

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
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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:

HEAD OF LEGAL AFFAIRS: THE ORGANISATION UNDOING TAX ABUSE (OUTA)

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: OUTA

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:

SEE ATTACHED HERETO "ANNEXURE X"

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

2. Reference number, if available:

3. Any further particulars of record:

SEE ATTACHED HERETO "ANNEXURE X"

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:

N/A

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: N/A
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:					
X	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*	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	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.
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How would you prefer to be informed of the decision regarding your request for access to the record?

EMAIL

Signed at RANDBURG this day 30th of JULY year 2019



 SIGNATURE OF REQUESTER /
 PERSON ON WHOSE BEHALF REQUEST IS MADE



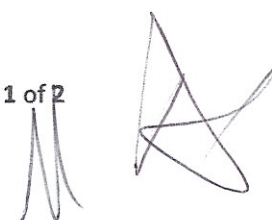
“ANNEXURE X”

Information sought:

Information relating to the upgrade of the N3 route from Durban to Pietermaritzburg, as specified below:

PART A:

1. A copy of The Concession Contract No. SAPR N0304102/1, for a portion of National Route 3 from Cedara in Kwazulu-Natal to Heidelberg South interchange in Gauteng as a toll Highway (hereinafter referred to as the N3TC Concession Contract) duly signed on the 27th of May 1999;
2. A copy of all Annexures and Addenda to the N3TC Concession Contract;
3. A copy of all Amendments and Addenda (if any) to the N3TC Concession Contract;
4. A copy of all Operation and Maintenance contracts entered into between the Concessionaire and the O&M Contractors, relating to the N3TC Concession Contract;
5. A copy of the Operational and Maintenance Manual pertaining to the N3TC Concession Contract;
6. A copy of the contracts entered into with the Independent Engineer(s), pertaining to the N3TC Concession Contract, as specifically stipulated in clause 6.1;
7. A copy of all the Independent Engineer(s) Reports submitted to SANRAL, pertaining to the N3TC Concession Contract;
8. A copy of all Construction Work contracts entered into by the Concessionaire relating to the N3TC Concession Contract, as set out in Clause 8.5.2;



9. A copy of all "Performance Certificates" issued, relating to the Construction Works contracts entered into by the Concessionaire (as referred to in item 8, above);
10. A copy of all "Taking Over certificates" that have been issued in terms of the N3TC Concession Contract, as set out in Clause 9.2;

PART B:

1. Copies of N3TC's complete financial statements for each fiscal year, submitted to SANRAL in terms of the N3TC Concession Contract (as from 1999/2000 financial year to present) as specified in Clause 16.3.1(a);
2. Copies of all reconciliations of N3TC's Profit & Loss Accounts, together with their proposed budgets for each fiscal year, submitted to SANRAL, from 1999/2000 fiscal year to present in terms of the N3TC Concession Contract, with specific reference to Clause 16.3.1(d);
3. Copies of all Annual Reports submitted to SANRAL, pertaining to the N3TC Concession Contract (as from the 1999/2000 financial year to present), issued by N3TC's appointed auditors, certifying that the computation of the Highway Usage Fee for the previous year was correctly calculated, as specified in Clause 16.3.1(e);
4. Copies of the lists, submitted to SANRAL in terms of the N3TC Concession Contract (as from 1999 to present), of N3TC's lenders and creditors to which N3TC owes a sum in excess of the equivalent of R10 000 000 (ten million Rand), including the amounts due to each of them, as stipulated in Clause 16.3.2(c);

SF3

davidharty3@gmail.com

From: faizel.davids@outa.co.za
Sent: Friday, 13 September 2019 08:40
To: info@nra.co.za; macozomas@nra.co.za
Cc: 'Stefanie Fick'
Subject: RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")
Attachments: Cover Letter 30_7_2019 signed.pdf; J750_paia_Form A - SANRAL 30_7_2019.pdf; FINAL LIST OF REQUESTED RECORDS (ANNEXURE X).pdf

