



**INFORMATION MANUAL AS REQUIRED BY SECTION 14 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT**

DEFINITIONS

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:

“**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.

“**Data Subject**” or “DS” means the person to whom Personal Information relates.

“**Minister**” means the Minister of Justice and Constitutional Development.

“**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.

“**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.

“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.

“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
- (b) 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.

“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.

INTRODUCTION:

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.

The purpose of the 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.

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.

Conversely, 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”).

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.

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.

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”).

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.

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 ; and
- Define the manner and form in which a request for information must be submitted.

Set out below is 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.

2. AVAILABILITY OF THIS MANUAL

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 finalized, the latest version of the Manual will be made public through:

the NCR website at <http://www.ncr.org.za> or by requesting a copy by email from the relevant Information Officer, as provided for below.

The Manual may also be obtained from the South African Human Rights Commission (“SAHRC”)

This Manual is also available for inspection during office hours at no charge.

1. THE FUNCTIONS OF THE NATIONAL CREDIT REGULATOR

1.1. 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).

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

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

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

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

1.2.4. 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.

1.2.5. 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;

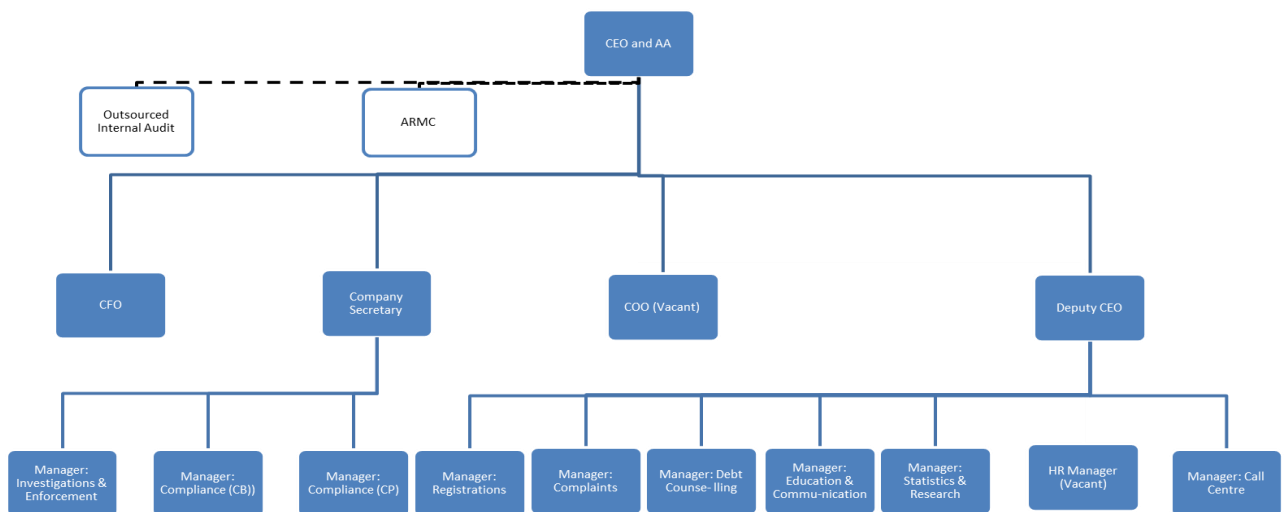
(e) referring matters to institutions such as the Tribunal and the Competition Commission.

1.2.6. 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.

2. STRUCTURE OF THE NCR

2.1. Below is NCR's senior level structure:



3. REGULATED INDUSTRIES

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

- 3.1.1. Credit providers;
- 3.1.2. Credit bureau;
- 3.1.3. Debt counselors;
- 3.1.4. Payment distribution agents; and
- 3.1.5. Alternative dispute resolution agents.

4. THE NCR SUPERVISES THE FOLLOWING LEGISLATION;

- 4.1. The National Credit Act, 34 of 2005, as amended;
- 4.2. The National Credit Regulations promulgated under the National Credit Act;
- 4.3. 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
- 4.4. 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.

5. CONTACT DETAILS OF THE INFORMATION OFFICERS

- 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 Tongwane 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
Fax Number: (011) 805 4905

Ms. Nomsa Motshegare

Postal Address
PO Box 209
Halfway House
1685

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

Deputy Information Officer:

Mr. Obed Tongoane

Physical Address

Postal Address

The National Credit Regulator

PO Box 209

127 – 15th Road

Halfway House

Randjespark

1685

Midrand

Phone Number: (011) 554 2603

Email: otongoane@ncr.org.za

Fax Number: (011) 805 4905

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

PAIA Practitioner:

Ms. Sphiwe Mashaba

Physical Address

Postal Address

The National Credit Regulator

PO Box 209

127 – 15th Road

Halfway House

Randjespark

1685

Midrand

Phone Number: (011) 554 2800

Email: smashaba@ncr.org.za

Fax Number: (011) 805 4905

- 5.4. The Information Officer, in terms of section 17 of PAIA, has 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 Practitioner provides administrative assistance to the Deputy Information Officer.

6. A GUIDE ON HOW TO USE THE PAIA

- 6.1 The South African Human Rights Commission (“**the SAHRC**”) is responsible for developing a guide in each of the country's eleven languages, with information on how to use PAIA. This guide is available on the SAHRC's website.
- 6.2 Any information or queries related to the guide should be directed to:
The South African Human Rights Commission
Promotion of Access to Information Unit:
The Research and Documentation Department

Postal address	Private Bag 2700 Houghton 2041
Telephone	+27 11 484 8300
Facsimile	+27 11 484 0582
E-mail	PAIA@sahrc.org.za
Website	www.sahrc.org.za

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.

- 8.2. 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:
- 8.2.1. for the achievement of a purpose stipulated in the NCA or the enforcement of the Act;
 - 8.2.2. for the purpose of the administration of justice; or
 - 8.2.3. 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

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

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.

10.1 RECORDS HELD BY THE DEPARTMENTS OF THE NATIONAL CREDIT REGULATOR

1. Office of the Chief Executive Officer

1.1. 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

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

2. Registrations Department

2.1. 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.
- 2.2. Access to the records referred to in (a) to (m) above may be applied for in terms of PAIA.

3. Debt Counseling Department

- 3.1 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.
- 3.2 Access to the records referred to in (a) to (k) above may be applied for in terms of PAIA.

4. Complaints Department

4.1. 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;
- 2.2. Access to the records referred to in (a) to (h) above may be applied for in terms of PAIA.

5. Investigations and Enforcement Department

5.1. 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.
- 5.2. Access to the records referred to in (a) to (j) above may be applied for in terms of PAIA.

6. Education and Strategy Department

- 6.1. The Education and Strategy 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.

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

7. Research and Statistics Department

- 7.1. 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:

- (a) research reports;
- (b) periodic synoptic reports by insurers;
- (c) consumer credit market report “CCMR”;
- (d) credit bureau monitor “CBM”; and
- (e) minutes of departmental meetings.

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

8. Human Resources

8.1. The Human Resources Department of the NCR is responsible for managing the human resources. 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;

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

8.3. Facilities Management Department

- (a) executive summaries;

- (b) memos;
- (c) policies,
- (d) occurrence book;
- (e) access control register (vehicle);
- (f) application form for biometric;
- (g) application form for physical access to NCR;
- (h) key control register;
- (i) fire equipment inspection;
- (j) security policy;
- (k) Occupational Health and Safety Act Policy;
- (l) fire arm control procedure (SOP);
- (m) fire fighting and prevention procedure;
- (n) operational emergency plan;
- (o) Z204 form (applications for security vetting); and
- (p) Minimum Information Security Standard Document.

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

9. Compliance and Credit Information Department

9.1. The Compliance Department of the NCR Regulator is responsible for Compliance through monitoring of registrants i.e. credit providers. It is 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.
- 9.2. Access to the records referred to in (a) to (x) above may be applied for in terms of the PAIA.

10. Finance Department

10.1. 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.

10.1.1. 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.

10.1.2. ICT

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

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

11. WHO MAY REQUEST INFORMATION OR RECORDS?

The purpose for which information is required:

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.

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.

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.

Categories of Requestors

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

HOW TO REQUEST ACCESS TO RECORDS HELD BY NCR

I. A requester must make the request for access to a record on the prescribed form (Annexure1) which must be submitted to the Information Officer or Deputy Information Officer by hand, by post, per fax or per e-mail. Annexure1 is attached to this Manual below.

II. 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.

III. 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.

12.1. CONSIDERING YOUR REQUEST

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

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

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

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

A requester (or third party, where applicable) may seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Information Officer:

- Refusal or partial refusal of the request for access;
- The amount of fees required to be paid;
- The extension of the period which the information will be furnished.
- All legal processes must be served on the Information Officer who dealt with the request.

14. FEES

14.1 The PAIA sets out two types of fees, namely request and access fees.

These fees are to be paid and submitted to the NCR together with the request for access to information.

The fees for reproduction of this Manual and records are listed in Annexure 2.

The request fee payable by every requester, other than a personal requester is listed in Annexure 2.

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.

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 R 35.00), before further processing the request.

A personal requester is a person who requests access to a record containing information about the personal requester.

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.

All payments must be made in the form of cash or cheque 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. AVAILABILITY OF THE MANUAL

- 15.1 The manual is available for inspection at the offices of the NCR free of charge. Copies are also available on NCR's website <http://www.ncr.org.za>.

16. UPDATING THE MANUAL

This manual will be updated as and when the need arises.