



MANUAL
ON THE PROMOTION OF ACCESS TO INFORMATION
AS AMENDED BY
THE PROTECTION OF PERSONAL INFORMATION POPIA, 4 OF 2013 (“POPIA”)

October 2021

Document Ref.	
Version No.	Final
Custodian	PPP & Compliance
Approved by	CEO of GIFA
Effective date	

The Gauteng Infrastructure Financing Agency's ("GIFA's") Vision is:

"To ensure alternative funding for Gauteng strategic infrastructure projects."

GIFA's Mission is to:

- Set up a central point of coordination for all strategic infrastructure projects in the province;
- Identify bankable infrastructure projects through project filtration criteria and feasibility studies;
- Explore various funding mixes through research on local and international best practices in project finance;
- Mobilise potential investors to support identified and approved infrastructure projects that are not funded through their own Revenue Fund; and
- Monitor the implementation of infrastructure projects through successful contractual relationships between Gauteng Provincial Government ("GPG") departments and investors.

INDEX

PREAMBLE	5
1. ABOUT GIFA	6
2. FUNCTIONS OF THE GIFA	6
3. STRUCTURE OF GIFA	7
6. GUIDE IN TERMS OF SECTION 10 OF THE POPIA	8
7. SUBJECTS ON WHICH GIFA HOLDS RECORDS AND THE CATEGORIES RECORDS HELD	9
8. INFORMATION RELATED TO POPIA	10
9. AUTOMATIC DISCLOSURE IN TERMS OF SECTION 15 OF PAIA	12
10. PARTICIPATION IN THE FORMULATION OF THE POLICY	12
11. PROCEDURES TO REQUEST ACCESS TO INFORMATION/RECORDS	12
12. DESCRIPTION OF REMEDIES AVAILABLE	15
13. OTHER INFORMATION AS PRESCRIBED IN TERMS OF THE POPIA	15
14. EXEMPTION FROM ANY PROVISION OF SECTION 14 OF THE POPIA	15
15. UPDATING OF THE MANUAL	15
16. AVAILABILITY OF THE MANUAL	15
DEFINITIONS	16
ANNEXURE “A”	18
PAIA FORMS	18
FORM 2 - REQUEST FOR ACCESS TO RECORD	18
FORM 3 - OUTCOME OF REQUEST AND OF FEES PAYABLE	22
POPIA FORMS	32
FORM 1 - OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION	32
FORM 2 - REQUEST FOR CORRECTION OR DELETION	33
OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD	33
ANNEXURE “ LAWS ”	36

ABBREVIATIONS

GIFA	Gauteng Infrastructure Financing Agency
GPG	Gauteng Provincial Government
GPS	Global Positioning System
GPT	Gauteng Provincial Treasury
ID	Identification
IP	Internet Protocol
Manual	The Promotion of Access to Information Manual
PPF	Project Preparation Fund
PPP	Public Private Partnership
POPIA	The Promotion of Access to Information POPIA

PREAMBLE

Section 32 of the Constitution of South Africa enshrines the right of access to information held by both public and private institutions. As a result, the Promotion of Access to Information POPIA (POPIA) was enPOPIAed to give effect to the right of access to information by detailing how information from public and private institutions can be accessed.

Notwithstanding the above, there are limitations to the public realisation of the rights stipulated in Section 36 of the Constitution and Sections 33-45 of the POPIA, respectively. To this end, the POPIA sets out the grounds on which a public or private institution can refuse access to information.

The POPIA requires both public and private institutions to produce a manual with information on how public members can use the POPIA to access their records.

Specifically, Section 14 of the POPIA requires all public institutions to publish a manual in at least 3 (three) official languages to assist information requesters in making information requests from the institution concerned.

The GIFA was established as a government component within the Gauteng Provincial Treasury (“**GPT**”) through promulgation by the President of the Republic of South Africa in the Government Gazette No. 38088 on the 7th October 2014, and has compiled this “The Promotion of Access to Information Manual” (“the Manual”) as amended by the POPIA as a mechanism to facilitate public access to information/record(s) in its custody.

In addition to the above, the GIFA hopes, through its commitment to the letter and spirit of the POPIA, to promote transparency, accountability, and effective governance within the public sector.

1. ABOUT GIFA

- 1.1 The GIFA is a government component of the GPT established in section 7A(4) of the Public Service Act, 1994.
- 1.2 The mandate of GIFA is detailed in the Administration and Operations Notice. No 2269 of 2015, which was published on the 8th July 2015 in Government Gazette No. 295.
- 1.3 In terms of this notice, GIFA has been mandated to:
 - 1.3.1 serve all public institutions in Gauteng by supporting key infrastructure projects and ensuring their successful execution through partnerships and innovative financing solutions;
 - 1.3.2 institutionalise alternative funding models for the provincial government, including the development of strategies to attract private sector funding to provincial infrastructure projects;
 - 1.3.3 provide a Project Preparation Facility (“PPF”), the purpose of which is to assist provincial departments, local authorities, government-supported private initiatives, and related infrastructure development institutions to prepare high quality, viable projects that are ready to attract financing from public and private sources;
 - 1.3.4 assist in minimising institutional blockages that hamper the rate of socio-economic infrastructure development; and
 - 1.3.5 ensure cost efficiency and consolidation of resources for economies of scale within provincial government infrastructure projects and expenditure.
 - 1.3.6 assist in minimising institutional blockages that hamper the rate of socio-economic infrastructure development; and
 - 1.3.7 The GIFA is a center of excellence that provides innovative financing solutions for key infrastructure projects in the Gauteng province.
 - 1.3.8 The GIFA provides a one-stop service to provincial departments, agencies, and municipalities to convert a project concept or idea into a bankable proposal.

2 FUNCTIONS OF THE GIFA

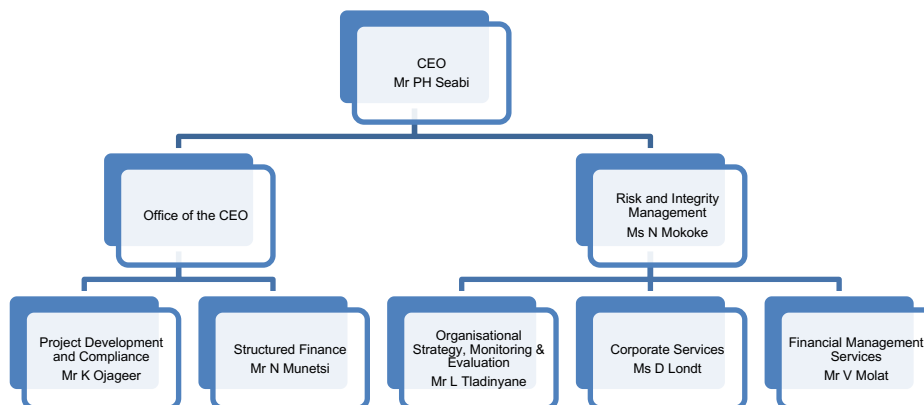
- 2.1 The GIFA serves all public institutions in Gauteng by supporting key infrastructure projects and developments in the Gauteng City-Region through alternative funding partnerships.
- 2.2 The GIFA facilitates and interacts with investors to raise alternative funding for infrastructure programmes and projects that are not financed through the fiscus.
- 2.3 GIFA institutionalises alternative funding models for the provincial government, including the development of strategies to attract private sector funding to provincial infrastructure projects.
- 2.4 This is done by conducting feasibility studies on infrastructure projects and exploring and seeking innovative and optimal funding solutions and appropriate models and partnerships for such projects, which will ensure their successful execution.
- 2.5 GIFA provides a PPF, the purpose of which is to assist provincial departments, local authorities, government-supported private initiatives, and related infrastructure development institutions to prepare high-quality, viable projects that are ready to attract financing from public and private sources.
- 2.6 Through its PPF, the GIFA funds the development of projects and ensures that high-quality skills and expertise is made available for each supported project.

2.7 The GIFA supports the following sectors within the GPG:

- Green economy;
- Renewable Energy;
- Information Communications Technology;
- Property Development;
- Tourism;
- Education;
- Health;
- Agriculture;
- Roads, Transport & Logistics;
- Waste Management;
- Water and Sanitation.

3. STRUCTURE OF GIFA

The GIFA consists of the following units:



4. GIFA's CONTACT DETAILS

GIFA's contact details are as follows:

Physical Address:

82 Grayston Drive
Sandton
Johannesburg
2017
South Africa

Postal Address:

PO Box 650780
Benmore
South Africa
2010

Telephone: +2711 290 6600/1

Fax: +2711 290 6700

Email: info@gifa.co.za

Website: www.gifa.co.za

5. CONTACT DETAILS FOR INFORMATION OFFICERS

5.1 Information Officer

GIFA's Chief Executive Officer is the designated Information Officer in terms of the PAIA.

Name: Potsishi Hendriek Seabi

Identity number: 6703205344081

Address: 82 Grayston Drive, Sandton, Johannesburg

Tel: 011 290 6600

Cell: N/A

Email: O.Seabi@gifa.co.za

5.2 Deputy Information Officer

In terms of Section 17 of PAIA, the GIFA Information Officer has designated its Chief Director PPP & Compliance as its Deputy Information Officer, who shall attend to requests for access to records. Therefore, if you wish to request access to GIFA records, your request should be addressed to the Deputy Information Officer. Escalations may be directed to the Information Officer or the head of the entity where necessary.

Name: Liesel Lombaard

Identity number: 7001070204087

Address: 82 Grayston Drive, Sandton, Johannesburg

Tel: 011 290 6600

Cell: N/A

Email: L.lombaard@gifa.co.za

6. GUIDE IN TERMS OF SECTION 10 OF THE POPIA

6.1 To assist those not familiar with PAIA or POPIA, a Guide that contains information to assist you in understanding how to exercise your rights under PAIA ("the Guide") is available in all the South African official languages.

6.2 The Guide is currently available on the following site:

[Understanding PAIA - South African Human Rights Commission](#)

[Guide on How to Use the Promotion of Access to Information](#)

6.3 If you have any queries or need a copy of the Guide, please contact the Information Regulator directly at:

The Information Regulator (South Africa)

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

P.O Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za

General enquiries email: inforeg@justice.gov.za.

7. SUBJECTS ON WHICH GIFA HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD

7.1 GIFA holds the following records:

7.1.1 Records that are required to be kept in terms of Legislation.

7.1.2 Organisation and Control Records, which includes:

- delegation of authority;
- planning documents;
- office procedures and instructions;
- organisational structure;
- service delivery improvement;
- reports;
- occupational health and safety; and
- office security.

7.1.3 Human Resource Management and Development Records, which includes:

- human resource policies;
- employees;
- conditions of service;
- recruitment of employees;
- termination of services;
- employee training and development;
- reward and recognition of employees;
- relief arrangements;
- transformation and change management;
- human resource planning;
- employee health and wellness programme;
- labour relations; and
- job evaluation.

7.1.4 Financial Management which includes:

- budget management;
- cash management;
- reconciliations;
- risk management; and
- allowances.

7.1.5 Supply Chain Management, which includes:

- policies;
- reports;

- stocktaking and inventory control;
- tenders;
- contracts; and
- asset management.

7.1.6 Facilities Management, which includes:

- policies;
- office accommodation;
- occupational health and safety;
- transport; and
- parking.

7.1.7 Communications, which includes:

- policies;
- records of publications, speeches, marketing and events, and
- meetings, which include policies and records related to GIFA meetings and forums.

7.1.8 Information services, which include information related to computer equipment and general records management.

7.1.9 Legal Services, which include contracts, legal advice, opinions, policy, and litigation.

7.1.10 Financial Governance / Chief Financial Officer (“CFO’s”) Office, which includes information pertaining to:

- asset and liability management;
- cash flow management;
- accounting services;
- risk management.

7.1.11 Project Development

- project development/feasibility studies, project documents, and procurement documentation .

7.1.12 Structured Finance

- Public Private Partnership (“PPP”) Agreements;
- Financial Agreements;
- Structured Finance documents;
- Market Assessments;
- Investors interaction and understandings.

8. INFORMATION RELATED TO POPIA

8.1 In terms of POPIA we are required to provide a description of the Personal Information that GIFA processes and why it is processed, and whom we may share this information with, which detail is described below:

8.1.1 **Personal information GIFA process.**

The type of personal information that GIFA processes will depend on the purpose of collecting it, which will be disclosed to persons when the Personal Information is being collected under the GIFA specific and detailed processing notices housed on the GIFA website. Below is a listing of the personal information processed by us, including the category of the data subject that it belongs to. The information provided under this section refers to broad categories of information.

This list is not exhaustive.

- **Clients** - Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender and confidential correspondence.
- **Clients** – Juristic persons / institutions: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.
- **Contracted Service Providers:** Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
- **Intermediary / Advisor:** Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
- **Employees / Directors / Potential Personnel / Shareholders / Volunteers / Employees’ family members / Temporary Staff:** gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; Identification (“ID”) number; next of kin; children’s name, gender, age, school, grades; physical and postal address; contact details; opinions, criminal behaviour and/or criminal records; well-being; trade union membership; external commercial interests; medical information.
- **Website end-users / Application end-users:** names, electronic identification data: Internet Protocol (“IP”) address; log-in data, cookies, electronic localisation data; cell phone details, Global Positioning System (“GPS”) data.

8.1.2 **Sharing of personal information**

GIFA may supply personal information to the following potential recipients:

- Management;
- Employees;
- Temporary Staff;
- Sub-contracted Operators;
- Stakeholders.

8.1.3 **Cross border exchanges**

GIFA may disclose personal information we process to any overseas, associate institutions, or third-party service providers, with whom we engage in business or whose services or products we elect to use, including cloud services hosted in international jurisdictions. Personal information may also be disclosed where we have a legal duty or a legal right. We will, in this regard, endeavour to enter into written agreements to ensure that other parties comply with the POPIA and our confidentiality and privacy requirements.

8.1.4 **General description of information security measures**

GIFA introduces appropriate, reasonable technical, and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of Personal Information.

These measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up our information technology infrastructure; and
- Outsourced service providers who are contracted to implement security controls.

8.2 Any request for access to personal information as per the provisions of POPIA, must be made in accordance with the provisions of PAIA. This process is outlined below.

8.3 A person has the right to request the correction, deletion, or destruction of their Personal Information in the prescribed form, which form is available on our website. We have also attached the prescribed form to this Manual for your convenience under Annexure "A".

8.4 A person may object to processing their personal information in the prescribed form, which form is available on our website. Therefore, we have attached the prescribed form to this Manual for your convenience under Annexure "A".

9. **AUTOMATIC DISCLOSURE IN TERMS OF SECTION 15 OF PAIA**

The following categories of information are automatically available from GIFA, without a person having to formally request access in terms of PAIA:

- Media and speeches

10. **PARTICIPATION IN THE FORMULATION OF THE POLICY/EXERCISE POWERS/PERFORMANCE OF DUTIES**

GIFA does not render services to the public; its clients are Gauteng Provincial departments, agencies, and municipalities.

11. **PROCEDURES TO REQUEST ACCESS TO INFORMATION / RECORDS**

- 11.1 Any person, whether natural or juristic, may request access to information in terms of PAIA or POPIA, provided such request is made under PAIA.
- 11.2 The requester may make a request on his / her behalf or on behalf of any other person.
- 11.3 The requester must use the prescribed form set out under Annexure “A” when requesting access to such information or record. In addition, the request must include the following minimum information:

INFORMATION REQUIRED	DESCRIPTION
Details of the requester	Enough information about the requester so as to ensure that the requester is easily identifiable. The information should include the requester’s contact details, i.e. postal address, email address, fax and/or telephone number.
Details of the record requested	Enough information about the record to make it reasonably easy to identify.
Manner of access to the record	A description of the form or manner in which the record should be provided or made accessible.

The manner in which to inform the requester of access	The way in which the requester wishes to be informed about GIFA’s decision concerning the request.
Language choice	The language in which the requester wishes to receive the requested record. Notwithstanding the language of preference indicated, GIFA will only furnish the record in the requested language, if the record exists in that language.
Capacity of the authorised person making the request	When a request is made on behalf of someone else, proof of the capacity in which the request is made and/or authority to make such a request.

- 11.4 Requesters who are unable to read or write can make verbal requests to the Information Officer, who shall complete the prescribed form on behalf of the requester.
- 11.5 The request must be directed to the Information Officer, whose contact details are set out in paragraph 3 above.
- 11.6 The request may either be hand-delivered, posted, faxed, or sent via email.
- 11.7 The information on the prescribed form must be provided to the satisfaction of the Information Officer, failing which the request will be delayed until such time that the information is complete.
- 11.8 A requester must pay as per Regulation 8 of the PAIA Regulations 2021, the fees set out below. In respect of a request for a record as well as other fees if granted access to the requested record, such

as costs of reproduction, search, and preparation or costs of any transactions related to the content of the record that has been requested.

Description	Amount
The request fee payable by every requester	R100.00
Photocopy of A4-size page	R1.50 per page or part thereof.
Printed copy of A4-size page	R1.50 per page or part thereof.
For a copy in a computer-readable form on:	
(i) Flash drive (to be provided by requestor)	R40.00
(ii) Compact disc	
•If provided by requestor	R40.00
•If provided to the requestor	R60.00
For a transcription of visual images per A4-size page	Service to be outsourced. It will depend on a quotation from Service provider.
Copy of visual images	
Transcription of an audio record, per A4-size page	R24.00
Copy of an audio record on:	
(i) Flash drive (to be provided by requestor)	R40.00
(ii) Compact disc	
•If provided by requestor	R40.00
•If provided to the requestor	R60.00

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.	R100.00
To not exceed a total cost of	R300.00
Deposit: If search exceeds 6 hours	One-third of amount per request calculated in terms of items 2 to 8.
Postage, e-mail or any other electronic transfer	Actual expense, if any.

11.8 All payments shall be made through deposits in the GIFA's bank account. The banking details will

be provided on the application. No request may be processed unless the request fee has been paid.

- 11.9 The Information Officer will inform the requester of GIFA's decision within 30 (thirty) days after receipt of the request; or they may extend that period, on notice to the requester, by a further period not exceeding 30 days.
- 11.10 The period within which the Information Officer has to inform the requester of the decision will be subject to such extension, over and above the period mentioned in this 11.10, as may be required to give a third party a chance to make representations to the Information Officer where the record requested is with regard to the records of that third party.
- 11.11 The periods prescribed by PAIA will not commence until such time as the Information Officer is satisfied that all pertinent information has been furnished to GIFA by the person who submitted the request.
- 11.12 Notwithstanding a request for access to any record, the Information Officer may refuse access to the requested record, or any part thereof, on the grounds set out in PAIA.

12. DESCRIPTION OF REMEDIES AVAILABLE IN RESPECT OF A POPIA OR A FAILURE TO POPIA BY THE GIFA

- 12.1 GIFA does not have internal appeal procedures regarding any decisions made by the Information or Deputy Information Officer, whose decisions are final.
- 12.2 A requester aggrieved by a decision of the Information Officer or Deputy Information Officer may within 180 (hundred and eighty) days of the decision, submit a complaint, alleging that the decision was not in compliance with PAIA, to the Information Regulator in writing on a form that corresponds substantially with Form 5 of Annexure A, to the Information Regulator.

13. OTHER INFORMATION AS PRESCRIBED IN TERMS OF THE POPIA

There is currently no information available from the Minister of Justice and Constitutional Development, in terms of Section 92 of the POPIA, to be disclosed hereunder.

14. EXEMPTION FROM ANY PROVISION OF SECTION 14 OF THE POPIA

GIFA has not been exempted by the Minister of Justice and Constitutional Development from complying with any of the provisions of Section 14 of the POPIA for either security, administrative or financial reasons.

15. UPDATING OF THE MANUAL

GIFA will update and publish this Manual as and when required, but at least once a year.

16. AVAILABILITY OF THE MANUAL

- 16.1 This Manual is available in 3 (three) official languages.
- 16.2 The Manual is available on the GIFA website or available at the GIFA offices.

DEFINITIONS

TERMS	DEFINITIONS
Access Fee	This means a fee prescribed for reproduction and search and preparation and for the time reasonably required in excess of the hours prescribed to search for and prepare the record for disclosure.
Court	Means the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution; or (b) (i) a High Court or another court of similar status; or (ii) a Magistrate's Court for any district or for any regional division established by the Minister to adjudicate civil disputes in terms of section 2 of the Magistrates' Courts POPIA, 1944 (POPIA 32 of 1944), either generally or in respect of a specified class of decisions in terms of this POPIA, designated by the Minister by notice in the <i>Gazette</i> and presided over by a magistrate, an additional magistrate or a magistrate of a regional division established to adjudicate civil disputes, as the case may be, designated in terms of section 91A, within whose area of jurisdiction- (aa) the decision of the information officer or relevant authority of the public body or the head of a private body has been taken; (bb) the public body or private body concerned has its principal place of administration or business; or (cc) the requester or third party concerned is domiciled or ordinarily resident.
Information officer	Means the Chief Executive Officer of GIFA or the person who is acting as such.
Manual	Means this PAIA Manual.
Official	Means – (a) the Chief Executive Officer. (b) such other staff as appointed by GIFA.
Person	Means a natural or juristic person.
Personal requester	A requester seeking access to a record.
Public body	Means – (a) any department of state 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 –

	<ul style="list-style-type: none"> (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.
Record of or about a public body	Means any recorded information – <ul style="list-style-type: none"> (a) regardless of the form or medium; (b) in the possession or under the control of GIFA; (c) whether or not GIFA created it.
Regulator	The Information Regulator.
Request for access	Means a request for access to a record of GIFA in terms of Section 11 of the POPIA.
Requester	Means – <ul style="list-style-type: none"> (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) requesting access to a record of that public body; or (ii) a person acting on behalf of the person referred to in subparagraph (i).
Third party	In relation to a request for access to – <ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (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 section 34 and 63 of POPIA, the reference to “person” in paragraphs (a) and (b) must be construed as a reference to “natural person”.
Transfer	In relation to a record, it means transfer in terms of sections 20(1).
Working days	Means any days other than Saturdays, Sundays, or public holidays, as defined in section 1 of the Public Holidays POPIA, 1994 (POPIA, No. 36 of 1994).

In this Guide, words inferring any one gender shall include the other gender, and the singular shall include the plural, unless the context indicates otherwise.

ANNEXURE “A”

PAIA AND POPIA FORMS

FORM 2 - REQUEST FOR ACCESS TO RECORD

[Regulation 7.]

Note:	
1. The requester must attach proof of identity.	
2. If requests are made on behalf of another person, proof of such authorisation, must be attached to this form.	
.....	
.....	
.....	
(Address)	
E-mail address:
Fax number:
Mark with an “X”	
<input type="checkbox"/> Request is made in my name	<input type="checkbox"/> 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 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

(Mark the applicable box with an "X")

Record is in written or printed form	
The record comprises virtual images (this includes photographs, slides, video recordings, computer- generated images, sketches, etc)	
The 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

(Mark the applicable box with an "X")

A printed copy of the record (including copies of any virtual images,	
---	--

<i>transcriptions and information held on a 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 the soundtrack (<i>written or printed document</i>)	
Copy of record on a 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 a cloud storage server	

MANNER OF ACCESS (<i>Mark the applicable box with an "X"</i>)	
Personal inspection of record at the 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 the postal address	
Postal services to the street address	
Courier service to the 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								
<p>a) <i>A request fee must be paid before the request is 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 necessary 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:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"> </td></tr> <tr><td style="height: 20px;"> </td></tr> <tr><td style="height: 20px;"> </td></tr> <tr><td style="height: 20px;"> </td></tr> <tr><td style="height: 20px;"> </td></tr> <tr><td style="height: 20px;"> </td></tr> <tr><td style="height: 20px;"> </td></tr> </table>							

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

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

.....
Signature of information officer

FORM 3 - OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8.]

Note:

1. If your request is granted, the—
 - (a) amount of the deposit (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number:

TO:

.....

Your request dated, refers.

1. You requested:	
Personal inspection of information 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>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then need any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	

OR

2. You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions, and information held on a 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 a soundtrack (<i>written or printed document</i>)	
Copy of information on a flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on a cloud storage server	

3. To be submitted:

Postal services to a postal address	
Postal services to street address Courier service to a 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:

(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)

Kindly note that your request has been:

Approved

Denied, for the following reasons:

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive •To be provided by requestor	R40.00		
(ii) Compact disc •If provided by requestor •If provided to the requestor	R40.00 R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. It will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record (i) Flash drive •To be provided by requestor	R40.00		

(ii)CompPOPIA disc			
•If provided by requestor	R40.00		
•If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	POPIAual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search		Amount of deposit <i>(calculated on one-third of the total amount per request)</i>	
-----------------	--	---	--

The amount must be paid into the following Bank account: Name of Bank:

Name of account holder:

Type of account:

Account number:

Branch Code:

Reference Nr:

Submit proof of payment to:

Signed at this day of 20

.....

Information officer

**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 POPIA, 2000 (POPIA 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.justice.gov.za/infoereg/>.

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. The Information Regulator's policy is to defer investigating or to reject a complaint if the Complainant has not first allowed the public or private body (herein, after referred to as “the Body”) to respond to and attempt to resolve the issue. To help the body address your concerns before approaching the Information Regulator, you are required to complete the prescribed PAIA form and submit it to the body.

The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.

4. 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 relates 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 POPIA on behalf of another person (if applicable);
- Court order or court documents relevant to your complaint, if any.

5. 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: infoereg@justice.gov.za

Tel number: +27 (0) 10 023 5200

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT

(Mark with an "X")

 Complainant personally Representative of Complainant Third party**PREREQUISITES**

Did you submit your request (PAIA form) for access to the record of a public/private body?	Yes	No	
Have 30 days elapsed from the date on which you submitted your PAIA form?	Yes	No	
Did you exhaust all the internal appeal procedures 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:			
<i>Date stamp</i>			

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**

(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:			
ContPOPIA 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 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**

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)

The date on which request for access to records was 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 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 <i>I have appealed against the decision of the public</i>	
--	--

section 77A (3) (a) of PAIA)	<i>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. However, 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 was 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 has been more than 30 days since I made my request, and I have not received a decision.</i>	
	<i>The extension period has expired, and no response has been 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/unreasonably 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 POPIA, 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: (Section 23 or 55 of PAIA)	<i>The body indicated that some or all of the requested records do not exist, and I believe more records exist.</i>	
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: <i>(Please explain):</i>		

**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 POPIA, 2013 (POPIA 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 the 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, I must 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 the Third party

POPIA FORMS

FORM 1 - OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

IN TERMS OF SECTION 11(3) OF POPIA REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 2]

Note:

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

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
ContPOPIA number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
ContPOPIA number(s):	
Fax number/ E-mail address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....

Signature of data subject/designated person

FORM 2 - REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORDS

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORDS OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION POPIA, 2013 (POPIA NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

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

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject that is in possession or under the responsible party's control and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	

	Code ()
ContPOPIA number(s):	
Fax number/E-mail address:	

B	DETAILS OF RESPONSIBLE PARTY
----------	-------------------------------------

Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
ContPOPIA number(s):	
Fax number/ E-mail address:	

C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
----------	--

D	<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and/or</p> <p>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p><i>(Please provide detailed reasons for the request)</i></p>
----------	--

Signed at this day of20.....

.....

Signature of data subject/ designated person

ANNEXURE “ LAWS ”

RECORDS KEPT IN TERMS OF THE OTHER LEGISLATION

- Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice POPIA 19 of 2006 (Science)
- Administrative Adjudication of Road Traffic Offences POPIA 46 of 1998 (Transport)
- Advertising on Roads and Ribbon Development POPIA 2 of 1940 (Environment and Conservation)
- Alienation of Land POPIA 68 of 1981 (Contract and Delict)
- Apportionment of Damages POPIA 34 of 1956 (Contract and Delict)
- Arbitration POPIA 42 of 1965 (Procedural Law)
- Auditing Profession POPIA 26 of 2005 (Professions)
- Basic Conditions of Employment POPIA 75 of 1997 (Labour)
- Bills of Exchange POPIA 34 of 1964 (Commercial Law)
- Broad-Based Black Economic Empowerment POPIA 53 of 2003 (Constitutional Law)
- Broadcasting POPIA 4 of 1999 (Communication)
- Business Names POPIA 27 of 1960 (Commercial Law)
- Companies POPIA 61 of 1973 (Corporate Law)
- Companies POPIA 71 of 2008 (Corporate Law)
- Compensation for Occupational Injuries and Diseases POPIA 130 of 1993 (Labour)
- Competition POPIA 89 of 1998 (Commercial Law)
- Constitution of the Republic of South Africa 108 of 1996 (Constitutional Law)
- Consumer Protection POPIA 68 of 2008 (Commercial Law)
- Conventional Penalties POPIA 15 of 1962 (Contract and Delict)
- Copyright POPIA 98 of 1978 (Commercial Law)
- Convention on Agency in the International Sale of Goods POPIA 4 of 1986 (Commercial Law)
- Council for Medical Schemes Levies POPIA 58 of 2000 (Health)
- Counterfeit Goods POPIA 37 of 1997 (Commercial Law)
- Criminal Procedure POPIA 51 of 1977 (Procedural Law)
- Constitution of the Republic of South Africa POPIA No. 108 of 1996 (Rights)
- Critical Infrastructure Protection POPIA, No. 8 of 2019 (Security)
- Customs and Excise POPIA 91 of 1964 (Revenue)
- Debt Collectors POPIA 114 of 1998 (Legal Administration)
- Designs POPIA 195 of 1993 (Commercial Law)
- Disaster Management POPIA No. 57 of 2002 (Covid)
- Employment Services POPIA, No. 4 of 2014 (Employment)
- Electronic Communications POPIA 36 of 2005 (Communication)
- Electronic Communications and Transactions POPIA 25 of 2002 (Communications)
- Employment Equity POPIA 55 of 1998 (Labour)
- Environment Conservation POPIA 73 of 1989 (Environment and Conservation)

- Films and publications POPIA No. 65 of 1996 (IT)
- Financial Intelligence Centre POPIA 38 of 2001 (Criminal Law)
- Formalities in respect of Leases of Land POPIA 18 of 1969 (ContrPOPIA and Delict)
- Hazardous Substances POPIA 15 of 1973 (Health)
- Health POPIA 63 of 1977 (Health)
- Identification POPIA 68 of 1997 (Citizenship)
- Immigration POPIA 13 of 2002 (Citizenship)
- Immovable Property (Removal or Modification of Restrictions) POPIA 4 of 1965 (Estates)
- Import and Export Control POPIA 45 of 1963 (Commercial Law)
- Income Tax POPIA 58 of 1962 (Income Tax)
- Insolvency POPIA 24 of 1936 (Estates)
- Institution of Legal Proceedings against certain Organs of State POPIA 40 of 2002(Procedural Law)
- Intergovernmental Relations Framework POPIA No. 13 of 2005(Municipal)
- Justices of the Peace and Commissioners of Oaths POPIA 16 of 1963 (Legal Administration)
- Labour Relations POPIA 66 of 1995 (Labour)
- Long-term Insurance POPIA 52 of 1998 (Financial Institutions and Insurance)
- Local Government: Municipal Structures POPIA No. 117 of 1998 (Municipal)
- Measurement Units and Measurement Standards POPIA 18 of 2006 (Science)
- Medical Schemes POPIA 131 of 1998 (Health)
- Merchandise Marks POPIA 17 of 1941 (Commercial Law))
- National Credit POPIA 34 of 2005 (ContrPOPIA and Delict)
- National Environmental Management POPIA 107 of 1998 (Environment and Conservation)
- National Environmental Management: Air Quality POPIA 39 of 2004 (Environment and Conservation)
- National Environmental Management: Waste POPIA 59 of 2008 (Environment and Conservation)
- National Health POPIA 61 of 2003 (Health)
- National Archives and Records Service of South Africa POPIA No. 43 of 1996 (Records)
- National Land Transport POPIA No. 5 of 2009 (Transport)
- National Building Regulations and Building Standards POPIA No. 103 of 1977 (Construction)
- National Heritage Resources POPIA No. 25 of 1999 (Heritage)
- National Key Points POPIA No. 102 of 1980 *(security)
- National Youth Development Agency POPIA No. 54 of 2008 (Employment)
- National Railway Safety Regulator POPIA 16 of 2002 (Transport)
- National Roads POPIA 54 of 1971 (Transport)
- National Road Safety POPIA 9 of 1972 (Transport)
- National Road Traffic POPIA 93 of 1996 (Transport)
- National Water POPIA 36 of 1998 (Resources)
- Occupational Health and Safety POPIA 85 of 1993 (Labour)
- Organised Local Government POPIA No. 52 of 1997 (Government)
- Preferential Procurement Policy Framework POPIA No. 5 of 2000 (Procurement)
- Promotion of Administrative Justice POPIA No. 3 of 2000 (Rights)

- Promotion of Equality and Prevention of Unfair Discrimination POPIA No. 4 of 2000 (Rights)
- Promotion of Local Government Affairs POPIA No. 91 of 1983 (Admin)
- Patents POPIA 57 of 1978 (Commercial Law)
- Pension Funds POPIA 24 of 1956 (Welfare and Pensions)
- Prescription POPIA 68 of 1969 (Procedural Law)
- Prescribed Rate of Interest POPIA 55 of 1975 (ContrPOPIA and Delict)
- Private Security Industry Regulation POPIA 56 of 2001 (Professions)
- Promotion of Access to Information POPIA 2 of 2000 (Constitutional Law)
- Protection of Businesses POPIA 99 of 1978 (Commercial Law)
- Public Audit POPIA No. 25 of 2004 (Finance)
- Public Protector POPIA No. 23 of 1994 (Rights)
- Public Service POPIA, 1994 (Proclamation No. 103 of 1994) (Employees)
- Regulation of Interception of Communication and Provision of Communications- Related Information POPIA 70 of 2002 (Communication)
- Road Traffic POPIA 29 of 1989 (Transport)
- Remuneration of Public Office Bearers POPIA No. 20 of 1998 (Salaries)
- South African Police Service POPIA No. 68 of 1995 (Crime)
- Spatial Planning and Land Use Management POPIA No. 16 of 2013 (Land)
- Special Economic Zones POPIA, No. 16 of 2014 (Trade)
- Short-term Insurance POPIA 53 of 1998 (Financial Institutions and Insurance)
- Skills Development POPIA 97 of 1998 (Labour)
- Skills Development Levies POPIA 9 of 1999 (Labour)
- South African Passports and Travel Documents POPIA (Citizenship)
- Standards POPIA 8 of 2008 (Science)
- State Information Technology Agency POPIA No. 88 of 1998 (IT)
- The South African National Roads Agency Limited and Roads POPIA 7 of 1998 (Transport)
- Tobacco Products Control POPIA 83 of 1993 (Health)
- Trade Marks POPIA 94 of 1993 (Commercial Law)
- Trade Metrology POPIA 77 of 1973 (Science)
- Trade PrPOPIAices POPIA 76 of 1976 (Commercial Law)
- Transfer Duty POPIA 40 of 1949 (Revenue)
- Unemployment Insurance POPIA 63 of 2001 (Labour)
- Unemployment Insurance Contributions POPIA 4 of 2002 (Labour)
- Value-Added Tax POPIA 89 of 1991 (Revenue)
- Water Services POPIA 108 of 1997 (Resources)

RELEVANT SECTIONS OF PAIA

“**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;**

s14. Manual on functions of, and index of records held by, public body

(1) The information officer of a public body **must in at least 3 (three) official languages** make available, as referred to in subsection (3), a manual containing—

(a) in general

- (i) a description of its structure and functions;
- (ii) the postal and street address, phone and fax number and, if available, electronic mail address of the information officer of the body and every deputy information officer of the body designated in terms of section 17
- (iii) a description of all remedies available in respect of POPIA or a failure to POPIA by the body; and
- (iv) such other information as may be prescribed;

(b) insofar as this POPIA is concerned—

- (i) a description of the guide referred to in section 10, if available, and how to obtain access to it;
- (ii) sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject;
- (iii) the latest notice, in terms of section 15 (2), if any, regarding the categories of records of the body which are available without a person having to request access in terms of this POPIA;
- (iv) a description of the services available to members of the public from the body and how to gain access to those services; and

(v) a description of any arrangement or provision for a person (other than a public body referred to in paragraph (a) or (b) (i) of the definition of “public body” in section 1) by consultation, making representations or otherwise, to participate in or influence—

(aa) the formulation of policy; or

(bb) the exercise of powers or performance of duties, by the body;

(c) insofar as the Protection of Personal Information POPIA, 2013, is concerned—

- (i) the purpose of the processing;
- (ii) a description of the categories of data subjects and the information or categories of information relating thereto;
- (iii) the recipients or categories of recipients to whom the personal information may be supplied;
- (iv) planned transborder flows of personal information; and
- (v) a general description allows a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information to be processed.

(2) A public body must update and publish its manual referred to in subsection (1) at intervals of not more than one year.

(3) The Manual referred to in subsection (1), or the updated version thereof as referred to in subsection (2) must be made available—

(a) on the website, if any, of the public body;

(b) at the head office of the public body for public inspection during normal business hours;

(c) to any person upon request and upon the payment of a reasonable amount; and

(d) to the Information Regulator upon request.

s18. Form of requests

(1) A request for access must be made in the prescribed form to the information officer of the public body concerned at their address or fax number, or electronic mail address.

(2) The form for a request of access prescribed for subsection (1) must at least require the requester concerned—

(a) to provide sufficient particulars to enable an official of the public body concerned to identify—

(i) the record or records requested; and

(ii) the requester;

(b) to indicate which applicable form of access referred to in section 29 (2) is required;

(c) to state whether the record concerned is preferred in a particular language;

(d) to specify a postal address or fax number of the requester in the Republic;

(e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and

(f) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.

(3) (a) An individual who, because of illiteracy or a disability, is unable to make a request for access to a record of a public body in accordance with subsection (1) may make that request orally.

(b) The information officer of that body must reduce that oral request to writing in the prescribed form and provide a copy thereof to the requester.

s19. Duty to assist requesters

(1) If a requester informs the information officer of—

(a) a public body that they wish to make a request for access to a record of that public body; or

(b) a public body (other than a public body referred to in paragraph (a) or (b) (i) of the definition of “public body” in section 1) that they wish to make a request for access to a record of another public body,

The information officer must render such reasonable assistance, free of charge, as is necessary to enable that requester to comply with section 18 (1).

(2) If a requester has made a request for access that does not comply with section 18 (1), the information officer concerned may not refuse the request because of that non-compliance unless the information officer has—

- (a) notified that requester of an intention to refuse the request and stated in the notice—
- (i) the reasons for the contemplated refusal; and
 - (ii) that the information officer or another official identified by the information officer would assist that requester in order to make the request in a form that would remove the grounds for refusal;
- (b) given the requester a reasonable opportunity to seek such assistance;
- (c) as far as reasonably possible, furnished the requester with any information (including information about the records, other than information based on which a request for access may or must be refused in terms of any provision of Chapter 4 of this Part, held by the body which is relevant to the request) that would assist the making of the request in that form; and
- (d) given the requester a reasonable opportunity to confirm the request or alter it to comply with section 18 (1).
- (3) When computing any period referred to in section 25 (1), the period commencing on the date on which notice is given in terms of subsection (2) and ending on the date on which the person confirms or alters the request for access concerned must be disregarded.
- (4) If it is apparent on receipt of a request for access that it should have been made to another public body, the information officer of the public body concerned must—
- (a) render such assistance as is necessary to enable the person to make the request, to the information officer of the appropriate public body; or
 - (b) transfer the request in accordance with section 20 to the last-mentioned information officer;
- whichever will result in the request being dealt with earlier.

22. Fees

- (1) The information officer to whom an access request is made must by notice require the requester to pay the prescribed request fee (if any) before further processing the request.
- (2) If—
- (a) the search for a record of a public body in respect of which a request for access by a requester has been made; and
 - (b) the preparation of the record for disclosure (including any arrangements contemplated in section 29 (2) (a) and (b) (i) and (ii) (aa)),
- would, in the opinion of the information officer of the body, require more than the hours prescribed for this purpose for requesters, the information officer must by notice require the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.
- (3) The notice referred to in subsection (1) or (2) must state—
- (a) the amount of the deposit payable in terms of subsection (2), if applicable;
 - (b) that the requester may lodge an internal appeal, a complaint to the Information Regulator or an application with a court, as the case may be, against the tender or payment of the request fee in terms of subsection (1), or the tender or payment of a deposit in terms of subsection (2), as the case may be; and
 - (c) the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may.

(4) If a deposit has been paid in respect of a request for access that is refused, the information officer concerned must repay the deposit to the requester.

(5) The information officer of a public body must withhold a record until the requester concerned has paid the applicable fees (if any).

(6) A requester whose request for access to a record of a public body has been granted must pay an access fee for reproduction and search, and preparation contemplated in subsection (7) (a) and (b), respectively, for any time reasonably required more than the prescribed hours to search for and prepare (including making any arrangements contemplated in section 29 (2) (a) and (b) (i) and (ii) (aa)) the record for disclosure.

(7) Access fees prescribed for the purposes of subsection (6) must provide for a reasonable access fee for—
(a) the cost of making a copy of a record, or of a transcription of the content of a record, as contemplated in section 29 (2) (a) and (b) (i), (ii) (bb), (iii) and (v) and, if applicable, the postal fee; and
(b) the time reasonably required to search for the record and prepare (including making any arrangements contemplated in section 29 (2) (a) and (b) (i) and (ii) (aa)) the record for disclosure to the requester.

s74. Right of internal appeal to the relevant authority

(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 —

(a) to refuse a request for access; or

(b) taken in terms of section 22, 26 (1), or 29 (3), concerning that requester with the relevant authority.

(2) A third party 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 to grant an access request.

s77A. Complaints

(1) A requester or third party referred to in section 74 may only submit a complaint to the Information Regulator in terms of this section 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.

(2) A requester—

(a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;

(b) aggrieved by a decision of the relevant authority of a public body to disallow the late lodging of an internal appeal in terms of section 75 (2);

(c) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of ‘public body’ in section 1 —

(i) to refuse a request for access; or

(ii) taken in terms of section 22, 26 (1) or 29 (3); or

(d) aggrieved by a decision of the head of a private body—

(i) to refuse a request for access; or

(ii) taken in terms of section 54, 57 (1) or 60,

may within 180 days of the decision, submit a complaint alleging that the decision was not in compliance with this POPIA, to the Information Regulator in the prescribed manner and form for appropriate relief.

(3) A third party—

(a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;

(b) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1 to grant a request for access; or

(c) aggrieved by a decision of the head of a private body about a request for access to a record of that body, may within 180 days of the decision, submit a complaint, alleging that the decision was not in compliance with this POPIA, to the Information Regulator in the prescribed manner and form for appropriate relief.

GNR.757 of 27 August 2021: Regulations relating to the Promotion of Access to Information, 2021 (Government Gazette No. 45057)

R3. Obligations of information officer.

(1) An information officer must have a copy of the PAIA guide, in at least two of the official languages, at his or her registered head office, for public inspection during normal office hours.

(2) An information officer must make available, upon the written request of any person, on a form which corresponds substantially with Form 1 of Annexure A to the Regulations, the number of copies of the guide in the official languages, as requested.

(3) An information officer may not charge a fee for—

(a) a copy of the guide made available in terms of sub-regulation (2); or

(b) inspection of a copy of the guide at the office of the information officer.

R7. Request for access to information.

(1) A request for access to a record contemplated in section 18 (1) or 53 (1) of the POPIA must be made on a form that corresponds substantially with **Form 2 of Annexure A to the Regulations** to the information officer.

(2) The information officer must—

(a) assist a requester with any request with regards to a request for access to information; and

(b) if a request for access to a record is made orally as a result of illiteracy or a disability of a requester, complete Form 2 of Annexure A to the Regulations on behalf of the requester and provide a copy thereof to the requester, as contemplated in section 18 (3) of the POPIA.

(3) The **request fee payable by every requester referred** to in section 22 (1) or 54 (1) of the POPIA is prescribed in item 1 of Annexure B to the Regulations.

R10. Lodging of complaints

A complaint contemplated in section 77A of the POPIA must be lodged in writing on a form that corresponds substantially with Form 5 of Annexure A to the Regulations, to the Information Regulator.

R15. Electronic communication

The provisions of the Electronic Communications and TransPOPIAions POPIA, 2002, apply to all forms, records, documents, or any information, which are electronically communicated.

R16. Offences and penalties

An information officer who wilfully or in a grossly negligent manner charges a fee other than the fee prescribed in the Regulations, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

End of Policy

