



national film and video foundation
SOUTH AFRICA

an agency of the
Department of Arts and Culture

NATIONAL FILM AND VIDEO FOUNDATION ACCESS TO INFORMATION MANUAL

Prepared in accordance with Section 14 of the Promotion of Access to Information Act ("PAIA") No. 2 of 2000.

DOCUMENT CONTROL

Issue date : March 2017	Version : 1.0.0	Signatures
Review Date : March 2018		
Approval date :	March 2017	
HOD Policy & Research: Aifheli Makhwanya	Process Owner	
HOD: Marketing & Communications Peter Kwele	Doc Reviewer	
HOD: Development & Production Joy Mawela	Doc Reviewer	
HOD: Human Resources and Centralised Services Matlhodi Ngwenya	Doc Reviewer	
Chief Financial Officer	Doc Reviewer	
Chief Executive Officer	Process owner	

APPROVAL

The signatories hereof, confirm their acceptance of the content and authorize the adopt the thereof

Signature Chairperson- Audit Committee

Date

Signature Chairperson of Council

Date

2nd Floor, 87 Central Street, Houghton, 2198, South Africa
Private Bag X04, Northlands, 2116, South Africa
Tel: +27 11 483 0880 Fax: +27 11 483 0881 Email: info@nfvf.co.za Website: www.nfvf.co.za

Councillors

Ms Mmabatho Ramagoshi (Chairperson); Mr George Leolo (Deputy Chair); Advocate Roshal Dehal; Ms Lorraine Ramathesele; Mr Phillip Molefe;

Mr Mfundu Vundla; Ms Desiree Markgraaff; Mr Thabiso Masudubele; Ms Pamela Mashiane; Mr Leslie Mkhabela; Mr Sandile Swana; Mr Brendyn Meyer CA (SA); Mr Aboobaker Moosa
Chief Executive Officer: Zamantungwa Mkosi

1. Introduction

On 9 March 2001, the promotion of Access to Information Act, No. 2 of 2000 (“the Act”) came into operation. The Act gives effect to the right to access to information provided in section 32(1) of the Constitution. This information manual is drafted to give effect to this right.

2. Availability of the Information Manual

2.1 A copy of this information manual is available to the public for inspection on the NFVF website at www.nfvf.co.za or on request from the CEO who is the designated Information officer.

2.2 The South African Human Rights Commission (SAHRC) keeps a guide on the use of the Act of all information manuals received from public and private bodies which also indicates where such information manuals can be accessed by the public. Any queries relating to this Guide should be directed to SAHRC, at:

PAIA (Promotion of Access to Information)

Information and Communications

Private Bag X2700

Houghton

2041

Telephone +27 11 484 8300

Fax (011) 484 1360

E-Mail paia@sahrc.org.za

3. Definitions and Abbreviations

For the Purpose of this Information manual, unless the context otherwise indicates, the following terms shall mean:

- 3.1** **'the Act'** means the Promotion of Access to information Act 2000 (Act No. 2 of 2000);
- 3.2** **'the Information manual'** means this manual together with all the annexures and which are available at the NFVF;
- 3.3** **"BCEA"** means Basic Condition of Employment Act of 1997 (Act No. 75 1997);
- 3.4** **"CCMA"** means The Commission for Conciliation, Mediation and Arbitration;
- 3.5** **"CEE"** means Commission for Employment Equity;
- 3.6** **"CEO"** means Chief Executive Officer; who is the Information Officer in this manual;
- 3.7** **"CFO"** means Chief Financial Officer; who is designated as the Deputy Information Officer in this manual;
- 3.8** **"IAC"** means Internal Appeal Committee;
- 3.9** **"Minister"** means Minister of Arts and Culture;
- 3.10** **"NFVF"** means the National Film and Video Foundation;
- 3.11** **"PFMA"** means the Public Finance Management Act;
- 3.12** **"RECORDS"** means the records as defined in terms of section 1 of the Act;
- 3.13** **"SAHRC"** means South African Human Rights Commission;
- 3.16** **"SLA"** means Service Level Agreement;
- 3.17** **"SOP"** means Standard Operating Procedure;

4. Contact Details of the Information Officer and Deputy

Information Officer

4.1. Information Officer

The role of the Information Officer is to ensure transparent, accountable and professional and efficient client service that includes a litigant, parliament and government.

Designation	Contact Information	Postal Address	Email Address
CEO: Ms Zamantungwa Mkosi	Tel: 011 483 0880 Fax: 011 483 0881	87 Central Street Houghton Johannesburg 2198	zamam@nfvf.co.za

4.2. Deputy Information Officer

The role of the Deputy Information Officer is foster and co-ordinate a culture of transparency and accountability as guided by legislation and to process requests in terms of the Act

Designation	Contact Information	Postal Address	Email Address
CFO: Karen Son	Tel: 011 483 0880 Fax: 011 483 0881	87 Central Street Houghton Johannesburg 2198	karens@nfvf.co.za

5.1 Objectives and Functions of NFVF

5.1.1 The National Film and Video Foundation (**NFVF**) is an agency of the Department of Arts and Culture. The NFVF is a statutory body mandated by parliament to spearhead the development of the South African film and video industry under the guidance of the Council.

5.1.2 Strategic Objectives

- 5.1.2.1 Increase the number of South African films and Previously Disadvantaged Individuals (PDIs) producing them;
- 5.1.2.2 Increase audience access to South African films;
- 5.1.2.3 Increase the number of people trained in the industry, particularly in areas of scarce skills;
- 5.1.3.4 Promote the South African Film Industry locally and internationally; and
- 5.1.3.5 Promote social cohesion and the expression of the nation's stories through film.
- 5.1.6 The following programmes have been developed to implement the five strategic objectives;
 - 5.6.1.1 Training and skills development
 - 5.6.1.2 Policy and research
 - 5.6.1.3 Production and Development of Content
 - 5.6.1.4 Marketing and Distribution of content
 - 5.6.1.5 Administration and Human Resources

5.1.3 NFVF's Vision

A leader towards a sustainable and diverse audio visual industry.

5.1.4 NFVF Mission

To collaborate with all stake holders to enable the development and promotion of a transformed and thriving audio visual industry.

5.1.5 NFVF Values

Integrity, Respect, Equitable, Innovation, Collaborative, Service Centric and Professionalism.

5.1.6 The functions of the NFVF as specified in the NFVF Act (section 3) are to:

- 5.1.6.1 *render support including, but not limited to financial support, advice and information to any person, organisation or institution in audiovisual sector;*
- 5.1.6.2 *determine which field of the film and video industry should have preference for the purpose of support thereof;*
- 5.1.6.3 *investigate and determine the need for support of any person, organisation or institution;*
- 5.1.6.4 *conduct research into any field of the film and video industry;*
- 5.1.6.5 *establish, compile, and maintain databases including, but not limited to databases of persons, organisations, institutions, equipment and facilities connected with the film and video industry;*
- 5.1.6.6 *make bursaries and loans available to students for local and overseas studies;*
- 5.1.6.7 *liaise with a member of the executive council of each province designated by the Premier of the Province, in order to promote the film and video industry more effectively throughout the Republic and to ensure co-ordination in the distribution of funds at national and provincial level;*
- 5.1.6.8 *make funds available to the members contemplated in paragraph (g) for such distribution as the Council may determine;*
- 5.1.6.9 *nationally and internationally facilitate and promote liaison between individuals and institutions;*
- 5.1.6.10 *make grants and grant loans to any person, organisation or institution in order to provide facilities to support the development and promotion of the film and video industry;*
- 5.1.6.11 *Co-operate with any person, organisation and institution;*
- 5.1.6.12 *enter into agreements with any person organisation or institution upon such conditions as may be agreed upon;*
- 5.1.6.13 *purchase or otherwise acquire, or possess, hire, alienate, let, pledge or otherwise encumber movable and with the approval of the Minister Granted with the concurrence of the Minister of Finance, immovable property;*

