



SOUTH AFRICAN CIVIL AVIATION AUTHORITY

ACCESS TO INFORMATION MANUAL

**MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT, 2000**

TABLE OF CONTENTS

1.	Introduction.....	3
2.	SACAA's structure and functions.....	3
3.	SACAA's Information Officer and Deputy Information Officer.....	4
4.	Contact details of SACAA.....	4
5.	Official Guide on how to use the Act.....	5
6.	Access to records.....	5-10
7.	Request Procedures.....	10-12
8.	General.....	12-13
9.	Fees.....	13
10.	External remedies.....	13
11.	Availability of manual.....	13
12.	Annexure "A".....	14-17
13.	Annexure "B".....	18-20
14.	Annexure "C".....	21

1. INTRODUCTION

- 1.1 This Manual has been prepared in accordance with section 14 of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000) ("the Act"). It contains information about the South African Civil Aviation Authority ("SACAA") and the procedure and processes for requesting access to the records of the SACAA. It contains all the relevant forms that need to be completed when the requester needs access to records held by the SACAA and when the requester appeals any decision made by the Deputy Information Officers, Information Officer, the Commissioner and/or the Board.
- 1.2 The Act seeks, among others, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any rights. The constitutional right of access to information is enshrined in the Bill of Rights, in section 32 of the Constitution, 1996 (Act No. 108 of 1996) ("the Constitution").
- 1.3 The objects of the Act are set out in section 9, and include the following:
- "(a) to give effect to the constitutional right of access to any information held by the State, and any information that is held by another person and that is required for the exercise or protection of any rights;*
 - (b) to give effect to the right of access to information subject to the justifiable limitations, including but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance, and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution."*
- 1.4 The Act requires public and private bodies to compile manuals that provide information on the types and categories of records held by such public and private bodies. The SACAA is a public body under paragraph (b) (ii) of the definition of "**public body**" in section 1 of the Act. In terms of section 8 of the Act, a public body may either be a public body or a private body in relation to a record of that body.

2. SACAA's STRUCTURE AND OBJECTS

- 2.1 The SACAA is a public body and was established in terms of the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998) ("the CAA Act"). It is a Schedule 3A national public entity in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999) ("PFMA"). The SACAA is accountable to the Minister of Transport ("Minister"), as executive authority, and the Minister appoints the Board in terms of the CAA Act.
- 2.2 The Board consists of independent non-executive directors and the Chief Executive Officer ("CEO"). The Minister appointed the first CEO and thereafter the Board appointed the succeeding CEOs.
- 2.3 CEO is responsible for the general management of the SACAA and reports directly to the Board. He appoints the executive team, i.e. the General Managers and/or Executive Managers responsible for the organisational components, namely:
- (i) Finance;
 - (ii) Human Resources;
 - (iii) Air Safety Operations;
 - (iv) Air Safety Infrastructure;

- (v) Aviation Security;
- (vi) Legal Division;
- (vii) Air Safety Investigation; and
- (viii) Executive in the Office of the CEO.

2.4 The executive team is accountable to the CEO and assists the CEO in the day-to-day management of the organisation.

2.5 The objects of the SACAA are set out section 3 of the CAA Act, and are the following:

“To control and regulate civil aviation in the Republic and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.”

3. SACAA’s INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

3.1 In terms of the Act, a request for access to information has to be made to the Information Officer of the public body. The Information Officer of the SACAA is the CEO. The details of the Information Officer are set out in paragraph 4 below.

3.2 CEO has designated the Company Secretary and the Senior Manager: Communications to act as Deputy Information Officers. Thus, any request for access has to be addressed to either the Company Secretary or the Senior Manager: Communications. This shall assist the SACAA in ensuring that the office of the CEO is not inundated with requests for access to information and to ensure that the requests for access to information are dealt with efficiently and promptly.

4. CONTACT DETAILS OF SACAA

4.1 The main and only offices of the SACAA are situated in Waterfall Park, Midrand, in Johannesburg where all the divisions are based.

