

**Mount Croix Animal Clinic CC**



**PAIA MANUAL**

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

We respect your right of access to information. This manual will help you (the requester of information) to exercise that right and help you know how you may get access to our records. The Promotion to Access of Information Act 2 of 2000 as amended from time to time (known as PAIA1)

requires us to draft and make this  
manual available to you.

- Know what types of information we have.
- Know how to request access to it.

**DATE OF COMPILATION:** 19<sup>th</sup> April 2022

**DATE OF REVISION:** 19<sup>th</sup> April 2022



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**Part A: General**

**1. List of Acronyms and Abbreviations**

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

**2. Purpose of PAIA Manual**

- 2.1. PAIA requires the Information Officer of a private body to compile a manual that contains information on the records it holds.
- 2.2. A ‘private body’ means a natural person, company or other type of juristic entity that carries on any trade, business or profession and includes a political party.
- 2.3. We are a private body.

**3. Key Contact Details of our Business**

**3.1. Information Officer**

<b>Information Officer:</b>	Dr. Matthijs Ravensberg
<b>E-Mail me:</b>	<a href="mailto:petlover@axxess.co.za">petlover@axxess.co.za</a>
<b>Visit us:</b>	101 Mount Road, Mount Croix, Port Elizabeth, 6001
<b>Write to us:</b>	101 Mount Road, Mount Croix, Port Elizabeth, 6001
<b>Call us:</b>	+27 41 374 3034

**3.2. Deputy Information Officer**

<b>Name:</b>	Charnelle Olivier
<b>E-Mail me:</b>	<a href="mailto:petlover@axxess.co.za">petlover@axxess.co.za</a>
<b>Visit us:</b>	101 Mount Road, Mount Croix, Port Elizabeth, 6001
<b>Write to us:</b>	101 Mount Road, Mount Croix, Port Elizabeth, 6001
<b>Call us:</b>	+27 41 374 3034



### 3.3. National or Head Office

<b>Name:</b>	Mount Croix Animal Clinic CC.
<b>E-Mail me:</b>	petlover@axxess.co.za
<b>Visit us:</b>	101 Mount Road, Mount Croix, Port Elizabeth, 6001
<b>Write to us:</b>	101 Mount Road, Mount Croix, Port Elizabeth, 6001
<b>Call us:</b>	+27 41 374 3034



**Part B: Promotion of Access to Information Act, 2 of 2002**

**1. Further Guidance from the Information Regulator [S 51(1)(b)(i)]**

1.1. The Regulator has, in terms of section 10(1) of PAIA, compiled a PAIA guide in each official language of South Africa on how to exercise your rights under PAIA.

1.2. The Guide is available for members of the public. You can inspect or make copies of the Guide, during normal working hours at –

a) the offices of the Information Regulator at –

<b>Visit their website:</b>	<a href="https://www.inforegulator.org.za/docs.html">https://www.inforegulator.org.za/docs.html</a>
<b>Visit them:</b>	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
<b>Write to them:</b>	P.O Box 3153, Braamfontein, Johannesburg, 2017
<b>Call them:</b>	010 023 5200
<b>Ask a general enquiry by email</b>	<a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>
<b>Lodge a complaint by email</b>	<a href="mailto:PAIAComplaints@inforegulator.org.za">PAIAComplaints@inforegulator.org.za</a>

b) Upon request to our Information Officer where a copy of the Guide is available in the following two official languages, for public inspection during normal office hours - Afrikaans & English

**2. Categories of Records which are Available without a Person Having to Request Access [S 51(1)(b)(ii)]**

We make some records automatically available to you without you needing to request access to them.

Types of the Record	How you can access?
Memorandum of Incorporation	<a href="https://www.bizportal.gov.za/">https://www.bizportal.gov.za/</a>
Member's names	<a href="https://www.bizportal.gov.za/">https://www.bizportal.gov.za/</a>
Documents of incorporation	<a href="https://www.bizportal.gov.za/">https://www.bizportal.gov.za/</a>
Banking details	Request from our Information Officer

**3. Description of the Records Which Are Available in Accordance With Any Other Legislation [Section 51(1)(b)(iii)]**

We hold records that all organisations are required by law to hold, including records that the law specifically requires organisations like ours to retain. Such laws are -

Category of Records	Applicable Legislation



Record containing the following information Section 31: <ul style="list-style-type: none"> <li>employee’s name and occupation;</li> <li>time worked (attendance register);</li> <li>remuneration paid (wages register);</li> <li>date of birth if under 18 years of age.</li> </ul>	Basic Conditions of Employment Act 75 of 1997
PAIA Manual	Promotion of Access to Information Act 2 of 2000
All records required by the Act.	Veterinary and Para-Veterinary Professions Act 19 of 1982
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
All records required by the Act	Second-Hand Goods Act 6 of 2009
All records required by the Act	National Credit Act 34 of 2005
All records required by the Act	Consumer Protection Act 68 of 2008
All records required by the Act	Disaster Management Act 57 of 2002
All records required by the Act	Electronic Communications Act 36 of 2005
All records required by the Act	Electronic Communications and Transactions Act 25 of 2002
All records required by the Act	Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002

**4. Detail to facilitate a request for access to a record of our business [Section 51(1)(b)(iv)]**

**4.1. How you can request access?**

We have appointed our Information Officer to comply with our PAIA obligations and deal with all matters relating to it. To request access to a record, please complete Form 2 – See Annexure B.

Please submit the completed form (together with the relevant request fee we explain below) to our Information Officer’s email address or our physical address, using the details we provide. Please ensure that the completed form:



- has enough information for the Information Officer to identify you, the requested records, and the form of access you require,
- specifies your email address, postal address,
- describes the right that you seek to exercise or protect,
- explains why you need the requested record to exercise or protect that right,
- provides any other way you would like to be informed of our decision other than in writing, and
- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form, we may:

- reject the request due to lack of procedural compliance,
- refuse it if you do not provide sufficient information, or
- delay it.

#### **4.2. How we will give you access?**

We will evaluate and consider all requests we receive. If we approve your request, we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

#### **4.3. How much it will cost you?**

PAIA differentiate between 2 types of fees, request fee and an access fee.

When submitting your request, you must first pay us a request fee as the law prescribes. You must pay us the prescribed fees before we give you access. The request fee is R 140,00 (plus 15% VAT).

If we grant the request, you will have to pay us a further access fee (see Annexure A) the law prescribes that includes a fee for the time it takes us to handle your request, or if the time has exceeded the prescribed hours to search and prepare the record for disclosure – See Annexure A. Our Information Officer will notify you if you need to pay a deposit for the access fee. The deposit may be up to one third of the prescribed access fee. The access fee will provide for:

- the costs of making the record, or transcribing the record,
- a postal fee (if applicable), and
- the reasonable time we need to search for the record and prepare the record for you.

If you paid the deposit and we refused your request, we will refund you the deposit amount. Until you have paid the fees, we may withhold the record you requested.

#### **4.4. Grounds for us to refuse access**

We may have to refuse you access to certain records in terms of PAIA to protect:





- someone else’s
- another company’s commercial
- someone else’s confidential
- research
- the safety of individuals and property, or
- records privileged from production in legal proceedings

**4.5. Our decision**

We will notify you in writing whether your request has been approved or denied within 30 calendar days after receiving your request. If we cannot find the record you asked for or it does not exist, we will notify you by way of affidavit that it is not possible to give access to that record.

**4.6. Remedies available if we refuse to give you access**

If we deny your request for access, you may:

- apply to a court with appropriate jurisdiction, or
- complain to the Information Regulator – see Form 5 in Annexure C,

for the necessary relief within 180 calendar days of us notifying you of our decision.

**5. Description of the Subjects on which we hold Records and Categories of Records Held on Each Subject [Section 51(1)(b)(iv)]**

We hold the following subjects and categories of records in electronic or physical format, which we do not make automatically available. You may request access to them.

Subjects on which the body holds records	Categories of records
<p><b>Close Corporation records</b> Our records related to the establishment, registration, incorporation, or administration of our organisation.</p>	<ul style="list-style-type: none"> <li>• Delegation of authority records</li> <li>• Documents on business processes</li> <li>• Records relating to appointment of directors, auditor, secretary, public officer, or other officers</li> <li>• Other statutory records</li> </ul>
<p><b>Human Resources</b> Our records about anyone who works for us, provides services to us, or provides services on our behalf and who we remunerate. This includes our employees, contractors, and other personnel.</p>	<ul style="list-style-type: none"> <li>• Employee records</li> <li>• Employee personal information</li> <li>• Employment contracts</li> <li>• Employment equity records</li> <li>• General correspondence</li> <li>• Industrial and labour relations records</li> <li>• Information relating to Health and Safety Regulations</li> <li>• Personnel guidelines, policies and procedures</li> <li>• Remuneration records</li> <li>• Statutory records</li> <li>• Training records</li> </ul>



Subjects on which the body holds records	Categories of records
<p><b>Operations, including agreements</b> Both the documents themselves and all related documents.</p>	<ul style="list-style-type: none"> <li>• Operational Records</li> <li>• Standard agreements</li> <li>• Credit sales agreements</li> <li>• Hire purchase agreements</li> <li>• Contracts concluded with customers</li> <li>• Third party contracts</li> <li>• Supplier or service contracts</li> </ul>
<p><b>Finances</b> Our records related to our finances.</p>	<ul style="list-style-type: none"> <li>• Annual financial statements</li> <li>• Asset register</li> <li>• Banking records</li> <li>• Budgets</li> <li>• Contracts</li> <li>• Financial transactions</li> <li>• General correspondence</li> <li>• Insurance information</li> <li>• Internal audit records</li> <li>• Management accounts</li> <li>• Purchase and order information</li> <li>• Stock records</li> <li>• Tax records</li> </ul>
<p><b>Information Technology</b></p>	<ul style="list-style-type: none"> <li>• IT Policies and Procedures</li> <li>• User Manuals</li> </ul>
<p><b>Client Records</b> Any information about anyone that we provide goods or services to, including our customers, leads, or prospects</p>	<ul style="list-style-type: none"> <li>• Any records a client has provided to us or a third party acting for or on behalf of us.</li> <li>• Client lists</li> <li>• Clients need assessment</li> <li>• Agreements</li> <li>• Consent</li> <li>• Financial and billing information</li> </ul>
<p><b>Third Part Information</b></p>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>



**Part C: Processing Of Personal Information**

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

Description of category of data subjects	Purpose of the Processing
<b>Employees</b>	<ol style="list-style-type: none"> <li>1. Human Resource Management</li> <li>2. Verification of applicant employees' information during recruitment process</li> <li>3. General matters relating to employees:                             <ol style="list-style-type: none"> <li>a. Payroll;</li> <li>b. Disciplinary action;</li> <li>c. Training relationship.</li> </ol> </li> <li>4. Any other reasonably required purpose relating to the employment or possible employment.</li> <li>5. Legal obligation</li> </ol>
<b>Clients</b>	<ol style="list-style-type: none"> <li>1. Registration as a client.</li> <li>2. Compliance with Legislation.</li> <li>3. Delivering of Service.</li> <li>4. Manage payments, etc.</li> <li>5. Manage our relationship.</li> </ol>
<b>Visitors</b>	<ol style="list-style-type: none"> <li>1. Security of employees and facilities.</li> <li>2. Disaster Management</li> </ol>
<b>Suppliers, professional advisers and consultants</b>	<ol style="list-style-type: none"> <li>1. Administration of Agreement</li> <li>2. Verifying and updating information</li> <li>3. Performing duties in terms of any agreement.</li> <li>4. Make, or assist in making, credit decisions.</li> <li>5. Operate and manage accounts and manage any application, agreement or correspondence vendors may have with us.</li> <li>6. Communicating with vendors by email, SMS, letter, telephone or in any other way about our services.</li> <li>7. Performing other administrative and operational purposes including the testing of systems.</li> <li>8. Recovering any debt vendors may owe us.</li> <li>9. Complying with regulatory and other obligations.</li> <li>10. Any other reasonably required purpose relating to our business.</li> </ol>
<b>Public Bodies (e.g. Department of Labour) and Statutory Bodies</b>	<ol style="list-style-type: none"> <li>1. Legal obligation</li> </ol>

**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
<b>Employees</b>	<ol style="list-style-type: none"> <li>1. Full name and identifying particulars.</li> </ol>



	<ol style="list-style-type: none"> <li>2. Occupation of the employee.</li> <li>3. Remuneration paid.</li> <li>4. Tax which has been deducted.</li> <li>5. Unemployment insurance fund contributions.</li> <li>6. Disciplinary Proceedings.</li> <li>7. Banking Details.</li> <li>8. Wage &amp; Remuneration Register</li> <li>9. Copies of payslips.</li> <li>10. Attendance register</li> <li>11. Sick leave</li> </ol>
<b>Clients</b>	<ol style="list-style-type: none"> <li>1. Names.</li> <li>2. Contact details.</li> <li>3. Postal address.</li> <li>4. Date of birth.</li> <li>5. ID number.</li> <li>6. Client temperature (Covid Regulations).</li> <li>7. Confidential correspondence.</li> </ol>
<b>Visitors</b>	<ol style="list-style-type: none"> <li>1. Full name and identifying particulars</li> <li>2. Visitor temperature.</li> </ol>
<b>Suppliers, professional advisers and consultants</b>	<ol style="list-style-type: none"> <li>1. Company, Contact Person and Banking Details.</li> <li>2. Professional details.</li> </ol>
<b>Public Bodies and Statutory Bodies</b>	Information as required by legislation

**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
<b>Employees</b>	<ol style="list-style-type: none"> <li>1. SA Revenue Services (SARS);</li> <li>2. Companies and Intellectual Property Commission (CIPC);</li> <li>3. Contractors and vendors;</li> <li>4. Relevant public bodies, including government departments, e.g. Compensation Commissioner, UIF, Department of Labour, SAVC;</li> <li>5. Banks;</li> <li>6. Vetting agencies (e.g. of qualifications);</li> </ol>
<b>Clients</b>	<ol style="list-style-type: none"> <li>1. Banks;</li> <li>2. Auditors;</li> <li>3. Credit Bureau's;</li> <li>4. Public Bodies in terms of statutory duty;</li> <li>5. Legal practitioners</li> <li>6. Other Veterinary Practices</li> </ol>
<b>Visitors</b>	Relevant governmental bodies



<b>Suppliers, professional advisers and consultants</b>	Staff members
<b>Public Bodies (e.g. Department of Social Development; Department of Health) and Statutory Bodies</b>	1. As required by legislation

**4. Planned transborder flows of personal information**

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:

- We will only transfer your Personal Information to countries that have appropriate data protection and privacy legislation to protect your Personal Information.
- 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.

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

We undertake 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. We may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

**Access Control of Persons:**

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

**Data Media Control:**

We undertake to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by us and containing personal information of data subjects.

**Data Memory Control:**

We undertake to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration or deletion of stored data.

**User Control:**

We shall implement suitable measures to prevent our data processing systems from being used by unauthorised persons by means of data transmission equipment.

**Access Control to Data:**



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

**Transmission Control:**

We shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of our data communication equipment / devices.

**Transport Control:**

We 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.

**Organisation Control:**

We shall maintain our internal organisation in a manner that meets the requirements of this Manual. We is doing this by implementing the following security measures:

- Staff awareness program
- Policies
- Procedure Guidelines
- Technical Security Measures
- Organisational Security Measures

**6. Updating Of The Manual**

Our Information Officer will on a regular basis update this manual.

***Issued by***

X

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M.F.Ravensberg  
Dr.

***M.F.Ravensberg***

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***Information Officer***



**ANNEXURE A: FEES**

Item	Description	Amount
1.	Request fee, payable by every requester	R 140.00
2.	Photocopy or printed black & white copy for every A4 page	R2.00 per page or part of the page
3.	Printed copy of A4-size page	R2.00 per page or part of the page
4.	For a copy in a computer-readable form on:	
	• a flash drive (provided by the requester)	R40.00
	• a compact disc (CD) if the requester provides the CD to us	R40.00
	• a compact disc (CD) if we give the CD to the requester	R60.00
5.	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider
6.	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider
7.	For a transcription of an audio record, per A4-size page	R24.00
8.	For a copy of an audio record on a flash drive (provided by the requester)	R40.00
	For a copy of an audio record on compact disc (CD) if the requester provides the CD to us	R40.00
	For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R60.00
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure	R145.00
	The search and preparation fee cannot exceed	R435.00
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.
11.	Postage, email or any other electronic transfer	Actual expense, if any.



ANNEXURE B: 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	



<b>TYPE OF RECORD</b> <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	
<b>FORM OF ACCESS</b> <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	

<b>MANNER OF ACCESS</b> <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***



**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](mailto: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](mailto: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.



**6. CAPACITY OF PERSON/PARTY LODGING A COMPLAINT**

(Mark with an "X")

Complainant Personally

Representative of Complainant

Third Party

**PREREQUISITES**

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	



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

Postal address	Facsimile	Other electronic communication (Please specify)

**PART A  
PERSONAL INFORMATION OF COMPLAINANT**

Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		

**PART B  
REPRESENTATIVE INFORMATION**  
*(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 authorization)*

Type of Body	Private		Public
Name of Public / Private Body			
Registration Number (if any)			



Name, Surname and Title of person authorized 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 organization?	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.				





<b>PART F</b>		
<b>DETAILED TYPE OF ACCESS TO RECORDS</b>		
<i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>		
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)		



<p><b>PART G</b> <b>EXPECTED OUTCOME</b></p> <p>How do you think the Information Regulator can assist you? Describe the result or outcome that you seek</p>
<p><b>PART H</b> <b>AGREEMENTS</b></p>

**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**