



## forestry, fisheries & the environment

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

Ref: FRAP 2021/2022      Enquiries: Mr Msimelelo Mdledle  
Tel: (021) 402 3422      E-mail: [mmdledle@dffe.gov.za](mailto:mmdledle@dffe.gov.za)

Dear FRAP 2021/2022 Applicants

### FRAP2021/2022 – PUBLICATIONS FOR FRAP2021/2022 APPLICATIONS FORMS OF ALL FRAP APPLICANTS

1. The Department of Forestry, Fisheries and the Environment (the Department) has received a considerable number of requests in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) (PAIA) to access information contained in other FRAP2021/2022 applications. These requests have been made to assist the preparation of appeals against the decisions of the delegated authorities during the 2021/2022 Fishing Rights Allocation Process (FRAP).
2. In an endeavour to facilitate these requests for information, the Department, published *inter alia* the datasets on the FRAP2021/2022 Online Portal and on Departmental website, without disclosing the names of the entities to which the information belonged.
3. Since the introduction of the new electronic platform to submit FRAP applications, the Department has moved away from the historical practice, of affording potential Appellants the opportunity to have sight of redacted hard copy applications of other applicants to review the Department's assessment and scoring of those applicants. However, on the new online platform, applications are not available as they used to be since the electronic system was not designed to allow applicants access to the applications of other applicants. In addition, no hard copy applications were submitted during the FRAP2021/2022 to enable a physical inspection of application forms as it was done in the past.
4. The Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPIA), has also cautioned against the general sharing of personal information. POPIA gives effect to the right of privacy provided for in section 14 of the Constitution, by safeguarding a person's personal information and prohibits the processing of confidential and personal information, without the consent of the owner of such information.
5. In order to assist a number of aggrieved applicants to access relevant information to formulate their respective appeals particularly in terms of section 80 of the Marine Living Resources

**Batho pele-** putting people first



The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

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Act, 1998 (Act No. 18 of 1998), the Department would like to make **ALL** the FRAP2021/2022 applications forms in an unredacted format.

6. In my capacity as the Deputy Information Officer, Branch: Fisheries Management, I draw your attention to section 11 of POPIA, which provides for the manner in which personal information may be processed. It reads as follows:

*“11 Consent, justification and objection*

- (1) Personal information may only be processed if-*
  - (a) the data subject or a competent person where the data subject is a child consents to the processing;*
  - (b) processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;*
  - (c) processing complies with an obligation imposed by law on the responsible party;*
  - (d) processing protects a legitimate interest of the data subject;*
  - (e) processing is necessary for the proper performance of a public law duty by a public body; or*
  - (f) processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.*
- (2) (a) The responsible party bears the burden of proof for the data subject's or competent person's consent as referred to in subsection (1) (a).*
  - (b) The data subject or competent person may withdraw his, her or its consent, as referred to in subsection (1) (a), at any time: Provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information in terms of subsection (1) (b) to (f) will not be affected.*
- (3) A data subject may object, at any time, to the processing of personal information-*
  - (a) in terms of subsection (1) (d) to (f), in the prescribed manner, on reasonable grounds relating to his, her or its particular situation, unless legislation provides for such processing; or*
  - (b) for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications as referred to in section 69.*
- (4) If a data subject has objected to the processing of personal information in terms of subsection (3), the responsible party may no longer process the personal information”.*

7. The Department would like to release the following information, which may have the effect of disclosing certain protected personal and confidential information which relate to the FRAP2021/2022 as follows:

- 7.1 Applicant details: Company Name, Applicant Name, Application number, registration number and/or identity number.

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- 7.2 Section 1 (1.30-1.36) : Fishing experience and knowledge
- 7.3 Section 2.6 : % Turnover derived from fisheries (within & outside SA) and other economic sectors (within and outside SA).
- 7.4 Section 3: Compliance- contraventions in relation to the MLRA
- 7.5 Section 4: 4.1 Access to a vessel in terms of ownership
- 7.6 Section 4.2 Access in terms of catch agreement/bank guarantee /charter agreement
- 7.7 Section 4.3-Vessel details
- 7.8 Section 5.3: Fishing Performance of the applicant (Cat A only).
- 7.9 Section 6: Transformation
- 7.10 Section 6.3-Ownership (economic interest % and unrestricted voting rights %) of shareholding and/members interest held by Black persons, women, youth and persons with disabilities
- 7.11 Section 6.7-Capital payments made out over the last 5 years paid to employees through employee ownership
- 7.12 Section 6.10- Applicants employees wage bill
- 7.13 Section 6.15- % of turnover spent on CSI and Rand value
- 7.14 Section 6.16- Affirmative procurement in relation to applicants' procurement of goods and/or services from majority black owned company(ies).
- 7.15 Section 6.26-Monetary value spent on Enterprise Development
- 7.16 Section 7: Job creation
- 7.17 Section 7.1- Permanent employment
- 7.18 Section 7.2- Part time / contract employment
- 7.19 Section 7.3- Medical support
- 7.20 Section 7.4- Pension / provident fund
- 7.21 Section 7.5- Safe working conditions
- 7.22 Section 8: Dividends and additional societal benefits
- 7.23 Section 8.4: benefits accrued to society
- 7.24 Section 8.6- No. of years entity has operated in local area
- 7.25 Section 8.7- Harbours where catches have been landed and processed
- 7.26 Section 8.8- Harbours where catches are to be landed and processed.
- 7.27 Section 9: Investments
- 7.28 Section 9.1 -Rand value in terms of assets (land based, harbour and sea based fixed assets).

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8. If you object to any or all of your personal and confidential information contained in your FRAP application being made available for appeal purposes, please submit your detailed written objections with reasons, within seven (7) days after the publication of this letter. Your objections can be supported by other documentary information and/or affidavit/s, if required.
9. You may also provide your written consent to the information being released within the seven (7) day period for the disclosure of the record as indicated in paragraph 7 above.
10. The objections and/or consent must be sent to [FRAPeng2020@dffe.gov.za](mailto:FRAPeng2020@dffe.gov.za) with in the subject line titled as **“consent or objections to release of personal information”**. Applicants may utilize the attached Form 1 (attached hereto as an Annexure). Your objections or consent should clearly indicate which information is being objected to and what is not. The Department will consider the objections and/or consent and inform the applicants of the outcome of the objection process.
10. In the event that the Department does not receive any written consent or objection within the indicated timeframes, we will assume that you are not opposed to the Department disclosing FRAP2021/2022 application form data as listed under paragraph 7 above.

Yours Sincerely,



**NAME: MR ASHLEY NAIDOO**  
**DEPUTY DIRECTOR-GENERAL: FISHERIES MANAGEMENT (ACTING)**  
**DEPUTY INFORMATION OFFICER: FISHERIES MANAGEMENT**  
**DATE: 27 MAY 2022**

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### FORM 1 OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

#### REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]

**Note:**

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

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excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

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Signed at ..... this ..... day of ..... 20 .....

.....  
*Signature of data subject/designated person*

***Batho pele-*** putting people first

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