Physical address: Ikhaya Lokundisa
 Treur Close
 Waterfall Park
 Bekker Street
 Midrand

Postal address: Private Bag X73
 Halfway House
 1685

Tel: +27 11 545 1000
 Fax: +27 11 545 1465
 E-mail: mail@caa.co.za

Website address: www.caa.co.za

Information Officer:	Captain Colin Jordaan Chief Executive Officer/Commissioner for Civil Aviation jordaanc@caa.co.za
----------------------	--

Deputy Information Officers:	Mr. Agente Mohau Motake Company Secretary motakea@caa.co.za
	Ms. Phindiwe Gwebu Senior Manager: Communications gwebup@caa.co.za

5. OFFICIAL GUIDE ON HOW TO USE THE ACT

5.1 Section 10 of the Act requires the SACAA to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of the Act. The Guide must contain the following information:

- 5.1.1 The objects of the Act;
- 5.1.2 Particulars of the information officer of every public body;
- 5.1.3 Particulars of every private body, insofar as this is practicable;
- 5.1.4 The manner and form of a request for access to information held by a body;
- 5.1.5 Assistance available from both the information officers and the South African Human Rights Commission in terms of the Act;
- 5.1.6 All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
- 5.1.7 Schedules of fees to be paid in relation to requests for access to information;
- 5.1.8 Regulations made in terms of the Act.

5.2 Copies of this Guide will be available as soon as the Guide is published by the South African Human Rights Commission ("SAHRC"). More information about this Guide may be obtained from the SAHRC, and the contact details of which are as follows:

Postal address: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Tel: +27 11 484 8300
Fax: +27 11 484 0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

Physical address: 29 Princess of Wales Terrace
Cnr St Andrews and York Streets
Parktown
Johannesburg

6. ACCESS TO RECORDS

6.1 Automatic Disclosure

6.1.1 Information on the following subjects is available without a formal request on the SACAA's website and brochures:

- 6.1.1.1 General information about the SACAA;
- 6.1.1.2 Publications;
- 6.1.1.3 Corporate Calendar;
- 6.1.1.4 News Scan;
- 6.1.1.5 Newsroom;
- 6.1.1.6 Safety Promotions;
- 6.1.1.7 SACAA Structure;
- 6.1.1.8 Forms and Application;
- 6.1.1.9 Fees;
- 6.1.1.10 Careers in Aviation;
- 6.1.1.11 Civil Aviation Acts and Regulations;
- 6.1.1.12 Civil Aviation Statistics;
- 6.1.1.13 Licensing and Exam Procedures;
- 6.1.1.14 Aviations Security;
- 6.1.1.15 Airports – General;
- 6.1.1.16 Aviation Medicine – General;
- 6.1.1.17 Airworthiness – General;
- 6.1.1.18 Airworthiness Directives;
- 6.1.1.19 Flight Operations – General;
- 6.1.1.20 Aeronautical Information Circulars – AIC's;
- 6.1.1.21 South African Aircraft Register;
- 6.1.1.22 South African Aircraft Mortgage Register;
- 6.1.1.23 Annual Financial Statements;
- 6.1.1.24 Confidential Aviation Hazard Reporting System ("CAHRS"); and
- 6.1.1.25 AOC application procedures.

6.2 There is information held by the SACAA that needs to be formally requested. The information below must be formally requested from the Information Officer and/or Deputy Information Officers, and therefore, is not readily available.

