

MEDIA FILM SERVICE (PTY) LTD (“MEDIA FILM SERVICE”) PRIVACY POLICY

1.1 By using Media Film Service (“we/us/our”) services or contracting with us in the future, you consent to us collecting, processing, and disclosing the Personal Information (as defined in the Protection of Personal Information Act 4 of 2013) you submit to us on the terms set out below.

1.2 Media Film Service’s registration number is 2002/010200/07.

1.3 Information we collect

1.3.1 Any Personal Information we collect is used to provide you with a beneficial, personalised and meaningful service. The kind of information we may collect if you contract with us includes, but is not limited to, the following categories of Personal Information, depending on the nature of the services that we provide to you or the nature of the contract you may enter into with us in the future, or services that you may request that we provide you on an ad hoc basis:

1.3.1.1 Registration information: You may be asked for basic registration information, such as a cellphone number and your full name.

1.3.1.2 Other information: We may request or receive other Personal Information such as feedback, questions, comments, suggestions, or ideas to provide you with other benefits or to improve upon the service. In such instances, you will be given the opportunity to provide or decline that information.

1.4 How we use the information we collect

1.4.1 We shall use your Personal Information to, in the most minimalistic manner possible fulfil contractual terms:

1.4.1.1 fulfil your requests;

1.4.1.2 respond to your inquiries;

1.4.1.3 analyse the contractual obligations within the confines of the contract.

1.4.1.4 alert you to software compatibility issues and to improve our platform and web design and functionality.

- 1.4.1.5 deliver to you any administrative notices or alerts and communications relevant to your use of the contract within the confines of the contract, of which you may opt out of.
- 1.4.1.6 offer you other products, programs, or services that we believe may be of interest to you.
- 1.4.1.7 perform market research, project planning, product development, troubleshooting problems, analysis of user behaviour, marketing and promotions;
- 1.4.1.8 detect and protect against errors, fraud, or other criminal activity;
- 1.4.1.9 enforce the terms within the confines of the contract.

1.5 **How we disclose Personal Information**

- 1.5.1 We will not sell, publish, or share your Personal Information with third parties for their marketing purposes.
- 1.5.2 We may share your Personal Information with other third parties with your consent or instructions to do so, or where it is lawful or to make the contractual services promised available to you.
- 1.5.3 You have the right to access any of your Personal Information in our possession at any time and you may require us to correct any incorrect information we may have.
- 1.5.4 At all times, your Personal Information will be processed in the most minimalistic manner possible and with due regard to the intended purpose of the information being shared and the intention of the Protection of Personal Information Act 4 of 2013.
- 1.5.5 We may transfer your Personal Information to third parties for the purpose of you using the services seamlessly; for example, to our third party payment vendors for the purposes of facilitating payment.

1.6 **Security of Personal Information**

- 1.6.1 We use technical and administrative security measures such as but not limited to firewalls, encryption techniques, and authentication procedures, among others, to maintain the security of your Personal Information.
- 1.6.2 We receive Personal Information from you in the provision of a contract or service that may be provided to you in future. While we make every effort to protect such Personal Information, it is possible for internet-based communications to be intercepted.

Without the use of encryption, the internet is not a secure medium and privacy cannot be guaranteed. We will not be responsible for any damages suffered by you or any third party or Additional Users as a result of the transmission of Personal Information through the internet or for any errors or changes made to any transmitted information.

- 1.6.3 Your Personal Information is stored in accordance with high standards of security that are at least, or higher than the standards of what is accepted within the media industry for storage of data of this nature.

1.7 **Newsletters, summaries and notifications**

- 1.7.1 We may send periodic service related alerts, weekly summaries, notifications, newsletters, promotions, or other information via email or SMS. You may choose to stop receiving alerts, summaries, newsletters and promotions by indicating your preference in your account profile or settings. Please note that certain service related messages that we send are necessary for the proper functioning and use of the Service and you may not have the ability to opt-out of those messages.

1.8 **Third party offers, advertisements, and data collection**

- 1.8.1 We may use third party service providers to help us analyse certain online activities. For example, these service providers may help us measure the performance of our online promotions or analyse the service and/or platform activity. We may permit these service providers to use cookies and similar technologies to perform these services. We do not share any Personal Information about our customers with these third party service providers, and these service providers do not collect such information on our behalf.

1.9 **Complaints**

- 1.9.1 If you think that we are processing your Personal Information in an unlawful or unfair manner, we invite you to first contact us to attempt to resolve the matter.
- 1.9.2 Media Film Service's information Officer can be contacted at info@emediaholdings.co.za.

1.10 **Changes to this Policy**

- 1.10.1 We may update or amend this privacy policy periodically and in our sole discretion.

MEDIA FILM SERVICE (PTY) LIMITED
PREPARED IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 AS AMENDED (“the
Act/PAIA”)



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1. Definitions

- 1.1 “CEO” means Chief Executive Officer;
- 1.2 “PAIA” means Promotion of Access to Information Act No. 2 of 2000 (as amended);
- 1.3 “POPIA” means Protection of Personal Information Act 4 of 2013
- 1.4 “Regulator” means Information Regulator
- 1.5 “South Africa” means Republic of South Africa

2. Purpose of PAIA manual

- 2.1 Media Film Service (Pty) Ltd ("MFS") is a private company in South Africa.
- 2.2 MFS's registration number is 2002/010200/07.
- 2.3 The purpose of this PAIA manual shall be explained. This PAIA Manual is useful for the public to:
 - 2.3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
 - 2.3.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
 - 2.3.3 know the description of the records of the body which are available in accordance with any other legislation;
 - 2.3.4 access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access;
 - 2.3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
 - 2.3.6 know if the body 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;
 - 2.3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto; know the recipients or categories of recipients to whom the personal information may be supplied;
 - 2.3.8 know if the body has planned to transfer or process personal information outside South Africa and the recipients or categories of recipients to whom the personal information may be supplied;
 - 2.3.9 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Contact details

- 3.1 Head of the body: CEO of eMedia Investments
Khalik Mahomed Ismail Sherriif
- 3.2 Telephone number: 011 537 9362
- 3.3 Email address: info@emediaholdings.co.za

- 3.4 Information Officer: Philippa Rafferty
3.5 Telephone number: 011 537 9471
3.6 Email address: Philippa.rafferty@etv.co.za
- 3.7 Postal address Johannesburg: 4 Albury Road
Dunkeld West
Johannesburg
- 3.8 Street Address: 4 Albury Road
Dunkeld West
Johannesburg
- 3.9 Website: www.yfm.co.za

4. Access to the records held by MFS

- 4.1 In order to facilitate a request for access to a record of MFS, the section describes the subjects on which MFS holds records and the categories of the records on each subject. The fact that the documents are listed below does not mean that they will necessarily be made available in terms of the Act and any request may be refused on the grounds set out in the Act or otherwise.

i. Records that may be requested

- Administration records including correspondence, licences, compliance reports, minutes of management meetings and minutes of staff meetings.
- Constitution records including list of directors, minute books and resolutions, power of attorney agreements, share Register, shareholders' Agreements and statutory registers
- Documents relating to legal proceedings including correspondence and pleadings
- Financial records including annual financial statements, assets register, banking details, bank statements and financial statements
- Human Resources records including disciplinary records and documentation pertaining to disciplinary proceedings, employee code of conduct, employment contracts, employment equity plan, personnel files, remuneration records
- Incorporation Documents including incorporation forms and memorandum and articles of association
- Information Technology records including computer software support and maintenance agreements, software licence agreements, agreements in respect of computer hardware, agreements with Internet Service Providers
- Miscellaneous agreements including agreements with third parties including suppliers and providers
- Policy documents including BEE policy, remuneration policies and staff recruitment policies.
- Specific agreements and documents relating to the private body's business activities

ii. The request procedures

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is currently R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- An additional fee may be required in respect of requests for access to broadcast material.

5. Processing of personal information

5.1 Below is a non-exhaustive description of the categories of Data Subjects and of the information or categories of information relating thereto

Category of Data Subjects	Personal Information that may be processed
Customers/Clients	Name, address, registration numbers or identity numbers, employment status and bank details, passport details, cell phone numbers, other information in which there is a legitimate interest or contractual obligation.
Service Providers	Names, registration number, vat numbers, address, trade secrets and bank details, credit checks, financial information, cell phone numbers, other information in which there is a legitimate interest or contractual obligation.
Employees	Address, qualifications, gender and race, criminal background checks, cell phone numbers, other information in which there is a legitimate interest or contractual obligation.
Other on a case by case basis	Other- case by case basis.

5.2 Below are the recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority

Category of personal information	Recipients or Categories of Recipients
Credit and payment history, for credit information	Credit Bureaus
Other on a case by case basis	Other on a case by case basis

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

- 6.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 6.2 The Guide is available in each of the official languages and in braille.
- 6.3 The aforesaid Guide contains the description of- the objects of PAIA and POPIA; the postal and street address, phone and fax number and, if available, electronic mail address of- the Information Officer of every public body, and every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA; the manner and form of a request for access to a record of a public body contemplated in section 11; and access to a record of a private body contemplated in section 50; the assistance available from the IO of a public body in terms of PAIA and POPIA; the assistance available from the Regulator in terms of PAIA and POPIA; 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- an internal appeal; a complaint to the Regulator; and 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; the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual; the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively; the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and the regulations made in terms of section 92.
- 6.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 6.5 The Guide can also be obtained- upon request to the Information Officer; from the website of the Regulator (<https://www.justice.gov.za/inforeg/>)
- 6.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours- English and Afrikaans.

6.7 A copy of the guide in English is available at the following link:
https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf

6.8 A copy of the guide in Afrikaans is available at the following link:
https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-Afrikaans_20210905.pdf

7. Purpose of processing personal information

7.1 Information is processed for legitimate business purposes. Please refer to privacy policy or contact our organization for more information.

8. Planned transborder flows of personal information

8.1 MFS has taken reasonable efforts to ensure that where personal information is stored outside of South Africa, it is stored in accordance with generally accepted information security practices and procedures that are acceptable within the industry for storage of personal information.

9. Availability of the manual

9.1 A copy of the Manual is available:

9.1.1 on mediafilmservice.com,

9.1.2 head office of MFS for public inspection during normal business hours;

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

9.1.4 and to the Information Regulator upon request.

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

10. General description of information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information:

10.1 MFS uses technical and administrative security measures such as but not limited to firewalls, encryption techniques, and authentication procedures, among others, to maintain the security of your Personal Information.

10.2 MFS strives to store Personal Information in accordance with high standards of security that are at least, or higher than the standards of what is accepted within the media industry for storage of data of this nature.

11. Updating of the manual

11.1 The manual may be updated at regular intervals.

12. Issuance of manual

12.1 Issued by Information Officer

FORM 1

REQUEST FOR A COPY OF THE GUIDE

[Regulations 3]

TO: The Information Officer

I,

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

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

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

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of requester

FORM 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:

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Fax number:

--

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED <i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD (Mark the applicable box with an "X")			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
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 <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

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

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

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

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
[Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

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

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

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4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

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

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

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

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <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



INFORMATION REGULATOR (SOUTH AFRICA)

Ensuring protection of your personal information
and effective access to information

Address: JD House, 27 Stiemens Street
Braamfontein, Johannesburg, 2001
P.O. Box 31533
Braamfontein, Johannesburg, 2017
Tel: 010 023 5200

Email: PAIAComplaints@infoRegulator.org.za

COMPLAINT FORM

FORM 5 [Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@infoRegulator.org.za or complete online complaint form available at <https://www.justice.gov.za/infoegl>.
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 (Please specify)

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 have appealed against the decision of the public body and the appeal is unsuccessful.			
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.			

Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>	
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>	
	<i>The tender or payment of a deposit.</i>	
Repayment of the deposit (Section 22(4) of PAIA)	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	
Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	
Form of access denied (Section 29(3) or 60(a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access (Section 56(3)(a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	
Other (Please explain)		
PART G EXPECTED OUTCOME How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
PART H AGREEMENTS		

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

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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.

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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.

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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.

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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