



## **PROMOTION OF ACCESS TO INFORMATION**

### **MANUAL**

Prepared in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (the “Act”)

## Table of Contents

1. Introduction.....	3
2. Purpose.....	3
3. Availability of the Manual .....	4
4. Contact Details .....	4
5. Organisational Structure of the C-BRTA .....	5
6. Guide of the South African Human Rights Commission .....	6
7. Records automatically available (without a request to access) .....	6
8. Records available only on request to access .....	7
9. Records available in terms of any other legislation.....	9
10. Request Procedure .....	9
11. Remedies.....	12
12. Prescribed Fees .....	12
13. Exemptions.....	13
14. Guide on how to use the Act .....	14
15. Definitions.....	14
16. Prescribed Form A – Request for access to a record of a public entity.....	18
17. Prescribed Fees .....	22

## **1. Introduction**

- 1.1** The Promotion of Access to Information Act, No. 2 of 2000, (the “PAIA Act”) was enacted on February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the constitution of South Africa (“the Constitution”).
- 1.2** The purpose of the Act is to give effect to the constitutional right of access to any information held by the state, public and private bodies as well as information held by another person that is required for the exercise or protection of any right.
- 1.3** In terms of Section 14 of the Act, all public bodies are required to publish an Information Manual (“PAIA Manual”). This Manual is therefore being published in terms of Section 14 of the Act and it provides an outline of the type of records and the personal information it holds and explains how to submit requests for access to these records.

## **2. Purpose**

- 2.1** The purpose of this manual is to facilitate requests for access to records of the Cross-Border Road Transport Agency (C-BRTA).
- 2.2** The Manual is intended to foster a culture of transparency and accountability within the Cross-Border Road Transport Agency by affording any person the right to access to information to enable such persons to exercise and protect their rights to the full extent required.
- 2.3** This Manual sets out the procedures to be followed and criteria that has to be met for anyone (“the Requester”) to request access to records in the possession or under the control of the Agency.
- 2.4** This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the requests to C-BRTA in terms of the Act.
- 2.5** Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, but not limited to:

2.5.1 Commercial confidentiality;

2.5.2 Limitations aimed at reasonable protection of privacy; and

2.5.3 Effective, efficient and good governance.

**2.6** Requests shall be made in accordance with the prescribed procedures, at the fee rates provided.

### **3. Availability of the Manual**

This Manual is published on the Agency's website at [www.cbrta.co.za](http://www.cbrta.co.za) or alternatively on receipt of a written request to the Information Officer or Deputy Information Officer or from the South African Human Rights Commission.

### **4. Contact Details**

In terms of the Act, the Chief Executive Officer of a public body is automatically designated as Information Officer.

The Agency's contact details in terms of the PAIA Act section 51:

#### **Cross-Border Road Transport Agency**

PO Box 560

Pretoria

0063

Glen Manor Office Park

Building 3

138 Frikkie de Beer Street

Menlyn

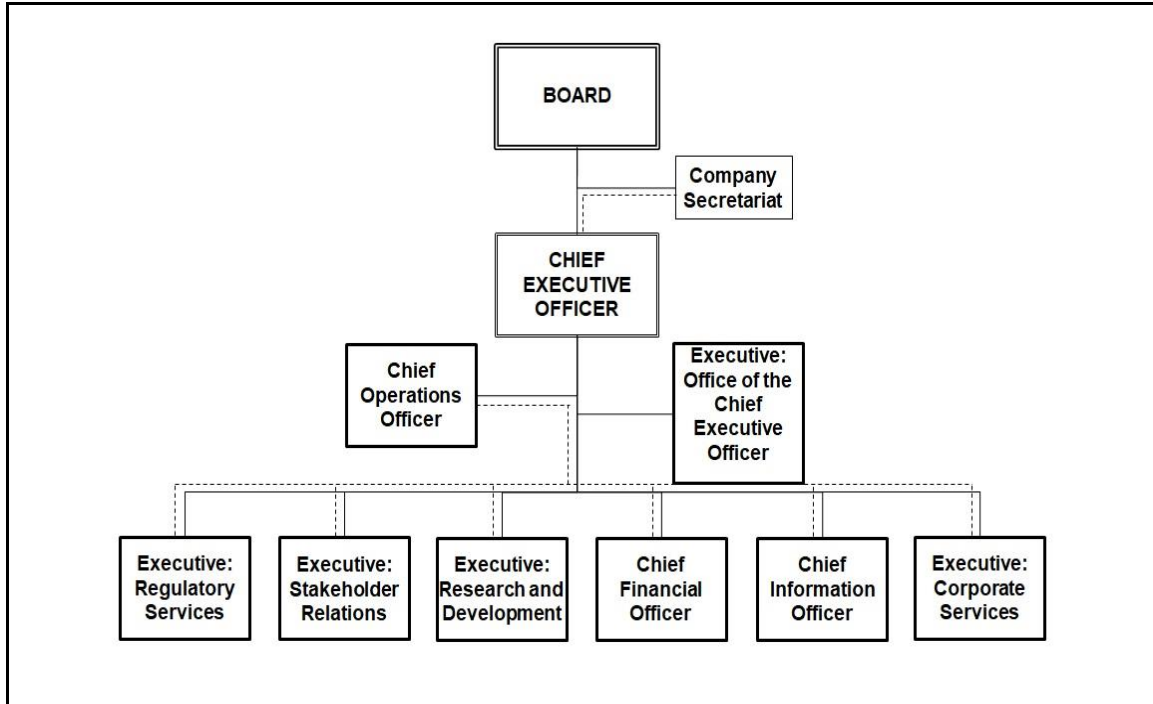
0063

Telephone number: 012 471 2000 (Switchboard)

Website: [www.cbrta.co.za](http://www.cbrta.co.za)

## 5. Organisational Structure of the C-BRTA

The Agency is a juristic person established in terms of section 4 of the Cross-Border Road Transport Act, 4 of 1998, as amended, (“the CBRT Act”).



### 5.1 Information Officer

**Name: Mr S.G. Khumalo**

Designation: Chief Executive Officer

Postal address: Physical address: Telephone numbers: (012) 471 2000.

E-mail: CEO.Office@cbrta.co.za

The Agency has in terms of Section 17 of the Act designated two deputy information officers to render the Agency as accessible as reasonably possible for requesters of its records. Requests for information must be directed to the Information Officer or relevant Deputy Information Officers at the contact details listed below:

## 5.2 Duly Authorised persons

<b>Chief Information Officer: Deputy Information Officer</b>	<b>Executive- Corporate Services: Deputy Information Officer</b>
Tintswalo Shilowa Telephone: (012) 471 2000 Email: CIO.office@cbrta.co.za Fax: 012 348 2747	Kethabile Mabe Telephone: (012) 471 2000 Email: exec.corporateservices@cbrta.co.za Fax: 012 348 2747

## 6. Guide of the South African Human Rights Commission

The South African Human Rights Commission has published a guide in terms of section 10 of the Act, which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to the South African Human Rights Commission: PAIA Unit, The Research and Documentation Department, Private Bag X2700, Houghton, 2041; Telephone Number: (011) 484-8300, Facsimile Number: (011) 484-1360, Website: [www.sahrc.org.za](http://www.sahrc.org.za), E-mail Address: [paia@sahrc.org.za](mailto:paia@sahrc.org.za).

## 7. Records automatically available (without a request to access)

The following information is freely available for inspection, without a requester making a formal request in terms of the Act:

### 7.1 The general public

The following information is automatically available to the general public:

- 7.1.1 The Annual Report of the Agency;
- 7.1.2 External newsletters;
- 7.1.3 Media releases;
- 7.1.4 Marketing materials;
- 7.1.5 Legislation administered by the Agency;

7.1.6 The Agency's procurement policy; and

7.1.7 Tender or quotation documents in respect of an invitation issued provided that the fees for the required documentation is paid.

All records above are only available for free subject to availability of stock in print at any given time. Access to these records will be granted to Requesters in respect of a request for access to records, subject to the provisions of the Act.

## **7.2 Personnel**

The following information is automatically available to employees of the Agency and need not be requested in accordance with the formal procedure as outlined in section 10.

7.2.1 Personnel records are available to the employee concerned;

7.2.2 Agency policies, manuals, and related documents.

## **8. Records available only on request to access**

The following records are not automatically available, and the formal procedure as outlined in section 10 should be followed in order to access the records. These records include the following:

### **8.1 Personnel records**

8.1.1 Personnel information, employment history and health records;

8.1.2 Personal records provided to the Agency by its personnel;

8.1.3 Records that a third party has provided to the Agency about any of its personnel;

8.1.4 Training and development records;

8.1.5 Conditions of employment and other personnel-related contractual and legal records;

8.1.6 Internal evaluation and performance records;

8.1.7 Records of internal loans and financial assistance; and

8.1.8 Other personnel-related internal records and correspondence.

## **8.2 Customer related information**

These include the following:

8.2.1 Records which customers have provided to the Agency acting for and on behalf of a legal persona;

8.2.2 Records a third party has provided to the Agency; and

8.2.3 Information relating to the financials, operations, employment history of any person who submitted a tender, quotation, proposal, submission, presentation or offer to the Agency for the supply, provision or installation of services, material or equipment.

## **8.3 Agency records**

These include the following:

8.3.1 Financial records;

8.3.2 Cash flow records;

8.3.3 Operational records;

8.3.4 Contracts and agreements;

8.3.5 Databases;

8.3.6 Patents, registered designs and trademarks;

8.3.7 Technological know-how;

8.3.8 Intellectual property;

8.3.9 Marketing and strategic records;

8.3.10 Internal correspondence;

8.3.11 Internal policies and procedure;

8.3.12 Securities and equities;



8.3.13 Treasury related records; and

8.3.14 Statutory records.

#### **8.4 Other parties**

Records held by the Agency relating to other agencies, organs of state and third parties including financial records, correspondence, contractual records, records provided by other parties and records third parties provided have provided about the Agency's contractors and suppliers in respect of contractor, suppliers, subsidiary or fellow subsidiary companies, joint ventures and service providers.

### **9. Records available in terms of any other legislation**

**9.1** Records are available in terms of but not limited to the following legislation:

9.1.1 Basic Conditions of employment Act No. 75 of 1997;

9.1.2 Labour Relations Act No. 66 of 1996;

9.1.3 Income Tax Act, 58 of 1962;

9.1.4 Companies Act No. 71 of 2008;

9.1.5 Employment Equity Act No. 55 of 1998;

9.1.6 National Road Traffic Act 93 of 1996;

9.1.7 Unemployment Insurance Act No. 30 of 1996; and

9.1.8 Skills Development Levies Act.

### **10. Request Procedure**

The Requestor must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

#### **10.1 Forms to be used when requesting information from C-BRTA**

- 10.1.1 The Requestor must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 10.1.2 The Requestor must use the prescribed form enclosed herewith to request access to records.
- 10.1.3 A request for access to a record must be made on the prescribed form to the Information Officer or the Deputy Information Officer at his/her address, e-mail address or fax number.
- 10.1.4 The Requestor must make payment of a request fee and a deposit, if applicable.
- 10.1.5 The Requestor must provide sufficient detail on the request form to enable an official of C-BRTA to identify the record requested and the Requestor.
- 10.1.6 The Requestor, if applicable, must pay the prescribed fee, before any further processing can take place.
- 10.1.7 The Requestor must state the reason that he/she requires the information in order to protect or exercise a right and clearly state what the nature of the right is so to be exercised or protected.
- 10.1.8 The Requestor must why the record is necessary to protect or exercise such a right.
- 10.1.9 The Requestor must provide sufficient detail to enable the Agency to identify:
- The record(s) requested.
  - The identity of the Requestor (and, if an agent is lodging the request, proof of capacity).
  - The form of access required and specify a South African postal address, email address or fax number.
- 10.1.10 When completing a request on the prescribed form, the Requestor should also indicate:
- The preferred language if applicable.
  - Whether the Requestor wishes to be informed of the decision in another manner in addition to a written reply.

10.1.11 If a request is made on behalf of another person, then the Requestor must submit proof of the capacity in which the Requestor is making the request to the reasonable satisfaction of the Information Officer or delegate. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

10.1.12 C-BRTA will, within thirty (30) days of receipt of a request, decide whether to grant or decline the request and give notice with reasons to that effect.

10.1.13 The thirty (30) day period within which C-BRTA has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days if a request is for a large number of information, or the request requires a search for information held at another office of C-BRTA and the information cannot reasonably be obtained within the original thirty (30) day period.

10.1.14 C-BRTA will notify the Requestor in writing should an extension be sought.

10.1.15 A Requestor shall be informed, in writing, whether access is granted or denied.

## **10.2 Grounds to refuse access**

10.2.1 The C-BRTA may refuse a request for information on the following grounds:

10.2.1.1 Mandatory protection of privacy of a third party who is a natural person.

10.2.1.2 Mandatory protection of the commercial information of a third party.

10.2.1.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.

10.2.1.4 Mandatory protection of the safety of individuals and protection of property.

10.2.1.5 Mandatory protection of the commercial activities of the C-BRTA.

10.2.1.6 Research information of the C-BRTA or a third party, if its disclosure would disclose the identity of the C-BRTA, the Researcher or the subject matter of the research and would place the research at a disadvantage.

10.2.1.7 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **11. Remedies**

A Requestor not satisfied with the Information Officer's decision to grant access to a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

The Agency does not have internal appeal procedures regarding the Act requests. As such, the decision made by the duly authorised persons in section 4, is final. If a request is denied, the Requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (once established), for relief.

## **12. Prescribed Fees**

### **12.1 Request Fees**

12.1.1 **Request fee:** If you request access to records containing personal information about yourself you will not be required to pay the request fee. Any other request must be accompanied by the required request fee which is currently R35.00.

12.1.2 **Access fee:** If the request is granted then an access fee must be paid for the reproduction of records and for time in excess of one hour to search and prepare the records for disclosure. Where the time to prepare the records for disclosure is likely to exceed six hours, a deposit of one third of the anticipated access fee may be required as a deposit.

12.1.3 All payments shall be made in the form of cash at the C-BRTA Offices or by deposit or EFT in to the bank account of the Agency.

12.1.4 The following applies to requests (other than personal requests):

12.1.4.1 A Requestor is required to pay the prescribed fees (R35.00) before a request will be processed.

- 12.1.4.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 12.1.4.3 A Requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 12.1.4.4 Records may be withheld until the fees have been paid.
- 12.1.4.5 The detailed Fee Structure is available on the website of the Agency, at the following address: [www.cbrta.co.za](http://www.cbrta.co.za).

## **12.2 Access to prescribed forms and fees**

- 12.2.1 Prescribed forms and fees are published on the Agency website or, alternatively, copies can be requested from the Information or Deputy Information Officers (see contact details in section 4).
- 12.2.2 Prescribed forms and fees can be found on the Agency website as follows:
  - 12.2.2.1 Forms: [http://www.cbrta.co.za/PAIA/Prescribed\\_Form.doc](http://www.cbrta.co.za/PAIA/Prescribed_Form.doc)
  - 12.2.2.2 Fees: [http://www.cbrta.co.za/PAIA/Prescribed\\_Fees.doc](http://www.cbrta.co.za/PAIA/Prescribed_Fees.doc)

The banking details for the agency are as follows:

**Bank: FNB**

**Account No: 51421186929**

**Branch Code: 252445**

**Type of account: Current Account**

**Reference: Surname and Initials of Requestor**

## **13. Exemptions**

The following persons are exempted from paying the access fee:

- 13.1.1 Where the costs of collecting any fee in respect of the search and preparation of a record for disclosure, exceeds the amount charged, such fee does not apply.

13.1.2 The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requester.

13.1.3 The request and access fees does not apply to records requested for the purpose of judicial or other inquiries prescribed by legislation.

## 14. Guide on how to use the Act

A guide to the Act and the rights of requesters is available from the South African Human Rights Commission (SAHRC) or from their website at [www.sahrc.org.za](http://www.sahrc.org.za). Should you have any queries in this regard, please contact the SAHRC directly at:

### The SAHRC: PAIA Unit

The Research and Documentation Department

Private Bag X2700

Houghton

2041

Tel : (011) 877 3803

Fax : (011) 877 0625

Email : [paia@sahrc.org.za](mailto:paia@sahrc.org.za) and Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## 15. Definitions

Term	Definition
<b>Act</b>	Means the Promotion of Access to Information Act, 2 of 2000
<b>Agency</b>	Refers to the Cross-Border Road Transport Agency (C-BRTA) established in terms of Section 4 of the Cross-Border Road Transport Act, 4 of 1998, as amended.
<b>Access Fee</b>	A fee prescribed for the purpose of reproduction and for search and preparation; and for the time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure.
<b>CBRT Act</b>	Cross-Border Road Transport Act, 4 of 1998, as amended.