6.2.1 Company Secretarial and Governance

6.2.1.1 Board management, minutes and meetings;

6.2.1.2 Board and Committees' attendance register;

6.2.1.3 External and internal committees;

6.2.1.4 Strategic and corporate planning;

6.2.1.5 Delegation of authority;

6.2.1.6 Declaration of interest;

6.2.1.7 Legal opinions and advice;

6.2.1.8 Policy formulations.

6.2.2 Human Resources

A. Statutory Employee Records

6.2.2.1 Arbitration awards;

6.2.2.2 Attendance register;

6.2.2.3 Collective agreements;

6.2.2.4 Date of Birth of each employee;

6.2.2.5 Employees, names and occupations;

6.2.2.6 Occupational health and safety;

6.2.2.7 Membership or non-membership of trade unions;

6.2.2.8 Employment Equity Plan;

6.2.2.9 IRP5/IT3 certificates of employees;

6.2.2.10 Industrial training records;

6.2.2.11 Records of foreign employees;

6.2.2.12 Remuneration paid to each employee;

6.2.2.13 Staff records (after date of employment ceases);

6.2.2.14 Time worked by each employee;

6.2.2.15 Expense accounts.

B. Other Employee records

- 6.2.2.16 Code of conduct;
- 6.2.2.17 Code of ethics;
- 6.2.2.18 Disability scheme;
- 6.2.2.19 Funeral insurance scheme;
- 6.2.2.20 Group life;
- 6.2.2.21 Group personal accident;
- 6.2.2.22 Incentive schemes;
- 6.2.2.23 Maternity leave policy;
- 6.2.2.24 Study assistance schemes;
- 6.2.2.25 Provident Fund Information and trustees.

6.2.3 Finance

- 6.2.3.1 Budgets and Accounts;
- 6.2.3.2 Audit reports;
- 6.2.3.3 Banking arrangements;
- 6.2.3.4 Insurance;
- 6.2.3.5 Petty Cash and other expenditure;
- 6.2.3.6 Debtors and Creditors information;
- 6.2.3.7 Financial Management;
- 6.2.3.8 Business and Financial plan;
- 6.2.3.9 Investment of surplus cash.

6.2.4 Logistics

- 6.2.4.1 Procurement matters;
- 6.2.4.2 Assets register;
- 6.2.4.3 Security and Access control.

6.2.5 Agreements and Contracts

- 6.2.5.1 Acquisition or disposal documentation;
- 6.2.5.2 Agreements with contractors and suppliers;
- 6.2.5.3 Agreements with customers;

- 6.2.5.4 Agreements with governmental agencies;
- 6.2.5.5 Agreements with shareholders, officers or directors;
- 6.2.5.6 Any distributor, dealer or agency agreements;
- 6.2.5.7 Material agreements concerning provision of services or material;
- 6.2.5.8 Purchase or lease agreements;
- 6.2.5.9 Service Level Agreements and IT agreements;
- 6.2.5.10 Any other agreements entered into with various service providers.

6.2.6 Information Technology

- 6.2.6.1 Help desk matters;
- 6.2.6.2 Data and database structures;
- 6.2.6.3 User information;
- 6.2.6.4 Software and hardware;
- 6.2.6.5 Information management system;
- 6.2.6.6 Procedures and standards;
- 6.2.6.7 Network Infrastructure;
- 6.2.6.8 Audits;
- 6.2.6.9 Capacity and utilization of Current Systems;
- 6.2.6.10 Development Plan;
- 6.2.6.11 Disaster recovery;
- 6.2.6.12 Internal Systems Support and Programming/ Development.

6.2.7 Operations, Aviation Security and Airworthiness

- 6.2.7.1 Operator's manual of procedures;
- 6.2.7.2 Register of Operating Certificates;
- 6.2.7.3 Operator's flight details;
- 6.2.7.4 Incidents and Accidents;
- 6.2.7.5 Audits and investigations;
- 6.2.7.6 Air crew matters and related information;
- 6.2.7.7 Information on Carriage of Dangerous Goods;
- 6.2.7.8 Operator's non-compliances;

- 6.2.7.9 Suspensions;
- 6.2.7.10 Investigations and inspections;
- 6.2.7.11 Certain exemption records;
- 6.2.7.12 Access control;
- 6.2.7.13 Appeal records;
- 6.2.7.14 Oversight related matters;
- 6.2.7.15 ATS approvals (Nascom).

6.2.8 Accidents

- 6.2.8.1 Accidents investigation methods;
- 6.2.8.2 Released Accidents reports;
- 6.2.8.3 Records of aircraft accidents;
- 6.2.8.4 Documentary evidence except witness statements according to ICAO Annex-13.

