



PUBLIC PROTECTOR
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NATIONAL OFFICE

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12 February 2002

Ms M Abreu
Legal Officer
C²I² Systems (Pty) Ltd

Fax: 021 683 5435

Dear Ms Abreu

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

Thank you for your e-mail of earlier today.

Unfortunately, you do not indicate which "previous correspondence" you are referring to. This is a bit confusing, as I have been corresponding with you and Dr Young on more than one issue. However, from the contents of your e-mail, we can only assume that it represents an attempt to respond to my letter addressed to you on 5 February 2002.

It is a pity that you regard our commitment to apply the law as it stands as "somewhat tiresome". Proper reading (and understanding) of the contents of paragraphs 3-5 of my letter should make it clear that I have not been referring to legal action against this office, but to legal action against any person or institution, as is clearly envisaged by the provisions of section 7 of the Act. As your e-mail has thus not clarified the matter, as requested, we

still do not know whether or not the Act applies to your request for access to information.

The remainder of the issues raised in my letter of 5 February 2002 also remains unanswered. Consequently, and as your application for access does not conform to the legal requirements, it cannot be considered by our Information Officer at present.

Please take note that, as is the case of your company and its Managing Director, the office of the Public Protector is entitled to legal representation, especially under circumstances where unqualified threats of legal action have been made over a long period of time. We have noted your assurance that no legal action is presently intended by C²I² Systems (and we presume by Dr Young) against this office, and that should this intention change in future (for whatever reason) you would immediately inform the State Attorney.

We have, furthermore, noted that you have repeated your request for the originals of certain documents (correspondence) that are also included in your list of documents etc attached to your application for access to information. Under the circumstances, we are of the view that your latest request should be dealt with as part of that application, which would gladly be considered by our Information Officer once your application conforms to the requirements of the Act. It is, in our view, not appropriate and in the interest of continuity if separate requests for documents are considered, whilst the very same documents form part of a formal application for access to information.

As far as the statements of Messrs Moynot and Mary are concerned, we are not sure whether or not your request should be regarded as an addition to your application for access to information. Would you kindly clarify this in you

next response. You have also not indicated by whom these statements have been provided to "the parties" that you are referring to. Obviously, we did not have any control over the attorneys representing ADS and others as far as the distribution of these statements was concerned. We also do not know to whom the two gentlemen concerned might have provided these statements. However, as far as the public phase of the investigation is concerned, the statements of Messrs Moynot and Mary that have been provided by the attorneys involved were forwarded to all the parties that were represented during the hearings and that had an interest in the contents of these statements, including C²I² Systems and Dr Young. Your attorney, Mr Pitman, was fully aware of who those parties were as he met and communicated with them, on instructions of Dr Young, on several occasions.

Yours faithfully


ADV C H FOURIE
CHIEF INVESTIGATOR