



MANUAL PREPARED IN ACCORDANCE WITH SECTIONS 14 AND 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2002 AND THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 FOR THE KWAZULU-NATAL JOINT MUNICIPAL PENSION FUND –

**KwaZulu-Natal Joint Municipal Pension Fund (Superannuation)
(Registration Number 12/8/553/2)**

**KwaZulu-Natal Joint Municipal Pension Fund (Retirement)
(Registration Number 12/8/6676/2)**

**KwaZulu-Natal Joint Municipal Provident Fund
(Registration Number 12/8/32588/1)**

1 INTRODUCTION

- 1.1 This manual is published pursuant to sections 14 and 51 of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") which was promulgated in order to nurture an ethos which promotes transparency, accountability and effective governance of all private and public bodies. PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to information in a manner that affords persons a means/platform to obtain the records of private and public bodies as promptly and as efficiently as reasonably possible to endorse, including but not limited to, mechanisms and procedures that empower and educate all persons.
- 1.2 PAIA requires organisations to compile a manual as a guide to requesters of information. The Manual also serves to indicate the types of records held by the KwaZulu-Natal Joint Municipal Pension/ Provident Fund ("**NJMPF**") and the availability of such records from the NJMPF.

- 1.3 In addition, the manual explains how to access, or object to, or request correction or deletion of, personal information held by the NJMPF, in terms of sections 23, 24 and 25 of the Protection of Personal Information Act 4 of 2013 (“**POPIA**”), and the Regulations Relating to the Protection of Personal Information, 2017 (“**POPIA Regulations**”).
- 1.4 This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA. Requestors are advised to familiarise themselves with the provisions of PAIA and POPIA before making any requests to the NJMPF in terms of these Acts. However, in terms of section 19 of PAIA, and Regulations 2 and 3 of the POPIA, the NJMPF will provide such assistance as is required in completing the necessary forms, by parties applying for access to information or personal information.
- 1.5 The NJMPF makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requestor is complete or accurate, or that such information is fit for any purpose. All users of any such information use such information entirely at their own risk, and the NJMPF will not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by the NJMPF or from any error therein.

2 OVERVIEW OF THE NJMPF

The NJMPF manages pensions and related benefits on behalf of local municipal employees in the province of KwaZulu-Natal (“**KZN**”). We aim to serve the best interests of our members by ensuring a high standard of retirement services to provide financial security in retirement. The Funds responsibilities include administration, collection and reconciliation of contributions, payment of pensions/benefits and investment of contributions in accordance with the Pension Funds Act 24 of 1956, which is fulfilled by the following operational structure -



Organogram.pdf

3 INFORMATION OFFICER AND CONTACT DETAILS OF THE NJMPF

- 3.1 The Information Officer of the NJMPF is Ms. Zama Dube whose contact details are as follows –

Name	Contact details
Ms. Zama Dube Internal Auditor/Information Officer	Telephone no: (031) 279 5355 Email: Zama.Dube@njmpf.co.za

- 3.2 The contact details for the Head Office of the NJMPF are as follows –

Physical address Head office	5 Derby Place Derby Downs Office Park University Road Westville 3630
Postal address Head office	P.O. Box 33 Westwood 3633

4 GUIDE ON HOW TO USE PAIA

- 4.1 As of 1 July 2021, the Information Regulator assumed the functions of the South African Human Rights Commission (“**SAHRC**”) and is now responsible for PAIA and POPIA queries.
- 4.2 As part of its functions, the Information Regulator published a guide on how to use PAIA and POPIA in the new dispensation.
- 4.3 The Information Regulator (IR) has developed a guide, with information on how to use PAIA. This guide is available on the IR website <https://infoeregulator.org.za/>.

- 4.4 Any information or queries related to the guide, or to PAIA or POPIA should be directed to –

Information Regulator

JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Telephone number: (012) 406 4818
Fax number: (086) 500 3351
Website: www.justice.gov.za/infoereg
E-mail: infoereg@justice.gov.za

5 NOTICE IN TERMS OF SECTION 51(1)(C)

- 5.1 At this stage no notices have been published on the categories of records automatically available without a person having to request access thereto in terms of PAIA.
- 5.2 The following records are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of PAIA –

- 5.2.1 annual financial statements of the NJMPF; and
- 5.2.2 all other information freely available on the NJMPF website at www.njmpf.co.za.

