



STATE DIAMOND TRADER

**MANUAL IN TERMS OF
SECTION 14 OF THE
PROMOTION OF ACCESS
TO INFORMATION ACT NO.
2 OF 2000**

1. INTRODUCTION

- 1.2 This Manual, together with the prescribed forms and fees relating to the request for information has been prepared and published by the State Diamond Trader in accordance with the requirements of Section 14 of the Promotion of Access to Information Act 2 of 2000 ("The Act"). The purpose of the Manual is to facilitate access to records held by the State Diamond Trader to meet the objectives of the Act.
- 1.3 In pursuant of the Provisions of Section 32 of the Constitution of the Republic of South Africa, Act 108 of 1996 ("the Constitution"), the Act was promulgated in order to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and actively promote a society in which the people of South Africa have effective access to enable them to more fully exercise and protect all of the rights as enshrined in the Constitution.
- 1.4 The Act establishes voluntary and mandatory mechanisms or procedures to give effect to the constitutional right to information in a manner which enables persons to obtain records of both public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible and generally to promote transparency, accountability and effective governance of all public and private bodies.
- 1.5 The State Diamond Trader is a "public body" in terms of Section (1)(b)(ii) of the PAIA and is bound to give effect to the purpose of Act and to process requests made in terms of the Act. Section 14 of the Act requires the State Diamond Trader to compile a manual that provides information on the categories of records it holds.
- 1.6 This document serves as the State Diamond Trader's Manual in terms of the Act, and provides a reference as to the records held, and the process that needs to be followed to request access to such records.
- 1.7 Should any person(s) have difficulty in using this manual, they should contact the information officer, the details of whom are provided in this Manual.

2. OVERVIEW OF THE STATE DIAMOND TRADER

The State Diamond Trader (SDT) is a state-owned entity established in 2007 in terms of Section 14 of the Diamonds Act (Act 56 of 1986) as amended. The entity's core business is to buy and sell rough diamonds in an effort to promote equitable access to and beneficiation of diamond resources as well as to grow the South Africa's diamond cutting and polishing industry. The SDT is eligible by law and proclamation to purchase up to 10% of run of mine (ROM) diamonds from all diamond producers in South African mines and sells these to the entity's clients who are diamond beneficiators. The State Diamond Trader is "public Body" as defined in Section 1 of the PAIA. The entity is governed by the Accounting Authority which reports to the Minister of Mineral Resources in his capacity as the Shareholder Representative.

3. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission (SAHRC), established in terms of section 18 (b) of the Constitution of the Republic of South Africa, Act 108 of 2006, is the national institution established to entrench constitutional democracy and to administer the Act.

Should any party require further information regarding PAIA and /or wish to contact the SAHRC, that party must visit the Commission's website at <http://www.sahrc.org.za>.

4. CONTACT DETAILS – SECTION 14(1)(b)

Chief Information Officer –

Name:	Mr. Stanley Mandla Mnguni
Designation:	Chief Executive Officer
Physical Address:	225 Main Street Johannesburg 2001
Postal Address:	P. O. Box 61216 Marshalltown Johannesburg 2001
Phone Number:	+27(0) 11 334 2691
Fax Number	+27(0) 11 332 1540
E mail:	infosdt@statediamondtrader.gov.za

The Chief Executive Officer is the appointed Information Officer in terms of the PAIA and has duly authorised the person below to act as Deputy Information Officer to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Deputy Information Officer-

Name: Ms. Nobuhle Charity Sibeko
Designation: Legal Officer & Company secretary

Physical Address: 225 Main Street
Johannesburg
2001

Postal Address: P. O. Box 61216
Marshalltown
Johannesburg
2001

Phone Number: +27(0) 11 334 2691

Fax Number +27(0) 11 332 1540

E mail: Nobuhle.Sibeko@statediamondtrader.gov.za

5. PROCEDURE FOR ACCESS TO INFORMATION OR RECORDS HELD BY THE STATE DIAMOND TRADER

- 5.1 A party requesting access to information (Requester) must use the prescribed form (Form A) to make the request which shall be made available on the State Diamond Trader's Website and/or SDT offices at the address mentioned in 4 above.
- 5.2 The Requester must provide sufficient details guided by Form A to make the request and must send the request to the Deputy Information Officer, using the contact details provided above.
- 5.3 The State Diamond Trader will acknowledge receipt of a request, in writing, within fourteen (14) days of receipt thereof, and will advise within 30 days as to whether the information is accessible and how and where the Requester may collect it. Should a Requester not receive acknowledgement of receipt in writing within fourteen (14) days, the requester should kindly contact the Information Officer or the Deputy Information Officer to ensure that the request has been received.

