

# MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2002

## Head Office:

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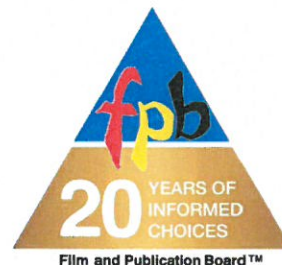
FPBZA



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[www.fpb.org.za](http://www.fpb.org.za)

## Cape Town:

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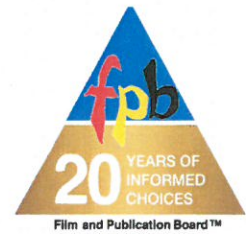
## 1. Definitions:

- 1.1 “Access fee”** Means the fee paid by the requester to the public or private body from which you are seeking the information, to cover the costs of finding and copying the records you require.
- 1.2 “FPA”** Means the Film and Publication Act 65 of 1996, as amended
- 1.3 “FPB”** Means the Film and Publication Board.
- 1.4 “Guide”** Means the Guide on PAIA which has been compiled and published by the South African Human Rights Commission, to assist persons in using and understanding PAIA, as provided for in Section 10 of PAIA.
- 1.5 “Information Officer” and “Deputy Information Officer”** Information Officer means the person authorised to handle PAIA requests acting as the head of the body and the Deputy Information Officer is the person designated by the Information Officer of a public body to assist the requester with their information request.
- 1.6 “Internal Appeal”** Means the Requesters application for appeal/complaint to a decision made by the FPB regarding access to information as stated in Section 3 of this Guide.
- 1.7 “Juristic person”** Means a company or body which is recognised by law as an entity or ‘person’ having rights and duties.
- 1.8 “Natural person”** Means a real person, as opposed to a legal or juristic person such as a corporation (see juristic person above).

- 1.9 “Record”** Means any recorded information regardless of the form, including, written documents, and any record that is in that body’s possession regardless of whether that body created the record.
- 1.10 “Request fee”** Means the cost to be paid for making a request for access to information amounting to a standard fee of R35 (Thirty Five Rand).
- 1.11. “Requester”** Means a natural or juristic person requesting access to information including a person making a request on behalf of somebody else.
- 1.12 “Personal Requester”** Means a requester seeking access to a record containing personal information about the Requester.
- 1.13 “Third party”** Any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.
- 1.14 “Public Body”** Means the FPB, a public entity within the Republic of South Africa, for whom this manual is drafted.

## **2 Purpose and scope of the Manual**

- 2.1 The purpose of this Manual is to conform with Section 14 of PAIA which requires all public bodies to publish a manual to assist information requesters to make requests for information from the body concerned. Therefore, public bodies are obliged to compile a manual which would assist a person to obtain access to information held by such public body. Section 14 further stipulates the minimum requirements a manual has to comply with.



2.2 Further, the FPB seeks to conform to Section 9 of PAIA which provides that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the Bill of Rights in the Constitution of the Republic of South Africa.

### 3 Structure and functions of the FPB

3.1 The FPB is a statutory body established in terms of the Films and Publications Act 65 of 1996 as amended (**FP Act**), whose main objective is to regulate the creation, possession, production and distribution of films, games and certain publications as defined in the FP Act with a view of protecting children from disturbing and harmful content and providing information on content to adults to enable them to make informed viewing, gaming and reading choices for both themselves and for children in their care. The FP Act further makes to use to children in and the exposure of children to pornography punishable.

3.2 The FPB structure:

3.2.1 Minister of the Department of Communications;

3.2.2 Council; and

3.2.3 Executive Authority

3.3 The FPB has three offices from which it operates from; namely:

#### 3.3.1 Head office

420 Witch Hazel Street,

Eco Park, Centurion, 0169

Postal address; Private Bag X31, Highveld Park, 0169

Phone number: (012) 003 1400

Fax number: (012) 661 0074

Electronic mail address: [clientsupport@fpb.org.za](mailto:clientsupport@fpb.org.za)

#### 3.3.2 Durban Office

Suite 4 Silver Oaks

36 Silverton Road

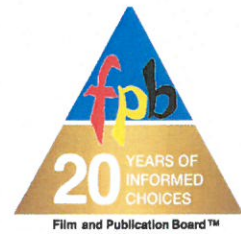
Durban

4001

Phone number: 013 201 2509

Fax number: 031 201 2158

Electronic mail address: [clientsupport@fpb.org.za](mailto:clientsupport@fpb.org.za)



### **3.3.3 Cape Town Office**

301H - 9 on Long Street

Cape Town

8000

Phone number: 021 418 3083

Fax number: 021 418 2376

Electronic mail address: [clientsupport@fpb.org.za](mailto:clientsupport@fpb.org.za)

## **4 Description of the guide referred to in section 10 of the Act**

The guide contains information as may reasonably be required by a person who wishes to exercise any right contemplated in the Promotion of Access to Information Act, 2000 (hereafter PAIA).

This guide is available on the website of the Human Rights Commission of South Africa (hereafter HRCSA) and is also available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission PAIA Unit  
Research and Documentation Department  
Postal Address: Private Bag 2700  
Houghton  
2041

Tel 011 877 3600

Fax 011 403 0684

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Email: [info@sahrc.org.za](mailto:info@sahrc.org.za)

Twitter: @SAHRCommission

Facebook: SAhumanrightscommission

Youtube: SAHRC1

The Guide is also available in all official languages of South Africa: English, Afrikaans, isiNdebele, isiXhosa, isiZulu, Sepedi, Sesotho, Setswana, isiSwati, Tshivenda and Xitsonga.

## 5 Categories of records held by the FPB

FPB holds the following records including:

- Film and Publication Act and related documents;
- Agreements with Stakeholders;
- Human Resources records;
- Classification documents such as reports, decisions and appeal;
- Procedure for lodging complaints;
- Complaints lodged with the FPB;
- Adjudications and the reasons thereof;
- Appeal tribunal judgments and the reasons thereof;
- Quarterly complaints reports; minutes of special meetings of the FPB;
- Reports on conferences held under the auspices of the FPB;
- Annual reports (reviews) by the chairperson;
- Annual financial statements of the FPB; and
- Employee and employment records of the FPB personnel; and

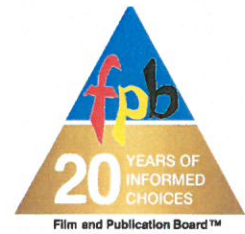
## 6 Automatically available information / categories of records which are available to members of the public without a person having to request access in terms of the Act

- Films and Publications Act, 65 of 1996, as amended and its Regulations;
- FPB Classification Guidelines;
- FPB Online Regulation Policy;
- FPB classification procedure;
- FPB Compliance Monitoring Standard Operating Procedure

These categories can all be accessed through the website of the FPB at <http://www.fpb.org.za/>.

## 7 Who may make a PAIA request?

- 7.1 Any person is allowed to make a request under PAIA. The requester may be:
- 7.1.1 Natural person - the person does not have to be a South African citizen or a resident of South Africa;
  - 7.1.2 or Juristic person such as a business; or
  - 7.1.3 an organisation or person acting on behalf of a natural or justice person



## **8 Procedure for request for access to records held by the FPB**

A request to access a record of the FPB may be lodged with the Information Officer by writing, faxing or by e-mail, giving an accurate and detailed description of the record and after paying a request fee of R 35.00 (Thirty Five Rand)

## **9 Contact details of information officers and deputy information officers**

### **9.1 Information Officer**

Lillian Phahla  
Chief Information Officer  
Film and Publication Board  
Email address: [lillian.phahla@fpb.org.za](mailto:lillian.phahla@fpb.org.za)  
Contact number: 012 003 1400

### **9.2 Deputy Information Officer**

Marlet Wepener  
Legal Manager  
Film and Publication Board  
Email address: [marlet.wepener@fpb.org.za](mailto:marlet.wepener@fpb.org.za)  
Contact number: 012 003 1444

## **10 Description of the services available to the members of the public and how to gain access to those services**

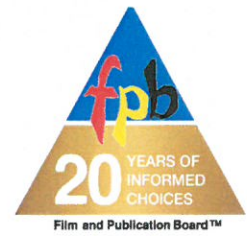
The FPB provide the following services to the public:

- Registration of distributors;
- Classification of Films, Games and certain Publications;
- Receiving complaints from the public against publishers of certain publications and distributors of films and games;
- Receiving enquiries from the public on impact of the FPA and its regulations; and
- Adjudicating to complaints.

## **11 Grounds for refusal for access to records**

11.1 Chapter 4 of Part 2 of PAIA lists the grounds under which access to information requests may or must be refused by an Information Officer of a public body. These grounds apply to the FPB PAIA Manual as if is specifically read into it.

Personal information whereof disclosure is subject to the Protection of Personal Information Act, No 4 of 2013 and to Promotion of Access to Information Act, No. 2 of 2000.



11.2 The FPB will not allow access to information where the grounds for refusal of access to information listed in Chapter 4 of PAIA applies.

## **12 Lodging of Complaints**

12.1 All complaints and the grounds thereof must bring the complaint within the ambit of the Films and Publications Act, 65 of 1996, as amended and its regulations, and the FPB Classification guidelines 2014, for the FPB to consider.

12.2 In respect of classification matters, the FPB may initiate classification proceedings and call upon any person who is the respondent to the complaint or whose financial interest may be affected by any decision made by the FPB Classification Committee pursuant to the complaint, to appear before the classification committee or the Board to present evidence in support or rebuttal of the complaint.

## **13 Internal Appeal Processes**

13.1 A requester may, after receipt of a notice of refusal from the FPB's Information Officer, lodge an appeal with the FPB within 30 days of notice being given to that that requester with reasons in support of the appeal, and include any other relevant information.

13.2 A requester must submit the internal appeal to the Information Officer of the FPB by registered post, fax, email or courier, and retain proof of such submission.

13.3 After the conclusion of the an internal appeal and the appeal is unsuccessful or where the FPB refuses to accept a late lodging of an internal appeal, and the requester is still aggrieved in any way because of the decision made by the FPB, the requester may apply to a court for relief by filing an application within 180 days of receiving the decision from the FPB.

## **14 Availability of the FPB PAIA Manual**

The Manual can be obtained from the FPB website ([www.fpb.org.za](http://www.fpb.org.za)) or by requesting a copy by email from the information officer.