6 RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(D)

All records are available in terms of the following legislation –

- 6.1 Pension Funds Act, 24 of 1956;
- 6.2 Income Tax Act no 58 of 1962;
- 6.3 Value-Added Tax Act no 89 of 1991;

- 6.4 Basic Condition of Employment Act no 75 of 1997;
- 6.5 Occupational Health and Safety Act, 85 of 1993;
- 6.6 Skills Development Act, 97 of 1998;
- 6.7 Unemployment Insurance Act, 63 of 2001; and
- 6.8 Compensation for Occupational Injury and Diseases Act, 130 of 1993.

7 INFORMATION REQUIRED IN TERMS OF SECTION 51(1)

- 7.1 The following table contains a description of the subjects on which the NJMPF holds and the categories of records held on each subject –

Subject	Description
Pension Fund Act records	<ul style="list-style-type: none"> • Statement of Responsibility by the Trustees • Statement of Responsibility by the Principal Officer • Financial Statements • Records relating to the appointment of Directors • Auditors • Principal Officer • Trustees
Income Tax	<ul style="list-style-type: none"> • Pay-as-you-earn (PAYE) records • Documents issued to employees for income tax purposes • Records of payments made to South African Revenue Services on behalf of employees • All or any statutory compliance • Skills development levies • Unemployment Insurance Fund
Labour relations records	<ul style="list-style-type: none"> • Personnel documents and records • Employment contracts • Medical aid records

	<ul style="list-style-type: none"> • Pension Fund records • Disciplinary records • Salary records • Disciplinary code and/or procedures • Leave records • Training records • Training manuals • Address lists • Internal telephone lists • Fund policies (HR, Fraud and corruption prevention plan, Security awareness, Purchasing etc)
Records of members	<ul style="list-style-type: none"> • Records provided by the member • Records provided by the client to a third party (Operator) acting for or on behalf of NJMPF • New member data • Personal information form • Contribution records • Beneficiary nomination forms (in service members) • Beneficiary nomination forms (deferred pensioners) • Changes to personal information form • Member Benefit Statement • Additional benefit / surplus / calculations
Finance	<ul style="list-style-type: none"> • Receipts and payments • Bank statements • Budgets • Management accounts • Asset registers • Orders, quotes and invoices • Correspondence to 3rd parties
Claims (Withdrawals,	<ul style="list-style-type: none"> • Claim Notification Forms

Retirement, Death and Disability)	<ul style="list-style-type: none"> • Calculations (where available), or computerized statement of claim value • Tax Application (where applicable) • Tax Directive (where applicable) • IT 88 notifications • Tax Certificate (where applicable) • Client / member payment instruction (where applicable) • Section 37D deduction instruction (where applicable) • Copy of any other court order against benefits • Payment letter • Copy of cheque (or cheque/EFT payment reference) • Trustees' Resolution – Disposal of benefit (deaths only) • Copy of death certificate • Medical records (where applicable) • Will (where applicable) • Statement by Employer (if the application is made by employer) (disability only) • Statement by Employee (disability only) • Acceptance / Declination Letter (disability only)
Funeral benefit claims	<ul style="list-style-type: none"> • Not applicable
Risk and compliance	<ul style="list-style-type: none"> • Contracts and SLA • Policies and procedures • Risk assessment • Compliance records

7.2 The above records shall only be made available subject to the provisions of PAIA.

8 PROCESSING OF PERSONAL INFORMATION

8.1 POPIA

8.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

8.1.2 The NJMPF processes personal information in accordance with POPIA. In terms of our Privacy Policy, the NJMPF will ensure that all processing conditions of POPIA are complied with at the time of processing of personal information. The NJMPF processes personal information of both living and juristic persons.

8.2 *Purpose for processing of personal information by the NJMPF*

The NJMPF processes personal information for the following purposes, amongst others, –

- 8.2.1 to assess and process claims;
- 8.2.2 to provide products or services, to carry out the transactions requested and maintain relationships;
- 8.2.3 to provide members with the information about products and services that will support and enhance their retirement benefits;
- 8.2.4 providing on-going administration for the duration of the membership to the funds (including resolving complaints) with members;
- 8.2.5 to conduct credit checks;
- 8.2.6 to confirm and verify the identity of members and their beneficiaries;
- 8.2.7 for the detection and prevention of fraud, crime, money laundering or any other malpractice;
- 8.2.8 to conduct customer satisfaction research or for statistical analysis;
- 8.2.9 process requests for the collection, updating, access or deletion of personal information;
- 8.2.10 for audit and record keeping purposes;

8.2.11 in connection with legal proceedings; and

8.2.12 comply with applicable laws, regulatory requirements or industry codes to which we subscribe or which apply to use.

8.3 Categories of data subjects

The NJMPF processes personal information relating to the following categories of data subjects –

8.3.1 members;

8.3.2 beneficiaries of members, which include children and spouses;

8.3.3 juristic entities (i.e. suppliers, contractors and consultants);

8.3.4 employees and job applicants; and

8.3.5 visitors to premises.

8.4 Types of information (and special personal information) processed

As stated in our privacy policy, the NJMPF processes the following types of personal information, amongst others, –

8.4.1 full names and surnames;

8.4.2 contact details including, cell phone numbers, telephone numbers, fax numbers and emails;

8.4.3 addressees

8.4.4 birth dates;

8.4.5 identity numbers and registration numbers in the case of a company;

8.4.6 financial information;

8.4.7 medical information;

8.4.8 information relating to beneficiaries (including spouses and children);

8.4.9 employment details; and

8.4.10 tax information.

8.5 Disclosure of your personal information

8.5.1 We may disclose your personal information to third parties who are involved in the delivery of products and services to you such as –

8.5.1.1 third parties for giving effect to the above purposes, for example credit checks and fraud prevention agencies, law enforcement agencies and tracing agents;

8.5.1.2 other insurers or pension funds to prevent fraudulent claims; and

8.5.1.3 your broker, where applicable.

8.5.2 Where the NJMPF discloses your personal information to the above parties, the latter will be obliged to use that personal information for the reasons and purposes it was disclosed for. To this end, we have agreements in place with these third parties to ensure this.

8.5.3 The NJMPF may be obliged to disclose your personal information where we have a duty to disclose in terms of law or where we believe it is necessary to protect our rights.

8.6 Trans-border/Cross border flows of personal information

Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if certain conditions are satisfied. The NJMPF currently has no planned transborder flows of personal information. Insofar as the transborder flow of Personal Information may become applicable in future, the NJMPF will comply with the conditions set out in section 72 of POPIA.

8.7 General description of information security measures

8.7.1 The NJMPF takes reasonable and appropriate technical and organisational measures to ensure that personal information is kept secure and is protected

against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration disclosure or access.

- 8.7.2 The NJMPF, on a regular basis, reviews the security controls and related to processes to ensure that personal information is secure.

9 PROCEDURE FOR REQUEST FOR ACCESS

- 9.1 In terms of PAIA, the following persons may request access to records held by the NJMPF –

- 9.1.1 a person requesting information about him/herself;
- 9.1.2 an agent requesting information on behalf of someone else;
- 9.1.3 a third party requesting information about someone else; or
- 9.1.4 public body requesting information for the exercise or protection of its rights or in the public interest.

- 9.2 For requests to access information or personal information, the request must be made in writing on the prescribed **Form C** which is attached to this Manual as **Annexure A**.

- 9.3 For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed **Form 1** (objection) or **Form 2** (correction or deletion), which are attached to this Manual as **Annexure B**.

- 9.4 The request form must be addressed to the Information Officer using the contact details set out in clause 3.2 above.

- 9.5 The request must contain the name and contact details of the requester and it must provide sufficient details to enable the NJMPF to identify the record requested. The requestor should also indicate the form in which access to the record is requested.

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requested. The requestor should also indicate the form in which access to the record is requested.

