 9 of 1999	The Skills Development Levies Act

6. SCHEDULE OF RECORDS

SABFS maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

Certain of the records stipulated below are available on the SABFS Internet website and if you have Internet access you are encouraged to consider the Internet website before submitting a request.

7. RECORD SUBJECT AND CATEGORIES

Records	Subject	Availability
Public Affairs	• Strategic Plan • Annual Report • Media Releases	Freely available on web site www.sabfs.co.za
Operation	• Financial Statements • Financial and Tax Records (Company & Employees) • Asset Register • Management Accounts • Bank Statements • Investment Records • Vendor Records • Procurement Records • Employee Records • Contracts and SLA's • Fidelity Fund record of claims • Disciplinary complaints and Investigation records • Sheriff and Deputy Sheriff Personal and business records • Customer Database	Request in terms of PAIA. Not available.
Other	• Market Information • Surveys information • Research	Request in terms of PAIA

- Legal Opinions
- General and Business Policies and Procedures
- Minutes of Meeting including record of meeting
- General correspondence

8. FORM OF REQUEST

8.1. Access request procedure

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by SABFS. It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

Note:

If it is reasonably suspected that the requester has obtained access to the SABFS's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

8.2. Completion of Access Request Form

In order for the SABFS to respond to requests in a timely manner, the Access Request Form should be completed, taking due cognisance of the following Instructions on Completion of Forms:

-The Access Request Form must be completed in the English Language.

- Type or print in BLOCK LETTERS an answer to every question.

- If a question does not apply, state "N/A" in response to that question.

- If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.

- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.

- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

8.3. Submission of Access Request Form

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated in Section 3. An initial, non-refundable R35.00 request fee (excluding VAT) is payable on submission. This fee is not applicable to Personal Requesters, referring to any persons seeking access to records that contain their personal information.

8.4. Payment of Fees

Payment details can be obtained from the contact person as indicated in section 3 of this Manual and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

8.5. Notification

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include a notification of Extension Period (if required).The requesters may be notified whether an extension period is required for the processing of their requests, including:

-The required extension period, which will not exceed an additional 30-day period;

-Adequate reasons for the extension; and

-Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

8.6. Payment of Deposit (if applicable)

The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

-The amount of the deposit payable (if applicable); and

-That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Please note:

-In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

8.7. Decision on Request

If no extension period or deposit is required, the requesters will be notified, within 30 days, of the decision on their requests. If the request for access to a record is successful, the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record (if any);

- An indication of the form in which the access will be granted;

- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is not successful, the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and

- That the requester may lodge an application with a court against the refusal of the request

8.8. Third Party Records

If access is requested to a record that contains information about a third party, the SABFS is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

8.9. Grounds for Refusal

The SABFS may legitimately refuse to grant access to a requested record that falls within a certain category.

Grounds on which the SABFS may refuse access include:

- Disclosure of the record (containing trade secrets, financial, commercial, scientific, technical, or any other confidential information) would harm the commercial or financial interests of the SABFS;

- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;

- Protecting personal information that the SABFS holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;

- Protecting commercial information that the SABFS holds about a third party or the SABFS (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);

- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;

- If disclosure of the record would endanger the life or physical safety of an individual;

- If disclosure of the record would prejudice or impair the security of property or means of transport;

- If disclosure of the records would prejudice or impair the protection of a person in accordance with a witness protection scheme;

- If disclosure of the record would prejudice or impair the protection of the safety of the public;

- Disclosure of the record would put the SABFS at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;

- The record is a computer programme; and

- The record contains information about research being carried out or about to be carried out on behalf of a third party or the SABFS.

8.10. Records that cannot be found or do not exist

If the SABFS has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit. This will include the steps that were taken to try to locate the record.

9. Prescribed Fees

9.1. Personal Requestor

Anyone who seeks information pertaining to her/himself is called a personal requestor and is exempted from paying the requestors fees.

9.2. Requestor

The request fee payable to any public body is R35-00 as prescribed by the regulations to the Act. In addition, if any copies or transcripts are requested, those will be charged according to the fee structures as prescribed by the regulations and the Information Officer may charge for the time spent on processing the request.