<b>Court</b>	<p>the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution; or</p> <p>(b) (i) a High Court or another court of similar status; or</p> <p>(ii) a Magistrate's Court for any district or for any regional division established by the Minister for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), either generally or in respect of a specified class of decisions in terms of this Act, designated by the Minister by notice in the <i>Gazette</i> and presided over by a magistrate, an additional magistrate or a magistrate of a regional division established for the purposes of adjudicating civil disputes, as the case may be, designated in terms of section 91A, within whose area of jurisdiction-</p> <p>(aa) the decision of the information officer or relevant authority of the public body or the head of a private body has been taken;</p> <p>(bb) the public body or private body concerned has its principal place of administration or business; or</p> <p>(cc) the requester or third party concerned is domiciled or ordinarily resident.</p>
<b>DoT</b>	Department of Transport
<b>Information officer</b>	Means the Chief Executive Officer of the Agency or the person who is acting as such.
<b>Manual</b>	Means this PAIA Manual.
<b>Minister</b>	Means the Minister of Transport.
<b>Official</b>	<p>Means –</p> <p>(a) the Chief Executive Officer.</p> <p>(b) such other staff as appointed by the Agency; and</p> <p>(c) road transport inspectors.</p>
<b>Person</b>	Means a natural or juristic person.
<b>Personal requester</b>	A requester seeking access to a record.
<b>Public body</b>	<p>Means –</p> <p>(a) any department of state administration in the national or provincial sphere of government or any municipality in the local sphere of government; or</p> <p>(b) any other functionary or institution when –</p> <p>(i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or</p> <p>(ii) exercising a public power or performing a public function</p>

	in terms of any legislation.
<b>Record of or in relation to a public or private body</b>	Means any recorded information – <ul style="list-style-type: none"> <li>(a) regardless of the form or medium;</li> <li>(b) in the possession or under the control of the Agency;</li> <li>(c) whether or not it was created by the Agency.</li> </ul>
<b>Relevant authority</b>	Means the Minister of Transport
<b>Request for access</b>	Means a request for access to a record of the Agency in terms of Section 11 of the Act.
<b>Requester</b>	Means – <ul style="list-style-type: none"> <li>(i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or</li> <li>(ii) a person acting on behalf of the person referred to in subparagraph (i).</li> </ul>
<b>SAHRC</b>	Means the South African Human Rights Commission referred to in section 181(1)(b) of the Constitution of the Republic of South Africa.
<b>Third party</b>	<i>In relation to a request for access to –</i> <ul style="list-style-type: none"> <li>(a) a record of a public body, means any person (including, but not limited, to the government of a foreign state, an international organisation or an organ of that government or organisation) other than –  <ul style="list-style-type: none"> <li>(i) the requester concerned; and</li> <li>(ii) a public body or</li> </ul> </li> <li>(b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but for the purposes of section 34 and 63 of Act, the reference to “person” in paragraphs (a) and (b) must be construed as a reference to “natural person”.</li> </ul>
<b>Transfer</b>	In relation to a record, means transfer in terms of sections 20(1) or (2In).



<b>Working days</b>	Means any days other than Saturdays, Sundays or public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act, No. 36 of 1994).
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In this Guide, words inferring any one gender shall include the other gender, and the singular shall include the plural, unless the context indicates otherwise.

## 16. Prescribed Form A – Request for access to a record of a public entity

This form must accompany the cover letter addressed to the relevant Information Officer.

### A. Particulars of Information Officer

The Information Officer for: [Information Officer Name]

Attention : \_\_\_\_\_

Fax number : \_\_\_\_\_

Email address : \_\_\_\_\_

### 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:

\_\_\_\_\_  
\_\_\_\_\_

Fax number : \_\_\_\_\_

Telephone number : \_\_\_\_\_

E-mail address : \_\_\_\_\_

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

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**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:

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2 Reference number, if available:

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3 Any further particulars of record:

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**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:**

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**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 hereunder, 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 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 for 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 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
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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* (floppy, stifty or compact disc)
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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. 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 \_\_\_\_\_ on this \_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Signature of requester / person on whose behalf request is made

## 17. Prescribed Fees

The following fees are the breakdown of the costs for accessing the records of the Agency as prescribed in the Regulations.

Part II of Regulation 187 published in the Government Gazette on 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:

	<b>R</b>
(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

3. The request fee payable by every requester, other than a personal requester, referred to in Regulation 7(2) is 35,00.

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

	<b>R</b>
(1) (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) memory sticks etc	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, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. | R15,00 |
- (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.

If the information officer believes that the search and preparation of the record requires more than a period of six hours, the information officer must by notice require the requester (excluding a personal requester) to pay a deposit of one third of the access fee.

This Manual is approved and signed by the Chairperson of EXCO: Cross-Border Road Transport Agency on this 11<sup>th</sup> day of June 2018

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**Chairperson of EXCO**

Cross-Border Road Transport Agency