

**MANUAL IN TERMS OF SECTION 14 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT,
ACT NO. 2 OF 2000
FOR THE CSIR**

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2. PARTICULARS IN TERMS OF SECTION 14

2.1 The mandate of the CSIR¹

The CSIR is a statutory research council, established by Government, and governed by the Scientific Research Council Act (Act 46 of 1988, as amended by Act 71 of 1990). The CSIR is listed as a Public Entity in terms of the Public Finance Management Act, Act 1 of 1999, as amended by Act 29 of 1999. Its Executive Authority is the Minister of the Department of Science and Technology.

The CSIR is the largest scientific and technological research, development and implementation organisation in Africa and operates under the following mandate:

"In the national interest, the CSIR, through directed and multi-disciplinary research and technological innovation, should foster industrial and scientific development, either by itself, or in partnership with public and private sector institutions, to contribute to the improvement of the quality of life of the people of South Africa".

2.2 The function and objectives of the CSIR

Within the framework of its mandate, the CSIR sources and develops knowledge and technology that enables it to provide technology solutions and information, establish ventures and license intellectual property. It supports sustainable development and economic growth in the context of South Africa's national priorities and global challenges.

The focus of its Parliamentary Grant investment is the National System of Innovation, and the complementary priorities of the government.

The CSIR's mission acknowledges that global challenges have become its challenges, that relationships with its partners, clients and stakeholders are integral to its success and that licensing intellectual property and establishing ventures are the key areas of future growth. The CSIR's strategy is to accelerate its evolution to a knowledge intensive technology organisation that contributes to the African Renaissance and is both internationally competitive and regionally relevant.

In terms of the Spatial Data Infrastructure Act, 2003, the CSIR, as a data custodian of data relating to the content, quality, condition and other characteristics of information about spatial objects or features and their attributes (hereinafter referred to as "metadata"), ensures that metadata is available to users by making its metadata available to the Department of Land Affairs for inclusion in the electronic metadata catalogue.

¹ See also <http://www.csir.co.za/aboutus.html>

2.3 The structure of the CSIR

A schematic diagram of the structure of the CSIR



The structure of the CSIR

The CSIR functions as a corporation with a number of semi autonomous Operating Units and National Research Centres, focused on industry sectors as follows:

2.4.1 Operating Units:

1. Built Environment
2. Defence, Peace, Safety & Security
3. Biosciences
4. Materials Science and Manufacturing
5. Modelling and Digital Science
6. Natural Resources and the Environment
7. Consulting and Analytical Services
8. Strategic Initiatives Implementation Unit

2.4.2 National Research Centres:

1. National Laser Centre
2. Meraka Institute
3. Centre for Mining Institute

3. CONTACT DETAILS (Section 14 (1)(b))

Information Officer:

The President, Dr Sibusiso Sibisi
 Tel: (012) 841 2429
 Fax: (012) 841 3549

Deputy Information Officer:

Mrs Ilse Lombard
 Tel: (012) 841 2286
 Fax: (012) 841 4726
 E-mail: ilombard@csir.co.za

Street Address:

Scientia, Meiring Naude Ave, PRETORIA

Postal Address:

P O Box 395, PRETORIA, 0001

4. THE SECTION 10 GUIDE ON HOW TO USE THE ACT - Section 14(1)(c)

The guide will be available from the South African Human Rights Commission by not later than August 2003. Please direct any queries to:

The South African Human Rights Commission
 PAIA Unit
 The Research and Documentation Department
 Postal address: Private Bag 2700
 Houghton
 2041

Telephone: (011) 484 8300
 Fax: (011) 484 0582
 Website: www.sahrc.org.za
 E-mail: PAIA@sahrc.org.za

5. **ACCESS TO THE RECORDS HELD BY THE CSIR**

5.1 **Automatic disclosures – Section 14(1)(e)**

All information available on the web-site www.csir.co.za is voluntarily disclosed including the current Annual Report, annual financial statements, Report by the Auditor-General, Report on Corporate Governance, Executive Report and Financial statements.

The following information is also voluntarily disclosed-

1. Documents relating to the policy and governance of CSIR – in Annual Report, paper or on the CSIR website
2. Research results by the Safety in Mines Research Advisory Committee (SIMRAC) – on the SIMRAC website www.simrac.co.za (Contact person: Eckson Mokoena, Telephone: (011) 358 0318, E-mail: emokoena@csir.co.za).

