



**The National Nuclear Regulator Manual in terms of Section 14
of the Promotion of Access to Information Act,2000 (Act No.2 of 2000)**

INTRODUCTION

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the PAIA”) was enacted to give effect to the right of access to information contained in the Bill of Rights’ section 32 (2) of the Constitution of the Republic of South Africa.

The purpose of this manual is to inform a requestor on how to obtain access to records held by the National Nuclear Regulator, thereby giving effect to section 14 of the Act.

The National Nuclear Regulator Act, 1999 (Act No. 47 of 1999) (“NNR Act”) prohibits, in terms of section 51, the disclosure of information. This prohibition is subject, among other things, to the PAIA.

The manual does not replace the Act but must be read in conjunction with the Act and the Regulations.

Sections 34 to 46 of PAIA stipulate the grounds for refusing access to information. In considering whether to provide access to information, the National Nuclear Regulator (“NNR”) must consider grounds for refusing access to information set out in the PAIA.

It is important to note that disclosure of the records held by the NNR does not preclude the NNR from refusing access to information when grounds exist for refusing such access in terms of PAIA.

CONTENTS

Page

CHAPTER 1

1.1 Mandate	4
1.2 Objects of the NNR	4
1.3 Functions of the NNR	4

CHAPTER 2

2.1 Contact details	5
---------------------	---

CHAPTER 3

Section 10: Guide on how to use the Act	6
---	---

CHAPTER 4

4.1 Access to records held by the NNR.	6
4.2 Information that may be formally requested	7
4.3 Request procedure	8
4.4 Grounds for refusal	9
4.5 Appeal against refusal of access to information	10
4.5 Section 15 Notice	10

CHAPTER 5

Miscellaneous	10
5.1 Arrangements allowing for public involvement in the formulation of policy and the exercise of power	10
5.2 Updating of the Manual	11
5.3 Availability of the Manual	11
5.3 Request for access to record of public body	11
5.4 Prescribed fees	11

CHAPTER 1

1.1 Mandate

The National Nuclear Regulator (“NNR”) is mandated in terms of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999) (“NNR Act”) to provide for the protection of persons, property and the environment against nuclear damage.

1.2 Objects

The objects of the NNR are to:

- Provide for the protection of persons, property and the environment against nuclear damage through the establishment of safety standards and regulatory practices;
- Exercise regulatory control related to safety over the siting, design, construction, operation, manufacture of component parts, and decontamination, decommissioning and closure of nuclear installations;
- Exercise regulatory control over other actions, to which this Act applies, through the granting of nuclear authorisations;
- Provide assurance of compliance with the conditions of nuclear authorisations through the implementation of a system of compliance inspections;
- Fulfil national obligations in respect of international legal instruments concerning nuclear safety; and
- Ensure that provisions for nuclear emergency planning are in place.

1.3 Functions

The functions of the NNR are to:

- Grant or amend nuclear authorisations;
- Employ assets and deploy resources (hire, purchase, acquire);
- Collaborate with other institutions for the collection and dissemination of scientific and technical information regarding nuclear energy;
- Collaborate with other institutions regarding provision of instruction for or training of persons required by the NNR;
- Provide financial and other assistance for the training of people to enable the NNR to perform its functions;
- Insure itself against loss, damage, risk or liability;
- Advise the Minister on matters associated with any action or condition which;
 - Are capable of causing nuclear damage;
 - The Minister refers to the Regulator; or
 - The Regulator thinks necessary to advise the Minister on;
- Act as national competent Authority in connection with International Atomic Energy Agency’s Regulations for the Safe Transport of Radioactive Material;
- Conclude contracts, enter into agreements or perform any act, whether in the Republic or elsewhere, whereby its objects are carried into effect or which is calculated, directly or indirectly, to enhance the value of the services which the Regulator renders towards the achievement of its objects or which may be prescribed;
- Produce and submit to the Minister an annual report on the health and safety related to workers, the public and the environment associated with all sites including, but not limited to, the prescribed contents.

