



PAIA MANUAL

**Prepared in terms of section 14 of the
Promotion of Access to Information Act,
2000**

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1. LIST OF ACRONYMS, ABBREVIATIONS AND DEFINITIONS

- 1.1 **CEO:** refers to Chief Executive Officer.
- 1.2 **COIDA:** refers to the Compensation for Occupational Injuries and Diseases Act, 1993.
- 1.3 **Court:** means –
- (a) the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution; or
 - (b) (i) a High Court or another court of similar status; or
 - (ii) a Magistrate's Court for any district or for any regional division established by the Minister for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Court Act, 1944 (Act 32 of 1944), either generally or in respect of a specified class of decisions in terms of this Act, designated by the Minister by notice in the Gazette and presided over by a magistrate, an additional magistrate or a magistrate of a regional division established for the purposes of adjudicating civil disputes, as the case may be, designated in terms of section 91A,
- Within whose area of jurisdiction –
- (aa) the decision of the information officer or relevant authority of the public body or the head of a private body has been taken;
 - (bb) the public body or private body concerned has its principal place of administration or business; or
 - (cc) the requester or third party concerned is domiciled or ordinarily resident.
- 1.4 **Data Subject:** means the person to whom Personal Information relates.
- 1.5 **DIO:** refers to Deputy Information Officer.
- 1.6 **Guide:** means a document compiled by the Human Rights Commission and updated and made available by the Information Regulator, containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the PAIA.
- 1.7 **IO:** refers to Information Officer.
- 1.8 **Manual:** refers to this PAIA Manual.

- 1.9 **Minister:** refers to the Minister of Transport in relation to RAF Act or Minister of Justice in relation to the PAIA.
- 1.10 **PAIA:** refers to Promotion of Access to Information Act, 2000.
- 1.11 **PAJA:** refers to Promotion of Administrative Justice Act, 2000.
- 1.12 **Personal Information:** means means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - (b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - (d) the biometric information of the person;
 - (e) the personal opinions, views or preferences of the person;
 - (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - (g) the views or opinions of another individual about the person; and
 - (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 1.13 **POPIA:** refers to Protection of Personal Information Act, 2013.
- 1.14 **RAF:** refers to Road Accident Fund.
- 1.15 **RAF Act:** refers to Road Accident Fund Act, 1996.
- 1.16 **Record or Records:** means any recorded information—
- (a) regardless of form or medium, including any of the following—
 - (i) writing on any material;
 - (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;

(iii) label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;

(iv) book, map, plan, graph or drawing;

(v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

(b) in the possession or under the control of the RAF;

(c) whether or not it was created by the RAF; and

(d) regardless of when it came into existence.

1.17 **Regulator:** means the Information Regulator.

1.18 **Requester:** in relation to –

(a) public body, means –

(i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or

(ii) a person acting on behalf of the person referred to in subparagraph (i);

(b) a private body, means –

(i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or

(ii) a person acting on behalf of the person contemplated in subparagraph (i)

1.19 **SASSA:** refers to the South African Social Security Agency.

1.20 **SOP:** refers to Standard Operating Procedure.

1.21 **Third party:** in relation to a request for access to –

(a) a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than –

(I the requester concerned); and

(ii) a public body; or

(b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester,

but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (a) and (b) must be construed as a reference to 'natural person

2. INTRODUCTION

This Manual is published in terms of Section 14 of the PAIA and section 17 of the POPIA.

The PAIA gives effect to the right of access to information as provided for in section 32 of the Constitution, subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance.

The purpose of the PAIA is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights, to the full extent required. The PAIA sets out the requisite procedural aspects pertaining to information requests.

The POPIA gives effect to the right to privacy in terms of section 14 of the Constitution. The POPIA promotes the protection of Personal Information processed by private and public bodies, subject to certain conditions in order to establish minimum requirements for the processing of Personal Information. The RAF is accordingly required to ensure that the processing of Personal Information accords with the requirements of the POPIA.

This Manual has been compiled in accordance with the PAIA and the POPIA which prescribes that a public body must provide details of the Records held by such public body so that requests for information may be accommodated.

3. PURPOSE OF THE PAIA MANUAL

This Manual is useful for the public to-

- 3.1 check the nature of the Records which may already be available at the RAF, without the need for submitting a formal PAIA request;
- 3.2 have an understanding of how to make a request for access to a Record of the RAF;
- 3.3 access all the relevant contact details of the persons who will assist the public with the Records they intend to access;

- 3.4 know all of the remedies available from the RAF regarding the request for access to the Records, before approaching the Regulator or the Courts;
- 3.5 access the description of the services available to members of the public from the RAF, and how to gain access to those services;
- 3.6 obtain a description of the Guide on how to use the PAIA, as updated by the Regulator, and how to obtain access to it;
- 3.7 clarify if the RAF 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;
- 3.8 have an understanding of how to submit an objection to the processing of Personal Information and how to request the correction, deletion of Personal Information or destruction or deletion of a Record;
- 3.9 know if the RAF 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; and
- 3.10 know whether the RAF has appropriate security measures in place to ensure the confidentiality, integrity and availability of the Personal Information which is to be processed.

4. ESTABLISHMENT OF THE RAF

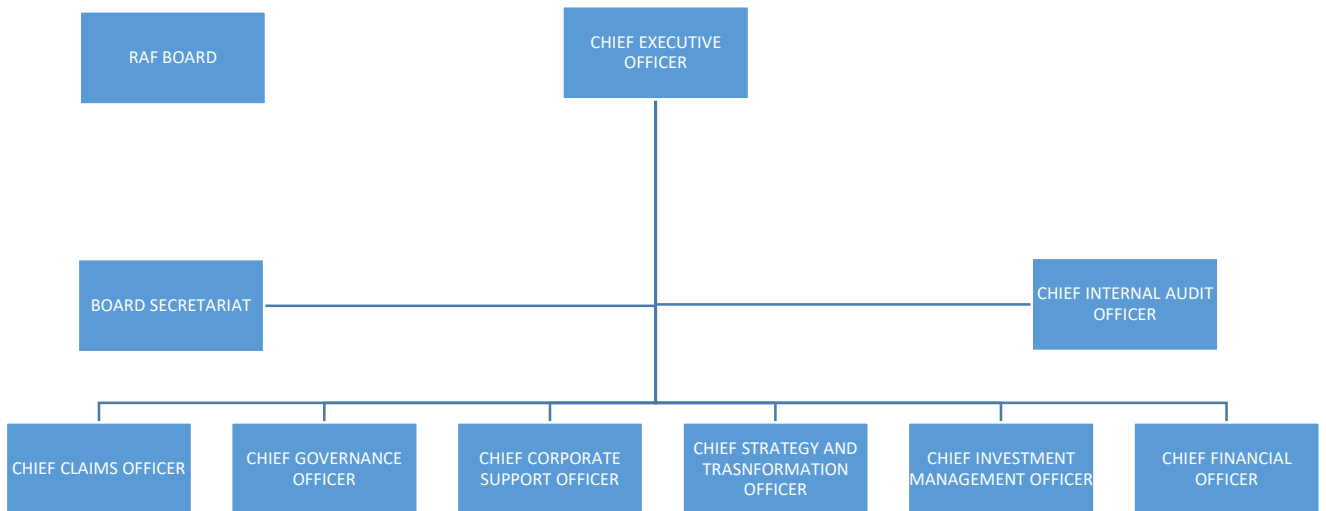
4.1. Objectives

The RAF is a juristic person established by an Act of Parliament, namely the RAF Act. The RAF commenced operations on 1 May 1997, and assumed the rights, obligations, assets and liabilities of the Multilateral Motor Vehicle Accidents Fund which was established by the Multilateral Motor Vehicle Accidents Fund, 1989.

Section 3 of the RAF Act provides that the object of the RAF is the payment of compensation in accordance with the RAF Act for loss or damage wrongfully caused by the driving of motor vehicles. The RAF therefore provides cover to victims of motor vehicle accidents and, or, or the families of such victims, and indemnity for the drivers of motor vehicles who are responsible for wrongfully causing the injury or death of victims of motor vehicle accidents.

5. STRUCTURE OF THE ROAD ACCIDENT FUND

5.1. Structure



5.2. Functions

In terms of section 4 of the RAF Act, the powers and functions of the RAF include:

- (a) the stipulation of the terms and conditions upon which claims for compensation must be administered;
- (b) the investigation and settling of claims arising from loss or damage caused by the driving of a motor vehicle whether or not the identity of the owner or the driver thereof, or the identity of both the owner and the driver thereof, has been established;
- (c) the management and utilisation of the money of the RAF for purposes connected with or resulting from the exercise of its powers or the performance of his duties; and
- (d) procuring re-insurance for any risk undertaken by the RAF under the RAF Act.

In terms of subsections 4(2), (3) and (4) of the RAF Act, for the RAF to achieve the object referred to in paragraph 1, the RAF may:

- (a) purchase or otherwise acquire goods, equipment, land, buildings, shares, debentures, stock, securities and all other kinds of movable and immovable property;
- (b) sell, lease, mortgage, encumber, dispose of, exchange, cultivate, develop, build upon, improve or in any other way deal with its property;
- (c) invest any money not immediately required for the conduct of its business and realise, alter or reinvest such investments or otherwise deal with such money or investments;
- (d) borrow money and secure the payment thereof in such manner as it may deem fit;
- (e) make donations for research in connection with any matter relating to injuries sustained in motor vehicle accidents on such conditions as it may deem advisable;
- (f) draw, draft, accept, endorse, discount, sign and issue promissory notes, bills and other negotiable or transferable instruments, excluding share certificates;
- (g) take any other action or steps which are incidental or conducive to the exercise of its powers or the performance of its functions;
- (h) make financial contributions to road safety projects and programmes approved by the Minister;
- (i) conclude any agreement with any person for the performance of any particular act or particular work or the rendering of particular services contemplated in the RAF Act;
- (j) in the exercising of the powers conferred on it by the RAF Act, deal with any person, partnership, association, company, corporation or other juristic person wherever seated; and
- (k) conclude an agreement with any other organ of State regarding any matter provided for in the RAF Act in order to improve or ensure -
 - i) the effective management of the RAF;
 - ii) the efficiency of the RAF;
 - iii) coordination of functions; and
 - iv) cooperative governance contemplated in Chapter 3 of the Constitution.

6. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE RAF

6.1. Chief Information Officer

Name:	Mr Collins Phutjane Letsoalo
Tel:	012 621 1600
Email:	oceo@raf.co.za

6.2. Deputy Information Officers

PAIA Deputy Information Officer

(Requests for access to records relating to file content of claims must be submitted to the PAIA DIO)

Name: Boipelo Mothopi
Tel: 012 621 1853
Email: PAIAUnit@raf.co.za

POPI Deputy Information Officer

(Requests for access to all other records must be submitted to the POPI DIO)

Name: Michelle Morgan
Tel: 012 649 2532/2425
Email: popi@raf.co.za

6.3. Access to information: General contacts

Email: PAIAUnit@raf.co.za; or popi@raf.co.za

6.4. Head Office

Postal Address: Private Bag X 178, Centurion, 0046.
Physical Address: Eco Glades 2, 420 Witch Hazel Avenue, Centurion, 0046.
Telephone: 0860 23 55 23
Email: PAIAUnit@raf.co.za or popi@raf.co.za
Website: www.raf.co.za

7. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT, OR A FAILURE TO ACT, BY THE RAF

7.1 Internal appeal

RAF does not have internal appeal procedures. Thus, the decision made by the Deputy Information Officer is final.

7.2 Process for complaints to the Information Regulator or any regulatory body;

A requester or a third party, who is aggrieved by a decision taken by the DIO:

- To refuse a request for access;
- Regarding the amount of fees required to be paid;
- Regarding the extension of the period within which to deal with the request; or
- The form of access in which the information will be furnished,

may within 180 days of receipt of the decision from the RAF, submit a complaint, alleging that the decision was not in compliance with the PAIA, to the Regulator for appropriate relief.

A complaint to the Regulator must be made in writing by completing Form 5 (Complaint Form) which is attached to this Manual as Annexure 4. A complaint may be submitted to the Information Regulator email address PAIAComplaints@inforegulator.org.za.

7.3 Process for approaching the Court with jurisdiction for appropriate relief

A requester or third party may only apply to a court for appropriate relief after the requester or third party has exhausted the complaints procedure mentioned above, or if the requester or third party has withdrawn the complaint to the Regulator. A requester or third party may seek relief from any court with the appropriate jurisdiction in accordance with paragraph 24 of the Guide. The application to court for appropriate relief, must be brought within 180 days and all legal processes must be served on the IO.

8. HOW TO OBTAIN ACCESS TO THE GUIDE

8.1. The Regulator has, in terms of section 10(1) of the PAIA, updated and made available the revised Guide on how to use the PAIA.

8.2. The Guide is available in each of the official languages.

8.3. Members of the public can inspect the Guide at the RAF Head Office, during normal working hours. The Guide or copies can also be obtained-

8.3.1. upon request to the DIO of the RAF on the prescribed Form 1 which is attached to this Manual as Annexure 1; or

8.3.2. from the website of the Regulator (<https://www.inforegulator.org.za/>) or at the Office of the Information Regulator JD House, 27 Stiemens Street, Bramfontein, Johannesburg, 2001.

9. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE RAF

Subjects on which the body holds Records	Categories of Records held on each subject
OFFICE OF THE CHIEF EXECUTIVE OFFICER	<ul style="list-style-type: none"> • Statutory records (not publicly available); • Corporate Governance manuals; • Records of contracts: Employment contracts for Executive and Senior Management; • Draft media releases and, or, statements; • Requisition forms; • Organisational policies and SOPs; • Parliamentary Questions; • Executive summaries; • Executive Management leave records; • Delegation of Authority; • Strategic plans; • Draft annual reports; and • Service Level Agreements, Memoranda of Understanding and other agreements and contracts.
CORPORATE SECRETARY	<ul style="list-style-type: none"> • Minutes of meetings for the following Committees: Board Committees (Audit Committee, Risk Management Committee, Remuneration Management Committee, Transport Committee and Claims Committee); • Resolutions from the Board Committee, Executive Committee, Procurement Control Committee, Transformation Committee, NOM Steering Committee; • Meeting minutes for the following: Executive Committee, Procurement Control Committee, Transformation Committee, NOM Steering Committee;

	<ul style="list-style-type: none"> • Delegations of Authority; • Policies submitted to the Board for approval; • Audio recordings of meetings; • Annual work plan for Board Committees; • Terms of Reference for Committees; • Minute books of meetings of Committees; • Attendance Registers; • Declarations of Interest Registers; • Action lists from Committee meetings; • The Corporate Secretariat, as public officer, keeps formal records of all statutory reports and returns; • Internal and external correspondence with the Board; and • Legal and other opinions.
FINANCE	<ul style="list-style-type: none"> • Finance Policies and SOP; • Record of payments in Payroll (Finance: Payroll or Remunerations); • Budgets (Finance: Budgets & Planning); • Financial Statements (Finance: Accounting) other than audited Annual Financial Statements; • Statutory Quarterly report, Financial Services Board returns, Banking details and bank accounts; • Creditor's statements and invoices (Finance: Accounting); • Fixed asset register (Finance: Accounting and Facilities Management); • Property lease agreements (Finance: Procurement and Facilities Management); • Bank statements for all branches (Finance: Treasury); • Records of payments to creditors (Finance: Accounting) and claims (Finance Treasury); and

	<ul style="list-style-type: none"> • Insurance claim files (Finance: Actuarial and insurance).
SHARED SERVICES:	<ul style="list-style-type: none"> • Shared Services policies and Standard Operating Procedure; • Statutory records; • Salary information; • Copies of Employee personal documents; • Interview questionnaires; • Employee background check results; • Shortlisting and interview declaration forms; • Application and consent forms; • Benefit forms (medical aid, pension fund, funeral benefit forms and bonus provision); • Employment contracts; • Psychometric assessment reports; • Job adverts; • Staff requisition; and • Leave reports.
EMPLOYEE RELATIONS	<ul style="list-style-type: none"> • EAP Supervisor, Manager Referral Form; • Disciplinary hearing notices; • Warning-action short dismissal; • Appeal hearing outcomes; • Appeal applications; • Intoxication assessments; • Notices for work performance; • Notices incapacity investigations; • Notices regarding representation; • Notices of suspension; • Grievance forms; • Procedure to defer or bank sick leave;

	<ul style="list-style-type: none"> • Pleadings; • Affidavits; and • Legal opinions.
EMPLOYEE WELLNESS SERVICES:	<ul style="list-style-type: none"> • Medical reports of employees; • Employee Wellness Services records; • Intervention reports; and • Employee Wellness policies and SOPs.
INFORMATION COMMUNICATION AND TECHNOLOGY: (ICT)	<p>The ICT division comprises of the following departments: Application Support Services, Business Support Services, Infrastructure Services and Governance, Risk and Security.</p> <ul style="list-style-type: none"> • ICT Strategy; • Project Management Charter; • Project Management SOP; • Architecture policy; • Architecture charter; • Health checks (system availability); • Master system plan; • System design documents; • ICT policies, SOPs and standards; • Record of internal calls; • Processes within Business Support; • Equipment standards (architecture); • Licensing agreements; and • Service Level Agreements with suppliers.
STAKEHOLDER RELATIONS	<ul style="list-style-type: none"> • Monthly, quarterly and annual reports; • Strategic Plan; • Annual Performance Plan; • Stakeholder strategy and engagement matrix; • Memorandums of Understanding;

