

**PROMOTION OF ACCESS TO
INFORMATION ACT**

SECTION 14 MANUAL

IN RESPECT OF THE

CACADU DISTRICT MUNICIPALITY



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1 INTRODUCTION

This Manual is published in terms of Section 14 of the Promotion of Access to Information Act, (2 of 2000) (“the Act”). The Act gives effect to the provision 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.

The purpose of the Act is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all their rights to the full extent required.

The provision of any information in addition to that specifically required in terms of Section 14 of the Act does not create any contractual right or entitlement to receive such information, other than in terms of the Act.

2 DEFINITIONS

2.1 Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely-

- **“Act”** means the Promotion of Access to Information Act, 2 of 2000, as amended from time to time;
- **“Cacadu Municipality”** means the Cacadu District Municipality;
- **“Information Officer”** means the Municipal Manager, head or equivalent officer respectively, being the person acting on behalf of the Cacadu Municipality and discharging the duties and responsibilities assigned to such person by the Act. The information Officer is duly authorized to act as such;
- **“Manual”** means this manual compiled in compliance with Section 14 of the Act;
- **“Personal Requester”** means a Requester seeking access to a record containing personal information about the Requester;
- **“Personnel”** means any person who works for or provides services to or on behalf of the Cacadu Municipality and receives or is entitled to receive any remuneration. This includes, without limitations, all permanent, temporary and part-time staff as well as contract workers;
- **“Record”** means any recorded information, regardless of form or medium, which is in the possession or under the control of the Cacadu Municipality, irrespective of whether it was created by the Cacadu Municipality or not;
- **“Request”** means a request for access to a record of the Cacadu Municipality;
- **“Requester”** means any person (other than certain public bodies or an official thereof) making a request for access to a record of the Cacadu Municipality and includes any person acting on behalf of that person/ Requester;
- **“SAHRC”** means the South African Human Rights Commission.

2.2 Unless a contrary intention clearly appears, words signifying:-

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa; and
- natural persons include juristic persons.

Terms defined in the Act shall have the same meaning in this Manual.

3 CACADU DISTRICT MUNICIPALITY OVERVIEW

Cacadu Municipality is defined in the Act as a public body, which definition encompasses any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government.

Cacadu Municipality is the 60 000 square kilometer area outside the boundaries of the Nelson Mandela Metropolitan Municipality and stretches from Nieu-Bethesda in the north to Humansdorp in the south, and from the Blaauwkrantz River in the West (the Tsitsikamma area) to Bathurst along the coast in the East along the Fish River. Its municipal head office is temporarily situated in Port Elizabeth.

Cacadu Municipality was previously known as the Western District Municipality (WDC). The Demarcation Act 2000 created wall-to-wall municipalities, which integrated Local Councils with their rural communities.

The end of the year 2000 saw the establishment of a metropolitan municipality, a district municipality and nine local municipalities within the WDC's area of jurisdiction with effect from 5 December 2000.

The new, transformed organization now known as Cacadu District Municipality commenced operations on 1 January 2002.

A fulltime Executive mayor was appointed on 21 December 2000 to be supported by a new committee system known as the Mayoral Committee.

Cacadu Municipality concentrates its energy on supporting and assisting the local municipalities within the District to be viable, well-managed and successful entities. Cacadu Municipality concentrates on high level, strategic functions such as district-wide strategic planning, infrastructure development, tourism and economic development.

Cacadu Municipality supports the constitutional right of access to information and is committed to provide any requester access to its records in accordance with the provision of the Act.

4 AVAILABILITY OF THIS MANUAL

A copy of this Manual will be available on the Municipality's website www.cacadu.co.za or by sending a request for a copy to the Municipal Manager of the Cacadu Municipality at the respective contact details set out more fully below:

Municipal Manager, Cacadu District Municipality

P.O. Box 318, Port Elizabeth, 6000

Tel: (041) 508-7117

Fax (041) 508-7000

email: info@cacadu.co.za/ sharrington@cacadu.co.za

The Manual may also be obtained from the municipal offices (Regulation R187 of 15 February 2002), or the South African Human Rights Commission ("SAHRC").

