

KZN Gaming & Betting Board

**ACCESS TO INFORMATION
2013**



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1 The Manual

1.1 Introduction

The Promotion of Access to Information Act, 2000 [Act No. 2 of 2000] (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa.

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a public body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements;
- and the access is not refused in terms of any ground referred to in the Act.

1.2 Scope

This manual is aimed at facilitating access to records held by the KwaZulu-Natal Gaming and Betting Board in terms of the KwaZulu-Natal Gaming and Betting Act, 08 of 2010.

Specifically, the Manual provides information on:

- The contact details of the information officer, who will deal with a person’s request;
- The structure and functions of the KwaZulu-Natal Gaming and Betting Board;
- The subjects and categories of records that are held by the KwaZulu-Natal Gaming and Betting Board;
- Records that are automatically available, without a person having to request access;
- Records that are available in terms of any other legislation; and
- The procedure that needs to be followed to obtain access to a record.

1.3 Availability of the Manual

The Manual is available in both a printed and a PDF (Portable Document Format) version.

The printed version of the Manual is available for consultation or removal, free of charge, from:

Postal address:	The Secretariat
	Private Bag X10
	Pietermaritzburg
	3200
Physical address:	330 Langalibalele Street
	Pietermaritzburg
	3201
Telephone:	(033) 345-2714
Fax:	(033) 342-7853
E-mail:	SinghS@kzngbb.org.za

The Manual is accessible in PDF (Portable Document Format) from the KwaZulu-Natal Gaming and Betting Board website www.kzngbb.org.za

1.3 Access to routinely available information

The KwaZulu-Natal Gaming and Betting Board routinely publishes certain information on its functions and activities. This information will continue to be available without having to make a formal request under the Act.

1.4.1 General Information

General Information on the KwaZulu-Natal Gaming and Betting Board is available on the website www.kzngbb.org.za. The KwaZulu-Natal Gaming and Betting Board's website is generally available to anyone who has access to the Internet. The website has the following categories:

About KwaZulu-Natal Gaming and Betting Board

Statistics

Legislation/Rules and Circulars

News

Licensees

Policies

Archive

Services

Research Reports

1.4.2 Brochures

Information brochures on various subjects are available from time to time, free of charge from the KZNGBB. These will be provided on request: provided that copies are still available. The KwaZulu-Natal Gaming and Betting Board reserves the right to limit quantities. Address your request for brochures to the Secretariat at the address listed above.

1.4.3 Other Publications

Various other publications are available for purchase from the KZNGBB. These items are generally available ex-stock (depending on the quantities required). These include the following important documents:

- The KwaZulu-Natal Gaming and Betting Act, 08 of 2010
- Regulations of the KwaZulu-Natal Gaming and Betting Board
- Rules

An order form giving full details of all the titles and combinations of titles as well as the applicable costs for the various items may be obtained from the Secretariat at the address listed above.

The KwaZulu-Natal Gaming and Betting Board reserves the right to charge the applicable fees for publications of the Council.

1.5 Policy with regard to confidentiality and Access to Information

The KwaZulu-Natal Gaming and Betting Board will protect the confidentiality of information provided to it by individuals or others, subject to the KwaZulu-Natal Gaming and Betting Board's obligations in terms of any applicable law.

2 Entry point for requests

All requests in terms of the Act must be addressed to the designated Information Officer at the address listed above:

At the time of publication of the current version of the Manual (April 2013), the Information Officer is:

**Name: Mr M. Mfanelo Ngwenya:
Chief Legal Officer
E-mail: mfanelo.ngwenya@kzngbb.org.za**

3 Who may request access to information

The Act provides that a requestor must be given access to a record of a public body if the requestor complies with all the procedural requirements in the PAI Act relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 2 of the Act.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged. Requestors can be classified in accordance with the following different categories:

- A personal requestor, that is a person who requests information about him / herself;
- An agent requestor, that is a person requesting information on behalf of someone else;

Human Rights Advice Line: 0860 120 120

Fax: (011) 484 1360

Website: www.sahrc.org.za

5 Records available in terms of other legislation

5.1 Unlimited requestors

Certain legislation mandates the KwaZulu-Natal Gaming and Betting Board to allow any person access to specified information, upon request, irrespective of who that person may be. In terms of the Public Finance Management Act, 1999 and the Companies Act, No. 71 of 2008 any person may have access to specified financial information.

