



SOUTH AFRICAN POLICE SERVICE

PAIA MANUAL

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

NO.	ACRONYMS / ABBREVIATIONS	MEANING
1.	DIO	Deputy Information Officer designated for a relevant province, division, component, police station or office of the South African Police Service to handle requests for access to records in terms of the Promotion of Access to Information Act, 2000 (Act 2 of 2000).
2.	Minister	Minister of Police.
3.	NDIO: PAIA	National Deputy Information Officer appointed and responsible for the implementation and management of the Promotion of Access to Information Act, 2000 (Act 2 of 2000) for the South African Police Service.
4.	NDIO: POPIA	National Deputy Information Officer appointed and responsible for the implementation and management of the Protection of Personal Information Act, 2013 (Act 4 of 2013) for the South African Police Service.
5.	PAIA	Promotion of Access to Information Act, 2000 (Act 2 of 2000).
6.	POPIA	Protection of Personal Information Act, 2013 (Act 4 of 2013).
7.	SAPS	South African Police Service.

2. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to -

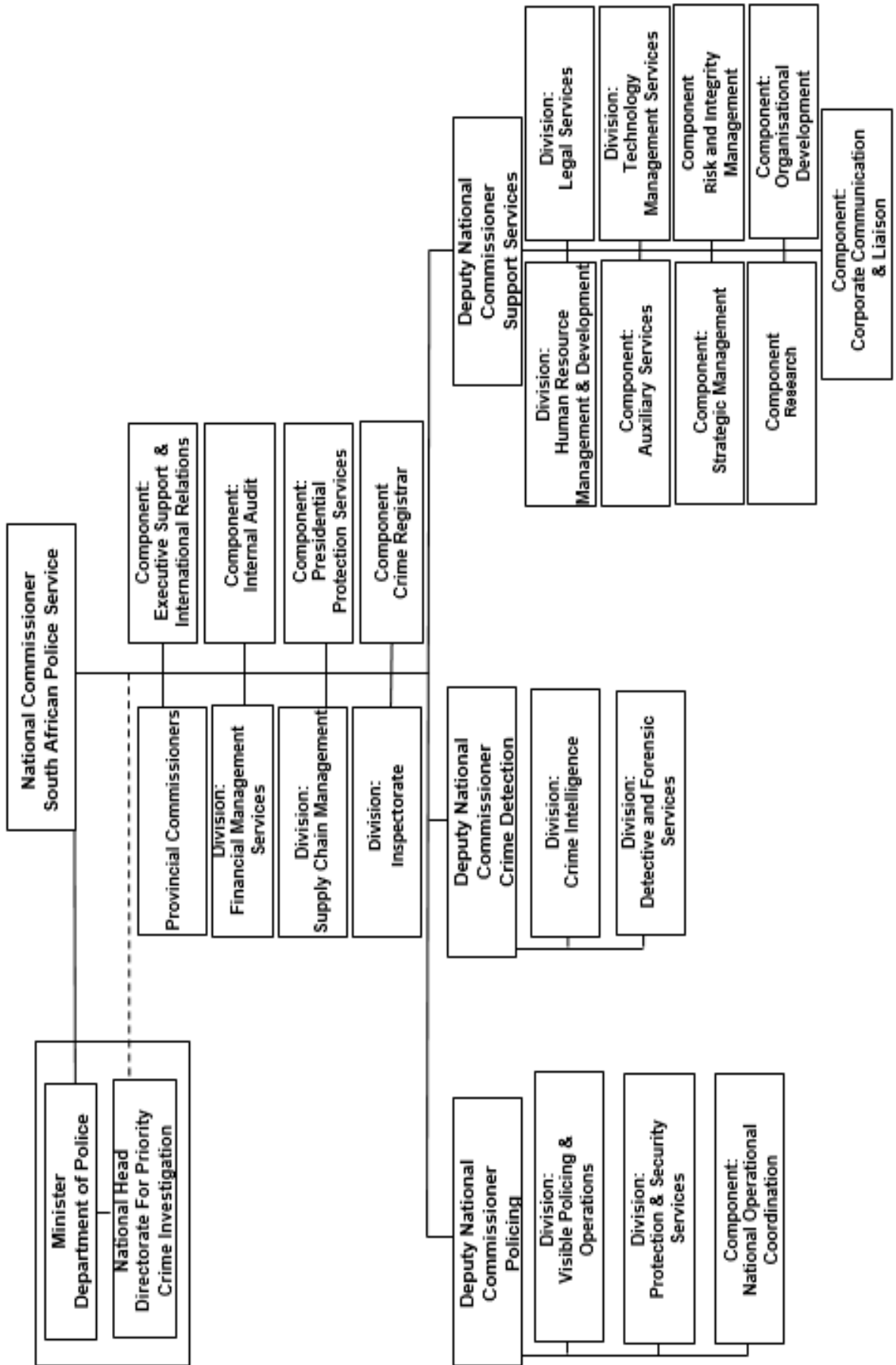
- (1) check the nature of the records which may already be available at the SAPS without the need for submitting a formal PAIA request;
- (2) have an understanding of how to request access to a record in the possession or under the control of the SAPS;
- (3) access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- (4) know all the remedies available from the SAPS regarding requests for access to the records before approaching the Information Regulator or the Courts;
- (5) know the description of the services available to members of the public from the SAPS and how to gain access to those services;
- (6) see a description of the guide on how to use PAIA, as updated by the Information Regulator and how to obtain access to it;
- (7) if the body processes personal information, know the purpose of processing personal information and the description of the categories of data subjects and the information or categories of information relating thereto;
- (8) know if the SAPS 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
- (9) know whether the SAPS has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information to be processed.

3. ESTABLISHMENT OF THE SAPS

The SAPS is governed by -

- (1) Chapter 11 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) that stipulates the SAPS has a responsibility to -
 - prevent, combat and investigate crime;
 - maintain public order;
 - protect and secure the inhabitants of the republic and their property;
 - uphold and enforce the law;
 - create a safe and secure environment for all people in South Africa;
 - prevent anything that may threaten the safety or security of any community;
 - investigate any crimes that threaten the safety or security of any community;
 - ensure criminals are brought to justice; and
 - ensure participation in efforts to address the causes of crime.
- (2) The South African Police Service Act, 1995 (Act 68 of 1995)
 - to provide for the establishment, organisation, regulation and control of the SAPS; and
 - to provide for matters in connection therewith.

4. STRUCTURE



5. FUNCTIONS

5.1 NATIONAL LEVEL

- (1) **DIRECTORATE FOR PRIORITY CRIME INVESTIGATION**
Responsible for combating, investigating and preventing national priority crimes such as serious organised crime, serious commercial crime and serious corruption. (“**HAWKS**”)
- (2) **FINANCIAL MANAGEMENT SERVICES**
Render excellent service delivery through effective budget management in the most cost-effective manner.
- (3) **SUPPLY CHAIN MANAGEMENT**
Render the availability of all logistical resources, moveable and immovable, in the SAPS through an effective and efficient supply chain management process.
- (4) **INSPECTORATE**
Render a professional knowledge-based management of policing towards achieving the outcomes and impact of the constitutional objectives of the SAPS.
- (5) **EXECUTIVE SUPPORT AND INTERNATIONAL RELATIONS**
Oversee the executive support and international relations duties within the office of the national commissioner.
- (6) **INTERNAL AUDIT**
Provide an independent management-oriented audit service focused on support service to all levels of management. Oversee internal audit engagements, processes and procedures.
- (7) **PRESIDENTIAL PROTECTION SERVICES**
Oversee comprehensive protection, global coordination and standards for the presidency, former presidents and deputy presidents, visiting heads of state, qualifying dignitaries and their spouses.
- (8) **CRIME REGISTRAR**
Oversee that reliable and validated crime information is available through controlled practices.
- (9) **VISIBLE POLICING & OPERATIONS**
Ensure the strategic direction of the effective combatting of crime by providing visible policing and operations services.
- (10) **PROTECTION & SECURITY SERVICES**
Render strategic direction regarding the protection and security service to identified individuals and/or institutions in terms of the relevant legislation and government policies.

- (11) **NATIONAL OPERATIONAL COORDINATION**
Provide executive direction on policing matters. Oversee Visible Policing and Operations Services, Protection and Security Services and National Operational Coordination.
- (12) **CRIME INTELLIGENCE**
Provide direction for effective crime investigation at all levels of intelligence services to the SAPS.
- (13) **DETECTIVE & FORENSIC SERVICES**
Ensure the effective and efficient investigation of crime as set out in the South African Police Service Act, 1995 (Act 68 of 1995), including providing directions regarding the application of forensic science and maintenance of criminal records on all criminal justice systems.
- (14) **HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT**
Provide a strategic personnel management and utilisation function within SAPS.
- (15) **LEGAL SERVICES**
Direct the strategic direction regarding the legal services within the SAPS.
- (16) **TECHNOLOGY MANAGEMENT SERVICES**
Ensure excellent service delivery through effective information technology services management for the SAPS and meet organisational responsibilities as required by the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).
- (17) **AUXILIARY SERVICES**
Administration of records management function and administration of miscellaneous services function.
- (18) **STRATEGIC MANAGEMENT**
Ensure the strategic management function is performed in the South African Police Service.
- (19) **ORGANISATIONAL DEVELOPMENT**
Oversee organisational development functions within the organisation. Provide strategic direction in designing and facilitating the implementation of organisational development interventions to enhance organisational improvement.
- (20) **RESEARCH**
Ensure the institutionalisation and maintenance of research in the SAPS that will inform the policing model, improve service delivery, enhance innovation and modernisation, and infuse professionalism in policing.
- (21) **RISK & INTEGRITY MANAGEMENT**
Oversee risk and integrity management services within the SAPS.
- (22) **CORPORATE COMMUNICATION & LIAISON**
Direct the strategic direction for communication services in the SAPS.

