

CMR Eastern Cape

PAIA MANUAL

**Prepared in terms of section 51 of the Promotion of Access to Information Act 2
of 2000 (as amended)**

DATE OF COMPILATION: 06/10/2021

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2. List of Acronyms and Abbreviations

- | | | |
|-----|--------------------|---|
| 1.1 | “IO” | Information Officer; |
| 1.2 | “Minister” | Minister of Justice and Correctional Services; |
| 1.3 | “PAIA” | Promotion of Access to Information Act No.2 of 2000 (as Amended); |
| 1.4 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.5 | “Regulator” | Information Regulator; and |
| 1.6 | “Republic” | Republic of South Africa |

3. Purpose of PAIA Manual

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;

- 2.9 know if the body 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
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. Key Contact Details for Access to Information of the Office of CMR Eastern Cape

1.1. Information Officer

Name: Magda von Solms
Tel: +27 41 484 3554
Email: cmr-pe@webafrica.org.za
Physical Address: 16 Mount Road, North End, Port Elizabeth

1.2. Access to information general contacts

Email: cmr-pe@webafrica.org.za

1.3. Provincial or Head Office

Postal Address: P.O Box 3217, North End, Gqeberha (Port Elizabeth)
Physical Address: 16 Mount Road, North End, Gqeberha
Telephone: +27 41 484 3554
Email: cmr-pe@webafrica.org.za

5. Guide on How to Use PAIA And How to Obtain Access to the Guide [S 51(1)(B)(I)]

- 5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 5.2. The Guide is available in each of the official languages and in braille.
- 5.3. The aforesaid Guide contains the description of -
 - 5.3.1. the objects of PAIA and POPIA;

- 5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 5.3.2.1. the Information Officer of every public body, and
 - 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 5.3.3. the manner and form of a request for-
 - 5.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 5.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 5.3.6.1. an internal appeal;
 - 5.3.6.2. a complaint to the Regulator; and
 - 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

¹ 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.*

² 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.*

³ 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.*

⁴ 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.*

⁵ 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.*

⁶ 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.*

⁷ 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*

⁸ 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*

⁹ 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.*

5.3.10. the regulations made in terms of section 92¹¹.

5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

5.5. The Guide can also be obtained-

5.5.1. upon request to the Information Officer;

5.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours -

5.6.1. Afrikaans & English

6. Categories of Records CMR Eastern Cape which are Available without a Person Having to Request Access [S 51(1)(B)(ii)]

Category of records	Types of the Record	Available on Website	Available upon request
General			X

7. Description of the Records of CMR Eastern Cape Which Are Available in Accordance With Any Other Legislation [Sect 51(1)(B)(iii)]

Category of Records	Applicable Legislation
Record containing the following information Section 31: <ul style="list-style-type: none"> • employee's name and occupation; • time worked (attendance register); • remuneration paid (wages register); • date of birth if under 18 years of 	Basic Conditions of Employment Act 75 of 1997

¹⁰ 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.

¹¹ 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.”

age.	
PAIA Manual	Promotion of Access to Information Act 2 of 2000
A copy of the Occupational Health and Safety Act 85 of 1993	Occupational Health and Safety Act 85 of 1993
All records required by the Act.	Compensation for Occupational Injuries and Diseases Act 130 of 1993
Summary of the Employment Equity Act, 55 of 1998, issued in terms of Section 25(1)	Employment Equity Act 55 of 1998
All records required by the Act.	Income Tax Act 58 of 1962
Records of disciplinary hearings (if any)	Labour Relations Act 66 of 1995
Records detailing the contributions by contributors employed by the employer in respect of earnings paid, time worked, payments made for piece work and overtime.	Unemployment Insurance Act 30 of 1966
All records required by the Act.	Value Added Tax Act 58 of 1962
All records required by the Act.	Protection of Personal Information Act 4 of 2013

8. Description of the Subjects On Which the Body Holds Records and Categories of Records Held on Each Subject By CMR Eastern Cape

Subjects on which the body holds records	Categories of records
Administration	<ul style="list-style-type: none"> • Attendance registers • Correspondence • Founding Documents • Licences (categories) • Minutes of Management Meetings • Minutes of Staff Meetings • Statutory Returns
Human Resources	<ul style="list-style-type: none"> • Conditions of Service

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> • Employee Records • Employment Contracts • Employment Equity Records • General Correspondence • Industrial and Labour Relations Records • Information relating to Health and Safety Regulations • Pension and Provident Fund Records • Performance Appraisals • Personnel Guidelines, Policies and Procedures • Remuneration Records • Skills Requirements • Statutory Records • Training Records
Operations	Operational Records
Finances	<ul style="list-style-type: none"> • Annual Financial Statements • Asset Register • Banking Records • Budgets • Contracts • Financial Transactions • General Correspondence • Insurance Information • Internal Audit Records • Management Accounts • Purchase and Order Information • Stock Records • Tax Records

Subjects on which the body holds records	Categories of records
Information Technology	<ul style="list-style-type: none"> • IT Policies and Procedures • Network Diagrams • User Manuals
Client Records <i>Note: In the health sector, personal and patient information are protected by legislation and ethical rules, disclosures can only take place within those frameworks.</i>	<ul style="list-style-type: none"> • Any records a client has provided to the Private Body or a third party acting for or on behalf of the Private Body • Client lists • Clients need assessment • Clients Personal Records • Client Evaluation Records • Funding records • Agreements • Consent • Financial and billing information
Third Part Information	<ul style="list-style-type: none"> • Which may be in our possession but which would be subject to the conditions set in relation to such possession and use or purpose limitations.

9. Processing Of Personal Information

9.1. Purpose of Processing Personal Information [S 51(1)(c)(i)]

Description of category of data subjects	Purpose of the Processing
Employees	<ol style="list-style-type: none"> 1. Human Resource Management 2. Verification of applicant employees' information during recruitment process 3. General matters relating to employees: <ol style="list-style-type: none"> a. Pension; b. Medical aid; c. Payroll;

	<ul style="list-style-type: none"> d. Disciplinary action; e. Training relationship. <ul style="list-style-type: none"> 4. Any other reasonably required purpose relating to the employment or possible employment 5. Legal obligation
Clients / Candidates	<ul style="list-style-type: none"> 1. Registration as a client. 2. Compliance with Legislation. 3. Delivering of Service. 4. Manage payments, etc. 5. Manage our relationship.
Visitors	Security of employees and facilities.
Suppliers, professional advisers and consultants	<ul style="list-style-type: none"> 1. Administration of Agreement 2. Verifying and updating information 3. Performing duties in terms of any agreement. 4. Make, or assist in making, credit decisions. 5. Operate and manage accounts and manage any application, agreement or correspondence vendors may have with the Organisation. 6. Communicating with vendors by email, SMS, letter, telephone or in any other way about the Organisation's the services. 7. Performing other administrative and operational purposes including the testing of systems. 8. Recovering any debt vendors may owe the Organisation. 9. Complying with the Organisation's regulatory and other obligations. 10. Any other reasonably required purpose relating to the Organisation business
Public Bodies (e.g. Department of Social Development; Department of Health) and Statutory Bodies	<ul style="list-style-type: none"> 1. Legal obligation

9.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto [S 51(1)(c)(ii)]

Category of data subjects	Information or categories of information relating thereto
Employees	<ol style="list-style-type: none"> 1. Full name and identifying particulars. 2. Occupation of the employee. 3. Remuneration paid. 4. Tax which has been deducted. 5. Unemployment insurance fund contributions. 6. Disciplinary Proceedings. 7. Banking Details. 8. List / register list of every security officer and other person employed. 9. List or register of every security officer made available or whose services are made available. 10. Wage & Remuneration Register 11. Copies of payslips. 12. Attendance register
Clients	<ol style="list-style-type: none"> 1. Names. 2. Contact details. 3. Postal address. 4. Date of birth. 5. ID number. 6. Race. 7. Gender. 8. Sex. 9. Pregnancy. 10. Marital status. 11. Ethnic or social origin. 12. Physical or mental health. 13. Well-being. 14. Disability. 15. Religion. 16. Language. 17. Confidential correspondence.
Visitors	Full name and identifying particulars
Suppliers, professional advisers and consultants	<ol style="list-style-type: none"> 1. Company, Contact Person and Banking Details. 2. Professional details.

Public Bodies (e.g. Department of Social Development; Department of Health) and Statutory Bodies	Information as required by legislation
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9.3. The recipients or categories of recipients to whom the personal information may be supplied [S 51(1)(c)(iii)]

Category of data subjects	Information or categories of information relating thereto
Employees	<ol style="list-style-type: none"> 1. SA Revenue Services (SARS); 2. Relevant statutory bodies such as the HPCSA and Council for Medical Schemes (CMS); 3. Board of Healthcare Funders of SA (BHF); 4. Companies and Intellectual Property Commission (CIPC); 5. Medical schemes; 6. Contractors and vendors; 7. Patients; 8. Relevant public bodies, including government departments, e.g. Compensation Commissioner, Road Accident Fund (RAF), UIF, Department of Labour; 9. Banks; 10. Professional societies; 11. Vetting agencies (e.g. of qualifications); 12. Hospitals
Clients	<ol style="list-style-type: none"> 1. Banks; 2. Auditors; 3. Public Bodies in terms of statutory duty 4. Legal practitioners
Visitors	Relevant governmental bodies, for example SAPS
Suppliers, professional advisers and consultants	Staff members
Public Bodies (e.g. Department of Social Development; Department of Health) and Statutory Bodies	<ol style="list-style-type: none"> 1. As required by legislation

9.4. Planned transborder flows of personal information

8.4.1. Whenever we transfer your Personal Information out of the country, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- (a) We will only transfer your Personal Information to countries that have appropriate data protection and privacy legislation to protect your Personal Information.
- (b) Where we use certain service providers, we conclude an agreement with them to confirm that your Personal Information is confidential, they can only process on our instructions and that they should establish and maintain appropriate technological and organisational measures to protect your Personal Information.
- (c) Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide protection to Personal Information similar to the principles under the GDPR, which we believe are good principles to ensure compliance.

8.4.2. By submitting your Personal Information to us you consent to the transfer of your Personal Information outside the borders of the Republic of South Africa.

9.5. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

8.5.1. **CMR Eastern Cape** undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. **CMR Eastern Cape** may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access Control of Persons:

CMR Eastern Cape shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

2. Data Media Control:

CMR Eastern Cape undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by **CMR Eastern Cape** and containing personal information of data subjects.

3. Data Memory Control:

CMR Eastern Cape undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration or deletion of stored data.

4. User Control:

CMR Eastern Cape shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

5. Access Control to Data:

CMR Eastern Cape represents that the persons entitled to use **CMR Eastern Cape** data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

6. Transmission Control:

CMR Eastern Cape shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of **CMR Eastern Cape's** data communication equipment / devices.

7. Transport Control:

CMR Eastern Cape shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

8. Organisation Control:

CMR Eastern Cape shall maintain its internal organisation in a manner that meets the requirements of this Manual.

8.5.2. **CMR Eastern Cape** is doing this by implementing the following security measures:

- a) Staff awareness program
- b) Policies
- c) Procedure Guidelines
- d) Technical Security Measures
- e) Organisational Security Measures

10. Availability Of The Manual

10.1. A copy of the Manual is available-

10.1.1. on (**specify the website**), if any;

10.1.2. head office of the CMR Eastern Cape for public inspection during normal business hours;

10.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

10.1.4. to the Information Regulator upon request.

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

11. Updating Of The Manual

The head of CMR Eastern Cape will on a regular basis update this manual.

Issued by

Magda von Solms
Director Social Services



12. ANNEXURE A: FORM 2 – REQUEST FOR ACCESS TO RECORD (REGULATION 7)

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.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		

Full names of person on whose behalf request is made (<i>if applicable</i>):	
Identity Number	
Postal Address	

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF RECORD REQUESTED

Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
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

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.

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:	

FEEES

<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>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></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i></p>	
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 <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

-

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature
of Information Officer

13. ANNEXURE B: FORM 4 - INTERNAL APPEAL FORM (REGULATION 9)

INTERNAL APPEAL FORM

FORM 4

[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 <i>(If lodged by a third party)</i>				
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	<input type="checkbox"/>
Decision regarding fees prescribed in terms of section 22 of the Act	<input type="checkbox"/>
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	<input type="checkbox"/>
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	<input type="checkbox"/>
Decision to grant request for access	<input type="checkbox"/>
GROUND 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 <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

--

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

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>	
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:				Yes	
				No	
OUTCOME OF APPEAL					
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

14. ANNEXURE C: FORM 5: COMPLAINT FORM (REGULATION 10)

**INFORMATION
REGULATOR
(SOUTH AFRICA)**

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

Address: JD House, 27 Stiemens Street
Braamfontein, Johannesburg, 2001

Box 31533
Braamfontein, Johannesburg, 2017

010 023 5200

Email: PAIAComplaints@infoRegulator.org.za

P.O.

Tel:

COMPLAINT FORM

FORM 5 [Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (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 following email address: PAIAComplaints@infoRegulator.org.za or complete online complaint form available at <https://www.justice.gov.za/inforeg/>.
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 F 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 2** 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:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body’s response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body’s response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. 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.

15. 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	

Adv. FDP Tlakula (Chairperson), Adv. LC Stroom Nzama (Full-time Member), Adv. JC Weapond (Full-time Member), Prof. SL Snail ka Mtuze (Part-time Member), Ms. A Tilley (Part-time Member).

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

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

**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**
(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)

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**
(Please attach letter of authorisation)

Type of Body	Private		Public
Name of Public / Private Body			
Registration Number (if any)			
Name, Surname and Title of person authorised to lodge a 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 for access to information				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
Reference Number given (if any)				

**PART E
COMPLAINT**

Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)

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.				

**PART F
DETAILED TYPE OF ACCESS TO RECORDS**

(Please select one or more of the following to describe your complaint to the Information Regulator)

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>	
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. Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record)	Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.	
No adequate reasons for the refusal of access (Section 56(3)(a) of PAIA)	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.	
Partial access to record (Section 28(2) or 59(2) of PAIA)	Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.	
Fee waiver (Section 22(8) or 54(8) of PAIA)	I am exempt from paying any fee and my request to waive the fees was refused	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.	
Failure to disclose records	The Body decided to grant me access to the requested records, but I have not received them	
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	The Body indicated that the requested records are excluded from PAIA and I disagree.	
Frivolous or vexatious request (Section 45 of PAIA)	The Body indicated that my request is manifestly frivolous or vexatious and I disagree.	
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

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