	<ul style="list-style-type: none"> • Draft Communication to stakeholders; and • Stakeholder Relations Implementation Plan.
MARKETING AND COMMUNICATIONS	<ul style="list-style-type: none"> • Draft Annual Reports; • Strategic Plan; • Annual Performance Plan; • Road Ahead – Staff Newsletter; • Internal Communiqués; • Media statements and alerts; • Media monitoring reports; • National media database; • Frequently asked questions with answers; • Focused communications plans for different units; and • Content updates for website and intranet.
INTERNAL AUDIT	<ul style="list-style-type: none"> • Internal Audit Planning documents (Notification letter, Audit Planning Memorandum); • Internal Audit reports; • Audit evidence (auditee or client documents); • Internal audit methodology including audit templates; • Internal Audit service level agreements; • Internal Audit Induction Pack; • Internal Audit Code of Ethics; • Internal Audit Charter; • Audit Committee Reports; • Internal department structure; • Executive Summaries and Memorandums; • Employee qualifications report; and • Service provider's documents (such as contractor's identity documents and <i>curriculum vitae</i> accompanying proposals).

<p>FACILITIES MANAGEMENT</p>	<p>FACILITIES MANAGEMENT</p> <p>Administrative:</p> <ul style="list-style-type: none"> • Executive Summaries; • Memorandums; • Database of information, e.g. leases; and • Pool vehicle request forms. <p>Compliance:</p> <ul style="list-style-type: none"> • Policies, SOPs; and • Workflows. <p>Security Services:</p> <ul style="list-style-type: none"> • Occurrence book; • Access control register; • Firearm Control Register; • Application form for an identity card or enrolment; • Acknowledgements of debt for cards or keys; • Application forms for access to server room; • Application form for access to the executive suite; • Key control register; • Key control inventory register; • Work schedule; • Fire equipment inspection; • Security policy; • Access control procedure; • Occupational Health and Safety Act Policy and SOP; • Firearm control procedure; • Firefighting and prevention procedure; • Locks and control procedure; • Operational emergency plan; • Z204 forms (applications for security vetting);
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	<ul style="list-style-type: none"> • Minimum Information Security Standard Document (MISS); • Minimum Physical Security Standards (MPSS); • Memorandums; • RAFSECO Terms of Reference; • Background screening form; • Occupational Health and Safety Incident Investigation Form; and • Security incident register.
PROCUREMENT	<ul style="list-style-type: none"> • Supply Chain Management Policy and SOPs; • Delegation of Authority Framework; • Tenders, Quotations or Requests for Quotation; and • Contracts with service providers.
ACTUARIAL	<ul style="list-style-type: none"> • Limited reinsurance policies; • Unlimited reinsurance policies; • Short term all assets insurance policies; • Short term motor insurance policies; • Rent-a-captive insurance policies; • Directors and officer's insurance policies; • Valuation reports - outstanding claims liability; • Valuation reports - pension fund; and • Valuation reports - post-retirement medical subsidy scheme.
STRATEGY OFFICE	<p>Legal, Compliance and Regulation Department:</p> <ul style="list-style-type: none"> • Register of reported staff claims; • Registers of matters referred to Legal, Compliance and Regulation; • Quarterly Board Notices in respect of the statutory adjustment of claims for loss of income and loss of support (drafts); • Board Notices in respect of the statutory

	<p>adjustment of claims for the Emergency Medical Tariff (drafts);</p> <ul style="list-style-type: none"> • Other Board Notices; • Draft regulations; • Litigation reports; • Legislation reports; • Complaints reports; • PAIA reports; • Compliance reports; • Contracts; • Legal advice Memorandums; • Legal opinions; • Draft media releases or statements; • Organisational policies and SOPs (drafts); • Responses to Parliamentary Questions; • Executive summaries and Memorandums; • Delegations of Authority; • Strategic Plans; • Operational Plans; • Draft annual reports; • Board Committee Resolutions; • Terms of Reference for Board Committees; • Board Resolutions; • Attendance Registers; • RAF comment on documents published for public comment; • Responses to queries; • Draft regulations; and • Regulation Reports.
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	<p>Project Management Office:</p> <ul style="list-style-type: none"> • Project Register; • Business Cases; • Scope documents; • Scope Change Requests; • Change Request Forms; • Project initiation documents; • Project Plans; • Project meeting minutes; • Project Steercom minutes; • End project reports; • Risk Assessments; • Risk Registers; • Issues registers; • Consultant contracts; and • Consultant invoices. <p>Forensic Department:</p> <ul style="list-style-type: none"> • Fraud and prevention plans; • Forensic Investigation Policy and SOP; • Contracts with service providers; • Assessor's reports; • Forensic reports; • Investigation Dockets; and • Pleadings.
OPERATIONS	<p>Undertakings:</p> <ul style="list-style-type: none"> • Undertakings certificates; • Invoices and accounts; • Quotations; • Motivation letters;