6.2.9 Licensing, Examinations and Registry

- 6.2.9.1 Pilots records;
- 6.2.9.2 Aircraft records;
- 6.2.9.3 Students exams records;
- 6.2.9.4 AMO's and AME's records;
- 6.2.9.5 Aircraft Mortgage records;
- 6.2.9.6 ATC and ATSA Licensing;
- 6.2.9.7 Exemption records.

6.2.10 Insurance

- 6.2.10.1 Claim records;
- 6.2.10.2 Details of insurance coverages, limits and insurers;
- 6.2.10.3 Insurance policies.

6.2.11 Legal

- 6.2.11.1 Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- 6.2.11.2 Material licences, permits and authorisations;
- 6.2.11.3 Settlement agreements.

6.2.12 Environmental Health and Safety

6.2.12.1 Environmental impact assessment;

6.2.12.2 Environmental management programmes and systems;

6.2.12.3 Industrial hygiene programmes, data and audits;

6.2.12.4 Permits, licences, approvals, exemptions and registrations for operations of sites and business;

6.2.12.5 Safety management systems, data and audits;

6.2.12.6 Safety, Health and Environmental records.

6.2.13 Intellectual Property

6.2.13.1 Agreements relating to intellectual property;

6.2.13.2 Copyrights;

6.2.13.3 Litigation and other disputes involving intellectual property;

6.2.13.4 Patents, patent applications and inventions;

6.2.13.5 Trademarks, trade names and protected names.

7. REQUEST PROCEDURES

7.1 Request procedures

7.1.1 Access to information listed above shall be requested by:

7.1.1.1 Completing the prescribed Form A ("request form"); and

7.1.1.2 Payment of the prescribed fee.

7.1.1.3 Notwithstanding the above, a requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.

7.1.1.4 After the Information Officer has made a decision on the request, the requester must be notified of such a decision.

7.1.1.5 The requester must indicate if the request is for copy of the record or if the requester wants to inspect the records at the SACAA's office.

7.1.1.6 Access to the aforesaid information will only be granted to the requester in a manner requested, unless such manner would unreasonably interfere with the running and operation of the SACAA or damage its records or infringe its copyright.

7.1.1.7 If for practical reasons, access cannot be given in the requested manner but in an alternative manner, then the fee for access will be calculated according to the manner that the requester had requested.

7.1.1.8 If the requester is unable to read or write, or has a disability, then they can make the request for the record orally, in which event the Information Officer will complete the form on behalf of such requester and furnish the requester with such completed form.

7.1.1.9 The requester must clearly indicate on the request form:

7.1.1.9.1 if they wish to be informed of the success of their request telephonically or in any manner.

7.1.1.9.2 the capacity in which the request is made, in the event the information is requested on behalf of somebody else.

7.1.1.10 If a person wishes to request access to a record belonging to any of the above categories of records, such person must complete the request form. Forms can also be obtained from:

7.1.1.10.1 SACAA's Deputy Information Officers (whose contact details are mentioned above in paragraph 4 of this Manual);

7.1.1.10.2 The CAA website (www.caa.co.za) or by sending mail to mail@caa.co.za;

7.1.1.10.3 The Department of Justice and Constitutional Development website: (www.doj.gov.za).

7.1.1.11 A requester must submit the completed form, together with the request fee deposit (if applicable), to the Information Officer or any of the Deputy Information Officers at the postal address, facsimile or e-mail address set out in section 2 of this Manual. The completed form must contain enough details to enable the Information Officer and/or the Deputy Information Officers to identify:

7.1.1.11.1 The record(s) the requester is requesting;

7.1.1.11.2 The identity of the requester;

7.1.1.11.3 Which form of access the requester desires; and

7.1.1.11.4 The postal address or facsimile (fax) number of the requester.

7.1.1.12 If the requester is making the request on behalf of another person, he/she must submit satisfactory proof of the capacity in which he/she is making such request.

7.1.1.13 Notwithstanding the above, access to a record is not automatic and that the requester will be required to comply with all of the Act's requirements relevant to a particular request. A copy of the Act is available and accessible at the SACAA's website. The requester shall be notified as soon as possible within at least 30 (thirty) days upon receipt of a request, in the manner indicated by the requester on the request form.