Dear Sir/s,

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

OUR REF: TR1712/-016/A

1. The email below bears reference.
2. Kindly be advised that we have sent a formal PAIA request on 30 July 2019 (hereto again attached for your convenience).
3. We herewith further confirm that we have, to date, not received the courtesy of any response and subsequently the 30 day period (as prescribed in the PAIA act) has lapsed.
4. We therefore submit that in terms of the PAIA Act your absence of a response can be considered as a deemed refusal.
5. We herewith, as a courtesy, extend the period to receive a reply from yourself until Friday, 20 September 2019.
6. In the event that we do not receive a reply on or before 20 September 2019, we will have no other option than to commence with the relevant Internal Appeal Processes.
7. Trust that you find the above in order and kindly await your response.

Kind regards,



Faizel Davids
Legal Advisor

Email: faizel.davids@outa.co.za

Tel: 087 170 0639

Web: www.outa.co.za

From: faizel.davids@outa.co.za <faizel.davids@outa.co.za>

Sent: Tuesday, 30 July 2019 08:12

To: 'info@nra.co.za' <info@nra.co.za>; 'macozomas@nra.co.za' <macozomas@nra.co.za>

Cc: 'Stefanie Fick' <stefanie.fick@outa.co.za>

Subject: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Dear Sir/s,

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

OUR REF: TR1712/-016/A

1. Please find attached a request for access to information and Form A in terms of the section 18(1) of PAIA.
2. Please contact our Head of Legal Affairs, Mrs Stefanie Fick at stefanie.fick@outa.co.za in the event of any queries.
3. Kindly acknowledge receipt of this letter.
4. We trust you find the above in order and look forward to your response within 30 days of receipt of our request.

Kind regards,



Faizel Davids
Legal Advisor

Email: faizel.davids@outa.co.za

Tel: 087 170 0639

Web: www.outa.co.za

A handwritten signature in black ink, consisting of a stylized 'A' followed by a series of loops and a final flourish.

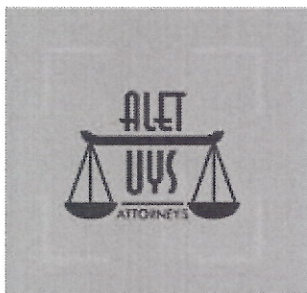
From: Alet Uys Attorneys <andrea@aletuysattorneys.co.za>
Sent: Wednesday, 25 September 2019 11:56
To: 'motaungh@nra.co.za'
Subject: FW: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")
Attachments: Cover Letter 30_7_2019 signed.pdf; J750_paia_Form A - SANRAL 30_7_2019.pdf; FINAL LIST OF REQUESTED RECORDS (ANNEXURE X).pdf
Importance: High

Good day Sir/s,

Kindly see the undermentioned email correspondence as was sent from our client.

Your URGENT attention is needed.

Kind regards



ANDREA KORFF

Consultant

LLB (UP)



397 Central Park Avenue, Lynnwood, Pretoria, 0081



andrea@aletuysattorneys.co.za



www.aletuysattorneys.co.za



082 734 2349

From: faizel.davids@outa.co.za <faizel.davids@outa.co.za>
Sent: Friday, 13 September 2019 8:40 AM
To: info@nra.co.za; macozomas@nra.co.za
Cc: 'Stefanie Fick' <stefanie.fick@outa.co.za>
Subject: RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Dear Sir/s,

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A
OUR REF: TR1712/-016/A

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7. Trust that you find the above in order and kindly await your response.

Kind regards,



Faizel Davids
Legal Advisor

Email: faizel.davids@outa.co.za

Tel: 087 170 0639

Web: www.outa.co.za

From: faizel.davids@outa.co.za <faizel.davids@outa.co.za>

Sent: Tuesday, 30 July 2019 08:12

To: 'info@nra.co.za' <info@nra.co.za>; 'macozomas@nra.co.za' <macozomas@nra.co.za>

Cc: 'Stefanie Fick' <stefanie.fick@outa.co.za>

Subject: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Dear Sir/s,

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A
OUR REF: TR1712/-016/A

1. Please find attached a request for access to information and Form A in terms of the section 18(1) of PAIA.
2. Please contact our Head of Legal Affairs, Mrs Stefanie Fick at stefanie.fick@outa.co.za in the event of any queries.
3. Kindly acknowledge receipt of this letter.
4. We trust you find the above in order and look forward to your response within 30 days of receipt of our request.