5 UPDATING OF MANUAL

This Manual will be updated and published, if necessary, at intervals of not more than once a year, or as prescribed in the Act from time to time.

6 FUNCTIONS AND STRUCTURE OF CACADU MUNICIPALITY

▪ Functions of Cacadu Municipality:

- Cacadu Municipality has the functions and powers assigned to it in terms of, *inter alia*, the Constitution of the Republic of South Africa, the Local Government: Municipal Structures Act and the Municipal Systems Act,
- Other functions that the Cacadu Municipality has, include:-
 - furthering the development of its area as a whole by seeking to achieve the integrated, sustainable and equitable social economic development thereof. This is achieved by:-
 - (a) development planning that is integrated for the whole area/district;
 - (b) promoting services and development of the infrastructure within the area/district
 - (c) building capacity to perform its functions and exercise its powers as set out in legislation; and
 - (d) promoting equitable distribution of resources throughout the area/district.
- The specific powers and functions of Cacadu Municipality, operating as a municipality is to take responsibility for:

- (a) development planning which includes a framework for development plans of all municipalities in the area/district;
- (b) water supply systems;
- (c) the road transport system which includes municipal roads;
- (d) the regulation of passenger transport services;
- (e) municipal airports in the area;
- (f) municipal health services;
- (g) fire fighting services which includes:
 - (i) planning ,co-ordination and regulation of the fire services;
 - (ii) specialized fire fighting services;
 - (iii) co-ordination of the infrastructure and equipment;
 - (iv) the training of fire officers.
- (h) the conduct and control of fresh produce markets;
- (i) the establishment, conduct and control of cemeteries;
- (j) promotion of local tourism;
- (k) public works relating to any of the above functions;
- (l) the receipt and allocation of grants made to the district municipality;

- **Vision**

An innovative and dynamic municipality striving to improve the quality of life for all our communities

