

**MINERALS COUNCIL SOUTH AFRICA**

**MANUAL ISSUED IN TERMS OF:  
SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA) READ WITH  
THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)**

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**1. Introduction**

This Manual (the **Manual**) has been compiled in accordance with the requirements of PAIA, read with the relevant sections of POPIA.

Minerals Council South Africa (the **Company**) is a private body as defined in PAIA, and this Manual A key role of the organization is to facilitate interaction among mining employers to examine policy issues and other matters of mutual concern to crystallize and define desirable industry standpoints. A variety of initiatives are in place to promote collaboration between members. Consultation and collaboration are voluntary and never encroach on the autonomy of members. The Minerals Council also acts as a principal advocate for mining in South Africa to government, communicating major policies endorsed by its members

A copy of the Manual will be made available to the Information Regulator, upon request, and any controlling body of which the Company is a member, if required, and will be published on the Company's website.

The Manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA.

**2. Contact Details**

The Chief Executive Officer of the Company is Roger Baxter and Jeannette Hofsjer , is the head of the Company for purposes of PAIA, and is the Company's information officer for purposes of POPIA.

Their contact details are as follows:

**Information Officer (IO):**

Telephone: 082 7655 396 or 011 498 7100

E-mail: [jhofsajer@mineralscouncil.org.za](mailto:jhofsajer@mineralscouncil.org.za) or [info@mineralscouncil.org.za](mailto:info@mineralscouncil.org.za)]

Postal address:

PO Box 61809

Marshalltown

2107

Physical address:

5 Hollard Street Marshalltown

### 3. **Guide on how to use PAIA**

- 3.1 PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request for information from the Company, the public body must be acting in the public interest. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided.
- 3.2 The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised guide on how to use PAIA (the **Guide**), in an easily and comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 3.3 The Guide can be made available, on request, in each of the official languages and in braille.
- 3.4 The Guide contains a description of –
  - 3.4.1 the objects of PAIA and POPIA;
  - 3.4.2 the postal and street address, phone, electronic mail address of-
    - 3.4.2.1 the information officer of every public body, and
  - 3.4.3 the manner and form of a request for-
    - 3.4.3.1 access to a record of a public body contemplated in section 11 of PAIA; and
    - 3.4.3.2 access to a record of a private body contemplated in section 50 of PAIA;
  - 3.4.4 the assistance available from the information officer of a public body in terms of PAIA and POPIA;
  - 3.4.5 the assistance available from the Regulator in terms of PAIA and POPIA;
  - 3.4.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
    - 3.4.6.1 an internal appeal;
    - 3.4.6.2 a complaint to the Regulator; and

- 3.4.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 3.4.7 the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 3.4.8 the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 3.4.9 the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
- 3.4.10 the regulations made in terms of section 92 of PAIA.
- 3.5 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 3.6 The Guide can also be obtained-
- 3.6.1 upon request to the Information Officer of the Company.
- 3.7 A copy of the Guide is also available in English and currently in the process of being translated into Zulu. The following two official languages, for public inspection on our webpage.
- 3.8 The contact details for the Information Regulator are (at present) as follows:

**The Information Regulator (South Africa)**

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001  
Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017  
Telephone number: +27 (0)10 023-5200 / +27 (0)82 746-4173  
Website: <https://www.justice.gov.za/inforeg/index.html>  
E-mail: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za) / [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**4. Records available in terms of any other legislation**

- 4.1 The Company holds details of its own registration, together with its financial statements, information pertaining to its directors and shareholders and other corporate information required to be retained in terms of the Companies Act, 2008.
- 4.2 It holds information relating to its tax affairs in terms of the Income Tax Act, 1962 (the **ITA**), the Tax Administration Act, 2011, the Value Added Tax Act, 1991 as well as the Unemployment Insurance Contributions Act, 2002 and the Skills Development Levies Act, 1999.
- 4.3 The Company holds information pertaining to its employees as required in terms of applicable employment and other relevant legislation.

5. **Access to records**

5.1 For purposes of facilitating a request in terms of PAIA, the information below includes a description of the subjects on which the Company holds records and the categories into which these fall. This information is not exhaustive and may be amended from time to time.