5.2 PROVINCIAL LEVEL

In general, the core functions of a provincial commissioner are as follows:

- (1) Exercising command and control over the SAPS under their jurisdiction in the province subject to the power of the national commissioner in accordance with legislation and directives.
- (2) Being responsible for rendering a professional policing service in the province with regard to –
 - Preventing, combating and investigating crime;
 - Maintaining public order;
 - Protecting and securing the inhabitants of the republic and their property and
 - Upholding and enforcing the law.
- (3) Liaising and coordinating with the MEC, the national commissioner and the provincial and divisional commissioners.
- (4) Oversee legal services within the province.
- (5) Oversee executive support service in the office of the provincial commissioner.
- (6) Oversee excellent service delivery through effective financial management within the province.
- (7) Oversee the availability of all logistical resources in the specific province through an effective and efficient supply chain management process
- (8) Oversee inspections, interventions and evaluations on a provincial level as well as in other assigned areas conducted by the teams.
- (9) Oversee risk and integrity management in the province.
- (10) Properly manage, control, and use resources (human and physical) allocated to the province.

5.3 DISTRICT COMMISSIONER

Ensure coordination of intelligence-led policing within the district. The functions include:

- oversee the effective management of Visible Policing;
- oversee the effective management of Detective Services;
- oversee the effective management of Management Information;
- oversee the effective management of Support Services;
- oversee the effective management of the Operational Command Centre;
- oversee the effective management of Crime Intelligence;
- oversee the effective management of Corporate Communication and Liaison; and
- manage and utilise human, financial, physical and information resources in accordance with the strategies, priorities and regulatory frameworks of the SAPS.

5.4 STATION COMMANDER

Manage and maintain the operational and support functions in order to ensure an effective and efficient policing service to the community in their policing area. The functions include:

- management of Visible Policing Services within the station precinct;
- management of Detective Services within the station precinct;
- management of effective and efficient Support Services at the station;
- management of the Management Information Centre;
- management of Crime Information Management and Analysis Centre; and
- management of Human and Physical Resources.

6. KEY CONTACT DETAILS FOR PAIA AND POPIA FOR THE SAPS

The contact details are subject to change.

6.1 Information Officer

The information officer for the Promotion of Access to Information Act, 2000 (Act 2 of 2000) (hereinafter referred to as the "PAIA"), and the Protection of Personal Information Act, 2013 (Act 4 of 2013) (hereinafter referred to as the "POPIA"), is the National Commissioner for the South African Police Service with the following contact details:

Information Officer: National Commissioner
General SF Masemola (SOEG)

Postal Address: Private Bag X94
PRETORIA
0001

Street Address: Maupa Naga Building
3rd Floor
No. 3 Troye Street
PRETORIA

Telephone number: 012 400 6934

Fax number: 012 400 7078

E-mail address:

6.1.1 POPIA

POPIA requests or enquiries to be referred to:

The Component: Auxiliary Services

POPIA Nodal Point

Postal Address: Private Bag X94
PRETORIA
0001

Street Address: Thibault Arcade
225 Pretorius Street
PRETORIA
0001

Telephone number: 012 393 1717

Email address: Sarojadevil@saps.gov.za

6.1.2 PAIA

The national deputy information officer: PAIA or provincial deputy information officer may be contacted if any PAIA problem is experienced to get in contact with any particular deputy information officer. The contact details of the police stations are available on our website and attached herewith as “Annexure A”.

7. GUIDE BY THE INFORMATION REGULATOR

7.1 DESCRIPTION

- (1) Section 10 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000) (hereafter referred to as the “PAIA”) provides that the information regulator must update and make the guide available.
- (2) The guide must include a description of —
 - a) the objects of the PAIA and the POPIA;
 - (b) manner and form of a request for —
 - (i) access to a record of a public body; and
 - (ii) access to a record of a private body;
 - (c) the assistance available from the information officer of a public body in terms of the PAIA and the POPIA;
 - (d) the assistance available from the information regulator in terms of the PAIA and the POPIA;
 - (e) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by the PAIA and the POPIA, including the manner of lodging —
 - (i) an internal appeal;
 - (ii) a complaint to the information regulator; and
 - (iii) an application with a court against a decision by the information officer of a public body, a decision on an internal appeal, a decision by the information regulator or a decision of the head of a private body.
 - (f) the information regulator must, if necessary, update and publish the guide at intervals of not more than two years.
- (3) The Guide will be available in each of the official languages on the website of the information regulator at <https://infoeregulator.org.za/>, and a link to the guide will also be available on our website.
- (4) The information officer may not charge any fee **for the inspection** of a copy of the guide at its offices.
- (5) Any person may request a copy of the guide, or any part thereof, from:

- (i) the information regulator on a form that corresponds substantially with Form 1 of Annexure A to the Regulations; or
- (ii) the information officer of the SAPS on the SAPS 512(n) Request Form of the SAPS.

The fees as provided for in the regulation will be charged for reproduction and postage.

8. REQUEST FOR ACCESS TO A RECORD HELD BY OR UNDER THE CONTROL OF THE SAPS

8.1 PURPOSE OF THE PAIA

The purpose of the PAIA is to give effect to the constitutional right of access to any information held by the state and any information that is held by another person, and that is required for the exercise or protection of any rights. The object is to foster a culture of transparency and accountability in public and private bodies and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect all of their rights fully.

8.2 INFORMATION THAT MAY BE REQUESTED

Any existing recorded information may be requested —

- (1) regardless of form or medium;
- (2) in the possession or under the control of the SAPS; and
- (3) whether or not it was created by the SAPS.

8.3 APPLICATION OF THE PAIA

(1) EXCLUSION OF A PROVISION OF OTHER LEGISLATION

The PAIA applies to the exclusion of any provision of other legislation that may prohibit or restrict the disclosure of a record and which is materially inconsistent with a provision of the PAIA.

(2) CRIMINAL OR CIVIL PROCEEDINGS

In terms of Section 7 of the PAIA, the PAIA does not apply to a record of the SAPS 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 may be; 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.

Any record obtained in a manner that contravenes Subsection 7(1) of the PAIA is not admissible as evidence in the criminal or civil proceedings referred to in that subsection unless the exclusion of such record by the court in question would, in its opinion, be detrimental to the interests of justice.

The registration and investigation of a case are not considered criminal

proceedings as they fall under “investigation”. Bail proceedings are not criminal proceedings.

Civil proceedings commence when a summons is issued. Civil proceedings do not commence when a notice of intention from an institution of legal proceedings in terms of Section 3(1) of the Institution of Legal Proceedings against certain Organs of State Act, 2002 (Act 40 of 2002) is received. When such notice is received and a summons has not been issued, the PAIA will apply to a request for access to records.

Criminal proceedings commence when a prosecutor has been appointed, or a charge has been brought against a suspect.

A registered **grievance** by an employee of the SAPS and **disciplinary proceedings** that commenced are regarded as civil proceedings (i.e. if the grievance is registered or if the disciplinary proceedings have commenced, the PAIA does not apply for access to records for such proceedings, labour law is applicable to grievances and the disciplinary regulations of the SAPS are applicable to disciplinary proceedings).

(3) **GROUND FOR REFUSAL OF ACCESS TO RECORDS**

Chapter 4, Grounds for Refusal of Access to Records of the PAIA, provides limitations in which a request for access to a record must or may be refused.

(4) **LABOUR UNIONS**

A labour union is entitled to have access to certain records in terms of Section 16 of the Labour Relations Act, 1995 (Act 66 of 1995). The PAIA does not apply when a labour union requests access to records to assist an employee in grievance or disciplinary proceedings (access is available, free of charge, in terms of the Labour Relations Act, 1995 (Act 66 of 1995)).

(5) **ACCIDENT REPORTS (AR/OAR)**

If the SAPS has already forwarded an accident report to the transport department or other relevant department or institution (e.g. Metro) when a request is received, the deputy information officer will transfer the request to the relevant department or institution or inform the requester to request the report directly from the relevant department or institution.

The prior consent of the public prosecutor is not needed to grant access to an accident report contained in an open docket to a party that was involved in an accident or to their representative or person authorised by them (if documentary proof was given). The Road Accident Fund or its representative must provide a written request (e.g. a letter on their letterhead), and all records regarding the accident are provided free of charge to the Road Accident Fund.

If the record is still in the possession or under the control of the SAPS, the records may be obtained by the authorised person on request in writing on the prescribed request form or the SAPS 512(n) addressed to the relevant office of the SAPS.

The following persons are deemed to be authorised persons:

- a) An involved party in the accident (e.g. driver, passenger, pedestrian, cyclist, owner of the vehicle, owner of the animal involved in the accident, etc.) if they can prove that they are an involved party;
- b) Any private ambulance service, medical service provider, emergency service or towing service that provided such a service to a party involved in an accident, if such private service can provide written proof that such service was rendered or;
- c) A person who is not an involved party or a private ambulance service, medical service provider, emergency service or towing service referred to above, only if they have written permission or authority from an involved party (e.g. an attorney who requests in writing on their letterhead and attaches the relevant power of attorney to act on behalf of the person and a copy of the client's ID).

(6) GUIDELINES FOR ACCESS TO A RECORD CONTAINED IN A POLICE DOCKET

i. A request for access to a record contained in an OPEN DOCKET (i.e. still under investigation or not closed):				
OPEN DOCKET				
No	Type of requester:	Type of record requested:	The prosecutor has been appointed or consulted by the investigating officer:	Procedure to follow:
1.	<ul style="list-style-type: none"> • Suspect • Complainant • Victim • Legal Representative of suspect / complainant / victim 	Own statement	<p>Yes/No <i>(It does not matter if a prosecutor has been consulted or appointed; the record(s) are listed as section 15 automatically available record of the SAPS to such person)</i></p>	<p>PAIA does not apply: Access must be provided free of charge by the investigating officer</p>
2.	<ul style="list-style-type: none"> • Suspect / • Legal representative of a suspect <p style="text-align: center;">AND</p>	Any other record in the docket (excluding their own statement or Accident Report (AR) where the requester is an	<p>Yes <i>(i.e., a prosecutor has been consulted or appointed)</i></p>	<p>PAIA DOES NOT APPLY:</p> <ul style="list-style-type: none"> • In terms of Section 7 of the PAIA, this PAIA is not applicable;