Kind regards,



Faizel Davids
Legal Advisor

Email: faizel.davids@outa.co.za

Tel: 087 170 0639

Web: www.outa.co.za

A handwritten signature in black ink, consisting of a stylized 'M' followed by a large, loopy 'A'.

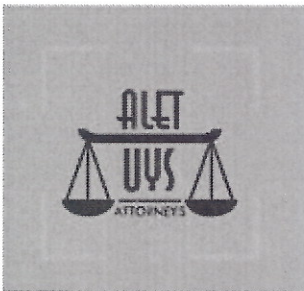
From: Alet Uys Attorneys <andrea@aletuysattorneys.co.za>
Sent: Wednesday, 25 September 2019 12:30
To: 'alli@nra.co.za'
Subject: FW: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")
Attachments: Cover Letter 30_7_2019 signed.pdf; J750_paia_Form A - SANRAL 30_7_2019.pdf; FINAL LIST OF REQUESTED RECORDS (ANNEXURE X).pdf
Importance: High

Good day Sir/s,

Kindly see the undermentioned email correspondence as was sent from our client.

Your URGENT attention is needed.

Kind regards



ANDREA KORFF

Consultant

LLB (UP)



397 Central Park Avenue, Lynnwood, Pretoria, 0081



andrea@aletuysattorneys.co.za



www.aletuysattorneys.co.za



082 734 2349

From: faizel.davids@outa.co.za <faizel.davids@outa.co.za>

Sent: Friday, 13 September 2019 8:40 AM

To: info@nra.co.za; macozomas@nra.co.za

Cc: 'Stefanie Fick' <stefanie.fick@outa.co.za>

Subject: RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Dear Sir/s,

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A
OUR REF: TR1712/-016/A

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2. Kindly be advised that we have sent a formal PAIA request on 30 July 2019 (hereto again attached for your convenience).

3. We herewith further confirm that we have, to date, not received the courtesy of any response and subsequently the 30 day period (as prescribed in the PAIA act) has lapsed.
4. We therefore submit that in terms of the PAIA Act your absence of a response can be considered as a deemed refusal.
5. We herewith, as a courtesy, extend the period to receive a reply from yourself until Friday, 20 September 2019.
6. In the event that we do not receive a reply on or before 20 September 2019, we will have no other option than to commence with the relevant Internal Appeal Processes.
7. Trust that you find the above in order and kindly await your response.

Kind regards,



Faizel Davids
Legal Advisor

Email: faizel.davids@outa.co.za

Tel: 087 170 0639

Web: www.outa.co.za

From: faizel.davids@outa.co.za <faizel.davids@outa.co.za>

Sent: Tuesday, 30 July 2019 08:12

To: 'info@nra.co.za' <info@nra.co.za>; 'macozomas@nra.co.za' <macozomas@nra.co.za>

Cc: 'Stefanie Fick' <stefanie.fick@outa.co.za>

Subject: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Dear Sir/s,

REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A
OUR REF: TR1712/-016/A

1. Please find attached a request for access to information and Form A in terms of the section 18(1) of PAIA.
2. Please contact our Head of Legal Affairs, Mrs Stefanie Fick at stefanie.fick@outa.co.za in the event of any queries.
3. Kindly acknowledge receipt of this letter.
4. We trust you find the above in order and look forward to your response within 30 days of receipt of our request.

Kind regards,



Faizel Davids
Legal Advisor

Email: faizel.davids@outa.co.za

Tel: 087 170 0639

Web: www.outa.co.za

A handwritten signature in dark ink, consisting of stylized, overlapping loops and lines.

