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**Dated:** 06 July 2020

COMPILED IN COMPLIANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT NO 2 OF 2000

FOR LOUIS DREYFUS COMPANY AFRICA (PTY) LTD

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**PROMOTION OF ACCESS TO INFORMATION MANUAL**

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## 1. BACKGROUND

- 1.1 The Promotion of Access to Information Act 2 of 2000 (the "**Act**") provides for the constitutional right of access to any information held by the State or another person. The information requested must be required for the exercise or protection of any right of the person requesting the information.
- 1.2 The Protection of Personal Information Act 4 of 2013 ("**POPI**") provides for *inter alia* the protection of personal information processed by public and private bodies and the regulation thereof. POPI has amended portions of the Act and has *inter alia* established the Information Regulator, which has replaced the South African Human Rights Commission insofar as the Act is concerned.
- 1.3 Section 51 of the Act, requires that all private bodies compile a manual providing for the procedure to request information held by such private body, as well as certain information regarding the Processing of personal information.
- 1.4 Should a request be made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to other applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a public or a private body.

## 2. GENERAL

- 2.1 Louis Dreyfus Company Africa (Pty) Ltd ("**LDCA**") conducts business as a merchandiser of agricultural commodities.
- 2.2 This Manual has been prepared in accordance with section 51 of the Act.
- 2.3 The aim of this Manual is to facilitate requests for access to certain records and information held by LDCA and to assist potential requesters as to the procedure to be followed when requesting access to such records and information.
- 2.4 The rights afforded under the Act are subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance.
- 2.5 Reference to any information in this Manual in addition to that specifically required in terms of section 51 of the Act does not create any right or entitlement to receive such information, other than in terms of the Act.
- 2.6 This Manual may be amended from time to time by LDCA and the latest version of the Manual will be made public as soon as reasonably possible, after it is finalised.
- 2.7 This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A Requester is advised to familiarise himself with the provisions of the Act before lodging any request with LDCA.

## 3. INTERPRETATION AND DEFINITIONS

- 3.1 In this Manual:
  - 3.1.1 where any term is defined within a particular clause other than this clause 3, that term shall bear the meaning ascribed to it in that clause wherever it is used in this Manual;
  - 3.1.2 unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them hereunder and cognate words and expressions shall bear corresponding meanings:

"**Act**" the Promotion of Access to Information Act 2 of 2000;

<b>"Data Subject"</b>	the person to whom Personal Information relates;
<b>"Head of LDCA"</b>	the managing executive of LDCA;
<b>"Information Officer"</b>	the person duly authorised and appointed in terms of clause 4.1 to facilitate and/or assist the Head of LDCA as applicable, with any request in terms of the Act;
<b>"Manual"</b>	this document, as amended from time to time, as issued by LDCA;
<b>"Requester"</b>	in relation to LDCA, any person including a public body or official thereof, making a request for access to a record of LDCA, or a person acting on behalf of such person;
<b>"SAHRC"</b>	the South African Human Rights Commission;
<b>"Personal Information"</b>	<p>information relating to an identifiable, living, natural person or if applicable, an identifiable, existing juristic person, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) information relating to the race, gender, sex, marital status, national, ethnic or social origin, colour, age, disability, language, religion, belief, culture and birth of the person;</li> <li>(b) information relating to the education, medical, financial, criminal or employment history of the person;</li> <li>(c) information relating to the financial affairs of the person;</li> <li>(d) any identifying number, symbol, e-mail address, physical address, telephone number, online identifier, or other particular assignment to the person;</li> <li>(e) biometric information of a person;</li> <li>(f) the personal opinion, views or preferences of a person;</li> <li>(g) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</li> <li>(h) the views or opinions of another individual about the person;</li> <li>(i) the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person; and</li> <li>(j) any other information which may be treated or defined as Personal Information in terms of any other applicable laws;</li> </ul>
<b>"Processing"</b>	any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information; and

and "**Process**" shall be construed accordingly.

3.2 For the purposes of this Manual, unless the context requires otherwise:

3.2.1 the singular shall include the plural and vice versa;

3.2.2 reference to one gender shall include the other gender; and

3.2.3 reference to a natural person shall include an artificial or juristic person and vice versa;

3.3 Clause headings in this Manual are inserted for convenience only and shall not be taken into account for the purposes of its interpretation.

3.4 Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the release date of this Manual, and as amended or substituted from time to time.

3.5 If any provision in a definition is a substantive provision, conferring rights or imposing obligations on any party, notwithstanding that such provision is only contained in the relevant definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual.

