

## PAIA and POPIA Manual

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**Prepared in terms of Section 14 of the  
Promotion of Access to Information Act 2 of  
2000 (as amended) and to address the  
requirements of the Protection of Personal  
Information, Act 2013**

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# 1. LIST OF ACRONYMS AND ABBREVIATIONS

- |     |             |   |
|-----|-------------|---|
| 1.1 | “CEO”       | Chief Executive Officer   |
| 1.2 | “DIO”       | Deputy Information Officer;                                       |
| 1.3 | “IO“        | Information Officer;  |
| 1.4 | “Minister”  | Minister of Justice and Correctional Services;                    |
| 1.5 | “PAIA”      | Promotion of Access to Information Act No. 2 of 2000( as Amended; |
| 1.6 | “PFMA”      | Public Finance Management Act No.1 of 1999 as Amended;            |
| 1.7 | “POPIA”     | Protection of Personal Information Act No.4 of 2013;              |
| 1.8 | “Regulator” | Information Regulator.  |

## 2. PURPOSE AND SCOPE OF MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the nature of the records which may already be available at Amathole Economic Development Agency SOC Ltd t/a ASPIRE, without the need for submitting a formal PAIA request;
- 2.2 have an understanding of how to make a request for access to a record of the Amathole Economic Development Agency SOC Ltd t/a ASPIRE;
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4 know all the remedies available from the Amathole Economic Development Agency SOC Ltd t/a ASPIRE regarding request for access to the records, before approaching the Regulator or the Courts;
- 2.5 the description of the services available to members of the public from the Amathole Economic Development Agency SOC Ltd t/a ASPIRE and how to gain access to those services;
- 2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know if the Amathole Economic Development Agency SOC Ltd t/a ASPIRE has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9 know whether the Amathole Economic Development Agency SOC Ltd t/a ASPIRE has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### 3. ESTABLISHMENT OF THE AMATHOLE ECONOMIC DEVELOPMENT AGENCY SOC LTD T/A ASPIRE

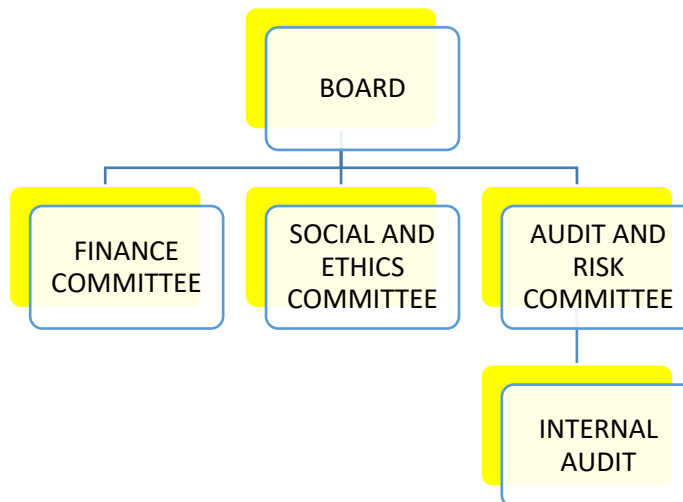
ASPIRE is a Municipal Entity established in terms of Local Government: Municipal Systems Act 32 of 2000, and incorporated as a State-Owned Company in terms of the Companies Act 71 of 2008.

#### 3.1 Objectives/Mandate

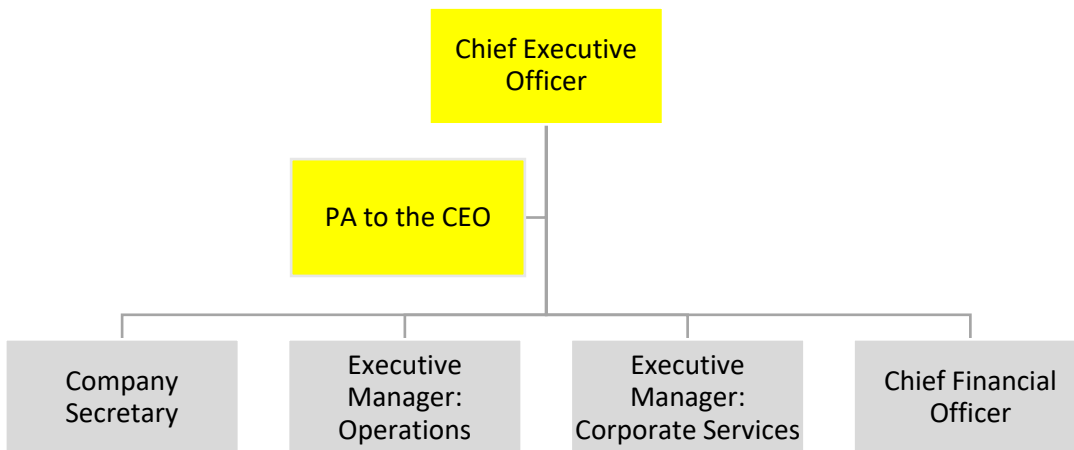
### 4. STRUCTURE OF THE AMATHOLE ECONOMIC DEVELOPMENT AGENCY SOC TLTD T/A ASPIRE AND FUNCTIONS

#### 4.1 Structure

ASPIRE is constituted of the Board and Administrative Structure. The Board of Directors constitutes the accounting authority of ASPIRE, reporting and accountable to the ADM Council. The Board of ASPIRE consists of three committees, namely the Audit & Risk Committee (ARC), the Finance Committee (FINCOM, and the Social & Ethics Committee (SEC).



