



**THE PRESIDENCY
REPUBLIC OF SOUTH AFRICA**

OFFICE OF THE CHIEF OPERATIONS OFFICER

Private Bag X1000, PRETORIA, 0001

Enq: Mr Justice Hlungwani
Tel: 012 300 5376
Email: Justiceh@presidency.gov.za

Our ref: 520149

Ms Natasha Wendy Anita Mazzone
90 Plein Street
Cape Town
8000

Per email: natasham@da.org.za

Dear Ms Mazzone

**RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000**

1. I refer to your request for access to information in terms of the Promotion of Access to Information Act, 2 of 2000 ("Act"). The records to which you seek access are as set out in your request as follows:

"I would like to request a copy of the Cabinet briefing notes of the 27th of February 2019 in reference to the decisions on Eskom. In this regard, I would like to request a copy of the report from the Deputy President David Mabuza on the work of the Joint Special Cabinet Committee on Eskom".

2. I have considered your request for access to records and respond as set out below.
3. The records as requested by you do not exist. The Presidency is therefore unable to accede to the request for access to information for the reason that they do not exist.
4. I attach hereto an affidavit as contemplated in section 23(1) of PAIA in this regard.

5. I draw your attention to the provisions of section 23 (3), 74(1) and 75 of the Act in terms of which you are entitled to lodge an internal appeal against the decisions conveyed in this letter.

Yours faithfully



Ms Lusanda Mxenge
Acting Deputy Information Officer
Date: 28/3/2019

**AFFIDAVIT IN TERMS OF SECTION 23 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000**

I, the undersigned

LUSANDA MXENGE

do hereby make oath and state that:

1. I am the Deputy Information Officer in the Presidency. I am currently the Acting Chief Operations Officer and Deputy Secretary of the Cabinet
2. The facts deposed to herein are within my personal knowledge and belief, except where the context shows otherwise and they are true and correct.
3. The Presidency received a request for access to information from Ms Natasha Mazzone dated 28 February 2019. The request is formulated as follows: *I would like to request a copy of the Cabinet briefing notes of the 27th of February 2019 in reference to the decisions on Eskom. In this regard, I would like to request a copy of the report from the Deputy President David Mabuza on the work of the Joint Special Cabinet Committee on Eskom.*
4. I hereby confirm that the Presidency made all reasonable efforts to conduct a search for the requested record.
5. In searching for the records, the Presidency took the following steps:
 - 5.1 Officials in my office forwarded the request to the Legal & Executive Services unit in the Presidency to consider the request and advise.
 - 5.2 Having considered the request, the Legal and Executive Services Unit interacted with the Cabinet Secretariat to check for the existence of the requested record

 LM RH

6. I confirm that from the search conducted we were able to ascertain that the records requested do not exist.
7. I attach hereto as annexure A a copy of the emails exchanged internally between the Legal and Executive Services and the Cabinet Secretariat in relation to the search conducted. The emails confirm that the Cabinet Secretariat did not receive briefing notes. I further confirm that the Committee of Ministers chaired by the Deputy President only gave verbal reports to Cabinet.
8. I am satisfied that I took all reasonable steps to determine whether the information exists as required by section 23 of the Promotion of Access to Information Act 2 of 2000.



DEPONENT

I hereby certify that the deponent declares that he/she knows and understands the contents of this affidavit and that it is to the best of his/her knowledge both true and correct. This affidavit was signed and sworn to before me at Pretoria on this theday of March 2019 and that the regulations contained in the Government Notice R 1258 of 21 July 1972 as amended have been complied with.



T/S 1118 JGT
R/S Shab Tshabala R.H

COMMISSIONER OF OATHS

Area: Pretoria

Capacity: Union Buildings 1125

Date: 2019-03-28

Sello Mabelane

From: Lusanda Mxenge
Sent: 26 March 2019 10:44 AM
To: Sello Mabelane; Odette Hartsief; Thabo Makhaza
Cc: Matsietsi Mokholo; Roshene Singh; Geoffrey Mphaphuli; Yolisa Nyovane; Phumeza Mpangeva
Subject: RE: REQUEST FOR ACCESS TO INFORMATION

Hello Sello

As per our telephone discussion lets meet some time tomorrow to finalise this.