CHAPTER 2

2.1 Contact details

The Information Officer of the NNR is: Dr Mzubanzi Bismark Tyobeka

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Fax: +27 (0) 12 663 5513

Email: bmtTyobeka@nnr.co.za

The Deputy Information Officer of the NNR: Gino Moonsamy (Communications & Stakeholder Relations Manager)

Telephone: +27 12 674 7111

Fax: 0865884450

Email: gmoonsamy@nnr.co.za

Head Office

Postal Address: PO Box 7016, Centurion, 0046

Physical Address;

Eco Glades Office Park, Eco Glades 2

Block G, Witch Hazel Avenue

Highveld Ext 75

Eco Park

Centurion

0157

Telephone: +27 12 674 7100. Fax: +27 12 663 5513

Site Office

Postal Address: P.O. Box 46055, Kernkrag, 7441

Physical Address;

12 Raatz Drive

Delphi Arch Building

Tableview

Cape Town

Telephone: +27 21 553 9500. Fax: +27 21 553 1361

The Information Officer can be contacted at the NNR's Head Office in Centurion.

The Information Officer has delegated his powers and duties by designating the Deputy Information Officer to act as the Information Officer. All PAIA requests must be addressed to the Deputy Information Officer.

CHAPTER 3

3.1 Guide on how to use the PAIA Act

This guide contemplated in section 10 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"), is available from the South African Human Rights Commission.

Any queries relating thereto must be directed to:

South African Human Rights Commission
PAIA Unit
33 Hoofd Street
Braampark, Forum 3
Braamfontein
Johannesburg
2198

Tel No: +27 11 877 3600 8300. Fax No: +27 11 403 06257149

Website: www.sahrc.org.za E-mail: paia@sahrc.org.za

CHAPTER 4

4.1 Access to records held by the NNR

4.1.1 Automatic Disclosure

Information on the following subjects is available without formal request:

- 4.1.1.1 Annual reports;
- 4.1.1.2 Location of offices;
- 4.1.1.3 Press releases;
- 4.1.1.4 Publicity Materials;
- 4.1.1.5 Information on Nuclear Authorization Fees.

4.2 Information that may be formally requested

4.2.1 The NNR holds information pertaining to the subjects listed below. Access to some of the information will be restricted in accordance with the provisions of the PAIA Therefore not all the information listed below will be made available upon a formal request in terms of clause 4.3 below.

4.2.1.1 Legal matters

- Matters pertaining to the NNR legislation;
- Co-operative Agreements;
- Relationship Agreements with Regulatory Authorities in other Countries.

4.2.1.2 Organization and control

- Minutes of Board meetings;
- Minutes of Board sub-committee meetings;
- Minutes of external and internal committees (Management Committee, Executive Committee and Transformation Committee);
- Strategic and corporate planning documentation;
- Delegation of authority;
- Declaration of interests.

4.2.1.3 Human Resources

- Organizational structure;
- Recruitment and appointments;
- Job descriptions and evaluations
- Employee well – being and labour relations;
- Conditions of service;
- Organizational development and training;
- Human Resource policy documentation;
- Transformation policy and plan;
- Employment Equity policy and plan;
- Skills Development plan;
- Information on staff benefits such as Medical scheme, Retirement Fund, Group Life Insurance etc.

4.2.1.4 Finance

- Budget and accounts;
- Funds and investments;
- Asset register;
- Audit matters;
- Financial Reports.

4.2.1.5 Risk management

- Information on the management of operational risks of the NNR;
- Insurance Contracts;
- Security information (information and physical security matters).

4.2.1.6 Services and administration

- Buildings;
- Information services;
- Administrative matters;
- Membership of professional bodies.

4.2.1.7 Communication and public relations

- Information on public and community forums;
- Exhibitions and shows;
- Surveys.

4.2.1.8 Technical information relating to the technical functions(objects) of the Regulator

- Nuclear Authorizations;
- Certificates of registration;
- Compliance assurance reports;
- Technical assessment documentation;
- Scientific and Engineering reports;
- Technical specifications documentation;
- Conference Reports;
- Regulatory Research Reports.