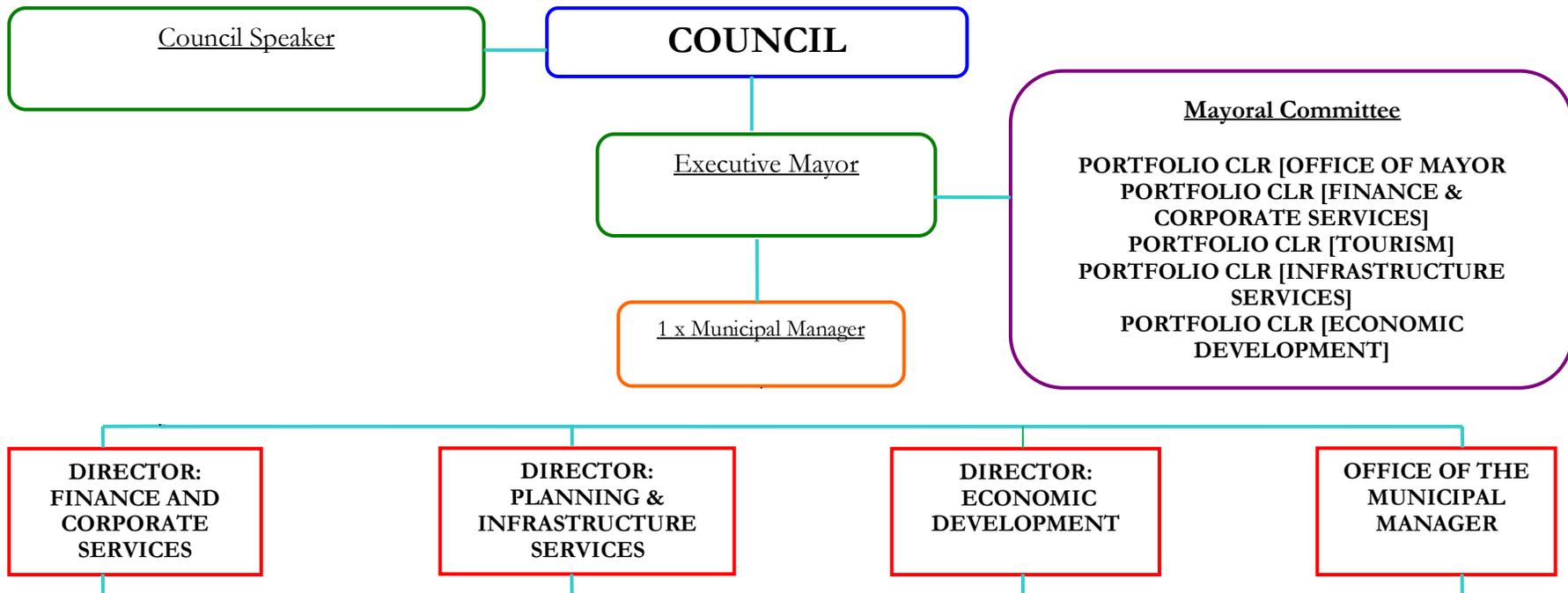
- **Mission**

To provide equitable, affordable services and sustainable socio-economic development through:

- Stakeholder participation
- Capacity building
- Efficient and effective management of resources

- **Values**

Value	Behavior
Honesty& Integrity	We act with honesty and integrity, are fruitful & reliable
Accountability	We are accountable for our actions.
Professionalism	We strive to maintain high professional standards
Creative	We promote new ideas to promote service delivery to our constituencies
Effectiveness & Efficiency	We strive to do the right things timeously.
Service Excellence	We strive for service excellence and customer satisfaction
Respect	We earn respect through our actions and seek to embrace humility and discipline
Responsibility	We take ownership of our actions
Responsiveness	We react rapidly to the needs of our community
Transparency	We are committed to openness and transparency in everything we do



7 CONTACT DETAILS

Kindly address all queries or requests relating to the provisions of the Act to the Information Officer or Deputy Information Officers at the contact details listed below.

Name of Public Body	Cacadu Municipality
Information Officer	Mr Ted Pillay
Email address of Information Officer	info@cacadu.co.za / sharrington@cacadu.co.za

Kindly address all queries or request relating to the provisions of the Act to the Deputy Information Officers at the contact details listed below. It is imperative to assure yourself of the specific division that the required information is requested from. Failure to do so may result in a delay in dealing with your request.

DIRECTOR: FINANCE AND CORPORATE SERVICES	
Name of Public Body	Cacadu Municipality
Designated Deputy Information Officer	Mr Danie de Lange
Email address of Deputy Information Officer	ddelange@cacadu.co.za
Postal Address	P.O Box 318, Port Elizabeth, 6000
Street address	32 Govan Mbeki Avenue, Port Elizabeth, 6000
Phone number	(041) 508-7108/9
Fax number	(041) 508-7022

DIRECTOR: ECONOMIC DEVELOPMENT	
Name of Public Body	Cacadu Municipality
Designated Deputy Information Officer	Mr Pumelelo Kate
Email address of Deputy Information Officer	pmkate@cacadu.co.za
Postal Address	P.O Box 318, Port Elizabeth, 6000
Street address	32 Govan Mbeki Avenue, Port Elizabeth, 6000
Phone number	(041) 508-7339/7343
Fax number	(041) 508-7136

DIRECTOR: INFRASTRUCTURE SERVICES AND PLANNING	
Name of Public Body	Cacadu Municipality
Designated Deputy Information Officer	Mr Bhekuyise Makedama
Email address of Deputy Information Officer	bmakedama@cacadu.co.za
Postal Address	P.O Box 318, Port Elizabeth, 6000
Street address	32 Govan Mbeki Avenue, Port Elizabeth, 6000
Phone number	(041) 508-7070
Fax number	(041) 508-7272