03 November 2019

TO: The Information Officer
The South African National Roads Agency Limited
48 Tamboe Avenue
Val de Grace
Pretoria
0184

PER Email: info@nra.co.za
macozomas@nra.co.za
alli@nra.co.za
motaungh@nra.co.za

Dear Sir/Madam,

**INTERNAL APPEAL IN TERMS OF SECTION 74 & 75 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT, 2000 ("PAIA")
OUR REF: TR1712-016 (A)**

1. We refer to the above.
2. On 30 July 2019, we submitted a request for access to information in terms of section 18(1) of PAIA, to the South African Roads Agency Limited (SANRAL). The request was submitted to the following email recipients: info@nra.co.za and macozomas@nra.co.za.
3. The request pertained to certain records relating to the upgrade of the N3 route from Durban to Pietermaritzburg. We attached hereto the request together with its annexure, for your ease of reference and marked it as Annexure A.
4. On 13 September 2019, we sent follow up correspondence requesting an answer to our request because no response was received from yourself.
5. We then realised that the initial email addresses used were not the same email addresses mentioned in your PAIA manual and we therefore requested our attorney of record to forward our request in terms of section 18(1) of the PAIA Act on 25 September 2019 to the

ORGANISATION UNDOING TAX ABUSE NPC

Reg No.: 2012/064213/08

Directors: W Duvenage (CEO), Adv. S Fick, Dr. M Khoza, G Gultson

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

ADDRESS: O'KEEFFE & Swartz Building, 318 Oak Avenue, Randburg, Gauteng

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



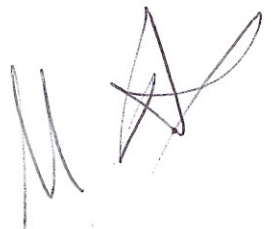
email recipients stipulated in your PAIA Manual, namely alli@nra.co.za and motaungh@nra.co.za.

6. To date, we have not been privy to a response in respect of our requests.
7. The period provided for in terms of section 25(1) of PAIA has expired, twice, and we accordingly deem your office's lack of response as a refusal of our request as per the provisions of section 27 of PAIA.
8. In terms of section 11(1) of PAIA, a requestor must be given access to a record of a public body if the requestor has complied with all the procedural requirements prescribed by PAIA and access to the record is not refused on any ground listed in Chapter 4 of PAIA.
9. In light of the above, please find attached our Notice of Internal Appeal with regards to our abovementioned request for access to information, marked as Annexure B.
10. Please note that OUTA is willing to tender the costs of this appeal.
11. Kindly contact our Ms Andrea Korff at andrea.korff@outa.co.za in the event of any queries.
12. Kindly acknowledge receipt of this appeal.
13. We trust you find the above in order and shall await the decision of the relevant authority within 30 days of receipt of this appeal.

Yours Sincerely,



Stefanie Fick
Chief Legal Officer
OUTA – Organisation Undoing Tax Abuse
E-mail: stefanie.fick@outa.co.za



"B" "SF7"

J751



REPUBLIC OF SOUTH AFRICA

FORM B
NOTICE OF INTERNAL APPEAL
(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 8]

STATE YOUR REFERENCE NUMBER: NOT PROVIDED

A. Particulars of public body

The Information Officer/Deputy Information Officer:

THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED
48 TAMBOTIE AVENUE
VAL DE GRACE
PRETORIA
0184

B. Particulars of requester/third party who lodges the internal appeal

- (a) The particulars of the person who lodge the internal appeal must be given below.
(b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
(c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: STEFANIE FICK

Identity number:

7	4	0	1	1	9	0	0	1	4	0	8	7
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Postal address:

N/A

Telephone number:

(087) 17069

Fax number:

(N/A)

E-mail address:

stefanie.fick@outa.co.za

Capacity in which an internal appeal on behalf of another person is lodged: CHIEF LEGAL OFFICER FOR OUTA

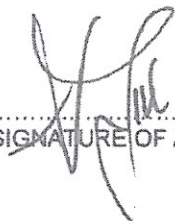
F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: EMAIL