4.2.2 The aforesaid information is contained in the following format:

Reports, Minutes of meetings, Correspondence (incoming and outgoing), Internal memoranda, Invoices, statements and requisitions, Technical drawings (Stored electronically and on paper).

4.3 Request procedures

4.3.1 Access to information listed above shall be requested by completing the prescribed Form A ("request form") which may be downloaded on the NNR website and payment of the prescribed fee as stated in schedule of fees below.

4.3.2 It is recommended that the requester determine what kind of requester he/she/it is because the kind of requester has certain implications. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. A requester who makes a request for access to information held by the NNR must pay a request fee. A requester who makes a request on behalf of another person must provide proof of the capacity in which the requester is acting and pay the request fee.

4.3.3 To reduce the administration process, it is recommended that the request fee be paid on the submission of the request.

4.3.2 The requester must indicate if the request is for a copy of the record or whether the requester wants to inspect the records at the offices of the NNR.

4.3.3 Access to the aforesaid information will only be granted to the requester in a manner requested, unless such manner would unreasonably interfere with the running and operation of the NNR or damage its records or infringe its copyright.

4.3.4 If for practical reasons, access cannot be given in the requested manner but in an alternative manner, then the fee for access will be calculated according to the manner that the requester has requested.

4.3.5 If the requester is unable to read or write, or has a disability, then they can make the request for an oral record, in which event the Information Officer will complete the form on behalf of such requester and furnish the requester with a copy of the completed form as reference of the request.

4.3.6 The requester must clearly indicate on the request form:

4.3.6.1 if they wish to be informed of the success of their request telephonically or in any manner.

4.3.6.2 the capacity in which the request is made, in the event the information is requested on behalf of somebody else.

4.3.7 The request form may be submitted to the NNR by fax, email or postage.

After the Information Officer has made a decision on the request the Information Officer will notify the requester of such a decision in a manner the requester prefers for such notification, but in any event, within 30 days of receipt of the request or within 30 days of the extended period. The requester must be informed in writing of the extended period.

The deputy information officer shall inform the requester of the following decisions:

4.3.7.1 To grant the request;

4.3.7.2 To partially grant/ refuse the request;

4.3.7.3 Notice of the fees payable;

4.3.7.4 The decision to transfer the request to the applicable public body or other government department;

4.3.7.5 That a third party must be informed;

4.3.7.6 That the records cannot be found.

4.4 Grounds for refusal of access:

4.4.1 The following records will not be granted because PAIA does not apply thereto:

4.4.1.1 Cabinet records;

4.4.1.2 Cabinet committee records;

4.4.1.3 Judicial functions of a court;

4.4.1.4 Record of a special tribunal;

4.4.1.5 Record of a judicial officer;

4.4.1.6 Record of an individual member of Parliament or a Provincial Legislature.

4.4.2 The Deputy information officer must refuse a request for access on the following grounds:

4.4.2.1 Mandatory protection of a third party who is a natural person;

4.4.2.2 Mandatory protection of certain records of the South African Revenue Services;

4.4.2.3 Mandatory protection of commercial information of a third party;

4.4.2.4 Mandatory protection of certain confidential information of a third party;

4.4.2.5 Mandatory protection of safety of individuals and protection of property;

4.4.2.6 Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;

4.4.2.7 Mandatory protection of records privileged from production in legal proceedings;

4.4.2.8 Mandatory protection of research information of a third party and protection of research information of a public body;

4.4.2.9 Where the disclosure could cause prejudice to the security or defense of the Republic of South Africa, reveal information of another state or international organization, is to be held confidential in terms of an international agreement, or constitutes military information,

4.4.2.10 Disclosure that may jeopardize the economic interests or financial welfare of the Republic of South Africa;

4.4.2.11 Disclosure that may jeopardize the safe operation of a nuclear installation or constitute a threat to nuclear security or impinge on the effective implementation and emergency preparedness plan.