8 HOW TO REQUEST ACCESS TO RECORDS HELD BY CACADU MUNICIPALITY

8.1 Records that may be requested

- 8.1.1 A Requester may request any recorded information regardless of its form or medium which is in the possession or under the control of the Cacadu Municipality, whether it was created by the Cacadu Municipality or not.
- 8.1.2 The Cacadu Municipality is committed to openness and transparency. However simply because a request falls within the category of records that may be requested does not mean that the Cacadu Municipality is obliged to provide h the record/s requested.
- 8.1.3 The Cacadu Municipality is obliged to consider its own rights and responsibilities and those of third persons in deciding whether to provide the information that has been requested.

8.2 Requests generally

- 8.2.1 A Requester shall be given access to a record held by the Cacadu Municipality if the following requirements, which are set out in the Act, are met:-
- The Requester complies with all the procedural requirements set out in the Act relating to a request; and
 - Access to the requested record/s is not refused in terms of any grounds for refusal set out in the Act.

The Cacadu Municipality will not consider the identity of a Requester or the reason why the Requester wants information, in making its decision to allow the Requester access to information or not. Instead, Cacadu Municipality will make its decision based on whether the Requester has a right to information.

In particular, the right of a Requester to access information in terms of this Act is not affected by any reason given by that Requester for requiring access. In addition, the Information Officer's belief as to what the reasons for the request may be is not considered in deciding the Requester's right to access information in terms of the Act.

8.2.3 How to Request a Record

- Requests for access to records held by the Cacadu municipality must be made on the prescribed request form in terms of Section 18. This prescribed form is attached to this Manual as **Annexure 2**
- The forms may also be obtained from the SAHRC (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za).
- Request for access to a record must be made to the Deputy Information Officers at the addresses, fax numbers or electronic mail addresses provided above.

- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the Requester.
- The Requester should also indicate which form of access is required, such as a copy or inspection of a written or printed record; a copy or view of an image; a transcription or an opportunity to listen to a sound recording; a print-out or electronic copy of a record stored by way of computer or a copy of any other record.
- The Requester must indicate if he or she wishes to be informed of the Cacadu Municipality's decision regarding such request in a particular manner (post, fax or electronic mail etc.) and state the necessary particulars to be so informed. If no details are given the Cacadu Municipality will use its discretion and will usually respond by fax or electronic mail.
- The Requester must also state whether the record concerned is preferred in a particular language.
- If a request is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the satisfaction of the Information Officer.
- Should an individual be unable to make a request for access to a record of the Cacadu Municipality because of illiteracy or disability, he or she may make such a request orally.
- The Information Officer of the Cacadu Municipality must reduce the oral request to writing in the prescribed form and supply the Requester with a copy thereof.

9 SERVICES AVAILABLE

- **Nature of service:**

Cacadu Municipality's services include the provision and coordination of the following:

- the development of infrastructure;
- the equitable distribution of resources throughout its area;
- assist with the licensing of water supply systems;
- integrated transport plan;
- the regulation of municipal airports in the district;
- the management and control of the municipal health services;
- the planning and co-ordinating of fire fighting services;
- the promotion of local tourism and public works relating to any of the above functions;
- the receipt and allocation of grants made to the Cacadu Municipality; and
- the imposition and collection of taxes, levies and duties as they relate to the above services.

- **How to gain access to these services:**

Any person may gain access to the above contemplated services by submitting a request to the Deputy Information Officers of Cacadu Municipality at the above address.

10 ARRANGEMENT FOR PUBLIC PARTICIPATION IN POLICY FORMULATION

The most important medium for public participation is by participating in local municipal elections.

In addition, the public may participate in the policy formulation of the Cacadu Municipality by:-

- attending municipal meetings, which are open to the public except in certain limited circumstances;
- liaising with their local municipal councilors;
- attending IDP Representative Forum meetings;
- Written submission to Council; and
- Attending Budget meetings.