	<p>they indicated that the record(s) is requested for the purpose of the relevant criminal or civil proceeding that has already commenced.</p>	<p>authorised person for access to AR)</p>		<ul style="list-style-type: none"> • Suspect/legal representative of a suspect: follow the discovery procedure (<i>subpoena duces tecum</i> or summons for access to the record).
3.	<ul style="list-style-type: none"> • Complainant • Victim • Any person who is not a suspect • Legal representative of such complainant, victim or other person who is not the suspect <p style="text-align: center;">AND</p> <p>they indicated that access is requested for the purpose of the relevant criminal or civil case that has commenced.</p> <p>NOTE: If they do not indicate or refuse to indicate the purpose for which the record from a docket is requested, it will be deemed to be requested for such civil or criminal proceedings that have commenced.</p>	<p>Any record in the docket (excluding the Accident Report (AR) where the requester is an authorised person)</p>	<p>Yes (i.e., a prosecutor has been consulted or appointed)</p>	<p>PAIA applies (as there is no other legislation applicable to be used for such access by such a person):</p> <p>The prosecutor is the line manager who must make the decision with regard to access to the record(s).</p>
4.	<ul style="list-style-type: none"> • Suspect • Complainant • Victim • Any person • Legal representative of such suspect, complainant, victim or other person <p style="text-align: center;">AND</p> <p>they indicated that access is requested for another purpose and NOT FOR the purpose of the relevant</p>	<p>Any record in the docket (excluding the Accident Report (AR) where the requester is an authorised person)</p>	<p>Yes (i.e., a prosecutor has been consulted or appointed)</p>	<p>PAIA applies (as the record is NOT for the purpose of the relevant criminal or civil case):</p> <p>The prosecutor is the line manager who must make the decision with regard to access to the record(s).</p> <p>NOTE: Do not indicate in your request that a record is "NOT for the purpose of a civil or criminal case that commenced" when you request such access for that civil or criminal case that commenced. In terms of Section 7 of</p>

	<p>CRIMINAL OR CIVIL CASE that has commenced (for example, to determine whether they will have a civil claim against the Road Accident fund, etc.)</p> <p>NOTE: If they do not indicate or refuse to indicate the purpose for which the record from a docket is requested, it will be deemed to be requested for such civil or criminal proceedings that have commenced.</p>			<p>PAIA, such record(s) is not admissible as evidence in criminal or civil proceedings unless the exclusion of such record by the court in question would, in its opinion, be detrimental to the interests of justice.</p>
<p>5.</p>	<ul style="list-style-type: none"> • Suspect • Complainant • Victim • Any person • Legal representative of such suspect, complainant, victim or another person 	<p>Request access to a record contained in the open docket</p> <p>[excluding: * requests for access to the Accident Report (AR) by an authorised person or; * where a suspect, complainant, victim or their representative requests access to their own statement (see column no. 1 above)]</p>	<p>No <i>(i.e., the docket is under investigation, and no prosecutor has been consulted by the investigating officer or been appointed in the case yet)</i></p>	<p>PAIA applies:</p> <ul style="list-style-type: none"> • The deputy information officer must handle the request in terms of the PAIA • The line manager may refuse access to the record(s) in terms of Section 39(1)(b)(iii) (aa) of the PAIA after consultation with SAPS Legal and Policy Services.

- b) A request for access to a record contained in a **CLOSED DOCKET**:
- For any person (including the suspect, a complainant or a victim or their representative) who requests access to any record (excluding the Accident Report (AR), which is automatically available to the authorised person), —
- (i) the PAIA applies to the request; and
 - (ii) the request must be submitted to the relevant deputy information officer to be handled in terms of the PAIA (note that third parties, where applicable, will be notified of the request and be allowed 21 days to either grant or refuse access to their personal information).
- (c) A police official who provides a statement in the performance of their duties is not regarded as a third party (i.e. their permission is not needed to grant access to their statement or a record prepared by them in the course of employment).

(7) **A RECORD WHICH CONTAINS INFORMATION ON THE PHYSICAL OR MENTAL HEALTH OR WELL-BEING OF AN EMPLOYEE**

(a) The PAIA defines a **health practitioner** as follows:

“an individual who carries on, and is registered in terms of legislation to carry on, an occupation which involves the provision of care or treatment for the physical or mental health or for the well-being of individuals”.

(b) Any request for access to a record or report which contains information on the physical or mental health or well-being of an employee which is in the possession or under the control of the SAPS must be submitted to the relevant deputy information officer who will deal with it in terms of the PAIA and, where applicable, in terms of Section 30 of the PAIA.

(8) **PUBLIC BODIES**

(a) In terms of the PAIA, a “public body” is excluded from the definition of “requester”. A public body is defined as an institution exercising a public power or performing a public function in terms of legislation. A “public body” may, therefore, be regarded to be the same as a “state organ” or “government body”.

(b) The PAIA does not apply when a public body requests access to records from another public body. A request for access to a record from another public body is considered as an interdepartmental request for access to a record in the possession of another organ of state, namely the SAPS.

(c) The official (*not the deputy information officer*) under whose control the record is kept and who is responsible for dealing with the matter to which the record relates will —

(i) consider the request; and

(ii) decide whether or not a copy of the record may be provided to the public body concerned.

(d) If it is **decided not to provide** a copy of the record, the requesting public body will be informed of the decision. If it is **decided to provide** a copy of the record, this will be done free of charge. A public body, therefore, does not pay any request fees or access fees.

- (e) The SAPS 512(n) Request form or Form 2, as published in the regulations of the PAIA, must not be completed by the requesting public body.
- (f) The responsible official will ascertain whether the requester is a public body. A request by a public body written on the letterhead of such body may be accepted as proof that the request is made by a public body. If a public body subcontracts another person (e.g. as an assessor or agent), the letter in which the subcontractor is instructed by the public body to act on their behalf may be accepted as sufficient documentary proof that the request is made by the public body concerned.

(9) **SECTION 102 INQUIRY IN TERMS OF THE FIREARMS CONTROL ACT, 2000 (ACT 60 OF 2000)**

- (a) In terms of Section 102 of the Firearms Control Act, 2000 (Act 60 of 2000), the national commissioner may declare a person unfit to possess any firearm on any grounds specified in that section. To determine whether such a person is unfit to possess a firearm, the SAPS will hold an inquiry at which such a person may submit reasons why they should not be declared unfit.
- (b) A Section 102 inquiry qualifies as an administrative action which may materially and adversely affect the rights or legitimate expectations of the person against whom such an inquiry or investigation is held. The SAPS will, therefore, apply the provisions of Section 3 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) and not the provisions of the PAIA. The request must, therefore, not be forwarded to the deputy information officer.
- (c) An affected party or person may request access to records or copies of certain records (e.g. copies of statements of other parties, etc) in the possession or under the control of the SAPS. Such records may contain allegations that the SAPS intends to hold against the affected party.

Access to such records or copies thereof must be provided to the affected party free of charge at a reasonable time before the inquiry to enable them to prepare to answer to the allegations.

(10) **WHERE TO SUBMIT THE REQUEST**

A request must be submitted to the relevant police station or office of the SAPS that is in the possession or under whose control the record is (i.e. a request for access to the Accident Report (AR/OAR) must be submitted to the relevant police station that handled the accident investigation or where the accident was reported. A request for access to the content of a docket must be submitted to the police station that handled the investigation or to whom the crime was reported. A request for a specific record in the possession of a specific division or office of the SAPS must be submitted to that division or office, and if such division or office is unknown to the requester or where intervention is needed after a request was already submitted to a relevant police station or another office or division, such request may be submitted to the relevant provincial deputy information officer for their intervention. Internal Appeals must be submitted to Sub Section: Access to

Information or the national deputy information officer for intervention or recommendation to the minister.

Any complaint after a provincial or divisional deputy information officer intervened or assisted with a request may be referred to the Sub Section: Access to Information or the national deputy information officer.

8.4 FEES PAYABLE

The Promotion of Access to Information Act, 2000 (Act 2 of 2000): Regulations prescribe the fees payable and should the regulations or legislation change with regard to the payable fees, such changes will apply accordingly.

8.5 MANNER OF REQUESTING ACCESS TO RECORDS

(1) PROVIDE A COMPLETED REQUEST FORM TO THE RELEVANT DEPUTY INFORMATION OFFICER

The National Commissioner: South African Police Service appointed a national deputy information officer and designated a deputy information officer for each division, province and police station to assist with the administration of the PAIA. (See paragraph 6.1.2 for the contact details.)

The personal requester (i.e., a person that requests access to a record(s) that contains personal information relating to themselves) must complete the SAPS 512(n) Request form, which must then be certified by a peace officer or a justice of the peace (i.e. a magistrate, judge, police official or correctional official, etc. as defined in Act 51 of 1977 and Act 16 of 1963). Although the legal representative of a requester (e.g. an attorney or lawyer or another person) may be regarded as a “**commissioner of oaths**”, **they are not regarded as a peace officer or a justice of the peace**. Form 2 of the Regulations to the PAIA may be used for this purpose. However, the requester must state whether the record is requested for civil or criminal proceedings that have commenced or for another reason. If not so stated, the deputy information officer may request the requester to state such purpose (this information enables the SAPS to follow the correct legislation when handling the request). If Form 2 is used to protect the personal information of the personal requester, the deputy information officer may request that this form also be signed in the presence of and be certified by a peace officer or justice of the peace.

The deputy information officer may not refuse the request if it is not fully or correctly completed. The deputy information officer will notify the requester of their intention to refuse the request. In such an event, the requester may then provide more detailed information regarding the request.

NOTE:

If the request is made on behalf of a personal requester, documentary proof of the requester's capacity to make the request on behalf of another person must be attached to the form. Such documentary proof may, amongst others, be —

- (a) when you are an attorney or lawyer acting on behalf of the client, a general or specific power of attorney and a copy of the client's ID/passport.
(Note that an attorney or lawyer acting on behalf of the client may:
- (i) submit the completed SAPS 512(n) Request form signed by themselves and the form need not be certified, but the power of attorney and a copy of their client's ID must be attached; or
 - (ii) submit a letter on their letterhead or Form 2 and attach their power of attorney and a copy of their client's ID. However, they must also state whether the record(s) is needed for civil or criminal proceedings that have commenced or whether it is for another reason (this information enables the SAPS to identify the correct legislation to follow with the request and these reason(s) are not used to grant or refuse access. If this information is not provided with the request, the attorney or lawyer must provide it at the request of the SAPS);
 - (iii) a certified copy of the birth certificate of a minor and a certified copy of the identity document of the parent;
- (b) the letter of appointment as the executor of an estate issued by the Master of the High Court, together with proof of identity in the case of a request on behalf of a deceased estate;
- (c) where the request is made on behalf of a corporate body, a letter by an authorised person which authorises the requester to make the request;
- (d) a copy of the page(s) of an insurance contract that the client has signed and where it is stated that the insurance company may act on behalf of the client;
 or
- (e) if the person on whose behalf the request is made has orally authorised the requester or by means of a letter to make the request on their behalf, the certificate at the end of paragraph C of the SAPS 512(n) form must be completed by the person on whose behalf the request is made in the presence of a peace officer or justice of the peace who must also complete their part of the certificate.

