



VALULINK REAL ESTATE PTY LTD

Registered with the PPRA

# PAIA MANUAL

In terms of Section 51 of

**The Promotion of Access to Information Act 2 of 2000**

(as amended)

**DATE OF COMPOSITION: 22/09/2021**

**DATE OF LAST REVISION: 19/01/2024**

# TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b>	<b>PAGES</b>
Contact details	2
Abbreviations	3
Definitions	3
1. Introduction	3
2. Purpose of PAIA manual	3 - 4
3. Guide on how to use PAIA and how to obtain access to the guide	4 - 6
4. Categories of records available without formal request.	6
5. Description of the records in accordance with any other legislation	6 - 7
6. Description of personal records and categories of records held	7
7. Processing of personal information	8 - 10
8. Availability of the manual	10
9. Access to our records	10 - 11
Updating Of The Manual & signatures	11

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**This PAIA Manual of Valulink Real Estate PTY LTD is available at:**

**30 Lucas Lane , Bedfordview , 2008**

As well as our Website: <https://www.valulink.co.za>

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**Valulink Real Estate PTY LTD**

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## LIST OF ABBREVIATIONS

“CEO”	Chief Executive Officer
“DIO”	Deputy Information Officer;
“CIO”	Chief Information Officer;
“PAIA”	Promotion of Access to Information Act No. 2 of 2000( as Amended;)
“POPIA”	Protection of Personal Information Act No.4 of 2013;

## LIST OF ACRONYMS

“Constitution”	Constitution of the Republic of South Africa 108 of 1996
“PAIA Manual”	Information Manual
“Minister”	Minister of Justice and Correctional Services
“Regulator”	Information Regulator
“Republic”	Republic of South Africa

### 1. Introduction

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA) is giving effect to the constitutional right of all, *in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (“Constitution”)* the of access to any information held by the state and any information that is held by another person and that is required for the exercise/protection of any rights

Promotion of Access to Information Act (PAIA) and the Protection of Personal Information Act (POPIA) could be confusing. They can be seen as “information” laws and are both from the 1<sup>st</sup> of July 2021 enforced by the same Information Regulator. **PAIA is an “Access” law**, all about access of Information and **POPIA is a “Privacy” law** all about privacy of personal information. They shouldn't be seen as competing, but rather, both are there to **help ensure that information is managed correctly.**

### 2. Purpose of PAIA manual

In terms of section 51 of the PAIA, all Private Bodies are required to compile an Information Manual (“PAIA Manual”). This PAIA Manual is useful for the public to-

- 2.1. check the **categories of records held by a Business** which are available without a person having to submit a formal PAIA request;
- 2.2. have a sufficient understanding of **how to make a request for access** to a record of a Business, by providing a description of the subjects on which a Business holds records and the categories of records held on each subject;

- 2.3. know the **description of the records** of a Business which are available in accordance with **any other legislation**;
- 2.4. access all the relevant **contact details of the Information Officer and Deputy Information Officer** who will assist the public with the records they intend to access;
- 2.5. know the description of the **guide on how to use PAIA, as updated by the Regulator and how to obtain access to it**;
- 2.6. know if a Business **will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto**;
- 2.7. know the description of the **categories of data subjects** and of the information or categories of information relating thereto;
- 2.8. know the **recipients or categories of recipients to whom the personal information may be supplied**;
- 2.9. know if a Business has planned to transfer or process personal information **outside the Republic of South Africa** and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. know whether a Business has **appropriate security measures to ensure the confidentiality, integrity and availability of the personal information** which is to be processed.

### 3. Guide on how to use PAIA and how to obtain access to the guide

- 3.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised **Guide on how to use PAIA** ("Guide"), in an easily comprehensible form and manner, as may **reasonably be required by a person who wishes to exercise any right contained in PAIA and POPIA**.
- 3.2. The Guide is available in each of the official languages and in braille.
- 3.3. The previously mentioned Guide contains the description of-
  - 3.3.1. the objects of PAIA and POPIA;
  - 3.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
    - 3.3.2.1 the Information Officer of every public body, and
    - 3.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
  - 3.3.3 the manner and form of a request for-
    - 3.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup> and
    - 3.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;

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

<sup>2</sup> Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

<sup>3</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>4</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-  
a) that record is required for the exercise or protection of any rights;

- 3.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 3.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 3.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- 3.3.6.1. an internal appeal;
- 3.3.6.2. a complaint to the Regulator; and
- 3.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 3.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 3.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 3.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
- 3.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 3.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 3.5. The Guide can also be obtained-
- 3.5.1. upon request to the Information Officer;
- 3.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

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

<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 3 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 3 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

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

3.6.1. English

**The SA Information Regulator Address:** P.O Box 31533, Braamfontein, Johannesburg, 2017 or JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

**General enquiries email:** [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za).

**Complaint's email:** [POPIAComplaints.IR@justice.gov.za](mailto:POPIAComplaints.IR@justice.gov.za) & [PAIAComplaints.IR.@justice.gov.za](mailto:PAIAComplaints.IR.@justice.gov.za)

**4. Categories of records of Valulink Real Estate PTY LTD which are available without a person having to request access by completing a form.**

Category of records	Types of the Record	Available on Website	Available upon request
PAIA Manual	Guidance for Property Practitioners & Clients	x	x
POPIA Compliance Framework	Guidance for Property Practitioners		x
FICA Manual	Guidance for Property Practitioners		x
Code of Conduct: AUTHORITY	Guidance for Property Practitioners		x

**5. Description of the records of Valulink Real Estate PTY LTD which are available which are available in accordance with any other legislation**

Category of Records	Applicable Legislation
PAIA Manual	Promotion of Access to Information Act 2 of 2000
POPIA Compliance Framework	Protection of Personal Information Act of 2013
FICA Manual & records	Financial Intelligence Centre Act 38 of 2001
Code of Conduct: AUTHORITY	Property Practitioners Act, 2019 (Act 22 of 2019) & PP Regulations 2022
Memorandum of incorporation	Companies Act 71 of 2008

**6. Description of the subjects on which the body holds records and categories of records held on each subject by the Valulink Real Estate PTY LTD**

Subjects on which a Business holds records	Categories of records
Companies Act Records	✓ Documents of Incorporation /Index of names of Directors / Memorandum of Incorporation

Subjects on which a Business holds records	Categories of records
	<ul style="list-style-type: none"> <li>✓ Minutes of meetings of Director</li> <li>✓ Records relating to the appointment of:</li> <li>✓ Auditors / Directors</li> </ul>
Income Tax Records	<ul style="list-style-type: none"> <li>✓ VAT</li> <li>✓ PAYE Records- Documents to employee's income tax &amp; Payments made to SARS on behalf of employees</li> <li>✓ Regional Services Levies / Skills Development Levies / UIF / Workmen's Compensation</li> </ul>
Financial Records	<ul style="list-style-type: none"> <li>✓ Annual Financial Reports / Statements</li> <li>✓ Banking details and bank accounts / Statements / Accounting &amp; Banking Records / Paid Cheques</li> <li>✓ Debtors / Creditors statements &amp; invoices / Reconciliations</li> <li>✓ Policies and procedures</li> <li>✓ Rental Agreements / Asset Registers;</li> <li>✓ Tax Returns / Audit reports</li> <li>✓ Risk management frameworks / plans.</li> <li>✓ Standard Terms and Conditions for supply of services and products</li> <li>✓ Contractor, client and supplier agreements</li> <li>✓ Lists of suppliers, products, services</li> </ul>
AUTHORITY & Training Records	<ul style="list-style-type: none"> <li>✓ FFC's / Payments to AUTHORITY</li> <li>✓ Training Manuals / Records</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>✓ HR policies and procedures</li> <li>✓ Employees records</li> </ul>
IT Department	<ul style="list-style-type: none"> <li>✓ Information security policies/standards/procedures</li> <li>✓ Information technology systems / user manuals / user policy documentation / Hardware asset registers</li> <li>✓ Computer / mobile device usage policy documentation</li> </ul>

## 7. Processing of personal information

### 7.1. Purpose of Processing Personal Information

*We only collect the minimum amount of information that is relevant to the purpose. If you interact with us on the internet, the personal information we collect depends on whether you just visit our website or, require our services. If you visit our website, your browser transmits some data automatically, such as your browsing times, the data transmitted and your IP address.*

- If you use our services, personal information is required to fulfil the requirements of that service. (Including FICA documents, when applicable)*
- We usually collect only name and contact details, financial qualification (if completed by you), with property needs and requirement when we assist a buyer in finding a property.*
- While doing a price estimation to place a property on the market, we need the basic info and will be able to source the property info from the deeds office systems (Lightstone / SAPTG/PayProp/CMA).*



□ To assist selling the property we need to have basic personal info and financial info to know if the sellers will be able to sell the property, cancel the bond, pay all fees, and move to another property.

**7.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto**

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Sellers / Purchasers	Name, Surname, And Maiden Name Identification Number/S Married/Single Status. E-Mail Address Physical / Postal Address / Erf Number / Complex Details Telephone Number/S Financial & Banking Details (For Bond Qualification - Buyers And Bond Cancellations -Sellers And Rentals)
Service Providers	Names, Registration Number, Vat Numbers, Address, Trade Secrets And Bank Details
Employees	Address, Qualifications, Gender And Race

**7.3. The recipients or categories of recipients to whom the personal information may be supplied**

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Name, Surname, And Maiden Name Identification Number/S Married/Single Status. E-Mail Address Physical / Postal Address / Erf Number / Complex Details Telephone Number/S Financial & Banking Details (For Bond Qualification - Buyers And Bond Cancellations -Sellers And Rentals)	Colleague's Or Other Property Practitioner Business, Attorneys, Bond Consultants, Compliance Inspectors, Homeowner Association, Trustees, In Some Cases, Public Or Legal Authorities.

#### 7.4. Planned transborder flows of personal information

Type of personal information	Transborder flows / storage
Name, Surname, And Maiden Name Identification Number/S Married/Single Status. E-Mail Address Physical / Postal Address / Erf Number / Complex Details Telephone Number/S Financial & Banking Details (For Bond Qualification - Buyers And Bond Cancellations -Sellers And Rentals) Photos	Email, hard drive on laptop , back up on external hard drive stored off site
If there is an international component to the work which we are doing while selling / letting	Personal information will be protected in this foreign country, and we will endeavour to assist you finding their countries procedures and laws.

#### 7.5. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of Valulink Real Estate PTY LTD:

*We restrict, secure, and control all our information against unauthorised access, interference, modification, damage, loss, or destruction; whether physical or electronic.*

- We will do a safety and security risk assessment from time to time to ensure we keep up with requirements and this will be discussed at our staff meetings and training sessions for all personnel's input.*
- Our staff is informed / trained to be compliant with POPI Act, and this training is ongoing and up to date.*
- We do everything we can to prevent personal information from falling into unauthorized hands.*
- Our business premises where records are kept remain protected by access control and a burglar alarm*
- All our laptops, phones and computers are password protected which we changed on a regular basis.*
- We are using Outlook 365 which complies with industry standard security safeguards and meet the General Data Protection Regulation (GDPR), which is standard in the European Union. We have firewalls and use AVG security/ Norton's.*
- We are a small business, so it is easy to determine which employees are permitted access personal information and what information they are permitted to access.*
- Personal information can only be accessed or modified by our employees with the password's authorising them to do so.*

- The online profiles and access of staff who left the Property Practitioner Business will be properly deleted.*
- Each employee uses their own password to access the data, therefore we can identify the source of a data breach and we can neutralize such a breach.*
- If there were a data breach, we will determine the source, neutralise it and prevent the re-occurrence of such a data breach.*
- When we make use of an external operator our principal (responsible party) will, in terms of a written contract between our Property Practitioner Business and the operator, ensure that the operator establishes and maintains the required security measures.*
- The operator must advise immediately if there is the possibility that personal data has been accessed or acquired by any unauthorized person.*
- The Data Subject will be advised via e-mail or in writing immediately if it is suspected that their personal information has been access by unauthorized persons. Sufficient information will be provided to allow the Data Subject to put measures in place to safeguard themselves against potential consequences of the security compromise.*
- The Information Regulator will be informed in the event of a security breach where personal information could be compromised. It is the duty of the Principal to ensure this process is followed.*

## **8. Availability Of The Manual**

8.1. A copy of the Manual is available-

8.1.1. on <http://www.valulink.co.za> ;

8.1.2. at the office of Valulink Real Estate PTY LTD for public inspection during normal business hours;

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

8.1.4. to the Information Regulator upon request.

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

## **9. ACCESS TO OUR RECORDS**

### **9.1. YOUR RIGHT OF ACCESS**

*The Act entitles you to have access to our records, provided that*

- *you need access to exercise or protect any of your rights, and*
- *you apply for access according to the procedure set out in this manual, and*
- *we do not have grounds for refusing you access.*

### **9.2. OUR RIGHT TO REFUSE ACCESS**

*We have the right to refuse you access to our records if any of the following grounds apply:*

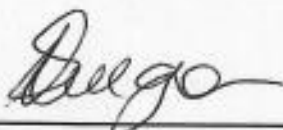
- *the record would unreasonably disclose personal information about a third party, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access),*

- *the record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access),*
- *access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access),*
- *access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property,*
- *the record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection).*

### **Updating Of The Manual**

The principal of Valulink Real Estate PTY LTD will on a regular basis update this manual.

**Issued by**



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**Michelle Schwegmann**  
**Principal / Director**

**Valulink Real Estate Pty Ltd**



# INFORMATION REGULATOR (SOUTH AFRICA)

Ensuring protection of your personal information  
and effective access to information

Address: JD House, 27 Stiemens Street  
Braamfontein, Johannesburg, 2001  
P.O. Box 31533  
Braamfontein, Johannesburg, 2017  
Tel: 010 023 5200  
Email: [PAIACompliance.IR@justice.gov.za](mailto:PAIACompliance.IR@justice.gov.za)

## REQUEST FOR A COPY OF THE GUIDE

### FORM 1

#### [Regulation 2]

I,

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

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

Language (mark with "X")	No of copies	Language (mark with "X")	No of copies
Sepedi		Sesotho	
Setswana		siSwati	
Tshivenda		Xitsonga	
Afrikaans		English	
isiNdebele		isiXhosa	
isiZulu			

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of requester

# FORM 1

## REQUEST FOR A COPY OF THE GUIDE

[Regulations 3]

**TO:** The Information Officer

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I,

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

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

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

Manner of collection (*mark with "x"*):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of requester

# 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: <input type="text"/>
	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		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<i>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.)</i>			
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			



**FORM OF ACCESS**  
(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

**MANNER OF ACCESS**  
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (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)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
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)	

**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:	

<b>FEEES</b>	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <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**

# INTERNAL APPEAL FORM

## FORM 4

[Regulation 9]

Reference Number: .....

PARTICULARS OF PUBLIC BODY			
Name of Public Body			
Name and Surname of Information Officer:			
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			
Is the internal appeal lodged on behalf of another person?	Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			

**DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED**  
*(mark the appropriate box with an "X")*

Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	

**GROUNDS FOR APPEAL**

*(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)*

State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

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

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Appellant/Third party**

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

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Relevant Authority**



# INFORMATION REGULATOR (SOUTH AFRICA)

Ensuring protection of your personal information  
and effective access to information

Address: JD House, 27 Stiemens Street  
Braamfontein, Johannesburg, 2001  
P.O. Box 31533  
Braamfontein, Johannesburg, 2017  
Tel: 010 023 5200  
Email: [PAIAComplaints@justice.gov.za](mailto:PAIAComplaints@justice.gov.za)

## 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@justice.gov.za](mailto:PAIAComplaints@justice.gov.za) or complete online complaint form available at <https://www.justice.gov.za/infoleg/>.
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.

#### 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	

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

Postal address	Facsimile	Other electronic communication (Please specify)	

<b>PART A PERSONAL INFORMATION OF COMPLAINANT</b>			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		

<b>PART B REPRESENTATIVE INFORMATION</b> (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		

<b>PART C THIRD PARTY INFORMATION</b> (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		

<b>PART D BODY AGAINST WHICH THE COMPLAINT IS LODGED</b>				
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)				
<b>PART E COMPLAINT</b>				
<i>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)</i>				
Date on which request for access to records submitted.				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.				
Have you attempted to resolve the matter with the organisation?	Yes		No	
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the information officer of the public body?	Yes		No	
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				
<b>PART F 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>	
	<i>The tender or payment of a deposit.</i>	
Repayment of the deposit (Section 22(4) of PAIA)	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	
Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	
Form of access denied (Section 29(3) or 60(a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access (Section 56(3)(a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do 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 (Please explain)		

**PART G  
EXPECTED OUTCOME**

How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.

**PART H  
AGREEMENTS**

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

*I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information*

*Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.*

*The information in this Complaint Form is true to the best of my knowledge and belief.*

*I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.*

*I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.*

*If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.*

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Complainant/Representative/Authorised person of Third party**



# INFORMATION REGULATOR (SOUTH AFRICA)

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Tel: 010 023 5200  
Email: [PAIACompliance.IR@justice.gov.za](mailto:PAIACompliance.IR@justice.gov.za)

## REQUEST FOR ASSESSMENT

FORM 13

[Regulation 14(1)]

I,

<b>Full Names</b>			
<b>Postal Address</b>			
<b>Street Address</b>			
<b>E-Mail Address</b>			
<b>Contact Numbers</b>	<b>Tel. (B)</b>		<b>Facsimile</b>
	<b>Cellular</b>		

hereby, in terms of section 77H of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), request that the Information Regulator assess whether the under-mentioned public or private body generally complies with the provisions of the Act insofar as its policies and implementation procedures are concerned.

<b>Name of Private / Public Body</b>			
<b>Postal Address</b>			
<b>Street Address</b>			
<b>E-Mail Address</b>			
<b>Contact Numbers</b>	<b>Tel. (B)</b>		<b>Facsimile</b>
	<b>Cellular</b>		

**PARTICULARS OF INFORMATION TO BE ASSESSED**

**PERSONS AFFECTED BY THE RELEVANT INFORMATION PRACTICE/S**

**THE REASON WHY AN ASSESSMENT IS REQUESTED**

**SPECIFIC ASPECTS OF THE INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS**

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Requester**