11 REMEDIES AVAILABLE FOR NON-COMPLIANCE

A Requester may lodge an internal appeal against a decision of the Information Officer of the Cacadu Municipality:-

- to refuse a request for access ; or
- In respect of fees, extension of time or the form of the request.

In addition third parties may lodge an internal appeal against a decision of the Information Officer to grant a request for access to a record relating to that third party.

The Requester nevertheless remains entitled to process to court to dispute the decision of the internal appeal process or to seek recourse in respect of an act or failure to act by Cacadu municipality which is not covered by the internal appeal process.

Internal appeals in respect of the Cacadu Municipality will be adjudicated by the relevant authority defined in the Act, being the mayor, speaker or a person appointed by the municipal council in writing.

The internal appeal is dealt with in Sections 74 to 78 of the Act which provide, *inter alia*, that an internal appeal:-

- must be lodged in the prescribed form, within 60 days and with notice (if appropriate) to an interested third party;

- must be delivered or sent to the information officer at the above address, fax number or electronic mail address;
- must identify the subject of the internal appeal and state the reason for the internal appeal and may include any other relevant information known to the appellant;
- if applicable, must be accompanied by the prescribed appeal fee; and
- must specify a postal address or fax number.

Late appeals may be allowed on good cause shown.

Where the internal appeal relates to interested third persons, such persons must be given notice of such internal appeal and may make representations in respect thereof.

12 OTHER INFORMATION AS MAY BE PRESCRIBED IN THE ACT

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be inserted here.

13 PRESCRIBED FEES

The Act sets out two types of fees, namely a **REQUEST FEE** and an **ACCESS FEE**, that are required to be paid prior to Cacadu Municipality acceding to the request for information.

A personal requester, i.e. a requester who requests access to a record containing personal information, is not required to pay the request fee. Any other requester, who is not a personal requester, will be required to pay such fee.

The requester (other than a personal requester) must be notified by the Information Officer to pay the prescribed request fee before processing the request.

Should the requester be aggrieved by the tender or payment of the request fee, the requester may lodge an internal appeal (where appropriate) or bring an application to court.

The Information Officer must notify the requester of his/her decision in the manner specified by the requester.

In the event that the Information Officer grants the request, a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to prepare and search for the requested record.

The prescribed fees are set in Annexure 1 hereto, in terms of the regulations contemplated in the Act.

14 RECORDS HELD BY THE CACADU MUNICIPALITY

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

14.1 Internal records

The following are records pertaining to Cacadu Municipality's own affairs:

- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Statutory records;
- Internal policies and procedures; and
- Records held by officials of Cacadu Municipality

14.2 Personnel records

Personnel refers to any person who works for or provides services to or on behalf of Cacadu Municipality and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or service for the Cacadu Municipality. This includes, without limitation, heads of departments, managers, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to the Cacadu Municipality by their personnel;
- Any records a third party has provided to the Cacadu Municipality about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

14.3 Work related records

Work-related information includes the following:

- Any records a third party has provided to the Cacadu Municipality; and
- Records generated by or within the Cacadu Municipality pertaining to work or services, including transactional records.

14.4 Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, departments, service providers. Alternatively, such other parties may possess records which can be said to belong to the Cacadu Municipality. The following records fall under this category:

- Personnel, work or service related records which are held by another party as opposed to being held by the Cacadu Municipality; and
- Records held by the Cacadu Municipality pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

FEES IN RESPECT OF PUBLIC BODIES

Part ii of Notice 187 in the Government Gazette of 15 February 2002

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
a) For every photocopy of an A4-size page or part thereof	0, 60
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0, 40
c) For a copy in a computer-readable form on –	
(i) stiffy disc	5, 00
(ii) compact disc	40, 00
d) (i) For a transcription of visual images, or an A4 size page or part thereof	22, 00
(ii) For a copy of visual images	60, 00
e) (i) For a transcription of an audio record, or an A4-size page or part thereof	12, 00
(ii) For a copy of an audio record	17, 00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(i)(a) For every photocopy of an A4-size page or Part thereof	0, 60