4.5 Appeal against refusal of access to information

4.5.1A requester or third party who is not satisfied with the decision of the Deputy information officer may apply to the High Court for appropriate relief. The requester may apply against the following:

4.5.1.1 The decision of the Deputy Information Officer to refuse the request for access;

4.5.1.2 The decision taken regarding the payment of a request fee, an access fee or a deposit on an access fee; or

4.5.1.3 The decision taken to grant access to a request in a different form than requested.

4.5.2 A third party may apply to court on the following grounds:

4.5.2.1 The decision of the Deputy Information Officer to grant a request for access;

4.5.2.2 The decision of the Deputy Information Officer to refuse a request for access;

4.5.2.3 The decision taken regarding the payment of a request fee, an access fee, or a deposit of an access fee;

4.5.2.4 The decision taken to grant access to a request in a different form than requested.

4.6. Section 15 notice

No notice in terms of section 15(2) has been published at this.

CHAPTER 5

Miscellaneous

5.1 Arrangement allowing for public involvement in the formulation of policy and the exercise of power [Section 14(1)(g)]

- Public participation in terms of the provisions of section 21(4) of the NNR Act.
- Public and workers forums established by the NNR.
- Hearings and workshop – the public may attend and make representations at these hearings and workshops.
- Volunteer and Internship programmes – there is a recruitment policy in place for the recruitment of the public for such posts.
- Consultants and contract work – Consultants' policy pertaining to procurement.

5.2 Updating the manual [Section 14(2)]

The NNR will update and publish its manual referred to in of section 14(1), at intervals of not more than a year.

5.3 Availability of the manual [Section 14(3)]

- Regulation No. R. 187 of 15 February 2002 prescribes in section 4(1) that the manual of a public body must be made available in the following manner:
- A copy in each of three of the official languages must be made available in everyplace of legal deposit as defined in section 6 of the Legal Deposits Act 1997, the South African Human Rights Commission, and at the offices of the NNR.
- The manual will be published in three of the official languages in the *Gazette*.
- The manual will be made available on the NNR website, www.nnr.co.za.

5.5 Request for access to record of public body

- All formal requests for information that is not automatically available, are to be made on the prescribed **Form A**. **Requests for records that are automatically available can be made orally or telephonically.**

5.6 Prescribed fees in respect of request for access to records

- The schedule of fees applicable to requests for access is set out below.

SCHEDULE OF FEES

FEE DESCRIPTION	RAND VALUE
Request fee	
Request fee payable by requester other than personal requester	35,00
Reproduction fees [This fee also applies to automatically available records and voluntary disclosures	
The fee for a copy of the manual as contemplated in regulation 5(c) is for every photocopy of an A4-size page or part thereof.	0,60
For every photocopy of an A4-size page or part thereof	0,60
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
For a copy in computer readable form on:	
1. Stiffy disc	5,00
2. Compact disc	40,00
For a transcription of visual images:	
1. For an A4 size or part thereof	22,00
2. For a copy of visual images	60,00
For a transcription of an audio record:	
1. For an A4 size or part thereof	12,00
2. For a copy of an audio record	17,00
Access fees (applies to fees requested by means of the PAIA request form)	
The fee for every photocopy of an A4-size page or part thereof.	0,60
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
For a copy in computer readable form on:	
1. Stiffy disc	5,00
2. Compact disc	40,00
For a transcription of visual images:	
1. For an A4 size manual or part thereof	22,00
2. For a copy of visual images	60,00
For a transcription of an audio record:	
1. For an A4 size manual or part thereof	12,00
2. For a copy of the audio record	17,00
Search and preparation fees	15,00 (excl 1st hour
To search for and prepare the record for disclosure, R15,00 for each hour or part thereof , excluding the first hour, reasonably required for such search and preparation.	
Deposit required[section 22(2)]	
For purposes of section 22(2) of the Act, the following applies:	

1. Six hours as the hours to be exceeded before a deposit is payable; and 2. One third of the access fee is payable as a deposit by the requester.	
Postal fees	
The actual postage is payable when a copy of a record must be posted to a requester.	

What about A3 or A5 sizes?

The NNR will accept payment by means of the following methods:

1. Direct deposits;
2. Electronic fund transfers;
3. For Non-transferable cheques a clearing period of 10 days must be allowed.