



**Prepared in terms of section 14 of the
Promotion of Access to Information Act
2 of 2000, as amended**

**NOVEMBER 2023
(UPDATED)**

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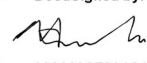
FOREWORD BY THE CEO

The Information Regulator (Regulator), in compliance with the Promotion of Access to Information Act 2 of 2000, as amended¹ (PAIA), has prepared this PAIA Manual (which Manual must be read in conjunction with the Guide on how to use PAIA) to facilitate the public's access to information held by the Regulator. One of the basic values and principles governing public administration is transparency. The Constitution of the Republic of South Africa Act 108 of 1996 (Constitution) demands that transparency must be fostered by providing the public with *timely, accessible and accurate information*.

The aim of PAIA is to foster a culture of transparency and accountability by public and private bodies and assist in realising South Africa's goals of an open and participatory democracy. PAIA also gives effect to the right of access to information and actively promotes a society in which any person has effective access to information. This will enable any person to fully exercise their rights.

In promoting a culture of transparency and accountability in public and private bodies, the Regulator acknowledges that there are limitations² within the overall promotion of good governance through transparency. Such limitations are acknowledged within the provisions of PAIA and the Protection of Personal Information Act 4 of 2013 (POPIA), as it specifies circumstances under which there would be limited or restricted access to the information held by the Regulator.

The limitations will balance the right of access to information with other rights contained in the Bill of Rights. In accordance with the Regulator's obligation in terms of the Constitution and PAIA, the Regulator may be compelled, despite the existence of the grounds for refusal of access to records, to grant a request for access to a record of the Regulator, if the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal of access to records.

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Mr Mosalanyane Mosala

¹ Promotion of Access to Information Amendment Act, 2002, Protection of Personal Information Act, 2013 and Promotion of Access to Information Amendment Act, 2019

² Grounds for refusal of access to records, sections 33-46 of PAIA

CHIEF EXECUTIVE OFFICER

1. DEFINITIONS AND INTERPRETATIONS

1.2 Definition

1.1.1 “**Access fee**” means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be;

1.1.2 “**Data subject**” means the person to whom personal information relates;

1.1.3 “**Deputy Information Officer**” means the designated individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request;

1.1.4 “**Guide**” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 04 of 2013, as contemplated in section 10 of PAIA;

1.1.5 “**Head**” of, or in relation to, a private body means-

(a) in the case of a natural person, including a person referred to in paragraph (c) of the definition of “political party”, that natural person or any person duly authorised by that natural person;

(b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;

(c) in the case of a juristic person-

(i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or

(ii) the person who is acting as such or any person duly authorised by such acting person; or

(d) in the case of political party, the leader of the political party or any person duly authorised by that leader;

1.1.6 **“Human Rights Commission”** means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution;

1.1.7 **“Information Officer”**

In relation to, a public body-

(a) in the case of a national department, provincial administration or organisational component-

(i) mentioned in Column 1 of Schedule 1 or 3 to the Public Service Act, 1994 (Proclamation 103 of 1994), means the officer who is the incumbent of the post bearing the designation mentioned in Column 2 of the said Schedule 1 or 3 opposite the name of the relevant national department, provincial administration or organisational component or the person who is acting as such; or

(ii) not so mentioned, means the Director-General, head, executive director or equivalent officer, respectively, of that national department, provincial administration or organisational component, respectively, or the person who is acting as such;

(b) in the case of a municipality, means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), or the person who is acting as such; or

(c) in the case of any other public body, means the chief executive officer, or equivalent officer, of that public body or the person who is acting as such;

In relation to, a private body-

(d) means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;

1.1.8 **“Information Regulator”** means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;

1.1.9 **“Internal appeal”** means an internal appeal to the relevant authority in terms of section 74;

1.1.10 **“Minister”** means the Cabinet member responsible for the administration of justice;

1.1.11 **“Person”** means a natural person or a juristic person;

1.1.12 **“Personal information”** means information relating to an identifiable natural person, including, but not limited to-

a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

b) information relating to the education or the medical, financial, criminal or employment history of the person;

c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;

d) the biometric information of the person;

e) the personal opinions, views or preferences of the person;

f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

g) the views or opinions of another individual about the person; and

- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person,

but excludes information about an individual who has been dead for more than 20 years;

1.1.13 **“Political party”** means-

- (a) any entity that accepts donations principally to support or oppose any registered political party or its candidates, in an election as defined in section 1 of the Electoral Act, 1998 (Act No. 73 of 1998);
- (b) any registered political party as defined in the Electoral Act, 1998; or
- (c) a natural person who is an independent candidate.”

1.1.14 **“Private body”** means-

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession; or
- (c) any former or existing juristic person, or
- (d) a political party.

but excludes a public body;

1.1.15 **“Public body”** means-

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or

(b) any other functionary or institution when-

- (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
- (ii) exercising a public power or performing a public function in terms of any legislation;

1.1.16 **“Record”** of, or in relation to, a public or private body, means any recorded information-

(a) regardless of form or medium;

(b) in the possession or under the control of that public or private body, respectively; and

(c) whether or not it was created by that public or private body, respectively;

1.1.17 **“Request for access”**, in relation to-

(a) a public body, means a request for access to a record of a public body in terms of section 11; or

(b) a private body, means a request for access to a record of a private body in terms of section 50;

1.1.18 **“Requester”**, in relation to-

(a) a public body, means-

- i) any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or
- ii) a person acting on behalf of the person referred to in subparagraph (i);

(b) a private body, means-

(i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body;
or

(ii) a person acting on behalf of the person contemplated in subparagraph(i);

1.1.19 “**Responsible party**” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

1.1.20 “**Third party**”, in relation to a request for access to-

(a) a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than-

(i) the requester concerned; and

(ii) a public body; or

(b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester,

but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (a) and (b) must be construed as a reference to 'natural person';

1.1.21 “**The Act**” means the Promotion of Access to Information Act 2 of 2000 as amended, and includes any regulation made and in force in terms of section 92.

1.2 Interpretation

1.2.1 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;

- 1.2.2 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual;
- 1.2.3 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 1.2.4 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 1.2.5 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 1.2.6 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 1.2.7 insofar as there is a conflict in the interpretation of or application of this Manual and the Act, the Act shall prevail;
- 1.2.8 this Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the Regulator.

2. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|--------------|-------------------------|
| 2.1 | “CEO” | Chief Executive Officer |
|-----|--------------|-------------------------|

- 2.2 **“Constitution”** Constitution of the Republic of South Africa, Act No. 108 of 1996;
- 2.3 **“DIO”** Deputy Information Officer;
- 2.4 **“IO”** Information Officer;
- 2.5 **“Members”** Members of the Information Regulator;
- 2.6 **“Minister”** Minister of Justice and Correctional Services;
- 2.7 **“PAIA”** Promotion of Access to Information Act No. 2 of 2000, as amended;
- 2.8 **“PFMA”** Public Finance Management Act No.1 of 1999, as amended;
- 2.9 **“POPIA”** Protection of Personal Information Act No.4 of 2013;
- 2.10 **“Regulator”** means the Information Regulator established in terms of section 39 of POPIA; and
- 2.11 **“SAHRC”** South African Human Rights Commission.

3. INTRODUCTION

- 3.1 Before South Africa became a constitutional democracy with an enforceable Bill of Rights, it had a government that thrived on secrecy, clandestine activities and the suppression of information. There was no transparency or accountability.
- 3.2 The Regulator is committed to upholding the principles enshrined in the Constitution and national legislation including but not limited to PAIA and POPIA. The former contains the key principles of good governance, transparency and accountability.
- 3.3 In pursuit of its objectives, the Regulator encourages the sharing of information with requesters and members of the public as optimally as is possible. Informed public scrutiny can only strengthen the democratic ideals the Regulator advances.

- 3.4 PAIA, as amended by section 110 of POPIA, was promulgated to give effect to the constitutional right of access to information held by the State or by another person, which information is required for the exercise or protection of any rights.

4. PURPOSE OF PAIA MANUAL

This manual can be used by members of the public to-

- 4.1 establish the nature of the records which may already be available at the Regulator, without the need for submitting a formal PAIA request;
- 4.2 have an understanding of how to make a request for access to a record of the Regulator;
- 4.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 4.4 know all the remedies available from the Regulator regarding request for access to the records, before approaching the Courts;
- 4.5 describe the services available to members of the public from the Regulator and how to gain access to those services;
- 4.6 outline the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 4.7 understand if the Regulator will process personal information, the purpose of processing of personal information, the description of the categories of data subjects and of the information or categories of information relating thereto;
- 4.8 know if the Regulator has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 4.9 know whether the Regulator has appropriate security measures to ensure the confidentiality, integrity and availability of the information which is to be processed.

5. ESTABLISHMENT OF THE INFORMATION REGULATOR

5.1 The Regulator is established in terms of Section 39 of POPIA, which enjoins the Regulator to be independent and impartial, and to perform its functions and exercise its powers without fear, favour or prejudice. It is accountable to the National Assembly.

5.2 The Regulator is responsible for the promotion and protection of the right to privacy as it relates to the protection of personal information and the right of access to information. In this regard, it exercises its powers and performs its functions in accordance with POPIA and PAIA.

5.3 The Regulator is an independent institution that is subject only to the Constitution and the law and its decisions can only be reviewed by a Court of law.

5.4 Information Regulator's Vision, Mission and Values

5.4.1 Vision

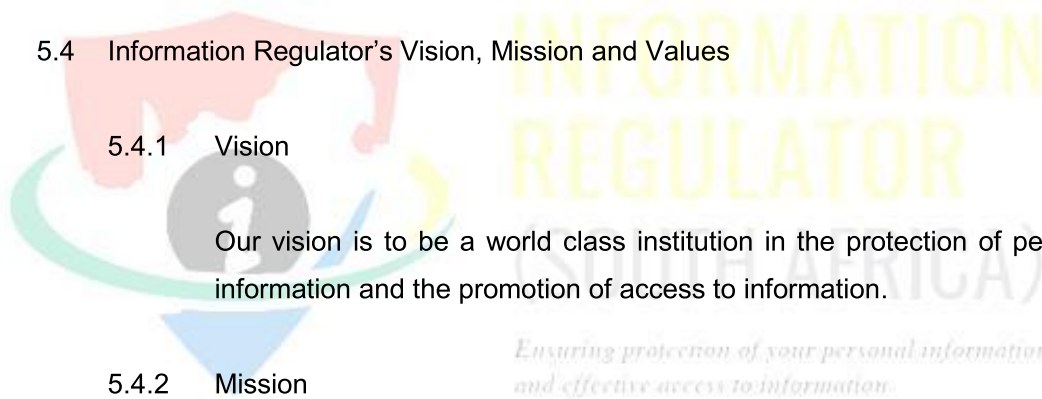
Our vision is to be a world class institution in the protection of personal information and the promotion of access to information.

5.4.2 Mission

Our mission to be an independent institution which regulates the processing of personal information and the promotion of access to information in accordance with the Constitution and the law so as to protect the rights of everyone.

5.4.3 Values

Our values are Transparency; Accountability; Integrity; Excellence; Impartiality; and Responsiveness.



6. STRUCTURE OF THE INFORMATION REGULATOR

- 6.1. The Regulator consists of the National (Head) Office situated in Johannesburg and will, in the near future and subject to funding, establish Regional Offices in all nine (9) Provinces.
- 6.2. The Regulator consists of the Chairperson and four (4) ordinary Members. The Chairperson and two ordinary Members are appointed in a full-time capacity and the other two ordinary Members are appointed in a part-time capacity.
- 6.3. In terms of section 47(1) of POPIA, the Regulator must appoint-
 - 6.3.1. a suitably qualified and experienced person as Chief Executive Officer (CEO) of the Regulator for the purpose of assisting the Regulator, subject to the Regulator's direction and supervision, in the performance of all financial and administrative functions arising from the administration of POPIA and PAIA; and
 - 6.3.2. such other members of staff as the Regulator may deem necessary to assist the Regulator and the CEO.
- 6.4. The Executive Committee of the Regulator consist of the CEO and six (6) Executives, namely: Executive: POPIA; Executive: PAIA; Executive: Education and Communication; Chief Legal Officer (CLO); Chief Financial Officer (CFO); and Executive: Corporate Services.
- 6.5. The Regulator may, in terms of section 49(1) of POPIA, if it considers it necessary for the proper performance of its functions, establish one or more Committees. The following Committees have been established by the Regulator-
 - 6.5.1. Policy, Governance and International Cooperation Committee;
 - 6.5.2. Compliance and Monitoring Committee;
 - 6.5.3. Complaints and Investigations Committee;
 - 6.5.4. Legal, Policy and Research Committee;

6.5.5. Education and Communication Committee;

6.5.6. Enforcement Committee;

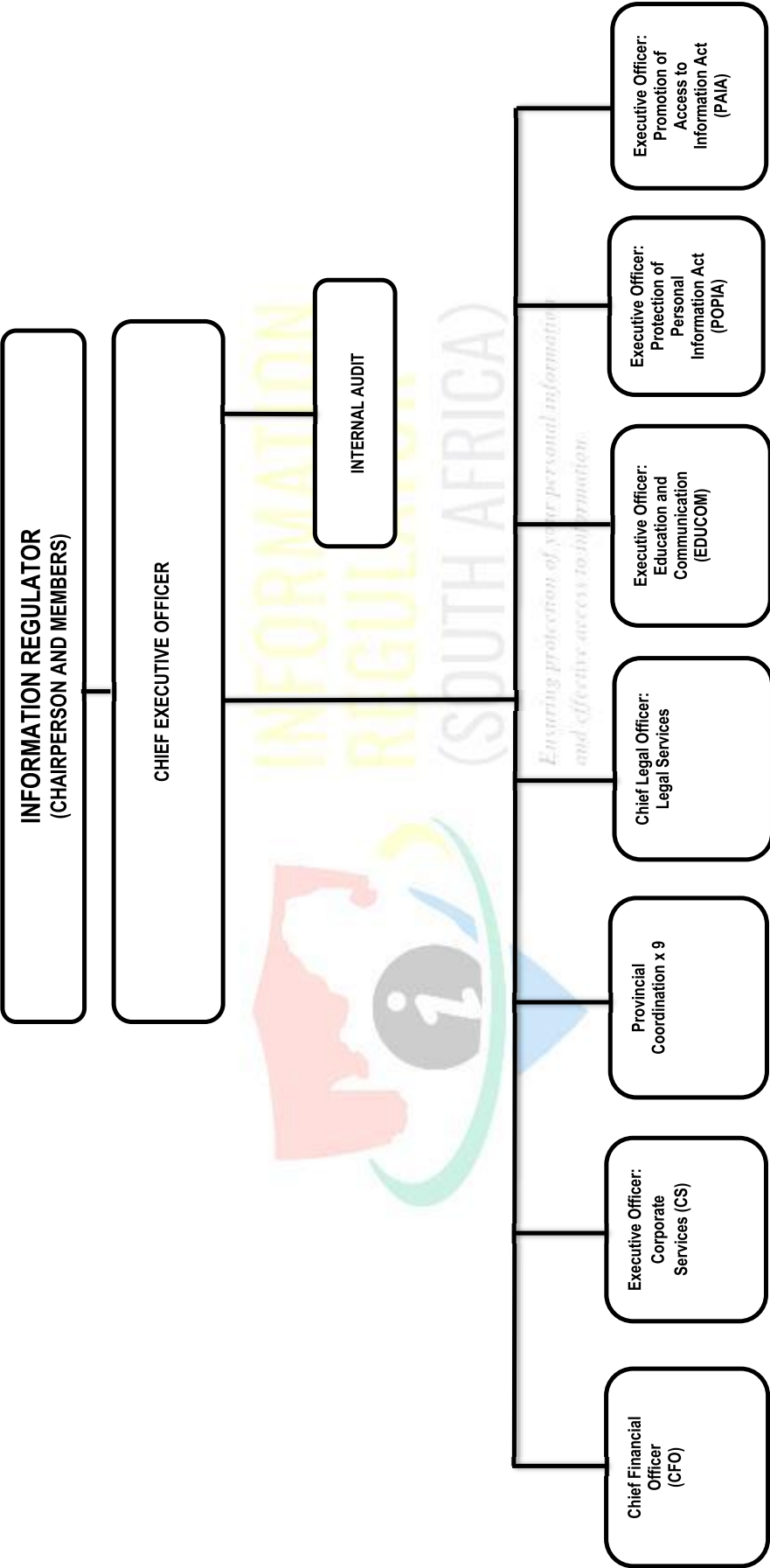
6.5.7. Risk Management Committee; and

6.5.8. Corporate Services Committee.

6.6. The full structure of the Regulator, as it currently exist, is attached hereto.

6.7. Below is the description of the organisational structure of the Regulator-







INFORMATION
REGULATOR
(SOUTH AFRICA)

*Ensuring protection of your personal information
and effective access to information*

7. POWERS, DUTIES AND FUNCTIONS OF THE REGULATOR

7.1. The Regulator derives its Constitutional mandate from sections 14 (the right to privacy) and section 32 (the right of access to information) of the Constitution. Accordingly, the Regulator's primary objective is to promote the protection of personal information processed by any person and the promotion of the right of access to any information held by public and private bodies.