- | | | |
|-----|---|--------|
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0, 40 |
| (c) | For a copy in a computer-readable form on – | |
| | (i) stiffy disc | 5, 00 |
| | (ii) compact disc | 40, 00 |
| (d) | (i) For a transcription of visual images for an A4-size page or part thereof | 22, 00 |
| | (ii) For a copy of visual images | 60, 00 |
| (e) | (i) For a transcription of an audio record, for an A4-size page or part thereof | 12, 00 |
| | (ii) For a copy of an audio record | 17, 00 |
| (f) | To search for and prepare the record for disclosure, R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. | |
- (2) For purposes of section 22(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable;
and
- (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

**PRESCRIBED FORMS FOR ACCESS TO INFORMATION
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000))

[Regulation 2]

FOR DEPARTMENTAL USE

Reference number:

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body:

Name of Public Body	Cacadu Municipality
Information Officer	Mr Ted Pillay
Email address of Information Officer	info@cacadu.co.za

DIRECTOR: FINANCE AND CORPORATE SERVICES

Name of Public Body	Cacadu Municipality
Designated Deputy Information Officer	Mr Danie de Lange
Email address of Deputy Information Officer	ddelange@cacadu.co.za
Postal address	P.O Box 318, Port Elizabeth, 6000
Street Address	32 Govan Mbeki Avenue
Phone number	(041) 508-7108/9
Fax number	(041) 508-7022

DIRECTOR: ECONOMIC DEVELOPMENT	
Name of Public Body	Cacadu Municipality
Designated Deputy Information Officer	Mr Pumelelo Kate
Email address of Deputy Information Officer	pmkate@cacadu.co.za
Postal address	P O Box 318, Port Elizabeth, 6000
Street address	32 Govan Mbeki Avenue, Port Elizabeth, 6000
Phone number	(041) 508-7339/7343
Fax number	(041) 508-7136

DIRECTOR: INFRASTRUCTURE SERVICES & PLANNING	
Name of Public Body	Cacadu Municipality
Designated Deputy Information Officer	Mr Bhekuyise Makedama
Email address of Deputy Information Officer	bmakedama@cacadu.co.za
Postal address	P.O Box 318, Port Elizabeth, 6000
Street Address	32 Govan Mbeki Avenue
Phone number	(041) 508-7070/7107
Fax number	(041) 508-7272

B. Particulars of person requesting access to the record

<p><i>(a) The particulars of the person who requests access to the record must be recorded below.</i></p> <p><i>(b) Furnish an address and/or fax number in the Republic to which information must be sent.</i></p> <p><i>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</i></p>
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Full names and surname:

Identity number:

Postal Address:

Fax number:

Telephone number:

E-mail address

Capacity in which request is made, when made on behalf of another person

C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known, to enable the record to be located.*
- (b) If the provider space is inadequate please continue on a separate folio and attach it to this form.*
The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

- (a) A request for access to a record, other than a record containing personal information about the applicant, will be processed only after a request fee has been paid.*
- (b) The applicant will be notified of the amount required to be paid as the request fee.*
- (c) 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.*
- (d) If the applicant qualifies for exemption of the payment of any fee, please state the reason therefor.*

Reason for exemption from payment of fees:

F. Form of access to record

If the applicant is prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state the disability and indicate in which form the record is required.

Disability:

Form in which record is required

NOTES

- (a) The applicant's indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case the applicant will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an "X"

1. If the record is in written or printed for-			
	Copy of record*		Inspection of record

2. If the record is consists of visual images- (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	View the images		Copy of the images* Transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound-			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form -			
	Printed copy of record*		Printed copy of information derived from the record* Copy in computer readable form* (magnetic or optical disc)

<p>If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>	<p>YES</p>	<p>NO</p>
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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.

In which language would you prefer the record?

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____

This _____ day of _____ 20__

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE