

Unit 3 Rosmead Place, 67 Rosmead Ave
Kenilworth, 7708
Cape Town
P.O. Box 171, Rondebosch, 7701
South Africa

Telephone : +27 (21) 683 5490
Facsimile : +27 (21) 683 5435
Email : ma@ccii.co.za
URL : <http://www.ccii.co.za/>

Our Ref. : sdp/letters
Your Ref. :

2002-02-25

Office of the State Attorney
Private Bag X91
Pretoria
0001

Attention : Ms C. Dreyer

Dear Sir

**Request for Access to Documents in terms of Promotion of Access to Information Act No. 2 of
2000 - Office of the Public Protector**

We refer to the aforementioned matter and to Adv S. Fourie's letter of 5 February 2002.

We take cognisance of Adv Fourie's contention that our application cannot be considered by the Office of the Public Protector for the reason that, according to the provisions of Section 7(1)(a) of the Promotion of Access to Information Act No. 2 of 2000 (the 'Act'), the Act does not apply to a record that is requested for the purposes of criminal and civil proceedings.

We note further his contention that we have not complied with the provisions of Section 18 of the Act.

We respond as follows :

1. Section 7(1)(a) of the Act

We refer you to :

- 1.1 Section 11(3)(b) of the Act which states that a requester's right of access is not affected by the Information Officer's belief as to what the requester's reasons are for requesting access.

Directors : R.M. Young (Managing), A.R. Knight

- 1.2 Section 7(2) of the Act, which stipulates that any record obtained in a manner that contravenes Section 7(1), is not admissible as evidence in civil proceedings.

2. **Section 18 of the Act**

- 2.1 Section 18(1) of the Act stipulates that a request for access **must** be made in the **prescribed form (i.e. Regulation 2)** to the Information Officer of the public body concerned. We advise that the requester, as indicated on the prescribed form, is C²I² Systems (Pty) Ltd and we submit that our prescribed form has been correctly and duly completed.
- 2.2 In Chapter 1 of the Act, 'person' is defined as a natural or a juristic person. As a registered company, C²I² Systems (Pty) Ltd is a legal entity which can request access to information in its own right. We submit therefore, that Section C of the prescribed form does not need to be completed and refer you to the Department of Justice in this regard.

3. **Statements relating to Public Phase of Investigation**

We consider it to prudent to advise further herein, that our email dated 12 February 2002 in respect of the unsigned and undated statements of Messrs P. Moynot and E. Mary is an entirely separate and different matter from our application and that it was not an attempt to respond to Adv Fourie's letter of 5 February 2002 as was incorrectly assumed by him in his letter of 12 February 2002.

4. **Our Application for Access to Information**

We request that the Office of the Public Protector proceed to consider our application without any further delay.

Kindly advise our office as soon as possible as to the outcome of our request including :

- the access fee (if any) to be paid;
- the form in which the access will be provided.

If the request for access is refused, kindly :

- state adequate reasons for the refusal;
- set out the procedure for lodging an appeal or an application against the refusal of the request.

We advise further that any failure to traverse all the contents in Adv Fourie's letters of 5 February 2002 and 12 February 2002 may not be construed as an acceptance or admission of the correctness of anything stated therein.

Yours faithfully

M. Abreu
Legal Officer