

COPY

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

CASE NO:

13754/2021

In the matter between:

ORGANISATION UNDOING TAX ABUSE NPC

APPLICANT

and

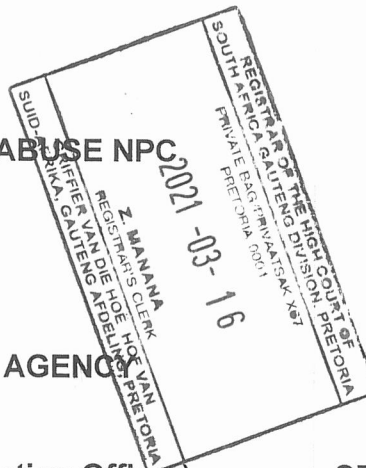
ROAD TRAFFIC INFRINGEMENT AGENCY

FIRST RESPONDENT

MNCDESISI BILIKWANA N.O.

(in his official capacity as Information Officer)

SECOND RESPONDENT



NOTICE OF MOTION

TAKE NOTICE THAT Organisation Undoing Tax Abuse NPC, (hereafter "the Applicant") intends applying to this Court an order:

1. Setting aside the refusal by the First Respondent and/or Second Respondent of the Applicant's request for access to the records requested in its request for information in terms of the Promotion of Access to Information Act, ("PAIA"), and dated 13th August 2020, ("the request");

2. Directing the First Respondent to provide the requested records to the Applicant within 15 (fifteen) days of the granting of this order;
3. Directing the First Respondent to pay the costs of this application;
4. Further and/or alternative relief.

TAKE NOTICE FURTHER that the accompanying founding affidavit of **STEFANIE FICK** and the annexures thereto, will be used in support of this application.

TAKE NOTICE FURTHER that the Applicant has appointed, **JENNINGS INCORPORATED** of the address below as the address at which it will accept notice and service of all further process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application you are required:-

- (a) to notify the Applicant's attorney in writing on or before the 12 April 2021;
- (b) and within fifteen days after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any; and further that you are required to appoint in such notification an address referred to in rule 6(5) (b) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made on a date to be allocated by the Registrar of the above Honourable Court at 10:00 a.m. or as soon thereafter as counsel may be heard.

DATED at Pretoria on the 15th day of March 2021.

Signed
JENNINGS

JENNINGS INCORPORATED

Applicant's attorneys

149 Anderson Street

Brooklyn

Pretoria

Tel: 012 110 4442

Email: andri@jinc.co.za

Ref: A JENNINGS/OUT011

TO : THE REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA,
GAUTENG DIVISION, PRETORIA

AND TO : ROAD TRAFFIC INFRINGEMENT AGENCY

First Respondent

Waterfall Edge B

Howick Close

Waterfall Office Park

Bekker Road

Midrand

AND TO : **MNCEDISI BILIKWANA**

Second Respondent

Waterfall Edge B

Howick Close

Waterfall Office Park

Bekker Road

Midrand

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO:

In the matter between:

ORGANISATION UNDOING TAX ABUSE NPC

APPLICANT

And

ROAD TRAFFIC INFRINGEMENT AGENCY

FIRST RESPONDENT

MNCEDISI BILIKWANA N.O.

(in his capacity as Information Officer of RTIA)

SECOND RESPONDENT

FOUNDING AFFIDAVIT

I,

STEFANIE FICK

Hereby make the following statements under oath:

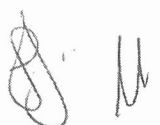
- 1 I am the Executive Director of the Applicant's Accountability Division and am duly authorised to bring this application on behalf of the Applicant. In this regard, I attach as **ANNEXURE "SF1"**, a resolution authorising the institution of these proceedings.
- 2 The facts contained herein are unless the contrary appears from the context, within my personal knowledge and are true and correct.



- 3 Where necessary, I will refer to the relevant individuals who will support me in deposing to this affidavit, also in respect of the merits of this application, with which I will deal more fully hereunder.
- 4 To the extent that I rely on facts, statements, documents, and/or reports made by third parties, I do so based on the belief that same is true and correct. To the extent necessary, I annex copies or extracts of those documents to this affidavit.
- 5 Where I make legal submissions, I do so based on the advice of the Applicant's legal representatives, which advice I choose to accept.

PARTIES

- 6 The applicant is the Organisation Undoing Tax Abuse, (hereafter "OUTA"), a non-profit company, duly incorporated in terms of the law of the Republic of South Africa, with its registered address at Unit 4, Boskruin Village Office Park, Cnr President Fouché and Hawken Road, Bromhof, Gauteng.
- 7 The first respondent is the Road Traffic Infringement Agency, (hereafter "RTIA"), a juristic person established in terms of the Administrative Adjudication of Road Traffic Offences Act, 1998, (hereafter "AARTO"), with its principal place of administration alternatively its principal place of business situated at Waterfall Edge B, Howick Close, Waterfall Office Park, Bekker Road, Midrand, Gauteng Province.

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- 8 RTIA is a public body as defined in section 1 of Promotion of Access to Information Act, 2000, (hereafter "PAIA"), on the basis that it exercises a public power or performs a public function in terms of, *inter alia*, AARTO.
- 9 The second respondent is Mncedisi Bilikwana, (hereafter "Mr. Bilikwana"), an adult male who is cited in his official capacity as the acting Registrar and thus Information Officer of RTIA, with his place of employment situated at Waterfall Edge B, Howick Close, Waterfall Office Park, Bekker Road, Midrand, Gauteng Province and whose full and further particulars are unknown to OUTA. Mr. Bilikwana is cited herein for any legal interest he may have as the Information Officer of RTIA.
- 10 On the 8th February 2016 in the *Government Gazette* with no. 39665 the Department of Transport published a manual in terms of the Promotion of Information to Access Act, 2000 in which it is indicated at paragraph 5 thereof that in the event of information being sought from the RTIA the relevant person to request such information from would be the Registrar or Chief Executive Officer of the RTIA. A copy of the government gazette will be made available at the hearing of this application.

THE NATURE OF THIS APPLICATION AND THE RELIEF SOUGHT

- 11 This is an application brought in terms of section 78(2) (c) read with section 82 of PAIA. In this application OUTA seeks the following relief:

- 11.1 An order setting aside the RTIA's refusal to grant OUTA access to the information requested;



- 11.2 Directing RTIA to supply OUTA with a copy of the records requested in OUTA's request for access to information dated 13th August 2020 within fifteen (15) days of service of the court order.

JURISDICTION

- 12 I am advised that this court has jurisdiction to hear this application by virtue of the definition of "court" in section 1 of PAIA which provides that 'court' includes the High Court within whose area of jurisdiction the decision of the information officer has been taken, or the public body concerned has its principal place of administration or business or the requester concerned is domiciled or ordinarily resident.

STRUCTURE OF THE AFFIDAVIT

- 13 The structure of this affidavit is as follows:

- 13.1 An overview and objectives of OUTA;
- 13.2 The refusal by RTIA to grant access to the records;
- 13.3 The applicability or otherwise of internal appeal proceedings;
- 13.4 The refusal based on section 36 of PAIA in relation to items 1.1, 2.1 – 2.1.5 and 3.1;
- 13.5 The applicability of section 47 of PAIA;
- 13.6 The refusal in relation to item 3.2;

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13.7 The refusal based on section 42(3)(a) of PAIA in relation to items 3.3, 3.5 and 3.6;

13.8 The refusal based on section 34 of PAIA in relation item 3.4;

13.9 The applicability of section 46 of PAIA;

13.10 Conclusion.

OVERVIEW AND OBJECTIVES OF APPLICANT

14 OUTA is a civil action organisation (civil society) which through its various methodologies aims to hold the government to account by challenging the abuse of authority, challenging irrational policy and legislation as well as engaging with the community and authorities in resolving issues about administration and service delivery within all spheres of government.

COMPLIANCE WITH SECTION 78(1), 78(2)(a) OF PAIA

15 On the 17th August 2020 and by means of e-mail, OUTA submitted its Request for Access to Information in terms of section 18(1) of PAIA ("the request") dated 13th August 2020. I annex hereto copies of the covering letter, the request and the e-mail by means of which the request was sent marked "SF2", "SF3" and "SF4" respectively.

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- 16 The particulars of the records requested are contained in the annexure attached to "SF3" and marked "ANNEXURE X" therein.
- 17 In terms of section 25(1)(a) of PAIA the Information Officer of RTIA was required to decide on the request within 30 days after having received the request.
- 18 At that time Mr. Japh R. Chuwe, (hereafter "Mr. Chuwe"), was the Registrar and Chief Executive Officer and thus Information officer of the RTIA. Mr. Chuwe has been suspended during February 2021.
- 19 On the 30th September 2020 OUTA, represented by Brendan Slade, gave written consent in terms of section 26(1)(e) of PAIA to RTIA for the extension of the period referred to in section 25(1)(a) of PAIA. In this regard I annex hereto a copy of the e-mail as well as the letter embodying the written consent marked "SF5" and "SF6" respectively.
- 20 On the 6th October 2020, Mr. Chuwe decided on the request, (hereafter "the refusal"). A copy of the refusal is annexed hereto marked "SF7".

INTERNAL APPEAL PROCEEDINGS

- 21 The rules made in terms of section 79 of PAIA, ("the PAIA rules"), more particularly Rule 3 (2) of the PAIA rules requires that an affidavit in support of an application in terms of section 82 of PAIA should state whether the Internal Appeal procedures contemplated in section 74 of PAIA are applicable.

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- 22 In the paragraphs below I set out the basis upon which OUTA contends that the Internal Appeal procedures are not applicable.

INTERNAL APPEAL PROCEDURES ARE NOT APPLICABLE

- 23 Section 78 of PAIA makes it clear that a requester referred to in section 74 of PAIA is bound to exhaust the internal appeal procedure provided for in section 74 of PAIA before approaching court on application in terms of section 82. The material portion of section 78(1) of PAIA provides as follows:-

"(1) A requester...referred to in section 74 may only apply to court ... for relief in terms of section 82 after that requester ... has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74."

- 24 Section 74(1)(a) of PAIA is not applicable to all requesters. Upon proper construction of section 74(1)(a) of PAIA it is clear that the 'public body' referred to in section 74(1)(a) of PAIA is a 'public body' as defined in paragraph (a) of the definition 'public body'. Paragraph (a) of 'public body' is defined as follows:-

"(a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government;

- 25 A 'public body' as contemplated in paragraph (b) of the definition is reproduced below:-

" 'public body' means-



...

(b) any other functionary or institution when-

...

(ii) exercising a public power or performing a public function in terms of any legislation.

26 RTIA is a juristic person established in terms of AARTO and it exercises public powers or performs a public function in terms of, *inter alia*, AARTO.


27 Accordingly, I submit that SANRAL is a 'public body' as contemplated in paragraph (b) of the definition of 'public body' and, as a result, not obligated to exhaust any internal appeal procedure as provided for in section 74 of PAIA.

GROUND FOR REFUSAL

28 As the Court would note from the request there are numerous records to which access is requested by OUTA.

29 Access to the records is refused by Mr. Chuwe on different grounds.

30 The different grounds upon which the refusal is based are the same in respect of some the records to which access is requested.

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- 31 As a result, and to facilitate easy reading, these different grounds for refusal are addressed with reference to the records to which they relate under appropriately described headings.

THE REFUSAL BASED ON SECTION 36(1)(b) OF PAIA

- 32 OUTA requested, amongst others, the following items listed under paragraphs 1.1, 2.1 – 2.1.5 and 3.1 in annexure **X** to **SF3**:-

32.1 Copies of all documents pertaining to the methodologies and/or guidelines utilised, to determine the criteria for Readiness Assessments of Issuing authorities for the national roll-out of AARTO, (hereafter "item 1.1");

32.2 In respect of a letter addressed to OUTA dated 8th May 2020 – Copies of all reports and/or findings made following Readiness Assessments, conducted during the 2019/2020 Financial Year in respect of the following issuing authorities: (i) The Maluti-A-Phofung Local Municipality; (ii) JB Marks Local Municipality; (iii) Laingsburg Local Municipality; (iv) Bela-Bela Local Municipality; and (v) Steve Tshwete Local Municipality, (hereafter "item 2.1.1 – 2.1.5");

32.3 In respect of RTIA's strategic plan 2015-2020 – a Copy of all documents relating to the confirmations and descriptions of all alternative payment platforms, which will be implemented by the RTIA to maximise collection and to encourage payment, (hereafter "item 3.1"); a

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33 In respect of items 1.1, 2.1.1 – 2.1.5. the RTIA refused OUTA's request and relied upon section 36(1)(b) of PAIA. In this regard Mr. Chuwe advanced the following reasons for the refusal:-

33.1 The information is confidential between the RTIA and the organisations from whom it was sourced;

33.2 Some of the information relate to the assessment of National Key Point, in other words, eNaTIS and NCR; and,

33.3 He has an obligation to protect the information in terms of PAIA, citing section 36(1)(b) of PAIA.

34 While relying on section 36(1)(b) of PAIA for the refusal in respect of item 3.1, Mr. Chuwe advanced the following reasons for the refusal:-

34.1 RTIA admits that part of the information sought has already been disclosed in the strategic plan document and is already a public document.

34.2 The RTIA is unable to provide the related copies which are requested as such documents inevitably contain secret trade information related to payment platforms of third parties and divulging such would render the RTIA in breach of agreements and contracts.

THE RELIANCE ON SECTION 36(1)(b) OF PAIA IS MISPLACED:

Items 1.1 and items 2.1.1 – 2.1.5

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- 35 The reason furnished by Mr. Chuwe in respect of items 1.1 and item 2.1.1. – 2.1.5. is that the information is confidential between the RTIA and the party from whom it was sourced.
- 36 OUTA contends that the provisions of section 36(1)(b) of PAIA does not prohibit the disclosure of information simply on the basis that the information to which access is requested is confidential.
- 37 Section 36(1)(b) of PAIA is concerned with the refusal of disclosure where the disclosure of financial, commercial or scientific or technical information, other than trade secrets, of a third party would be likely to cause harm to the financial or commercial interest of that third party.
- 38 In respect of these items, in the reasons for the refusal, the I.O. does not indicate whether the information is financial, commercial or scientific or technical information and, more importantly, Mr. Chuwe gives no reasons for arriving at the conclusion that disclosure of the information would be likely to cause harm to the financial or commercial interest of the third party concerned.
- 39 Accordingly, RTIA's reliance on the provisions of section 36(1)(b) of PAIA in support of its refusal concerning items 1.1 and item 2.1.1. – 2.1.5. is misplaced and the refusal is liable to be set aside.

Item 3.1

- 40 One of the reasons furnished by Mr. Chuwe for the refusal in respect of Item 3.1. is

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that some of the documents requested is already a public record.

- 41 On the assumption that the provisions of section 36(1)(b) of PAIA relied upon by the Mr. Chuwe find application, section 36(2)(a) of PAIA makes it plain that a record referred to in section 36(1) of PAIA may not be refused insofar as it consists of information which is already publicly available.
- 42 Another reason furnished for refusal in respect of item 3.1. is that the requested documents contain secret trade information related to payment platforms of third parties.
- 43 Section 36(1)(b) of PAIA is concerned with the refusal of disclosure where the disclosure of financial, commercial or scientific or technical information, other than trade secrets, of a third party would be likely to cause harm to the financial or commercial interest of that third party.
- 44 In respect of these items, in the reasons for the refusal, Mr. Chuwe gives no reasons for arriving at the conclusion that disclosure of the information would be likely to cause harm to the financial or commercial interest of the third party concerned.
- 45 Accordingly, the reliance on the provisions of section 36(1)(b) of PAIA in support of its refusal concerning item 3.1 is misplaced and the refusal is liable to be set aside.

APPLICABILITY OF SECTION 47 OF PAIA

- 46 It is quite clear from the refusal that in considering OUTA's request, Mr. Chuwe was

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of the view that the record requested might be a record contemplated in section 36(1) of PAIA.

47 Any conclusion reached by an I.O. that a record requested might be a record contemplated in section 34(1), 35(1), 36(1), 37(1) or 43(1) of PAIA triggers the applicability of the provisions of section 47 of PAIA.

48 Section 47 of PAIA contemplates that the I.O., in respect of requests for access to records that might be a record contemplated in section 34(1), 35(1), 36(1), 37(1) or 43(1) of PAIA, take all reasonable steps to inform the third party to whom or which the record relates of the request.

49 Where the provisions of section 47 of PAIA are applicable, the decision of the I.O. to refuse or to grant can only be made in terms of section 49(1) or section 49(2) of PAIA.

50 An I.O. may only make a decision in terms of section 49(2) of PAIA where:-

50.1 All reasonable steps were taken to notify a third party; and

50.2 Despite such steps, the third party was not informed; and

50.3 The third party did not make representations in terms of section 48 of PAIA.

51 Only upon compliance with all three requirements will an I.O. be entitled to act in terms of section 49(2) of PAIA.

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NON-COMPLIANCE WITH SECTION 49 OF PAIA:

Items 2.1 – 2.1.5

- 52 The I.O. of the RTIA has the burden of establishing that the refusal complies with the provisions of PAIA, which includes compliance with section 49(1) of PAIA.
- 53 OUTA contends further that absent evidence from RTIA that Mr. Chuwe took all reasonable steps to notify the third party; and that despite such steps the third party concerned was not informed and that the latter did not make representations in terms of section 48 of PAIA, that the decision made by Mr. Chuwe falls to be set aside.
- 54 OUTA contends that even if the I.O. of RTIA were to contend that the refusal was made in terms of section 49(2) of PAIA, the refusal and the reasons given for the refusal, in this instance, does not fall within the grounds recognised by PAIA as grounds upon which access can be refused.

Item 3.1

- 55 Amongst the reasons given for the refusal of access to information in item 3.1, is that the RTIA would be in breach of agreements and contracts if it were to divulge the information requested.
- 56 The most probable inference which can be drawn from that reason is that it is the agreements or contracts itself to which reference is made by the RTIA which

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prohibits the disclosure.

57 It is apparent from the refusal that in considering OUTA's request, Mr. Chuwe was of the view that the record requested in item 3.1 might be a record contemplated in section 36(1) of PAIA.

58 OUTA contends that in the absence of evidence from RTIA that Mr. Chuwe took all reasonable steps to notify the third party; and that despite such steps the third party concerned was not informed and that the latter did not make representations in terms of section 48 of PAIA, that any decision made by Mr. Chuwe of RTIA falls to be set aside.

REQUEST FOR ACCESS AND REASONS FOR REFUSAL

Item 3.2

59 OUTA requested the following items listed under paragraph 3.2 in annexure X to SF3:-

59.1 Copies of all documents relating to the confirmation of the establishment and description of the in-house Debt Collection Unit, (hereafter "item 3.2");

60 In respect of item 3.2. Mr. Chuwe refused OUTA's request and advanced the following reasons for the refusal:-

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60.1 Any processes determined by the RTIA for collection of outstanding revenue is confidential and falls within the scope of its own unique trade secrets pursuant to its strategic direction and such is not divulged to third parties;

61 Mr. Chuwe did not state the provisions of PAIA relied upon for refusal.

THE REFUSAL IS UNRELATED TO ITEM REQUESTED:

Item 3.2

62 OUTA, in this regard submits that its request does not relate to any process determined by RTIA for the collection of outstanding revenue nor does it relate to any process to be followed by the In-house debt collection unit.

63 OUTA's request specifically relates to documents in which the establishment of the in-house debt collection unit is confirmed and documents which relate to the description of the In-house Debt Collection Unit. OUTA, in its request, specifically referred to clause 7.1.2.3 of RTIA's strategic plan document which states, inter alia, that: "the Debt collection Unit will be capacitated as and when AARTO is rolling out nationally. Specialist debtor clerks and data analysts will be appointed..."

64 The reasons advanced for the refusal simply do not relate to the documents to which access had been requested.

65 In the premise, OUTA submits that access to the records requested has not been refused on any grounds listed in Chapter 4 of PAIA.

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66 In the event that the Court finds that the refusal is based on grounds listed in Chapter 4 of PAIA, then and in that event OUTA submits the reasons advanced still do not justify refusal for the reasons set out below.

67 Although the words or phrase 'trade secret' is not defined in PAIA it has been judicially interpreted.

68 Information can qualify as a 'trade secret' when the following three requirements are met:-

68.1 The information must not only relate to, but must be capable of application in trade or industry, in other words it must be useful, ("the 1st requirement");

68.2 The information must not be public knowledge or public property, ("the 2nd requirement"); and,

68.3 The information must be of economic value to the person who seeks its protection, ("the 3rd requirement").

69 The RTIA is a statutorily established juristic person.

70 The objects and functions of the RTIA is set out in section 4 of AARTO.

71 The performance by RTIA of the functions in section 4 of AARTO does not mean that RTIA carries on a trade and neither does it mean that RTIA carries on a business.

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72 The RTIA, by law, is the only entity permitted to perform these functions unless the RTIA appoints agents or contracts with persons to perform the functions vested in it in terms of AARTO or any other law.

73 Consequently, OUTA contends that the RTIA cannot have any competitors as far as its objects and functions in terms of AARTO are concerned.

74 In the premise, OUTA contends that when the above is applied to the requirements for information qualifying as 'trade secrets' it is apparent that:-

74.1 The information to which access is requested is incapable of application in trade or industry; and

74.2 It is not useful for a trade rival and therefore does not have any economic value.

75 In the premise, the information requested does not qualify as 'trade secrets' and refusal of access on the grounds that the information constitutes 'trade secrets' cannot be justified.

76 In terms of section 11 of PAIA OUTA is entitled to the documents requested and RTIA's refusal stands to be set aside.

THE REFUSAL BASED ON SECTION 42(3)(a) OF PAIA

Items 3.3., 3.5 and 3.6

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77 OUTA requested the following items in its request for access to information listed under paragraphs 3.3., 3.5. and 3.6 in annexure X to **SF3**:-

77.1 Copy of all documents relating to well researched Traffic Rehabilitation School models, adopted to mitigate non-compliance of road traffic laws, (hereafter "Item 3.3.");

77.2 Copies of all documents relating to stakeholder models/strategies developed, for the mitigation of behavioural changes by road users, (hereafter "item 3.5");

77.3 Copy of the documents relating to the details and description of all implemented systems, to be utilised to increase access to the AARTO information management process (hereafter "item 3.6.");

78 The identical reason advanced by Mr. Chuwe for the refusal in respect of items 3.3, 3.5 and 3.6 is that:-

78.1 The information is of an intellectual property and trade secret nature, (the reason for refusal of items 3.3, 3.5 and 3.6").

79 In support of its reason for refusal of items 3.3, 3.5 and 3.6, Mr. Chuwe relied on section 42(3)(a) of PAIA the relevant portion of which provides that the I.O. of a public body may refuse a request for access to a record of a public body.



MISPLACED RELIANCE ON SECTION 42(3)(a) OF PAIA

Items 3.3, 3.5. and 3.6

- 80 The reliance on section 42(3)(a) of PAIA for justification of the reason for the refusal is misplaced for the reasons set out below.
- 81 Although the words or phrase 'trade secret' is not defined in PAIA it has been judicially interpreted.
- 82 Information can qualify as a 'trade secret' when the following three requirements are met:-
- 82.1 The information must not only relate to, but must be capable of application in trade or industry, in other words it must be useful, ("the 1st requirement");
- 82.2 The information must not be public knowledge or public property, ("the 2nd requirement"); and,
- 82.3 The information must be of economic value to the person who seeks its protection, ("the 3rd requirement").
- 83 The RTIA is a statutorily established juristic person.
- 84 The objects and functions of the RTIA is set out in section 4 of AARTO.
- 85 The performance by RTIA of the functions in section 4 of AARTO does not mean



that RTIA carries on a trade and neither does it mean that RTIA carries on a business.

86 The RTIA, by law, is the only entity permitted to perform these functions unless the RTIA appoints agents or contracts with persons to perform the functions vested in it in terms of AARTO or any other law.

87 Consequently, OUTA contends that the RTIA cannot have any competitors as far as its objects and functions in terms of AARTO are concerned.

88 In the premise, OUTA contends that when the above is applied to the requirements for information qualifying as 'trade secrets' it is apparent that:-

88.1 The information to which access is requested is incapable of application in trade or industry, it is not useful; and

88.2 It is not useful for a trade rival and therefore does not have any economic value.

89 In the premise, the information does not qualify as 'trade secrets' and Mr. Chuwe's reliance on section 42(3)(a) of PAIA is misplaced.

REFUSAL BASED ON SECTION 34 OF PAIA

Item 3.4

90 OUTA requested the following items in its request for access to information listed

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under paragraphs 3.4. in annexure X to **SF3**:-

- 90.1 Copies of the documents relating to the detail and description of all training and awareness programmes conducted by RTIA in relation to the national roll-out of the AARTO process, (hereafter "item 3.4.").
- 91 There is more than one reason advanced by Mr. Chuwe for the refusal in respect of item 3.4, namely:-
- 91.1 Part of this information is fully described in the Agency's report and can be gleaned from there, ("the 1st reason");
- 91.2 One must note that the training and awareness activities are legislated functions and are thus not exclusively geared at AARTO roll-out, ("the 2nd reason").
- 91.3 The training reports and other related documents pertains to the names of people who would have attended such trainings and thus of a confidential nature because those attendees have not given the Agency authority to divulge their names to third parties, ("the 3rd reason").
- 92 In support of the refusal of item 3.4. Mr. Chuwe cited section 34(1) of PAIA which provides that the I.O. of a public body must refuse a request for access to a record of a public body if its disclosure would involve unreasonable disclosure of personal information about a third party.

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MISPLACED RELIANCE ON SECTION 34(1) OF PAIA

- 93 Should the Court accept that section 34(1) of PAIA finds application to item 3.4, then and in that event, reliance on section 34(1) of PAIA is misplaced in respect of the 1st reason on the basis that section 34(2)(c) of PAIA states that a record referred to in section 34(1) of PAIA may not be refused insofar as it consists of information which is already publicly available.
- 94 Concerning the 2nd reason, OUTA contends that the fact that the training and awareness activities are not exclusively geared at AARTO roll-out does not mean that it is not geared at the AARTO roll-out.
- 95 Accordingly, OUTA contends that the 2nd reason advanced for the refusal is not adequate and no provision in PAIA can justify the refusal based on the reason which has been advanced.
- 96 OUTA contends that the section relied on for refusal can only relate to the third reason which had been advanced for the refusal of item 3.4., namely that the remainder of the reports contain the names of individuals who have not consented to their names being disclosed to third parties.
- 97 OUTA contends that Mr. Chuwe was obliged to act in terms of section 28 of PAIA in that the names of these individuals can reasonably be severed from the documents requested.
- 98 OUTA contends that the failure to act in accordance with section 28 of PAIA renders



the refusal of the records in this instance unjustifiable.

PUBLIC INTEREST REQUIRES DISCLOSURE OF DOCUMENTS

99 Mr. Chuwe predominantly based his refusal on sections 34, 36 and 42 of PAIA. Should the Court find that these sections are properly invoked then and in that event OUTA submits that section 46 of PAIA finds application.

100 Section 46 (1)(a) and 46(1)(b) of PAIA provides that where the disclosure would reveal evidence of a substantial contravention of, or failure to comply with the law and the public interest in the disclosure clearly outweighs the harm contemplated in the provision in question the information officer must grant access to the records requested.

101 In this regard OUTA submits, for the reasons set out below, that the past conduct of officials of RTIA makes it plain that the RTIA's *ipse dixit* concerning compliance with the law simply cannot suffice.

102 On 19th July 2016 Mr. Chuwe on behalf of RTIA sought approval from SANRAL to utilise the services of SANRAL's service providers. A copy of the letter is annexed hereto marked annexure "SF8"

103 On the 16th August 2016 and by means of letter SANRAL gave RTIA the permission sought. A copy of the letter is annexed hereto marked annexure "SF9".

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- 104 On 23rd August 2016 and 11th October 2016 SANRAL informed the Blueprint Group and Media Mix respectively that SANRAL had had given consent to, inter alia, the RTIA to make use of their services. Copies of these letters are marked "**SF10**" and "**SF11**" respectively.
- 105 The Court would note from these letters that the appointment of Blueprint and Media Mix are stated to be in terms of section 32 of Municipal SCM regulations.
- 106 OUTA submits that both the RTIA and SANRAL are under schedule 3A of the Public Finance Management Act, 1999 (hereafter "the PFMA"). Consequently, these appointments contravene the PFMA as well as the National Treasury Regulations.
- 107 As recently as February 2021, the Auditor – General issued a report in which findings of maladministration was made involving the RTIA.
- 108 Mr. Chuwe has been suspended as a result thereof.
- 109 In the present instance Mr. Chuwe, acting on behalf of RTIA, has frustrated every attempt of OUTA to the information sought on grounds which are not sustainable and on occasion itself in breach of the provisions of PAIA itself.
- 110 OUTA submits that based on the conduct of officials at RTIA in the past and the most recent findings of maladministration by the Auditor – General that it is likely that the legality of the processes, which includes the procurement process, followed by the RTIA in anticipation of the national roll-out for the AARTO amendment act is

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in all probability similarly flawed in that there is either contravention of or non-compliance with the law.

111 Consequently, OUTA submits that it is likely that disclosure of the documents to which access is requested would reveal evidence of non-compliance with the law.

112 The records requested relate to the national roll-out of the AARTO Amendment Act and concern the readiness of the RTIA.

113 OUTA submits that the public interest in the disclosure of these records clearly outweigh the harm contemplated in the provisions in question.

CONCLUSION


114 For all the reasons set out in this affidavit, I submit that:

114.1 The RTIA has failed to give effect to its constitutional obligations under PAIA;
and

114.2 The RTIA's refusal stands to be set aside.


115 In the circumstances, I ask the Honourable Court for an order in terms of the notice of motion.

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DEPONENT

The Deponent has acknowledged to me that she knows and understands the contents of this affidavit, that she does not have any objection to taking the oath, and that she considers it to be binding on her conscience, and which affidavit was signed and sworn to or before me at **Johannesburg** on this 15th day of March 2021, the regulations contained in Government Gazette Notice No. R1258 of July 1972 as amended by Regulation No. 1648 dated 19 August 1977, by GN R1428 of July 1980 and by GN R774 of 23 April 1982, having been complied with.



COMMISSIONER OF OATHS

Full names: HEANA FICK

Designation and area: PRACTISING ADVOCATE OF THE HIGH COURT (M103751)

Street address: THE PROTEA GROUP
THE CHAMBERS
3RD FLOOR,
3 PROTEA PLACE
SANDOWN

"CF."

RESOLUTION No 2021/018

Of the Executive Committee

The Executive Committee of the Organisation Undoing Tax Abuse ("OUTA") has discussed and resolved that:

- Stefanie Fick in her capacity as the Executive Director of the Accountability Division of OUTA is hereby authorized to institute legal proceedings against the Road Traffic Infringement Agency ("the RTIA") on behalf of OUTA; and
- The scope of such authorisation includes, but is not limited to, the deposing to any affidavit so required by the relevant rules of court applicable to such legal proceedings.

Approved by the Executive Committee on this 1st day of March 2021.



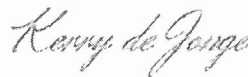
Wayne Duvenage



Stefanie Fick



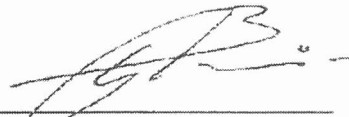
Julius Kleynhans



Kerry de Jonge

Samantha van Nispen

Samantha Van Nispen



Grieg Morrison



"√E₂"

13 August 2020

Attention: The Registrar: Mr Japh Chuwe
Road Traffic Infringement Agency
Waterfall Edge B
Howick Close
Waterfall Office Park
Bekker Street
Midrand
Email: info@rtia.co.za

Dear Sir/Madam,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A
OUR REF: TR2005-022**

1. We refer to the above.
2. The Organisation Undoing Tax Abuse (OUTA) is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation. OUTA was established to challenge the abuse of authority, in particular the abuse of taxpayers' money.
3. Kindly find attached hereto our request for access to information in terms of section 18(1) of the PAIA.
4. Kindly note that we tender any cost occasioned by our request.
5. Kindly contact our Mr Brendan Slade at brendan.slade@outa.co.za in the event of any queries.
6. We trust that you find the above in order and look forward to receiving your response.
7. Kindly acknowledge receipt of this letter.

ORGANISATION UNDOING TAX ABUSE NPC

Reg No.: 2012/064213/08

Directors: W Duvenage (CEO), Adv. S Fick

Non-Executive Directors: F Adam (Chair), P Majazi, W Modisapodi, LP Pauwen, T Pillay Van Graan, Dr H Volmink

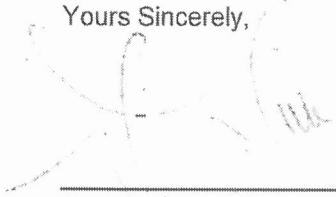
Address: O'Keeffe & Swartz Building, 318 Oak Avenue, Randburg, Gauteng

Contacts: 087 170 0639 • info@outa.co.za • www.outa.co.za



OUTA

Yours Sincerely,



Stefanie Fick
Head of the Accountability Division
OUTA – Organisation Undoing Tax Abuse
Email: stefanie.fick@outa.co.za



"SF3"



J750

REPUBLIC OF SOUTH AFRICA

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by (state rank,
name and surname of information officer/deputy information officer) on (date)
at (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

.....
SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer

The Registrar: Mr Japh Chuwe
Road Traffic Infringement Agency
Waterfall Edge B
Howick Close
Waterfall Office Park
Bekker Street
Midrand

h

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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: STEFANIE FICK

Identity number:

7	4	0	1	1	9	0	0	1	4	0	8	7
---	---	---	---	---	---	---	---	---	---	---	---	---

Postal address:

N/A

Telephone number:

(087) 170 0639

Fax number:

() N/A

E-mail address:

stefanie.fick@outa.co.za

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

EXECUTIVE DIRECTOR OF THE ACCOUNTABILITY DIVISION - THE ORGANISATION UNDOING TAX ABUSE

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:

N/A

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:

SEE ATTACHED ANNEXURE "OUTA_A"

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

2. Reference number, if available: N/A

3. Any further particulars of record:

SEE ATTACHED ANNEXURE "OUTA_A"

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:

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: N/A	Form in which record is required: ELECTRONIC
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:					
X	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	X	copy of the images*		transcription of the images*

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

3. If record consists of recorded words or information which can be reproduced in sound:					
listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)			
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*	X	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? Postage is payable.			YES	X	NO
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.					
In which language would you prefer the record? ENGLISH					

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?

EMAIL

Signed at ROODEPOORT this day 13TH of AUGUST year 2020

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

"X"

RECORDS REQUESTED:

1. GENERAL

- 1.1. Copies of all documents pertaining to the methodologies and/or guidelines utilised, to determine the criteria for Readiness Assessments of Issuing Authorities' for the National roll-out of AARTO;
- 1.2. All public engagement questions submitted by the public and interested parties, as well as the responses thereto, in relation to the public participation process on the AARTO Amendment Bill.

2. AS PER A LETTER ADDRESSED TO OUTA DATED 8 MAY 2020

- 2.1. Copies of all reports and/or findings made following Readiness Assessments, conducted during the 2019/2020 Financial Year on the following Issuing Authorities:
 - 2.1.1. The Maluti-A-Phofung Local Municipality;
 - 2.1.2. JB Marks Local Municipality;
 - 2.1.3. Laingsburg Local Municipality;
 - 2.1.4. Bela-Bela Local Municipality; and
 - 2.1.5. Steve Tshwete Local Municipality.

3. AS PER THE RTIA'S STRATEGIC PLAN 2015 - 2020

- 3.1. Copy of all documents relating to the confirmations and descriptions of all alternative payment platforms, which will be implemented by the RTIA to maximise collection and to encourage payment;¹
- 3.2. Copy of all documents relating to the confirmations of the establishment and description of the in-house Debt Collection Unit;²
- 3.3. Copy of all documents relating to well researched Traffic Rehabilitation School models, adopted to mitigate non-compliance of road traffic laws;³
- 3.4. Copies of the documents relating to the detail and description of all training and awareness programmes, conducted by the RTIA in relation to the National roll-out of the AARTO process⁴
- 3.5. Copies of all documents relating to stakeholder models / strategies developed, for the mitigation of behavioural changes by road users;⁵ and
- 3.6. Copy of the documents, relating to the details and description of all implemented systems, to be utilised to increase access to the AARTO information management processes.⁶

¹ See clause 7.1.2.2.

² See clause 7.1.2.3.

³ See clause 7.3.1.

⁴ Ibid.

⁵ See clause 7.3.3.

⁶ See clause 7.3.4.

"SF4"

Andri Jennings

From: Chantal Coverdale <stefanie.fick@outa.co.za>
Sent: 17 August 2020 04:30 PM
To: info@rtia.co.za; Ayanda.Ntamane@rtia.co.za
Cc: Stefanie Fick; Brendan
Subject: OUTA REQUEST FOR ACCESS TO INFORMATION ITO SECTION 18(1) OF PAIA
Attachments: ANNEXURE OUTA_A.pdf; COMPLETED_FORM A_REQUEST.pdf; COVER LETTER_13 AUGUST 2020.pdf

Good day Mr. Chauke

1. We refer to the above and attach hereto the Organisation Undoing Tax Abuse's request for access to information for your attention and due consideration.
2. Kindly acknowledge receipt hereof.
3. We trust that you find the above in order.

Kind regards



Chantal Coverdale on behalf of Stefanie Fick
Personal Assistant to The Executive Director of the Accountability Division
Email: chantal.coverdale@outa.co.za
Tel: 087 170 0639
Web: www.outa.co.za

[Handwritten signature]

"SF5"

Andri Jennings

From: Brendan Slade <brendan.slade@outa.co.za>
Sent: 30 September 2020 12:23 PM
To: Ayanda.Ntamane@rtia.co.za; info@rtia.co.za
Cc: 'stefanie.fick'
Subject: OUTA REQUEST FOR ACCESS TO INFORMATION IN TERMS OF PAIA
Attachments: 29-09-2020 LETTER to RTIA.pdf

Good day,

1. We refer to the above and attach hereto a letter for your attention.

Kind Regards,



Brendan Slade
Legal Project Manager
Email: brendan.slade@outa.co.za
Tel: 087 170 0639
Mobile: +27 83 298 7520
Web: www.outa.co.za

[Handwritten signature]

"JF6"

30 September 2020

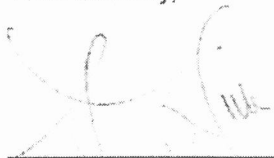
Attention: The Registrar: Mr Japh Chuwe
Road Traffic Infringement Agency
Waterfall Edge B
Howick Close
Waterfall Office Park
Bekker Street
Midrand
C/O: Ayanda.Ntamane@rtia.co.za

Dear Sir/Madam,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 ("PAIA") – FORM A
OUR REF: TR2005-022**

1. We refer to the above and more specifically our request for access to information in terms of PAIA, submitted on 17 August 2020.
2. We kindly request that you provide us with a formal response, alternatively a request for extension as contemplated in sections 25 and 26 of PAIA respectively by no later than 13 October 2020.
3. Should we not receive a response to our request by the date as stipulated above, your failure to do so will be construed as a refusal to our request as per section 27 of PAIA. In this regard, OUTA reserves its rights to approach the court for the appropriate relief.
4. Kindly contact our Mr Brendan Slade at brendan.slade@outa.co.za in the event of any queries.
5. We trust that you find the above in order and look forward to receiving your response.

Yours Sincerely,


Stefanie Fick
Executive Director of the Accountability Division
OUTA – Organisation Undoing Tax Abuse
Email: stefanie.fick@outa.co.za

ORGANISATION UNDOING TAX ABUSE NPC
Reg No.: 2012/064213/06

Directors: W Duvenage (CEO), Adv. S Fick

Non-Executive Directors: F Adam (Chair), P Majozi, W Modisapodi, LP Pauwen, T Pillay Van Graan, Dr H Volmink

Address: O'Keeffe & Swartz Building, 318 Oak Avenue, Randburg, Gauteng

Contacts: 087 170 0639 • info@outa.co.za • www.outa.co.za



"JF7"

Andri Jennings

From: Ayanda Ntamane <Ayanda.Ntamane@rtia.co.za>
Sent: 06 October 2020 05:53 PM
To: Brendan Slade; info
Cc: 'stefanie.fick'
Subject: RE: OUTA REQUEST FOR ACCESS TO INFORMATION IN TERMS OF PAIA
Attachments: Response to OUTA_ PAIA Request for Information_6 October 2020.pdf
Importance: High

Good day

I hope you are well.

Herewith kindly find attached the letter of response from the RTIA.

Should there be any queries please do let me know.

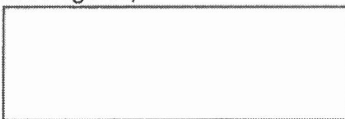
Kind regards
Ayanda

From: Brendan Slade [mailto:brendan.slade@outa.co.za]
Sent: Wednesday, 30 September 2020 12:23
To: Ayanda Ntamane <Ayanda.Ntamane@rtia.co.za>; info <info@rtia.co.za>
Cc: 'stefanie.fick' <stefanie.fick@outa.co.za>
Subject: OUTA REQUEST FOR ACCESS TO INFORMATION IN TERMS OF PAIA

Good day,

1. We refer to the above and attach hereto a letter for your attention.

Kind Regards,



Brendan Slade
Legal Project Manager
Email: brendan.slade@outa.co.za
Tel: 087 170 0639
Mobile: +27 83 298 7520
Web: www.outa.co.za

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Handwritten signature



Registration No. 2015/0000000

Waterfall Edge B, Howick Close, Waterfall Office Park, Bekker Road, Midrand : P O Box 6341, Halfway House, 1685
Tel: +27 87 285 0500 | Fax: 086 263 6504 | www.rtia.co.za

TO: Adv. Stefanie Fick
Executive Director: Accountability Division
Organisation Undoing Tax Abuse
O'Keefe & Swartz Building
318 Oak Avenue, Randburg
Gauteng
Per email: Stefanie.fick@outa.co.za

Ref : OUTA- PAIA Response Letter
Enq. : Adv. Mncedisi Bilikwana
Tel : +27 87 285 0493
Fax : +27 86 263 6504
Cell : +27 83 784 0052
e-mail : Mncedisi.Bilikwana@rtia.co.za

Dear Adv. Fick

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A

1. Your letter of the 13th August 2020 together with the related annexure as well as the completed Promotion of Access to Information Act (PAIA) form and whose contents have been noted refers.
2. I confirm that I am making the response to your letter in my capacity as the Information Officer seeing that I have not yet delegated that function to Deputy Information Officers in terms of the provisions of the PAIA Act.¹
3. The difficulty I have with your request is that it does not motivate the reasons why you are seeking to access the information which you highlighted in your annexure A or alternatively of what use will this information be to the activities of your organisation.
4. It is important for you to understand that as much as the PAIA Act² does provide you with the rights to access information which is in the custody of public bodies, you also have a corresponding obligation to disclose the reasons why you request such information or alternatively the rights which you seek to exercise or protect with such information.³
5. I will therefore in the ensuing paragraphs below, proceed to deal with such requested information, characterise it and provide an administrative ruling in terms of the relevant provisions of the PAIA Act.

¹ Section 17 of the PAIA Act 2 (Act No 2) of 2000

² PAIA ACT 2 (Act No 2) of 2000

³ Section 32 (1) of the Constitution of the Republic of South Africa 1996

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A

GENERAL INFORMATION

Nature of Request	RTIA Response	Administrative Ruling
Copies of all documents pertaining to the methodologies and/or guidelines utilised, to determine the criteria for Readiness Assessments of Issuing Authorities' for the National roll-out of AARTO;	The information is confidential between the RTIA and the organisations from whom it was sourced. Some of this information relate to the assessment of National Key Points i.e. eNaTIS and NCR. This information is also pertinent to the development of the Roll Out strategy of AARTO. I thus have an obligation to protect this information in terms of the PAIA legislation. ⁴	Information Access request declined.
All public engagement questions submitted by the public and interested parties, as well as the responses thereto, in relation to the public participation process on the AARTO Amendment Bill.	This information does not belong to RTIA. The Agency might have been a key actor during this process, which was embarked upon under the auspices of Parliament and the end product thereof belongs to Parliament. You are therefore directed to request such information from Parliament.	Agency unable to provide an administrative decision as the information request was misdirected to it.
AS PER LETTER ADDRESSED TO OUTA DATED 8 MAY 2020		
Copies of all reports and/or findings made following Readiness Assessments, conducted during the 2019/2020 Financial Year on the Municipalities listed from 2.1.1 to 2.1.5	The information is confidential between the RTIA and the organisations from whom it was sourced. Some of this information relate to the assessment of National key point i.e. eNaTIS and NCR. I have an obligation to protect this information in terms of the PAIA Act. ⁵	Information access request declined.
AS PER THE RTIA'S STRATEGIC PLAN 2015 – 2020		
NB: It is important to note that the Strategic Plan is a public document and is readily available on our website and as such the Agency is willing to provide the copies of such to your organisation.		
Copy of all documents relating to the confirmations and	Whilst the Agency does not deny the fact that part of this	Information access request declined.

⁴ Section 36 (1) (b) of the PAIA Act 2 (Act No 2) of 2000

⁵ Section 36 (1) (b) of the PAIA Act 2 (Act No 2) of 2000

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A

descriptions of all alternative payment platforms, which will be implemented by the RTIA to maximise collection and to encourage payment; ¹	<p>information has already been disclosed in the strategic plan document and which is already a public record, the Agency is unable to provide the related copies which are requested by your organisation as such documents inevitably contains secret trade information related to payment platforms of third parties and divulging such would render the Agency in breach of agreements and contracts.</p> <p>I therefore have an obligation to protect this information in terms of the PAIA Act.⁶</p>	
Copy of all documents relating to the confirmations of the establishment and description of the in-house Debt Collection Unit.	Any processes determined by the Agency for collection of outstanding revenue is confidential and falls within the scope of its own unique trade secrets pursuant to its strategic direction and such is not divulged to external parties.	Information access request declined.
Copy of all documents relating to well researched Traffic Rehabilitation School models, adopted to mitigate non-compliance of road traffic laws; ³	<p>This information lies at the centre of the Agency's operational strategy and is thus of an intellectual property and trade secret nature.</p> <p>I have an obligation to protect this information in terms of the relevant provisions of the PAIA Act.⁷</p>	Information access request declined.
Copies of the documents relating to the detail and description of all training and awareness programmes, conducted by the RTIA in relation to the National roll-out of the AARTO process ⁴	<p>Part of this information is fully described in the Agency's Annual Report and can be gleaned from there. One must note that the training and awareness activities are legislated functions of the Agency and are thus not exclusively geared at AARTO Roll Out.</p> <p>The training reports and other related documents pertains to the names of people who would have attended such trainings</p>	Information access request declined

⁶ Section 36 (1) (b) of the PAIA Act 2 (Act No 2) of 2000

⁷ Section 42 (3) (a) of the PAIA Act 2 (Act No 2) of 2000

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A

	<p>and thus of a confidential nature because such attendees have not given the Agency the authority to divulge their names to third parties.</p> <p>I have an obligation to protect this information in terms of the relevant provision of the PAIA Act.⁸</p>	
<p>Copies of all documents relating to stakeholder models / strategies developed, for the mitigation of behavioural changes by road users;⁵ and</p>	<p>This request pertains to confidential information which is of an intellectual property and trade secret nature.</p> <p>I have an obligation to protect such information in terms of the relevant provisions of the PAIA Act.⁹</p>	<p>Information access request declined.</p>
<p>Copy of the documents, relating to the details and description of all implemented systems, to be utilised to increase access to the AARTO information management processes.</p>	<p>This information is of an intellectual property and trade secret nature.¹⁰</p> <p>The majority of this information also resides in the National Key Point (National Contravention Register) in terms of our section 33 processes.¹¹</p>	<p>Information access request declined.</p>

Kind regards

2020/10/06
Mr JR Chumbe
Registrar

⁸ Section 34 (1) of the PAIA Act 2 (Act No 2) of 2000

⁹ Section 42 (3) (a) of the PAIA Act 2 (Act No 2) of 2000

¹⁰ Section 42 (3) (a) of the PAIA Act 2 (Act No 2) of 2000

¹¹ Section 33 of the AARTO Act 46 (Act No 46) of 1998



"SF8"

Waterfall Edge 3, Howick Close, Waterfall Office Park, Bekker Road, Midrand | P O Box 6341, Halfway House, 1685
Tel: +27 87 285 0500 | Fax: 086 263 6504 | www.rtia.co.za

Mr Nazir Ali
Chief Executive Officer
South African National Road Agency Limited
48 Tambotie Avenue
Val de Grace
PRETORIA
0184

Ref : Trans/MCA-B2016
Enq : Ms A Masina
Tel : +27 87 285 0498
Fax : +27 86 248 1309
e-mail: Ayanda.masina@rtia.co.za

Dear Mr Ali

**REQUEST FOR APPROVAL OF ROAD TRAFFIC INFRINGEMENT AGENCY TO PARTICIPATE IN
SANRAL MARKETING, ADVERTISING, EDUCATION AND COMMUNICATIONS BIDS**

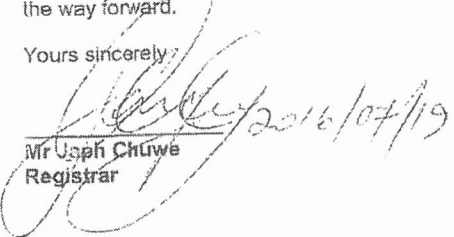
The RTIA being an Agency of the Department of Transport, places reliance on strategic partnerships amongst various stakeholders and in particular, sister agencies within the road traffic and transport space. To that extent, it is our strategic intent to leverage on these partnerships for the effective dispense of our mandate.

