



South African Agency for Promotion of
Petroleum Exploration and Exploitation
(Pty) Ltd,

Hereinafter referred to as
The Petroleum Agency

ACCESS TO INFORMATION MANUAL

2006

Issued in terms of Section 14 of the
Promotion of Access to Information Act, 2000
(Act 2 of 2002)

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1. INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedures attached to such request.

Section 9 of the Act, however, recognises that such right to access to information is subject to certain justifiable limitations, such as:

- the reasonable protection of privacy
- commercial confidentiality; and
- effective, efficient and good governance.

Section 14 of the Act obliges public bodies to compile a Manual, which would assist a person to obtain access to information held by the public body and stipulates the minimum requirements a manual has to comply with.

The purpose of this manual is therefore to inform a person on how to obtain access to records held by the Petroleum Agency, giving effect to Section 14 of the Act.

2. MANDATE OF THE PETROLEUM AGENCY

The mandate of the Petroleum Agency consists of elements set out in the Ministerial Directive dated 16 April 1999 (Schedule 3), in the White Paper on Energy Policy of 1998, in the Mineral and Petroleum Resources Development Act, as the agency designated in terms of section 70, and in the Memorandum and Articles of the Association of the Petroleum Agency.

The Mineral and Petroleum Resources Development Act, Act No. 28 of 2002 (“M&PRDA”), came into effect on 1 May 2004 and includes provision for the Minister of Minerals and Energy to designate a State owned entity as being responsible for specified functions in relation to the management of rights to explore for, and produce, petroleum. The Petroleum Agency was so designated on 18 June 2004 and is working to ensure that it has the full capacity to meet its obligations in terms of the M&PRDA.

3. STRUCTURE AND FUNCTIONS OF THE PETROLEUM AGENCY

The Petroleum Agency is managed by a Board of Directors appointed by the Central Energy Fund (CEF). The composition of the Board is described by the Ministerial Directive, and the Chairperson is appointed by the Minister of Minerals and Energy. A Chief Executive Office (CEO) is appointed by the Board on a five-year cycle. The CEO is assisted by a Top Management Team, as follows:

Title	E-mail address
Chief Executive Officer	XiphuR@petroleumagencysa.com
General Manager Regulation	MakupulaN@petroleumagencysa.com
General Manager Promotion	AverbekenN@petroleumaencysa.com
Chief Financial Officer (acting)	MahlambiS@petroleumagencysa.com
Manager: Environmental Compliance	NwendamutswuN@petroleumagencysa.com
Manager: Frontier Geology	Marot J@petroleumagencysa.com
Manager: Human Resources	NgabazaN@petroleumagencysa.com
Manager: Information Services	StormV@petroleumagencysa.com
Manager: Legal & Licensing Compliance	MtunziL@petroleumagencysa.com
Manager: Resource Evaluation	BroadD@petroleumagencysa.com
Manager: Technical Compliance	MillsS@petroleumagencysa.com
Company Secretary	Ramurunzim@petroleumagencysa.com

Functions of the Petroleum Agency

- a) Promote onshore and offshore exploration for and production of petroleum;
- b) Receive applications for reconnaissance permits, technical cooperation permits, exploration rights and production rights in the prescribed manner;
- c) Evaluate such applications and make recommendations to the Minister;
- d) Monitor and report regularly to the Minister in respect of compliance with such permits or rights;
- e) Receive, maintain, store, interpret, evaluate, add value to, disseminate or deal in all geological or geophysical information relating to petroleum submitted in terms of section 88 of the M&PRDA;
- f) Bring to the notice of the Minister any information in relation to the exploration and production of petroleum which is likely to be of use or benefit to the State;
- g) Advise and recommend to the Minister on the need to by itself, through contractors or through any other state enterprise carry out on behalf of State reconnaissance operations in connection with petroleum;
- h) Collect the prescribed fees and considerations in respect of reconnaissance permits, technical co-operation permits, exploration rights and production rights;
- i) Review and make recommendations to the Minister with regard to the approval of environmental management plans, environmental management programmes, development programmes and amendments thereto; and
- j) Perform any other function, in respect of petroleum, which the Minister may determine from time to time.

4. CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

Contact Information

Street Address Petroleum House
 151 Frans Conradie Drive
 Parow
 7500

Postal Address P O Box 1174
 Parow
 7499

Switchboard: +27 (0)21 938-3500
Fax: +27 (0)21 938-3520
e-mail: plu@petroleumagencysa.com

Website: <http://www.petroleumagencysa.com>

Registration No 1999/015715/07

The company website www.petroleumagencysa.com is accessible to anyone who has access to the Internet. The web page contains general information pertaining to the Petroleum Agency and its operations.

Information Officer

Mr Mthozami R. Xiphu
Chief Executive Officer
Telephone: +27 (0)21 938-3510
Fax: +27 (0)21 938-3553

E-mail: XiphuM@petroleumagencysa.com

5. SUBJECTS AND CATEGORIES OF INFORMATION

5.1 Automatic disclosure of records [Section 14(1)(e)] [Section 15(2)]

The records listed here are automatically available without a person having to request access in terms of the Act.

- Marketing of Oil & Gas Exploration Opportunities: Brochures, Pamphlets and Posters
- Technical Data Catalogues
- Annual Reports

5.2 Categories of records available that may be requested in terms of the Act [Section 14(1)(d)]

Access to the records listed here are those that have to be requested in terms of the Act. These records can be requested from the Information Officer at the Petroleum Agency according to the request procedures as described in paragraph 6 below.

General Records

- Ministerial directives
- Memorandums and Articles of Association
- Shareholders Compacts
- Company Policies and Procedures
- Board documents
- Board Audit and Risk Committee documents
- Annual financial reports
- Internal Audit documents
- Human Resources Committee documents
- Monthly reports
- Technical Committee Reports

Promotional and Technical Records

- Promotional activity reports
- Company brochures, publications and reports
- Technical records and reports
- Databases
- Production information
- Computer and communication information
- Quotations
- Sales records
- Invoices
- Correspondence
- Minutes of meetings
- Business process and activity documents
- Procurement records
- Project documentation

Technical data and technical reports on oil and gas exploration activities like geophysical surveys, borehole data and production data are confidential. Data catalogues can be made available free of charge to prospective clients.

Financial Records

- Procurement records (purchase requisitions, orders and invoices)
- Bank account details for debtors and creditors
- Invoices
- Payment histories
- Records pertaining to VAT, Company Tax
- Financial reports
- Asset registers

Inventories
Minor service contracts
Records relating to insurance arrangements, policies and claims

Regulatory Records

Records of applications for rights, permits and licensing processes
Contact details of clients
Contracts for rights and permits
Royalties
Records relating to licenses and licensing agreements
Commercial contracts and agreements for services

Human Resources Records

Training records
Employee records
Staff records on leave, payroll, bonuses, and salaries
Records related to dealings with Unions
Labour related matters
Organisational development records
Minutes and submissions of the Human Resources Committee meetings
Recruitment and selection records

Upstream Training Trust Records

Minutes of trustee meetings
Bursary and project applications and awards
Contracts (projects), Trust Deed document

Library

A small specialised library provides a comprehensive information service to all staff members as well as academic institutions.

The library collection consists mainly of books, periodicals, theses and pamphlets, but also includes other items such as indexed articles, conference papers, videos, audio recordings, etc.

The Petroleum Agency keeps records in accordance with relevant legislation.

6. REQUEST FOR INFORMATION PROCEDURE

Step 1: Application Process

The Requestor must complete the request form (Form A) which is attached to this document and submit it by hand or by post to the relevant address as indicated in section 4. above.

An amount of R35.00 must accompany the request for information. This is payable by cheque or cash (if delivered by hand).

Step 2: Validation and Acknowledgement

The Information Officer receives and validates the request to see whether the required information is available within the Department. The request is then accepted, rejected or transferred to the rightful keepers of the required

information. An acknowledgement is then forwarded to the requestor to confirm the status of the request.

Step 3: Information Processing

If the request is accepted, the Petroleum Agency will gather and prepare the information and calculate the relevant cost involved. The cost is calculated in respect of paragraph 7.

Step 4: Final Notification

The requestor will be informed of the completion of the request as well as the outstanding fees payable to the Petroleum Agency.

Step 5: Payment and Delivery

Once the payment as stipulated in Step 4 is received (following the same payment process as in Step 1), the information is released to the requestor.

General Information

The prescribed form must be completed with enough detail to at least enable the Information Officer to identify:

- The record or records requested;
- The identity of the Requestor;
- Which form of access is required, if the request is granted; and
- The postal address or fax number of the requestor.

The Requestor must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is to be exercised or protected. In addition, the Requestor must clearly specify why the record is necessary to exercise or protect such a right.

The Agency will process the request within 30 days, unless the Requestor has stated special reasons, which would satisfy the Information Officer, that circumstances dictate that the above time period should not be complied with. The 30-day period with which the institution has to decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original 30-day period. The Agency will notify the Requestor in writing should an extension be sought.

If a request is made on behalf of another person, the capacity in which the request is being made should be indicated.

If a Requestor is unable to read or write, or has a disability, then they can make the request for the record orally. The Information Officer must then fill in the form on behalf of such a Requestor and give them a copy.

7. FEES

There are two types of fees required to be paid in terms of the Act, being the:

- Request fee, which will be a standard fee, currently R35.00 per request; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs.

The Information Officer must notify the Requestor (other than a personal Requestor) by notice, requiring the Requestor to pay the prescribed fee (if any) before further processing of the request.

If a search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the Requestor to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted.

The Information Officer shall withhold a record until the Requestor has paid the relevant fees as indicated below.

The Requestor whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonable required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the Requestor.

Fees in respect of public bodies

For purposes of section 22(2) of the Act, the following applies:

The request fee payable by every Requestor, other than a personal Requestor, referred to in regulation 7(2) = **R35.00**.

Copy of the manual as contemplated in regulation 5(c) for every photocopy of an A4-size page or part thereof) = **R0.60**.

The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(1) For every photocopy of an A4-size page or part thereof	0.60
(2) For every printed copy of an A4-size page or part	

	thereof held on a computer or in electronic or machine-readable format	0.40
(3)	For a copy in a computer-readable format on -	
	(i) stiffy disc	5.00
	(ii) compact disc	40.00
(4)	For a copy of visual images	60.00
(5)	For a copy of an audio record	17.00

The access fees payable by a Requestor referred to in regulation 7(3) are as follows:

	R	
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) stiffy disc	5.00
	(ii) compact disc	40.00
(d)	For a copy of visual images	60.00
(e)	For a copy of an audio record	17.00
(f)	To search for and prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
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 Requestor.	
3.	The actual postage is payable when a copy of a record must be posted to a Requestor.	

8. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

8.1 Refusal of Request

The main grounds for the Petroleum Agency to refuse a request for information shall in terms of the Act (Act 2 of 2000), be:

- (1) Mandatory protection of the privacy of a third party that is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- (2) Mandatory protection of the commercial information of a third party, if the record contains:
 - trade secrets of that third party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - information disclosed in confidence by a third party to the Petroleum Agency, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

- (3) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- (4) Mandatory protection of the safety of individuals and the protection of property;
- (5) Mandatory protection of records, which would be regarded as privileged in legal proceedings;
- (6) The commercial activities of the Agency, which may include:
 - trade secrets of the Petroleum Agency;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Petroleum Agency;
 - information which, if disclosed could put the Petroleum Agency at a disadvantage in negotiations or commercial competition;
 - a computer programme which is owned by the Petroleum Agency, and which is protected by copyright;
- (7) The research information of the institution or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

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

8.2 Appeal

- (1) A Requestor may lodge an internal appeal against a decision of the Information Officer of a public body
 - (a) to refuse a request for access; or
 - (b) taken in terms of section 22, 26(1) or 29(3), in relation to that Requestor with the relevant authority.
- (2) The "Relevant Authority" in respect of the Petroleum Agency is the Chairperson of the Board of Directors of the company at the address indicated in paragraph 4 above.

An appeal must be lodged in the prescribed form:

- Within 60 days;
- If notice to a third party is required, within 30 days after notice is given to the appellant of the decision appealed against; or
- If notice to the appellant is not required, after the decision was taken it must be delivered or sent to the Information Officer of the public body concerned at his/her address, fax number or electronic mail address;
- Must identify the subject of the appeal and state the reasons for the internal appeal and may include any other relevant information if known to the appellant;
- If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;
- If applicable, must be accompanied by the prescribed appeal fee, and must specify a postal address or fax number.

If an appeal is lodged after the expiry of the period referred to, the relevant authority must, upon good cause shown, allow the late lodging of the appeal.

If that relevant authority disallows the late lodging of the appeal, he/she must give notice of the decision to the person who lodged the appeal.

A Requestor lodging an appeal against the refusal of his/her request for access must pay the prescribed appeal fee (if any).

If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.

As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the Information Officer of the public body concerned must submit to the relevant authority:

- The appeal together with his/her reasons for the decision concerned;
- And if the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.



PETROLEUM AGENCY SA

REQUEST FOR ACCESS TO RECORDS

(In terms of section 18 (1) of the Promotion of Access to Information Act, 2000
(Act No 2 of 2000))
[Regulation 6]

IMPORTANT : This request will **ONLY** be considered if the request fee of R35,00 is included.

FOR COMPANY USE

File reference number : Request fee (if any) : R.....

Request received by : Deposit (if any) : R.....
(Full name and surname)

Access fee : R

.....
(State date) (State place)

.....
SIGNATURE OF

Particulars of the Information Officer (please state if known to the requester):

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/Cell 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 records :

- (a) Provide full particulars of the record to which access is requested, including the file reference number if that is known to you, to enable the record to be located.
 - (b) If the space provided 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. Any further particulars of Record :

3. Reference number, if available :

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after the **request fee** of **R35.00** (non-refundable) has been paid.
- (b) 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 the prepare a record.
- (c) If you qualify for exemption of the payment of any fee, please state the reason for exemption.
- (d) Fees can be paid in cash or cheque. An electronic payment will **ONLY** be accepted on condition that **PRIOR ARRANGEMENTS** are made with Finance/Information Services.

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 :

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

Copy of records*		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 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)		Inspection of record	
--	--	----------------------	--

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? <i>Postage is payable.</i>	Yes	No
---	------------	-----------

In which language would you prefer the record ?

(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.)

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 of200..

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

(Delete which is not applicable)



PETROLEUM AGENCY SA

NOTICE OF INTERNAL APPEAL

(In terms of section 75 of the Promotion of Access to Information Act, 2000 (Act No 3 of 2000))

[Regulation 8]

Please state file reference number :

A. Particulars of the Information Officer / Deputy Information Officer (please state if known to the requester):

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

B. Particulars of requester/third party who lodges the internal appeal :

- (a) The particulars of the person who lodge the internal appeal must be given below.
- (b) Proof of the capacity in which appeal is lodge, if applicable, must be attached.
- (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname :

Identity number :

Postal address :
.....

Fax number :

Telephone/Cell number :

E-mail address :

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

C. Particulars of requester :

This section must be completed **ONLY** if a third party (other than the requester) lodges the internal appeal.

Full names and surname :

Identity number :

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an **X** in the appropriate box

Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26 (1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	

E. Grounds for appeal

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

You must sign all the additional folios.

State the grounds on which the internal appeal is based :

.....

.....

.....

.....

State any other information that may be relevant in considering the appeal :

.....

.....

.....

.....

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner :

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

Particulars of manner :

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

Signed at this day of200..

SIGNATURE OF APPELLANT

FOR OFFICE USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on (date) by (state rank, name and surname of Information Officer)

Appeal accompanied by the reasons for the Information Officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the Information Officer on (date) to the relevant authority.

OUTCOME OF APPEAL :

Decision of Information Officer confirmed/new decision substituted.

NEW DECISION :

Date

Relevant authority

Date received by the Information Officer from the relevant authority :