5.2 **Records that may be requested – Section 14(1)(d)**

- **Operational Information and Agreements** relating to the following categories: -
 - Documents relating to the policy, objectives and governance of the CSIR
 - Directives, resolutions and instructions of the Board of the CSIR
 - Joint Venture Agreements with subsidiaries and/or agreements with any person, government or administration
 - Rental agreements, title deeds, mortgage bonds and notarial bonds relating to movable and immovable property
 - Company records relating to companies established by the CSIR or in association with joint venture partners and/or any person for the purpose of developing or exploiting an invention or technological expertise
 - Memorandums of Understanding
 - Metadata and spatial information
- **Finances and Accounting** records relating to the following categories: -
 - Bank account records
 - Books of Account and financial statements
 - Auditor's annual report
 - Audited financial statements
 - Financial statements of subsidiaries
 - Annual report, including balance sheet and statement of income and expenditure certified by the Auditor-General
 - Annual budget and corporate plan as provided for in the Public Finance Management Act, Act No. 1 of 1999

- VAT, SITE and PAYE records
- Additional information required by the Minister

- **Human Resources** records relating to the following categories: -
 - Policies and procedures
 - Personnel files
 - Contracts, conditions of service and other agreements
 - Statutory employee records
 - Pension fund records of the pension fund established under the Associated Institutions Pension Fund Act, 1963
 - Medical Scheme Records

- **Research, technology solutions and support information** relating to the following categories: -
 - Building and Construction Technology
 - Defence Technology
 - Food, Biological and Chemical Technologies
 - Information and Communications Technology
 - Manufacturing and Materials Technology
 - Mining Technology
 - Roads and Transport Technology
 - Water, Environment and Forestry Technology

- **Intellectual property** information relating to the following categories: -
 - Rights in discoveries and inventions and improvements in respect of processes, apparatus and machines made by employees of the CSIR in the course of their employment as employees of the CSIR
 - Rights in a discovery, invention or improvement made by the CSIR in the course of an investigation for or on behalf of another person, government or administration
 - Patents and patent applications
 - Licence Agreements

6. **THE REQUEST PROCEDURES – Section 14 (1)(d)**

6.1 **Disclosure of records**

A requester must be given access to a record of a public body if the requester complies with the following –

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal provided for in the Act.

6.2 **Nature of the request**

- A requester must use the prescribed form, Form A, published in Government Notice R187 of 15 February 2002.
- The requester must indicate whether the request is to obtain a copy of the record or whether inspection of the record at the offices of the public body

is requested. Alternatively, if the record is not a document, it can be viewed in the requested form – s 29(2).

- Access should be provided in the particular form and manner requested unless such manner would interfere unreasonably with the running of the public body concerned or damages the record, or infringes a copyright owned by the state. If for practical reasons access cannot be given in the required form, but in an alternative manner, the fee must be calculated in accordance with the manner of disclosure first requested by the requester – s 29(3) and (4).
- If, in addition to a written reply to the request for the record, the requester requires to be advised of the decision in any other manner, eg. by telephone, this must be indicated – s 18(2)(e).
- If a requester requests the information on behalf of somebody else, the capacity in which the request is made must be indicated – s 18(2)(f).
- If the requester is unable to read or write, or has a disability, the request may be made orally. In such event, the Information Officer must complete the form on behalf of the requester and provide the requester with a copy – s 18(3).

6.3 Fees payable

- There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee – s 22.
- A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the prescribed request fee.
- The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to court against the tender or payment of the request fee.
- After the Information Officer has made a decision on the request, the requester must be notified of such decision in the manner requested by the requester.
- If the request is granted, an access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

7. SERVICES AVAILABLE – Section 14(1)(f)

In terms of the Scientific Research Council Act, Act No. 46 of 1988, the CSIR may make the technological expertise in its possession available to any person, in order to fulfil its functions or attain any of its objects enter into agreements with any person and

in association with any person establish a company for the purpose of developing or exploiting any invention or technological expertise and at the request or with the prior approval of the Minister undertake research in any territory outside the Republic on behalf of any person in any such territory.

8. ARRANGEMENT ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWER – Section 14(1)(g)

Members of the Board of the CSIR are appointed from the private sector by the Minister responsible for administering the Scientific Research Council Act, 1988. The CSIR is governed by primary legislation, which legislation, depending on the nature and complexity thereof, may be preceded by a discussion paper setting out a proposed approach and calling for public comment. This step may be followed or replaced by the release of draft legislation for public comment.

9. THE REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH – Section 14(1)(h)

The CSIR does not have an internal appeal procedure in place to facilitate appeals against decisions of the Information Officer or Deputy Information Officer.

An aggrieved party may by way of application apply to Court for appropriate relief. On hearing such application the Court may grant any order that is just and equitable including:

- Confirming, amending or setting aside the decision that is the subject of the application;
- Requiring the Information Officer to take some action or to refrain from taking such action as the Court considers necessary within the period mentioned in the order;
- Granting an interdict, interim or specific relief, a declaratory order or compensation; or
- Costs.

10. ANY OTHER INFORMATION AS MAY BE PRESCRIBED – Section 14(1)(i)

There is currently no additional information available from the Minister.