We have great need to undertake activities related to the marketing, education, advertising and communications to ensure that the road safety messages and the programmes of the RTIA are well known in the public space. I am therefore enquiring about your own bids that have been done in this space, with a view to request your approval for the RTIA to participate therein.

We are taking this stance pursuant to the National Treasury's strong emphasis and strategic inter of using transversal contracts by other government departments in order to leverage on the economies of scale benefits, especially since we are in exactly the same sector under transport.

Your urgent assistance would be dearly appreciated so that we can set up a meeting to determine the way forward.

Yours sincerely,


Mr Joseph Chiuwe
Registrar

Board of Directors: Ms NE Rapoo (Chairperson), Mr JR Chiuwe (Registrar), Mr BS Chaplog, Adv X Khanyile, Mr B Matlase,
Prof TJ Mokgoro, Dr HZ Qunip, Adv ML Bulewana (Company Secretary)





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Mr Reference:	#2611346	Fax Number:	+27 (0) 12 844 8200
Date:	16 August 2016	Direct Line:	+27 (0) 12 844 8045/33
Email:	sava@nra.co.za	Website:	www.nra.co.za

Mr J Chuwe
Registrar
RTIA
P O Box 6341
HALFWAY HOUSE
1685

Per email: japh.chuwe@rtia.co.za
Ayanda.masina@rtia.co.za

**USE OF CONTRACTORS APPOINTED BY SANRAL TO PROVIDE SERVICES TO
THE ROAD TRAFFIC INFRINGEMENT AGENCY IN TERMS OF SECTION 16A.6
OF THE NATIONAL TREASURY REGULATIONS**

Dear Mr. Chuwe

Thank you for your letter reference Trans/MCA-B2016 requesting our assistance with the activities listed in your letter.

We will gladly assist you in the areas where we can and where there is a qualified service provider who would meet your needs. We have the following services in place:

- Provision of Public Relations
- Provision of Advertising and Marketing Services
- Provision of Traditional and Community media buying
- Provision of Digital services including social media engagements
- Below the line and outreach services

Permission is granted to use the Service Providers under the same terms and conditions that apply to SANRAL, specifically that the Service Provider will charge the agreed rates with SANRAL. Also, the services are to be used for a limited period.

Board of Directors: Mr. R. Morar (Chairperson), N. Ali (CEO), C. Hlongwa, Ms. Z. Kwanaga, Dr. A. Lawless, Ms. D. Mashile-Nkomo, M. Mankie, Ms. A. Ndlovu
Company Secretary: Ms. A.A. Mathew

"SF9"

[Handwritten signature]

Since you are in the process of completing your procurement process for these service, this arrangement should not extended beyond a period of nine months from the date of this letter. However, this period may be extended by a further three months by mutual agreement. The total period for use of SANRAL's service providers must not exceed twelve months from the date of this letter.

We suggest that our two respective teams meet to discuss the details of the extent of the engagement of the service providers. On completion of this exercise it would be appreciated that the letters of engagement to the Service providers are copied to SANRAL. Once we receive the letters of engagement we will inform the service providers accordingly. We trust this arrangement will assist you in completing your procurement process and tasks ahead.

Kind regards



Nazir Ali





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Reference: #2827028 Fax Number: +27 (0) 12 844 8200
Date: 23 August 2016 Direct Line: +27 (0) 12 844 8045/33
Email: andrea@nra.co.za Website: www.nra.co.za

Blue Print

Attention: Andrea Fraser

Via email: andrea@blueprints.co.za

APPOINTMENT OF CONTRACTORS UNDER CONTRACT/RFP NO. HO/CS/1007/2016/01 FOR PUBLIC RELATIONS, BELOW THE LINE, ADVERTISING, MEDIA BUYING SERVICES AND DIGITAL MEDIA SERVICES IN TERMS OF SECTION 32 OF THE MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS AND SECTION 16A.6 OF THE NATIONAL TREASURY REGULATIONS

Dear Ms. Fraser

Kindly note that SANRAL has given consent to the following entities, under certain conditions for the use of your services.

ENTITY	PERIOD OF ARRANGEMENT
Ekurhuleni Municipality	Nine months from date of consent letter to them, not to be extended
RTIA	Nine months from date of consent letter to them to be extended by a further three months.
NDOT	Nine months from date of consent letter to them to be extended by a further three months

Permission was granted to use Blue Print under the same terms and conditions that apply to SANRAL, specifically that Blue Print will charge the agreed rates with SANRAL.

Board of Directors: Mr. R. B. van der Merwe, Mr. J. C. H. H. van der Merwe, Mr. J. C. H. H. van der Merwe, Mr. J. C. H. H. van der Merwe, Mr. J. C. H. H. van der Merwe
Company Secretary: Ms. A. A. Mathew

"SF" 10

S. R.

"JF"

THE SOUTH AFRICAN NATIONAL



Reg. No. 1998/009584/30

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Date: 11 October 2016

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Fax Number: +27 (0) 12 844 8200

Direct Line: +27 (0) 12 844 8045/33

Website: www.nra.co.za

Media Mix 360

Attention: Vivian Morolo

Via email: vivian@mediamix360.com

APPOINTMENT OF CONTRACTORS UNDER CONTRACT/RFP NO. HO/CS/1007/2016/01 FOR PUBLIC RELATIONS, BELOW THE LINE, ADVERTISING, MEDIA BUYING SERVICES AND DIGITAL MEDIA SERVICES IN TERMS OF SECTION 32 OF THE MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS AND SECTION 16A.6 OF THE NATIONAL TREASURY REGULATIONS

Dear Ms. Morolo

I refer to discussions held between SANRAL, your agency and Ekurhuleni Municipality on the 13th September 2016 and would like Media Mix 360 to confirm the following in writing:

1. Your willingness to render services to Ekurhuleni Municipality, RTIA and NDOT under the above mentioned contracts and
2. If services are rendered to the entities that services to SANRAL will not be compromised for whatsoever reason.

Kind regards

Vusi Mona

Please note that the services you provide will be for the account of the entities.

All entities were requested to copy SANRAL on all letters of engagement with you. Kindly ensure that this takes place

Meetings between RTIA, NDOT and your teams are being arranged for next week at our offices.

Kind regards



Vusi Mona

