



arts and culture

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South Africa History Archive (SAHA)

Freedom of Information Programme
Records Released Under PAIA

2013 -11- 20

PAIA Request No: SAH-2013-NAR-0003

Receiving Officer: Kathryn Johnson

Signature: Kathryn Johnson

**NATIONAL ARCHIVES AND RECORDS SERVICE OF SOUTH AFRICA
NASIONALE ARGIEF EN REKORDDIENS VAN SUID-AFRIKA
DIAKHAEFE TŠA BOSETŠHABA TŠA AFRIKA BORWA
INQOLOBANE YOKUGCINA AMAGUGU KAZWELONKE ENINGIZIMU AFRIKA**

The FOIP Project Officer
South African History Archive
P.O. Box 31719
BRAAMFONTEIN
2017

07 November 2013

SUBJECT: INTERNAL APPEAL PAIA REQUEST SAH-2013-NAR-0003

The National Archives is of a point of view that it has not received the PAIA request SAH-2013-NAR-003 as the correct parameters have not been followed. I did not issue an acknowledgement of receipt on the first request as I have not received it. I also need to refer you to Section 22(5) of the Promotion of Access to Information Act (No. 2 of 2000) which states "The information Officer of a public body must withhold a record until the requester concerned has paid the applicable fees (if any)". According to our records no such fee has been received up to date. I am therefore of an opinion that a request for an internal appeal is premature. I also need to inform you that the internal appeal was wrongly addressed to Mr. Wagener as he is not the Deputy Information Officer.

However I will do my utmost to try and answer the questions as set out in your request.

1. Management of the TRC records

The National Archives as a rule normally only accept records from client offices which are not needed for their day to day administration anymore. As such the National Archives Act states that records should be transferred to the National Archives Repository once they reach an age of twenty years. The TRC records were transferred to the National Archives Repository in 2001 due to the fact that the Department of Justice and Constitutional Development (DOJ) did not have the space to keep the records while still dealing with TRC administrative processes. This includes processes around reparations and the Presidents Fund which are still being dealt with. Therefore the National Archives does not have total control over the group and the transfer of the group cannot be seen as a transfer of records in the normal sense. Archival control will only come in force when the records are not functionally needed by the DOJ anymore.

Reference: 12/11/3
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- a) **Policies and procedures for managing public access to the TRC records:** As set out in the previous paragraph these records does not belong to the National Archives yet. All requests for access are dealt with by the DIO, Ms Marlyn Raswiswi at the PAIA unit of the DOJ. The only exceptions are the audio-visual material of the open and public hearings of the TRC. Please see the attached circular signed by the then National Archivist, Dr Graham Dominy, on 19 July 2002. Please take note that the interdepartmental access committee mentioned in the circular was a temporary committee set up for a specific task and does not exist anymore. Also included in the group of records which are immediately accessible are the Amnesty Decisions, copies of which are also available on the DOJ website.
- b) **Processing plans and schedules for the arrangement and description of the TRC records:** No such plans and schedules exist;
- c) **Plans and budgets for the on-going maintenance and preservation of the TRC records, including any plans and budgets relating to the construction of a dedicated archival repository/building in this regard:** There are no specific plans or budgets for the on-going maintenance and preservation of the TRC records. However there is currently an HVAC project running for the upgrading of various installations such as security, fire detection and suppression; air-conditioning and humidity control. This project includes the areas where the TRC records are housed. No dedicated archival repository outside the National Archives building is under consideration;
- d) **Plans, schedules, and monitoring mechanisms relating to the transfer of TRC records still held by other government departments to the National Archives:** In terms of the National Archives Act records older than 20 years should be transferred to the National Archives Repository. The TRC records have not yet reached that stage.

2. Consultation of the TRC records

With regard to the access to TRC records the National Archives follows the recommendations as set out in the Truth and Reconciliation Commission of South Africa Report (volume 5, page 344) and more specifically the recommendation stating: *'In the case of record categories identified as requiring protection, the National Archivist refer requests for access to the Department of Justice. In the case of all other record categories, a policy of unrestricted public access should be applied'*. I can also refer again to the memo issued by the National Archivist, dated 19 July 2002. I will therefore only be able to answer the questions below in the context that the National Archives does not deal with PAIA requests re the TRC records and such information should be sourced from the Department of Justice and Constitutional Development. The National Archives does not keep record of researchers specifically researching the TRC Records, but I will provide the approximate numbers as set out below.

- a) **The number of researchers who have consulted the TRC records since they were acquired by the National Archives:** 33
- b) **The institutional and professional affiliations of researchers who have consulted the TRC records since they were acquired by the National Archives;** Would include Universities, Production Companies, DOJ, NPA, etc.

- c) **The purposes or motivations for which researchers have consulted the TRC records since they were acquired by the National Archives:** Such motivations are not required (as set out in the PAIA as well), but researchers would consult the TRC material mostly for academic reasons (PHD or Masters), to produce documentaries, ongoing investigations or by DOJ staff themselves.
- d) **The frequency with which the TRC records have been consulted since they were acquired by the National Archives:** 220 visits of which over 100 would be by either the NPA or DOJ.
- e) **The spectrum of specific TRC records that have been most and least frequently consulted since they were acquired by the National Archives:** TRC public Human Rights Violation Hearings, TRC public Amnesty hearings, Special Hearings and Decisions.

I hope the above answers clarify matters. If not, please feel free to contact me at any time.

Regards


MS. MANDY GILDER
ACT. NATIONAL ARCHIVIST

