



PAIA MANUAL

**Prepared in terms of section 14 of the
Promotion of Access to Information Act 2
of 2000 (as amended)**

1. DEFINITIONS

- 1.1. The following words shall bear the same meaning as under the Protection of Personal Information Act, Act No. 4 of 2013 (“POPI”), unless indicated otherwise:
- 1.2. “**Consent**” means a voluntary, specific and informed expression of will in terms of which a Data Subject agrees to the processing of Personal Information relating to him or her.
- 1.3. “**Data Subject**” or “**DS**” means the person to whom Personal Information relates.
- 1.4. “**Minister**” means the Minister of Justice and Constitutional Development.
- 1.5. “**Personal Information**” or “**PI**”, in terms of the POPI, means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including:
 - a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well- being, 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, e-mail address, physical address, telephone number or other particular assignment to the person;
 - d) The blood type or any other 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; and
 - 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.
- 1.6. “**Personal Information**” or “**PI**”, in terms of the Promotion of Access to Information

Act of 2000 (Act No.2 of 2000) (“PAIA”), means information relating to an identifiable, natural 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, well- being, 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, e-mail address, physical address, telephone number or other particular assignment to the person;
- d) The blood type or any other 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; and
- 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, but excludes information about an individual who has been dead for more than 20 years.

1.7. “**Processing**” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

- a) The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) Dissemination by means of transmission, distribution or making available in any other form; or
- c) Merging, linking, as well as blocking, degradation, erasure or destruction of information.

1.8. “**Public Body**” means:

- a) any department or state or administration in the national or provincial sphere

- of government or any municipality in the local sphere of government; or
- d) any other functionary when
- (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation;

1.9. **“Responsible Party” or “RP”** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information.

2. INTRODUCTION

- 2.1. The Promotion of Access to Information Act No.2 of 2000 (“PAIA”) gives effect to the right of access to information as provided for in section 32 of the Constitution, subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance.
- 2.2. The purpose of PAIA is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required.
- 2.3. PAIA affords natural and/or juristic persons the right to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.
- 2.4. Conversely, the Protection of Personal Information Act No.4 of 2003 (“POPI”) affords Data Subjects (“DSs”) the right to request access, in accordance with the provisions of PAIA, to their Personal Information (“PI”) from any Responsible Party (“RP”).
- 2.5. Section 14 of PAIA requires Public Bodies (“PBs”) to compile a Manual setting out the procedure and requirements to be adhered to in seeking to obtain access to information held by that PB. It also stipulates the minimum requirements a

Manual has to comply with.

- 2.6. POPI requires that when processing PI, a RP should give effect to the constitutional right to privacy by safeguarding PI subject to justifiable limitations that are aimed at balancing the right privacy against other rights, particularly the right to access to information.

3. PURPOSE OF PAIA MANUAL

- 3.1. This Manual has been compiled in accordance with the PAIA which prescribes that a public body must provide details of the records held by such a public body so that requests for information may be accommodated. This Manual serves as a guide on how a requester of information may request access to that information (record) held by National Credit Regulator (“NCR”).
- 3.2. The purpose of this Manual is to set out procedures to be followed and criteria that have to be met for anyone (“the requester”) to request access to records in the possession or under the control of the NCR.
- 3.3. The objectives of this Manual are to:
 - Provide a non-exhaustive list of information, records and other details held by the NCR;
 - Set out the requirements on how to request information in terms of both PAIA and POPI, as well as grounds on which a request may be refused;
 - Set out the procedure to be followed when lodging a request for access to a record held by the NCR as well as the contact details of the NCR’s Information Officer and Deputy Information Officer who are responsible for managing such requests;
 - Set out all the remedies available from the NCR regarding requests for access to records, before approaching the Information Regulator or the Courts; and
 - Define the manner and form in which a request for information must be submitted.

4. THE ESTABLISHMENT, FUNCTIONS AND STRUCTURE OF THE NATIONAL CREDIT REGULATOR

4.1. The NCR is a juristic person established in terms of section 12 of the National Credit Act 34 of 2005 (“NCA”, or “the Act” interchangeably).

4.1.1. The functions of the NCR in terms of the Act are as follows:

4.1.1.1. The registration of credit providers, credit bureau, debt counselors, alternative dispute resolution agents and payment distribution agents.

4.1.1.2. The establishment of the registers in terms of sections 53 and 69(1) of the Act;

4.1.1.3. The suspension and cancellation of registrations of credit providers, credit bureau, debt counselors, alternative dispute resolution agents and payment distribution agents.