- 5.4 In the event of a Requester making a request on behalf of another person, the Requester must submit proof of the capacity in which the request is made.
- 5.5 Where access to information has been granted, the Requester must pay an access fee for the reproduction, location, preparation of copies or transcripts of the information and for time reasonably required in excess of the prescribed hours estimated in the Act for these purposes, in order for the information to be disclosed.
- 5.6 The period of thirty (30) days envisaged in 5.3 (“the original period”) within which the State Diamond Trader will make a decision on a request may be extended once for further period of not more than thirty (30) days if:
- 5.6.1 the request of for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with activities of the State Diamond Trader;
 - 5.6.2 the request for information involves a third party;
 - 5.6.3 the requester consents in writing to the extension.
- 5.7 In the event of the extension of the original period, the State Diamond Trader will, as soon as reasonably possible, but in any event within thirty (30) days after the request is received notify the Requester of the extension or alternatively, consult with the Requester for consent to the extension.
- 5.8 Requesters will be required to pay a deposit to the State Diamond Trader in accordance with clause 9 of this Manual before the record requested is made available. Only after payment of the deposit will the State Diamond Trader begin to search for the requested information.
- 5.9 In the event that a, the Deputy Information Officer may extend the thirty-day period mentioned above, by up to but not exceeding a further period of thirty (30) days in order to give a third party a chance to make representations.
- 5.10 In the event that the State Diamond Trader refuses a Requester access to information, the Requester may approach a competent court for recourse.

6 FACTORS TO BE TAKEN INTO CONSIDERATION WHEN REQUESTING ACCESS TO RECORD HELD BY THE STATE DIAMOND TRADER

- 6.1 In terms of Section 7(1) of the Act, a record does not fall within the ambit of the Act if:
- 6.1.1 That record is requested for the purposes of criminal or civil proceedings;
 - 6.1.2 The record is so requested after the commencement of such criminal or civil proceedings, as the case may be; and
 - 6.1.3 The production of or access to a record is provided for in any other law.
- 6.2 The Information Officer or his/her *may*, and/or in certain circumstances *must* refuse a request for information if that information relates to:
- 6.2.1 Protection of the personal information of a third party in terms the Protection of Personal Information Act, 4 of 2013;
 - 6.2.2 Protection of certain records of the South African Revenue Services;
 - 6.2.3 Protection of the commercial information of a third party;
 - 6.2.4 Protection of the confidential information of third parties, supplied in confidence or protected in terms of an agreement;
 - 6.2.5 Protection of the safety of an individual;
 - 6.2.6 Protection of records privileged from production in legal proceedings;
 - 6.2.7 Protection of records reasonably expected to cause prejudice to the defence, security and international relations of the Republic of South Africa;
 - 6.2.8 Protection of research information of a third party, including a public body and the State Diamond Trader;
 - 6.2.9 Evidently frivolous or vexatious requests to information or those that would result in a substantial and unreasonable diversion of resources.
- *this list is not exhaustive and is subject to 6.1 hereinabove**
- 6.3 Access to a record requested will be granted if:
- 6.3.1 The request is made on the prescribed form;
 - 6.3.2 Proof of authority to act on behalf of another is provided in relevant cases;
 - 6.3.3 The record requested is sufficiently described to enable the State Diamond trader to identify it;
 - 6.3.4 The prescribed fee has been paid; and
 - 6.3.5 Access to the record is not refused on one or more grounds of refusal protected by any law.

7 CATEGORIES OF RECORDS AVAILABLE

7.1		RECORDS THAT ARE AUTOMATICALLY AVAILABLE
	7.1.1	Information regarding the State Diamond Trader is accessible on the State Diamond trader website (www.Statediamondtrader.gov.za). Should a requester not find public information on the website, the information will be made available on receipt of the request by the Deputy Information Officer.
7.2		RECORDS WHICH MAY BE MADE AVAILABLE ON REQUEST
	7.2.1	BOARD AND COMMITTEE GOVERNANCE
		7.2.1.1 Minutes of Board Meetings 7.2.1.2 Minutes of Committee Meetings 7.2.1.3 Records of resolutions 7.2.1.4 Records of Board Processes
	7.2.3	TRADING RECORDS
		7.2.3.1 Diamond Production records 7.2.3.1 Producer records 7.2.3.3 Purchasing records 7.2.3.4 Diamond Valuations records 7.2.3.5 Clients Personal Information 7.2.3.6 Potential client information 7.2.3.7 Sales Information
	7.2.4	HUMAN RESOURCES RECORDS
		7.2.4.1 HR Polices, manuals and procedures 7.2.4.2 Forms and applications 7.2.4.3 Letters 7.2.4.4 Employee records
	7.2.5	MARKETING AND COMMUNICATIONS
		7.2.5.1 Brochures, leaflets and adverting materials 7.2.5.2 Video records 7.2.5.3 Invitation for client applications 7.2.5.4 Records of media engagements 7.2.5.5 Copies of internal communications
	7.2.6	PROCUREMENT RECORDS
		7.2.6.1 Policies and procedures 7.6.2.2 Tender invitations and process records