5.2 Subject to the provisions of PAIA, information may be inspected, collected, purchased or copied at the offices of the Company and, unless the records are available on the Company's website, an appointment to view the records will have to be made with the information officer or the deputy information officer. The schedule of reproduction fees in relation to a section 52 information request are set out in paragraph 6.2.1 below.

5.3 Categories of record of the Company which are available to a person without having to request access in terms of PAIA:

Category	Description	Format	Maintained by	Stored at	Retention period
<b>Information in the public domain</b>	Incorporation documents	Electronic copy	IO	www.mineralscouncil.org.za	Indefinite
	Annual reports	Electronic copy	IO	www.mineralscouncil.org.za	7 years
	Audited financial statements	Electronic copy	IO	www.mineralscouncil.org.za	7 years
	Public statements and communications	Electronic copy	IO	www.mineralscouncil.org.za	Indefinite
	General information pertaining to the Company and information regarding the services rendered	Electronic copy	IO	www.mineralscouncil.org.za	Indefinite

5.4 The records listed below, which need to be requested in terms of PAIA and/or POPIA, will not in all instances be provided to a requester. In other words, the records held under the various subjects are not automatically available and access to them is subject to the nature of the information contained in the record, as well as the grounds of refusal as set out in PAIA that may be applicable to a request for such records. (See also paragraph 6.1.6 below.) The procedure in terms of which such records may be requested from the Company is set out in paragraph 6.1 below.

5.5 Categories of records that may be requested in terms of PAIA and/or POPIA:

Subjects on which the body holds records	Category / description of record	Format	Maintained by	Retention period
<b>Finance and administration</b>	Company registration records; Bank account records; Books and records of account and financial statements; Annual budget; VAT, SITE and PAYE records; Asset registers; Details of auditors; External auditor reports; Information pertaining to clients as required in terms of the Financial Intelligence Centre Act; Minutes of the meetings of the Company (non-confidential parts); Minutes of the meetings of committees/ subcommittees; Minutes of staff meetings and/or management meetings.	Electronic copy	IO	as required in terms of applicable legislation / as required in terms of applicable contracts
<b>Management</b>	Minutes of meetings of the Executive Committee and subcommittees; Internal correspondence; Resolutions and directives; internal investigation reports; Policies, procedures, and codes; Travel management and arrangements.	Electronic copy	IO	As required in terms of applicable legislation / as required in terms of applicable contracts
<b>Human Resources</b>	Organisational information (organisational structure, etc.);	Electronic copy	IO	As required in terms of applicable legislation /

Subjects on which the body holds records	Category / description of record	Format	Maintained by	Retention period
	<p>Personnel files;</p> <p>Contracts, conditions of service and other agreements;</p> <p>Statutory employee records;</p> <p>Records of background checks (including qualification, credit and criminal record checks);</p> <p>Immigration documentation;</p> <p>Retirement fund records;</p> <p>Medical aid records;</p> <p>Budget projections in respect of staff;</p> <p>Employee leave records;</p> <p>Employee payments and benefits (statutory and contractual);</p> <p>Correspondence with or about employees;</p> <p>Performance management records;</p> <p>Records of disciplinary hearings and findings;</p> <p>Records of incapacity proceedings, including medical information;</p> <p>Records of occupational injuries and diseases;</p> <p>Employee declarations in terms of the EEA.</p>			contracts of employment
<b>Relationships with third parties</b>	<p>Agreements with stakeholders;</p> <p>Service level agreements with suppliers;</p>	Electronic copy	IO	as required in terms of applicable legislation / as required in terms

<b>Subjects on which the body holds records</b>	<b>Category / description of record</b>	<b>Format</b>	<b>Maintained by</b>	<b>Retention period</b>
	Contact details of suppliers; Service level agreements; Details of customers / clients including contact details, details pertaining to transactions, loyalty programmes, etc.; Licences and general conditions for conducting business.			of applicable contracts
<b>Information technology</b>	Computer software; SaaS Support and maintenance agreements; Licensing agreements; Records regarding computer systems and programmes.	Electronic copy	IO	as required in terms of applicable legislation / as required in terms of applicable contracts
<b>Property</b>	Asset registers; Lease agreements in respect of immovable property; Records regarding insurance in respect of movable or immovable property.	Electronic copy	IO	as required in terms of applicable legislation / as required in terms of applicable contracts
<b>Legal</b>	Litigation; Appeals; Contracts and memoranda of understanding; Regulatory permissions, licenses, and/or exemptions.	Electronic copy	IO	as required in terms of applicable legislation / as required in terms of applicable contracts

5.6 For purposes of POPIA:

5.6.1 For the purposes of facilitating a request for personal information, the information below includes details of the purpose of the processing of personal information by the Company, a description of the categories of data subjects and of the information or categories of information relating to data subjects held by the Company, the recipients or categories of recipients to whom personal information may be supplied, planned transborder flows of personal information, and a general

description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Company to ensure the confidentiality, integrity and availability of the information which is to be processed.

5.6.2 In terms of POPIA, a requester to whom certain personal information relates may request the Company to confirm, free of charge, whether or not it holds personal information about that particular requester.

5.6.3 A requester may make a request that the Company provides the record or a description of the personal information about the requester which is held by it, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time, in a reasonable manner, and format, at a fee, and in a form that is generally understandable.

5.6.4 Categories of data subjects and categories of personal information relating thereto:

<b>Data subjects</b>	<b>Categories of information</b>
Employees	Human resources information (see above)
Applicants for employment	Contact details Recruitment records
Referees	Contact details Views or opinions provided about applicants for employment
Alumni / previous employees	Contact details Human resources information, as required to be retained post-termination of employment (see above)
Clients	Company registration details Contact details Take-on information in terms of the Financial Intelligence Centre Act, 2001 Details of services provided and fees charged Demographic information
Contractors / suppliers	Company registration details Contact details and banking details Details of services rendered and fees paid Demographic information



## 5.6.5

Purposes of processing:

<b>Data subject category</b>	<b>Broad description of purposes of processing</b>
Applicants for employment;	<p>To carry out actions for the consideration of an application for employment;</p> <p>To carry out actions necessary for the conclusion of an employment contract;</p> <p>To ensure compliance with an obligation imposed by law on the Company;</p> <p>To pursue the legitimate interests of the Company.</p>
Employees	<p>To carry out actions necessary for the performance of the employment contract;</p> <p>To ensure compliance with an obligation imposed by law on the Company;</p> <p>To pursue the legitimate interests of the Company or a third party to whom the information is supplied.</p>
Alumni	<p>To ensure compliance with an obligation imposed by law on the Company;</p> <p>To pursue the legitimate interests of the Company or a third party to whom the information is supplied.</p>
Referees	<p>To carry out actions for the consideration of an application for employment.</p>
Clients	<p>To carry out actions necessary for the performance of the services contract;</p> <p>To ensure compliance with an obligation imposed by law on the Company;</p> <p>To pursue the legitimate interests of the Company or a third party to whom the information is supplied.</p>
Contractors / service providers	<p>To carry out actions necessary for the performance of the services contract;</p> <p>To ensure compliance with an obligation imposed by law on the Company;</p> <p>To pursue the legitimate interests of the Company or a third party to whom the information is supplied.</p>

## 5.6.6

## Likely recipients:

Data subjects	Likely recipients
Applicants for employment; Employees; Alumni.	Human resources department Finance department Line management South African Police Services (for purposes of crimination record checks)
Referees	Human resources department Line management
Members	Employees working on member mandates
Contractors / Service providers	Finance department Facilities management department IT services Any other contractors

5.6.7 Planned transborder flows of personal information:

Yes	No X
If yes: what categories of personal information will be transferred, to whom and to which jurisdictions:	

6. **The request procedure**

6.1 Form of request

6.1.1 A request for access to records held by the Company in terms of section 53 of PAIA must be made on a form that corresponds substantially with Form 2 of Annexure A to the Regulations Relating to the Promotion of Access to Information, 2021. A copy of the form is attached as Schedule A to the Manual. The request must be made to the information officer of the Company at the address, or e-mail address specified in paragraph 2 above.

