



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria,0001 Environment House,473 Steve Biko Road, Pretoria,0002

**Ref:**PAIA240696

**Enquiries:** C Weber

**Telephone:** 021 402 3349

**Email:** [CWeber@dffe.gov.za](mailto:CWeber@dffe.gov.za)

### **Small Pelagic Appellants Sardine and Anchovy Sector**

Dear Sir/Madam

#### **REQUEST IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000) (PAIA) PAIA REQUEST FOR ACCESS TO CERTAIN RECORDS RELATING TO THE GENERAL PUBLISHED REASONS FOR DECISIONS ON APPEAL IN THE SARDINE AND ANCHOVY SECTORS.**

1. Kindly be advised that I, as the Acting Deputy Information Officer of the Department of Forestry, Fisheries and the Environment, Branch: Regulatory Compliance and Sector Monitoring, have received a request for access to information, made in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), dated 6 March 2024 from Mr Suleiman Salie on behalf of Lucky Star Ltd and Amawandle Pelagic (Pty) Ltd (the Requester).
2. In his request the Requester specifically requested the following information/records *inter alia*:  
  
*The records requested and listed below relates to the General Published Reasons for Decisions on Appeal in the Sardine and Anchovy Sector ("GPRs"):*  
  
*The final written recommendation by the Appeals Advisory team/ Delegated Authority to the Minister in respect of all appeals."*
3. In terms of section 47 of PAIA, I am required to inform you that I am considering this request for access to records, which may be records contemplated in the following sections of PAIA:

Section	Provision
34 (1)	<i>Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.</i>
36 (1)	<i>Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if the record contains -</i> <i>(a) trade secrets of a third party;</i> <i>(b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or</i> <i>(c) information supplied in confidence by a third party the disclosure of which could reasonably be expected -</i> <i>(i) to put that third party at a disadvantage in contractual or other negotiations; or</i> <i>(ii) to prejudice that third party in commercial competition.</i>
37(1)	<i>Subject to subsection (2), the information officer of a public body -</i> <i>(a) must refuse a request for access to a record of the body if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement; or</i> <i>(b) may refuse a request for access to a record of the body if the record consists of information that was supplied in confidence by a third party -</i> <i>(i) the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source; and</i> <i>(ii) if it is in the public interest that similar information, or information from the same source, should continue to be supplied.</i>

4. You may, within **twenty-one (21)** days after receiving this notice:
  - 4.1 Make written or oral representations to my office as to why the request for access should be refused; or
  - 4.2 give written consent for the disclosure of the record to the Requester.
  
5. In the event that the Department does not receive any written representations within the indicated timeframes, the Department will assume that you are not opposed to the Department disclosing all the requested information as set out in paragraph 2 (two) above and the Department will thus take this into consideration when deciding on whether or not to disclose the information to the Requester.
  
6. Kindly note further that in terms of Section 46 of PAIA, the Department must nevertheless disclose the requested information to the requester if –
  - “(a) the disclosure of the record would reveal evidence of -*
    - (i) a substantial contravention of, or failure to comply with, the law, or*
    - (ii) an imminent or serious public safety or environmental risk; and*

*(b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.”*

7. Kindly lodge your representations or consent to my office at:

The Deputy Information Officer.

**Attention: Ms C Weber**

Department of Forestry, Fisheries and the Environment

Private Bag X2

VLAEBERG

8018

8. Your response may also be e-mailed to [CWeber@dffe.gov.za](mailto:CWeber@dffe.gov.za) in addition to my office. Should you have any queries relating to this matter, please do not hesitate to contact our office.

Yours sincerely,



**MS MOLEBATSI MMOLA**

**DEPUTY DIRECTOR GENERAL (ACTING)**

**ACTING DEPUTY INFORMATION OFFICER: REGULATORY COMPLIANCE AND SECTOR MONITORING**

**DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

**DATE: 27/ 03/ 2024**