(2) **TRANSFER OF A REQUEST TO ANOTHER PUBLIC BODY**

The deputy information officer must transfer a request to another public body if the record is not in the possession or under the control of the SAPS and such a record is in possession of another public body or the record's subject matter is more closely connected with the functions of another public body. The deputy information officer will inform the requester of the transfer.

(3) **PAYMENT OF THE PRESCRIBED FEES**

A request fee and, where access to a record is granted, an access/reproduction fee is payable. The deputy information officer will, upon receipt of a request for access made on a properly completed Request form (unless the request is transferred), notify the requester of the request fee payable (only where applicable) and the place where the fee must be paid before the request will be processed any further.

A person is exempt from paying the prescribed request fee if —

- (a) the requested record is listed as a Section 15 of PAIA automatic available record; or
- (b) the requester is exempted by the minister of justice and constitutional development by proclamation in the Gazette from paying a fee.

The following persons do not pay ANY fees:

- (a) The suspect, victim or complainant who requests a copy of their own statement in an open docket;
- (b) A record that must be provided in terms of a *subpoena duces tecum* or summons; and
- (c) A person that is exempted by the minister of justice and correctional services by proclamation in the Gazette (e.g. a person who is incarcerated or they are unemployed or receive an annual income, after permissible deductions which does not exceed R 14 712, 00 or they are married and their life partner whose annual income, after permissible deductions does not exceed R27 192, 00 per annum).

The fee may also be paid by deposit into the bank account of the SAPS, and the banking details are as follows:

ABSA Bank, Pretoria

Branch Code: 632005

Account Number: 4054522787

Type of account: Cheque Account

The reference number on the top left side of the SAPS 512(b) or SAPS 512(e) form must be used as the relevant reference number. The receipt must be submitted to the deputy information officer concerned as proof of payment.

(4) DEALING WITH THE REQUEST

(a) DETERMINE WHETHER THE RECORD EXISTS AND IS AVAILABLE

The deputy information officer will identify the relevant person (line manager) responsible for the requested record and forward such a request to the line manager concerned. The line manager will determine whether the record exists and is available.

If a requested record cannot be found or does not exist, the deputy information officer will, in an affidavit or a statement under affirmation by themselves or the line manager, give a full account of all steps taken to find the record in question or to determine whether the record exists including all communications with every person who conducted the search on behalf of the information officer. The deputy information officer will then, together with the said affidavit or affirmation, notify the requester that the record cannot be found or does not exist.

(b) INFORM THE REQUESTER WHETHER THE REQUEST HAS BEEN GRANTED OR REFUSED

The deputy information officer will notify the requester within 30 days after the request has been received —

- that the request for access has been granted (or refused with the reasons for the refusal);
- of the form or medium in which access will be granted;
- of the access fee which is payable; and
- that they may lodge an internal appeal in the event of a refusal and of the procedure and period within which the internal appeal must be lodged.

A request for access must be granted unless it may be deferred or refused on the basis of grounds for refusal mentioned in Chapter 4 of Part 2 of the PAIA.

(c) DEFERRAL OF A REQUEST FOR ACCESS

The deputy information officer may defer access to a record if access to the requested record may be granted, but the requested record —

- will be published;
- is required by law to be published but is yet to be published; or
- has been prepared for submission to any legislature or a particular person but is yet to be submitted.

If access to a record has been deferred, the deputy information officer will —

- determine on what date the record will be published or be submitted to a legislature or a particular person;
- notifying the requester that —
 - they may have access to the requested record but only from the date stipulated in the notice (this date is the date on which the record will be published or be submitted to that legislature or that particular person); and
 - they may, within 30 days after the notice, make representations to the deputy information officer that access to the record should not be deferred.

(d) EXTENSION OF PERIOD

The deputy information officer to whom a request for access has been made may extend the original period of 30 days once for a further period of not more than 30 days if —

- (i) the request is for a large number of records or requires a search through a large number of records, and compliance with the original period would unreasonably interfere with the activities of the SAPS;
- II.

- (i) the request requires a search for/or collection of records at an office of the SAPS not situated in the same town or city in which the office of the deputy information officer dealing with the request is situated, and the request cannot reasonably be finalised within the original period;
- (ii) consultation among parts of the SAPS or with another public body is necessary or desirable to decide upon the request, and such consultation cannot reasonably be completed within the original period;
- (iv) more than one of the circumstances contemplated in subparagraphs (i), (ii) or (iii) exist in respect of the request, making compliance with the original period not reasonably possible; or
- (v) the requester consents in writing to such extension.

If a period is extended, the deputy information officer will notify the requester of that extension.

(e) THIRD PARTIES

When the requested record relates to a third party ("third party" means any person other than the requester concerned and a public body - it may also include the government of a foreign state, an international organisation or an organ of that government or organisation to whom the record relates), the deputy information officer must inform such a third party of the request. The third party may, in writing, submit representations that access to the record not be granted to the requester. The deputy information officer will—

- (i) consider any representations received within 30 days from a third party after such third party had been informed of the request;
- (ii) in consultation with the relevant line manager and the relevant legal services, decide whether access should be granted to the requester; and
- (iii) notify all involved third parties of the decision.

A third party may lodge an internal appeal (by completing and forwarding to the deputy information officer a Notice of Internal Appeal form, SAPS 512(o), or Form 4 of the Regulations) against a decision to grant access and the deputy information officer must deal with the internal appeal.

If a third party does not lodge an internal appeal within 37 days after having received the said notice, the deputy information officer will grant access to the record if no other grounds for refusal exist.

(f) INTERNAL APPEALS

A requester or third party may lodge an internal appeal (by completing and forwarding to the national deputy information officer a Notice of Internal Appeal form, SAPS 512(o), or Form 4 of the Regulations) against—

- fees payable;
- the extension of a period;
- the form of access; or
- the refusal of a request for access to a record.

The appellant must attach a copy of the request they submitted, proof of submitting such request, and all relevant documents and must state the grounds and reasons for the internal appeal.

The requester or appellant may request the intervention of the national deputy information officer to intervene in the request or appeal to ensure compliance with the PAIA.

The national deputy information officer must submit their recommendation together with the appeal and all relevant documents to the minister for their decision.

Where an internal appeal relates to a third party, the requester and the third party concerned will be informed of the outcome of the appeal.

(g) COMPLAINTS TO THE INFORMATION REGULATOR AND COURT APPLICATIONS**The internal appeal procedure must first be exhausted**

A requester or third party must first exhaust the internal appeal procedure before they may lodge a complaint to the information regulator or an application to court.

When the requester (complainant) requests a review of a public or private body's response or non-response to a request for access to records under the PAIA, the requester (complainant) may lodge such complaint to the information regulator. A complaint to the information regulator must be made on Form 5 of the Regulations to the PAIA and must be sent to the information regulator.

Street Address: JD House
27 Stiemens Street
Braamfontein
JOHANNESBURG

2001

Postal address: The Information Regulator
P.O Box 31533
BRAAMFONTEIN
2017

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

Tel number: 010 023 5200

Unsuccessful appeal or aggrieved requester or third party

After the appeal process has been exhausted –

- (i) a requester or third party –
- a) that was unsuccessful in their internal appeal;
 - b) who feels aggrieved by a decision on their internal appeal; or
 - c) who feels aggrieved by the decision of the relevant authority for the late lodging of the appeal;

may within 180 days of the decision –

- lodge a complaint to the information regulator, alleging the decision was not in compliance with the PAIA in the prescribed manner and form for appropriate relief; or
- submit an application to court for a decision. If no such application is filed within that period, the minister's decision will be adhered to. If an application is filed in court, the outcome of the court case will be awaited.

Actions by the Information Regulator

After receipt of a complaint, the Information Regulator:

- (i) Investigates the complaint in the prescribed manner, and during the investigation, the Information Regulator may act, where appropriate, as conciliator in relation to such complaint in the prescribed manner. Before proceeding to investigate the matter, the Information Regulator –
 - a) must inform the requester of its intention to conduct an investigation;
 - b) must inform the information officer of the complaint and the right to submit a response within a reasonable time; and
 - c) may, if it appears from the complaint or written response (or from further investigation) that a settlement between the parties concerned is possible, use its best endeavours to secure such settlement.
- (ii) Refers the complaint to the Enforcement Committee; or
- (iii) Takes no action on the complaint or, as the case may be, requires no

further action in respect of the complaint. The Information Regulator may decide to take no action where –

- a) the complaint was lodged late, and there are no reasonable grounds to condone the late submission;
- b) the complaint is frivolous or vexatious or is not made in good faith; or
- c) it appears to the Information Regulator that further action is unnecessary or inappropriate with regard to all circumstances.

As soon as is reasonably practicable, after receipt of a complaint, the Information Regulator must advise the complainant and the information officer of the course of action that the Information Regulator proposes to adopt.

Powers of the Information Regulator

For the purposes of investigating the complaint, the Information Regulator has powers similar to those of the High Court (in terms of Section 80 of the PAIA) relating to the disclosure of records to it and the non-disclosure of records by it.

Assessment

The Information Regulator, of its own initiative, or at the request of or on behalf of an information officer or any other person, may make an assessment in the manner prescribed of whether a public body generally complies with the provisions of the PAIA insofar as its policies and implementation procedures are concerned.

The Information Regulator must make the assessment if it appears to be appropriate, unless, where the assessment is made on request, the Information Regulator has not been supplied with such information as it may reasonably require in order to—

- (i) satisfy itself as to the identity of the person making the request; and
- (ii) enable it to identify the private or public body concerned.

The matters to which the Information Regulator may have regard in determining whether it is appropriate to make an assessment include —

- (i) the extent to which the request appears to raise a matter of substance;
- (ii) determining that the request is not frivolous or vexatious; and
- (iii) whether or not the person making the request is entitled to make an application in terms of the PAIA with respect to the information in question.

If the Information Regulator has received such a request, it must notify the person who requested the assessment —

- (i) whether it has made an assessment as a result of the request; and

- (ii) of any view formed or action taken as a result of the request.

Information Notice

For the purpose of investigating a complaint, the Information Regulator may serve the information officer with an information notice requiring the said party to furnish the Information Regulator within a specified period, in a form specified in the notice, with the information specified in the notice.

An information notice must be accompanied by —

- (i) reasons for the issuing of the notice; and
- (ii) particulars of the right to appeal.

Enforcement Notice

After having considered the recommendation of the Enforcement Committee, the Information Regulator may serve the information officer of a public body with an enforcement notice —

- (i) confirming, amending or setting aside the decision which is the subject of the complaint; or
- (ii) requiring the said officer or head to take such action or to refrain from taking such action as the Information Regulator has specified in the notice.

An Enforcement Notice must be accompanied by —

- (i) reasons for the notice; and
- (ii) particulars of the right to make an application to court.

A copy of the notice that has been certified by the Information Regulator is, for purposes of this application, conclusive proof of the contents of the Enforcement Notice that has been served by the Regulator.

Non-compliance with Enforcement Notice

An information officer of a public body who refuses to comply with an enforcement notice is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three years or both.

Aggrieved public body

An information officer or relevant authority of a public body aggrieved by a decision of the Information Regulator may, by way of an application, within 180 days, apply to a court for appropriate relief.

9. DESCRIPTION OF SUBJECTS AND CATEGORIES HELD ON EACH SUBJECT

(The list is not an exhaustive list)

9.1 ACCIDENTS AND DISASTERS

Accidents: Factories, machinery and construction
 Accidents involving dangerous substances
 Aircraft accidents and emergency landings
 Aspects concerning this subject in general
 Fires
 Mining accidents
 Natural disasters
 Road traffic accidents
 Shipwrecks and drownings
 Train accidents

9.2 ADMINISTRATION, ORGANISATION AND CONTROL

Accessibility to police premises
 Admission control and safeguarding
 Administrative boards of investigations
 Annual reports
 Commissions of investigations
 Committees
 Communication
 Computerising
 Control of records
 Co-operation
 Discipline and morale
 Donation of gifts, souvenirs or insignia
 Donations received for the purpose of development
 Duties and responsibilities
 Flags and banners
 Handing over of command
 Heraldry
 Image building
 Medical boards
 Method of conducting correspondence
 National, provincial and area orders
 Occupational health, safety and environment management
 Official information: release of
 Official languages: use of
 Organisation and re-organisation
 Powers and authorities
 Proposals in the interest of the SAPS
 Productivity
 Red tape
 Returns of changes
 Sponsorships
 Statistics and returns working hours

9.3 ADMINISTRATION OF JUSTICE

Administration of justice

Admissions of guilt
 Amnesty
 Attending of court hearings
 Bail
 Court and court duties
 Evidence: giving of
 Justices of the peace and commissioners of oaths
 Legal Aid Bureau and Prisoner's Friend
 Legal documents
 Legal practitioners
 Magisterial districts and justice of the peace zones
 Officers of the peace
 Parole
 Places of safe custody for witnesses
 Previous convictions
 Remarks and utterances by judges and magistrates
 Sentences

9.4 **AGRICULTURE**

Agricultural reports
 Animal diseases and quarantine
 Import and export of animals
 Import and export of animal products
 Import and export of agricultural products (excluding animal products)
 Marketing
 Pests and plagues
 Stock and meat industry
 Stock-auctions
 Weed
 Wild animals (beasts): control and extermination of

9.5 **ANIMALS**

Animals of the SAPS

9.6 **AIRPORT AFFAIRS**

Airports
 Airspace violation
 Aviation safety
 Contingency planning
 Hijackings
 Security measures

9.7 **ARMING, USE AND HANDLING OF WEAPONS**

Arming
 Inspections and maintenance of
 Safekeeping of
 Transport of
 Use and handling of weapons

9.8 **ARMS, AMMUNITION, ARMAMENT AND COUNTERFEITS**

Accreditation under the Firearm Control Act, 2000 (Act 60 of 2000)
 Aspects regarding all arms, ammunition, armament and counterfeits
 Control of armament, accessories and counterfeits

Dangerous weapons
 Firearms and ammunition: control of
 Firearm: Appeal Board
 Possession of firearms, ammunition and firearm licenses
 Trade in firearms and ammunition

9.9 **AUDIO-, VISUAL-, MEDIA- AND PUBLICATION AFFAIRS**

Audio and/or visual broadcastings
 Audio and/or visual recordings
 Publications
 Radio amateurs
 Radio-, television- and press affairs: media

9.10 **AUTHORITIES AND ORGANISATIONS**

Ambulance services
 Anticrime organisations
 Aspects concerning this subject in general
 Association for ex-servicemen
 Businesses
 Charity, welfare and religious organisations
 Civil defence organisations
 Cultural associations
 Educational institutions
 Employee organisations
 Farming and agricultural associations
 International Association of Auto Theft Investigators
 Insurance companies
 Medical institutions and associations
 Motor vehicle manufacturers
 Occultist organisations
 Organisations that render assistance to alcoholics and drug addicts
 Organisations that render assistance to the homeless
 Organisations to prevent natural disasters
 Plant and animal protection organisations
 Political organisations
 Private detective agencies
 Private Security Industry Regulatory Authority
 Ratepayers associations
 Road safety organisations
 Security Officers' Board
 Search, life-saving and first-aid organisations
 Shooting associations
 Towing services
 Youth organisations

9.11 **BUILDINGS AND PREMISES**

Accommodation for other authorities on police premises Buildings and premises
 Damage to police buildings
 Facilities for physically disabled
 Firefighting and preventing fires on police premises
 Installation hygiene
 Keeping livestock and undertaking farming activities on police premises
 Purchase and sale of buildings and premises

Pollution
 Storage of private property on police premises
 Works

9.12 **CRIME**

Abuse of dependence-producing substances and rehabilitation centres acts: offences
 Acts, regulations and ordinances of local authorities: offences
 Acts on patents and designs: offences
 Acts on the stock exchange: offences
 Acts that the sea: offences
 Acts on diamonds and precious metals: offences
 Aeroplane hijackings
 Agriculture and Land Bank acts: offences
 Arson
 Arms and Ammunition Act: offences
 Assault
 Attempted murder
 Attorneys Act: offences
 Bestiality
 Bomb threats and offences related to explosives
 Breach and disturbance of the peace
 Bribery
 Chain letters
 Civil Aviation Act: offences
 Close Corporation Act: offences
 Companies Act: offences
 Contempt of court
 Concealment of births
 Correctional Services Act: offences
 Corruption Act: offences
 Crimes on ships and aeroplanes outside the RSA borders
 Crimen injuria
 Crimes against children
 Crime
 Cruelty to animals
 Customs and Excise Act: offences
 Culpable homicide
 Dealing in and possession of insects
 Dealing in and possession of human organs or tissue
 Deportation and repatriation
 Desecration of graves
 Dockets Domestic Violence Act
 Estate Agents Act: offences
 Exhibits
 Extent of crime
 Extortion
 Financial Acts: offences
 Fingerprints, palms and footprints
 Firework related offences
 Forgery and uttering
 Fraud
 Fugitives and wanted criminals
 Gambling

Harmful Business Practices Act: offences
Health legislation: offences
Housebreaking
Hunting, theft and smuggling of game
Indecent assault
Identification and identification parades
Incest
Informers and trackers
Internal Security Act: offences
Investigation and/or combating of crime
Import and Export Control Act: offences
Insolvency
Insurance Act: offences
Juvenile crime
Kidnapping
Liquor and liquor product acts: offences
Magistrates' Courts Act: offences
Maintenance and Promotion of Competition Act: offences
Malicious damage to property
Mercantile Marine Act: offences
Merchandise Marks Act: offences
Mining Rights Act: offences
Minerals Act: offences
Modus operandi of offenders
Moulds
Murder
Mutilation of corpses
National Archives of South Africa Act: offences
National Monuments Act: offences
Obstruction of justice
Occupational Health and Safety Act: offences
Offences by hawkers and peddlers
Passengers travelling without valid travelling tickets
Perjury
Petroleum Products Act: offences
Photographs and plans
Polygamy posing as a police official
Possession, distribution of, dealing in, transport and dumping of toxic and potentially dangerous substances
Price Control Act: offences
Proceeds of Crime Act
Prohibition of Disguises Act: offences
Prostitution
Protection of Information Act: offences
Public Accountants' and Auditors' Act: offences
Public indecency
Rape
Receiving and possession of stolen goods
Reprimands, arrest and prosecution
Robbery
Sabotage
Second-hand Goods Act: offences
Sectional Titles Act: offences

Share Blocks Control Act: offences
 Slander
 Sodomy
 Theft
 Theft and smuggling of ostriches
 Theft and smuggling of stock
 The Act on Sea-fishery: offences
 Trading in and possession of endangered, specially protected and protected plants
 Trading in and possession of prohibited publications
 Trading in, possession of and transport of birds
 Trading in, possession of and transport of radioactive substances
 Trading in and possession of reptiles
 Traffic offences
 Transport and dumping of toxic and potentially dangerous substances
 Trespassing and squatting
 Unauthorised broadcasting
 Wagers
 Witchcraft Suppression Act: offences

9.13 **DEATHS AND FUNERALS**

Deaths, funerals and cremations
 Corpses and post mortems
 Funeral undertakers
 Suicide

9.14 **DRESS, CLOTHING AND PERSONAL EQUIPMENT**

Dress
 Clothing
 Loss of and damage to consignments of clothing
 Lending to and wearing of uniforms by non-members of the SAPS
 Personal equipment

9.15 **ENVIRONMENTAL PLANNING AND DEVELOPMENT**

Environmental planning and development

9.16 **EXPLOSIVES, FIREWORKS, TEARGAS AND DANGEROUS SUBSTANCES**

Dangerous chemical and biological substances
 Explosives
 Fireworks
 Supervision and control: consumers
 Teargas

9.17 **FINANCIAL ADMINISTRATION**

Allowances
 Budgeting and control over expenditure
 Civil claims
 Cost statements
 Debts to the state
 Discharges
 Financial manual and treasury instructions
 Financial year: balancing of
 Fruitless expenditure
 Housing

Insurance: state property
 Irrecoverable debt
 Maintenance of salaries
 Legal costs
 Payment of accounts and claims
 Payment of salaries
 Safekeeping of and responsibility for official money
 Stoppage of salaries
 Standing advance
 Suspensions (suspense) account
 Reissuing of payments

9.18 **FOREIGN AFFAIRS**

Diplomatic representation and immunity
 Embassies and missions of the RSA in foreign countries
 Foreign embassies and missions in the RSA
 International borders - RSA
 Protocol affairs
 Relations between the RSA and other countries

9.19 **HISTORY**

Monuments, statues, roll of honour and memorials
 South African Police Service

9.20 **INTERNAL SECURITY AND INTELLIGENCE ISSUES**

Counterintelligence
 Espionage intelligence issues
 Labour unrest and strikes
 Organisations under suspicion
 Public unrest or subversive activities
 Persons hostile to the state or under suspicion
 Strange objects and occurrences

9.21 **INSPECTIONS, VISITS AND OFFICIAL JOURNEYS**

Auditing
 Inspection of buildings and premises
 Inspection of transport
 Inspections, visits and official journeys
 Parade and unannounced inspections
 Record control and administrative investigations
 Visits to police institutions by other departments, authorities and persons
 Visits by members of the South African Police Service to other departments and authorities

9.22 **INSTITUTIONS AND ESTABLISHMENTS: SEMI-OFFICIAL**

Assistance Fund
 Afrikaans Cultural Association for the SAPS (ACPOI)
 Comfort Fund
 Chaplains' Service Fund
 Charity Fund
 Development Trust
 Disabled Care Fund
 Development Fund

Elderly Care Fund
 International Police Association (IPA)
 Memorial Fund
 National Commissioner's Sport Fund
 Off-beat Holiday Club
 Police institutions and establishments: instructions in general
 Police Insurance (ASSUPOL)
 Police Science Association of Southern Africa (POLSA)
 Police shops
 Recreation and Benevolent Fund
 South African Police Service Insurance Foundation
 Sport and recreation clubs, messes and clubs (selling liquor)
 South African Police Service Toastmasters Club
 South African Police Service Magazine
 Vacation and recreation resorts
 Widows' and Orphans' Fund

9.23 **LEGISLATION AND LEGAL MATTERS**

Laws, regulations and ordinances
 Legal matters

9.24 **LIQUOR**

Abuse of liquor and drunkenness
 Dealing in and providing liquor
 Liquor
 Liquor Licensing Boards
 Liquor licenses and license holders
 Liquor premises: management and control
 Medicines and other preparations containing alcohol

9.25 **LOCAL AUTHORITIES**

Local authorities

9.26 **LOTTERIES, GAMBLING, WAGERS AND CHAIN LETTERS**

Chain letters
 Gambling
 Lottery
 Wagers

9.27 **MEDICAL TREATMENT AND HEALTHCARE**

Complaints and enquiries: Medical issues
 Diseases
 Examinations to determine medical fitness for specific duties
 Health care
 Injuries
 Immunisation
 Medical fund: members of the SAPS
 Medical treatment: members of the SAPS
 Medical treatment: Public Service Act Personnel of the SAPS
 Medical treatment: students in training
 Other medical services
 Service providers

9.28 MEETINGS AND SOCIAL GATHERINGS

Celebrations
 Congratulations
 Condolences
 Christmas and New Year's greetings
 Meetings
 Parades
 Religious and commemorative services

9.29 MINES AND DIGGINGS

Diamonds and precious metals
 Mines and diggings

9.30 NATIONAL WELFARE

Children and juveniles
 Social care
 Socio-economic matters
 Welfare institutions

9.31 PARLIAMENTARY AFFAIRS

Parliamentary affairs

9.32 PASTORAL, SOCIAL AND PSYCHOLOGICAL SERVICES

Crisis line
 Pastoral care
 Psychological services
 Religious organisations
 Social work

9.33 PERSONNEL MATTERS

Appointments
 Attacks on members of the SAPS and their property
 Cases of deaths and funerals
 Complaints and grievances by personnel of the SAPS
 Conditions of service
 Discharges and retirements
 Establishment and post-structure matters
 Family matters
 Housing: personnel of the SAPS
 Introduction of the newcomer
 Leave
 Occupational classes
 Offences by and complaints against
 Pensions
 Personnel
 Safeguarding: members of the SAPS and their property
 Seconding of personnel
 Suicide: personnel of the SAPS
 Unemployment insurance
 Voluntary, special and assistance services

9.34 POLICE SERVICES TO OTHER AUTHORITIES AND THE PUBLIC IN GENERAL

Alarm systems

Certification and attestation of documents
 Complaints to the Police: excluding crime
 Consultation with members of the SAPS in civil cases
 Court duties: members of the SAPS
 Enquiries and police reports
 Extra-departmental services
 Inspection of and visits to firearm manufacturers, firearm dealers, gunsmiths and firearm owners
 Licensing and visits: dealers in second-hand goods
 Missing persons: tracing of
 Payment for police services
 Police displays
 Police protection and maintenance of law and order
 Tracking systems

9.35 POPULATION REGISTRATION AND CENSUS, ELECTIONS, IMMIGRATION AND EMIGRATION, PASSPORT CONTROL

Aspects concerning the subject in general
 Elections and registration of voters
 Immigration, emigration, aliens and passport control
 Population registration and census

9.36 POSTAL ISSUES AND OTHER CHANNELS OF COMMUNICATION

Addresses, telephone, facsimile and cellphone numbers and services
 Communication security
 Electronic postal dispatch
 Postal facilities
 Public telephones
 Radio communication
 Television network
 Teletype setter service

9.37 PRISONERS AND PRISON AFFAIRS

Prisoner affairs

9.38 PROMOTIONS AND HONORARY RANKS

Honorary ranks
 Promotions

9.39 PUBLIC GATHERINGS, EXHIBITIONS AND FESTIVALS

Gatherings, exhibitions and festivals

9.40 PUBLIC HEALTH

Doctors, homeopaths and traditional healers
 Epidemics and contagious diseases
 Feeding
 Patients with mental health conditions
 Medicines and poisons
 Public health
 Rehabilitation

9.41 PROPERTY

Animals

Lost and found property
 Property
 Property found on corpses
 Property seized or declared forfeited

9.42 **RECOGNITION FOR SERVICES RENDERED**

Appreciation for police services
 Appreciation for services rendered by the public
 Awards to police animals
 Awards for exceptional achievements and services rendered
 Community policing awards
 Best arrest of the month/year
 Disabled person of the year
 Fitness competitions
 Honorary citizenship
 Letters of appreciation during retirement
 Medals, decorations and commendations
 Model of the year
 National and provincial sporting awards
 Neatest police station
 Non-commissioned officer of the year
 Official of the year: police officials excluded
 Policewoman of the year
 Sportsman and sportswoman of the year
 Trophies, shields and medals of honour

9.43 **RECRUITMENT AND EMPLOYMENT**

Employment
 Employment: non-RSA citizens
 Re-employment
 Recruitment policy
 Recruitment campaigns and publicity

9.44 **SPORT AND RECREATION**

Action cricket
 Angling
 Archery
 Aspects concerning every sport
 Athletics: including cross-country
 Badminton
 Basketball
 Baseball
 Biokinetic
 Bodybuilding
 Bowls
 Boxing
 Chess
 Korfbal
 Cricket
 Cycling
 Darts
 Equestrian sports

Fencing
 Golf
 Gymnastics
 Handball
 Hikes
 Hockey
 Ice-skating and roller-skating
 Judo and Ju-jitsu
 Jukskei
 Karate
 Kickboxing
 Lifesaving
 Modern pentathlon
 Netball
 Parachute jumping
 Paragliding
 Pool table tennis
 Powerlifting
 Recreational gymnastics
 Ring tennis
 Road races
 Rugby
 Scuba diving
 Shooting
 Singing
 Snooker and billiards
 Softball
 Soccer
 South African Police Service Dance Group
 South African Police Service Theatre Group
 Sport and recreational facilities
 Sports games
 Sports on water
 Squash
 Surfing
 Swimming and diving
 Tennis
 Tenpin bowling
 Trampoline
 Tug-of-war
 Volleyball
 Water polo
 Weightlifting
 Working dog sports
 Wrestling
 Yachting

9.45 **STATE ADMINISTRATION**

State administration

9.46 **STATE PROPERTY: DURABLE STORES**

Acquisition and control over books and publications

Purchase, hire, supply and maintenance of state property

Purchase, sale, supply, damage to and loss of weapons, ammunition and explosives
 Responsibility for state property
 State property: control of
 Selection boards and disposal of boarded state property

9.47 **STATE PROPERTY: EXCLUDING DURABLE STORES**

Consumable stores
 Containers and packing materials
 Expendable stores
 Medical and veterinary stores
 Photographic materials
 Stores: control of
 Stores: mechanical transport
 Rations
 Requisition, purchase and provision of stationery, printing, stamps, registers and forms

9.48 **TRANSFERS AND VACANCIES**

Transfers
 Vacancies

9.49 **TRAINING AND EDUCATION**

Educational lectures and visits
 Education
 Lectures and teaching by other departments, authorities, police agencies and Interpol
 Lectures and teaching to other departments, authorities, police agencies and Interpol
 Training

9.50 **TRANSPORT**

Accident, damage and theft: police transport
 Care and maintenance: police transport
 Drivers, pilots and boat crew: police transport
 Hired transport
 Mechanical transport
 Motor financing scheme for senior officials
 Official transport
 Parking and safekeeping: police transport
 Private transport: use for official purposes
 Public transport: use by members of the SAPS
 Subsidised transport
 Transport: control of
 Vehicles on loan

9.51 **TRANSPORT AND TRAFFIC**

Licenses and permit holders
 Sea travel
 Rail transport
 Roads, fords, bridges and rest areas
 Road traffic
 Traffic control

10. CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE

The Section 15 Notice on Automatically Available Records of the SAPS will be available on our website and attached herewith as “Annexure B”.

11. SERVICES AVAILABLE TO THE PUBLIC

In accordance with Section 205 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the objects of the police service are to —

- prevent, combat and investigate crime;
- maintain public order;
- protect and serve the inhabitants of the republic and their property; and
- uphold and enforce the law.

In order to achieve these objects (which in itself are services to the public), the SAPS have services available to the public which, amongst others, are the following —

11.1 IMPORTANT CONTACT DETAILS

SERVICE AVAILABLE	CONTACT DETAILS
Bureau for Missing Persons	Contact details for the national and regional offices: Head Office : 012 393 1049/2002/2005/ 2003/2007/2010/2001 Eastern Cape : 071 392 1316/079 508 9229 Free State : 051 507 6639/051 503 2851 Gauteng : 011 309 6065/ 011 670 6416/6415/6416 KwaZulu Natal : 031 325 6793/5983 Limpopo : 015 290 6171/082 759 5001 Mpumalanga : 013 762 7056/076 343 2874 Northern Cape : 053 839 2821

	North West : 018 299 7034 Western Cape : 021 467 6255/021 411 3808
Call centres:	
1. SAPS Emergency	10111
2. Crime Stop (Tip-off)	08600 10111
3. Centre for Service Excellence	0800 333 177
4. Firearms	(012) 353 6111/6104
Community Police Service Centre	Telephone number of the nearest police station (see www.saps.gov.za)
Community Police Forums	Telephone number of the nearest police station (see www.saps.gov.za)
SAPS Website	www.saps.gov.za

11.2 COMMUNITY POLICE FORUMS AND BOARDS

In order to achieve its objects, the SAPS liaise with the community through community police forums and area and provincial community police boards, with a view to —

- establish and maintain a partnership between the community and the SAPS;
- promote communication between the SAPS and the community;
- promote cooperation between the SAPS and the community in fulfilling the needs of the community regarding policing;
- improve the rendering of police services to the community at national, provincial, area and local levels;
- improve transparency in the SAPS and accountability of the SAPS to the community; and
- promote joint problem identification and problem-solving by the SAPS and the community.

Any person may join the Community Police Forum of their nearest police station.

11.3 SOUTH AFRICAN POLICE RESERVE SERVICE

The South African Police Service Act, 1995 (Act 68 of 1995) provides that the SAPS may appoint any permanent resident in the republic as a member of the South African Police Reserve Service (hereafter referred to as “the Reserve”) if such a person meets the

prescribed requirements. To serve as a member of the Reserve is a voluntary duty. While on duty, notwithstanding the fact that such a member may not be remunerated by the SAPS, they are deemed to be in the employ of the SAPS.

11.4 POLICE STATION

- (1) Rendering basic policing functions such as attending to complaints, patrolling, administering police cells and the safekeeping of exhibits;
- (2) administering firearm licence applications (only the initial administration - the processing and issuing is done by the Central Firearms Register);
- (3) administering summonses and enquiries from other units or components;
- (4) administering accident reports;
- (5) administering all functions in respect of the functioning of a community service centre (charge office);
- (6) rendering supportive court duties (court orderly);
- (7) safeguarding crime scenes; and
- (8) service delivery with regard to extra-departmental duties, which, amongst others, includes the provisioning of the following:
 - (a) photocopies of statements;
 - (b) photos concerning scenes of collisions;
 - (c) accident reports (OAR forms) and sketch plans;
 - (d) criminal record enquiries;
 - (e) certifying copies of original documents (a free service, but the relevant person must bring the original document and the copies as the copies will not be made at the police station); and
 - (f) photocopies of post-mortem reports.

11.5 COMMUNITY POLICING

A major objective of community policing is to establish active partnerships between the SAPS and the community through which problems regarding crime, service delivery, and police-community relations can be jointly analysed and appropriate solutions designed and implemented. This requires that the SAPS should constantly strive to create an atmosphere in which potential partners are willing and able to cooperate.

11.6 WEBSITE OF THE SAPS

Any person can have access to the website of the SAPS at www.saps.gov.za

11.7 CRIME STOP

The SAPS, through Crime Stop, involves the community in the active fight against crime without subjecting them to the dangers of apprehending criminals or suspects. The community is invited to report any information on criminal activity anonymously.

The National Bureau for Missing Persons is situated at Crime Stop. The Bureau renders a support service to the investigation official and the community, and it has a database that contains information on missing persons, found persons and unidentified bodies.

The SAPS is paying the SABC to screen wanted criminals or suspects as well as missing persons on a regular basis. These photos and recreations of events are the responsibility of Crime Stop.

Contact numbers for the Family Violence, Child Protection and Sexual Offences Unit are available on the website of the SAPS.

12. PARTICIPATING IN OR INFLUENCING THE FORMULATION OF POLICY, EXERCISE OF POWERS OR PERFORMANCE OF DUTIES

12.1 PARLIAMENT

Parliament is the legislative authority of South Africa and has the power to make laws for the country in accordance with the Constitution. It consists of the National Assembly and the National Council of Provinces. Parliamentary sittings are open to the public.

The contact details are:

Website: <http://www.parliament.gov.za>

Postal Address: PO Box 15
CAPE TOWN
8000

Street Address: 120 Plein Street
CAPE TOWN

Telephone Number: (021) 403 2911

Fax Numbers: (021) 403 8219

E-mail address: info@parliament.gov.za

12.2 PORTFOLIO COMMITTEE ON POLICE

New bills from the SAPS are submitted to the Portfolio Committee on Police. This committee advertises in identified newspapers (e.g. The Sunday Times, etc.) that any

person may make representations or comments with regard to such a bill before the stipulated closing date. The committee takes all representations or comments into consideration, and the final product of such a bill is proposed by the minister of police to the National Assembly.

The contact details for the Portfolio Committee on Police are as follows:

Postal Address: PO Box 15
CAPE TOWN
8000

Street Address: Parliament Towers
Parliament Street
CAPE TOWN

Telephone Number: (021) 403 2911/8257/3741

E-mail address: Fbeukman@parliament.gov.za
bmbengo@parliament.gov.za
pqwebu@parliament.gov.za

12.3 PUBLICATIONS BY THE SAPS IN THE GOVERNMENT GAZETTE

Where the SAPS has the responsibility to promulgate a certain act, the bill (draft form) is published in the Government Gazette for comments by any person, and such comments are taken into consideration. These acts place certain obligations on the SAPS with regard to the exercise of its powers and performance of its duties, which are defined in more detail in a policy document. Therefore, the public may make representations or comments that may influence the exercise of powers and performance of duties by the SAPS.

The drafting of such bills is the responsibility of the divisional commissioner: legal services and the contact details are as follows:

Postal Address: Private Bag X94
PRETORIA
0001

Street Address: Telkom Towers, North,
152 Johannes Ramokhoase Street
PRETORIA
0001

Telephone Number: 082 778 9238

E-mail address: NienaberP@saps.gov.za

12.4 **COMMUNITY POLICE FORUMS**

In order to achieve its objects, the SAPS liaise with the community through community police forums and area and provincial community police boards with a view to —

- establish and maintain a partnership between the community and the SAPS;
- promote communication between the SAPS and the community;
- promote cooperation between the SAPS and the community in fulfilling the needs of the community regarding policing;
- improve the rendering of police services to the community at national, provincial, area and local levels;
- improve transparency in the SAPS and accountability of the SAPS to the community; and
- promote joint problem identification and problem-solving by the SAPS and the community.

A person may join the Community Police Forum of their nearest police station.

12.5 **SOUTH AFRICAN RESERVE POLICE SERVICE**

The South African Police Service Act, 1995 (Act 68 of 1995) provides that the SAPS may appoint any permanent resident in the republic as a member of the South African Reserve Police Service (hereafter referred to as “the Reserve”) if such a person meets the prescribed requirements. To serve as a member of the Reserve (reservist) is a voluntary duty. While on duty, notwithstanding the fact that such a member may not be remunerated by the SAPS, they are deemed to be in the employ of the SAPS.

All national instructions, regulations or policies drafted by the SAPS are submitted to all members (which includes a reservist on duty) for their comments, and these comments are taken into consideration before a final document is compiled.

13. **REMEDIES AVAILABLE IN RESPECT OF AN ACT OR FAILURE TO ACT BY THE SERVICE**

In respect of any act or failure to act by the SAPS (or an employee) which is in contravention of a provision of —

- any legislation;
- policy of the SAPS;
- instruction of the SAPS; or
- the duties or responsibilities of an employee,

the following persons, divisions or institutions may be approached for available remedies:

13.1 **THE COMMANDER OF THE EMPLOYEE**

A complaint can be made to the direct commander of such an employee, except where the matter falls beyond the commander’s scope of authority.

13.2 INSPECTORATE

Service complaints may be made to this division or the provincial or area components of this division for investigation and recommendation or to take the relevant steps.

The contact details are:

Postal Address: Private Bag X94
PRETORIA
0001

E-mail address: ComplaintsNodalPoint@saps.gov.za
complaints.invest@saps.gov.za

13.3 INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)

The aim of the Independent Police Investigative Directorate (IPID) is to ensure independent oversight over the SAPS and the Municipal Police Services (MPS) and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and the MPS, and make appropriate recommendations.

Website: <http://www.ipid.gov.za>

Street Address: 473 B Benstra Building
Stanza Bopape Street
Arcadia
PRETORIA

Telephone number: (012) 399 0000

Fax number: (012) 326 0408

E-mail address: Complaints@ipid.gov.za

Provincial Addresses and Contact Details:

Office	Street Address	Tel Number	Fax Number	E-mail Address
KwaZulu-Natal	3 rd Floor The Marine Building 22 Dorothy Street Nyembe Street (Gardiner) Street Durban	031 310 1300	031 305 8214	Complaints.KwaZuluNatal@ipid.gov.za

Gauteng	8 th Floor Braamfisher Towers 20 Albert Street Marshalltown Johannesburg	011 220 1500	011 333 2705	Complaints.Gauteng@ipid.gov.za
Limpopo	Old Mutual Building 78 Hans van Rensburg Street Polokwane on the Ground Floor Polokwane	015 283 8000	015 295 3409	Complaints.Limpopo@ipid.gov.za
Mpumalanga	Permanent Building 27 Brown Street Nelspruit	013 754 1000	013 752 2602	Complaints.Mpumalanga@ipid.gov.za
Eastern Cape	Waverly Office Park No. 3-33 Phillip Frame Road Chiselhurst East London	043 706 6500	043 706 6526	Complaints.EasternCape@ipid.gov.za
Free State	15 CNR Andrew & Westburger Streets Ground Floor Standard Bank Building Bloemfontein	051 406 6800	051 430 8852	Complaints.FreeState@ipid.gov.za
Northern Cape	39 George Street Kimberley	053 807 5100	053 832 5615	Complaints.NorthernCape@ipid.gov.za
North West	No.1 Station Road Molopo Shopping Centre, 1 st Floor Mafikeng	018 397 2500	018 381 1495	Complaints.NorthWest@ipid.gov.za
Western Cape	Fintrust Building, 1 st Floor Corner Petrusa & Mazzur Street Bellville	021 941 4800	021 949 3196	Complaints.WesternCape@ipid.gov.za