#### 4. **CONTACT DETAILS**

##### 4.1 **LDCA**

<b>Head of LDCA:</b>	Jan Christoph Kabath
Contact number:	011-217-5300
Email:	<a href="mailto:Jan-Christoph.Kabath@ldc.com">Jan-Christoph.Kabath@ldc.com</a>
<b>Information Officer:</b>	Nameera Munnisunker
Contact number:	011-217-5300
Email:	<a href="mailto:Nameera.Munnisunker@ldc.com">Nameera.Munnisunker@ldc.com</a>
Registration number:	1996/003173/07
Postal address:	Po Box 784658, Sandton, 2146
Physical Address:	Office XX04001, 4th Floor, 155 West Street, Sandown Sandton, 2196
Phone number:	011-217-5300
Website:	<a href="https://www.ldc.com/za/en/">https://www.ldc.com/za/en/</a>

5. **SOUTH AFRICAN HUMAN RIGHTS COMMISSION AND/OR THE INFORMATION REGULATOR GUIDE**

5.1 The SAHRC and/or the Information Regulator have compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

5.2 This guide may be obtained by any person from the SAHRC website at [www.sahrc.org.za](http://www.sahrc.org.za) and/or the Information Regulator website at [www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/) and any enquiries regarding the guide may be directed to:

SAHRC: PAIA Unit  
The Research and Documentation Department

Physical Address: 33 Hoofd Street  
Braamfontein  
2017  
Johannesburg

Postal Address: Private Bag X2700  
Houghton  
2041

Telephone: +27 11 877 3600

+27 11 877 3645

Telefax: +27 11 403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Email: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)

[mnyuswa@sahrc.org.za](mailto:mnyuswa@sahrc.org.za)

[tsebulela@sahrc.org.za](mailto:tsebulela@sahrc.org.za)

and/or:

Information Regulator

Physical Address: 33 Hoofd Street  
Forum III, 3<sup>rd</sup> Floor Braampark  
Braamfontein  
2017  
Johannesburg

Telephone: 082 746 4173 (cell phone of Mr Marks Thibela, Chief Executive Officer)

Website: [www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/)

Email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

6. **RECORDS AVAILABLE IN TERMS OF SECTION 51(1)(b)(iii) OF THE ACT**

6.1 To the extent applicable, LDCA keeps such information and documents as may be required in terms of the legislation listed below. Unless disclosure is prohibited in terms of the Act, other legislation, regulations, contractual agreements or otherwise and provided such interested parties are entitled thereto, records that are required to be made available in terms of the applicable statute (as amended) shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act, applicable internal policies and procedures.

6.1.1 Agriculture Product Standards Act, No. 119 of 1990;

6.1.2 Basic Conditions of Employment Act, No. 75 of 1997;

6.1.3 Broad-Based Black Economic Empowerment Act, No. 53 of 2003;

6.1.4 Companies Act, No. 71 of 2008;

6.1.5 Compensation of Occupational Injuries and Diseases Act, No. 130 of 1993;

- 6.1.6 Competition Act, No. 89 of 1998;
  - 6.1.7 Constitution of the Republic of South Africa, 1996;
  - 6.1.8 Copyright Act, No. 98 of 1978;
  - 6.1.9 Customs and Exercise Act, No. 91 of 1964;
  - 6.1.10 Consumer Protection Act, No. 68 of 2008;
  - 6.1.11 Electronic Communications and Transactions Act, No. 25 of 2002;
  - 6.1.12 Employment Equity Act, No. 55 of 1998;
  - 6.1.13 Financial Intelligence Centre Act, No. 38 of 2001;
  - 6.1.14 Financial Markets Act, No. 19 of 2012;
  - 6.1.15 Income Tax Act, No. 58 of 1962;
  - 6.1.16 Labour Relations Act, No. 66 of 1995;
  - 6.1.17 National Credit Act, No. 34 of 2005;
  - 6.1.18 Occupational Health and Safety Act, No. 85 of 1993;
  - 6.1.19 Prevention and Combating of Corrupt Activities Act, No. 12 of 2004;
  - 6.1.20 Protection of Personal Information Act, No. 4 of 2013;
  - 6.1.21 Skills Development Act, No. 97 of 1998;
  - 6.1.22 Skills Development Levies Act, No.9 of 1999;
  - 6.1.23 Trade Marks Act. No. 194 of 1993;
  - 6.1.24 Unemployment Insurance Act, No. 63 of 2001;
  - 6.1.25 Unemployment Insurance Contributions Act, No 4 of 2002; and
  - 6.1.26 Value Added Tax Act, No. 89 of 1991.
- 6.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal as provided for in this Manual and the Act.