Warm regards
L

From: Sello Mabelane
Sent: 25 March 2019 03:27 PM
To: Odette Hartsief; Thabo Makhaza; Lusanda Mxenge
Cc: Matsietsi Mokholo; Roshene Singh; Geoffrey Mphaphuli; Yolisa Nyovane; Phumeza Mpangeva
Subject: RE: REQUEST FOR ACCESS TO INFORMATION

Dear COO,

The response below from Odette refers.

We request your guidance on the existence of the requested information. The response is due next Monday.

Kind Regards

Joseph Sello Mabelane
Principal State Law Advisor
Legal & Executive Services
Tel: +27 12 300 5411
Cell: +27 82 560 5219
Fax: +27 86 683 5411

2

Fax: +27 12 300 5780
E-mail: Sello@presidency.gov.za
Website: www.thepresidency.gov.za



THE PRESIDENCY
REPUBLIC OF SOUTH AFRICA

This message contains information which is confidential, legally privileged, and protected by law. It is intended only for the use of the intended recipient. Interception thereof is therefore illegal. If you are not the intended recipient, you may not peruse, use, disseminate, distribute or copy this message or any file attached to this message. Should you have received this message in error, please notify us immediately by return e-mail.

Views and opinions expressed in this e-mail are those of the sender unless clearly stated as being that of The Presidency.

From: Odette Hartsief
Sent: 07 March 2019 03:51 PM
To: Sello Mabelane; Thabo Makhaza; Lusanda Mxenge
Cc: Matsietsi Mokholo; Roshene Singh; Geoffrey Mphaphuli; Yolisa Nyovane; Phumeza Mpangeva
Subject: RE: REQUEST FOR ACCESS TO INFORMATION

The Cabinet Secretariat Unit didn't receive a briefing note. There wasn't a doc given to us the briefing in Cabinet was verbal. Lusanda could provide more guidance here in view of the reference to the "Joint Special Cabinet Committee"

From: Sello Mabelane
Sent: 07 March 2019 02:41 PM
To: Odette Hartsief; Thabo Makhaza
Cc: Lusanda Mxenge; Matsietsi Mokholo; Roshene Singh; Geoffrey Mphaphuli
Subject: REQUEST FOR ACCESS TO INFORMATION

Good Afternoon,

The Presidency received a request for access to information from Ms Natasha Mazzone dated 28 February 2019. The request is formulated as follows: *I would like to request a copy of the Cabinet briefing notes of the 27th of February 2019 in reference to the decisions on Eskom . In this*

regard, I would like to request a copy of the report from the Deputy President David Mabuza on the work of the Joint Special Cabinet Committee on Eskom.

We request that you advise on the availability of the requested information and the status thereof.

Kind Regards

Joseph Sello Mabelane
Principal State Law Advisor
Legal & Executive Services
Tel: +27 12 300 5411
Cell: +27 82 560 5219
Fax: +27 86 683 5411
Fax: +27 12 300 5780
E-mail: Sello@presidency.gov.za
Website: www.thepresidency.gov.za



THE PRESIDENCY
REPUBLIC OF SOUTH AFRICA

This message contains information which is confidential, legally privileged, and protected by law. It is intended only for the use of the intended recipient. Interception thereof is therefore illegal. If you are not the intended recipient, you may not peruse, use, disseminate, distribute or copy this message or any file attached to this message. Should you have received this message in error, please notify us immediately by return e-mail.

Views and opinions expressed in this e-mail are those of the sender unless clearly stated as being that of The Presidency.

Email Disclaimer: <http://www.thepresidency.gov.za/pebble.asp?relid=97>

Email Disclaimer: <http://www.thepresidency.gov.za/pebble.asp?relid=97>

Email Disclaimer: <http://www.thepresidency.gov.za/pebble.asp?relid=97>

Email Disclaimer: <http://www.thepresidency.gov.za/pebble.asp?relid=97>