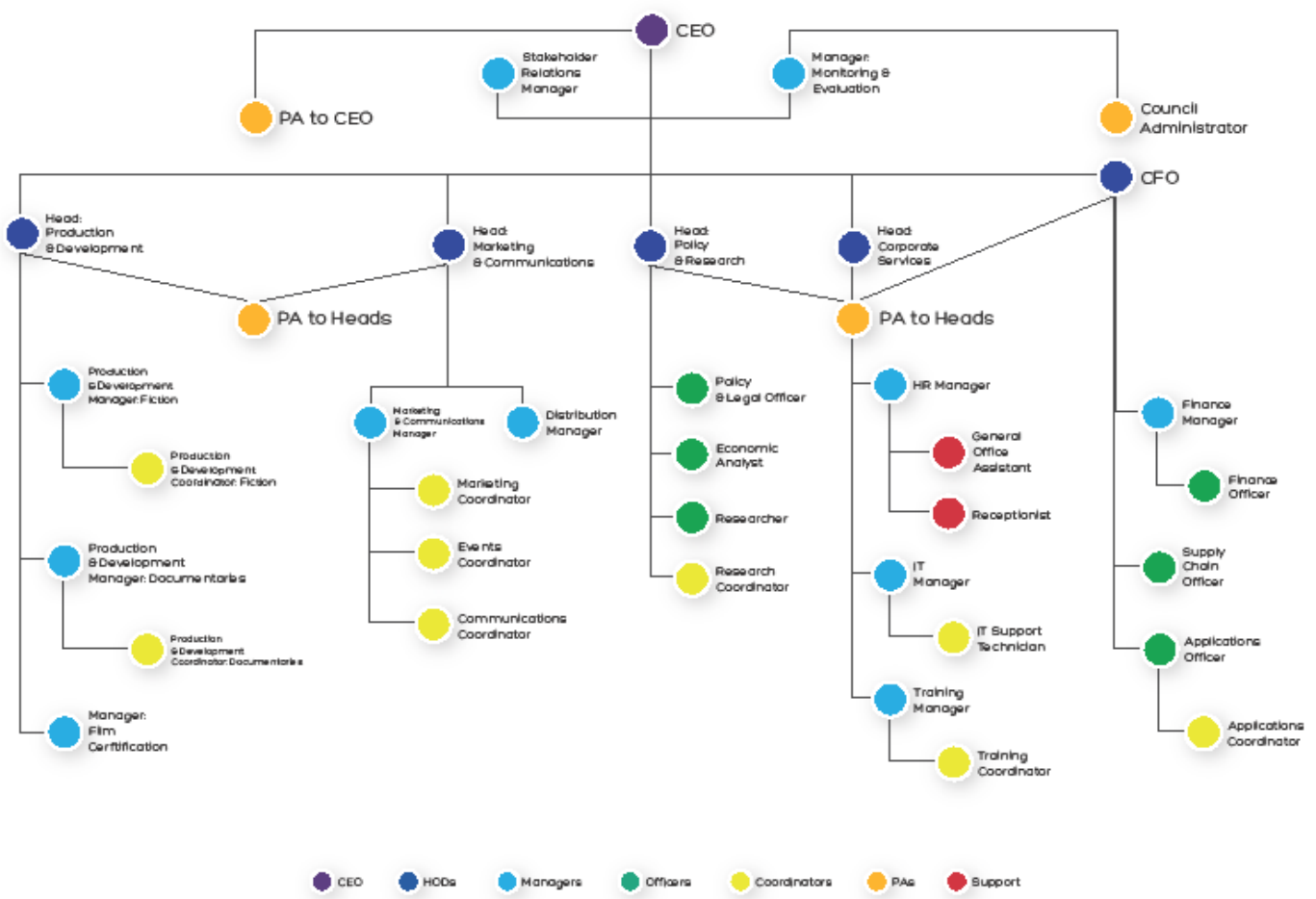
5.1.6.14 with the approval of the Minister, granted with the concurrence of the Minister of Finance, on such terms and against such security as may be agreed upon, raise money by way of loans; and

5.1.6.15 generally, do everything which is necessary to achieve its objects.

5.1.7 Organogram

In general terms the NFVF is comprised of the Council, Committees of Council, Management and five departments (Finance, Policy and Research, Production and Development, Corporate Services (Human Resources, Information Technology and Administration) and Marketing and Communications). The organogram is attached.

NFVF ORGANISATIONAL STRUCTURE



6. Records in the Possession of NFVF

6.1 This chapter deals with the provisions of Section 14(1) (d) of the Act, which requires the NFVF to provide details of records in its possession in order to give effect to requests for access to information. Details of the various subjects on which NFVF holds records and the categories of records within these subjects are detailed below.

6.2 Some of the records are automatically available and no requests form or fees need to be paid for such records. Where fees apply to a request for information, such fees are set out below in paragraph 10.

6.3 The NFVF holds records in accordance with the following pieces of legislation:

- Basic Condition of Employment Act 75 of 1997
- Employment Equity Act No 55 of 1998
- National Film and Video Foundation Act 73 of 1997
- Preferential Procurement Policy Framework Act of 2000.

6.4 Access to Records that are automatically disclosed

The NFVF has made information available on its website that falls under automatic disclosures and will ensure the periodic update of such records is submitted to the Minister for publication in the Government Gazette.

7. Section 18(1) Access Request Procedure

7.1 It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within part 3 Chapter 4 of the Act.

- 7.2 If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceeding may be instituted against such a requester.
- 7.3 In order to facilitate a timely response to requests, all requesters should take note of the following when completing the Access Request Form:
- 7.3.1 The Access Request Form must be completed.
 - 7.3.2 A copy of an identity document must be included to authenticate the identity of the requester.
 - 7.3.3 Type or print in BLOCK LETTERS an answer to every question.
 - 7.3.4 If a question does not apply, state "N/A" in response to that question.
 - 7.3.5 If there is nothing to disclose in reply to a particular question state "nil" in response to that question.
 - 7.3.6 If there is insufficient space on printed form, additional information may be provided on an additional attached folio.
 - 7.3.7 When the use of an additional folio is required, precede each answer with the applicable title.

8. Submission of Access Request Form

The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information officer.

8.1 Payment of Fees

- 8.1.1 An initial, request fee of R57.00 which included VAT is payable on submission and must be paid prior to access being given to the requested record. This

fee is **not applicable** to personal requesters, referring to any person seeking access to records that contain their personal information.

8.1.2 Payment must be made to the NFVF's bank account contained in 9.9 below via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

8.1.3 If the request for access is successful an **access fee** may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees.

8.1.4 The NFVF's banking details are as follows:

Bank	First National Bank
Account Holder	National Film and Video Foundation
Account Number	6201 628 6438
Branch	Bank City

8.2 Notification

8.2.1 The NFVF will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

8.2.2 The 30 day period within which NFVF has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information, or the request requires a search for information held at another office of NFVF the information cannot reasonably be obtained within the original 30 days period. NFVF will notify the requester in writing should an extension be sought.

8.4 Frivolous or Vexatious, Substantial and Unreasonable Diversion of Resources

- 8.4.1 The information Officer may refuse a request for access to a record if:
- 8.4.1.1 the request is manifestly frivolous or vexatious; or
 - 8.4.1.2 the work involved in processing the request would substantially and unreasonably divert the resources of the NFVF.
- 8.4.2 The main grounds for refusal of a request for information are:
- 8.4.2.1 Mandatory protection of the privacy of third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
 - 8.4.2.2 Mandatory protection of the commercial information of third party, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, Scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - Information disclosed in confidence by a third party to NFVF if the disclosure could put that third party to a disadvantage in negotiations or commercial competition;
 - Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - Mandatory protection of the safety of individuals and the protection of property;
 - Mandatory protection of records which could be regarded as privileged in legal proceedings; and
 - The commercial activities of NFVF which may include; trade secrets of the NFVF, financial, commercial or

technical information which disclosure could likely cause harm to the financial or commercial interests of NFVF.

8.5 Mandatory Disclosure in the interest of the Public

Despite any other provision in PAIA, the Information Officer must grant a request for access to a record of NFVF if:

- 8.5.1 the disclosure of the record would reveal evidence of-
 - 8.5.1.1 a substantial contravention of, or failure to comply with the law; or
 - 8.5.1.2 an imminent and serious public safety or environmental risk; and
 - 8.5.1.3 the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

8.6 Records that cannot be found or do not exist

8.6.1 If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believe that the record is in NFVF's possession but is lost or damaged or does not exist then the Information Officer must by way of an affidavit notify the requester that it is not possible to give access to that record.

8.6.2 The affidavit must give a full account of all steps taken to find the record in question or to determine whether the record exists, including communicating with every person who conducted the search on behalf of the Information Officer.

8.7 Public involvement in Formulating Policy Development and Exercise of Power processes of the NFVF

- 8.7.1 A public quarterly call for proposals is sent out to the public calling for funding proposals.
- 8.7.2 The public nominates members of the advisory funding panel who form part of the NFVF's funding evaluation process.
- 8.7.3 Council members' nomination and interview process leading up to the appointment to serve on the NFVF Council administered by the Department of Arts and Culture is open to the public.
- 8.7.4 Quarterly funding allocations are published on the NFVF's website, social media platforms and are open to viewing, commentary and appeal.
- 8.7.5 Draft legislation is published in the government Gazette for perusal and comment by the Department of Arts and Culture.
- 8.7.6 Advertisements for procurement of service including amendments or cancellations are published in the Tender Bulletin, national newspapers and the NFVF website.
- 8.7.7 Advertisements for jobs are advertised in provincial and national newspapers, NFVF website and social media and recruitment websites.
- 8.7.8 NFVF's Annual Report and other reports are made available on the website for public consumption.