5.2 Limited requestors

Certain legislation mandates public bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Companies Act, 2008 (Act No. 71 of 2008)
- Compensation of Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- Competition Act, 1998 (Act No. 89 of 1998)
- Consumer Affairs Act, 1999 (Act No. 23 of 1999)
- Credit Agreements Act, 1980 (Act No. 75 of 1980)
- Criminal Procedure Act, 1977 (Act No. 51 of 1977)
- Debt Collectors Act, 1998 (Act No. 114 of 1998)
- Electronic Communications and Transactions Act, 2000 (Act No. 2 of 2000)
- Employment Equity Act, 1998 (Act No. 55 of 1998)
- Firearms Control Act, 2000 (Act No 60 of 2000)
- Income Tax Act, 1962 (Act No. 58 of 1962)
- Insider Trading Act, 1998 (Act No. 135 of 1998)
- Insolvency Act, 1936 (Act No. 24 of 1936)
- Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Magistrates Court Act, 1944 (Act No. 32 of 1944)
- National Health Act, 2003 (Act No. 61 of 2003)
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)

- Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)
- Skills Development Act, 1997 (Act No. 97 of 1997)
- Skills Development Levies Act, 1999 (Act No. 9 of 1999)
- South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
- Supreme Court Act, 1959 (Act No. 59 of 1959)
- Unemployment Insurance Act, 2001 (Act No. 63 of 2001) and
- Value Added Tax Act, 1991 (Act No. 89 of 1991).

6 Procedure

6.1 Prescribed access form

In order for us to facilitate your access to a record you need to complete the attached [prescribed access form](#). Please take note that the prescribed access form must be completed in full and that a failure to do so may result in the process being delayed until such additional information is provided.

6.2 Proof of identity

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their South African identification document or any other legally acceptable means of identification.

PLEASE NOTE: Driver's licenses and temporary identity documents will NOT be accepted as sufficient proof of identity.

6.3 Prescribed fees

Please take note that a request will not be processed until the request fee and the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

- Reproduction fee: this fee is payable with respect to all records that are

- automatically available;
- Request fee: this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor seeking access containing information about the requestor him / herself), before the request is considered and is not refundable;
 - Access fee: which is payable once access to a record is granted, this fee is intended to re-imburse the KwaZulu-Natal Gaming and Betting Board for the costs involved in searching and preparing the record for delivery;
 - Deposit: which is payable if the KwaZulu-Natal Gaming and Betting Board receives a request for access to information about a person other than the requestor himself / herself and where the preparation of the record will take more than six hours.

6.3.1 Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

- For every photocopy of an A4-size page or part thereof:
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form:
- For a copy in a computer-readable form on -
 - Memory Stick
 - Such other similar device
- For a transcription of visual images, for and A4-size page or part thereof:
- For a copy of visual images:
- For a transcription of an audio record, for an A4-size page or part thereof:
- For a copy of an audio record:

6.3.2 Request fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor him / herself.

6.3.3 Access fee

The applicable fees (excluding VAT) for access which will be payable are:

- For every photocopy of an A4-size page or part thereof:
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form
- For a copy in a computer-readable form on –
 - Memory Stick
 - Such other similar device
- For a transcription of visual images, for and A4-size page or part thereof:
- For a copy of visual images:
- For a transcription of an audio record, for an A4-size page or part thereof:
- For a copy of an audio record:
- To search for and prepare the record for disclosure, per each hour or part of an hour reasonably required for such search and preparation:
- Where a copy of the record needs to be posted the actual postage is payable

6.3.4 Deposit

Where the KwaZulu-Natal Gaming and Betting Board receives a request for access to information about a person other than the requestor himself / herself and the Secretariat is of the opinion that the search for and preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the estimated amount of the applicable access fee is payable.

7 Granting or refusal of requests

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of the private body; and
- Mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act the 30 day period maybe extended for a further 30 day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

8 Appeal

If a request for access is refused, the requestor will be informed of the reason for the refusal and the section of the Act relied upon.

The requestor may loge an internal appeal or bring an application to court, as the case may be, against the refusal of the request and the procedure for lodging the internal appeal is set out in the Rules to the KwaZulu-Natal Gaming and Betting Act, 08 of 2010.

9 Structure and classes of records of the KwaZulu-Natal Gaming and Betting Board

9.1 Scope

The Information contained in this chapter is intended to identify the main classes of records held within the KwaZulu-Natal Gaming and Betting Board and their organisational structure.

Further assistance in identifying records held by the KwaZulu-Natal Gaming and Betting Board is obtainable from the Information Officer at the address listed

9.2 Structure of the KwaZulu-Natal Gaming and Betting Board

9.2.1 Profile

The KwaZulu-Natal Gaming and Betting Board is a regulator of gambling established by the KwaZulu-Natal Gaming and Betting Act, 2010.

The Board consists of persons appointed in terms of the KZNGBB Act, 2010 (Act No. 08 of 2010) as follows:

Section 8 (1) and (2)

Nine persons who shall be fit and proper person's to serve the best interests of the Province, and must consist of persons who cumulatively have appropriate knowledge or experience in -

- Legal matters including the application of administration law;
- Accounting and financial management
- Community Welfare and Socio Economic Development;
- Tourism and Entertainment;
- Business and Commerce, including promotion of small and medium sized business enterprises;
- Organized local government;
- Casinos, gaming, betting and horse racing and the regulation thereof.