		7.6.2.3 Service Level Agreements 7.6.2.4 Invoices for services and payments records
	7.2.7	INFORMATION TECHNOLOGY RECORDS
		7.2.7.1 Policy Documents 7.2.7.2 Systems documents and manuals 7.2.7.3 Disaster Recovery and implementation plans
	7.2.8	OPERATIONS RECORDS
		7.2.8.1 Standard Operating Policies & Procedures 7.2.8.2 Diamond Licences 7.2.8.3 Reports and supporting documents 7.2.8.4 Security records 7.2.8.5 Training and workshops
	7.2.9	AGREEMENTS
		7.2.9.1 State Diamond Trader and Service Providers 7.2.9.2 State Diamond Trader and strategic partners 7.2.9.3 State Diamond Trader and Producers
	7.2.10	STRATEGIC RECORDS
		7.2.10.1 Strategic Plan 7.2.10.2 Annual Performance Plan
	7.2.11	RECORDS AVAILABLE IN TRMS OF LEGISLATION
		Where applicable to the State Diamond Trader, records in accordance with the following legislation is available on request:
		Basic Conditions of Employment Act 75 of 1997 Code of Practice on Employment of People with Disability Act Compensation for Occupational Injuries and Diseases Act 130 of 1993 Constitution of the Republic of South Africa, Act 108 of 1996 Consumer Protection Act 68 of 2008 Diamonds Act, 56 of 1986, as amended Electronic Communications and Transactions Act 25 of 2002 Employment Equity Act 55 of 1998 Income Tax Act 58 of 1962 Labour Relations Act 66 of 1995 National Qualification Framework Act 67 of 2008

	Occupational Health and Safety Act 85 of 1993 Prevention of Corrupt Activities Act Promotion of Administrative Justice Act 2 of 2000 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 Protected Disclosures Act Protection of Personal Information Act Public Finance Management Act 1 of 1999 Skills Development Act 97 of 1998 Skills Development Levies Act 9 of 1999 Unemployment Insurance Act 63 of 2001 Unemployment Insurance Contributions Act 4 of 2002 Value Added Tax Act 89 of 1991
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8 AVAILABILITY OF THE MANUAL

8.1 In accordance with Regulation 9(1) of the Act, this Manual will be available at the SAHRC and is published on the State Diamond Trader website (www.statediamondtrader.gov.za).

9 PRESCRIBED FEES

9.1 The Act sets out two (2) types of fees, namely, a request fee and an access fee, that are required to be paid prior to the State Diamond Trader accepting a request for information.

9.2 A personal information requester, that is the requester who requests access to a record containing personal information, is not required to pay the request fee. Any other requester will be required to pay fees.

9.3 Where the cost of collecting any fee in respect of the search and preparation of a record for disclosure exceeds the amount charged, the set fee does not apply.

9.4 A request fee of R50.00 (exclusive of VAT) is payable upfront where a requestor submits a request for access to information other than for personal information.

9.5 The following further applicable fees (excluding VAT) shall be payable.

RECORD	FEE
Copy per A4 Page	R1.50
Printing per A4 Page	R2.00
Copy on a CD	R70
Transcript of visual images per A4 page	R40
Copy of Visual Page	R60
Transcript of an audio recording per A4 page	R20
Search and preparation of the record for disclosure	R30 per hour

10 APPLICATION TO COURT

- 10.1 A requester that is aggrieved by a decision of the Information Officer may by way of application, within 30 days of the date of the decision, apply to a court for appropriate relief in terms of section 82 of the Act.
- 10.2 The Court hearing the application may grant any order that is just and equitable, including an order:
- 10.2.1 Confirming, amending or setting aside the decision which is the subject of the application concerned;
 - 10.2.2 Requiring from the Information Officer to take such actions or to refrain from taking such actions as the court considers necessary within a period mentioned in the order;
 - 10.2.3 Granting an interdict, interim or specific relief, a declaratory order or compensation; and/or
 - 10.2.4 An order as to costs.



STATE DIAMOND TRADER

REQUEST TO ACCESS OF INFORMATION FORM

Personal Information of requestor:

Name	
Surname	
ID Number	
Address	
Contact Number(s)	

Is this request made on the behalf of a third party: **Yes / No**

If Yes:

Capacity you are acting	
Name	
Surname	
ID Number	
Address	
Contact Number(s)	

What record is required?:

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What form of access do you require?:

Information regarding the right that is to be protected:

Manner in which you would like to be informed of the decision on the request:

Requestor's Signature: _____

Date: _____

For official use:

Date Received: _____

Received by whom: _____