7.2. Section 40 of the POPIA makes provision for the following powers, duties and functions of the Regulator-

7.2.1 to **provide education** by-

7.2.1.1 promoting an understanding and acceptance of the conditions for the lawful processing of personal information and of the objects of those conditions;

7.2.1.2 undertaking educational programmes, for the purpose of promoting the protection of personal information, on the Regulator's own behalf or in co-operation with other persons or authorities acting on behalf of the Regulator;

7.2.1.3 making public statements in relation to any matter affecting the protection of the personal information of a data subject or of any class of data subjects;

7.2.1.4 giving advice to data subjects in the exercise of their rights; and

7.2.1.5 providing advice, upon request or on its own initiative, to a Minister or a public or private body on their obligations under the provisions, and generally on any matter relevant to the operation, of PAIA and POPIA.

7.2.2 to **monitor and enforce compliance** by-

7.2.2.1 public and private bodies with the provisions of PAIA and POPIA;

- 7.2.2.2 undertaking research into, and monitoring developments in, information processing and computer technology to ensure that any adverse effects of such developments on the protection of the personal information of data subjects are minimised, and reporting to the Minister the results of such research and monitoring;
- 7.2.2.3 examining any proposed legislation, including subordinate legislation, or proposed policy of the Government that the Regulator considers may affect the protection of the personal information of data subjects, and reporting to the Minister the results of that examination;
- 7.2.2.4 reporting upon request or on its own accord, to Parliament from time to time on any policy matter affecting the protection of the personal information of a data subject, including the need for, or desirability of, taking legislative, administrative, or other action to give protection or better protection to the personal information of a data subject;
- 7.2.2.5 submitting a report to Parliament, within five months of the end of its financial year, on all its activities in terms of PAIA and POPIA during that financial year;
- 7.2.2.6 conducting an assessment, on its own initiative or when requested to do so, of a public or private body, in respect of the processing of personal information by that body for the purpose of ascertaining whether or not the information is processed according to the conditions for the lawful processing of personal information;
- 7.2.2.7 monitoring the use of unique identifiers of data subjects, and reporting to Parliament from time to time on the results of that monitoring, including any recommendation relating to the need of, or desirability of taking legislative, administrative, or other action to give protection, or better protection, to the personal information of a data subject;



7.2.2.8 maintaining, publishing and making available and providing copies of such registers as are prescribed in PAIA and POPIA; and

7.2.2.9 **examining any proposed legislation** that makes provision for the-

7.2.2.9.1 collection of personal information by any public or private body; or

7.2.2.9.2 disclosure of personal information by one public or private body to any other public or private body, or both, to have particular regard, in the course of that examination, to the matters set out in section 44(2), in any case where the Regulator considers that the information might be used for the purposes of an information matching programme, and reporting to the Minister and Parliament the results of that examination;

7.2.3 to **consult with interested parties** by-

7.2.3.1 receiving and inviting representations from members of the public on any matter affecting the personal information of a data subject;

7.2.3.2 co-operating on a national and international basis with other persons and bodies concerned with the protection of personal information; and

7.2.3.3 acting as mediator between opposing parties on any matter that concerns the need for, or the desirability of, action by a responsible party in the interests of the protection of the personal information of a data subject.

7.2.4 to **handle complaints** by-

- 7.2.4.1 receiving and investigating complaints about alleged violations of the protection of personal information of data subjects and reporting to complainants in respect of such complaints;
- 7.2.4.2 gathering such information as in the Regulator's opinion will assist the Regulator in discharging the duties and carrying out the Regulator's functions under PAIA and POPIA;
- 7.2.4.3 attempting to resolve complaints by means of dispute resolution mechanisms such as mediation and conciliation; and
- 7.2.4.4 serving any notices in terms of PAIA and POPIA and further promoting the resolution of disputes in accordance with the prescripts of PAIA and POPIA.

7.2.5 **to conduct research** and to report to Parliament-

- 7.2.5.1 from time to time on the desirability of the acceptance, by South Africa, of any international instrument relating to the protection of the personal information of a data subject; and
- 7.2.5.2 on any other matter, including necessary legislative amendments, relating to protection of personal information that, in the Regulator's opinion, should be drawn to Parliament's attention.

7.2.6 in respect of **codes of conduct** to-

- 7.2.6.1 issue, from time to time, codes of conduct, amend codes and to revoke codes of conduct;
- 7.2.6.2 make guidelines to assist bodies to develop codes of conduct or to apply codes of conduct; and
- 7.2.6.3 consider afresh, upon application, determinations by adjudicators under approved codes of conduct.

7.2.7 to **facilitate cross-border co-operation** in the enforcement of privacy laws by participating in any initiative that is aimed at such co-operation; and

7.2.8 in general to-

7.2.8.1 do anything incidental or conducive to the performance of any of the preceding functions;

7.2.8.2 exercise and perform such other functions, powers, and duties as are conferred or imposed on the Regulator by or under PAIA and POPIA or any other legislation;

7.2.8.3 require the responsible party to disclose to any person affected by a compromise to the integrity or confidentiality of personal information, such compromise in accordance with section 22 of POPIA; and

7.2.8.4 exercise the powers conferred upon the Regulator by PAIA and POPIA in matters relating to the access of information as provided by the Promotion of Access to Information Act.

7.2.9 To publish reports relating generally to the exercise of the Regulator's functions under PAIA and POPIA or to any case or cases investigated by the Regulator.

7.3 Section 77C(1) and (2) of PAIA makes provision for the following powers, duties and functions of the Regulator, to-

7.3.1 investigate the complaint in the prescribed manner;

7.3.2 refer the complaint to the Enforcement Committee established in terms of section 50 of the POPIA; or

7.3.3 decide, in accordance with section 77D, to take no action on the complaint or, as the case may be, require no further action in respect of the complaint;

7.3.4 act, where appropriate, as conciliator in relation to such complaint in the prescribed manner;

7.3.5 Issue an Information Notice³ requiring the Information Officer to furnish the Regulator with the information specified in the notice.

7.3.6 issue an Enforcement Notice⁴-

7.3.6.1 confirming, amending or setting aside the decision which is the subject of the complaint; or

7.3.6.2 requiring the said Information Officer to take such action or to refrain from taking such action as the Regulator has specified in the notice.

7.4 The Regulator may, in terms of section 77H(1) of PAIA, and on its own initiative, or at the request by or on behalf of information officer or head of a private body or any other person conduct as an assessment whether a public or private body generally complies with the provisions of PAIA and POPIA, insofar as its policies and implementation procedures are concerned.

7.5 The Regulator has the following additional functions in terms of section 83 of PAIA:-

7.5.1 compile and make available a guide on how to use this Act as contemplated in section 10 of this Act;

7.5.2 submit reports to the National Assembly as contemplated in section 84;

7.5.3 to the extent that financial and other resources are available-

7.5.3.1 develop and conduct educational programmes to advance the understanding of the public, in particular of disadvantaged communities, of this Act and of how to exercise the rights contemplated in this Act;

³ Section 77I (1) of PAIA.

⁴ Section 77J (1) of PAIA.

7.5.3.2 encourage public and private bodies to participate in the development and conduct of programmes referred to in paragraph (a) and to undertake such programmes themselves; and

7.5.3.3 promote timely and effective dissemination of accurate information by public bodies about their activities.

7.5.4 make recommendations for:-

7.5.4.1 the development, improvement, modernisation, reform or amendment of this Act or other legislation or common law having a bearing on access to information held by public and private bodies, respectively;

7.5.4.2 procedures in terms of which public and private bodies make information electronically available;

7.5.5 monitor the implementation of this Act;

7.5.6 if reasonably possible, on request, assist any person wishing to exercise a right contemplated in this Act;

7.5.7 recommend to a public or private body that the body make such changes in the manner in which it administers this Act as the Regulator considers advisable;

7.5.8 train information officers and deputy information officers of public bodies;

7.5.9 consult with and receive reports from public and private bodies on the problems encountered in complying with this Act;

7.5.10 obtain advice from, consult with, or receive and consider proposals or recommendations from, any public or private body, official of such a body or member of the public in connection with the Regulator's functions in terms of this Act;

7.5.11 for the purposes of section 84(b)(x), request the Public Protector to submit to the Regulator, information with respect to-

7.5.11.1 the number of complaints lodged with the Public Protector in respect of a right conferred or duty imposed by this Act;

7.5.11.2 the nature and outcome of those complaints; and

7.5.11.3 generally, inquire into any matter, including any legislation, the common law and any practice and procedure, connected with the objects of this Act.

7.6 The Information Officer of the Regulator or the Office of the Regulator can be contacted to access the aforementioned services. The Regulator's website, <https://www.inforegulator.org.za>, can also be consulted in this regard.

8. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE INFORMATION REGULATOR

8.1. Information Officer

Name: Mr Mosalanyane Mosala
Tel: +27 (0) 10 023 5251
Email: MMosala@inforegulator.org.za

8.2. Deputy Information Officer

Name: Mr Jaco Jansen
Tel: +27 (0) 10 023 5237
Email: JJJansen@inforegulator.org.za

8.3. Access to information general contacts

Email: enquiries@inforegulator.org.za

8.4. National Head Office

Postal Address: P.O. Box 31533
Braamfontein
Johannesburg
2017

Physical Address: The Information Regulator (South Africa)
JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Telephone: +27 (0) 10 023 5200

Email: enquiries@infoeregulator.org.za

Website: <https://www.infoeregulator.org.za>

9. REMEDIES AVAILABLE IF PROVISIONS OF PAIA ARE NOT COMPLIED WITH OR IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE REGULATOR

Ensuring protection of your personal information

- 9.1. If the Regulator fails to comply with the provisions of PAIA, the requestor or any aggrieved person may, in accordance with section 78⁵ of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA), approach the Court with jurisdiction for appropriate relief.
- 9.2. If the requester or third party is aggrieved by the decision of the Information Officer, he or she may, by way of an application and within 180 days, apply to a court for appropriate relief in terms of section 82 of the Act.
- 9.3. Although the Regulator is not the kind of a public body where there is an internal appeal process, as referred to in paragraph (a) of the definition of “public body” in section 1 of the Act, it has established the following appeal process, which process

⁵ Section 78(1) of PAIA- A requester or third party referred to in section 74 may only apply to a court for appropriate relief in terms of section 82 after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74.

is not compulsory and the Requester or third party may opt to approach the court in accordance with paragraph 9.2 above-

9.3.1 Internal Remedies

9.3.1.1 An internal appeal can only be lodged, in terms of section 74⁶ of PAIA, with the relevant authority of the Regulator (Members of the Regulator).

9.3.1.2 However, the requirement of section 74(1) and (2) of PAIA are not exclusive (this is because of the usage of the word “**may**” in section 74(1) of PAIA) and therefore the Regulator has decided to have an internal appeal process, in order to ensure an accountable, responsive and transparent system of governance within the Regulator.

9.3.1.3 Accordingly, a requester may lodge an internal appeal against a decision of the Information Officer or Deputy Information Officer on the following grounds-

- 9.3.1.3.1 refusal to grant access to the records;
- 9.3.1.3.2 the tender or payment of the request fee in terms of section 22(1) of PAIA; or
- 9.3.1.3.3 the access fee to be paid is too excessive; or
- 9.3.1.3.4 the tender or payment of a deposit in terms of section 22(2) of PAIA; or
- 9.3.1.3.5 the decision of the Information Officer to grant a request for access; or
- 9.3.1.3.6 an extension of period in terms of section 26(1) of PAIA; or

⁶ Section 74(1) of PAIA- 1) A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of 'public body' in section 1.

9.3.1.3.7 refusal to grant access to records in a particular form requested, in terms section 29 (3) of PAIA;

9.3.1.3.8 failure to disclose records; or

9.3.1.3.9 refusal to grant request to waive the fees.

9.3.2 A third party may lodge an internal appeal against a decision of the Information Officer or Deputy information Officer to grant a request for access to a record.

9.3.3 In order to appeal against any decision(s) made by the Information Officer or Deputy information Officer, referred to in paragraph 9.3.1.3 and 9.3.2 above, a requester must lodge an internal appeal by completing Form 4. Form 4, attached hereto, must be submitted to the same Information Officer or Deputy information Officer that made the original decision, who is then required to forward it to the Chairperson or a Member designated by the Chairperson within ten (10) working days after receipt of an internal appeal⁷.

9.3.4 Period within which to lodge an appeal

9.3.4.1 An internal appeal form must be delivered or sent to the Information Officer or Deputy information Officer's address or fax number or electronic mail address⁸, contact details of which can be found in paragraph 8 above-

9.3.4.1.1 within **60 days**⁹ after the decision was taken;

9.3.4.1.2 within **30 days**¹⁰ after notice is given to the third party of the decision appealed against.

⁷ Section 75(4) of PAIA- As soon as reasonably possible, but in any event within 10 working days after receipt of an internal appeal in accordance with subsection (1), the information officer of the public body concerned must submit to the relevant authority

⁸ Section 75(1)(b) of PAIA- An internal appeal must be delivered or sent to the information officer of the public body concerned at his or her address, fax number or electronic mail address;

⁹ section 75(1)(a)(i) of PAIA- An internal appeal must be lodged in the prescribed form, within 60 days

¹⁰ section 75(1)(a)(ii) of PAIA- An internal appeal must be lodged in the prescribed form, if notice to a third party is required by section 49 (1) (b), within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.

9.3.5 The Appeal must be submitted to the Information Officer who must in terms of PAIA, forward it to the Members of the Regulator, within ten (10) days, together with-

9.3.5.1 his or her reasons for the decision concerned; and

9.3.5.2 the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request, in terms of section 47 (1) of PAIA.

9.3.6 The Appeal must be delivered or sent to any of the contact information listed in paragraph 8 above.

9.3.7 The Members may, upon good cause shown, allow the late lodging of the internal appeal. If the Chairperson or a Member designated by the Chairperson is not satisfied with the reasons advanced for late lodging of the appeal, the request will be disallowed on written notice to the person that lodged the internal appeal.

9.3.8 A requester lodging an internal appeal against the refusal of his or her request for access may pay the prescribed appeal fee (if any or unless he/she is exempted from paying fees). If the prescribed appeal fee is payable in respect of an internal appeal, the decision on the internal appeal may be deferred until the fee is paid.

9.3.9 The Members, must process and decide on the internal appeal within thirty (30) days from the date in which the internal appeal was received by the Information Officer or Deputy Information Officer;

9.3.10 External Remedies

The decision made by the Members, pertaining to any of the decisions the requester or third party is aggrieved by, is final and the requester or third

party may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.

10. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS THE GUIDE

10.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated the PAIA Guide, as initially compiled by the SAHRC.

10.2. The purpose of the aforesaid Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in PAIA and POPIA.

10.3. This Guide will specifically assist a person, also called a data subject, on how to access his/her or its personal information in terms of section 23 of POPIA. The aforesaid Guide contain the description of-

10.3.1. the objects of PAIA and POPIA;

10.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

10.3.2.1. the Information Officer of every public body, and

10.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹¹ and section 56 of POPIA¹²;

10.3.3. the manner and form of a request for-

10.3.3.1. access to a record of a public body contemplated in section 11¹³ of PAIA; and

¹¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

¹² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

¹³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 10.3.3.2. access to a record of a private body contemplated in section 50¹⁴ of PAIA;
- 10.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 10.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 10.3.6. all remedies available in law 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-
- 10.3.6.1. an internal appeal;
- 10.3.6.2. a complaint to the Regulator; and
- 10.3.6.3. an application to 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;
- 10.3.7. the provisions of sections 14¹⁵ and 51¹⁶ requiring a public body and private body, respectively, to compile a Manual, and how to obtain access to a manual;
- 10.3.8. the provisions of sections 15¹⁷ and 52¹⁸ of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

¹⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

¹⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

¹⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

¹⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

¹⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

10.3.9. the notices issued in terms of sections 22¹⁹ and 54²⁰ of PAIA regarding fees to be paid in relation to requests for access; and

10.3.10. the regulations made in terms of section 92²¹ of PAIA.

10.4. Members of the public can inspect or make copies, during normal working hours, of the Guide from the offices of the public and private bodies (in at least two of the official languages), including the office of the Regulator (in each of the official languages). The Guide, in each of the official languages, can also be obtained-

10.4.1. from the Government Gazette;

10.4.2. upon request from the Regulator, by the information officer on a form which corresponds substantially with Form 1 of Annexure A to the Regulations;

10.4.3. upon request from the Regulator, by any person, other than an information officer referred to in paragraph 10.4.2 above, on a form that corresponds substantially with Form 1 of Annexure A to the PAIA Regulations. The fees in relation to a copy of the Guide as provided for in item 1 of Annexure B may apply to the aforesaid person.

10.4.4. from the website of the Regulator (<https://www.inforegulator.org.za>) and that of any public and private bodies;

10.5. Any request for a Guide from the Regulator must be made in writing, by completing **FORM 1**, attached hereto.

¹⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

²⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

²¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

11. CATEGORIES OF RECORDS HELD BY THE INFORMATION REGULATOR

- 11.1 Records held by the Regulator are generated through each of its divisions, the core operations processes under both PAIA and POPIA and also through the decisions taken by Members.
- 11.2 Each division of the Regulator generates substantive records which relate specifically to the outputs of the division and operational records in the course of organisational operations.
- 11.3 The categories of records generated in the Regulator are classified in the manner listed below-
- 11.3.1 according to the file plan for correspondence, files on strategic support, core functions, and operational processes of the Regulator;
 - 11.3.2 the Records Control Schedule for other records including publications and audio-visual records and the electronic information systems of the Regulator.
- 11.4 Certain records of the Regulator are acquired in the course of work of the Regulator and in certain instances records are received from public and private bodies in accordance with PAIA and POPIA.
- 11.5 The Regulator reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where the Regulator no longer has possession of such record.
- 11.6 The Regulator also reserves the right to create new categories of records where this is necessary. This Manual will be updated to reflect changes in categories of records accordingly.
- 11.7 **Description of the subjects on which the Regulator holds records and the categories of records held on each subject**
- 11.7.1 The Regulator holds the following records, which are available from the Regulator and may be requested by way of the PAIA request process

prescribed in paragraph 12 below. Such records usually do not have information which can reasonably be said to be of a confidential nature.

11.7.2 Most records which fall into this category of information are available from the central registry of the Regulator at its Head Office or on the Regulator's website: <https://www.inforegulator.org.za>

11.7.3 Below is the list of records and information that may be formally requested in terms of PAIA or downloaded from the above-mentioned website of the Regulator-

Subjects	Categories of records	Request for access	Download from the Website
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.	X	X
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures; - Advertised posts; - Employees records; - Learning and Development e.g.: Skills Development and Training Plans - Employment Equity Plan and Statistics 	X	
Operational Policies / Plans /Procedures / Frameworks /	Protocols Agreements, Supply Chain Management, Procurement Plans, Specific Tenders & Contracts, Donations, Funds, Suppliers, Risk Management, Audit, IT, Finance Management, Human Resources, Marketing and Branding Records Management.	X	
Legal, Policy, Research	<ul style="list-style-type: none"> - Research Strategy and Plan - Research Papers 	X	
Corporate Governance	<ul style="list-style-type: none"> - Organisational and Business Plans; - Memorandum of Understanding; - Regulator's Policies and Procedures; - Occupational Health and Safety Plan; - Loss Control Register; 	X	

Subjects	Categories of records	Request for access	Download from the Website
	- Evacuation procedures.		
Information Technology	<ul style="list-style-type: none"> - Incidents and Service Requests; - Asset Issuing and Custodian Information; - System Event Logs; - System Performance Logs; - Systems Maintenance Check lists; - Monthly Operations Reports; - Service Level Agreements; - ICT Policies and Procedure Manuals; - Network maintenance; - System Development lifecycle documents. 	x	
Manual and Guide	Regulator's Manual and Guide on how to use PAIA	X	X
Publicity and Marketing Material	Publications, Investigation and Assessment Reports, Frequently Asked Questions (FAQ's) etc.	X	X
Publications	Booklets, Books, Periodicals, Journals, Reports, Newsletters, Bulletins, Magazines, Pamphlets, E- Publications.	X	X
Media	Press releases, Radio and TV Interviews, Statements, Participation details, Official Speeches and Messages, Gifts & Awards, Website content and Corporate identity and infographs.	X	X
Events, Functions, Seminars and Conferences	Presentations, Discussions, Documents.	X	X
Registers	Information Officers,	X	X
	Issued Codes of Conduct	X	X
	Internal Directories, File Plan, Records Control Schedule.	X	

Subjects	Categories of records	Request for access	Download from the Website
Reports / Minutes / Decisions	Conferences Research & Findings, Monitoring & Evaluation, Statistics, Surveys, Submissions on Legislation	X	
Supply Chain Matters	BID Documents, Contracts, Purchase Orders, Quotations, Tenders, Terms of Reference and Leases, List of applicants for Tenders, List of Tenders Awarded.	X	
Investigation and compliance	Subpoena based Hearings, Summons, Warrants to search and seize items, Enforcement Notices, Information Notices, HR Interventions, Public Hearings, Plenary Reports and investigation report.	X	
Finances	Financial Accounting, Financial Reporting, Contracts and Tender Administration, Asset Management / Register, Management Accounting, Estimates, Statements, Budgets, Reports, Audit Records, Revenue Statements, Reports and Returns.	X	
Audio-Visual Recordings	Slides, Photographs, Films, Videos.	X	

11.8 Categories of records that may be subject to the grounds for refusal of access to records

11.8.1 The records listed in the categories below may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds listed in sections 33 to 46 and sections 62 to 70 of PAIA. Please refer to PAIA Guide on how to use PAIA.

11.8.2 The Regulator further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources.

11.8.3 Access will also be refused where requests are clearly frivolous and / or vexatious.

11.8.4 However, the Information Officer or Deputy Information Officer(s) of the Regulator may grant a request for access to a record of the Regulator, if-

11.8.4.1 the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law; and

11.8.4.2 the public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal of access to records.

Category of Record	On Request form Only
Regulator's Compliance Assessment Reports (PAIA and POPIA)	X
Security related information	X
Regulator internal communiqués	X
Records held by Legal Services Department	X
Executive Management internal confidential communication	X
Research conducted by Service Providers for the Regulator or programs subject to contractual exemptions on disclosure	X
Confidential client communications	X
Privileged information: held in the course of investigations, conciliation, closed hearings, attorney client information, national security based information or third party information	X
Specific Human Resource Personnel information, including, but not limited to files relating to disciplinary process and records, medical information and personal information	X

Category of Record	On Request form Only
Asset disclosures and asset protection procedures	X
Certain Service Level Agreements	X
Certain Tender Documentation	X
Agendas and Minutes of Meetings and correspondence	X
Draft reports, policies and discussions documents	X
Research papers and Legal opinions	X
<ul style="list-style-type: none"> - Enforcement Notices; - settlement between the parties; - Assessment report; - Information Notice; - Search warrants; and - Subpoenas. 	X
Invoices and proof of payments	X
Certain forensic reports	X

12. RECORDS OF THE REGULATOR WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS, IN TERMS OF SECTION 15(2) OF THE ACT

Category	Document Type	Website
Legislation	<ul style="list-style-type: none"> - Promotion of Access to Information Act 2 of 2000; - Promotion of Access to Information Amendment Act 54 of 2002; - Protection of Personal Information Act 4 of 2013; - Promotion of Access to Information Amendment Act 31 of 2019; - The Political Party Funding Act 6 of 2018) 	X
Regulations	<ul style="list-style-type: none"> - Government Notice R.187 in GG 23119- 15 February 2002; - Government Notice No. R. 1244 -22 September 2003; 	X

Category	Document Type	Website
	<ul style="list-style-type: none"> - Government Notice R.991 in GG 28107-14 October 2005; - Government Notice No. R. 990-13 October 2006; - Government Notice No. R. 466-1 June 2007; - Government Notice 1222 in GG 39504-11 December 2015; - Government Notice 1217 in GG 42717-19 September 2019; - Government Notice R. 1284 in GG 42740-4 October 2019; - <u>GG 42110, RG 10897, GoN 1383, 14 Dec 2018</u> (POPIA: Regulations) 	
Forms	<ul style="list-style-type: none"> - PAIA Complaints Form to the Regulator; - POPIA Complaints Form to the Regulator; - PAIA Request for access to records Forms (Form 2); 	X
Committees of the Regulators	<ul style="list-style-type: none"> - Terms of Reference for Committees - Charter of Roles and Responsibilities of Members of the Information Regulators 	X
Policies, Guidelines, Code of Conduct, and Guidance Notes	<ul style="list-style-type: none"> - PAIA Guide; - PAIA Manual; - Guidance Notes; - Guidelines; - Policy on Website Privacy; - Code of Ethics and Conduct; - Policy on Disclosure of Interests; - Policy on Formulation of Policies; - Approved and issued Codes of Conduct; - Notices; - Exemptions and - Authorisations. 	X
Strategic Documents (Plans and Report)	<ul style="list-style-type: none"> - Organisational Profile (Overview, Objectives, Functions, Organogram) - Annual Reports; - Strategic Plan; - Annual Performance Plan; - Strategic and Performance Plans. 	X

13. PROCEDURE FOR ACCESS TO RECORDS HELD BY THE INFORMATION REGULATOR

13.1 Section 18 of PAIA prescribes the procedure to be followed in making a request for access to information held by the Regulator. Section 23(1) of POPIA²² also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA²³.

13.2 A requester or data subject must use the prescribed form, **FORM 2**, when requesting access to a record or personal information. Form 2 is annexed hereto.

13.3 A requester is any person making a request for access to a record of the Regulator and in this regard, PAIA distinguishes between two types of requesters for access to information, i.e. Personal Requester, (data subject) and Other Requester.

13.3.1 A data subject is a requester who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of PAIA and POPIA, the Regulator will provide the requested information, or give access to any record with regard to the data subject's personal information within a reasonable time, (at a prescribed fee, if any) in a reasonable manner and format and in a form that is generally understandable. The prescribed fee²⁴ for reproduction of the personal information requested will be charged by the Regulator;

13.3.2 A person falling in the category of Other Requester is entitled to request access to information pertaining to third parties. However, the Regulator is not obliged to grant access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.

²² Section 23(1) of POPIA provides that a data subject, having provided adequate proof of identity, has the right to—

- a) request a responsible party to confirm, free of charge, whether or not the responsible party holds personal information about the data subject; and
- b) (b) request from a responsible party the record or a description of the personal information about the data subject held by the responsible party, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information

²³ Section 25 of POPIA.

²⁴ Section 23(1)(b)(ii) of the POPIA

13.3.3 The prescribed fee for reproduction of the information requested may be charged by the Regulator.

13.4 The **Form 2** must be addressed and submitted to the Information Officer by hand, post, per fax or e-mail, which details are set out in paragraph 8 above.

13.5 The requester must provide sufficient information of the record(s) requested in order for the Information Officer or Deputy Information Officer, if any, to identify the record(s). The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

13.5.1 the identity of the requester;

13.5.2 particulars of record requested;

13.5.3 type of record;

13.5.4 form of access; and

13.5.5 manner of access.

13.6 Some additional important points to remember when completing the request form:

13.6.1 each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced;

13.6.2 if records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person;

13.6.3 a detailed description of the records being requested must be provided to enable the Information Officer or Deputy Information Officer to identify it accurately.

13.7 The requester must indicate, as per section 29(2) of PAIA²⁵, the form of access

²⁵ Section 29(2)(a) of PAIA provides that "record must be provided in written or printed form or visual images or printed transcriptions, by supplying a copy of the record or by making arrangements for the inspection of the record."

that is required.

- 13.8 The requester must indicate whether the requested record(s) is preferred in any particular language.
- 13.9 The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
- 13.10 The requester will receive the information in such manner as indicated. Section 29(3) of PAIA²⁶ indicates that making available the information will depend on whether the request will not interfere unreasonably with the effective administration of the Regulator, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.
- 13.11 According to Section 29(4) of PAIA, should access in the form as requested, be refused as per Section 29(3) of PAIA, but access is given in an alternative form, then the fee charged may not exceed the amount that would have been charged for access in the form initially requested.
- 13.12 If, in addition to a written reply to the request for the record, the requester wants to be informed of the decision in any other manner, the requester must specify the manner and provide the necessary particulars to be informed accordingly.
- 13.13 Where the requester is making a request for the information on behalf of another person, he or she must provide proof of the capacity in which the request is being made.
- 13.14 An oral request for access to a record(s) may be made, if the requester does not have a formal education or has a disability. The Information Officer or Deputy Information Officer will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.

²⁶ Section 29(3) of PAIA provides that- If a requester has requested access in a particular form, access must, subject to section 28, be given in that form, unless to do so would

(a) interfere unreasonably with the effective administration of the public body concerned;
(b) be detrimental to the preservation of the record; or
(c) amount to an infringement of copyright not owned by the State or the public body concerned.

13.15 The requester will be notified of the prescribed fee payable, if any, the method of payment and the office to which he/she can make such payment or submit proof of payment before a request for information is processed further. Please note that the requester is exempted from paying an access fee²⁷ to the Regulator if:-

13.15.1 the requester is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than **R14 712** a year, or

13.15.2 the requester is married and his/her joint income, after permissible deductions, such as PAYE and UIF, is less than **R27 192** per year.

13.16 The request for information will, in terms of Section 25 of PAIA, be processed by the Information Officer within 30 days after receipt of the request or as soon as is reasonably possible, whereafter the Information Officer will inform the requester of his/her decision, either to grant or reject the request for access to records. The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.

*Ensuring protection of your personal information
and effective access to information.*

13.17 Section 26 of PAIA²⁸ prescribes the instances where the period of thirty (30) days referenced in Section 25 of PAIA²⁹, may be extended once for a further 30 days. The period of 30 days may be extended once for a further period of not more than 30 days, if-

13.17.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Regulator;

²⁷ as per Government Notice R991 of 14 October 2005

²⁸ Section 26(1)- The information officer to whom a request for access has been made or transferred, may extend the period of 30 days referred to in section 25 (1) (in this section referred to as the 'original period') once for a further period of not more than 30 days, if-

- a) the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the public body concerned;
- b) the request requires a search for records in, or collection thereof from, an office of the public body not situated in the same town or city as the office of the information officer that cannot reasonably be completed within the original period;
- c) consultation among divisions of the public body or with another public body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
- d) more than one of the circumstances contemplated in paragraphs (a), (b) and (c) exist in respect of the request making compliance with the original period not reasonably possible; or
- e) the requester consents in writing to such extension.

²⁹ Section 25 of PAIA deals with the requirement for a decision on request to be taken within 30 days and the requirement of notifying the requester about the decision to his or her request.

- 13.17.2 the request requires a search for records in, or collection thereof from, an office of the Regulator not situated in the same town or city as the office of the Information Officer and cannot reasonably be completed within the original period;
- 13.17.3 consultation among divisions of the Regulator or with another public body is necessary or desirable to decide upon the request and such decision-making process cannot reasonably be completed within the original period;
- 13.17.4 more than one of the circumstances contemplated in paragraphs 13.17.1, 13.17.2 and 13.17.3 exist in respect of the request making compliance with the original period not reasonably possible; or
- 13.17.5 the requester consents in writing to such extension.
- 13.18 If the period has been extended, the information officer must as soon as possible and within 30 days of first receiving the request inform the requester of that extension.
- 13.19 If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or is granted in an unacceptable form, the requester may lodge an internal appeal as per Section 74 of PAIA.
- 13.20 Section 74 of PAIA allows for appeals against the decision of the Information Officer of the Regulator and the appeal processes (which are not compulsory) are detailed in paragraph 9.3 above.
- 13.21 According to Section 78 of PAIA, a requester or third party referred to in Section 74, may only apply to a Court for appropriate relief in terms of Section 82 of the Act, after having exhausted the internal appeal procedure against a decision of the Information Officer. As indicated in paragraph 9.3 above, appeal processes are not compulsory and the requester or thirds party may, at any time, within the prescribed period of 180 days, approach the court for appropriate relief.
- 13.22 A requester, who is aggrieved by the decision of the information officer of the

Regulator under PAIA, cannot lodge a complaint with the Regulator and must proceed in accordance with paragraph 9.3.10 above.

14. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE INFORMATION REGULATOR AND HOW TO GAIN ACCESS TO THOSE SERVICES

14.1 Complaints under POPIA

14.1.1 Any person alleging interference with the protection of the personal information of a data subject may, in terms of section 74(1) of POPIA, submit a complaint to the Regulator. Any person who wishes to submit a complaint contemplated in section 74(1) of POPIA must submit such a complaint to the Regulator on **Form 5 (Part I thereof)**, which form is available on the Regulator's website.

14.1.2 A responsible party or data subject who is aggrieved by a determination, including any declaration, order or direction that is included in the determination, made by an adjudicator, may submit a complaint to the Regulator against the determination in terms of section 74(2) of POPIA. Please note that there is a fee payable by a responsible party or data subject in respect of a complaint lodged against the adjudicator's determination.

14.1.3 A responsible party or a data subject who wishes to submit a complaint contemplated in paragraph 14.1.2 above, must submit such a complaint to the Regulator on **Form 5 (Part II thereof)**, which form is available on the Regulator's website.

14.2 Complaints under PAIA

14.2.1 A requester or third party may only submit a complaint to the Regulator after that requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer of a National, Provincial or Local sphere of government.

14.2.2 However, with regard to a public body, in respect of which an internal appeal is not applicable and a private body, a requester or third party may submit a complaint to the Regulator, if not satisfied by the decision of the body concerned.

14.2.3 A complaint to the Regulator by a requester or third party must be lodged within **180 days** of receipt of the decision from the body and must be submitted using **Form 5**, attached hereto.

15. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE INFORMATION REGULATOR

15.1 In the exercise of its powers or performance of its duties in terms of PAIA and POPIA, the public are from time to time invited to make representations or to participate or influence the development of Regulations, Codes of Conduct and Guidelines.

15.2 Members of the public can, at any time, make representations to the Regulator regarding the conduct of any person that falls within the jurisdiction of any of the Regulator's mandate.

15.3 Members of the public are also encouraged to submit proposals for the development of a Code of Conduct or any legislative reform or representations on any matter affecting the personal information of a data subject. The public are also encouraged to participate in public consultation and stakeholder's engagement arranged by the Regulator.

15.4 The platform utilised for public participation may either be through public hearings (physical or virtually), email or written submissions.

15.5 The inputs and submissions of members of the public are considered intensively during the formulation of the Regulations, Guidelines and Codes of Conduct.

15.6 The Regulator disseminates information to the public via electronic and print media, government gazette as well as social media.

16. PROCESSING OF PERSONAL INFORMATION

16.1 Purpose of processing of personal information of data subject by the Regulator

16.1.1 The Regulator process personal information of data subjects under its care in the following ways:-

16.1.1.1 Fulfilling or executing its statutory obligations under PAIA and POPIA, through-

16.1.1.1.1 Receiving of complaints;

16.1.1.1.2 investigation of complaints;

16.1.1.1.3 conducting compliance assessment;

16.1.1.1.4 enforcement mechanism;

16.1.1.1.5 processing of application for-

a) a codes of conduct;

b) Exemptions;

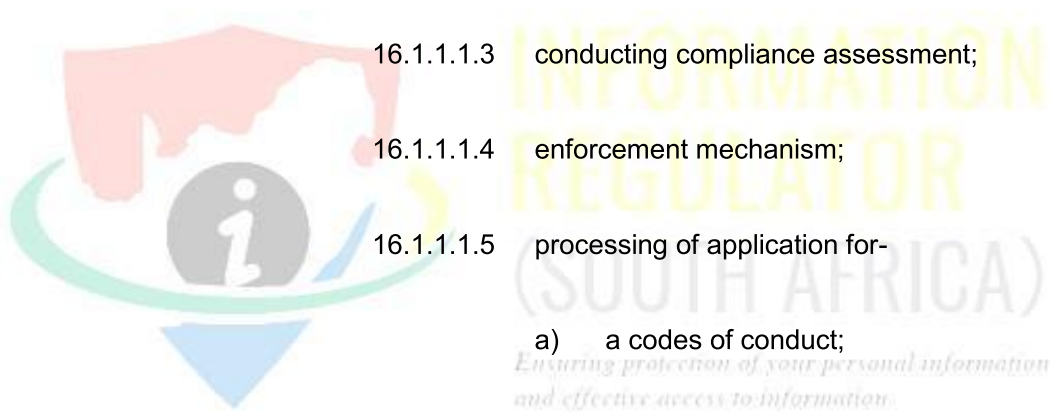
c) Prior Authorisations;

d) Authorisation for processing of special personal information; and

e) Authorisation for processing personal information of children.

16.1.1.2 Staff administration and Job applicants;

16.1.1.3 Keeping of accounts and records;



16.1.1.4 Procurement process;

16.1.1.5 Visitors to any premises of the Regulator;

16.1.1.6 Complying with other relevant legislations, such as PFMA, Regulations under it and National Treasury Instruction Notes.

16.2 Categories of Data Subjects and their Personal Information

The Regulator may process records relating to suppliers, shareholders, contractors, service providers, staff and clients:

Categories of Data Subjects	Personal Information that may be processed
Complainants: Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number, and confidential correspondence.
Complainants: Responsible parties, Juristic Persons / Public Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address; contact details (contact number(s), fax number, email address) and Registration Number.
Foreign Persons / Entities	Name; contact details (contact number(s), fax number, email address); physical and postal addresses.
Intermediary / Advisor/ consultants	Names of contact persons; Name of Entity; Physical and Postal address and contact details (contact number(s), fax number, email address); Registration Number.
Contracted Service Providers	Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories, broad-based black economic empowerment (B-BBEE) status, affiliates entities, business strategies.

Categories of Data Subjects	Personal Information that may be processed
Employees / Members / Committee Members	Gender, pregnancy; marital status; race, age, language, education information (qualifications); financial information; employment history; ID numbers; physical and postal address; contact details (contact number(s), fax number, email address); criminal record; well-being and family members, medical, nationality, ethnic or social origin, physical or mental health, disability, biometric information of the person, employment history, professional affiliation and references.

16.3 The recipients or categories of recipients to whom the personal information may be supplied by the Regulator

16.3.1 The Regulator may supply the personal information of data subject to the Employees of the Regulator, as part of executing its statutory mandate.

16.3.2 The Regulator may supply the personal information of data subject to the Service Providers who render the following services:-

16.3.2.1 Capturing and organising of personal information;

16.3.2.2 Storing of personal information;

16.3.2.3 Sending of emails and other correspondence to the public;

16.3.2.4 Conducting due diligence checks;

16.3.2.5 Conducting criminal checks;

16.3.2.6 Conducting qualification verifications;

16.3.2.7 Forensic investigation and any other investigation relating to the activities of the Regulator;

16.3.2.8 Auditing;

16.3.2.9 Administration of the Provident, Pension Funds and medical aids; and

16.3.2.10 ICT Infrastructure.

16.4 The Regulator may also supply the personal information of data subjects to-

16.4.1 any person whom a complaint has been lodged against;

16.4.2 any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction;

16.4.3 law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigation; and

16.4.4 to Courts, in respect of any matter taken on judicial review.

16.5 **Planned transborder flows of personal information**

16.5.1 The Regulator has not planned Transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the Regulator will ensure that anyone to whom it pass personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection and the third party agrees to treat that personal information with the same level of protection as the Regulator is obliged under POPIA.

16.5.2 Any transfer of personal information cross border shall be with data subject's consent, however should it not be reasonably practicable to obtain data subject's consent, the Regulator shall transfer the personal information if-

16.5.2.1 it will be for the data subject's benefit; and

16.5.2.2 the data subject would have given consent should it have been reasonably practicable to obtain such consent.

16.6 General Description of Information Security Measures

16.6.1 The Regulator continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measures to prevent-

16.6.1.1 loss of, damage to or unauthorised destruction of personal information; and

16.6.1.2 unlawful access to or processing of personal information.

16.6.2 The Regulator has taken reasonable measures, as contained paragraph 16.6.3 below, to-

16.6.2.1 identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;

16.6.2.2 establish and maintain appropriate safeguards against the risks identified;

16.6.2.3 regularly verify that the safeguards are effectively implemented; and

16.6.2.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

16.6.3 Measures taken by the Regulator includes, amongst others:-

- 16.6.3.1 Access Control;
- 16.6.3.2 Data Encryption;
- 16.6.3.3 Defensive Measures;
- 16.6.3.4 Robust Monitoring, Auditing and Reporting capabilities;
- 16.6.3.5 Data Backups;
- 16.6.3.6 Anti-virus and Anti-malware Solutions;
- 16.6.3.7 Awareness and Vigilance; and
- 16.6.3.8 Agreements are concluded with Operators to implement security controls.

17. PRESCRIBED FEES

17.1 Section 22(1) of PAIA states that fees payable for access to records of the Regulator are to be prescribed. The prescribed fees are as set out in **annexure B**, attached hereto.

17.2 A requester who seeks access to any record may be required to pay a fee, unless an exempted, as referred to in paragraph 17.3 below.

17.3 The requester does not need to pay an access fee³⁰ to a public body if:-

17.3.1 He or she is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than **R14 712** a year, or

17.3.2 He or she is married and the joint income with his or her partner, after permissible deductions, such as PAYE and UIF, is less than **R27 192** per year.

18. AVAILABILITY OF THE MANUAL

³⁰ as per Government Notice R991 of 14 October 2005

18.1 The Manual of the Regulator is made available in at least three official languages and braille. A copy will be available-

18.1.1 on the website of the Regulator at <https://www.inforegulator.org.za>;

18.1.2 at the head office of the Regulator for public inspection during normal business hours;

18.1.3 to any person upon request and upon the payment of a reasonable amount.

18.2 A fee for a copy of the Manual, as contemplated in annexure B, shall be payable per each A4-size photocopy made.

19. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

19.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available³¹.

19.2 Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

20. DISPOSAL OF RECORDS

20.1 The Regulator reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.

20.2 Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

20.3 In accordance with section 24(1) of POPIA, the Regulator may, upon receipt of the request from a data subject: -

³¹ Section 23(1) of PAIA

- 20.3.1 correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
- 20.3.2 destroy or delete a record of personal information about the data subject that the Regulator is no longer authorised to retain in terms of section 14 of POPIA³².

21. UPDATING OF THE MANUAL

The Regulator will, if necessary, update and publish this Manual annually.

Issued by

INFORMATION REGULATOR



INFORMATION
REGULATOR
(SOUTH AFRICA)
*Ensuring protection of your personal information
and effective access to information.*

³² Section 14 (1) of POPIA- Subject to subsections (2) and (3), records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.

FORM 1**REQUEST FOR A COPY OF THE GUIDE**

[Regulations 2 and 3]

TO: The Information Regulator
P.O Box 31533
Braamfontein
Johannesburg
2017
E-mail address: enquiries@info regulator.org.za
Tel number: +27 (0) 10 023 5200

OR

*The information officer

I,

Full names:				
In my capacity as (mark with "x"):	Information officer		Other	
Name of *public/private body (if applicable)				
Postal Address:				
Street Address:				
E-mail address:				
Facsimile:				
Contact numbers:	Tel.(B):		Cellular:	

hereby request the following copy(ies) of the Guide:

Language (mark with "X")	No of copies	Language (mark with "X")	No of copies
<input type="checkbox"/> Sepedi,		<input type="checkbox"/> Sesotho	
<input type="checkbox"/> Setswana		<input type="checkbox"/> siSwati	
<input type="checkbox"/> Tshivenda		<input type="checkbox"/> Xitsonga	
<input type="checkbox"/> Afrikaans		<input type="checkbox"/> English	
<input type="checkbox"/> isiNdebele		<input type="checkbox"/> isiXhosa	
<input type="checkbox"/> isiZulu			

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signed at _____ this _____ day of _____ 20 _____

Signature of requester

* Delete whichever is not applicable

FORM 2

REQUEST FOR ACCESS TO RECORD

[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: _____
Fax number: _____

Mark with an "X"

☐ Request is made in my own name ☐ Request is made on behalf of another person.

[illegible]

Reference number, if available:	
Any further particulars of record:	

TYPE OF RECORD	
<i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS	
<i>(Mark the 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 disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS	
<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>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<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)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason:	

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 (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (state rank, name and surname of information officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of information officer

FORM 4**LODGING OF AN INTERNAL APPEAL**

[Regulation 9]

Reference number: _____

PARTICULARS OF PUBLIC BODY			
Name of public body:			
Name and surname of information officer:			
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full names:			
Identity number:			
Postal address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
E-mail Address:			
Is the internal appeal lodged on behalf of another person?		Yes	No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)			
Full names:			
Identity number:			
Postal address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
E-mail address:			
DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>			
Refusal of request for access:			
Decision regarding fees prescribed in terms of section 22 of the Act:			
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act:			
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester:			
Decision to grant request for access:			
GROUND FORS FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed.)</i>			
State the grounds on which the internal appeal is based:			
State any other information that may be relevant in considering the appeal:			

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of appellant/Third party

**FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received by: (state rank, name and surname of Information officer)								
Date received:								
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				<table border="1"> <tr> <td>Yes</td> <td></td> </tr> <tr> <td>No</td> <td></td> </tr> </table>	Yes		No	
Yes								
No								
OUTCOME OF APPEAL								
Refusal of request for access. Confirmed?	Yes		New decision (if not confirmed)					
	No							
Fees (Sec 22). Confirmed?	Yes		New decision (if not confirmed)					
	No							
Extension (Sec 26(1)). Confirmed?	Yes		New decision (if not confirmed)					
	No							
Access (Sec 29(3)). Confirmed?	Yes		New decision (if not confirmed)					
	No							
Request for access granted. Confirmed?	Yes		New decision (if not confirmed)					
	No							

Signed at _____ this _____ day of _____ 20 _____

Relevant authority

FORM 5**LODGING OF COMPLAINT**

[Regulation 10]

Note:

1. This form is designed to assist the Requester (hereinafter referred to as "the Complainant") in requesting a review of a public or private body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the Information Regulator or complete the online complaint form available at <https://www.inforegulator.org.za>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part E of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed PAIA form and submit it to the Body.
4. A copy of this form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. Please attach copies of the following documents, if you have them:
 - Copy of the form to the Body requesting access to records;
 - The Body's response to your complaint or access request;
 - Any other correspondence between you and the Body regarding your request;
 - Copy of the appeal form, if your complaint relate to a public body;
 - The Body's response to your appeal;
 - Any other correspondence between you and the Body regarding your appeal;
 - Documentation authorizing you to act on behalf of another person (if applicable);
 - Court order or court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

TO: The Information Regulator
 P.O Box 31533
 Braamfontein,
 2017
 E-mail address: PAIAComplaints@inforegulator.org.za
 Tel number: +27 (0) 10 023 5200

*Ensuring protection of your personal information
 and effective access to information.*

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT

(Mark with an "X")

☐

Complainant personally

☐

Representative of complainant

☐

Third party

PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	

Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY				
Received by: (Full names)				
Position:				
Signature:				
Complaint accepted:	Yes		No	
Reference Number:				
Date stamp				

Postal address	Facsimile	Other electronic communication (Please specify)

PART A PERSONAL INFORMATION OF COMPLAINANT				
Full names:				
Identity number:				
Postal Address:				
Street Address:				
E-mail Address:				
Contact numbers:	Tel. (B):		Facsimile	
	Cellular			

PART B REPRESENTATIVE INFORMATION				
<i>(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)</i>				
Full names of representative:				
Nature of representation:				
Identity number/Registration number:				
Postal Address:				
Street Address:				
E-mail Address:				
Contact numbers:	Tel. (B):		Facsimile	
	Cellular:			

PART C THIRD PARTY INFORMATION				
<i>(Please attach letter of authorisation)</i>				
Type of body:	Private		Public	
Name of *public/private body:				
Registration number (if any):				
Name, surname and title of person				

authorised to lodge complaint:				
Postal Address:				
Street Address:				
E-mail Address:				
Contact numbers:	Tel. (B):		Facsimile	
	Cellular			
PART D				
BODY AGAINST WHICH THE COMPLAINT IS LODGED				
Type of body:	Private		Public	
Name of *public/private body:				
Registration number (if any):				
Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request to access of information:				
Postal Address:				
Street Address:				
E-mail Address:				
Contact numbers:	Tel. (B):		Facsimile	
	Cellular			
Reference number given (if any):				
PART E				
COMPLAINT				
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions)</i>				
Date on which request for access to records submitted:				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body:				
Have you attempted to resolve the matter with the organisation?	Yes		No	
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the information officer of the public body?	Yes		No	
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.		
<p align="center">PART F DETAILED TYPE OF ACCESS TO RECORDS <i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i></p>		
Unsuccessful appeal: (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	<i>I have appealed against the decision of the public body and the appeal is unsuccessful.</i>	
Unsuccessful application for condonation: (Sections 77A(2)(b) and 75(2) of PAIA)	<i>I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.</i>	
Refusal of a request for access: (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>	
The body requires me to pay a fee and I feel it is excessive: (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>	
	<i>The tender or payment of a deposit.</i>	
Repayment of the deposit: (Section 22(4) of PAIA)	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	
Disagree with time extension: (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	
Form of access denied: (Section 29(3) or 60(a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal: (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record: (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access: (Section 56(3)(a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record: (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver: (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist:	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	

(Section 23 or 55 of PAIA)		
Failure to disclose records:	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights): (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	
Frivolous or vexatious request: (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	
Other: (Please explain):		
PART G EXPECTED OUTCOME		
How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
PART H AGREEMENTS		

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

- ☐ I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.
- ☐ The information in this Complaint Form is true to the best of my knowledge and belief.
- ☐ I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.
- ☐ I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.
- ☐ If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party

ANNEXURE B**FEES****Fees in Respect of Public Bodies**

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a 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
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record 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
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

Fees in Respect of Private Bodies

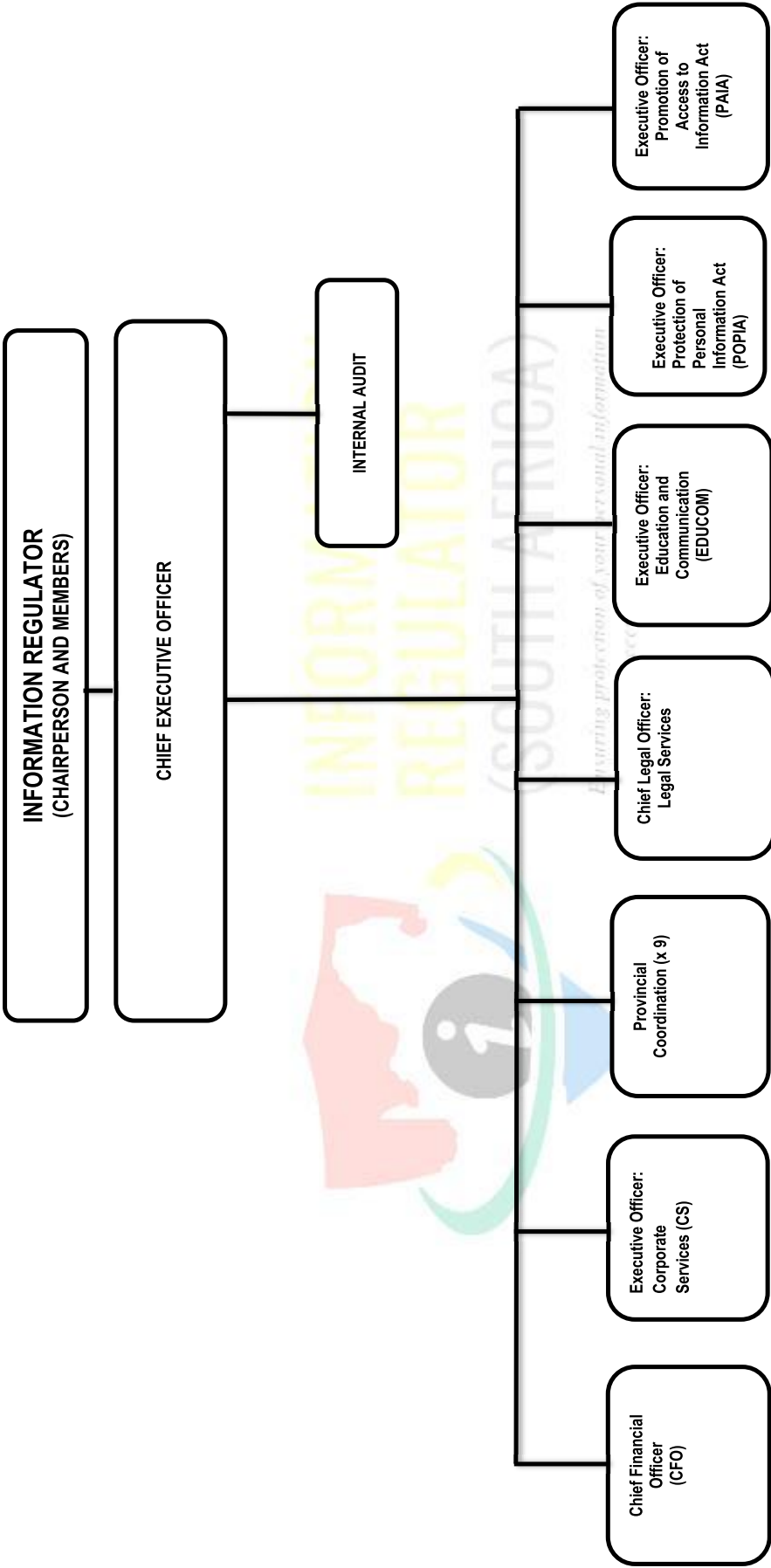
Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (iii) Flash drive (to be provided by requestor) (iv) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash drive (to be provided by requestor) (vi) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any."