Particulars of manner: To be sent to stefanie.fick@outa.co.za

Signed at RANDBURG this day 30TH of OCTOBER year 2019


SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:

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

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION
SUBSTITUTED

NEW DECISION:

DATE RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT
AUTHORITY ON (date):

30 July 2019

Attention: The Information Officer
The South African National Roads Agency Limited
48 Tambotie Avenue
Val de Grace
Pretoria
0184

Email: info@nra.co.za
macozomas@nra.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: TR1712/-016/A**

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 Head of Legal Affairs Stefanie Fick at stefanie.fick@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 on or before 28 August 2019.
7. Kindly acknowledge receipt of this letter.

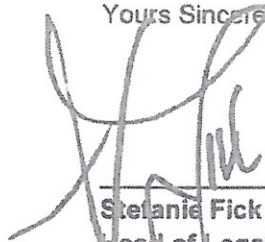
ORGANISATION UNDOING TAX ABUSE NPC
Reg No.: 2012/064213/08

Directors: W Duvenage (CEO), Adv S Fick, Dr. M Khoza, G Gulston
Non-Executive Directors: F Adam (Chair), P Majosi, W Modisapodi, LP Pauwen, T Pillay Van Graan
ADDRESS: O'KEEFFE & Swartz Building, 318 Oak Avenue, Randburg, Gauteng
CONTACTS: 087 170 0639 • info@outa.co.za • www.outa.co.za

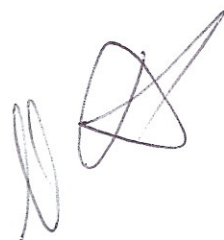


OUTA

Yours Sincerely,



Stefanie Fick
Head of Legal Affairs
OUTA – Organisation Undoing Tax Abuse
E-mail: stefanie.fick@outa.co.za





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 SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED
48 TAMBOTIE AVENUE
VAL DE GRACE
PRETORIA
0184

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
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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:

HEAD OF LEGAL AFFAIRS: THE ORGANISATION UNDOING TAX ABUSE (OUTA)

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: OUTA

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:

SEE ATTACHED HERETO "ANNEXURE X"

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

2. Reference number, if available:

3. Any further particulars of record:

SEE ATTACHED HERETO "ANNEXURE X"

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:

N/A

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:

N/A

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:

<input checked="" type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record	<input type="checkbox"/>
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2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input checked="" type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*	<input type="checkbox"/>
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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:					
X	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*	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	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					

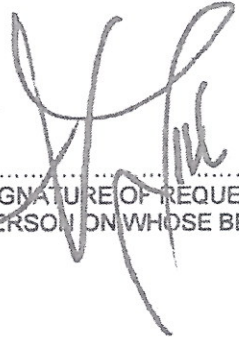
G. Notice of decision regarding request for access

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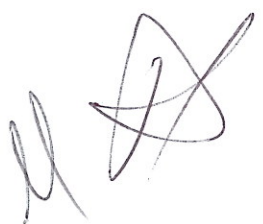
How would you prefer to be informed of the decision regarding your request for access to the record?

EMAIL

Signed at RANDBURG this day 30th of JULY year 2019



 SIGNATURE OF REQUESTER /
 PERSON ON WHOSE BEHALF REQUEST IS MADE



"ANNEXURE X"

Information sought:

Information relating to the upgrade of the N3 route from Durban to Pietermaritzburg, as specified below:

PART A:

1. A copy of The Concession Contract No. SAPR N0304102/1, for a portion of National Route 3 from Cedara in Kwazulu-Natal to Heidelberg South interchange in Gauteng as a toll Highway (hereinafter referred to as the N3TC Concession Contract) duly signed on the 27th of May 1999;
2. A copy of all Annexures and Addenda to the N3TC Concession Contract;
3. A copy of all Amendments and Addenda (if any) to the N3TC Concession Contract;
4. A copy of all Operation and Maintenance contracts entered into between the Concessionaire and the O&M Contractors, relating to the N3TC Concession Contract;
5. A copy of the Operational and Maintenance Manual pertaining to the N3TC Concession Contract;
6. A copy of the contracts entered into with the Independent Engineer(s), pertaining to the N3TC Concession Contract, as specifically stipulated in clause 6.1;
7. A copy of all the Independent Engineer(s) Reports submitted to SANRAL, pertaining to the N3TC Concession Contract;
8. A copy of all Construction Work contracts entered into by the Concessionaire relating to the N3TC Concession Contract, as set out in Clause 8.5.2;

9. A copy of all "Performance Certificates" issued, relating to the Construction Works contracts entered into by the Concessionaire (as referred to in item 8, above);
10. A copy of all "Taking Over certificates" that have been issued in terms of the N3TC Concession Contract, as set out in Clause 9.2;

PART B:

1. Copies of N3TC's complete financial statements for each fiscal year, submitted to SANRAL in terms of the N3TC Concession Contract (as from 1999/2000 financial year to present) as specified in Clause 16.3.1(a);
2. Copies of all reconciliations of N3TC's Profit & Loss Accounts, together with their proposed budgets for each fiscal year, submitted to SANRAL, from 1999/2000 fiscal year to present in terms of the N3TC Concession Contract, with specific reference to Clause 16.3.1(d);
3. Copies of all Annual Reports submitted to SANRAL, pertaining to the N3TC Concession Contract (as from the 1999/2000 financial year to present), issued by N3TC's appointed auditors, certifying that the computation of the Highway Usage Fee for the previous year was correctly calculated, as specified in Clause 16.3.1(e);
4. Copies of the lists, submitted to SANRAL in terms of the N3TC Concession Contract (as from 1999 to present), of N3TC's lenders and creditors to which N3TC owes a sum in excess of the equivalent of R10 000 000 (ten million Rand), including the amounts due to each of them, as stipulated in Clause 16.3.2(c);

From: Andrea Korff <andrea.korff@outa.co.za>
Sent: Tuesday, 17 December 2019 08:25
To: 'info@nra.co.za'; 'macozomas@nra.co.za'
Cc: 'alli@nra.co.za'; 'motaungh@nra.co.za'
Subject: RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Importance: High

Good day Sir/s,

Our undermentioned email correspondence refers.

Kindly be advised that we have not received the courtesy of any response from yourself.

We herewith wish to inform you that in the event that we do not receive a response with regards to our PAIA request, on or before Friday, 17 January 2020, we will have no other option than to approach a court for the appropriate relief.

We urgently receive your response.

Kind regards

OUTA



Andrea Korff
Legal Project Manager
andrea.korff@outa.co.za
Tel: 082 734 2349

OUTA - Organisation Undoing Tax Abuse
www.outa.co.za

From: Andrea Korff <andrea.korff@outa.co.za>
Sent: Monday, 04 November 2019 7:08 AM
To: 'info@nra.co.za' <info@nra.co.za>; 'macozomas@nra.co.za' <macozomas@nra.co.za>
Cc: 'alli@nra.co.za' <alli@nra.co.za>; 'motaungh@nra.co.za' <motaungh@nra.co.za>
Subject: RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Dear Sir/s,

INTERNAL APPEAL IN TERMS OF SECTION 74 & 75 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

OUR REF: TR1712/-016/A

1. We refer to the above.
2. Please find attached our internal appeal, together with annexures, in respect of our request for access to information relating to the upgrade of the N3 route from Durban to Pietermaritzburg.

3. Kindly find further attached hereto email correspondence with regards to our PAIA Application, made from our attorneys of record to the following email recipients: motaungh@nra.co.za and alli@nra.co.za, as per the SANRAL PAIA manual on 25 September 2019.
4. Please contact our Ms. Andrea Korff at andrea.korff@outa.co.za in the event of any queries.
5. Kindly acknowledge receipt of this email.
6. We trust you find the above in order and shall await the decision of the relevant authority within 30 days of receipt of this appeal.

