

# THE SPECIAL INVESTIGATING UNIT

ESTABLISHED IN TERMS OF ACT 74/1996  
(Proclamation No. R.118 / 2001)

TEL: [043] 726-9705  
FAX: [043] 726-9269 / 726-9261  
[043] 727-1051 [Legal]  
[043] 727-0020 [Finance]  
[043] 726-9808 [HR]

OUR REF: R Walser

**Deputy Information Officer**



Sanlam Park  
59 Western Avenue  
Vincent  
**EAST LONDON**  
P O Box 893  
**EAST LONDON, 5200**  
E-mail: [bwalser@siu.org.za](mailto:bwalser@siu.org.za)

**Docex 56, East London**

## INFORMATION MANUAL

[IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000]

### MISSION STATEMENT

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The Special Investigating Unit is an anti-corruption agency that provides a high quality investigation and litigation service to recover state assets in the public interest.

### DESCRIPTION OF STRUCTURE

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- ✚ The Special Investigating Unit is a juristic person established by Proclamation R118 of 2001 issued in terms of the Special Investigating Units and Special Tribunals Act No. 74 of 1996, as amended.
- ✚ Mr. William Andrew Hofmeyr is the Head of the Special Investigating Unit, appointed as such by the State President
- ✚ The Special Investigating Unit can be instructed by the State President to investigate matters in any Province and throughout the area of the Republic of South Africa.

### THE FUNCTIONS OF THE SPECIAL INVESTIGATING UNIT ARE:

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- (a) To investigate all matters referred to it by the State President by Proclamation
- (b) To collect evidence regarding acts or omissions which are relevant to its investigation.
- (c) If applicable to institute proceedings in a Special Tribunal against parties concerned.
- (d) To present evidence in proceedings so instituted.
- (e) To refer evidence regarding or which points to the commission of an offence to the relevant prosecuting authority.

- (f) To perform such functions which are not in conflict with the provisions of the Act, as the President may from time to time request.
- (g) From time to time as directed by the President to report on progress made in investigations and matters brought before the Special Tribunal concerned.
- (h) Upon conclusion of the Investigation, to submit a final report to the President.
- (i) To submit a report to Parliament on the investigations by and the activities, composition and expenditure of such Unit at least twice a year.

#### THE PURPOSE OF THE SPECIAL INVESTIGATING UNIT IS TO INVESTIGATE

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- (a) Serious maladministration in connection with the Affairs of any State Institution.
- (b) Improper or unlawful conduct by employees of any State Institution.
- (c) Unlawful appropriation or expenditure of public money or property.
- (d) Unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having bearing upon State property.
- (e) Intentional or negligent loss of public money or damage to public property.
- (f) Corruption in connection with the affairs of any State institution.
- (g) Unlawful or improper conduct by any person which has caused or may cause serious harm to the interests of the public or any category thereof.

#### THE POSTAL ADDRESS AND PARTICULARS OF INFORMATION OFFICER

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Information Officer:
Deputy Information Officer:
Business Address:

MR. WILLIAM ANDREW HOFMEYR  
(In his capacity as the Head of the Unit)

ROBERT WALSER  
Sanlam Park Building  
59 Western Avenue  
Vincent

Postal Address:
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East London  
P O Box 893  
East London  
5200

Telephone No.:
Fax No.:
E-mail:

(043) 726-9705 ext 289  
(043) 727-1051  
[bwalser@siu.org.za](mailto:bwalser@siu.org.za)

## FORM OF REQUEST FOR INFORMATION

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- The applicant must use the prescribed form to make the request for access to a record.
- An application form will be supplied, by the Unit, to any individual or entity on request.
- An application form may be collected by the applicant at the business address of the Special Investigating Unit or will be faxed, posted or e-mailed to any person on request.
- The applicant must in the application identify the right that he/she is seeking to exercise or protect and explain why the requested record is required for the exercise or protection of that right.
- On completion of the application form, the form must be returned to the Special Investigating Unit.
- The completed application form may be posted, faxed, e-mailed or hand-delivered in accordance with the abovementioned contact details.

## ORAL APPLICATION FOR ACCESS

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Any person who, because of illiteracy or a disability is unable to make a request for access to a record of the Special Investigating Unit in accordance with the written application procedures explained above, may make that request orally. The oral request for access must be made to the Information Officer or the Deputy Information Officer by way of the contact details supplied above, whereafter said Officer or his Deputy will assist such person to lodge an application for information in due form.

## FEES

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- Fees relating to applications for information are prescribed by regulations made under Act No. 2 of 2000 from time to time.
- An applicant who seeks access to a record containing personal information about that applicant is not required to pay the prescribed fee. Every other applicant must pay the requisite fee.
- The applicant will be advised of the prescribed fee payable and will be required to settle same before information is provided.
- Where the prescribed time specified for that in the regulation is exceeded, an applicant will be required to pay an additional access fee for the search for, reproduction and preparation of the required information and the time spent in that regard.

