**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1272**

**DATE OF QUESTION: 25 OCTOBER 2019**

**DATE OF SUBMISSION: 8 NOVEMBER 2019**

**Mr W W Wessels (FF Plus) to ask the Minister of Justice and Correctional Services:**

1. With reference to the reply of the former Minister to question 3669 on 11 December 2018 and his reply to question 883 on 17 October 2019, on what exact date did the storm damage occur at the storage facilities of Docufile, the previous service provider;
2. what has he found to be the reason(s), other than poor record-keeping and indexing of files, that the loss of the 45 000 files was only discovered in January 2019, while the former Minister in his reply on 11 December 2018 had indicated that all files were in fact received from the previous service provider;
3. whether (a) all the affected parties have been adequately informed of the lost files and (b) cases will be prioritised to expedite the conclusion of the involved trusts; if not, why not, in each case; if so, what are the relevant details in each case;
4. whether he has found that no backlogs are currently being experienced at any of the other 15 Master’s Offices; if not, (a) what is the current situation at the specified offices, (b) what actions are being taken to address any such backlogs and (c) by what date(s) is it expected to be brought up to date;
5. whether he will make a statement on the matter?

**NW2483E**

**REPLY:**

1. According to information, the storm damage occurred during September 2012. At that time, the office had no knowledge as to the extent of the damage. Whilst dealing with the backlogs in December 2018, it was realized that hundreds of files are not with the current service provider and in trying to establish the whereabouts of these files, it was brought to the attention of the Office of the Acting Chief Master that thousands of trust files were destroyed in a storm. It was also indicated that the files were ultimately disposed-off by the service provider without the Master having any opportunity to view the files for possible recovery. This has also led to litigation against the erstwhile service provider. It would appear that the management of the Master’s Office, Pretoria and the previous Chief Master at the time was made aware of this, but the information was not filtered through to senior management in the Master’s Office, Pretoria. Once the Acting Master received the information regarding the damaged files, she immediately reported this to the current Acting Chief Master, Mrs Bezuidenhout, earlier in 2019.
2. It has come to light that indeed poor record keeping by the office and no proper data base of files has led to this unfortunate situation. However, a project will be undertaken during December 2019 to address this. All files are to be removed to the current service provider, whom will then create a proper data base of all files. If it is then found that a file is not on this database, a dummy file will be opened to ensure service delivery to clients.
3. (a) The Master does not have the information in respect of all the affected clients as

they deal with matters on a case to case basis. This is only established once a

file cannot be located, if the file is requested by a client. Once a file cannot be located, the client is informed that the file is possibly amongst those damaged in the storm and the client is requested to provide copies of the trust deed, letter of acceptance and other relevant documentation to enable the Master to reconstruct the file. However, all stakeholders such as the Law Society, Banks and Trust Companies have been made aware of the situation.

(b)As stated above, a project will be undertaken and overtime will be effected to

prioritize long outstanding matters.

1. (a) The other 14 offices are not experiencing a backlog in respect of Trust matters.

However, the Cape Town office has a backlog in respect of deceased appointments. This is also as a result of poor management of files and a lack of space to properly store files. This is also being addressed and meetings are to be held with National Archives to ensure the latter takes old files to create space at the various offices.

(b) As stated, a project will be embarking on in Pretoria as well as Cape Town to

ensure backlogs are cleared by way of overtime and appointment of casual workers to assist.

(c) It is envisaged that the backlogs will be cleared by the end of March 2020.

1. I have already alluded to the matter during an interview.