Kind regards

OUTA



Andrea Korff
Legal Project Manager
andrea.korff@outa.co.za
Tel: 082 734 2349

OUTA - Organisation Undoing Tax Abuse
www.outa.co.za

From: faizel.davids@outa.co.za <faizel.davids@outa.co.za>

Sent: Friday, 13 September 2019 8:40 AM

To: info@nra.co.za; macozomas@nra.co.za

Cc: 'Stefanie Fick' <stefanie.fick@outa.co.za>

Subject: RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")

Dear Sir/s,

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

OUR REF: TR1712/-016/A

1. The email below bears reference.
2. Kindly be advised that we have sent a formal PAIA request on 30 July 2019 (hereto again attached for your convenience).
3. We herewith further confirm that we have, to date, not received the courtesy of any response and subsequently the 30 day period (as prescribed in the PAIA act) has lapsed.
4. We therefore submit that in terms of the PAIA Act your absence of a response can be considered as a deemed refusal.
5. We herewith, as a courtesy, extend the period to receive a reply from yourself until Friday, 20 September 2019.
6. In the event that we do not receive a reply on or before 20 September 2019, we will have no other option than to commence with the relevant Internal Appeal Processes.
7. Trust that you find the above in order and kindly await your response.



397 Central Park Avenue, Lynnwood, Pretoria, 0081
PostNet Suite 36, Pvt Bag x1 Menlo Park, Pretoria, 0102
Phone: 060 729 9933 E-Mail: alet@aletuysattorneys.co.za

9 June 2020

Our ref: OL0014

To: The Information Officer
The South African National Roads Agency Limited
Ref: unknown

Per: Email: (MotaungH@nra.co.za / LindaS@nra.co.za /
LegalServices@nra.co.za)

Dear Sir / Madam,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2000**

1. We refer to the above and confirm that we act on behalf of the Organisation Undoing Tax Abuse ("OUTA").
2. Kindly take note that on 30 July 2019, OUTA submitted a request for access to information in line with section 18(1) of the Promotion of Access to Information Act, 2000 ("PAIA") to the South African National Roads Agency Limited ("SANRAL"). OUTA's request is attached hereto and marked **ANNEXURE "OUTA1"**.
3. Notwithstanding SANRAL's failure to provide OUTA with a formal response in terms of section 25 of PAIA, OUTA extended the period in which SANRAL was to provide a formal response to 20 September 2019.



VAT NO: 421 0277 853

397 Central Park Avenue, Lynnwood, Pretoria, 0081
PostNet Suite 36, Pvt Bag x1 Menlo Park, Pretoria, 0102
Phone: 060 729 9933 E-Mail: alet@aletuysattorneys.co.za

4. OUTA submits that the initial transmission of its request on 30 July 2019 was transmitted to the incorrect email recipient being info@nra.co.za and macozomas@nra.co.za respectively. Nevertheless, a copy of OUTA request was forwarded to the email address as reflected in SANRAL's PAIA Manual on 25 September 2019. A copy of OUTA's email is attached hereto and marked **ANNEXURE "OUTA2"**.
5. In this regard, the date of 25 September 2019 may for all practical purposes be considered as the date on which OUTA had submitted its request. Notwithstanding, SANRAL failed to provide OUTA with a formal response by 25 October 2019.
6. Subsequently, OUTA initiated the relevant internal appeal procedure in terms of section 74 of PAIA and submitted its internal appeal to SANRAL's deemed refusal on 4 November 2019. A copy of OUTA's internal appeal is attached hereto and marked **ANNEXURE "OUTA3"**. To date, OUTA neither received a formal response to its initial request, nor for its internal appeal.
7. As a courtesy, we hereby grant you until **19 June 2020** to reconsider OUTA's request and/or internal appeal, failure of which we hold instructions to issue the relevant court application in the North Gauteng High Court in terms of sections 78 and 79 of PAIA.
8. We trust that you find the above in order and look forward to receiving your response.

Yours faithfully,

ALET UYS ATTORNEYS

BC Slade