

**MANUAL PREPARED IN ACCORDANCE WITH
SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT
(ACT NO. 2 OF 2000) (THE “ACT”)**

**FOR
FASHION UNITED SA (PTY) LTD
(Registration number 2017/007569/07)
TRADING AS SUPERBALIST.COM
 (“SUPERBALIST”)**

1. INTRODUCTION

Superbalist is a private company conducting business as an online fashion retailer.

This manual sets out the procedure to be followed by a Requester when requesting access to information/documents including personal information from Superbalist as contemplated in terms of the Act read together with POPIA.

This manual may be amended from time to time and the latest version will be made public as soon as any amendments have been finalised.

Any Requester is advised to contact legal@superbalist.com should the Requester require any assistance in respect of the utilisation of this manual and/or the requesting of documents/information including personal information from Superbalist.

In this manual, unless the context indicates otherwise:

“the Act” shall mean the Promotion of Access to Information Act No. 2 of 2000 as amended, together with all relevant regulations published;

“Access Fee” shall mean the fee paid by the Requester to the body from which you are requesting the information, to cover the costs of finding and copying the records you require. What can be charged is prescribed by regulation;

“Data Subject” shall mean the person to whom personal information relates in terms of section 1 of POPIA;

“Information Officer” shall mean the person that is authorised to handle PAIA requests;

“Information Regulator” shall mean the Information Regulator established in terms of section 39 of POPIA;

“the/this manual” shall mean this manual together with all annexures thereto as available from the offices or websites of Superbalist and the Information Regulator from time to time;

“personal information” shall mean that as defined under section 1 of POPIA namely, information relating to an identifiable living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person.
- (b) information relating to the education or the medical, financial, criminal or employment history of the person.
- (c) any identifying number, symbol email address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- (d) the biometric information of the person.
- (e) the personal opinions, views or preferences of the person.
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- (g) the views or opinions of another individual about the person.
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.;

“POPIA” shall mean the Protection of Personal Information Act No. 4 of 2013 as amended, together with all relevant regulations published;

“the Republic” shall mean the Republic of South Africa;

“Requester” shall mean any person or entity requesting information/documents from Takealot, Superbalist or Mr D Food (as the case may be) as contemplated in terms of the Act and POPIA; and

“SAHRC” means the South African Human Rights Commission.

2. CONTACT DETAILS
(Section 51(1)(a) of the Act as amended by POPIA)

Name of body:	Fashion United SA (Pty) Ltd t/a Superbalist.com
Directors:	KEITH LARRY BROUZE, DAVID MARK COHEN, MARTINHO GOMES DUARTE, JAN-DAVID DE VILLIERS, DIPENDRA BHARAT GOENKA, JIMMY DANIEL SHAHIM RONEN ZEKRY
Appointed Information Officer	ASHLEY MARTIN
Physical address:	13th Floor Roggebaai Place On the Square Foreshore Cape Town
Postal address:	P.O. Box 7628 Roggebaai 8012
Telephone:	087 362 4001
Email:	legal@superbalist.com

3. DESCRIPTION OF THE GUIDE IN TERMS OF SECTION 10 OF THE ACT AND POPIA
(Section 51(1)(b)(i) of the Act as amended by POPIA)

The purpose of this Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in the Act and POPIA. Any person, irrespective of citizenship, can apply for access to information under the Act.

The Act and POPIA grant a Requester access to records of a private body, if the records are required for the exercise of protection of any rights. If the Requester is a public body, it must lodge a request to access the records of a private body acting in the public interest.

Requests in terms of the Act and POPIA shall be made in accordance with the prescribed procedures. The request form and prescribed fees are set out in paragraphs 8 and 9 of this manual.

A guide has been compiled by the SAHRC which must be updated by the Information Regulator in terms of section 10 of the Act read together with POPIA. The updated guide is made available by the Information Regulator in terms of POPIA. The guide *inter alia* contains information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act and POPIA. The guide is available in all the official languages of the Republic.

The guide is available from the Information Regulator and the SAHRC.