	<ul style="list-style-type: none"> • Progress reports from medical service providers; • Claim files (hospital records, x-ray reports, any medical reports (ambulance report), clinical notes from medical providers, medical legal reports, copies of identity documents of the patients, birth certificates in case of children and, or similar documents); • Case management reports - pre settlement; and • Case profiles - pre-settlement. <p>Documents relating to claims lodged on behalf of claimants:</p> <ul style="list-style-type: none"> • RAF Forms (RAF 1, RAF 4, RAF 2 - Supplier Claims); • Identity documents of claimants; • Identity documents of injured persons; • Birth and Baptismal Certificates of claimants and injured persons; • Marriage Certificates; • Civil Union partnership certificates or agreements; • Divorce orders; • Maintenance orders; • Welfare and Social Services reports; • Parental agreements; • Contingency Fee Agreements; • Electronic or digital correspondence from claimants/ injured persons; • Any electronic or digital correspondence from claimants' attorneys; • Hospital records; • Post Mortem reports; • Inquest Reports; • Criminal case dockets;
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	<ul style="list-style-type: none"> • Clinical records; • General Practitioner's reports; • Police accident reports; or traffic reports; • Claimants' or injured persons' consent to inspect medical records; • Claimants' affidavits; • Affidavits of any interested party i.e. family members or community leaders; • Liquidation and Distribution Accounts; • Employment certificates; • Certified copies of employment contracts; • School reports (only certified copies); • Tertiary qualifications (only certified copies); • Employers' sick leave records relating to the claimant or the injured; • Employer benefits paid to employees, injured persons, or claimants as a result of an accident; • Trade licence, hawker licence or any business licence; • SASSA grants and documentation; • COIDA payments and documents; • Hospital or medical accounts; • Medical aid records relating to the main member and, or the injured person; • Medical aid application forms relating to the main member or the injured person; • Accident sketch plans; • Insurer's accident or insurance forms of the claimant (insured – claimant); • Photographs of damage to motor vehicles (material damages); • Photographs of the claimant's injuries or cosmetic
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	<p>disfigurement;</p> <ul style="list-style-type: none"> • X-rays and x-ray reports; Magnetic Resonance Imaging reports; • Actuarial reports; and • Medico-legal reports. <p>Medical:</p> <ul style="list-style-type: none"> • Medical policies and SOPs; • Bill reviews; • Medical opinions; • Case management reports; • Claim files; • Hospital accounts; • Curatorship letters; • Case profiles; • All medico-legal reports; • X-ray reports; • Joint minutes between experts; and • Statutory undertaking records. <p>Records obtained by the RAF:</p> <ul style="list-style-type: none"> • Insured driver statements; • Witness statements; • Police and hospital accounts; • Medical expert reports; • Court pleadings (pending and continuing cases); • Letters from attorneys; • Letters from claimants' attorneys; • Tax documentation of claimants or injured persons; • Financial statements of businesses of self-employed claimants; and • Mediation settlement agreements.
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	<p>Records generated by the RAF:</p> <ul style="list-style-type: none"> • Medical or legal reports; • Assessor reports; • Actuarial reports; • Letters to attorneys; • Letters from the RAF to claimants' attorneys; • Computer generated expenditure reports; • Legal opinions; • Offer letters to attorneys; • Undertaking certificates; • Discharge forms (completed); and • Contractual undertakings. <p>Legal Costs:</p> <ul style="list-style-type: none"> • Service Level Agreements; • Writ registers; • Directives; • Executive summaries; • Address books; • Claims system; • Payment system; • Legal cost system; • Bills of cost: party and party (plaintiff) and attorney-and-client (panel attorneys); • Panel attorneys' files; • Allocations on system; • Payment history reports; • Offers; • Trigger documents; • Expenditure authorization reports;
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	<ul style="list-style-type: none"> • Batch reports; and • Register of requested or authorised payments. <p>Recourse:</p> <ul style="list-style-type: none"> • Payment records; • Reports; • Correspondence between the RAF, attorneys and debtors; • Pleadings (pending and continuing cases); • Legal opinions; • Assessors reports; and • Court orders (pending and continuing cases). <p>Patient Outreach Programme:</p> <ul style="list-style-type: none"> • Medical Assessment reports; • Case Management reports; • Case profiles; • Medico-legal reports; • Undertaking certificates; • Medical accounts; • Banking indemnity forms; • Caregivers appointment contracts; • Suppliers quotations; • Hospital records; and • Affidavits.
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10. CATEGORIES OF RECORDS OF THE ROAD ACCIDENT FUND WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The categories of Records listed below are automatically available from the RAF without the requester having to request access in terms of the PAIA:

- This Manual;
- PAIA forms;
- The information uploaded to the RAF website;
- Job adverts;
- Information booklets;
- Pamphlets;
- Brochures;
- Posters;
- Newsletters;
- Other marketing information relating to the services of the RAF;
- Blank Claim Forms;
- Statutory records: legislation and regulations;
- Media releases or statements;
- Media alerts;
- Strategic Plans;
- Annual Performance Plans;
- Statutory quarterly reports;
- Annual Reports (Finance: Reporting);
- Board Notices in respect of the quarterly adjustment of the cap on loss of support or loss of income claims;
- Tenders/ quotations;
- Vendor forms;
- RAF Customer Service Charter.

11. HOW TO REQUEST ACCESS TO RECORDS OR PERSONAL INFORMATION HELD BY THE RAF

The PAIA provides that a requester must be given access to a Record of a public body if the requester complies with the procedural and substantive requirements in the PAIA and its regulations, and provided that the request for access to the Record is not refused in terms of any ground for refusal contemplated in the PAIA.

11.1 Preliminary steps

The following steps must be considered before submitting a request.

Step 1: Are you entitled to use the PAIA to request access?

I. Please take note of section 7 (1) of the PAIA which states:

“This Act does not apply to a record of a public body or a private body if-

- (a) That record is requested for the purpose of criminal or civil proceedings;
 - (b) So requested after the commencement of such criminal or civil proceedings, as the case maybe; and
 - (c) The production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.”
- II. If section 7 (1) applies, you may not bring a request in terms of the PAIA. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. The RAF reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).
 - III. Please have regard to section 45 of the PAIA which entitles the RAF to refuse a request for access to a Record if:
 - (a) The request is manifestly frivolous or vexatious; or
 - (b) The work involved in processing the request would substantially and unreasonably divert the resources of the RAF.

Step 2: Does the information requested exist in the form of a Record?

- I. Please note that the PAIA only applies to Records which are in existence at the time of the RAF receiving your request.
- II. The PAIA does not compel anyone to create a Record which is not yet in existence at the time that the request is made, for instance, the PAIA cannot be used to obtain reasons for a decision taken by the RAF if such reasons are not in the form of a Record.
- III. If you are not sure whether the Record exists, please indicate that in the relevant request form.

Step 3: Is the Record in the possession of or under the control of RAF?

- I. The RAF is a large organisation and the search for Records requested may involve substantial time, resources and expenses.
- II. The PAIA provides that the Record requested must be in the possession, or under the control of the RAF. For the purposes of the PAIA, a Record in the possession or under the control of:
 - (a) An RAF official; or
 - (b) An independent contractor engaged by the RAF, is regarded as being a Record of the RAF.
- III. As referred to earlier in the Manual, section 45(b) of the PAIA entitles the RAF to refuse a request for access to a Record if the work involved, in processing the request, would substantially and unreasonably divert the resources of the RAF.

Step 4: Should you bring the request in terms of Chapter 2 or 3 of the PAIA?

- I. The RAF will generally qualify as a public body where the Records relate to, or are relevant to, the exercise of a public power or the performance of a public function in terms of any legislation.

Step 5: Request for access to Personal Information held by the RAF

- I. The POPIA provides that a personal requester may, upon proof of adequate identity, request the RAF to confirm, free of charge, whether or not the RAF holds Personal Information about him or her;
- II. This request can be made by contacting the POPI DIO to confirm whether the RAF holds any personal information;
- III. The POPIA provides further that a data subject may request from the RAF the Record or a description of the Personal Information about the requester held by the RAF, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information within a reasonable time, at a prescribed fee, if any, in a reasonable manner and in a form that is generally understandable.
- IV. The record or description of personal information can be requested by the data subject by completing the prescribed Form 2, which is attached to this Manual as Annexure 2 and must be submitted together with a certified copy of your Identity Document to the PAIA or POPI DIO by hand, by post, per fax or per email.
- V. Requests for access to records relating to file content of claims must be submitted to the PAIA DIO. Requests for access to all other records must be submitted to the POPI DIO.
- VI. Subject to the provisions of PAIA and POPIA, the DIO will provide the requested personal information, or give access to any record with regard to the data subject's personal information.
- VII. The prescribed fee for reproduction of the personal information requested will be charged by the DIO.

11.2 Completion of the prescribed PAIA form for access to a record by a requester

- I. A requester, which is a person who is entitled to request access to information pertaining to third parties, must make the request for access to a Record of the RAF, on the prescribed form 2 which must be submitted to the POPI DIO by hand, by post, per fax or *per* email. Form 2 is attached to this Manual, as Annexure 2.
- II. Please note that the Form 2 access form must be completed in full. If not, the process may be delayed until such additional information has been provided.
- III. If you wish to type in your information into an MS Word version of the request form, please send an email to the PAIA or POPI DIO requesting that an MS Word version of Form 2 be emailed to you.
- IV. If a requester is illiterate or disabled and cannot make a request on the prescribed form, then the request may be made orally. The PAIA or POPI DIO must reduce the oral request

to writing on the prescribed form and provide a copy thereof to the requester.

11.3 Proof of identity

- I. If the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the IO or DIO.
- II. Where the request is made by a personal requester, being a requester seeking access to Records containing their own Personal Information, the requester is required to provide an acceptable form of identification such as a certified copy of his or her identity document or any other form of identification acceptable to the IO or DIO, together with the prescribed access form.

11.4 Payment of the prescribed fee

- I. The PAIA sets out two types of fees, namely:
 - a) Request fee; and
 - b) Access fee.
- II. These fees are to be paid prior to the RAF for accessing the request for information. A requester who requests access to a Record, will be required to pay such fee, subject to the exemptions listed in Annexure 3 to this Manual.
- III. The fees for reproduction of this Manual and Records are listed in Annexure 3.
- IV. The request fee is payable by every requester.
- V. The access fees payable by a requester referred to section 22(7) of the PAIA, unless exempted under section 22(8) of PAIA, are listed in Annexure 3.
- VI. In terms of section 22 of PAIA the IO or DIO to whom a request for access is made, must, by notice, require the requester, to pay the prescribed **request fee** (currently R100.00), before further processing the request.
- VII. A requester whose request for access to a Record which has been granted must pay, where applicable, the prescribed **access fee** for the reproduction and time taken to search for and prepare the Record.
- VIII. All payments must be made in the form of cash or cheque to the Finance business unit of the RAF or by deposit into the RAF's banking account provided below.

Bank:	Absa
Branch Code:	632005
Type of Account:	Cheque
Account no:	409-319-6167
Reference:	PAIA reference number

IX. Proof of payment must be sent to the PAIA DIO at the contact details provided above.

11.5 Timeliness for consideration of a request for access

- I. The DIO will reply within 30 (thirty) days to inform you whether your request has been granted or refused and give notice with reasons to that effect.
- II. The 30 (thirty) days within which the DIO has to decide whether to grant or refuse the request may be extended once for a period of not more than 30 (thirty) days if the request is for large amounts of information or if the request requires a search for information held at another office of the RAF, and the information cannot be reasonably obtained within the original period of 30 (thirty) days.
- III. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

11.6 Grounds for refusal of access and protection of Personal Information

Subject to the provisions of the PAIA, access to Records requested from the RAF will only be given if –

- I. All the procedural requirements set out in PAIA relating to a request are met; and
- II. Access to the requested Record(s) is not refused in terms of any ground for refusal set out in the PAIA.

The grounds of refusal are outlined in Chapter 3 and Chapter 4 of Part 2 of the PAIA and includes the mandatory protection of –

- I. The privacy of a third party who is a natural person;
- II. The commercial information of a third party;
- III. Certain confidential information and protection of certain other confidential information, of a third party;
- IV. The Safety of individuals, and the protection of property;
- V. Records privileged from production in legal proceedings;
- VI. The defence, security and international relations of the Republic;
- VII. The economic interests and the financial welfare of the Republic and commercial activities of public bodies;
- VIII. The research information of a third party, and protection of research information of a public body; or
- IX. Certain information regarding the operations of public bodies.

The RAF may also refuse requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.

In terms of the PAIA and POPIA, respectively, the RAF may, or must, refuse, as the case may be, to disclose any Personal Information requested, to which the grounds for refusal of access to Records set out in the applicable sections of Chapter 4 of Part 2 of PAIA applies.

12. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE RAF AND HOW TO GAIN ACCESS TO THOSE SERVICES

The RAF is a statutory body that, in terms of the provisions of the RAF Act, exists to provide cover to persons for loss or damage resulting from death or bodily injury caused by or arising from the wrongful driving of motor vehicles within the borders of South Africa. The RAF Act also serves to indemnify an insured driver or owner of a motor vehicle (this is the person who was responsible for causing the motor vehicle accident) against civil liability which arises as a result of the loss or damage wrongfully caused to the third party. The RAF only indemnifies the insured driver against claims for damages in respect of the bodily injury or death of a breadwinner.

Information and assistance on how to lodge a claim is available from the RAF offices and call centre on 0860 23 55 23. Additional information on the services available and how to access the services is available on the RAF website at www.raf.co.za.

13. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE RAF

The PAJA provides the process to be followed prior to taking an administrative decision.

Section 1 of the PAJA defines administrative action as any decision taken, or any failure to take a decision, by an organ of state, when exercising a power in terms of the Constitution or a provincial Constitution; or exercising a public power or performing a public function in terms of any legislation.

The PAJA ensures procedurally fair administrative actions, giving affected persons the right to request reasons for administrative actions and decisions and to have such actions reviewed in court.

Sections 3 and 4 of the PAJA set out the requirements for procedural fairness of administrative action impacting on the individual and impacting on members of the public, respectively. The purpose of section 4 is to give the public the opportunity to be heard on matters of public concern and as such contains the procedure for public participation where administrative action is concerned.

14.PROCESSING OF PERSONAL INFORMATION

14.1 Purpose of Processing

In terms of the POPIA, Personal Information must be processed for a specified purpose. The purposes for which the RAF processes Personal Information includes, but is not limited to:

- Administering legislation concerning the payment of compensation in accordance with the RAF Act, for loss or damage wrongfully caused by the driving of motor vehicles.
- General business administration purposes such as processing of personnel's Personal Information for payroll processes, recruitment purposes, pension, medical aid, disciplinary action, training, claims and claim related queries;
- Contractual obligations with suppliers and service providers;
- Procurement purposes;
- Criminal and, or civil legal proceedings;
- Statistics or research;
- Complying with obligations imposed by other relevant legislations, such as PFMA, Regulations under it and National Treasury Instruction Notes;
- Communicating with Data Subjects by email, letter, telephone, SMS, social media platforms; and
- Verifying and updating information at its disposal.

14.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be Processed
Natural persons	Names and surname; contact details (contact number(s), fax number, email address); residential, postal or business address; unique identifier/ identity number and confidential correspondence, date of birth, tax related information, confidential correspondence, identifying numbers, email addresses, telephone numbers, medical information, criminal or employment history, biometric information, personal opinions, information relating to race, gender, sex, marital status, nationality of person, language, ethic, colour, disability of person, information relating to education.

Categories of Data Subjects	Personal Information that may be Processed
Juristic persons	Names of contact persons; name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets, tax related information, identifying numbers, symbols, location information, unique identifiers, confidential correspondence, financial information, directors and shareholders details, legal opinions, information relating to education of service providers and, or taxpayers, credit check results, closed circuit television footage, call recordings, vehicle and driver registration information, contract details and tender related documents.
Employees	Gender, pregnancy; marital status; race, age, language, educational information (qualifications); financial information; employment history; identity number; physical and postal address; contact details (contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person, pension fund records, performance appraisals, disciplinary records, leave records, training records, remuneration and salary records, medical aid records, deduction from salaries, banking and financial records, letters of appointment, vehicle registration information, curriculum vitae, records of qualifications, psychometric assessment results and closed circuit television footage.

14.3 The recipients or categories of recipients to whom the Personal Information may be supplied

- Regulatory bodies, statutory bodies and other organs of state;
- Any court, administrative or judicial forum, arbitration forum, statutory commission, or ombudsman;
- South African Revenue Services, or another similar authority;
- Auditing and accounting bodies (internal and external);

- Law enforcement agencies;
- Pension fund administrators;
- Trade Unions;
- Employment and recruitment agencies;
- Insurance service providers;
- Medical aid schemes;
- Research or academic institutions;
- Anyone making a successful application for access in terms of the PAIA or the POPIA;
- Banks and other financial institutions;
- Third party verification agencies (MIE) and credit bureaux;
- Suppliers and service providers with whom RAF has a contractual relationship, arising from a formal written agreement, which agreement regulates the supplier's or service provider's access to Personal Information (for example, a third-party archiving services, rental of pool vehicles); and
- Employees of the RAF.

14.4 Planned trans-border flows of Personal Information

To the extent that RAF transmits Personal Information across the borders of the Republic of South Africa, the RAF will enter into appropriate confidentiality agreements with the relevant service provider or affiliates, to ensure that such transfer will be subject to an adequate level of protection as described in the POPIA. The RAF may transfer your information to other countries who do not have similar protection as provided for in the POPIA, with the consent of the Data Subject, or with the prior authorisation of the Regulator as contemplated in section 58 of the POPIA

14.5 General Description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

Reasonable technical and organisational measures have been implemented for the protection of Personal Information processed by the RAF and its operators. In terms of the POPIA, operators are third parties that process Personal Information on behalf of the entity.

The RAF will continuously implement and monitor technical and organisational security measures to protect the Personal Information held by the RAF, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction.

The RAF will take steps to ensure that operators that process Personal Information on behalf of the RAF apply adequate safeguards as outlined above.

14.6 How to object to the processing of your personal information

The POPIA provides that a Data Subject may object, at any time, to the processing of Personal Information by the RAF, on reasonable grounds relating to his or her particular situation, unless legislation provides for such processing. A Data Subject exercising this right must complete the prescribed Form 1 which is attached to this Manual as Annexure 5 and submit the duly completed Form 1 to the POPI DIO at the RAF's postal, physical or email address.

14.7 How to make a request for correction, deletion or destruction of Personal Information

A Data Subject may also request the RAF to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a Record of Personal Information about the Data Subject that the RAF is no longer authorised to retain Record of in terms of the POPIA's retention and restriction of Records provision.

A Data Subject who wishes to request a correction or deletion of Personal Information, or the destruction or deletion of a Record of Personal Information must complete the prescribed Form 2 which is attached to this Manual as Annexure 6 and submit the duly completed Form 2 to the POPI DIO at the RAF's postal, physical or email address.

14.8 How to lodge a complaint with the Information Regulator

A Data Subject has the right to lodge a complaint with the Regulator in terms of the POPIA. A complaint to the Regulator must be made in writing on the prescribed Form 5, which is attached to this Manual as Annexure 7.

A complaint may be submitted at the offices of the Information Regulator or via facsimile, post, courier at the Regulator's physical address and by email to POPIAComplaints@inforegulator.org.za. The contact details of the Information Regulator can be obtained from the website at <https://www.justice.gov.za/infoereg/>.

15. AVAILABILITY OF THE MANUAL

15.1 A copy of this Manual or the updated version thereof, is also available as follows-

15.1.1 on the RAF website at www.raf.co.za;

- 15.1.2 at the RAF Head Office for public inspection during normal business hours;
- 15.1.3 to any person upon request to the DIO and upon the payment of a reasonable prescribed fee; and
- 15.1.4 to the Regulator upon request.

16. UPDATING OF THE MANUAL

The RAF will, if necessary, update and publish this Manual annually.

Issued by



Collins Letsoalo (May 13, 2022 23:16 GMT+2)

Mr Collins Letsoalo

Information Officer (Chief Executive Officer)

17. ANNEXURES**ANNEXURE 1: FORM 1**

**REQUEST FOR A COPY OF
THE GUIDE**
[Regulation 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
<input type="checkbox"/>	Sepedi		<input type="checkbox"/>	Sesotho	
<input type="checkbox"/>	Setswana		<input type="checkbox"/>	siSwati	
<input type="checkbox"/>	Tshivenda		<input type="checkbox"/>	Xitsonga	
<input type="checkbox"/>	Afrikaans		<input type="checkbox"/>	English	
<input type="checkbox"/>	isiNdebele		<input type="checkbox"/>	isiXhosa	
<input type="checkbox"/>	isiZulu				

Manner of collection (mark with "x"):

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

Signed at _____ this _____ day of _____ 20 _____

Signature of requester

ANNEXURE 2: FORM 2**REQUEST FOR ACCESS TO RECORD**
[Regulation 7]**NOTE:**

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

TO: The Information Officer

(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1" style="display: inline-table;"><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 (<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 <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>	

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

ANNEXURE 3:**FEES IN RESPECT OF PUBLIC BODIES**

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

Fee Exemption in terms of Section 22(8):

A single person whose annual income after permissible deductions does not exceed R 14 712.00 per annum; or
 Married persons or life partners whose combined annual income after permissible deductions does not exceed
 R 27 192.00 per annum.

ANNEXURE 4: FORM 5

**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

[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/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	Yes		No	

the Information officer of a public body?				
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	<input type="checkbox"/>	No	<input type="checkbox"/>
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				
(Please select one or more of the following to describe your complaint to the Information Regulator)				
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 requested access to information held by a body and that request was refused or partially refused.			
The body requires me to pay a fee	Tender or payment of the prescribed fee.			

and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>The tender or payment of 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 the 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 <i>(Please explain)</i>		
<p align="center">PART G</p> <p align="center">EXPECTED OUTCOME</p> <p>How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.</p>		
<p align="center">PART H</p> <p align="center">AGREEMENTS</p>		

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 part

ANNEXURE 5: FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS
OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT,
2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]**

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	
	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....
Signature of Data Subject/Designated Person

ANNEXURE 6: FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION
OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN
TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION
ACT, 2013 (ACT NO.
4 OF 2013)**

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

☐

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

☐

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of responsible party:	
Residential, postal or business address:	
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTRACTED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....
Signature of Data Subject/Designated Person

ANNEXURE 7: FORM 5

**COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF
PERSONAL INFORMATION/COMPLAINT REGARDING DETERMINATION OF AN
ADJUDICATOR IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL
INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 7]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Complaint regarding:

☐

Alleged interference with the protection of personal information

☐

Determination of an adjudicator.

PART I	ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION INTERMS OF SECTION 74(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act No. 4 of 2013)
A	PARTICULARS OF COMPLAINANT
Name(s) and surname / registered name of data subject:	
Unique Identifier/Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E- mail address:	

B	PARTICULARS OF RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the complaint)</i>
PART II	COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR INTERMS OF SECTION 74(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)
A	PARTICULARS OF COMPLAINANT
Name(s) and surname/ registered name of Data Subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	
B	PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY
Name(s) and surname of adjudicator:	

[illegible]

Signed at this day of 20.....

.....
Signature of Data Subject/Designated Person