- 9.7 Where the request is made on behalf of another person, the requestor must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requestor is making the request to the satisfaction of the NJMPF's Information Officer. In the case of personal information, we may take additional steps to confirm the identity of the affected data subject.
- 9.8 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Information Officer but must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requestor is making the request to the satisfaction of the NJMPF's Information Officer.

10 PAYMENT OF FEES

- 10.1 The Act provides for two types of fees, namely –
- 10.1.1 a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
- 10.1.2 an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 10.2 Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 10.3 If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the NJMPF will request the Requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

- 10.4 The NJMPF may withhold a record until the requester has paid the fees as indicated in **Annexure C**.
- 10.5 A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

11 APPLICABLE TIME-PERIODS

- 11.1 The NJMPF will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
- 11.2 The 30-day period may be extended by a further period of not more than 30 days if the request is 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 the activities of NJMPF or the records are not located at NJMPF.

12 OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

13 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 13.1 In terms of Section 62 to 69 of the Act access granted to a record may be refused on one or more of the following grounds –
- 13.1.1 protection of privacy to a third party who is a natural person;
 - 13.1.2 protection of the commercial information of a third party;
 - 13.1.3 protection of certain confidential information of a third person;
 - 13.1.4 protection of the safety of individuals and the protection of property;

- 13.1.5 protection of records privileged from production and legal proceedings;
 - 13.1.6 the commercial information of the NJMPF;
 - 13.1.7 the protection of research information of a third party.
- 13.2 Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated (section 70 of PAIA).

14 REMEDIES FOR REFUSAL

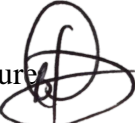
Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

15 AVAILABILITY OF THE MANUAL

This manual is available in electronic and hard copies in English. The hard copies are available at the offices of NJMPF. The electronic version of this manual is available on the NJMPF's website (www.njmpf.co.za).

16 UPDATING OF THIS MANUAL

This manual will be reviewed and updated, if necessary, on a periodic basis but no less than once each year.

Signature 

Principal Officer/ CEO: **Mr B.C Mkhize**

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ANNEXURE A



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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

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

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Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

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

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

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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:

.....
.....

2. Reference number, if available:

3. Any further particulars of record:

.....

.....

.....

.....

.....

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:

Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

	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		copy of the images*		transcription of the images*	
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3. If record consists of recorded words or information which can be reproduced in sound:						
	listen to the soundtrack (audio cassette)		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*		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	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?		

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.
--

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day of Year

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

ANNEXURE B

FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)**

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 2(1)]

Note:

- 1. Affidavits or other documentary evidence in support of the objection must be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number.....

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
Name of public or private body (if the responsible party is not a natural person):	
Business address:	
Contact number(s):	
FAX number:	
E-mail address:	
C	REASONS FOR OBJECTION (Please provide detailed reasons for the objection)

Signed at this day of 20.....

Signature of Data subject (applicant)

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]**

Note:

Affidavits or other documentary evidence in support of the request must be attached.

If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

Mark the appropriate box with an "x".

Request for:

☐

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

☐

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	

ANNEXURE C

FEES PAYABLE IN RESPECT OF RECORDS REQUESTED FROM THE NJMPF

The fees, in respect of private bodies, are as follows –	Rands
For every photocopy of an A4-size page or part thereof	R 1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
For a copy in a computer-readable form on – <ul style="list-style-type: none"> • stiffy disc R 7.50 • compact disc R 70.00 	
For a transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 30.00
The request fee payable by a requester, other than a personal requester	R 50.00
The access fees payable by a requester are as follows –	
For every photocopy of an A4-size page or part thereof	R 1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
For a copy in a computer-readable form on - <ul style="list-style-type: none"> • stiffy disc R 7.50 • compact disc R 70.00 	
For a transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 30.00
To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.	

For purposes of section 54(2) of the Act, the following applies – <ul style="list-style-type: none"> • Six hours as the hours to be exceeded before a deposit is payable; and • one third of the access fee is payable as a deposit by the requester. <p>The actual postage is payable when a copy of a record must be posted to a requester.</p>