9.2.2 Main Business Activities

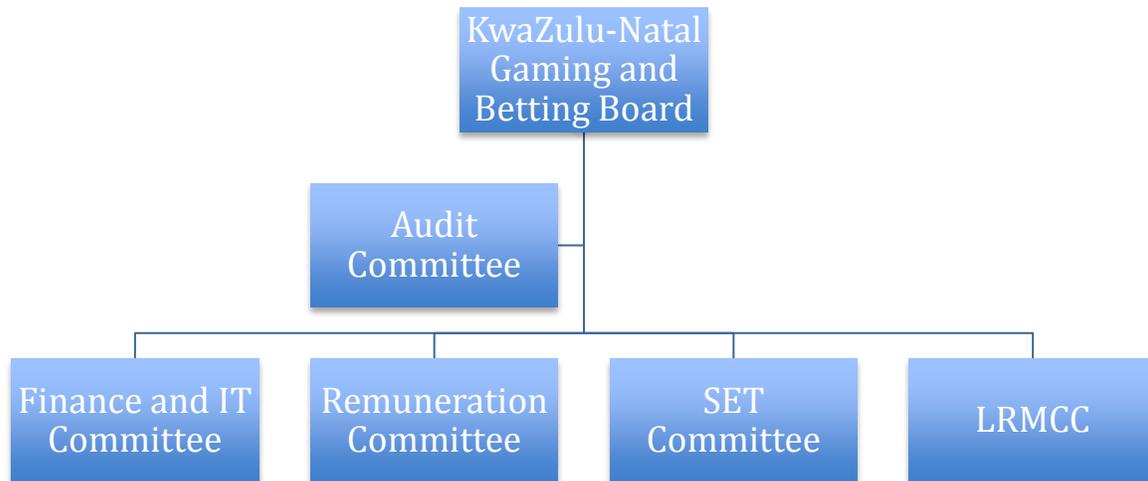
The main purpose of the KwaZulu-Natal Gaming and Betting Board is to regulate gambling and it does so by:

- Setting and controlling standards for gambling operators in the Province and
- Ensuring compliance with the relevant legislation; and
- Licensing gambling operations in the province.

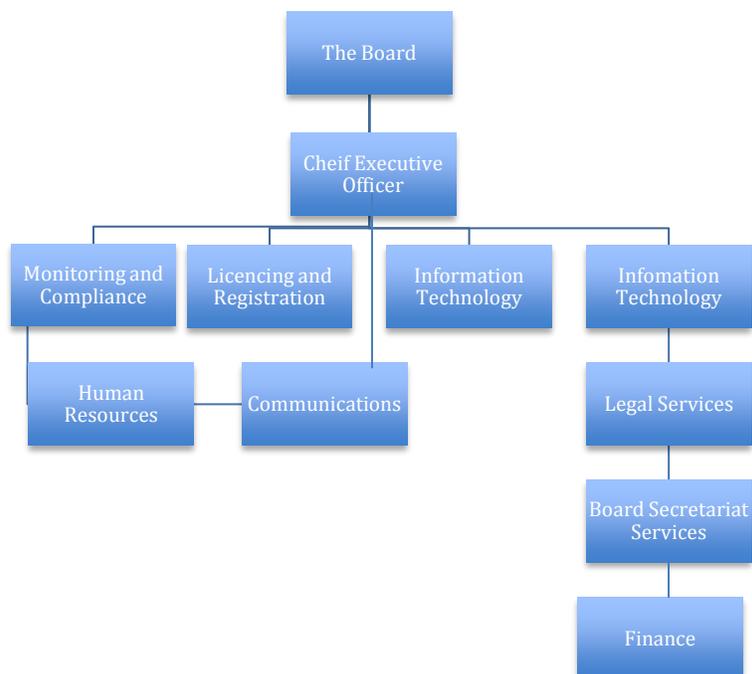
9.2.3 Organogram

The Board consists of two structures, the Board itself and the administration. For clarity, the organizational structure of both structures are given.

The Board and Committees



Administration:



9.3 Categories and subjects of records

The following list will assist you in understanding the main categories and the subjects of records kept by the KwaZulu-Natal Gaming and Betting Board in terms of the KZN Gaming and Betting Act, 2010.

- Provincial Licenses
- Employees who are registered
- National Licensees
- Financial Information
- Board Minutes
- Committee Minutes

Further information and assistance

Further information regarding the subjects and categories or records listed here are available from the Information Officer listed above.

10 Useful references

Websites

The Human Rights Commission	http://www.sahrc.org.za/paia/htm
The Promotion of Access to Information Act	http://www.gov.za/gazette/acts/2000/a2-00.pdf
The KwaZulu-Natal Gaming and Betting Board website	http://www.kzngbb.org.za