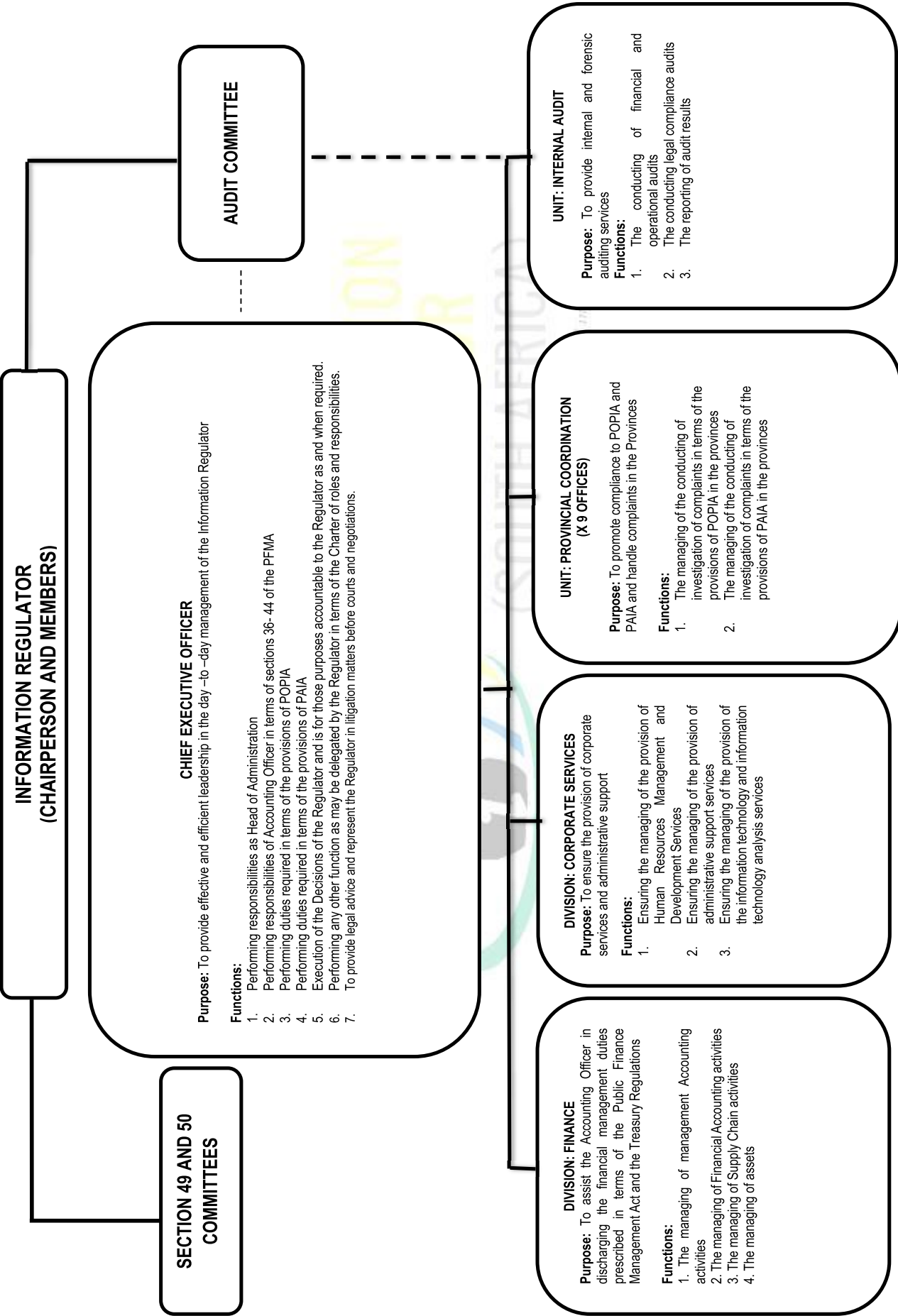


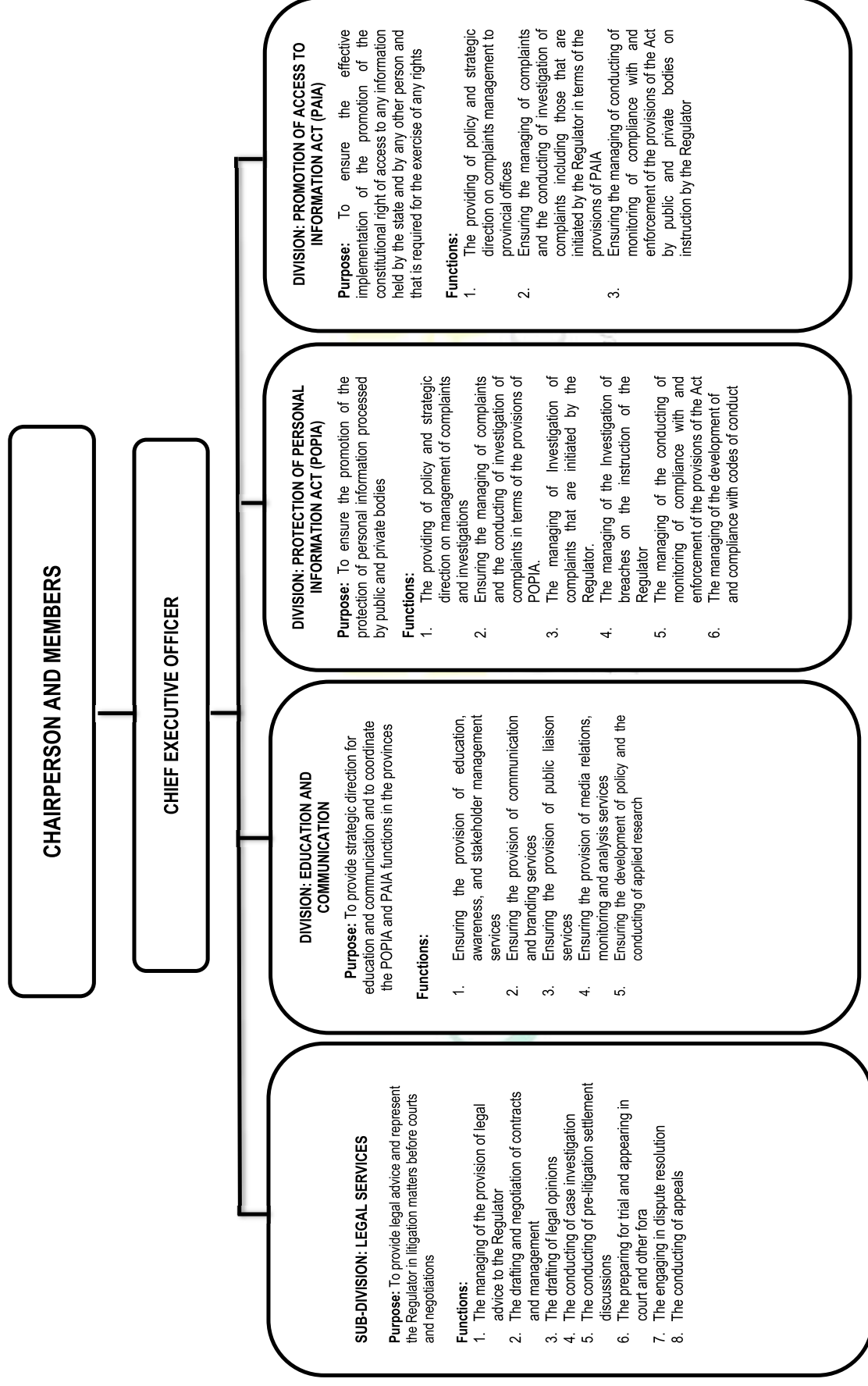
INFORMATION REGULATOR (SOUTH AFRICA)

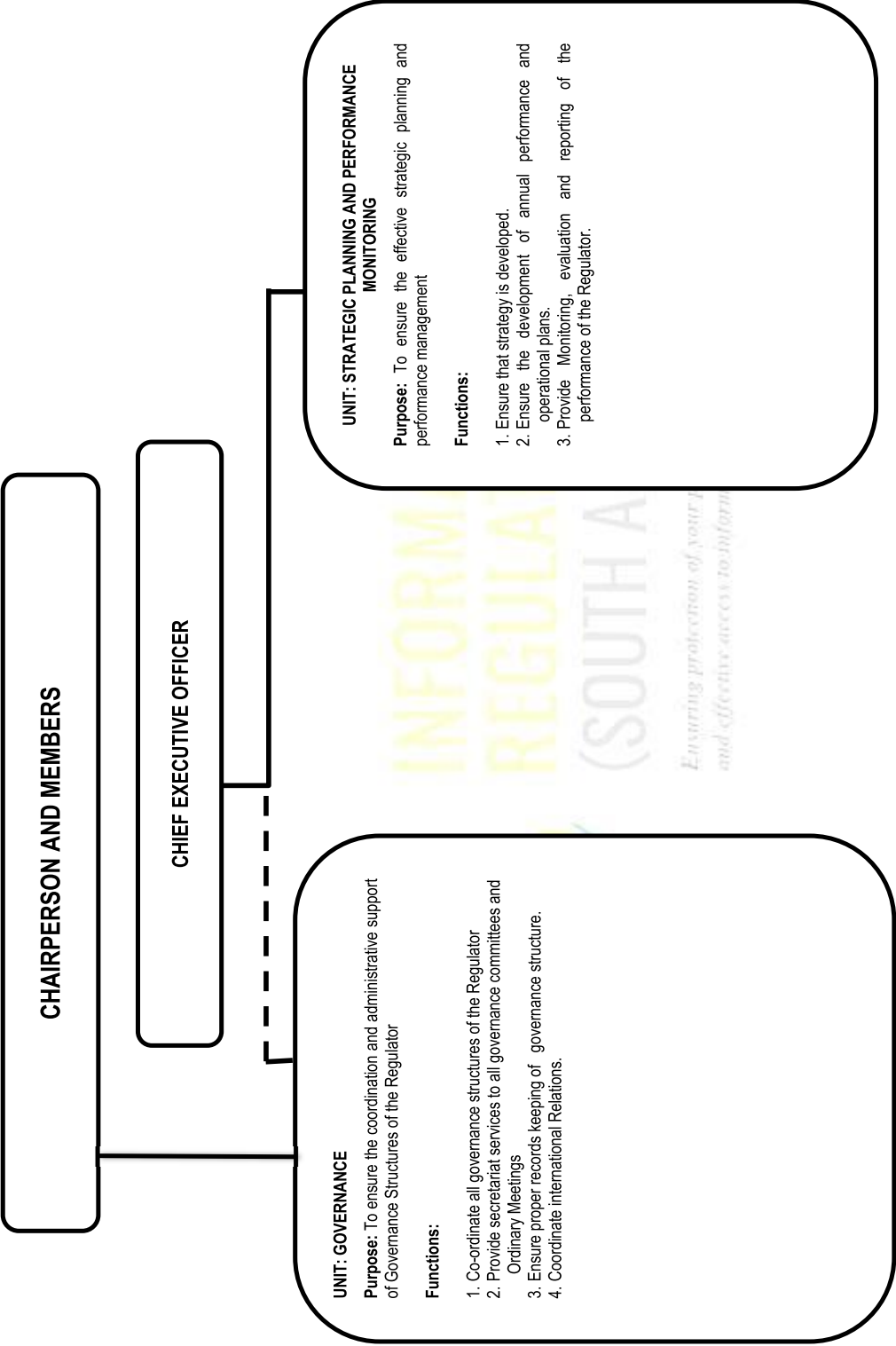
*Ensuring protection of your personal information
and effective access to information.*

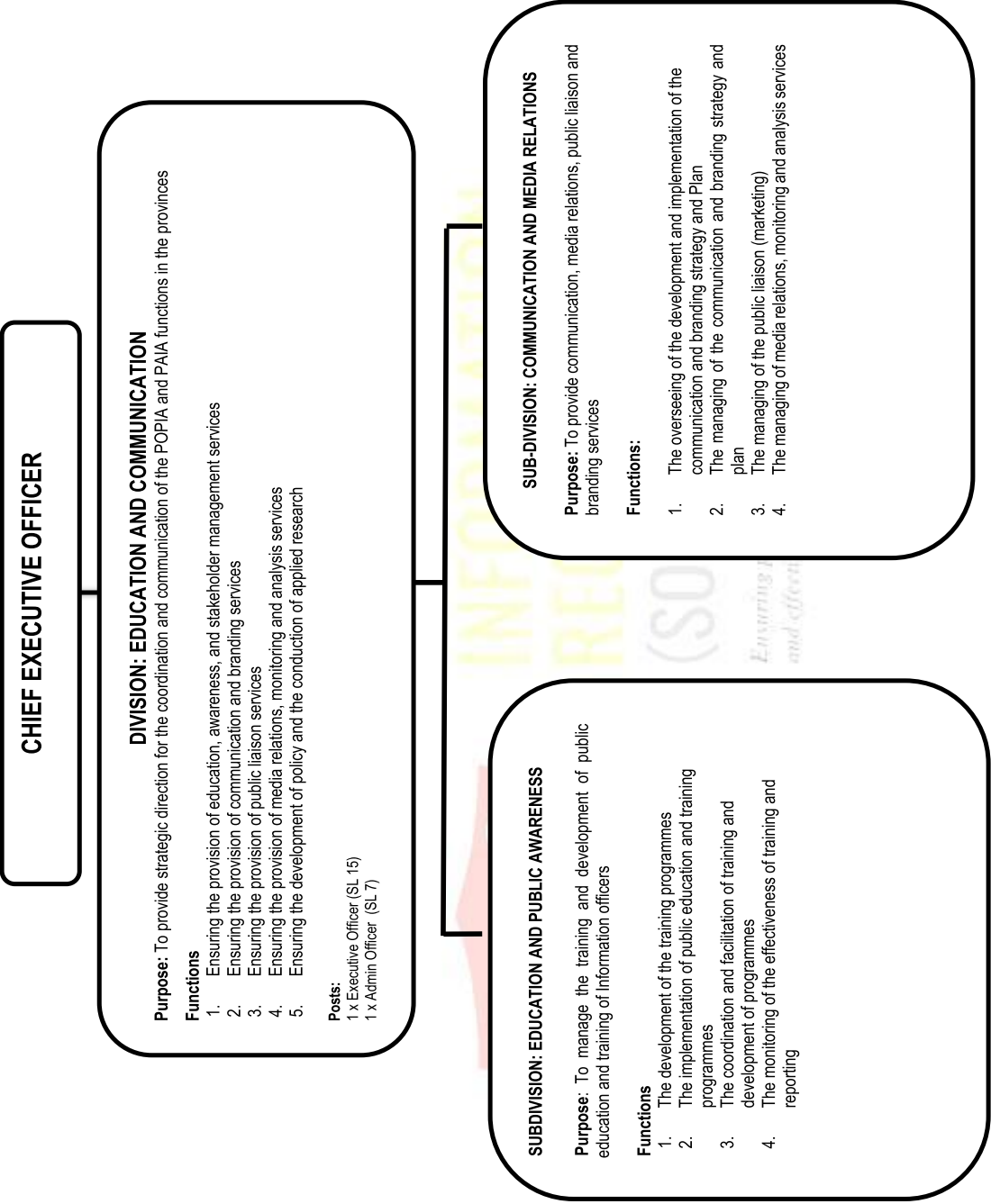
FULL STRUCTURE OF THE INFORMATION REGULATOR