- 6.1.2 The requester must provide sufficient detail on the prescribed form to enable the information officer of the Company to identify the record and the identity of the requester. The requester must submit details of the capacity in which the requester is making the request and indicate whether the request is made in their own name or on behalf of another person. Proof of identity of the requester must be attached to the request if it is in their own name. If a request is made on behalf of another person or entity, the requester must attach proof of authorisation to make the request.
- 6.1.3 The requester is also required to indicate what type of record s/he/it is requesting and what form of access to the relevant records is required. Additionally, the requester must provide her/his/its contact details and indicate what manner of access is requested.
- 6.1.4 The requester must provide particulars of the right to be exercised or protected and explain why the record requested is required for the exercise and protection of the aforementioned right.
- 6.1.5 For the purposes of Form 2, the requester must comply with all the procedural requirements in PAIA relating to a request for access to the relevant records.
- 6.1.6 The Company may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. These grounds include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or the Company itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for legal proceedings, or that it is necessary to protect the research information of a third party or the Company itself.
- 6.1.7 If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Company's possession but cannot be found, or it does not exist, then the [information officer or deputy information officer] will, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.
- 6.1.8 The information officer must, if a request for access to a record is granted or refused, inform a requester of her/his decision and the fees payable. This must be done on a form that corresponds substantially with Form 3 of Annexure A to the Regulations. A request for a copy of the Guide may not be refused. If the requester wishes to be informed of the Company's decision in another manner as well, this must be set out in the request and the relevant details included in order to allow the Company to inform the requester in the preferred manner.
- 6.1.9 The Company will make a decision in relation to a request for records within 30 days of receiving it, unless a third party notification and intervention, as contemplated in Chapter 5 of PAIA, applies. This period may be extended in appropriate circumstances, in accordance with section 57 of PAIA.

## 6.2 Fees

- 6.2.1 The access fees for reproduction of information that is automatically available from the Company (a section 52 request), are as follows:

(a)	For every photocopy/printed black and white copy of an A4-size page or part thereof.	R2,00
(b)	For every printed copy of an A4-size page or part thereof	R2,00
(c)	For copy in a computer-readable form on: (i) flash drive (to be provided by requestor) (ii) compact disc - If provided by requestor - If provided to the requestor	R40,00 R40,00 R60,00
(d)	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsourced, will depend on quotation from service provider.
(e)	For a copy of visual images	Service to be outsourced, will depend on quotation from service provider.
(f)	For a transcription of an audio record, for an A4-size page	R24,00
(g)	Copy of an audio record, per A4-size page (i) flash drive (to be provided by requestor) (ii) compact disc - If provided by requestor - If provided to be requestor	R40,00 R40,00 R60,00

6.2.2 The request fee and access fees for information which needs to be requested in terms of PAIA and/or POPIA (a section 53 request) are as follows:

(a)	<b>Request fee payable by every requester</b>	<b>R140.00</b>
(b)	For every photocopy/printed black and white copy of an A4-size page or part thereof	R2,00
(c)	For every printed copy of an A4-size page or part thereof	R2,00
(d)	For copy in a computer-readable form on: (i) flash drive (to be provided by requestor) (ii) compact disc - If provided by requestor - If provided to the requestor	R40,00 R40,00 R60,00

(e)	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsourced, will depend on quotation from service provider.
(f)	For a copy of visual images	Service to be outsourced, will depend on quotation from service provider.
(g)	For a transcription of an audio record, for an A4-size page	R24,00
(h)	For a copy of an audio record (i) Flash drive (to be provided by requestor) (ii) Compact disk - If provided by requestor - If provided to the requestor	R40,00 R40,00 R60,00
(i)	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably. To not exceed a total cost of:	R145,00 R435,00
(j)	Deposit: if search exceeds 6 hours	One third of amount per request calculated in terms of items (b) to (h).
(k)	Postage, e-mail or any other electronic transfer	Actual expense, if any.

6.2.3 The request fee must be paid before the request will be considered.

6.2.4 Where a request for access to a record or records held by the Company is granted, the requester also has to pay an access fee for the reproduction of the record or records and for the search for and the preparation of the records for disclosure. The access fee amount depends on the form in which access is required and the reasonable time required to search for and prepare the record. The requester will be notified of the amount of the access fee. The Company is entitled to withhold a record until the required access fees have been paid.

6.2.5 The information officer may inform the requester to pay, as a deposit, a portion of the access fee (not exceeding one third of the amount payable) if the request is granted and if the search for the record and the preparation of the record for disclosure would in the information officer's opinion require more than six hours.

6.2.6 If a request is granted, the deposit (if any), is payable before the request will be processed and the requested record or portion thereof will only be released once proof of full payment is received.

### 6.3 Remedies for refusal to request for information

#### 6.3.1 *Internal remedy*

The Company does not have an internal appeal procedure. As such, the decision made by the information officer or deputy information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer or deputy information officer.

#### 6.3.2 *External remedy*

Where a requester is not satisfied by a decision made by information officer or deputy information officer of the Company, s/he/it may submit a complaint to the Information Regulator, or apply to court for relief, within 180 days of receiving the decision that has caused the grievance. The court application can be made to a Magistrate's Court or High Court.

## 7. **Other information as may be prescribed**

The amended Regulations published in terms of PAIA, under Government Notice R757 in *Government Gazette* 45057 of 27 August 2021, set out, among other things, the fees which may be charged by private bodies for the reproduction of records (provided in the table above).

## 8. **Availability of the Manual**

This Manual is available at the offices of the Company at the address set out in paragraph 2 above, as well as on the Company's website [www.mineralscouncil.org.za](http://www.mineralscouncil.org.za).

## 9. **Acknowledgement**

The Manual has been based on an original template supplied by the SAHRC and amended accordingly based on a template supplied by the Information Regulator.

**FORM 2**  
**REQUEST FOR ACCESS TO RECORD**

(Section 53(1) of the Promotion of Access to Information Act, 2000)

[Regulation 7]

Note:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The information officer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Address)

E-mail address: \_\_\_\_\_

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person

PERSONAL INFORMATION	
Full names:	
Identity number:	
Capacity in which request is made (when made on behalf of another person):	
Postal address:	
Street address:	
E-mail address:	

Contact numbers:	Tel. (B):		Facsimile:	
	Cellular:			

Full names of person on whose behalf request is made <i>(if applicable)</i> :	
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Identity number:	
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Postal address:	
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Street address:	
-----------------	--

E-mail address:	
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Contact numbers:	Tel. (B):		Facsimile:	
	Cellular:			

**PARTICULARS OF RECORD REQUESTED**

*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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)*

Description of record of relevant part of the record:	
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Reference number, if available:	
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Any further particulars of record:	
------------------------------------	--

**TYPE OF RECORD**

*(Mark the applicable box with an "X".)*

Record is in written or printed form.	<input type="checkbox"/>
Record comprises of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches etc.)</i>	<input type="checkbox"/>
Record consists of recorded words or information which can be reproduced in sound.	<input type="checkbox"/>
Record is held on a computer or in an electronic, or machine-readable form.	<input type="checkbox"/>



<b>FORM OF ACCESS</b>	
<i>(Mark if applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form).</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.).</i>	
Transcription of soundtrack <i>(written or printed document).</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks).</i>	
Copy of record on compact disk drive <i>(including virtual images and soundtracks).</i>	
Copy of record saved on cloud storage server.	
<b>MANNER OF ACCESS</b>	
<i>(Mark the applicable box with an "X.")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form).</i>	
Postal services to postal address.	
Postal services to street address.	
Courier service to street address.	
Facsimile of information in written or printed format <i>(including transcriptions).</i>	
E-mail of information <i>(including soundtracks if possible).</i>	
Cloud share/file transfer.	
Preferred language:  <i>(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.</i>	
<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<i>(If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.)</i>	
Indicate which right is to be exercised or protected:	
Explain why the record requested is required for the	

exercise or protection of the aforementioned right:	
--	--

**FEES**

- a) A request fee must be paid before the request will be considered.
- b) You will be notified of the amount of the access fee to be paid.
- 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:	
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You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence.

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_  
Signature of requester/person on whose behalf request is made

**FOR OFFICIAL USE**

Reference number:	
Request received by <i>(state rank, name and surname of information)</i> .	
Date received:	
Access fees:	
Deposit (if any):	

\_\_\_\_\_  
Signature of information officer