The contact details of the Information Regulator:

Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001. P.O. Box 31533 Braamfontein, Johannesburg, 2017
Telephone:	010,023 5200
Fax:	[n/a]
Website:	https://info regulator.org.za/training/wp/paia-guidelines/
Email:	PAIAComplaints@info regulator.org.za

The contact details of the SAHRC:

Physical address	27 Stiemens Street, Braamfontein, 3 rd Floor Braampark, Braamfontein, 2017
Telephone:	011,877 3600
Fax:	011,403 0668
Website:	https://www.sahrc.org.za/index.php/contact-sahrc
Email:	info@sahrc.org.za (Deputy Information Officer)

4. DESCRIPTION OF RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

(Section 51(1)(b)(iii) of the Act as amended by POPIA)

Superbalist keep such information/documents including personal information as required in accordance with the following legislation (Please note that this is not an exhaustive list):

- Basic Conditions of Employment Act No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993

- Competition Act No. 89 of 1998
- Consumer Protection Act No. 68 of 2008
- Customs and Excise Act No. 91 of 1964
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- National Credit Act No. 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Promotion of Access to Information Act No. 2 of 2000
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Trade Marks Act No. 194 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act No. 4 of 2002
- Value-Added Tax Act No. 89 of 1991

5. REQUESTING ACCESS TO INFORMATION

(Section 51(1)(iv) of the Act as amended by POPIA)

A request for access to information must be made by the categories of subjects as described below:

- A customer of Superbalist can request access to information through, and in accordance with, the Customer Privacy Policy available on the homepage.
- A supplier of Superbalist can request access to information through the requisite supplier portals.
- An employee of Superbalist can request access to information through Human Resources, by emailing hr@superbalist.com.
- All other third parties (general public requests) can request access to information in the prescribed form (Form 02) set out in the links below, to the appointed information officer indicated in paragraph 2 above by emailing legal@superbalist.com. The prescribed form is also available on the webpage of the Information Regulator at <https://inforegulator.org.za/paia-forms/>. All required text fields in "Form 02" must be completed in full and in a legible form. The form (as well as any additional pages attached thereto) must be signed by the Requester. Once Form 02 has been properly submitted, the appointed information officer will notify the Requester of the prescribed fee (if any) payable before further processing the request.

When making a request, the following information must be provided to the Information Officer by the Requester:

- The particulars of the record(s) requested;
- Particulars of the Requester, namely, their contact details in the Republic (i.e. postal address, e-mail address, telephone number) and identity number.
- 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.

- The form of access required (i.e. printed copy of record and/or flash drive and/or compact disc drive);
- Preferred method of communication for purposes of obtaining notification regarding the decision of the Information Officer, in addition to written correspondence; and
- The right which the Requester is seeking to exercise or protect and an explanation of why the requested record is required for the exercise or protection of that right.

If you do not provide all the information as requested above, this may mean that your request will be:

- Rejected due to lack of procedural compliance,
- Refused if you do not provide sufficient information, or
- Delayed.

The categories of records are as described below:

Webpages

The webpages of Superbalist (www.superbalist.com) are accessible to anyone with access to the internet, include but are not limited to the following categories of records:

- Company profile and information (including but not limited to, teams, values, news, contact details, banking details and career opportunities).
- Online retail products (including but not limited to, product images, prices, information, descriptions, reviews and departments).
- Retail terms and policies (including but not limited to, terms and conditions for the use of the website, exchange and return policy, frequently asked questions and answers).
- Secured personal user account (including but not limited to, login page, personal details, order history, address book, credit cards, invoices, exchanges and returns).

Other

The documents/information listed herein below pertain to the day-to-day management of the business of Superbalist.

- Standard employment contracts
- Internal operational policies and procedures
- Human resources policies and procedures
- List of trademarks and pending applications
- Insurance policies
- Other commercial contracts
- Marketing material
- Company policies
- Statutory records
- Financial records

It is recorded that any and all documents/information requested pertaining to the aforesaid shall always only be made available to a Requestor subject to the provisions of the Act and POPIA.

6. PURPOSE OF PROCESSING YOUR INFORMATION

(section 51 (1)(c)(i) of the Act as amended by POPIA)

When processing personal information, Superbalist will ensure that:

- the data subject consents to the processing;
- the processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
- the processing complies with an obligation imposed by law; or
- the processing protects a legitimate interest of the data subject or the responsible party.

7. CATEGORIES OF DATA SUBJECTS, INFORMATION AND RECIPIENTS

(Section 51(1)(ii) to (iii) of the Act as amended by POPIA)

- Customers of Superbalist - in terms of which the information processed and categories of recipients are set in the Customer Privacy Policies, available on the homepage.
- Suppliers of Superbalist - in terms of which the categories of information include, but are not limited to, transactional documentation pursuant to the performance of contractual undertakings and correspondence.
- An employee of Superbalist - in terms of which the information processed and categories of recipients are set out in the internal Human Resources Privacy Policy.

8. TRANSBORDER FLOWS OF PERSONAL INFORMATION

(Section 51(iv) of the Act as amended by POPIA)

Superbalist may transfer certain personal information outside the geographic borders of South Africa to service providers for purposes of, *inter alia*, providing goods and services as well as for data storage and back-up purposes to ensure the integrity of our systems. When we transfer your personal information outside of the geographic borders of South Africa, Superbalist will ensure that all information/documents including personal information is subject to laws, binding corporate rules or binding agreements comparable to those under the Act and POPIA.

9. INFORMATION SECURITY MEASURES

(Section 51(v) of the Act as amended by POPIA)

A Compliance Framework has been adopted by Superbalist, as contemplated in regulation 4(a) of GNR.1383 of 2018. Each staff is subjected to, *inter alia*, a Privacy Policy, Information Security Policy, Data Breach Policy and Retention Policy. The implementation of these policies are monitored by the Information Officer and a Privacy Steering Committee.

10. AVAILABILITY OF THE MANUAL

(Section 51, Section 53 and Section 54 of the Act)

This manual is available for inspection at the offices of Superbalist, free of charge.

The manual can also be accessed on the website of Superbalist (www.superbalist.com).

Copies of the manual may be obtained, subject to prescribed fees, at the offices of Superbalist.

The request forms are available in the links set out below under PAIA forms.

11. PRESCRIBED FEES

The prescribed fees can be obtained on the Department of Justice and Constitutional Development and SAHRC websites (www.justice.gov.za and www.sahrc.org.za).

The prescribed request fee payable by a Requester made in terms of POPIA is subject to the prescribed fee published by the Minister of the Department of Justice and Constitutional Development in terms of section 111 of POPIA. See table below.

A prescribed fee payable for reproduction referred to in section 52(3) of the Act and access fees payable by a Requester referred to in section 54(7) of the Act, unless exempted under section 54(8) of the Act. See table below.

Item	Description	Amount
1.	Request fee, payable by every requester	R140.00
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: <ul style="list-style-type: none">• a flash drive (provided by the requester)• a compact disc (CD) if the requester provides the CD to us• a compact disc (CD) if we give the CD to the requester	R40.00 R40.00 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) For a copy of an audio record on compact disc (CD) if the requester provides the CD to us For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R40.00 R40.00 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 The search and preparation fee cannot exceed	R145.00 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.

12. PROMOTION OF ACCESS TO INFORMATION (PAIA) FORMS

All requests for information must be made in the respective forms listed below. All required text fields must be completed in full, in a legible manner and signed by the requester.

Form 01: Request for a [Guide from the Regulator](#) (Regulation 2).

Form 01: Request for a [Copy of the Guide from an Information Officer](#) (Regulations 3).

Form 02: Request for [Access to Record](#) (Regulation 7).

Form 03: [Outcome of request and of fees payable](#) (Regulation 8).

Form 05: [Complaint Form](#) (Regulation 10).

Form 01: Request for a [Guide from the Regulator](#) (Regulation 2).



Address: JD House, 27 Stiemens Street
 Braamfontein, Johannesburg, 2001
 P.O. Box 31533
 Braamfontein, Johannesburg, 2017
 Tel: 010 023 5200
 Email: PAIACompliance@infoRegulator.org.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
<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 01: Request for a [Copy of the Guide from an Information Officer](#) (Regulations 3)

FORM 1

REQUEST FOR A COPY OF THE GUIDE

[Regulations 3]

TO: The Information Officer

I,

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

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

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

Manner of collection (mark with "x"):

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

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 (when made on behalf of another person)	
Postal Address	
Street Address	
E-mail Address	
Contact Numbers	Tel. (B): _____ Facsimile: _____
	Cellular: _____
Full names of person on whose behalf request is made (if applicable):	
Identity Number	
Postal Address	

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<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			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	<input type="checkbox"/>
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	<input type="checkbox"/>
Transcription of soundtrack <i>(written or printed document)</i>	<input type="checkbox"/>
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	<input type="checkbox"/>
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	<input type="checkbox"/>
Copy of record saved on cloud storage server	<input type="checkbox"/>

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	<input type="checkbox"/>
Postal services to postal address	<input type="checkbox"/>
Postal services to street address	<input type="checkbox"/>
Courier service to street address	<input type="checkbox"/>
Facsimile of information in written or printed format <i>(including transcriptions)</i>	<input type="checkbox"/>
E-mail of information <i>(including soundtracks if possible)</i>	<input type="checkbox"/>
Cloud share/file transfer	<input type="checkbox"/>
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>	<input type="checkbox"/>

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	<input type="text"/>
	<input type="text"/>
	<input type="text"/>

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

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

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

Postal address	Facsimile	Electronic communication <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

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 (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) 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 require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (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 information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

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)	

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	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. 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	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

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

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

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



**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@infoRegulator.org.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@infoRegulator.org.za or complete online complaint form available at <https://www.justice.gov.za/infopen/>.
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	<input type="checkbox"/>	No	<input type="checkbox"/>
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Have you applied to Court for appropriate relief regarding this matter?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

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

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

**PART A
PERSONAL INFORMATION OF COMPLAINANT**

<i>Full Names</i>			
<i>Identity Number</i>			
<i>Postal Address</i>			
<i>Street Address</i>			
<i>E-Mail Address</i>			
<i>Contact numbers</i>	<i>Tel. (B)</i>	<input type="text"/>	<i>Facsimile</i> <input type="text"/>
	<i>Cellular</i>	<input type="text"/>	<input type="text"/>

**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)

<i>Full Names of Representative</i>			
<i>Nature of representation</i>			
<i>Identity Number / Registration Number</i>			
<i>Postal Address</i>			
<i>Street Address</i>			
<i>E-mail Address</i>			
<i>Contact Numbers</i>	<i>Tel. (B)</i>	<input type="text"/>	<i>Facsimile</i> <input type="text"/>
	<i>Cellular</i>	<input type="text"/>	<input type="text"/>

**PART C
THIRD PARTY INFORMATION**
(Please attach letter of authorisation)

<i>Type of Body</i>	Private <input type="checkbox"/>	Public <input type="checkbox"/>
<i>Name of Public / Private Body</i>		
<i>Registration Number (if any)</i>		
<i>Name, Surname and Title of person authorised to lodge a complaint</i>		
<i>Postal Address</i>		
<i>Street Address</i>		
<i>E-mail Address</i>		

Contact Numbers	Tel. (B): Cellular		Facsimile	
PART D BODY AGAINST WHICH THE COMPLAINT IS LODGED				
Type of body	Private	<input type="checkbox"/>	Public	<input type="checkbox"/>
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): Cellular		Facsimile	
Reference Number given (if any)				
PART E COMPLAINT				
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public 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	<input type="checkbox"/>	No	<input type="checkbox"/>
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	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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				
<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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
	<i>The tender or payment of a deposit.</i>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
	<i>Extension period has expired and no response was received.</i>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	<input type="checkbox"/>
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>	<input type="checkbox"/>
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	<input type="checkbox"/>
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