9. Remedies Available to a Requestor

9.1 Refusal of Request and Internal Appeals against Decisions

- 9.1.1 The Act provides for an internal appeal on a decision of the Information officer or Deputy Information Officer on the following grounds:
 - 9.1.1.1 a refusal to grant access; or
 - 9.1.1.2 a decision taken in terms of sections 22, 26 (1) or 29(3).
- 9.1.2 The appeal is considered by the Internal Appeal Committee (IAC).

9.1.3 An aggrieved party who has exhausted the internal appeal process may approach the Courts if dissatisfied with the decision of the IAC.

9.2 The Internal Appeal Procedure

9.2.1 When the requester / third party lodges an appeal, the prescribed appeal Form must be completed and lodged with the Information Officer within 60 days.

9.2.2 The internal appeal must identify the subject of the internal appeal and state the reasons thereof and may include any other relevant information known to the appellant.

9.2.3 The internal appeal must state the manner and provide the particulars which the appellant desires to be informed of on the decision of the internal appeal in addition to a written reply and specify a postal address or fax number.

9.2.4 The Information Officer will forward all internal appeals and accompanying documentation to the Deputy Information Officer, who will then forward it to the Relevant Authority, which is the Executive Committee of Council.

9.2.5 The Information Officer will inform the requester / third party of the outcome of the internal appeal.

9.2.6 A requester / third party who is dissatisfied with the outcome of the internal appeal may/must within 30 days of receipt of the appeal outcome submit an application to the court for a final decision.

9.3 Application to Court

Applications regarding the decision of the IAC or the person designated must be communicated in writing by the IAC.

- 9.3.1 A requester or the third party may only, after exhausting the internal appeal procedure against a decision of an Information Officer or Deputy Information Officer, apply to a court for appropriate relief.
- 9.3.2 A requester whose internal appeal has been unsuccessful or aggrieved by a decision of the IAC or person designated in writing by the ICC to disallow the late lodging of the appeal in terms of section 75(2) of the Act, may on application, within 30 days apply to a court for appropriate relief in terms of section 82.
- 9.3.3 The unsuccessful third party in an internal appeal to the relevant executing authority may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

9.4 Other Supportive Measures

Reasons for an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Section 5); must be furnished where a person's rights have been materially and adversely affected by that administrative action.

10. Updating the Information Manual

- 10.1 The Information manual will be updated annually and approved by Council.
- 10.2 The NFVF will publish the Information manual in the three official languages of the organization, English, Sesotho and isiZulu in line with the organizational Language Policy.

11. Availability of the Information Manual

- 11.1 The information manual will be available in places prescribed by the Legal Deposit Act, 1997 (Act No. 54 of 1997) namely the SAHRC Offices and NFVF office. The information manual will be made available on the NFVF's website www.nfvf.co.za

Prescribed Fees for Public Bodies

Part II of Notice 187 in the Government Gazette on 15 February 2002 Prescribes Fees in Respect of the Governmental Bodies as follows;	
DESCRIPTION	PRICE
1. The fee for the copy of the information manual as contemplated in regulation 5 (c) is for every copy of an A4-size page or part.	R1.00
2. The fees for reproduction referred to in regulation 7(1) are As follows:	
a) for every photocopy of an A4-size or part thereof	R1.00
b) for every printed copy of an A-4 size page or part thereof held on a computer or in an electronic or machine readable form	R0.40
c) for a copy in a computer-readable form on:	
i. Stiffy Disc	R5.00
ii. Compact Disc	R40.0
d) (i) for a transcription of an audio record, for an A4-size page Or part thereof	R22.0
(ii) for a copy of visual images	R60.00
e) (i) for a transcription of an audio record, for an A4-size page or part thereof	R22.00
(ii) for a copy of an audio record	R17.00
3. The request fee payable by every requester, other than a Personal requester, referred to in regulation 7(2)	R35.00
4. The access fee payable by a requester, other than a Personal requesters, referred to in regulation 7(2) are as Follows:	
1) (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:	R5.00

(i) Stiffy Disc	R40.00
(ii) Compact Disc	
(d) (i) for a transcription of visual images, for an A4-size page or part thereof	R22.00
(ii) for a copy of visual images	R60.00
(e) (i) for a transcription of an audio record, for an A4-size Page or part thereof	R12.00
(ii) for a copy of an audio record	R17.00
(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 requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	