The Executive Committee (EXCO) of ASPIRE is comprised of the Chief Executive Officer as chairperson of EXCO and the four (4) Executives, including the Company Secretary.



## 5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE AMATHOLE ECONOMIC DEVELOPMENT AGENCY SOC LTD T/A ASPIRE

### 5.1 INFORMATION OFFICER

In terms of the Act, the Chief Executive Officer of ASPIRE is the Information Officer

<b>Full names</b>	Linda Simanage
<b>Telephone number</b>	(043) 721 2070
<b>Email address</b>	<a href="mailto:info@aspire.org.za">info@aspire.org.za</a>
<b>Postal address</b>	P O Box 500 East London 5200
<b>Physical address</b>	14 Fitzpatrick Road Quigney East London 5201

### 5.2 DEPUTY INFORMATION OFFICER

In accordance with the provisions of the Act, the Information Officer has duly authorised the following persons as Deputy Information Officers. When making a request please direct it to the following two Deputy Information Officers.

1	<b>Full names</b>	Sandra Weppelman
	<b>Telephone number</b>	(043) 721 2070
	<b>Email address</b>	<a href="mailto:info@aspire.org.za">info@aspire.org.za</a>
	<b>Postal address</b>	P O Box 500 East London 5200
	<b>Physical address</b>	14 Fitzpatrick Road Quigney East London 5201

### 5.3 ROLES AND RESPONSIBILITIES OF THE INFORMATION OFFICER

The role and responsibilities of Information Officers are as follows:

- encouraging and ensuring the business' compliance with POPIA;
- dealing with information access requests pursuant to POPIA; and
- working with the Information Regulator in relation to investigations conducted in terms of Popia.

## 6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE AMATHOLE ECONOMIC DEVELOPMENT AGENCY SOC LTD

Any requester dissatisfied with any decision in respect of a request for access to a record of ASPIRE can approach the High Court or another court of similar status to seek relief.

## 7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 7.1. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

7.2. The Guide is available in each of the official languages.

7.3. The aforesaid Guide contains the description of-

7.3.1. the objects of PAIA and POPIA;

7.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

7.3.2.1. the Information Officer of every public body, and

7.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;

7.3.3. the manner and form of a request for-

7.3.3.1. access to a record of a public body contemplated in section 113; and

7.3.3.2. access to a record of a private body contemplated in section 504;

7.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

7.3.6.1. an internal appeal;

7.3.6.2. a complaint to the Regulator; and

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<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

<sup>3</sup> Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

<sup>4</sup> Section 50(1) of PAIA- *A requester must be given access to any record of a private body*  
*if-* a) *that record is required for the exercise or protection of any rights;*  
b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*  
c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*



- 7.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 7.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 7.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
- 7.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 7.4. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-
- 7.4.1. upon request to the Information Officer;
- 7.4.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

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<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that -“The Minister may, by notice in the Gazette, make regulations regarding- (a) any matter which is required or permitted by this Act to be prescribed; (b) any matter relating to the fees contemplated in sections 22 and 54; (c) any notice required by this Act; (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

## 8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE AMATHOLE ECONOMIC DEVELOPMENT AGENCY SOC LTD

ASPIRE holds the following records of which a formal PAIA request process will apply

<b>a) Risk Management</b>	<ul style="list-style-type: none"> <li>- Risk Management Reports</li> </ul>
<b>b) Financial management</b>	<ul style="list-style-type: none"> <li>- Management Accounting Reports</li> <li>- Payroll Documentation</li> <li>- Financial Administration Documents</li> <li>- Journals</li> <li>- Cash flow management</li> <li>- Financial Acts and Regulations</li> </ul>
<b>c) Supply Chain Management</b>	<ul style="list-style-type: none"> <li>- Bid Documents</li> <li>- Third Party Information (KYC, Tax clearance, BEE etc)</li> <li>- Minutes and decision records</li> </ul>
<b>d) Human Resources</b>	<ul style="list-style-type: none"> <li>- Personnel files</li> <li>- Appointment offers</li> <li>- Performance Bonuses</li> <li>- Training and development</li> <li>- Employment equity</li> <li>- Occupational Health and Safety</li> <li>- Labour disputes</li> <li>- Disciplinary records</li> </ul>
<b>e) Information Communication Technology</b>	<ul style="list-style-type: none"> <li>- ICT Service Level Agreements</li> <li>- System related records</li> <li>- Disaster recovery and implementation plans</li> </ul>
<b>f) Facilities Management</b>	<ul style="list-style-type: none"> <li>- Building plans</li> <li>- Asset Register (non-financial)</li> <li>- Insurance Documentation</li> </ul>
<b>g) Corporate Strategy</b>	<ul style="list-style-type: none"> <li>- Corporate Vision and Mission Statements</li> <li>- Corporate Strategy</li> <li>- Scorecards</li> </ul>
<b>h) Legal Services</b>	<ul style="list-style-type: none"> <li>- Agreements</li> <li>- Memorandum of Understanding</li> <li>- Service Level Agreement</li> </ul>