DIVISION EDUCATION AND COMMUNICATION

SUBDIVISION: STAKEHOLDER MANAGEMENT AND ENGAGEMENT

Purpose: To manage and implement stakeholder management programmes

Functions:

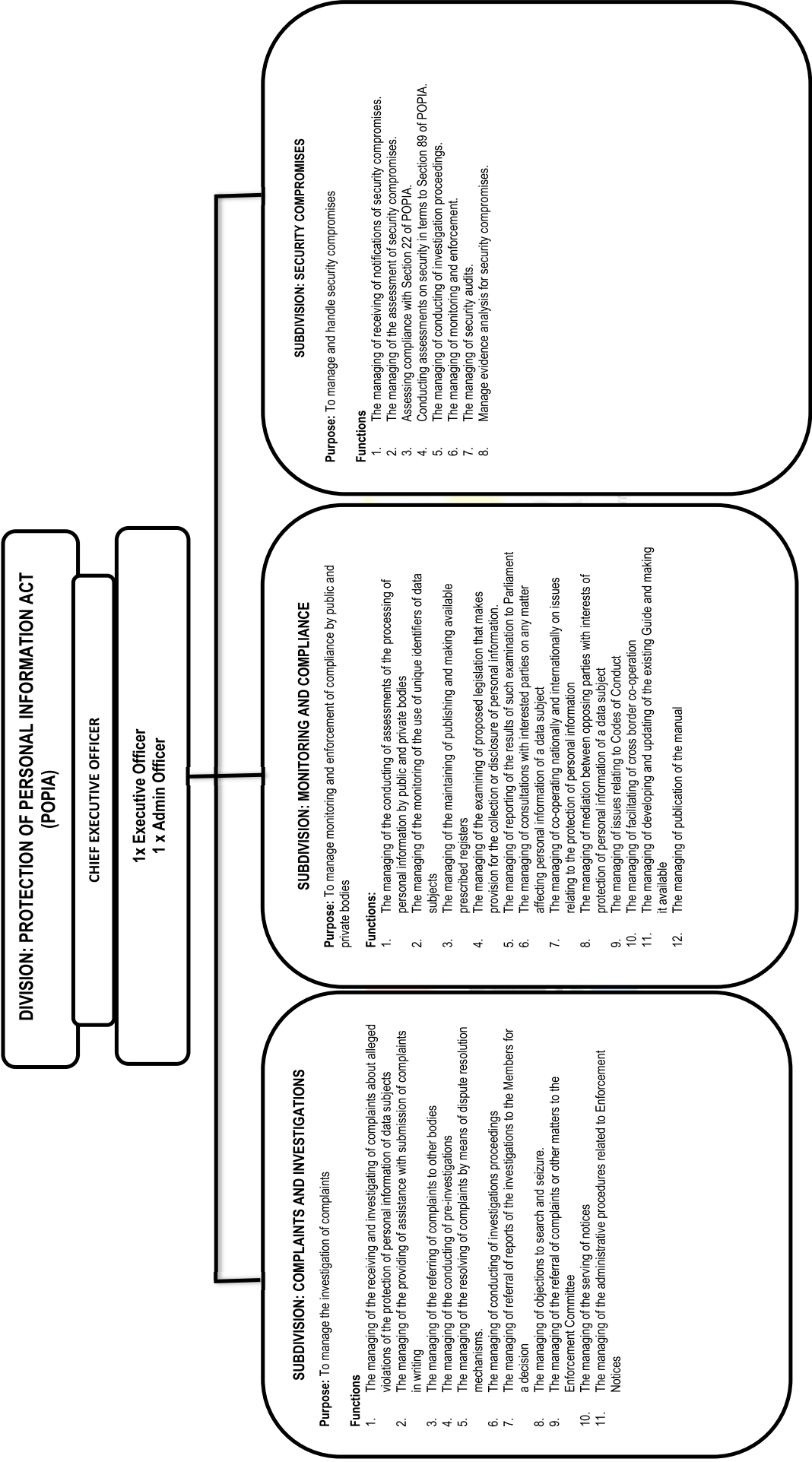
1. The managing of the development of stakeholder management programmes
2. Provide customer care services.

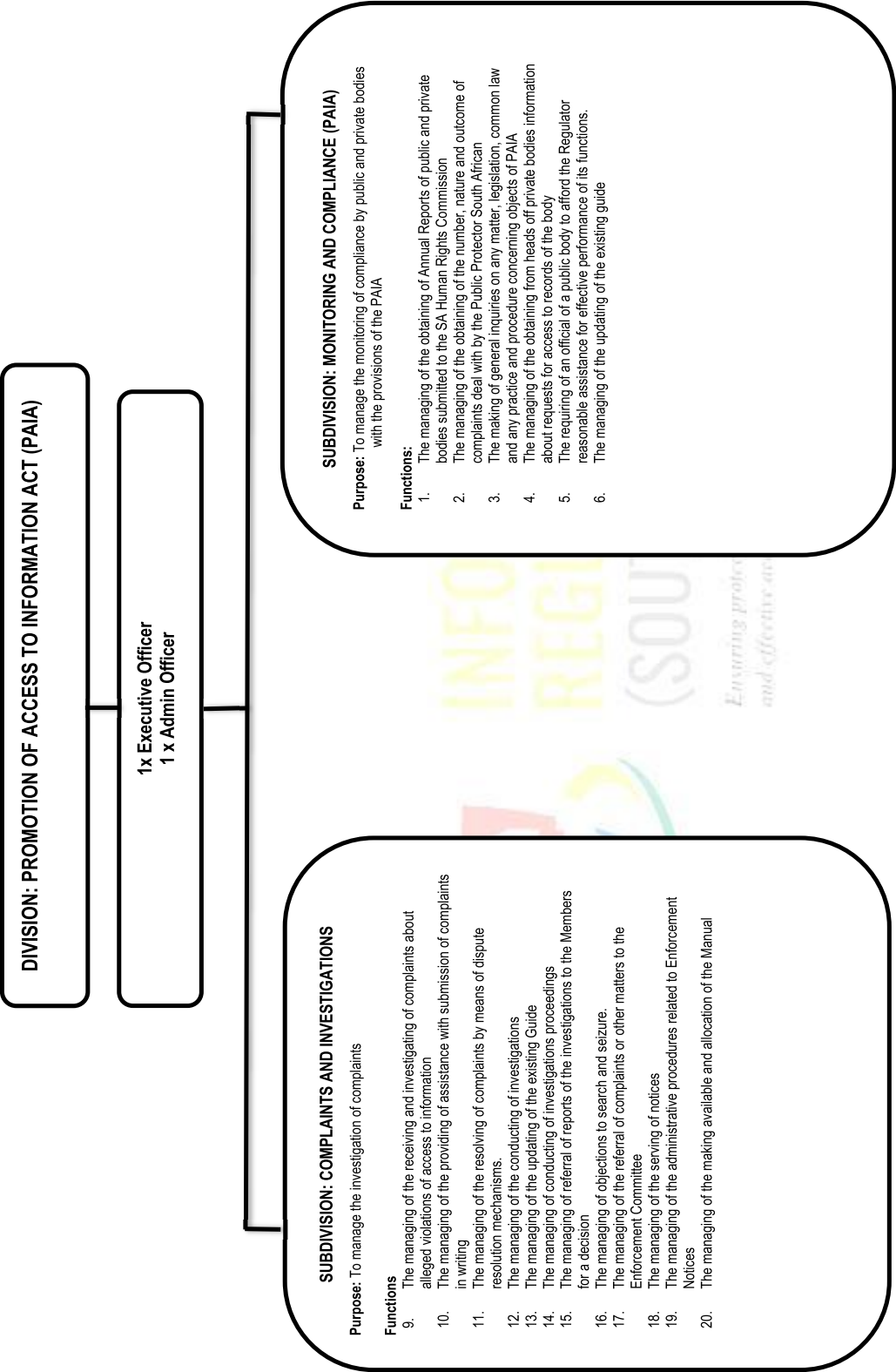
SUB-DIVISION: POLICY AND RESEARCH

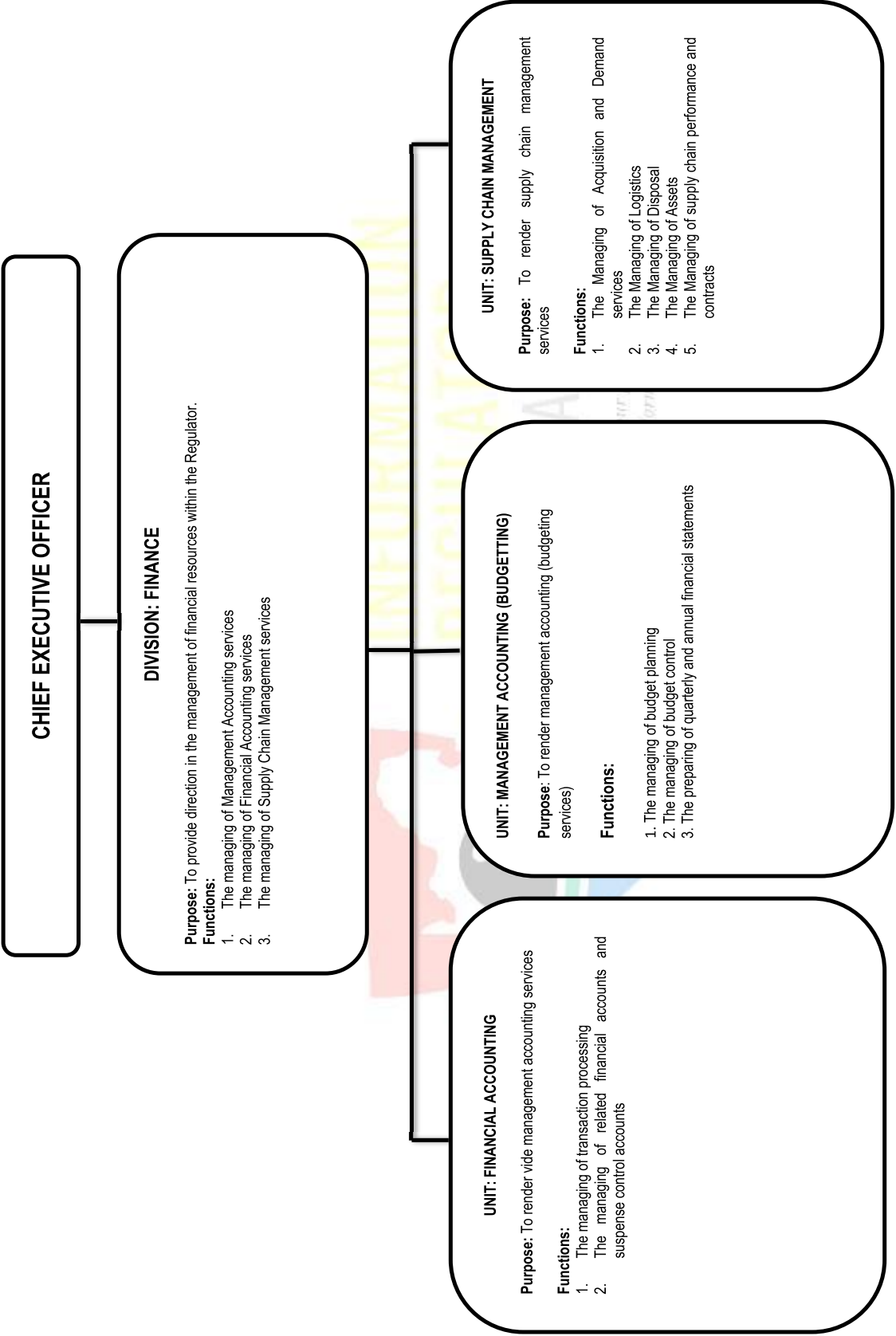
Purpose: To manage the development of policy and the conducting of applied research

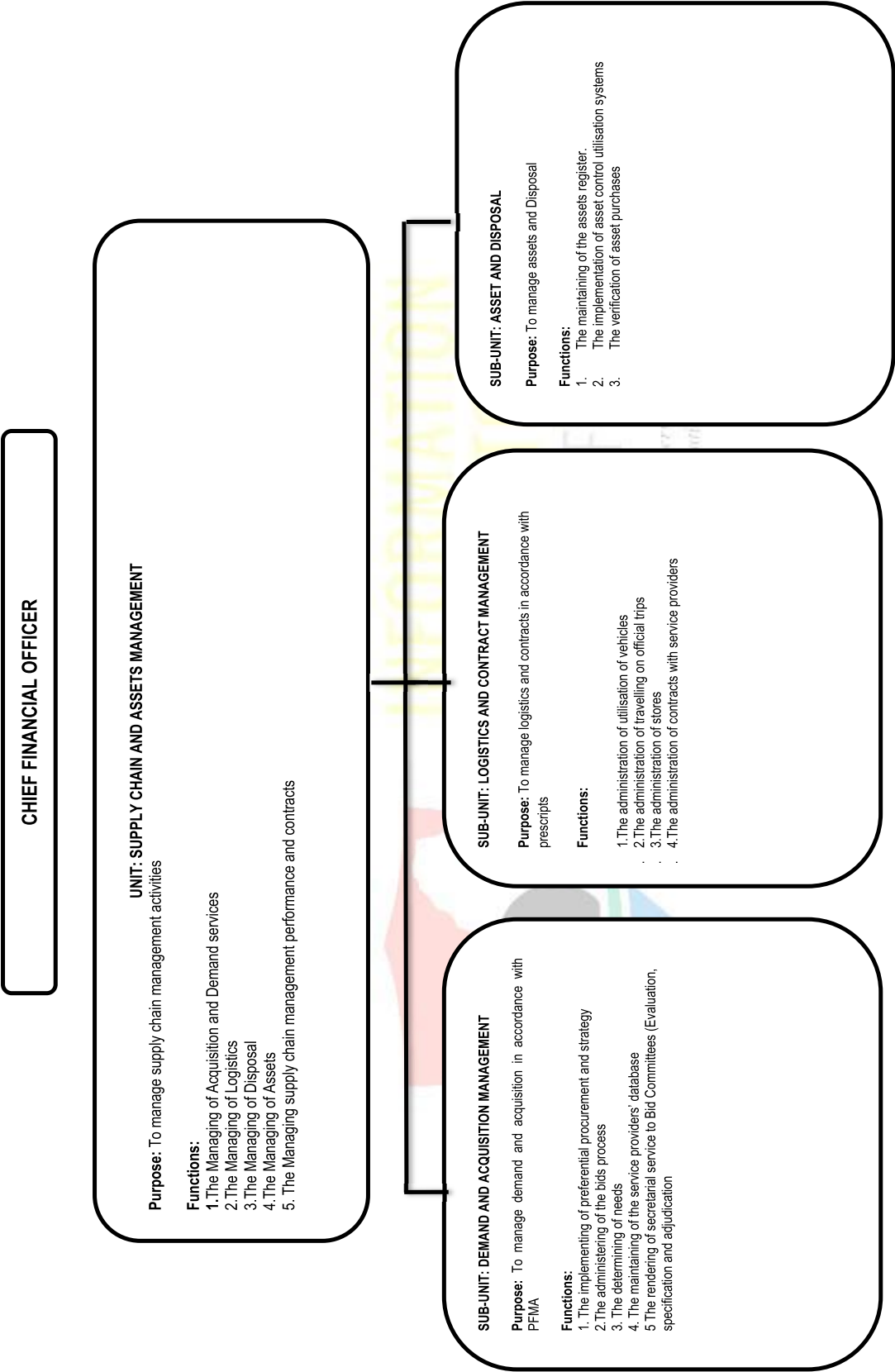
Functions:

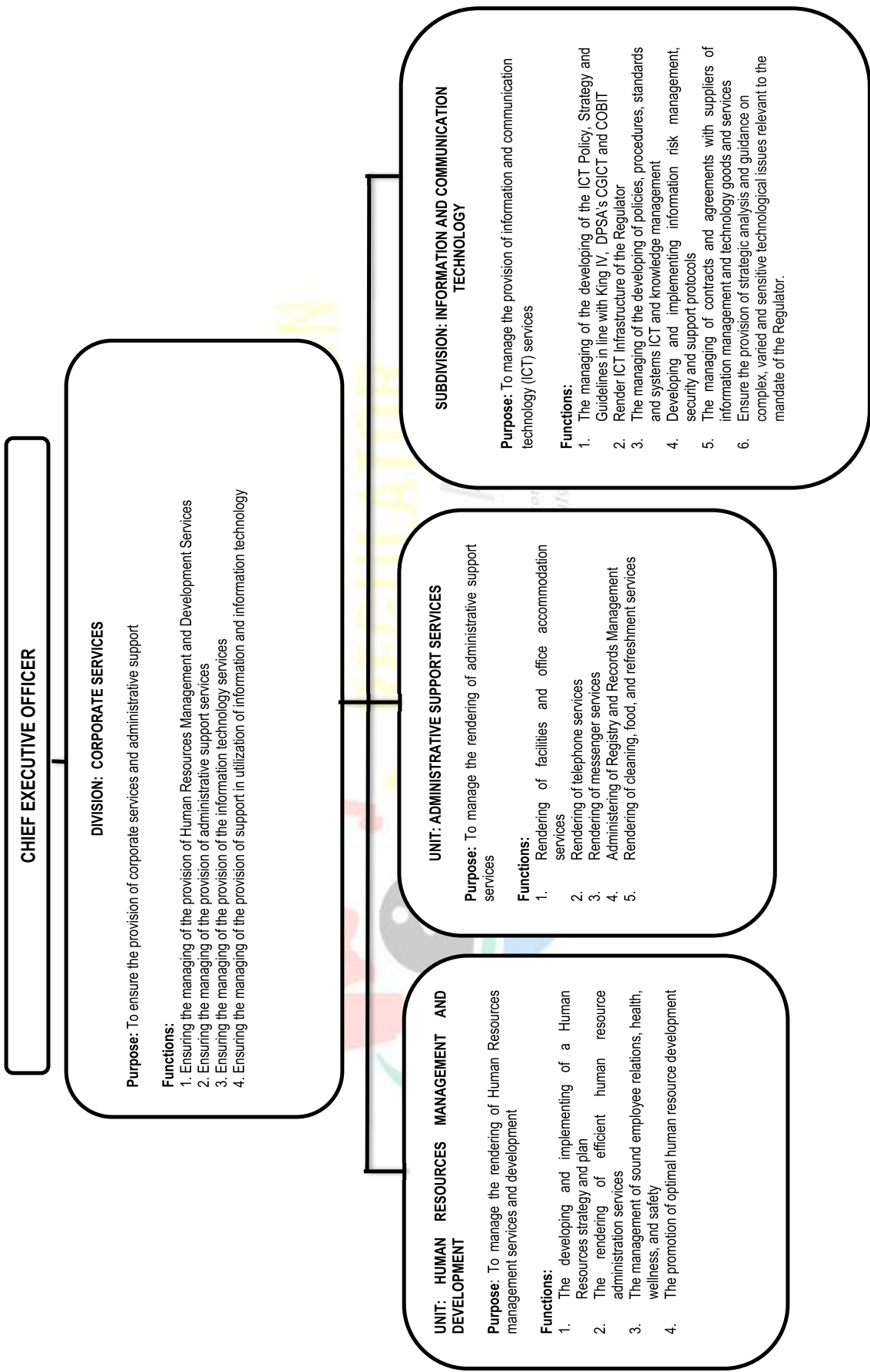
1. The managing of the undertaking of research on the desirability of acceptance of international instruments relating to the protection of personal information
2. The managing of research on any other matter including necessary legislative amendments relating to the protection of personal information that should be drawn to Parliament's attention.
3. The managing of research to identify gaps in PAIA or any other laws and make recommendations to reform or amend PAIA or any other laws.
4. The managing of research to obtain advice from, consult with, and consider proposals or recommendations from parties in connection with the Regulator's functions.
5. The managing of research to enquire into any matter including legislation, common law, practice and procedure related to PAIA.
6. The managing of the examination of proposed legislation and subordinate legislation or government policy that makes provision for the collection and disclosure of personal information and report the result of that examination to the Minister of Justice and Correctional Services
7. The managing for the developing of policy guidelines for public and private bodies
8. The managing of the reporting to Parliament on any policy matter affecting the protection of personal information including the need for legislative, administrative or other action necessary to protect the personal information of a data subject

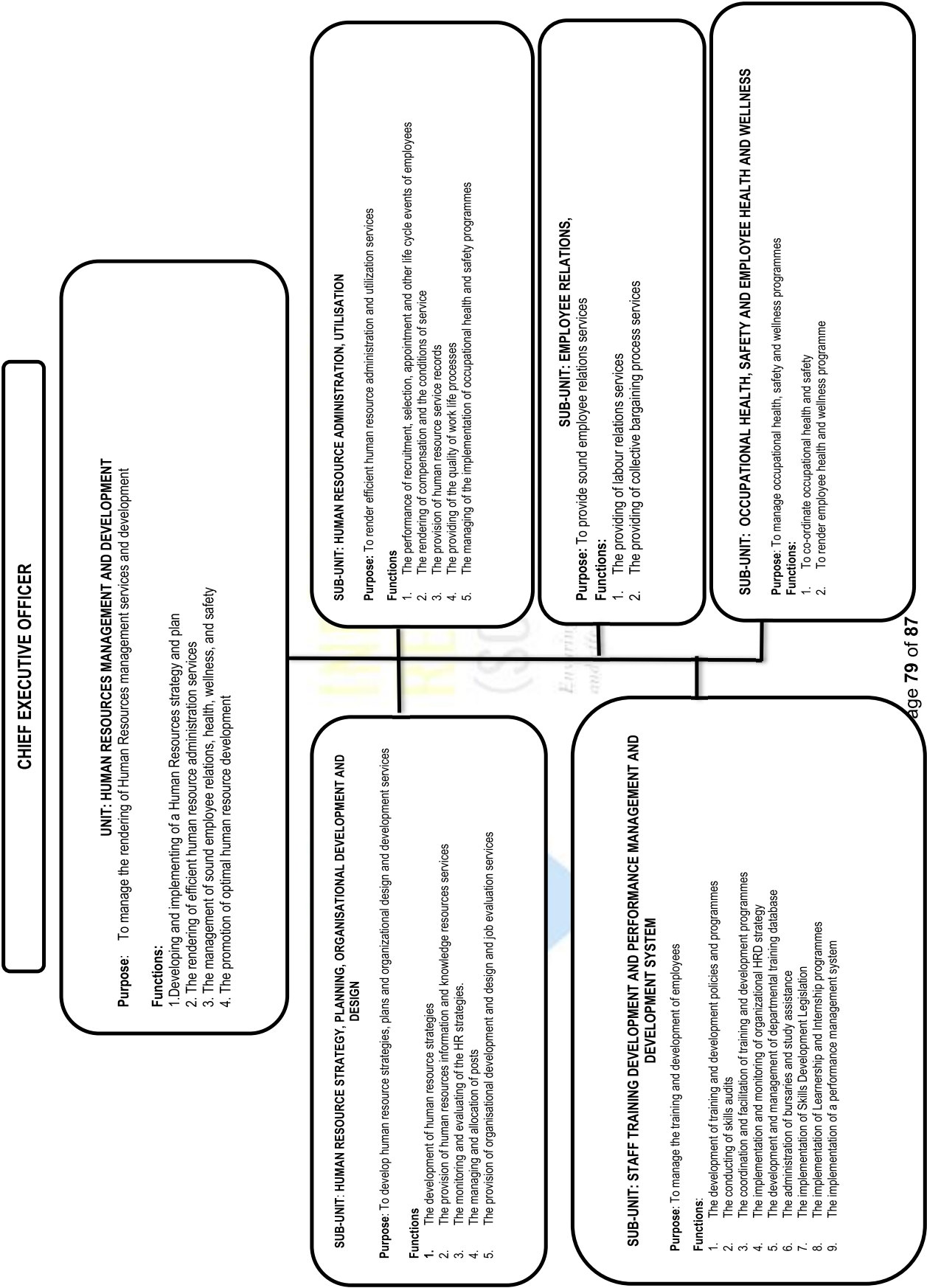


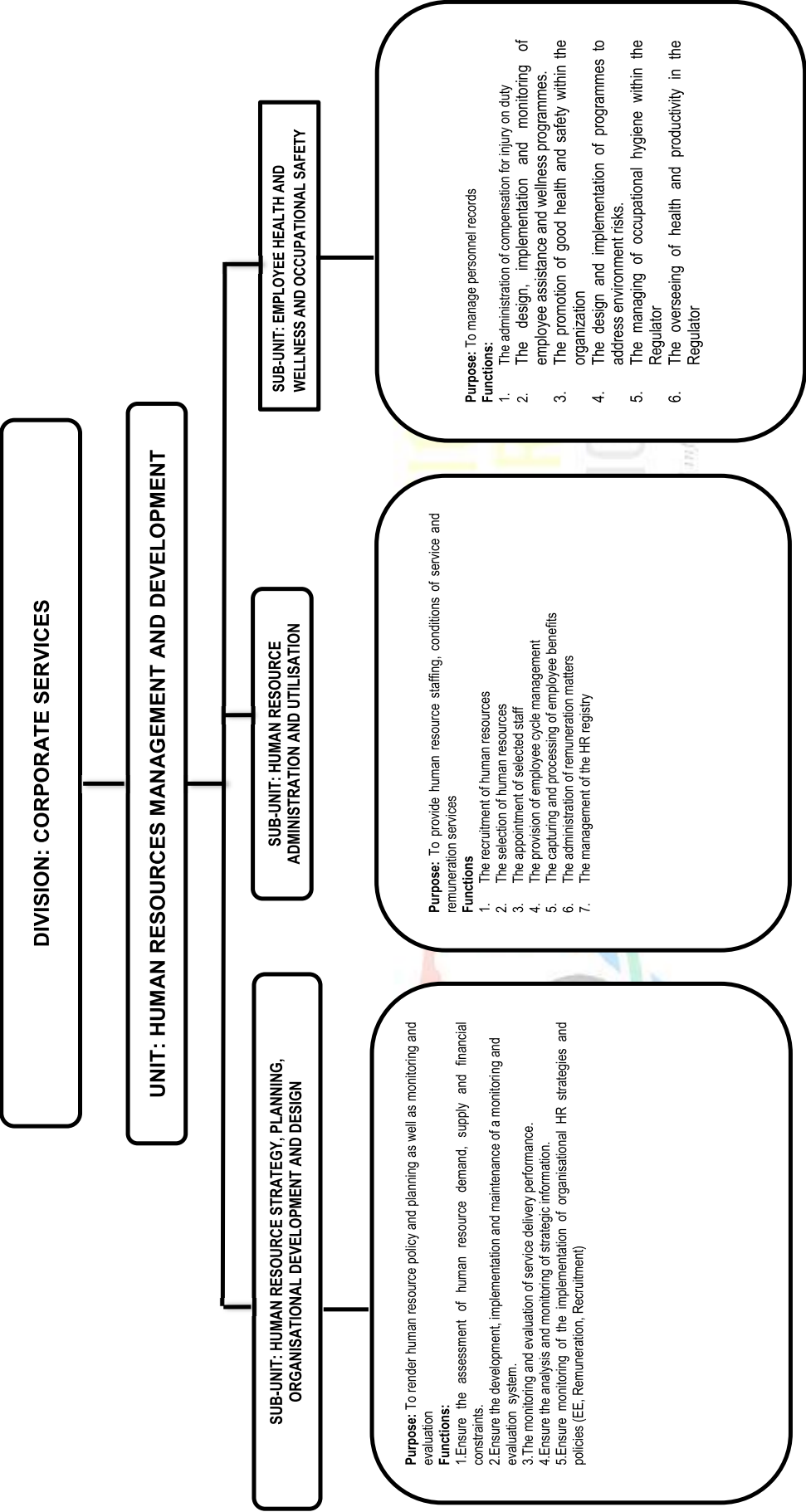


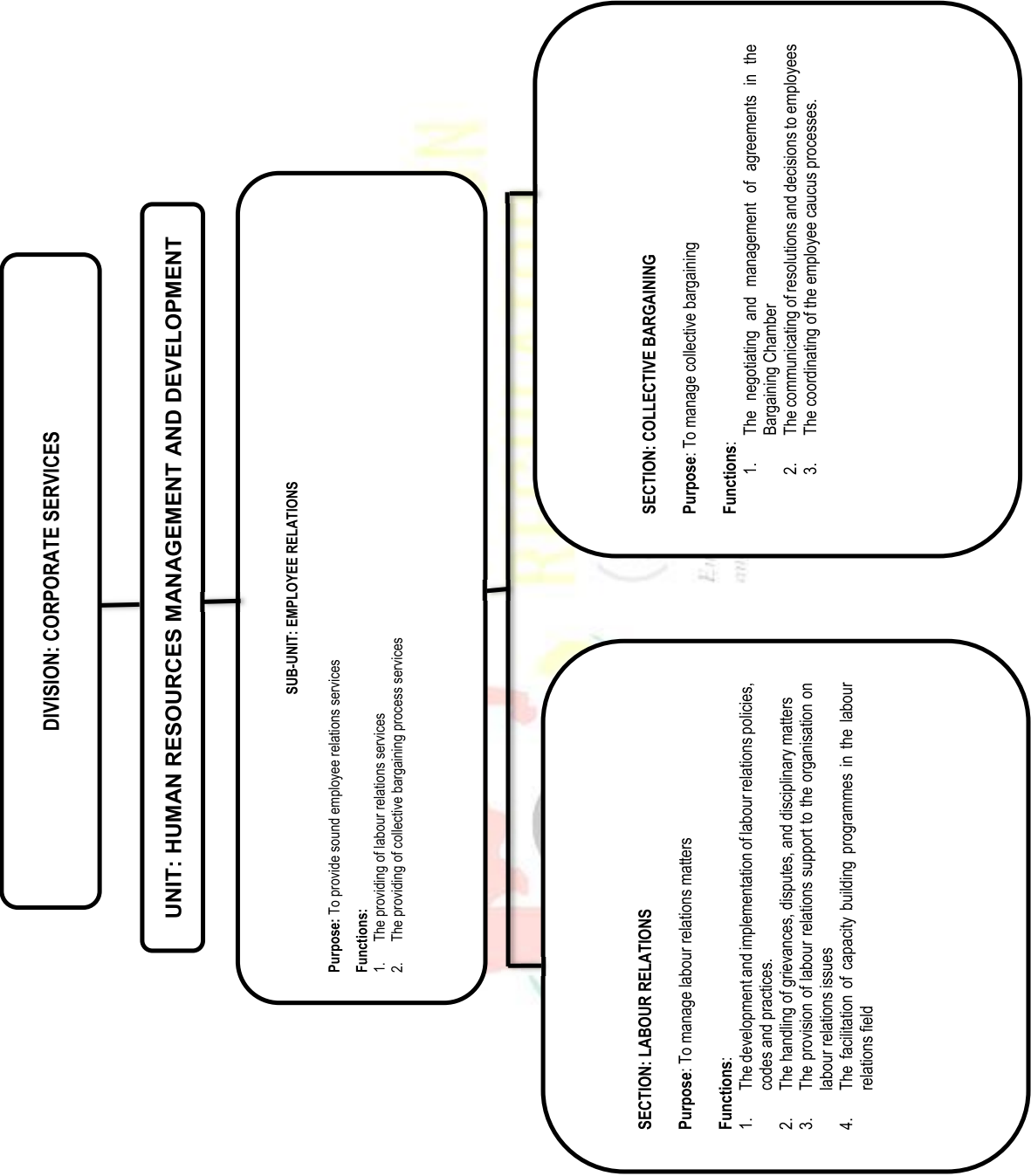


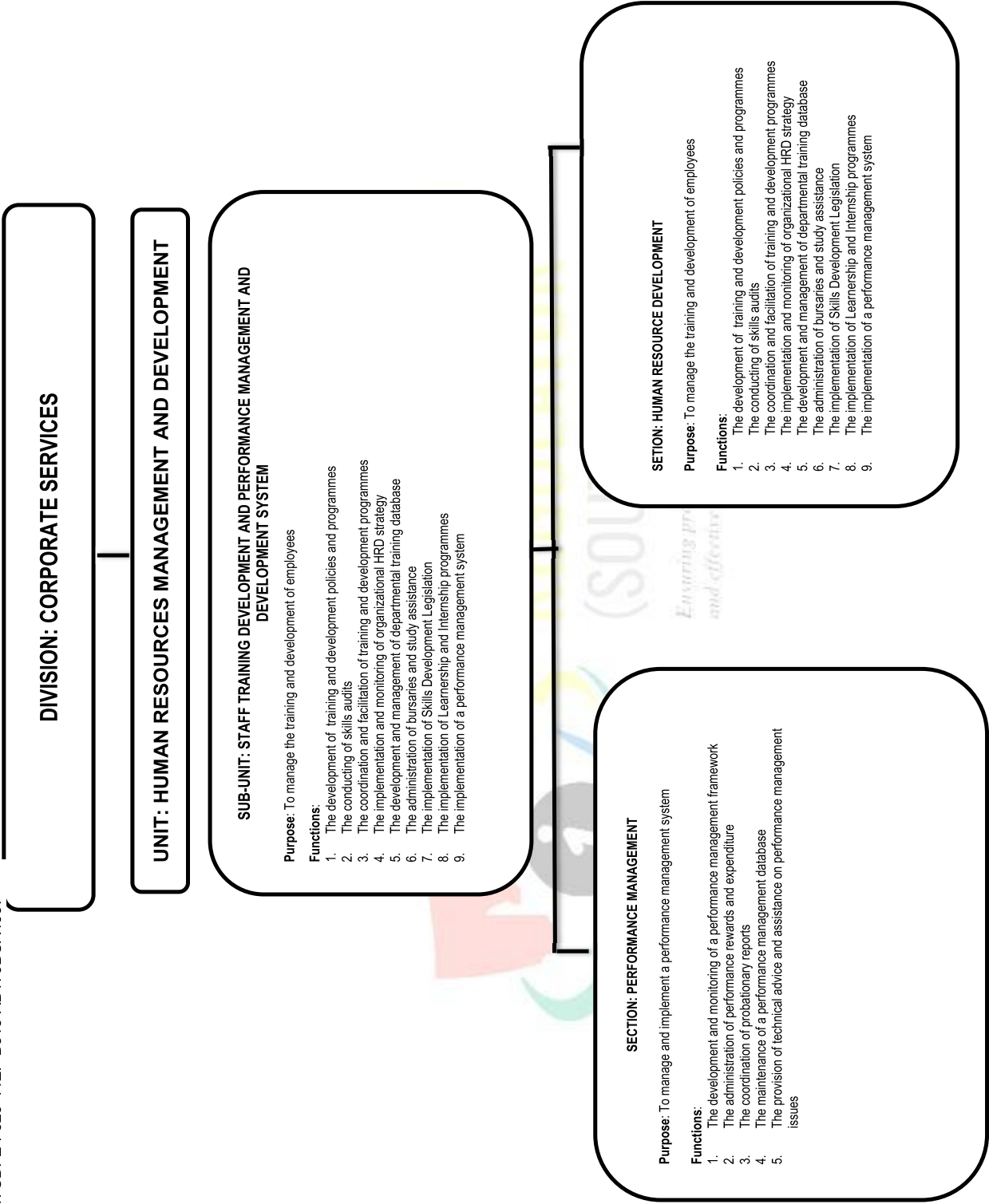


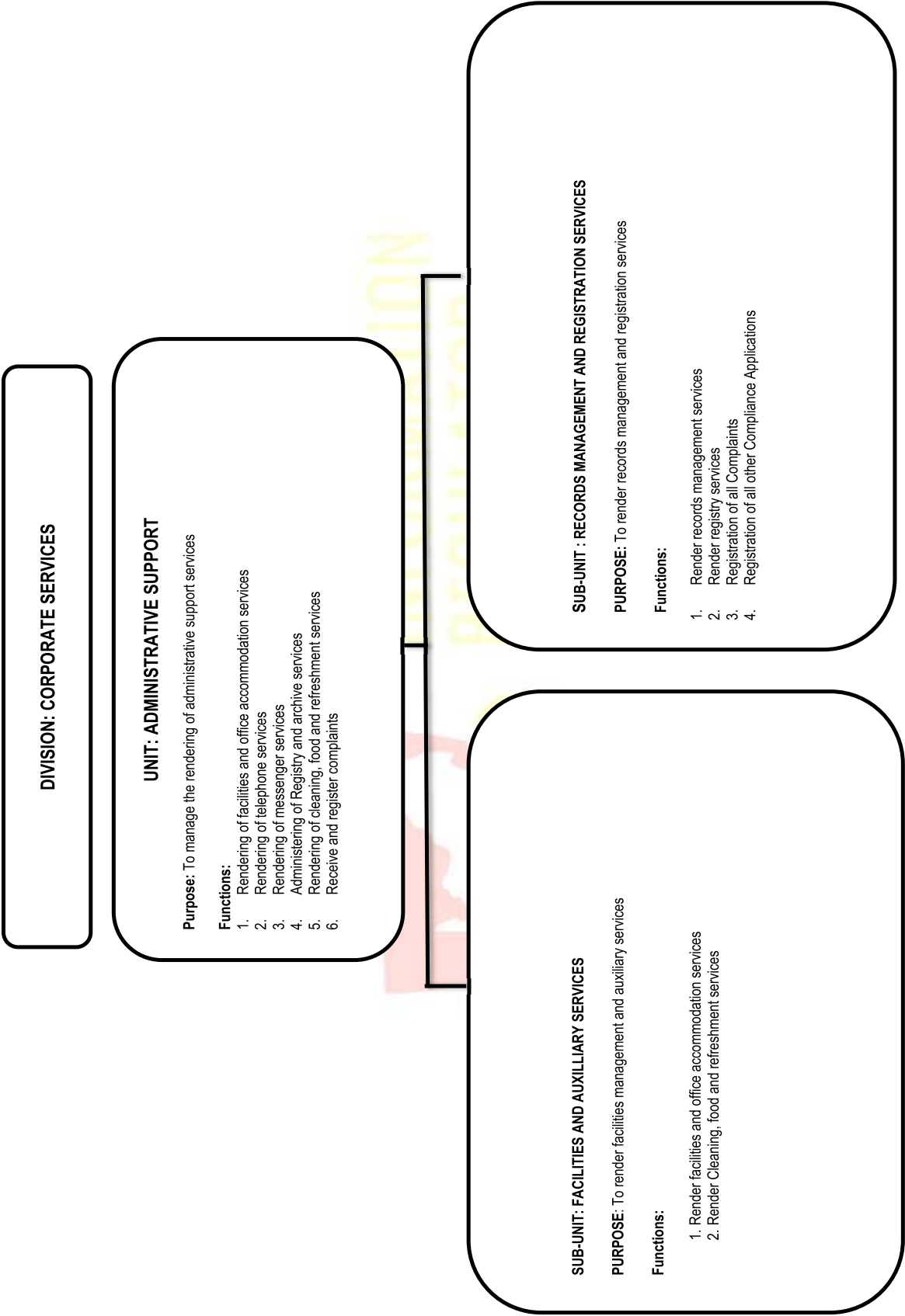


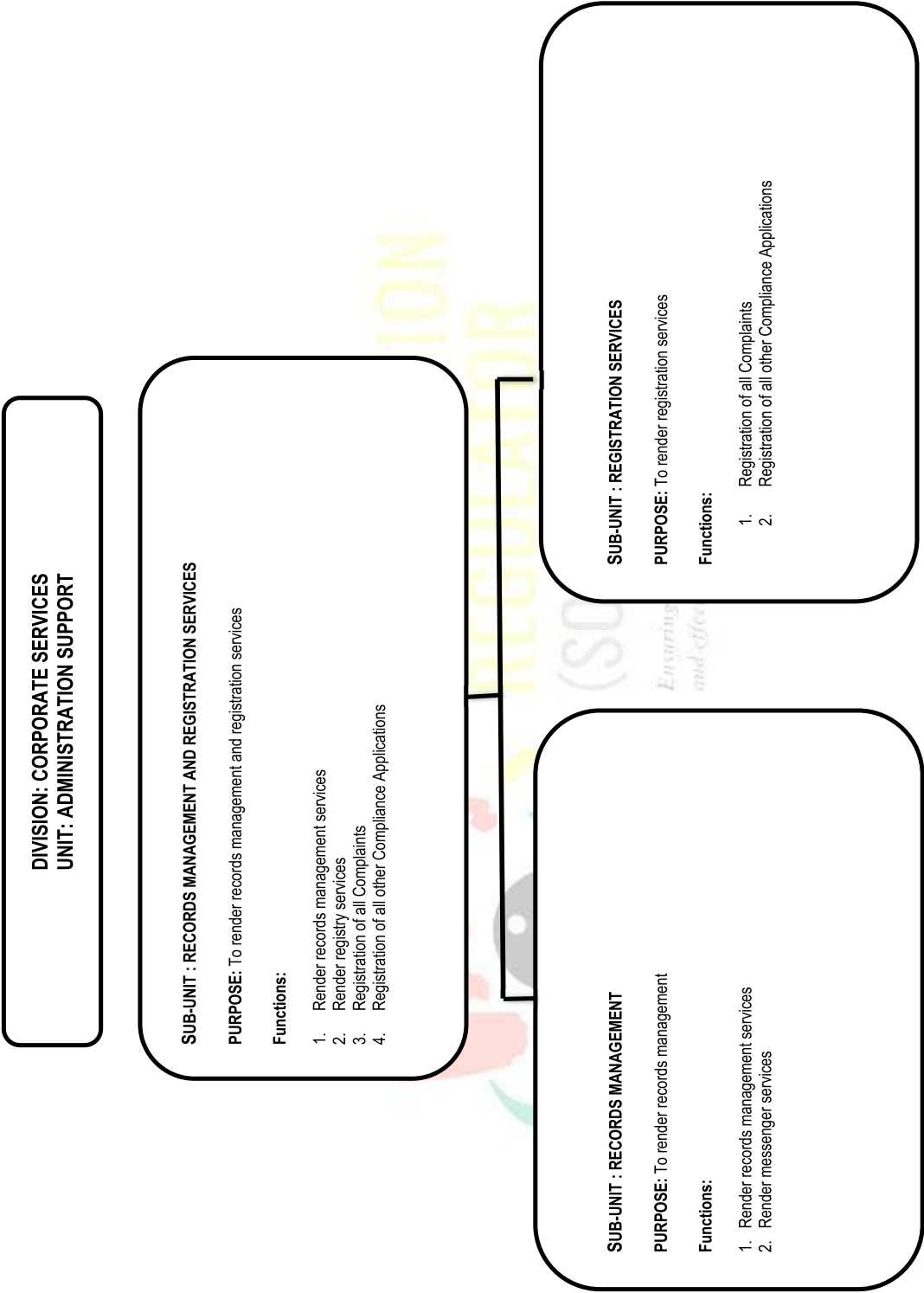


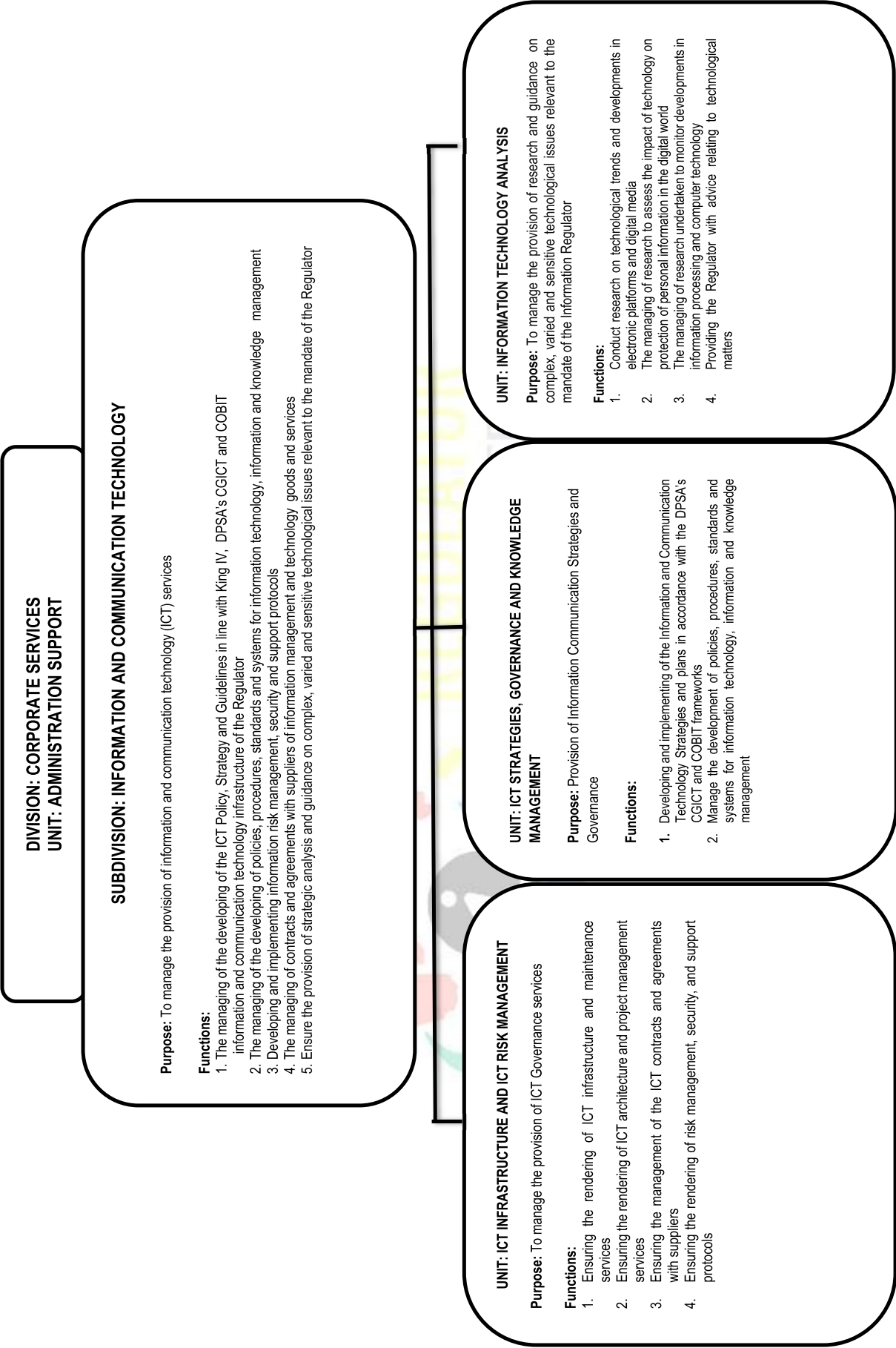


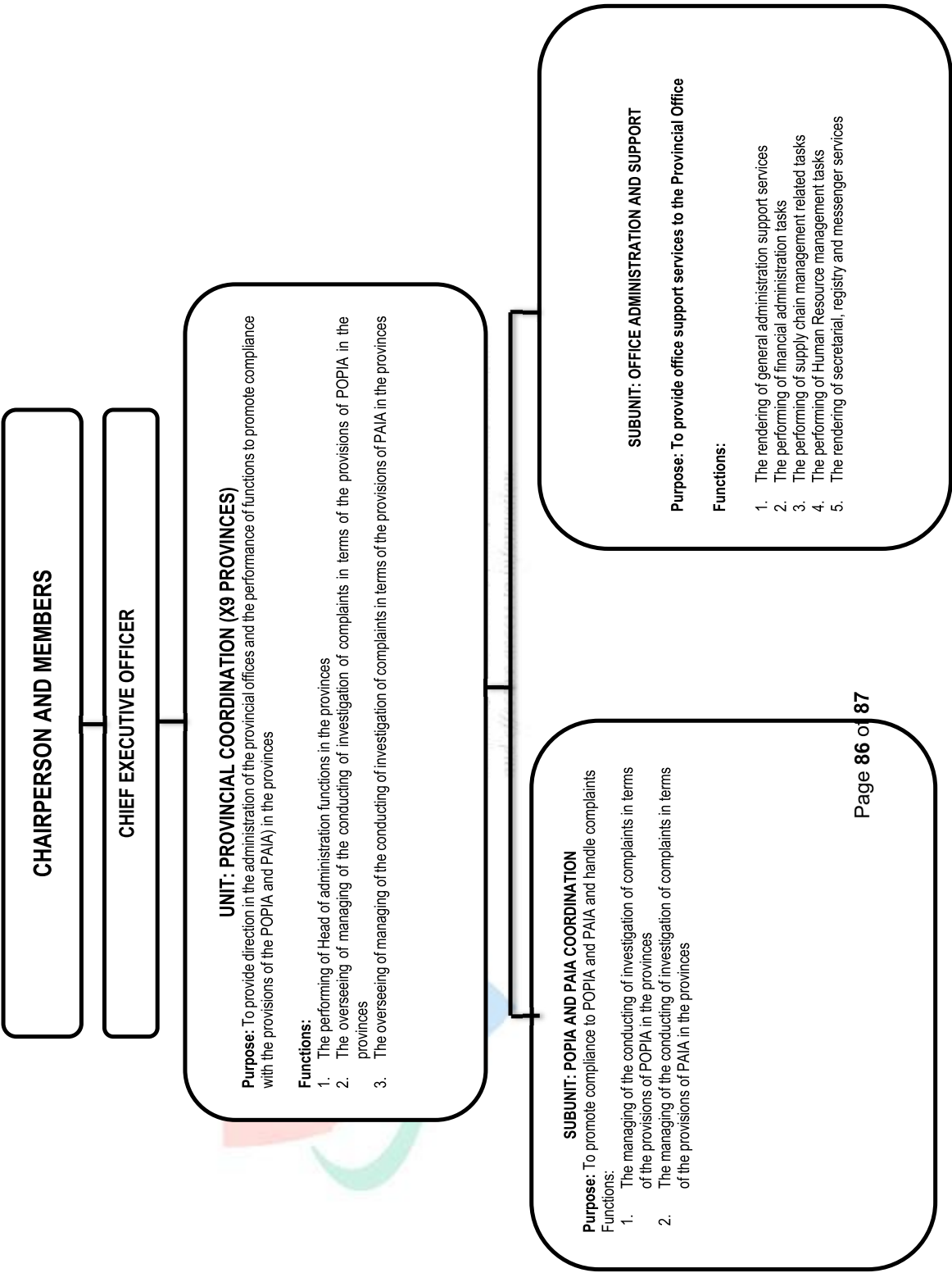














INFORMATION
REGULATOR
(SOUTH AFRICA)

*Ensuring protection of your personal information
and effective access to information.*