



REPUBLIC OF SOUTH AFRICA

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:
N/A.....

A. Particulars of public body

The Information Officer/Deputy Information Officer:

The Information Officer- Mr Dziwonke Dlabantu
Department of Public Works

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: Vinayak Bhardwaj

.....
Identity number: AN 541582

Postal address:Mail and Guardian, Metropolitan Building, 7 Coen Steytler Avenue, Cape Town,
80000

Telephone number: (.....021...) ...4259028..... Fax number: (.....021...)
...4259028.....)

E-mail address: ...vinayakb@mg.co.za.....

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

As advocacy Coordinator for M&G Centre for Investigative Journalism

FORM B: NOTICE OF INTERNAL APPEAL

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:

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D. 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 access |
| | Decision 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:

Our request was lodged on 31 January 2013. Over 60 days have elapsed since we lodged our request, yet we have not received notice of any decision on our request. Accordingly, our request is deemed to have been refused in terms of section 27 of the Promotion of Access to Information Act. We have not been informed of the reasons (if any) for the failure to grant our request and are accordingly unable to advance reasons why those reasons are incorrect.

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

To the extent that the failure to grant our request was related to apprehensions about the disclosure of security-sensitive information, it is important to note that section 28 of Promotion of Access to Information Act specifically requires that, even if a record contains information to which access may or must be refused, the remaining parts of the record must be disclosed. Moreover, section 46 of the Act provides that, even if there are grounds for refusal of a record, it must still be disclosed if it would reveal evidence of a substantial contravention of law, and the public interest in disclosure outweighs the harm contemplated in the grounds for refusal. This applies to the record we have requested as the Minister of Public Works has stated that it reveals contraventions of law.

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.

Please send decision via electronic mail to vinayakb@mg.co.za

Signed this 3rd Day of April 2013