4.1.1.4. The development of an accessible credit market through, *inter-alia*:

- (a) promoting access for Historically Disadvantaged Individuals, low income individuals, and rural communities;
- (b) monitoring issues such as credit availability, price, market conditions and conduct, small business access to credit and levels of indebtedness;
- (c) conducting research and proposing policies to the Minister of Trade and Industry concerning any issues affecting the credit industry.

4.1.1.5. The enforcement of the NCA, *inter-alia*, through:

- (a) promoting informal resolution of disputes;
- (b) receiving and resolving complaints;
- (c) preventing, detecting and prosecuting prohibited conduct;
- (d) ensuring compliance with the NCA;
- (e) referring matters to institutions such as the Tribunal and the Competition Commission.

4.1.1.6. Research and the publication of information on the credit market and industry, including;

- (a) educating the public about the NCA;
- (b) providing guidance to the credit market;

- (c) monitoring socio-economic patterns including over indebtedness;
- (d) auditing credit providers to determine demographic patterns and socio-economic trends and detect discriminatory practices;
- (e) monitoring issues such as black economic empowerment, credit insurance trends, and patterns of alternative dispute resolution agents;
- (f) reviewing legislation and making recommendations to the Minister of Trade and Industry.

4.2. REGULATED INDUSTRIES

4.2.1. The NCR regulates the consumer credit industry, which comprises:

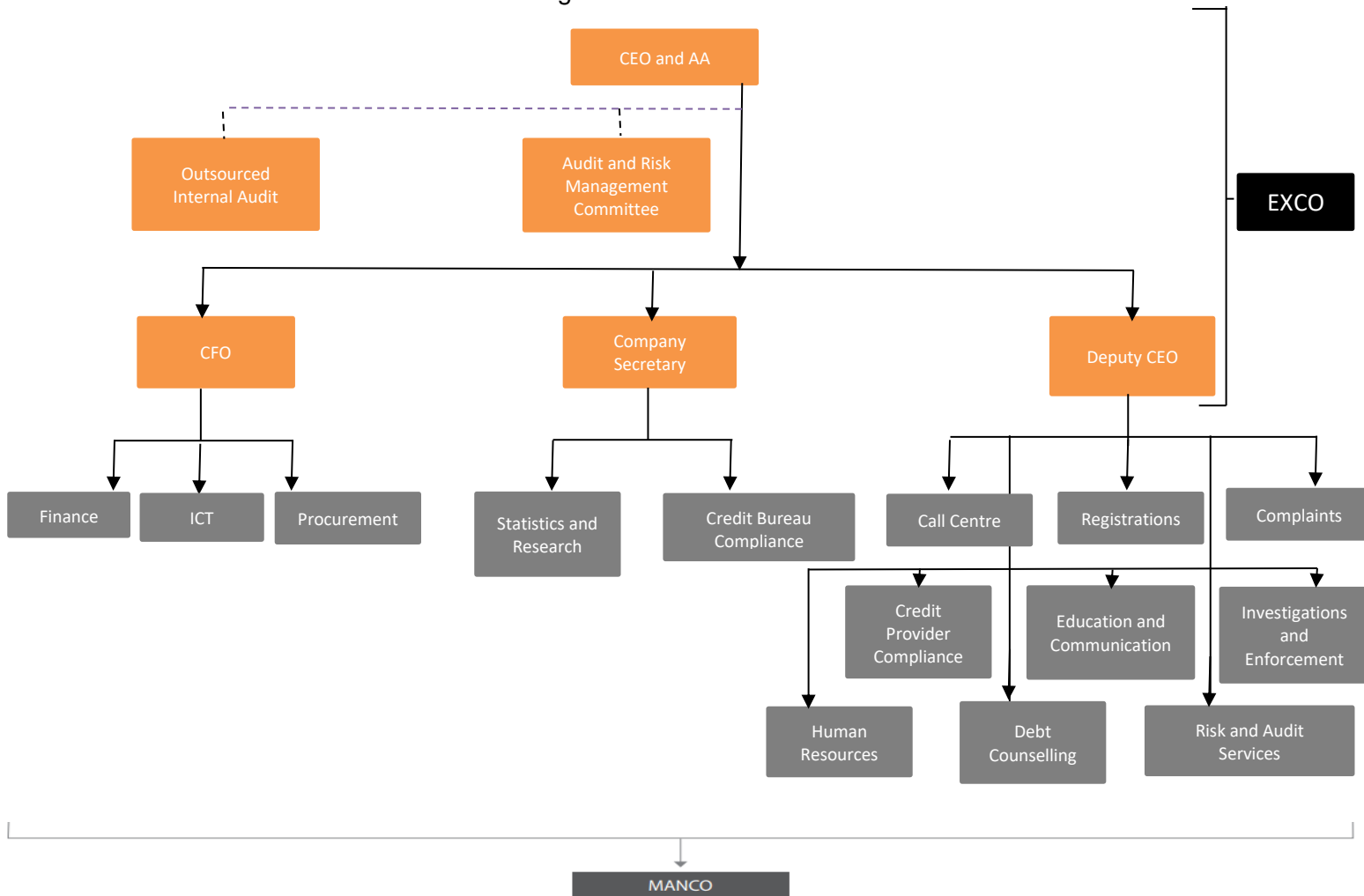
- 4.2.1.1. Credit providers;
- 4.2.1.2. Credit bureau;
- 4.2.1.3. Debt counselors;
- 4.2.1.4. Payment distribution agents; and
- 4.2.1.5. Alternative dispute resolution agents.