	<ul style="list-style-type: none"> <li>- Legal opinions</li> <li>- Litigations</li> </ul>
<b>i) Communication and Marketing</b>	<ul style="list-style-type: none"> <li>- Annual Report</li> </ul>
<b>j) Secretariat</b>	<ul style="list-style-type: none"> <li>- Board minutes</li> <li>- Declaration of Interests</li> <li>- Records relating to Board Members</li> </ul>

## 9. CATEGORIES OF RECORDS OF THE AMATHOLE ECONOMIC DEVELOPMENT AGENCY SOC LTD WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The categories of information relate to publicly available information i.e. internally and externally. Such information need not be requested in terms of the Act. For example, the following recorded information can be obtained automatically without a formal PAIA request procedure:

- Policies and procedures
- Annual Reports
- ASPIRE printed publications (Newsletters, Booklets etc.)
- Other information published on the ASPIRE website.

## 10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE AMATHOLE ECONOMIC DEVELOPMENT AGENCY SOC LTD AND HOW TO GAIN ACCESS TO THOSE SERVICES

### 10.1 Powers, duties and function

*NB: Please specify the powers, duties and functions or services provided by the body to the public, as contained in the founding legislation and regulations. Please also describe how the public can access those services. If there is any guide or booklet that provides sufficient information on the services available to the body, please also provide the link to the said guide or booklet.*

# 11. PROCESSING OF PERSONAL INFORMATION

## 11.1 Purpose of Processing

*NB: Describe the purpose for processing personal information in the organisation*

## 11.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives ( family members) race, medical, gender, sex, nationality,

Categories of Data Subjects	Personal Information that may be Processed
	ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

### 11.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

### 11.4 Planned transborder flows of personal information

There is no planned transborder flows of personal information.

## 12. AVAILABILITY OF THE MANUAL

13.1 This Manual is made available as follows-

13.1.1 English;

13.1.2 Translated version in two other languages are available on request i.e. Afrikaans and isiXhosa

13.2 A copy of this Manual or the updated version thereof, is also available as follows-

13.2.1 on the website, [www.aspire.org.za](http://www.aspire.org.za);

13.2.2 at the head office of ASPIRE for public inspection during normal business hours;

13.2.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

13.2.4 to the Information Regulator upon request.

13.3 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## 13. UPDATING OF THE MANUAL

The Amathole Economic Development Agency SOC Ltd t/a ASPIRE) will, if necessary, update and publish this Manual annually.

## PRESCRIBED FEES IN RESPECT OF PUBLIC BODIES

The following fees have been prescribed in the Regulations promulgated in terms of the Act and must be paid by a requester before ASPIRE contact persons can make any records requested available to the requester.

For any request that would require more than six hours to access or prepare for disclosure, one third of the access fee is payable as a deposit by the requester. The actual postage is payable when a copy of a record must be posted to a requester.

The request fee payable by every requester, other than a personal requester, referred to in Regulation 7(2) of the Act is R35.00. The fee for a copy of the manual as contemplated in Regulation 5(c) of the Act is R0,60 for every copy of an A4 of page or part thereof.

## REPRODUCTION FEES [Regulation 7(1)]

DESCRIPTION	FEE
a) For every photocopy of an A4-size page or part thereof	R0,60
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
c) For a copy in a computer-readable form on - (i) Compact disc	R40.00
d) Visual images (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R22.00 R60.00
e) Audio Visual (i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For an audio record	R12.00 R17.00

## ACCESS FEES

DESCRIPTION	FEE
a) For every photocopy of an A4-size page or part thereof	R0,60
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
c) For a copy in a computer-readable form on - (i) Compact disc	R40.00
d) Visual images (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R12.00 R17.00
e) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R15.00





**FORM A**  
**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 6]**

**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**

The Information Officer/Deputy Information Officer

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

**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

**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:.....

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:.....

**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 records consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):

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* (stiffy or compact disc)	

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	<u>YES</u>	<u>NO</u>
<b>Postage is payable.</b>		

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 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 ..... year

.....

\_\_\_\_\_  
**SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE**