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Advocate Anthony Brink

25 Baker Road

Pietermaritzburg

3201

8 April 2011

*per e-mail*

Dear Adv. Brink,

### **Promotion of Access to Information Act**

#### **Third request for records**

#### **Senior Litigator Position, Pietermaritzburg**

I acknowledge receipt of your third request for records dated 9 March 2011. As the National Operations Executive, I am the Deputy Information Officer, duly delegated by the Information Officer in terms of section 17 of the Promotion to Access Information Act, 2 of 2000. The requests you made fall within my scope and ambit of operation and I am the person who is familiar with the facts.

Hereunder I respond to all your requests sequentially and also advise where a record does not exist.

#### **1. Request 1**

The full Approval Framework is attached.

**2. Request 2**

The policy deals with Recruitment, Induction, Probation and Relocation. You have been provided with the entire extract of the policy as far as it relates to the recruitment aspect. The remaining part of the policy does not deal with recruitment issues and is therefore irrelevant.

**Request 3**

Paragraph 31 referred to does not state that there was a reference check done to you. Rather, it refuses to grant you information based on a number of reasons that include possible reference checks that may or may not have been done. I can confirm that no reference checks were done on you. As a result, no consent was obtained from you.

**4. Request 4**

As indicated in response to request 3, no reference checks were conducted in respect of your application for the Senior Litigator position.

**5. Request 5**

See the response to paragraph 3 and 4 above.

**6. Request 6-9**

I can confirm that no item relating to you was either on the agenda or tabled at any of the Board meetings. The Board's responsibility primarily relates to policy issues and not operations hence appointments and freezing of positions are dealt with by Executives.

Your request for the information is refused in terms of section 44(1) (a) of the Promotion of Access to Information Act 2 of 2000 as amended.

**7. Request 10-11**

The communication to the Eastern Cape ROE was done verbally by the NOE and as such no written record exists. It was the responsibility of the ROE Eastern Cape to communicate this decision to the Mthatha JCE in any manner he chose appropriate. This information is supplemented by an affidavit annexed hereto in terms of section 23 of Act 2 of 2000.

**8. Request 12**

The communication that the position was not to be filled was conveyed to the relevant candidate by the Regional Operations Executive of the Eastern Cape. The information requested is refused and cannot be provided as it relates to third parties as envisaged in terms of section 34(1) of the Promotion of Access to Information Act 2 of 2000 as amended

**9. Request 13 to 15**

The information requested is refused as it is not relevant because it is after you were informed that we are not proceeding to fill the Senior Litigator position.

**Yours faithfully,**



**Brian Nair**

**National Operations Executive**