4.3. THE NCR SUPERVISES THE FOLLOWING LEGISLATION:

- 4.3.1. The National Credit Act, 34 of 2005, as amended;
- 4.3.2. The National Credit Regulations promulgated under the National Credit Act;
- 4.3.3. The Usury Act, 73 of 1968 to the extent that it applies in terms of the provisions of Schedule 3 (transitional provisions) of the National Credit Act; and
- 4.3.4. The Exemption Notices promulgated under the Usury Act to the extent that they apply in terms of the provisions of Schedule 3 (transitional provisions) of the National Credit Act.

4.4. STRUCTURE OF THE NCR

4.4.1. Below is the NCR's organisational structure:



5. CONTACT DETAILS OF THE INFORMATION OFFICERS OF THE NATIONAL CREDIT REGULATOR

- 5.1. Ms. Nomsa Motshegare, the Chief Executive Officer of the NCR, is the designated Information Officer of the NCR.
- 5.2. In terms of section 17 of PAIA, Ms. Nomsa Motshegare has designated Mr. Obed Tongoane as Deputy Information Officer to attend to requests for access to records.
- 5.3. If you wish to make a request for access to the NCR records, your request should be addressed to the Deputy Information Officer.

Information Officer:

Physical Address:
The National Credit Regulator
127 – 15th Road
Randjespark
Midrand
Phone Number: (011) 554 2601

Ms. Nomsa Motshegare

Postal Address:
PO Box 209
Halfway House
1685

Email: nmotshegare@ncr.org.za

Requesters are required to address requests to the relevant Deputy Information Officer at the details below:

Deputy Information Officer:

Physical Address:

The National Credit Regulator
127 – 15th Road
Randjespark
Midrand
Phone Number: (011) 554 2603

Mr. Obed Tongoane

Postal Address:

PO Box 209
Halfway House
1685

Email: otongoane@ncr.org.za

Contact details of NCR's designated PAIA Practitioner are found below:

PAIA Practitioners:

Physical Address:
The National Credit Regulator
127 – 15th Road
Randjespark
Midrand
Phone Number: (011) 554 2800

Ms. Sphiwe Mashaba

Postal Address:
PO Box 209
Halfway House
1685

Email: smashaba@ncr.org.za

Ms. Mhlali Matibe

Physical Address:
The National Credit Regulator
127 – 15th Road
Randjespark
Midrand

Postal Address:
PO Box 209
Halfway House
1685

Email: mmatibe@ncr.org.za

5.4. The Information Officer has, in terms of section 17 of PAIA, delegated to the Deputy Information Officer the duties set out in the aforementioned section to manage

request for information made in terms of PAIA. The PAIA Practitioners provide administrative assistance to the Deputy Information Officer.

6. A GUIDE ON HOW TO USE PAIA

- 6.1. The Information Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPI.
- 6.2. The Guide is accessible on the Information Regulator's website. You may also direct any queries to:

The Information Regulator of South Africa

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

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

E-mail: enquiries@info regulator.org.za

Website: <https://info regulator.org.za>

Tel: 010 023 5200

7. NCR'S RECORDS

- 7.1. The NCR is in possession and control of the following categories of records:
 - 7.1.1. Personnel information: These records include employment contracts of all NCR employees, employment policies and remuneration details;
 - 7.1.2. Information relating to registered institutions, complaints received by the NCR and investigations conducted by the NCR;
 - 7.1.3. Business records of the NCR. These records include:
 - 7.1.3.1. Financial records;
 - 7.1.3.2. Minutes of meetings of Exco, departmental meetings and management meetings.
 - 7.1.4. Operational records;
 - 7.1.5. Media publications.

8. THE PROVISIONS OF THE NATIONAL CREDIT ACT RELATING TO THE DISCLOSURE OF INFORMATION BY THE NATIONAL CREDIT REGULATOR

8.1. In terms of section 68 of the NCA, the NCR is prohibited from disclosing any confidential information pertaining to a consumer or prospective consumer, unless the disclosure of information is necessary for a purpose that is permitted by the NCA or any other national or provincial legislation or if the consumer concerned has consented to the disclosure of information.

8.1.1. Section 156 of the NCA also prohibits the NCR from disclosing any confidential information that is obtained in the exercise of its functions or which relates to a complaint that has been lodged with it, unless the disclosure is necessary:

8.1.1.1. for the achievement of a purpose stipulated in the NCA or the enforcement of the Act;

8.1.1.2. for the purpose of the administration of justice; or

8.1.1.3. following a request from a member of the Tribunal who is entitled to receive the information.

9. RECORDS IN THE POSSESSION OF THE NCR, WHICH ARE AUTOMATICALLY AVAILABLE (SECTION 15(1)(a))

9.1. The categories of records listed below are automatically available from the NCR without the requester having to request access in terms of the PAIA:

- The information uploaded to the NCR web-site
- Information booklets
- Pamphlets
- Posters
- Newsletters
- Forms

- Other marketing and informative materials relating to the functions and services of NCR
- Court Orders - available on an individual basis
- Judgments - available on an individual basis
- Statutory records
- Media releases/statements
- Strategic plans
- Annual reports
- Statutory Quarterly report, Annual Report (Finance: Reporting) and bank accounts (Finance: Treasury)
- Tenders

9.2. RECORDS THAT MAY BE REQUESTED (SECTION 14(1)(d))

- 9.2.1. The subjects and categories of records listed below are not automatically available from the NCR and any request for access to such a record will have to be made in terms of PAIA.

9.3. RECORDS HELD BY THE DEPARTMENTS OF THE NATIONAL CREDIT REGULATOR

Office of the Chief Executive Officer

- 9.3.1. The Executive Department of the NCR is responsible for the overall management of the NCR. It is in possession of the following information and documents:
- (a) Media statements or releases;
 - (b) organisational policies and procedures;
 - (c) delegation of authority;
 - (d) Service Level Agreements, Memoranda of Understanding and other agreements and contracts;
 - (e) legal and other opinions

9.3.2. Access to the records referred to in (a) to (e) above may be applied for in terms of PAIA.

Registrations Department

9.3.3. The Registrations Department of the NCR is responsible for the registration of credit providers, credit bureau, debt counselors, payment distribution agents and alternative dispute resolution agents. It is in possession of the following information and documents:

- (a) application forms to register credit providers;
- (b) application forms to register debt counselors;
- (c) application forms to register credit bureaus;
- (d) application forms to register payment distribution agents;
- (e) application forms to register alternative dispute resolution agents;
- (f) supporting documents and information in respect of applications in (a), (b) (c), (d) and (e) above;
- (g) register of credit providers, credit bureaus and debt counselors;
- (h) conditions of registration for registered credit providers, credit bureaus, debt counselors, alternative dispute resolution agents and payment distribution agents.
- (i) departmental policies and procedures;
- (j) minutes of the departmental meetings;
- (k) minutes of the Management Compliance and Registration Committee for credit providers, credit bureaus and debt counselors;
- (l) letters of correspondence; and
- (m) registration certificates of all registrants.

9.3.4. Access to the records referred to in (a) to (m) above may be applied for in terms of PAIA.

Debt Counseling Department

9.3.5. The Debt Counseling Department of the NCR is responsible for monitoring compliance of debt counselors with the NCA and their conditions of registration as well as to monitor compliance of Payment Distribution Agencies (PDAs) with their Service Level Agreement (SLA) and to create more awareness of debt counseling as a debt relief measure as well as to educate consumers on the process, their rights and responsibilities while under debt counseling. It is in possession of the following information and documents:

- (a) list of debt counselors monitored;
- (b) monitoring reports;
- (c) payment distribution agent audit reports;
- (d) minutes of the departmental meetings;
- (e) stakeholder reports and minutes of the meetings;
- (f) memorandum of understanding with debt counselor training service providers;
- (g) circulars;
- (h) public notices;
- (i) debt counseling procedural manual;
- (j) guidelines; and
- (k) PDA's service level agreements.

9.3.6. Access to the records referred to in (a) to (k) above may be applied for in terms of PAIA.

Complaints Department

9.3.7. The Complaints Department of the NCR is responsible for receiving and handling consumer complaints against credit providers, debt counselors, credit bureau, payment distribution agents and alternative dispute resolution agents. It is in possession of the following information and

documents:

- (a) Written complaints and/or Form 29;
- (b) notices of non-referral issued to complainants;
- (c) consents given by complainants to third parties to lodge complaints on their behalf;
- (d) call centre statistics and information;
- (e) minutes of the departmental meetings;
- (f) departmental policies and procedures;
- (g) list of resolved and unresolved complaints; and
- (h) letters of correspondence;

9.3.8. Access to the records referred to in (a) to (h) above may be applied for in terms of PAIA.

Investigations and Enforcement Department

9.3.9. The Investigations and Enforcement Department of the NCR is responsible for the investigation and prosecutions of persons and entities that contravene the NCA. It is in possession of the following information and documents:

- (a) details of investigations and inspections;
- (b) investigation and inspection reports;
- (c) summonses;
- (d) compliance notices;
- (e) compliance certificates;
- (f) applications to the National Consumer Tribunal and the courts;
- (g) details of cases referred to the National Prosecuting Authority;
- (h) judgments from the National Consumer Tribunal;
- (i) minutes of the Management Investigation and Enforcement and Committee; and

(j) minutes of departmental meetings.

9.3.10. Access to the records referred to in (a) to (j) above may be applied for in terms of PAIA.

Education and Communication Department

9.3.11. The Education and Communication Department is responsible for communicating with the media and external stakeholders on behalf of the NCR. It is in possession of the following information and documents:

- (a) media releases;
- (b) media queries;
- (c) circulars;
- (d) internal communiqués;
- (e) public notices;
- (f) publications;
- (g) adverts;
- (h) content updates for website and intranet; and
- (i) minutes of departmental meetings.

9.3.12. Access to the records referred to in (a) to (i) above may be applied for in terms of PAIA.

Research and Statistics Department

9.3.13. The Research and Statistics Department of the NCR is responsible for conducting research and publishing statistics on the nature and dynamics of the consumer credit market and industry. It is in possession of the following information and documents:

- (j) research reports;
- (k) periodic synoptic reports by insurers;

- (l) consumer credit market report “CCMR”;
- (m) credit bureau monitor “CBM”; and
- (n) minutes of departmental meetings.

9.3.14. Access to the records in (a) – (e) above may be applied for in terms of PAIA.

Human Resources

9.3.15. The Human Resources Department of the NCR is responsible for managing the human resources and facilities management. It is in possession of the following information and documents:

- (a) contracts of employment;
- (b) human resources policies and procedures;
- (c) performance agreements and appraisals;
- (d) personnel files;
- (e) leave reports;
- (f) training records;
- (g) job profiles;
- (h) salary information;
- (i) psychometric assessment reports;
- (j) performance assessment feedback and results;
- (k) employees disciplinary reports;
- (l) employees wellness reports;
- (m) employees criminal verification reports;
- (n) minutes of departmental meetings; and
- (o) CCMA and Labour Court records pertaining to labour disputes;
- (p) executive summaries;
- (q) memos;

- (r) policies,
- (s) occurrence book;
- (t) access control register (vehicle);
- (u) application form for biometric;
- (v) application form for physical access to NCR;
- (w) key control register;
- (x) fire equipment inspection;
- (y) security policy;
- (z) Occupational Health and Safety Act Policy;
- (aa) fire arm control procedure (SOP);
- (bb) fire fighting and prevention procedure;
- (cc) operational emergency plan;
- (dd) Z204 form (applications for security vetting); and
- (ee) Minimum Information Security Standard Document.

9.3.16. Access to the records referred to in (a) to (ee) above may be applied for in terms of the PAIA.

Credit Bureau Compliance and Credit Provider Compliance Departments

9.3.17. The Credit Bureau Compliance and the Credit Provider Compliance Departments of the NCR Regulator are responsible for Compliance through monitoring of registrants i.e. credit providers and credit bureaus. They are in possession of the following information and documents:

- (a) compliance reports regarding contraventions of the NCA;
- (b) on site compliance reports and letters;
- (c) memoranda for investigations and the issuing of investigation certificates;
- (d) registrants' files obtained from onsite visits – credit providers & debt mediators/alternative dispute resolution agents;

- (e) presentations/information material;
- (f) annual compliance Form 43;
- (g) approval memoranda for investigations;
- (h) annual financial statements;
- (i) Form 40;
- (j) Form 39;
- (k) compliance report;
- (l) assurance engagement report;
- (m) BBBEE reports and scorecards;
- (n) language policy proposals;
- (o) change of contact details;
- (p) company registration documents, ID copies;
- (q) criminal clearance certificates;
- (r) credit provider's policies on combating of over indebtedness and credit policies.
- (s) credit providers electronic reports (CD's)
- (t) audit reports of credit bureaus in terms of the regulations published under GN R1209 of 30 November 2006;
- (u) certified annual compliance reports in terms of section 52(6) of the Act;
- (v) periodic synoptic reports;
- (w) due diligence reports on credit bureaus; and
- (x) letters of correspondence.

9.3.18. Access to the records referred to in (a) to (x) above may be applied for in terms of the PAIA.

Finance Department

9.3.19. The Finance Department of the NCR is responsible for the overall financial

management within the NCR through the implementation of the PFMA and Treasury Regulations, and all other financial policies and prescripts. It is in possession of the following information and documents:

- (a) finance policies;
- (b) budgets information;
- (c) financial statements monthly, quarterly and annual financial statements;
- (d) quarterly report, banking details and bank accounts;
- (e) creditor's and Debtor's statements and invoices;
- (f) fixed asset register;
- (g) bank statement;
- (h) records of all payments;
- (i) minutes of departmental meetings; and
- (j) insurance claim files.

Procurement

- (a) supply chain management policies;
- (b) delegation of authority framework;
- (c) tenders/quotations/request for quotations (RFQ's);
- (d) contracts with service providers; and
- (e) property lease agreements.

ICT

- (a) ICT policies procedures and standards;
- (b) Health Checks (system availability);
- (c) Record of business calls;
- (d) Service Level Agreements with suppliers.

Risk and Audit Services Department

9.3.20. The Risk and Audit Services Department is responsible for monitoring the implementation of risk management policies throughout the NCR. It provides support to all NCR departments on risk management activities and development of operational plans. It furthermore coordinates the development and review of strategic plans (5-year strategic plan and 3-year annual performance plan) and monitors performance against approved strategic plans as well as departmental performance against operational plans. The Department also coordinates the outsourced internal audit function and ensures the NCR's adherence to and compliance with all statutory reporting and planning requirements. It is in possession of the following information and documents:

- (k) operational plans;
- (l) strategic plans;
- (m) annual performance plans;
- (n) statutory compliance reports;
- (o) progress reports; and
- (p) audit reports.

9.3.21. Access to the records referred to above may be applied for in terms of the PAIA.

10. THE NCR'S PROCESSING OF INFORMATION IN TERMS OF POPIA

10.1. Purpose of the NCR's Processing of Personal Information

10.1.1. The NCR processes Personal Information only in ways that are for, or compatible with, the statutory purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.

10.1.2. The NCR will retain Personal Information only for as long as is necessary to accomplish the NCR's legitimate statutory purposes or for as long as may be permitted or required by applicable law.

10.2. Information Security Measures

- 10.2.1. The security and confidentiality of Personal Information is important to the NCR. The NCR has implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.
- 10.2.2. The NCR is committed to ensuring that its security measures that protect Personal Information are continuously reviewed and updated where necessary.
- 10.2.3. In Processing any Personal Information, the NCR shall comply with the following minimum technical and organisational security requirements –
- 10.2.3.1. **Physical Access** – Access to Personal Information is restricted in our offices and only to those NCR employees who need the Personal Information to perform a specific job / task.
- 10.2.3.2. **Physical access and privileges** – the NCR ensures that access to Personal Information is limited to NCR employees on a "need to know" basis.
- 10.2.3.3. **Unique User Identification** – NCR employees each have a unique user login ID and password assigned to them, subject to strict confidentiality undertakings.
- 10.2.3.4. **Malware protection** – the NCR ensures that its environment has comprehensive malware protection software employed, which software is specifically designed to protect the NCR from the most recent malware infections.
- 10.2.3.5. **Network configuration** – the NCR continuously monitors all designated networks, employs intrusion detection systems and/or intrusion prevention systems, and records any security incidents.
- 10.2.3.6. **Systems Review** – the NCR conducts regular reviews of its technical and organisational security measure system in order to ensure that all of the above security measures are functioning effectively and

applied consistently.

11. WHO MAY REQUEST INFORMATION OR RECORDS?

11.1. The purpose for which information is required:

11.1.1. The Act provides that a person may only request information in terms of which that information is required for the exercise or protection of a right.

11.1.2. Further, POPI provides that a DS may, upon proof of identity, request the RP to confirm, free of charge, all the information it holds about the DS and may request access to such information, including information about the identity of third parties who have or have had access to such information.

11.1.3. POPI further provides that where the DS is required to pay a fee for services provided to him/her/it the RP: must provide the DS with a written estimate of the amount payable before providing the service. may require that the requestor pay a deposit for all or part of the fee.

11.2. Categories of Requestors

11.2.1. The capacity under which a Requester requests documentation/information will determine the category he or she falls in. Please note that the Requester category has a bearing on the conditions of access to the information. Requesters have been classified into four categories:

- A Personal Requester: requests information about himself/herself/itself;
- A Representative Requester: requests information relating to and on behalf of someone else;
- A Third Party Requester: requests information about another person;
- A PB: requests information in the public interest.

12. THE REQUESTS PROCEDURE

12.1. HOW TO REQUEST ACCESS TO RECORDS HELD BY NCR

12.1.1. A requester must make the request for access to a record on the prescribed

form (Form A attached hereto) which must be submitted to the Information Officer or Deputy Information Officer by email, by hand or by post. Form A is attached to this Manual below.

- 12.1.2. If you wish to type in your information into an MS Word version of the request form, please send an email to the relevant PAIA Practitioner or Deputy Information Officer requesting that a copy be emailed to you.
- 12.1.3. If the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer / Deputy Information Officer. If a requester is illiterate or disabled and cannot make a request on the prescribed form then the request may be made orally. The Information Officer / Deputy Information Officer must reduce the oral request to writing on the prescribed form and provide a copy thereof to the requester.

12.2. CONSIDERING YOUR REQUEST

- 12.2.1. Subject to the provisions of the PAIA, access to records requested from NCR will only be given if all the procedural requirements set out in PAIA relating to a request are met; and Access to the requested record(s) is not refused in terms of any ground for refusal set out in PAIA.

13. REFUSED ACCESS

13.1. GROUNDS FOR REFUSAL

- 13.1.1. The Deputy Information Officer may refuse a request for access to its information if the requested information relates to:
- Mandatory protection of privacy of a third party who is a natural person, including a deceased individual.
 - Mandatory protection of certain records of South African Revenue Service.
 - Mandatory protection of commercial information of a third party.
 - Mandatory protection of certain confidential information and protection of certain confidential information of a third party.

- Mandatory protection of safety of individuals and protection of property.
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings.
- Mandatory protection of records privileged from production in legal proceedings.
- Defence, security and international relations of the Republic.
- Economic interests and financial welfare of the Republic and commercial activities of the Department.
- Mandatory protection of research information of a third party and protection of research information of the Department.
- Operations of the Department.
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources of the NCR.

13.2. MANDATORY DISCLOSURE IN PUBLIC INTEREST

- 13.2.1. A request for access to a record that could otherwise be refused on the grounds for refusal in terms of PAIA may be granted, however, in circumstances where the disclosure of the record is in the public interest, and if such public interest clearly outweighs the harm contemplated in the grounds for refusal.

13.3. DEEMED REFUSAL OF A REQUEST

- 13.3.1. If the Deputy Information Officer fails to give a decision on a request for access to the requester within the prescribed 30 days, the Deputy Information Officer will be deemed to have refused such a request.

13.4. REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH

- 13.4.1. If the NCR fails to comply with the provisions of PAIA, the requestor or any aggrieved person may, in accordance with section 785 of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA), approach any court with jurisdiction for appropriate relief.
- 13.4.2. If the requester or third party is aggrieved by the decision of the Information

Officer, he or she may, by way of an application and within 180 days, apply to a court for appropriate relief in terms of section 82 of the Act.

- 13.4.3. The NCR has established the following appeal process in order to ensure an accountable, responsive and transparent system of governance within the NCR.

13.5. INTERNAL REMEDIES

- 13.5.1. A requester (or third party, where applicable) may lodge an internal appeal against a decision of the Deputy Information Officer on the following grounds:

- Refusal or partial refusal of the request for access to the records;
- Failure to disclose records;
- The amount of fees required to be paid;
- The extension of the period which the information will be furnished.

- 13.5.2. An internal appeal must be lodged in the prescribed form, within 60 days.

- 13.5.3. In order to appeal against any decision(s) made by the Deputy information Officer, a requester must lodge an internal appeal by completing the Internal Appeal Form 4. The Internal Appeal Form 4, attached hereto, must be submitted to the Information Officer of the NCR. The form must be delivered or sent to the Information Officer's email address or physical address, contact details of which can be found in paragraph 5 above.

- 13.5.4. The Information Officer may, upon good cause shown, allow the late lodging of the internal appeal. If the Information Officer is not satisfied with the reasons advanced for late lodging of the appeal, the request will be disallowed on written notice to the person that lodged the internal appeal.

- 13.5.5. The Information Officer, must process and decide on the internal appeal within thirty (30) days from the date in which the internal appeal was received.

- 13.5.6. All legal processes must be served on the Information Officer of the NCR.

14. FEES

- 14.1.1. The PAIA sets out two types of fees, namely request and access fees.
 - 14.1.2. These fees are to be paid and submitted to the NCR together with the request for access to information.
 - 14.1.3. The fees for reproduction of this Manual and records are listed in Annexure 2.
 - 14.1.4. The request fee payable by every requester, other than a personal requester is listed in Annexure 2.
 - 14.1.5. The access fees payable by a requester referred to section 22(7), unless exempted under section 22(8), of the PAIA are listed in Annexure 2.
 - 14.1.6. In terms of section 22 the Information Officer / Deputy Information Officer to whom a request for access is made, must, by notice, require the requester, other than a personal requester, to pay the prescribed request fee (currently **R35.00**), before further processing the request.
 - 14.1.7. A personal requester is a person who requests access to a record containing information about the personal requester.
 - 14.1.8. A requester whose request for access to a record which has been granted must pay, where applicable, the prescribed access fee for the reproduction and time taken to search for and prepare the record.
- 14.9 All payments must be made in the form of cash or electronic funds transfer to the Finance Department of the NCR or by deposit into NCR's banking account provided below.

Bank: Standard Bank
Branch: Parktown
Branch Code: 000355
Type of Account: Current
Account no: 200456490

PAIA REFERENCE: (As provided for by the PAIA Unit). Proof of payment must be sent to the Deputy Information Officer at the contact details above.

15. UPDATING OF AND AVAILABILITY OF THIS MANUAL

- 15.1. The Manual is available for inspection at the offices of the NCR during normal business hours, free of charge. Copies of the Manual may be made, subject to the prescribed fees.
- 15.2. The Manual is also available on the NCR's website at <http://www.ncr.org.za>.
- 15.3. As provided for in terms of section 51(2), this PAIA Manual will be updated as and when the need arises. As soon as any amendments have been finalised, the latest version of the Manual will be made public through:
- 15.3.1. the NCR website at <http://www.ncr.org.za>;
 - 15.3.2. the NCR's offices during office hours and free of charge. Copies of the Manual may be made, subject to the prescribed fees; or
 - 15.3.3. requesting a copy by email from the relevant Information Officer, as provided for below.

Issued by



**NOMSA MOTSHEGARE
CHIEF EXECUTIVE OFFICER**



REPUBLIC OF SOUTH AFRICA

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by (state rank,
name and surname of information officer/deputy information officer) on (date)
at(place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

.....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

D. Particulars of record

(a) 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.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....
.....

2. Reference number, if available:

3. Any further particulars of record:

.....

.....

.....

.....

.....

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....

.....

.....

.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:				
	copy of record*		inspection of record	
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):				
	view the images		copy of the images*	transcription of the images*

FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--	-----	----

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.

In which language would you prefer the record?

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?
.....

Signed at this day of year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

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

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

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

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

FEE SCHEDULE

Fees in Respect of Public Bodies

<u>Item</u>	<u>Description</u>	<u>Amount</u>
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc . If provided by requestor . If provided to requester	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from the Service Provider
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc . If provided by requestor If provided to the requestor	R40,00 R40,00 R60,00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation to not exceed a total cost of	R100,00 R300,00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any