## 7. **RECORDS HELD BY LDCA IN TERMS OF SECTION 51(1)(b)(iv) OF THE ACT**

The following is a non-exclusive list of the subjects on which LDCA holds records and the categories into which these fall:

- 7.1 Company Secretarial:
  - 7.1.1 Memorandum of Incorporation;
  - 7.1.2 certificate of name change;
  - 7.1.3 minutes and resolutions;
  - 7.1.4 records in respect of trademarks;
  - 7.1.5 certificate of incorporation; and

- 7.1.6 share register and other statutory registers.
- 7.2 Customers, Suppliers, Brokers, Forwarders and Agents:
  - 7.2.1 agreements;
  - 7.2.2 tender documents;
  - 7.2.3 trade confirmations;
  - 7.2.4 securities exchange trading and other records;
  - 7.2.5 addresses and telephone numbers; and
  - 7.2.6 bank details.
- 7.3 Finance:
  - 7.3.1 financial statements;
  - 7.3.2 accounting records;
  - 7.3.3 asset register;
  - 7.3.4 audit reports;
  - 7.3.5 bank records and statements;
  - 7.3.6 financial records;
  - 7.3.7 reconciliations;
  - 7.3.8 invoices;
  - 7.3.9 credit notes;
  - 7.3.10 financial agreements;
  - 7.3.11 tax records including income tax returns, VAT records, tax clearance certificates and other returns and documents; and
  - 7.3.12 management accounts.
- 7.4 Information Technology:
  - 7.4.1 agreements;
  - 7.4.2 testing records;
  - 7.4.3 licenses; and
  - 7.4.4 operational records.
- 7.5 Insurance and Credit Risk:
  - 7.5.1 agreements;
  - 7.5.2 internal policies; and
  - 7.5.3 insurance (including credit insurance) records and policies.
- 7.6 Trade Practice Compliance:



- 7.6.1 Code of Conduct; and
- 7.6.2 internal policies on matters such as anti-money laundering policy, trade sanctions, agents, and gifts and entertainment
- 7.7 Human Resources:
  - 7.7.1 B-BBEE records;
  - 7.7.2 Code of Conduct;
  - 7.7.3 other relevant internal policies and procedures;
  - 7.7.4 disciplinary records;
  - 7.7.5 employment, independent contractor and related contracts;
  - 7.7.6 employment equity policy;
  - 7.7.7 safety, health and environment policy;
  - 7.7.8 health and safety records;
  - 7.7.9 workmen's compensation certificate;
  - 7.7.10 UIF;
  - 7.7.11 leave records;
  - 7.7.12 medical aid records;
  - 7.7.13 payroll;
  - 7.7.14 provident fund records;
  - 7.7.15 SETA records;
  - 7.7.16 training manuals;
  - 7.7.17 training records; and
  - 7.7.18 staff records.
- 7.8 Public Relations:
  - 7.8.1 LDCA brochures and publications;
  - 7.8.2 media releases; and
  - 7.8.3 corporate social responsibility projects.
- 7.9 Transportation and Logistics:
  - 7.9.1 agreements;
  - 7.9.2 contact details;
  - 7.9.3 haulier instructions;
  - 7.9.4 weighbridge tickets;
  - 7.9.5 certificates of origin;

- 7.9.6 silo certificates;
- 7.9.7 stock transfer confirmations;
- 7.9.8 surveyor certificates;
- 7.9.9 customs documentation;
- 7.9.10 vessel documents; and
- 7.9.11 licenses and permits.

**8. INFORMATION AUTOMATICALLY AVAILABLE**

The following categories of records are automatically available for inspection, purchase or photocopying and which do not need to be requested in terms of the Act:

- 8.1 newsletters;
- 8.2 booklets;
- 8.3 pamphlets/brochures;
- 8.4 other literature intended for public viewing; and
- 8.5 any other information provided on the LDCA website located at <https://www ldc com za/en/>.

**9. HOW TO REQUEST RECORDS HELD BY LDCA IN TERMS OF SECTION 53(2) OF THE ACT**

- 9.1 Requests for access to records held by LDCA must be made by the Requester using the prescribed Form C: Request for Access to Record of Private Body, attached hereto as Annexure A or otherwise made available on the SAHRC website, the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)), or the Information Regulator website ([www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/)). Such request must be made to the Information Officer at the address and electronic mail address provided for in clause 4 above.
- 9.2 In lodging a request, the Requester must:
  - 9.2.1 provide sufficient detail on the request form to enable the Information Officer to identify the record/s so requested and the Requester;
  - 9.2.2 indicate which form of access is required and specify a postal address and/or email address within the Republic;
  - 9.2.3 indicate whether, in addition to a written response, the Requester requests to be informed in any other manner and state the necessary particulars to be so informed;
  - 9.2.4 identify the right that the Requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- 9.3 If a request is made on behalf of a person, the Requester must then submit proof of the capacity in which the Requester is making the request to the satisfaction of the Information Officer.
- 9.4 The Head of LDCA, as soon as reasonably possible after the request has been received, shall decide whether or not to grant the request.