7.1.1.14 Any person, unable to read or write, may make an oral request to the SACAA, or may request any official in the employ of SACAA to transcribe his/her request for access to information.

7.2 Appeal against refusal of access to information

7.2.1 If after complying with the procedural requirements mentioned above:

7.2.1.1 The Deputy Information Officer refuses to grant access to information; and

7.2.1.2 Such refusal is not based on any ground of refusal mentioned in the Act;

the requester may appeal against the decision of such Deputy Information Officer to the Information Officer. With regard to the examinations and related issues, an appeal against the decision of the Deputy Information Officer may be lodged with the Commissioner.

7.2.2 If the requester is not satisfied with the decision of the Information Officer or the Commissioner, as the case may be, as stated above, then an appeal may be lodged with the Chairperson of the Board of the SACAA.

7.2.3 The requester may lodge a court application for further relief if not satisfied with the appeal decision of the Chairperson.

7.2.4 The requester needs to complete the relevant form when he or she lodges an appeal.

8. GENERAL

8.1 This Manual will be:

8.1.1 reviewed regularly and amended where relevant;

8.1.2 available at the following places:

8.1.2.1 every place of legal depots as defined in section 6 of the Legal Depots Act 1997;

8.1.2.2 The South African Human Rights Commission;

8.1.2.3 SACAA's offices.

8.1.2.4 SACAA's website, being www.caa.co.za, or

8.1.2.5 By e-mail request at mail@caa.co.za.

8.2 Pursuant to the objects of the SACAA referred to above in paragraph 3, some information may be classified and strictly confidential and therefore, access thereto, may be denied.

8.3 The International Civil Aviation Organisation ("ICAO") Annex 13 standards require the following with respect to non-disclosure of records, which will be taken into account with respect to any request to disclose the information listed hereunder.

8.3.1 Non-disclosure of records

In terms of ICAO annex-13 referred to above in paragraph 8.3, the State conducting the investigation of an accident or incident shall not make the following records available for purposes other than accident or incident investigation, unless the appropriate authority for the administration of justice in that State determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

(a) all statements taken from persons by the investigation authorities in the course of their investigation;

(b) all communications between persons having been involved in the operation of the aircraft;

- (c) cockpit voice recordings and transcripts from such recordings;
- (d) recordings and transcriptions of recordings from air traffic control units; and
- (e) opinions expressed in the analysis of information, including flight recorder information.

8.4 The above-mentioned records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.

8.5 Should any information in the possession of the SACAA be requested for the purpose of a court action or legal proceedings, Annexure "C" needs to be completed and forwarded to the Deputy Information Officers or the Information Officer. The Deputy Information Officers and the Information Officer shall ensure that the requirements stated in the ICAO annex-13 are taken into account before the documents and/or records are disclosed.

9. FEES

9.1 The Act provides for two types of fees, namely:

9.1.1 A request fee, which is a standard fee; and

9.1.2 An access fee, which is calculated by taking into account reproduction costs, search and preparation time and costs, and mailing costs.

9.2 The above-mentioned fees are prescribed in the Regulations relating to the Promotion of Access to Information published in the Government Gazette No. 22125 of 9 March 2001. The Regulations are freely available from the government website (www.polity.org.za) or the SACAA's website referred to above in paragraph 4.

9.3 When the Information Officer receives a request for access, he/she will, by notice, require the requester (if the requester is not a personal requester) to pay the prescribed request fee before processing request. Additionally, should a request be granted, the requester will be notified to pay an access fee.

9.4 An access fee covers search, reproduction and preparation, and time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the form desired. In certain circumstances, the requester may be required to pay a deposit before access is granted, and this deposit is a portion of the relevant access fee and will be refunded if access is refused.

10. EXTERNAL REMEDIES

If anyone feels aggrieved by the Information Officer's refusal of the request, they may, within 30 (thirty) days, apply to court for relief. For the purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

11. AVAILABILITY OF MANUAL

This manual is available for inspection, free of charge, at the SACAA's offices. Electronic copies of this manual will also become available on the CAA website: <http://www.caa.co.za>.