## DECISION ON REQUEST FOR ACCESS

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- The Special Investigating Unit's Information Officer or his Deputy will, as soon as reasonably possible, but within 30 days after the request is received, consider the applicant's application and inform the applicant in writing of the outcome of the application and the reasons for the decision taken regarding same.
- In certain circumstances the Information Officer or his Deputy is:
  - o entitled to extend the abovementioned 30 day period for a further 30 days.
  - o obliged to notify a third party of a request for a record relating to that third party, and of the rights of such third party to dispute the intended approach of the Information Officer or his Deputy to the question of granting access.
  - o obliged to refuse an application for access to certain records.
- In certain circumstances the Information Officer or his Deputy has discretion to refuse access to a record.
- The applicant has the right to lodge an internal appeal against certain decisions of the Information Officer or his Deputy and to apply to court for appropriate relief in respect thereof.

## SUBJECTS OF INFORMATION

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### ADMINISTRATIVE INFORMATION.

This is the information relating to the day to day running of the Unit, and includes items such as internal telephone lists, address lists, Unit policies, Unit contracts, financial records and general "house keeping" information.

### OPERATIONAL INFORMATION

This is the information relating to the investigation and litigation activities of the Unit.

- The records comprise Correspondence, Pleadings, Transcriptions of evidence given by witnesses in formal questioning and documentary evidence.
- Please be advised that the majority of the Unit's operational records and information is Strictly Confidential and/or Privileged from disclosure by virtue of the role and function of the Unit, and also because third parties are involved in the investigations. Such records and information will be protected from disclosure in terms of the Common law and Statutory law, including the provisions of Act No. 2 of 2000.
- Information relating to pending legal proceedings, which are sub-judice, will be protected from disclosure.

### Categories of records that are automatically available without a person having to request access

FOR PURPOSES OF INSPECTION IN TERMS OF LEGISLATION OTHER THAN THIS ACT: -

- Pension Funds Act 24 of 1956

- The Supreme Court Act 59 of 1959
- Income Tax Act 58 of 1962
- Unemployment Insurance Act 30 of 1966
- Criminal Procedure Act 51 of 1977
- Value-Added Tax Act 89 of 1991
- Interception and Monitoring Prohibition Act 127 of 1992
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries & Diseases Act 130 of 1993
- General Laws Amendment Act 204 of 1993
- Intelligence Services Act 38 of 1994
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- National Prosecuting Authority Act 32 of 1998
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Prevention of Organised Crime Act 121 of 1998
- Labour Relations Act 127 of 1998
- Skills Development Levies Act 9 of 1999
- Electronic Communications and Transactions Act 25 of 2002

FOR PURCHASE OR COPYING FROM THE UNIT: -

- The Special Investigating Unit has a web page ([www.siu.org.za](http://www.siu.org.za)) which is freely available to anyone with internet access. The web page contains information about the services which the Unit provides and contact details.
- The Unit's annual Reports to Parliament.
- The Special Investigating Units and Special Tribunals Act 74 of 1996, with amendments.
- Proclamations issued in terms of Act 74 of 1996.

FROM THE UNIT FREE OF CHARGE: -

- Information Manual in terms of the Promotion of Access to Information Act No. 2 of 2000.
- Application forms envisaged by the provisions of the Promotion of Access to Information Act.
- Forms to lodge an Appeal against a decision made by the Unit's Information Officer or his Deputy.

OTHER INFORMATION AS MAY BE PRESCRIBED: -

- The Minister of Justice and Constitutional Development has not made any regulations in this regard.

HUMAN RIGHTS COMMISSION GUIDE: -

- The Human Rights Commission is tasked with the compilation of a guide on the use of the Promotion of Access to Information Act. This guide will be available from the Human Rights Commission at

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Private Bag 2700

Houghton 2041

Tel: (011) 484 8300

Fax: (011) 484 0582

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

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## DESCRIPTION OF SERVICES TO THE PUBLIC AND STATE INSTITUTIONS

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- The Special Investigating Unit will receive any information or complaints from members of the public and/or employees of State Institutions pertaining to the Unit's mission, purpose and functions.
- The information should, where possible, be provided to the Unit in writing.
- All information received will be treated as confidential.
- The Unit strives to co-operate with all State institutions and other law enforcement agencies.
- The Unit is committed to building partnerships with State institutions to promote efficiency, cost effectiveness and quality.
- The Unit will welcome information from members of the public to assist it in its investigations.

## DESCRIPTION OF INDIVIDUAL'S RIGHTS TO MAKE REPRESENTATIONS TO THE UNIT CONCERNING THE FORMULATION OF POLICY

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The Unit will receive any representations or suggestions from any individual, institution or legal entity on any aspect of the Unit's structure, function or policies and on the exercise of the Unit's powers or the performance

of the Unit's duties, but the Unit will not be obliged to implement the suggestions. The Head of the Unit's decision on any such representations or suggestions will be final and binding. The Unit will also not be obliged to provide reasons or further information in this regard.

### **DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE UNIT**

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In the event an individual or entity being aggrieved by an act or a failure to act by the Unit, the following remedies are available:

- Complaining to the Head of the Unit and requesting assistance.
- Complaining to the National Director of Public Prosecutions.
- Lodging a complaint with the Minister of Justice and Constitutional Development.
- Lodging a complaint with the Public Protector.
- Approaching a Court of Law or, if applicable, the Special Tribunal, for relief.

Please be advised that the Unit and its Members enjoy protection under the State Liability Act 20 of 1957.

### **AVAILABILITY OF THIS MANUAL**

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This manual is available for inspection in three official languages at the Unit's offices in East London. Copies are also available from the Human Rights Commission and the Government Printer.