10.  **GROUNDS FOR REFUSAL IN TERMS OF CHAPTER 4 OF THE ACT**

10.1 In terms of the Act, there are certain grounds upon which LDCA may refuse to grant a Requester access to its records as certain categories of information may be subject to protection in the interests of privacy. Such records which may be protected would include but would not be limited to records containing:

10.1.1 privileged information, including a record that is privileged from production in legal proceedings;

10.1.2 private information of a third party who is a natural person;

10.1.3 commercial information of a third party;

10.1.4 confidential information of a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition;

10.1.5 a record the disclosure of which would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement;

10.1.6 information that, if disclosed, could endanger the life or physical safety of an individual or could impair a party's protection of their property or the security of infrastructure or transport;

10.1.7 commercial information relating to the private body in question which would include information regarding trade secrets, financial, commercial or technical information, the disclosure of which would cause harm to the commercial or financial interests of that private body; and

10.1.8 research information of a third party or of the private body in question.

11.  **RECORDS NOT FOUND OR THAT DO NOT EXIST IN TERMS OF SECTION 55 OF THE ACT**

11.1 If all reasonable steps have been taken to find a record, and such record cannot be found or if the records do not exist, then the Head of LDCA or the Information Officer shall notify the Requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

11.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Head of LDCA or the Information Officer with every person who conducted the search.

11.3 The notice, as set out in 11.1, shall be regarded as a decision to refuse a request for access to the record concerned for purposes of the Act.

11.4 If the record in question should later be found, the Requester shall be given access to the record in the manner stipulated by the Requester in the prescribed form unless access is refused by the Head of LDCA or the Information Officer.

11.5 The attention of the Requester is drawn to the provisions of Chapter 4 of the Act, as set out in clause 0 above, in terms of which LDCA may refuse, on certain specified grounds, to provide information to a Requester.

12.  **INFORMATION REQUESTED ABOUT A THIRD PARTY**

12.1 Section 71 of the Act makes provision for a request for information or records that concern a third party.

12.2 In considering such a request, LDCA will adhere to the provisions of sections 71 to 73 of the Act.

12.3 The attention of the Requester is drawn to the provisions of Chapter 5 of the Act in terms of which LDCA is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the Head of LDCA or the Information Officer by referring the matter to a court for appropriate relief where all internal appeal procedures have been exhausted by the third party.

13. **PERSONAL INFORMATION IN TERMS OF SECTION 51(1)(c) OF THE ACT**

To the extent that LDCA may Process the Personal Information of Data Subjects, LDCA will ensure that it adheres to the relevant laws pertaining to data protection, including but not limited to the Act and POPI. In this regard, the reader is referred to LDCA's privacy policy published on its website located at <https://www ldc.com/za/en/>.

14. **UPDATING THE MANUAL**

LDCA may update this Manual at such intervals as may be deemed necessary.

15. **AVAILABILITY OF THIS MANUAL IN TERMS OF SECTION 51(3) OF THE ACT**

15.1 This Manual is available for inspection, on prior arrangement with the Information Officer, at the offices of LDCA.

15.2 Copies of the Manual may be obtained, subject to the prescribed fees, at the offices of LDCA.

15.3 The Manual can also be accessed on the LDCA website.

16. **PRESCRIBED FEES**

16.1 The fees for reproduction of a record as referred to in section 52(3) of the Act are as follows:

16.1.1 for every photocopy of an A4 size page or part thereof R1,10;

16.1.2 for every printed copy of an A4-size page or part thereof R0,75;

16.1.3 for a copy of a compact disc R70,00;

16.1.4 for a transcript of visual images for an A4 size page or part thereof R40,00;

16.1.5 for a copy of visual images R60,00;

16.1.6 for a transcript of an audio record, for an A4-size page or part thereof R20,00;  
and

16.1.7 for a copy of an audio record R30,00.

16.2 The request fee payable by a Requester is R50,00.

16.3 If the Head of LDCA or if the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six hours.



REPUBLIC OF SOUTH AFRICA

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to
Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: .....

Identity number: [grid of 13 boxes]

Postal address: .....

Telephone number: (.....) .....

Fax 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: [grid of 13 boxes]

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 you, to enable the record to be located.
(b) If the provided 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 yourself, will be processed only after a request fee has been paid. |
| (b) | You 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 you qualify for exemption of the payment of any fee, please state the reason for exemption.  |

Reason for exemption from payment of fees:

.....  
.....  
.....  
.....  
.....

**F. Form of access to record**

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

Disability:

Form in which record is required:

Mark the appropriate box with an **X**.

**NOTES:**

- (a) Compliance with your request for access in the specified form may depend 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 you 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.

**1. If the record is in written or printed form:**

	copy of record*		inspection of record		
--	-----------------	--	----------------------	--	--

**2. If record 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*
--	-------------------------	--	--	--	---------------------------------

\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?  
Postage is payable.

YES

NO

**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form.

**The requester must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

**H. 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 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