



Western Cape
Government
FOR YOU

PAIA MANUAL 2022

**Promotion of Access to Information (PAIA) Manual, 2022
compiled in terms of section 14 of the Promotion of Access to
Information Act, 2000 (as amended) for the Department of
Community Safety**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

"DIO"	Deputy Information Officer
"DoCS"	Department of Community Safety
"HoD"	Head of Department
"ICT"	Information Communication Technology
"IO"	Information Officer
"IPID"	Independent Police Investigative Directorate
"MEC"	Member of the Executive Committee
"PAIA"	Promotion of Access to Information Act, 2000
"POPIA"	Protection of Personal Information Act, 2013
"PSA"	Public Service Act, 1994
"Regulator"	Information Regulator
"SAPS"	South African Police Service
"WCCSA"	Western Cape Community Safety Act, 2013
"WCG"	Western Cape Government
"WCLA"	Western Cape Liquor Authority

2. PURPOSE OF THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

This PAIA Manual is useful for the public to-

- 2.1. check the nature of the records which may already be available at the Department of Community Safety, without the need for submitting a formal PAIA request.
- 2.2. understand how to make a request for access to a record of the Department of Community Safety.
- 2.3. obtain all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 2.4. be aware of all the remedies available from the Department of Community Safety regarding a request for access to the records, before approaching the Regulator or the Courts.
- 2.5. obtain a description of the services available to members of the public from the Department of Community Safety, and how to gain access to those services.
- 2.6. obtain a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 2.7. know if the Department of Community Safety will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 2.8. know if the Department of Community Safety has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied.
- 2.9. know whether the Department of Community Safety has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF THE DEPARTMENT OF COMMUNITY SAFETY

The Department of Community Safety (DoCS) is a provincial structure within the public service which is established in terms of section 197 of the Constitution. The Public Service Act (PSA) which gives effect to section 197 of the Constitution provides in section 7 thereof for provincial departments.

3.1. Objectives/Mandate

The Constitution of the Republic of South Africa, 1996 ("the Constitution"), provincial departments have been assigned a number of policing functions, powers and duties within Chapter 11 as set out below:

- determine the Policing Needs and Priorities for the Province as per section 206(1) read with 206(2);
- monitor police conduct as per Section 206(3)(a);
- oversee the effectiveness and efficiency of the police service, including receiving reports on the police service as per section 206(3)(b);
- promote good relations between the police and the community as per section 206(3)(c);
- assess the effectiveness of visible policing as per section 206(3)(d);
- liaise with the Cabinet member responsible for policing with respect to crime and policing in the province as per section 206(3)(e);
- investigate, or appoint a commission of inquiry into, any complaint of police inefficiency or a breakdown in relations between the police and any community as per section 206(5)(a);
- consider and refer complaints to the Independent Police Investigative Directorate (IPID) and to monitor the investigation of such complaints as per section 206(6);
- require the provincial commissioner (SAPS) to appear before the provincial legislature or any of its committees to answer questions as per section 206(9);
- receive and consider the annual report on policing in that province from the provincial commissioner as per section 207(5); and

- consider and institute appropriate proceeding against the provincial commissioner if the provincial executive has lost confidence in that provincial commissioner as per section 207(6).

These functions are assigned to the MEC of Community Safety as per section 206(4).

Important to note that, as per Schedule 4 of the Constitution, policing is an area of concurrent legislative competence albeit only to the extent that the provisions of Chapter 11 confer them upon the Provincial Legislator.

The Constitution of the Western Cape, 1998 ("the Western Cape Constitution"), section 66 confers powers, functions and duties on policing which are assigned to provincial governments by the Constitution is confirmed with the Western Cape Constitution and in particular in sections 66(1) read with (2).

The Western Cape Community Safety Act, 2013 ("the WCCSA"), provides for the carrying out and the regulation of the functions of the Province and the Department of Community Safety under Chapter 11 of the Constitution and Chapter 8 of the Western Cape Constitution to provide for the support of and cooperation with the Civilian Secretariat of Police Service and the Provincial Secretariat establishment in terms of the Civilian Secretariat for Police Service Act, 2011.

The Control of Access to Public Premises and Vehicles Act, 1985 gives effect to:

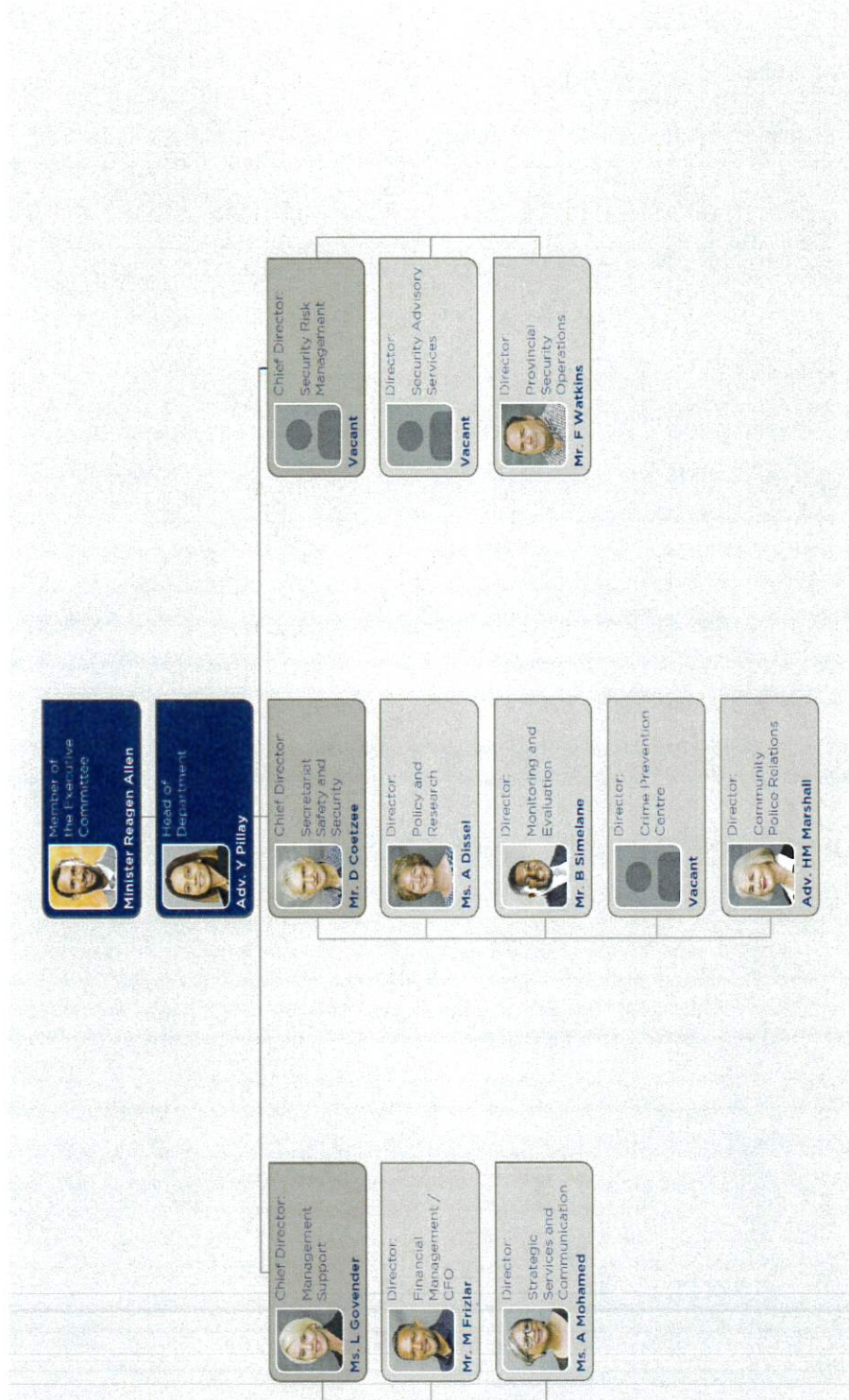
- Safeguarding the premises, vehicles, and contents thereof, including the people either therein or thereon;
- Access control of persons entering and exiting Western Cape Government (WCG) premises and/or vehicles; and
- Requiring persons to be examined should they have electronic or other apparatus in order to determine the presence of any dangerous objects in their possession or custody or under his control.

The Minimum Information Security Standards regulates minimum security standards and to ensure compliance with the WCG.

The Private Security Industry Regulation Act, 2001 ensures that services procured on behalf of Western Cape Government and duties performed by WCG staff are in compliance with the Act.

4. STRUCTURE OF THE DEPARTMENT OF COMMUNITY SAFETY AND FUNCTIONS

4.1. Structure of the Department of Community Safety as of June 2022.



4.2. Functions

The Department of Community Safety (DoCS) is tasked with the implementation of the constitutional and legislative mandate of civilian oversight over law enforcement agencies. In addition, the Department also plays an advisory role to provincial departments on safety and security risk management matters and renders a security support service. The Department render efficient strategic and management support services to the Member of the Executive Committee (MEC), Head of Department (HoD) and line functions within the Department.

Programme 1: Management Support

To provide strategic direction and management support services to the MEC, the HoD, the line functions of the Department and related entities. The Programme's objective is to efficiently support the Offices of the Ministry and Head of Department, Western Cape Police Ombudsman, and the Western Cape Liquor Authority (WCLA) in their functions of providing strategic leadership and ensuring effective governance inclusive of financial management.

The following functions are delivered in terms of this Programme:

- To ensure departmental financial compliance through the provision of financial management and advisory services; and
- To enhance departmental effectiveness through facilitating strategic planning, management of programme performance, communications, and administrative support.

Sub-programme: Financial Management

Functions:

- To ensure departmental financial compliance through the provision of financial management and advisory services.

Sub-programme: Corporate Services

Functions:

- To enhance departmental effectiveness through facilitating strategic planning, management of programme performance, communications, and administrative support.

Programme 2 and 3: Secretariat Safety and Security

To exercise oversight over the conduct, effectiveness, and efficacy of law enforcement agencies in the Province.

To give effect to the Constitutional Mandate allocated to provinces as it relates to the promotion of good relations between communities and the police through its whole-of-society approach and to ensure that all service delivery complaints about policing in the Province is dealt with independently and effectively.

The following functions are delivered in terms of this Programme:

- To conduct relevant research to inform stakeholders, influence community safety resource allocation to the Province, and to contribute towards the development of relevant policies;
- To conduct effective compliance monitoring and evaluation of policing in the Province and report thereon as required in terms of its legislative mandate;
- To promote safety within communities by raising awareness and building capacity to be responsive to the safety concerns and needs of that community;
- To promote good relations between the police and the community by facilitating the capacitation and functioning of safety partners;
- To increase safety by means of sustainable partnerships with community-based organisations in the field of safety; and
- To independently investigate and seek to resolve complaints by community members against poor police service delivery in an impartial manner.

Sub-programme: Programme Support

Functions:

- To assist sub-programmes with policy development, manage the budgetary process and implement project management in the Programme.

Sub-programme: Policy and Research

Functions:

- To conduct relevant research to inform stakeholders, influence community safety resource allocation to the Province, and to contribute towards the development of relevant policies.

Sub-programme: Monitoring and Evaluation

Functions:

- To conduct effective compliance monitoring and evaluation of policing in the Province and report thereon as required in terms of its legislative mandate.

Sub-programme: Crime Prevention Centre

Functions:

- To promote safety within communities by raising awareness and building capacity to be responsive to the safety concerns and needs of that community.
- To increase safety by means of sustainable partnerships with community-based organisations in the field of safety.

Sub-programme: Community Policy Relations

Functions:

- To promote good relations between the police and the community by facilitating the capacitation and functioning of safety partners.

Sub-programme: Western Cape Police Ombudsman

Functions:

- To independently investigate and seek to resolve complaints by community members against poor police service delivery in an impartial manner.

Programme 4: Security Risk Management

To institute a 'whole of government' approach towards building more resilient institutions.

The following functions are delivered in terms of this Programme:

- To facilitate institutional resilience by providing strategic leadership around the institutionalisation of the Security Risk Management Strategy;
- To enhance safety and security administration and provisioning within the Western Cape Government (WCG); and
- To enhance safety and security capacity across the WCG institutions.

Sub-programme: Programme Support

Functions:

- To facilitate institutional resilience by providing strategic leadership around the institutionalisation of the Security Risk Management Strategy.

Sub-programme: Provincial Security Operations

Functions:

- To enhance safety and security administration and provisioning within the WCG.

Sub-programme: Security Advisory Services

Functions:

- To enhance safety and security capacity across WCG institutions.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE DEPARTMENT OF COMMUNITY SAFETY

5.1. Information Officer (IO)

Name: Adv. Yashina Pillay
Tel: 021 483 3929
Email: Hod.Comsafe@westerncape.gov.za
Fax number: 021 483 6412

5.2. Deputy Information Officer (DIO): PAIA

Name: Ms Linde Govender
Tel: 021 483 5694
Email: Linde.Govender@westerncape.gov.za
Fax Number: 021 483 3514

5.3. Deputy Information Officer (DIO): POPIA

Name: Mr David Coetzee (acting)
Tel: 021 483 3960
Email: Fred.Watkins@westerncape.gov.za
Fax Number: 021 483 3032

5.4. **Access to information general contacts** (if applicable)

Email: Hod.comsafe@westerncape.gov.za

5.5. **Head Office**

Postal Address: Private Bag X5346, Cape Town, 8000

Physical Address: 4th Floor, 35 Wale Street, Cape Town, 8001

Telephone: 021 483 3929

Email: Hod.Comsafe@westerncape.gov.za

Website: www.westerncape.gov.za/dept/community-safety

6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DEPARTMENT OF COMMUNITY SAFETY

Legislation applicable to the Department of Community Safety may provide for an internal review or appeal procedure. Should this procedure be exhausted, or no provision be made for such procedure, a court may be approached for an appropriate order in terms of the Promotion of Administrative Justice Act, 2000.

Questions, complaints, or comments regarding any service delivery by the Department of Community Safety may be made as follows:

Tel: 021 483 6515- (07:30 - 15:30)

Fax: Not applicable

E-mail: Ansaaf.Mohamed@westerncape.gov.za

Visit the 35 Wale Street, Cape Town, 8000 between 07:30 to 15:30.

The Service Delivery Charter of the Department of Community Safety can be accessed via the following link: <https://www.westerncape.gov.za/general-publication/service-charter-department-community-safety>.

7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 7.1. The 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 the Promotion of Personal Information Act (POPIA).
- 7.2. The Guide is available in each of the official languages.
- 7.3. The aforesaid Guide contains the description of-
- 7.3.1. the objects of PAIA and POPIA;
 - 7.3.2. the postal and street address, phone, and fax number and, if available, electronic mail address of-
 - 7.3.2.1. the Information Officer of every public body, and
 - 7.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 7.3.3. the manner and form of a request for-
 - 7.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 7.3.3.2. access to a record of a private body contemplated in section 50⁴;

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

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

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

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- 7.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 7.3.6.1. an internal appeal;
 - 7.3.6.2. a complaint to the Regulator; and
 - 7.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 7.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

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

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

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

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

7.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

7.3.10. the regulations made in terms of section 92¹¹.

7.4. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

7.4.1. upon request to the Information Officer;

7.4.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

The contact details of the Regulator are in the table below.

The Office of the Information Regulator	
Telephone	Not available
Fax	Not available
E-Mail Address	General inquiries: enquiries@inforegulator.org.za PAIA Complaints: PAIAComplaints@inforegulator.org.za POPIA Complaints: POPIAComplaints@inforegulator.org.za
Postal Address	P O Box 31533 Braamfontein, Johannesburg, 2017
Street Address	J.D. House 27 Stiemens Street Braamfontein, Johannesburg, 2001
Website	https://www.justice.gov.za/inforeg/

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

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

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-
(a) any matter which is required or permitted by this Act to be prescribed;
(b) any matter relating to the fees contemplated in sections 22 and 54;
(c) any notice required by this Act;
(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE DEPARTMENT OF COMMUNITY SAFETY

The Department of Community Safety holds records on the following subjects and categories:

CATEGORIES AND SUBJECT MATTER	PROGRAMME REQUIRES A REQUEST
Organisation and Control	Programme 1
Legislation	Programme 1
Human Resource Management	Programme 1
Financial Management	Programme 1
Accommodation, Supplies, Services	Programme 1
Transport and Official Visits	Programme 1
Communication and Media Affairs	Programme 1
Liaison with Civil Community in the Province	Programme 2 and 3
South African Police Service	Programme 2 and 3
Liaison with Foreign Institutions	Programme 2
Execution of Projects	Programme 1 to 4
Liaison with Official Institutions	Programme 1 to 4
Parliament/Cabinet/Political Role-players	Programme 1

9. CATEGORIES OF RECORDS OF THE DEPARTMENT OF COMMUNITY SAFETY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii).

Documents that are available for download from the WCG portal at www.westerncape.gov.za/dept/community-safety free of charge in terms of section 15(1)(a)(iii) are marked with an asterisk.

Description of categories of records automatically available in terms of section 15(1)(a)	Manner of access to records section 15(1)(b)
(a) Annual Report*	<p>Hard copies of these records are available free of charge from the Department of Community Safety, PO Box 5346, 4th Floor, 35 Wale Street, Cape Town – between 07:30 and 15:30.</p> <p>Electronic copies of these records are available on the Department of Community Safety website.</p> <p>www.westerncape.gov.za/dept/community-safety</p>
(b) Strategic Plan*	Same as above
(c) Annual Performance Plan*	Same as above
(d) Policing Needs and Priorities*	Same as above
(e) Organisational structure*	<p>Electronic copies of these records are available on the Department of Community Safety website.</p> <p>www.westerncape.gov.za/dept/community-safety</p>
(f) Service Delivery Improvement Plan	<p>Hard copies of these records are available free of charge from the Department of Community Safety, PO Box 5346, 4th Floor, 35 Wale Street, Cape Town – between 07:30 and 15:30.</p>
(g) Quarterly Performance Reports*	<p>Electronic copies of these records are available on the Western Cape Government website:</p> <p>https://www.westerncape.gov.za/general-publication/quarterly-performance-reporting-qpr</p>
(h) Western Cape Community Safety Act, 2013	<p>Electronic copies of these records are available on the Department of Community Safety website:</p>

10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE DEPARTMENT OF COMMUNITY SAFETY AND HOW TO GAIN ACCESS TO THOSE SERVICES

The Public Body renders the following services directly to the public:

Services rendered by the Department of Community Safety	How to access these services
Recruit youth from affected communities and provide appropriate training via the Chrysalis Youth Academy after which training, they are deployed back into their communities working for safety within that community and being remunerated by the Department via its Expanded Public Works Programme.	<p>Chrysalis Youth Academy</p> <p>Call: 021 712 1023</p> <p>Email: info@chrysalisacademy.org.za</p> <p>Fax: 021 712 1075</p>
Investigation of service delivery complaints against the South African Police Service received by the public	<p>Email: Ombudsman@wcpo.gov.za</p> <p>Tel: 021 483 0669</p> <p>Department of Community Safety</p> <p>Sub-programme: Western Cape Police Ombudsman</p> <p>PO Box 5346</p> <p>Cape Town</p> <p>8000</p> <p>Lodge a complaint in person:</p> <p>80 St George's Mall</p> <p>6th Floor NBS</p> <p>Waldorf Building</p> <p>Cape Town</p> <p>8000</p> <p>Complaints forms can be obtained by the Office of the Western Cape Police Ombudsman or the website:</p>

	www.ombudsman@wcpo.gov.za
Facilitate the accreditation and training of Neighbourhood Watch Structures	Call: 021 483 7813 Email: Neighbourhood.Watch@westerncape.gov.za
Department of Community Safety portal	Access the Department of Community Safety portal webpage at https://www.westerncape.gov.za/dept/community-safety

11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE DEPARTMENT OF COMMUNITY SAFETY

The Department renders funding and consultative support to Community Safety Forums (CSFs) within the District Municipalities to facilitate the implementation of Safety Plans. These engagements are held quarterly. This facilitates inter-governmental relationship building for community resilience and to address violence prevention and safety concerns.

12. PROCESSING OF PERSONAL INFORMATION

12.1. Purpose of the Processing

12.1.1. Personal Information is processed to comply with the Public Body's constitutional and legislative mandates as set out in its Annual Strategic, Business and Performance Plans available at www.westerncape.gov.za/dept/community-safety.

12.1.2. Personal Information is used for:

- Human resources and employment purposes such as (1) recruitment, selection and placement; (2) administration of compensation and benefits; (3) performance management and training; and (4) government reporting;

- Risk management which includes physical and electronic security and access control;
- Planning;
- Procurement of goods and services; and
- Rendering of services.

12.2. **Description of the categories of Data Subjects, information processed and recipients thereof**

DATA SUBJECTS	INFORMATION	RECIPIENTS
Prospective employees, current employees, consultants, interns, and volunteers	<ul style="list-style-type: none"> - Name and Surname, identification and Personal number, biographical information; - Contact details; - Educational, employment, health and criminal history; - Biometric information; - Psychometric assessments; and - References, background checks. 	Relevant Provincial and National Government Departments and their agents.
Current employees, consultants, interns	<ul style="list-style-type: none"> - Account information; - Performance reports; and - Skills/training reports. 	Relevant Provincial and National Government Departments and their agents.
Prospective and current suppliers, service providers, contractors, sub-contractors, and business partners	<ul style="list-style-type: none"> - Name, identification number/company registration number; - Relevant registration number; - Contact details; - Financial history; - References, background checks; - Account information; and - Performance reports. 	Relevant Provincial and National Government: <ul style="list-style-type: none"> - Departments; - Public Entities; - Business Enterprises; and - their agents.

Service users (clients / customers) and visitors.	<ul style="list-style-type: none"> - Name, identification number, biographical information - Contact details - Compliments or complaints 	Relevant Provincial and National Government: <ul style="list-style-type: none"> - Departments - Public Entities; Public Enterprises; and their agents.
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12.3. Planned transborder flows of personal information

Not applicable.

12.4. General Description of Information Security Measures to be implemented by the Department of Community Safety to ensure the confidentiality, integrity, and availability of the information

12.4.1. The integrity and confidentiality of personal information is protected against anticipated threats and unauthorised access by employing security safeguards that are reasonable and appropriate to the identified risks and the sensitivity of the information.

12.4.2. These safeguards include the following:

12.4.3. Organisational measures:

- The Head of Department takes overall responsibility for the security of all Departmental information.
- The Departmental Security Manager manages this security function in the Department of Community Safety on behalf of the Head of Department supported by a DoCS Security Committee.
- The Chief Information Officer (CIO) ensures that appropriate measures are in place to safeguard Information Communication Technology (ICT) infrastructure, networks, and systems. This includes taking responsibility for third parties that develop, access, or use WCG ICT infrastructure, networks, and systems.

- A Chief Information Security Officer (CISO) assesses and documents enterprise information risk and manages the risk in respect of ICT infrastructure, networks, and systems.
- Safekeeping and security responsibilities are included in the responsibilities of employees working with personal information and they have to adhere to information security laws, policies, plans and procedures.
- Security incidents are reviewed and reported on.

12.4.4. Physical measures:

- Access to facilities and equipment is controlled and auditable.
- Access points are limited with provision for physical security controls, such as window bars, grilles, shutters, and security doors. Where required access points are enhanced by the use of intruder detection systems, guard services and/or closed-circuit television surveillance.
- Access is controlled and monitored through a combination of manned guarding, electronic access control systems, ID access cards, visitor management systems, biometric activation doors, turnstiles, and entry and egress searching.

12.4.5. Technical measures

- The Information Security standards issued for the public service is adhered to.
- Agreements concluded with third parties include the protection of the integrity and confidentiality of information by the third parties.
- Risks are assessed during the development of new applications and systems, when changing existing systems, when changing business processes and when areas of concern are identified.
- Risk to the ICT infrastructure, networks and systems is managed through vulnerability and threat testing and awareness, audit controls, incident management and security awareness training.

12.4.6. Similar safeguards are required from service providers, suppliers and business partners who receive personal information from or on behalf the WCG during their relationship with DoCS.

13. ACCESSIBILITY AND AVAILABILITY OF THIS MANUAL

13.1. The manual is available in English, Afrikaans, and Xhosa for viewing between 7.30 and 15.30 Mondays to Fridays (excluding public holidays) at the office of the Deputy Information Officer,, 4th floor, 35 Wale Street, Cape Town.

13.2. The manual and soon the Afrikaans and Xhosa translations thereof, may be accessed online through the World Wide Web by visiting the following web address:

<https://www.westerncape.gov.za/dept/community-safety/documents/guides/P>

14. UPDATING OF THE MANUAL

The Department of Community Safety will, if necessary, update and publish this manual annually.

Issued by



Adv. Y Pillay

Head of Department: Community Safety

**APPENDIX A:
GUIDANCE ON ACCESS TO RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE**

1 COMPLETION OF APPLICATION FORM, PAYMENT OF FEES and FORM OF ACCESS – sections 18, 19, 22, 29 and 31.

1.1 Application form

- A prescribed form (attached as **FORM 2** must be completed by the requester and submitted to the Information Officer/Deputy Information Officer.
 - If a requester cannot read or write or complete the form due to a disability, the request may be made orally. The Information Officer/ Deputy Information Officer will then complete Form 2 on behalf of the requester, keep the original and give the requester a copy thereof.
 - A request may be made on behalf of another person but then the capacity in which the request is made must be indicated on Form 2. The requester must also submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer/Deputy Information Officer.
 - A requester (data subject) seeking to confirm whether his/her personal information is held by the public body or the identities of third parties who had access or requires access to his/her own personal information must provide proof of their identity and is required to supply a certified copy of their identity document for authentication purposes.

1.2 Fees

- The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by the regulations made in terms of PAIA. (Attached as **FEE SCHEDULE**) The following fees are payable:
 - Request fee of R100.00 for each request;
 - Access fee for the reasonable time spent to search for and prepare the record, if it takes more than an hour to search and prepare a record. A deposit, of not more than a third of the total access fee, may be required. However, the full access fee is payable before access is granted; and
 - For making copies of the record.

1.3 Applicants who are exempt from paying a request fee:

- A maintenance officer/investigator requesting access to a record for a maintenance investigation or inquiry in terms of the Maintenance Act, 1998 (or regulations made in terms thereof.)
- A person requesting a record that contains his/her personal information.

1.3 Applicants who are exempt from paying an access fee:

- A person requesting a record that contains his/her personal information.
- A single person whose annual income does not exceed R14 712 per annum.
- Married persons, or a person and his or her life partner whose annual income does not exceed R27 192.

1.4 Form of access

- A requester must indicate on Form 2 if a copy or an inspection of the record is required.
 - If a copy is required, the requester must indicate the form thereof (e.g., printed, or electronic) and the preferred language (where the record is available in more than one language). The Department does not translate records that are only available in one language.
- The record will be provided in the requested format unless it is impractical, or it will unreasonably interfere with the running of the Department's business

2 DECISION TO GRANT OR REFUSE ACCESS – Sections 25 and 26

2.1 Time period to make a decision

The Information Officer/ Deputy Information Officer must as soon as reasonably possible after receipt of the R100,00 and the completed Form 2, but at least within **30 days** of receipt thereof, decide whether to grant or refuse the request and notify the requester of the decision.

2.2 Extension of time period

The Information Officer / Deputy Information Officer may extend the period of 30 days, **once** for a further period of **30 days** in the following circumstances:

- the request is for a large number of records or requires a search through a large number of records and attending to the request unreasonably interferes with the department's activities;
- the request requires a search for records from an office that is not in the same town or city as that of the Information officer/Deputy Information Officer;
- consultation is required with other departments of the WCG or other public bodies to decide upon the request; or
- the requester consented to an extension.

3. RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES – sections 47, 48

3.1 Notification:

The Information Officer/Deputy Information Officer must take all reasonable steps to inform a third party as soon as possible, but at least within **21 days**, of receipt of any request for a record that contains:

- a third party's personal information;
- a third party's trade secrets;
- a third party's financial, commercial, scientific, or technical information and disclosure would likely cause commercial or financial harm to the third party;
- information supplied by a third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;
- information supplied in confidence by a third party and disclosure would (i) amount to a breach of a duty of confidence owed to the third party in terms of an agreement; or (ii) reasonably prejudice the future supply of similar information which should, in the public interest, be supplied; or
- information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent, or the research subject matter.

3.2 Third Party representations and consent

Within **21 days** of the notification (3.1 above) a third party may either (i) make written or oral representations to the Information Officer/ Deputy Information Officer why the request should be refused; or (ii) give written consent for the disclosure of the record.

3.3 Decision on representation for refusal

The Information Officer/ Deputy Information Officer must as soon as reasonable possible, but at least within **30 days** after the notification (3.1 above) decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester of the decision.

4. INTERNAL APPEAL – sections 74 and 75

4.1 Requester

A requester may lodge an internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access (see 2 above);

- pay a fee (see 1.2 above);
- extend the period to give access (see 2.2 above).

4.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party (see 3 above).

4.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (**Form 4** attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

5. **COMPLAINT TO INFORMATION REGULATOR – sections 77A and 77B**

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal a complaint may be lodged to the Information Regulator.

5.1 Requester

- A requester may complain to the Regulator in respect of:
 - an unsuccessful internal appeal;
 - a disallowed late appeal;
 - a refusal of a request for access to information;
 - a decision about fees;
 - a decision to extend the time to deal with a request; or
 - a decision to provide access in a particular form.

5.2 Third party

- A third party may complain to the Information Regulator in respect of:
 - an unsuccessful internal appeal,
 - any grant of a request for access to information.

5.3 Format

A complaint to the Information Regulator must be made in writing in the prescribed form (**Form 5** attached) within **180 days** of the decision giving rise to the complaint.

6. **APPLICATION TO COURT – section 78**

6.1 A requester or third party may apply to court for appropriate relief if

- an internal appeal was lodged, and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.

6.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case may be.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

 _____ (Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

Request is made in my own name Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> .			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile

	Cellular	
PARTICULARS OF RECORD REQUESTED		
<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>		
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>		
Transcription of soundtrack <i>(written or printed document)</i>		

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

MANNER OF ACCESS (Mark the applicable box with an "X")	
Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<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	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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) <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

ANNEXURE B FEES

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 requester)	R40.00
	(ii) Compact disc . If provided by requester	R40.00
	. If provided to requester	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 requester)	R40,00
	(ii) Compact disc . If provided by requester	R40,00
	. If provided to the requester	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

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 (If lodged by a third party)				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
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	
GROUND FOR APPEAL <i>(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)</i>	
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

COMPLAINT FORM

FORM 5

[Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@justice.gov.za or complete online complaint form available at <https://www.justice.gov.za/inforeg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body's response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body's response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT
(Mark with an "X")

- Complainant Personally
- Representative of Complainant
- Third Party

PREREQUISITES

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

FOR INFORMATION REGULATOR'S USE ONLY

Received by: (Full names)			
Position			
Signature			
Complaint accepted	Yes		No
Reference Number			

Date stamp

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

**PART A
PERSONAL INFORMATION OF COMPLAINANT**

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

**PART B
REPRESENTATIVE INFORMATION**
(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)

Full Names of Representative			
Nature of representation			
Identity Number / Registration Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

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

Type of Body	Private		Public
Name of Public / Private Body			
Registration Number (if any)			
Name, Surname and Title of person authorised to lodge a complaint			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile
	Cellular		

**PART D
BODY AGAINST WHICH THE COMPLAINT IS LODGED**

Type of body	Private		Public
Name of public / private body			
Registration number (if any)			

Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile
	Cellular		
Reference Number given (if any)			
PART E COMPLAINT			
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)</i>			
Date on which request for access to records submitted.			
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.			
Have you attempted to resolve the matter with the organisation?			Yes
			No
If yes, when did you receive it? (Please attach the letter to this application.)			
Did you appeal against a decision of the information officer of the public body?			Yes
			No
If yes, when did you lodge an appeal?			
Have you applied to Court for appropriate relief regarding this matter?			Yes
			No
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.			
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>		
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>		
	<i>The tender or payment of a deposit.</i>		
Repayment of the deposit (Section 22(4) of PAIA) <i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>		

Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	
Form of access denied (Section 29(3) or 60 (a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/ unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access (Section 56(3) (a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	
Other (Please explain)		
PART G EXPECTED OUTCOME		
How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
PART H AGREEMENTS		

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

I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.

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

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

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

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

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party