Satellite Offices Addresses and Contact Details:

Office	Address	Tel Number	Fax Number	E-mail Address
KwaZulu-Natal	10 Union Street Edwards Pharmacy Building 1 st Floor Room 11CD	035 772 3022	035 772 3049	Complaints.KwaZuluNatal@ipid.gov.za
Free State	28 Louw Street Maseroy Building Bethlehem 9700	058 307 7620/ 21	086 6300927	Complaints.FreeState@ipid.gov.za
Eastern Cape	10 th Floor PRD Building, Office number 1056B Suiderland Street Umthatha	047 501 5900	047 531 1570	Complaints.EasternCape@ipid.gov.za
Northern Cape	13 Kooperasie Street Upington	054 338 5700	054 331 0053	Complaints.NorthernCape@ipid.gov.za

North West	165 Klopper Street Rustenburg	014 591 8560	014 592 1349	Complaints.NorthWest@ipid.gov.za
Limpopo	2010 Centre Thohoyandou	015 962 0405	015 962 0345	Complaints.Limpopo@ipid.gov.za
Western Cape	101 York Street Ground Floor Nedbank Building George	044 873 3378	044 873 4861	Complaints.WesternCape@ipid.gov.za

13.4 THE INFORMATION REGULATOR

The Information Regulator (South Africa) is an independent body established in terms of Section 39 of the POPIA. It is subject only to the law and the constitution and is accountable to the national assembly.

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

Street Address: JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Postal Address: PO Box 31533
BRAAMFONTEIN
2017

Telephone number: 010 023 5200

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

13.5 STATE INSTITUTIONS SUPPORTING CONSTITUTIONAL DEMOCRACY

According to the provisions of Section 18 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the following independent state institutions strengthen constitutional democracy in the republic:

- The Public Protector;
- The Human Rights Commission;
- The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities;
- The Commission for Gender Equality;
- The Auditor-General; and
- The Electoral Commission.

(1) PUBLIC PROTECTOR

The Public Protector is accessible to all persons and communities. The Public Protector has the power to:

- investigate any conduct in state affairs or the public administration in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice;
- to report on that conduct; and
- to take appropriate remedial action.

The Public Protector may not investigate court decisions.

The contact details of the Public Protector are as follows:

Website: <http://www.pprotect.org.za>

Postal Address: Private Bag X677
PRETORIA
0001

Street Address: 175 Lunnon Road
Hillcrest Office Park
0083

Telephone number: (012) 366 7000/7112

Fax number: (012) 362 3473

Toll-Free number: 0800 11 20 40

(2) SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has (amongst other powers), also the power to —

- investigate and report on the observance of human rights; and
- take steps to secure appropriate redress where human rights have been violated.

The contact details of the South African Human Rights Commission are as follows:

Website: <http://www.sahrc.org.za>

Postal Address: Private Bag X2700
HOUGHTON
2041

Street Address: 27 Stiemens Street
JD House
Braamfontein
JOHANNESBURG

Telephone number: (011) 877 3600

(3) **DEPARTMENT OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES**

Physical address: Fedsure Forum Building
268 Lilian Ngoyi
PRETORIA
0001

Postal address: Private Bag X931
PRETORIA
0001

Office of the Minister:

Tel number: (012) 359 0011

Fax number: 086 765 3365

E-mail: ministry@women.gov.za

(4) **COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES**

The commission has (amongst other powers) the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning the rights of cultural, religious and linguistic communities. The commission may report any matter which falls within its powers and functions to the South African Human Rights Commission for investigation.

The contact details of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities are as follows:

Website: <http://www.crlcommission.org.za>

Street Address: Forum 4
Braampark Office
33 Hoofd Street
Braampark
JOHANNESBURG

Postal address: Private Bag X90 000
HOUGHTON
2041

Telephone number: (011) 358 9100

E-mail: info@crlcommission.org.za
complaints@crlcommission.org.za

(5) **COMMISSION FOR GENDER EQUALITY**

The Commission for Gender Equality has (amongst other powers) the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.

The contact details of the Commission for Gender Equality are as follows:

Website: <http://www.cge.org.za>

Postal Address: PO Box 32175
BRAAMFONTEIN
2017

Street Address: Old Women's Jail
Constitution Hill
2 Kotze Street
Braamfontein
JOHANNESBURG

Telephone number: (011) 403 7182

(6) COMMISSION FOR AUDITOR GENERAL

The Auditor-General audits and reports on the accounts, financial statements and financial management of —

- all national and provincial state departments and administrations;
- all municipalities; and
- any other institution or accounting entity required by national or provincial legislation to be audited by the Auditor-General;
- any institution funded by the National Revenue Fund or a Provincial Revenue Fund or by a municipality; or
- any institution authorised in terms of any law to receive money for a public purpose.

The contact details of the Auditor-General are as follows:

Website: <http://www.agsa.co.za>

Postal Address: PO Box 446
PRETORIA
0001

Street Address: 4 Daventry Street
Lynnwood Bridge Office Park
Lynnwood Manor
PRETORIA

Telephone Number: (012) 426 8000

Fax Number: (012) 426 8257

E-mail: agsa@agsa.co.za

14. PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT 4 OF 2013), (POPIA)

14.1 POPIA DOES NOT APPLY

- (1) The POPIA does not apply to the processing of personal information —
- (a) in the course of a purely personal or household activity;
 - (b) that has been de-identified to the extent that it cannot be re-identified again;
 - (c) by or on behalf of a public body—

- (i) which involves national security, including activities that are aimed at assisting in the identification of the financing of terrorist and related activities, defence or public safety; or
 - (ii) the purpose of which is the prevention, detection, including assistance in the identification of the proceeds of unlawful activities and the combating of money laundering activities, investigation or proof of offences, the prosecution of offenders or the execution of sentences or security measures, to the extent that adequate safeguards have been established in legislation for the protection of such personal information;
 - (d) by the cabinet and its committees or the executive council of a province;
 - (e) relating to the judicial functions of a court referred to in Section 166 of the Constitution; or
 - (f) solely for the purpose of journalistic, literary or artistic expression to the extent that such an exclusion is necessary to reconcile, as a matter of public interest, the right to privacy with the right to freedom of expression.
- (2) When the SAPS processes personal information for the purpose of discharging its Constitutional function, which is to prevent, investigate and combat crime, the SAPS is also exempt in terms of Section 38 of POPIA from:
- (a) Sections 11(3) and (4) of POPIA (e.g. the data subject may not object to the processing of personal information);
 - (b) Section 12 of POPIA (e.g. the SAPS may directly collect personal information from any source);
 - (c) Section 15 of POPIA (e.g. the SAPS may further process personal information, and it does not have to be in accordance or compatible with the purpose for which it was collected in terms of Section 13; the SAPS does not have to ensure that the data subject is aware of the purpose of the collection of the information);
 - (d) Section 18 of POPIA (e.g. the SAPS has no obligation to make the data subject aware or notify the data subject that their personal information has been collected).

14.2 PURPOSE OF POPIA

The information on POPIA in this manual is to —

- (a) provide a list of all record types held by the SAPS; and
 - (b) in addition to the requirements imposed by PAIA, comply with the requirements of the POPIA.
- (1) The purpose of the POPIA is to —
- (a) give effect to the constitutional right to privacy by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at—
 - (i) balancing the right to privacy against other rights, particularly the right of access to information; and
 - (ii) protecting important interests, including the free flow of information within the republic and across international borders;
 - (b) regulate the manner in which personal information may be processed by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing

- of personal information;
 - (c) provide persons with rights and remedies to protect their personal information from processing that is not in accordance with the POPIA; and
 - (d) establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by the POPIA.
- (2) Everyone has the right to enquire as to whether somebody or an entity has their personal information on record. The enquiring party must provide proof of identity, and the requested information must be provided to the data subject free of charge. To establish what the information consists of and whether it has been disseminated to any third parties, payment may be required. Access to this information is also subject to the PAIA.
- (3) Everyone has the right to have their personal information corrected or deleted if it is inaccurate, irrelevant, excessive, dated or misleading, if it has been obtained unlawfully, or if the responsible party is no longer authorised to retain the information.
- (4) The POPIA and the PAIA hold a special relationship. Both can be seen as "information" laws and are each on one end of a continuum. On the one end, PAIA is an "access" law, all about Freedom of Information. POPIA, on the other end, is about privacy - prevention of exposure of information. They should not be seen as competing; rather, both are there to help ensure that information is managed correctly. The requirements to access records as set out in PAIA remain in place.

14.3 SCOPE OF POPIA

- (1) In terms of Section 3 of the POPIA, the POPIA applies to the processing of personal information —
- (a) entered in a record by or for a responsible party by making use of automated or non-automated means: Provided that when the recorded personal information is processed by non-automated means, it forms part of a filing system or is intended to form part thereof; and
 - (b) where the responsible party is—
 - (i) domiciled in the republic; or
 - (ii) not domiciled in the republic, but makes use of automated or non-automated means in the republic, unless those means are used only to forward personal information through the republic.
- (2) The POPIA applies to the exclusion of any provision of any other legislation that regulates the processing of personal information, and that is materially inconsistent with an object or a specific provision of the POPIA. If any other legislation provides for conditions for the lawful processing of personal information that are more extensive than those set out in Chapter 3 of the POPIA, the extensive conditions prevail.

14.4 REGULATORY FRAMEWORK

Information is processed by the SAPS *inter alia* in terms of the following:

- (1) Constitution of the Republic of South Africa, 1996;
- (2) Basic Conditions of Employment Act, 1997 (Act 75 of 1997);
- (3) Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003);
- (4) Close Corporations Act, 1984 (Act 69 of 1984);
- (5) Companies Act, 2008 (Act 71 of 2008);
- (6) Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993);
- (7) Consumer Protection Act, 2008 (Act 68 of 2008);
- (8) Copyright Act, 1978 (Act 98 of 1978);
- (9) Criminal Procedure Act, 1977 (Act 51 of 1977);
- (10) Electronic Communication and Transactions Act, 2002 (Act 25 of 2002);
- (11) Firearms Control Act, 2000 (Act 60 of 2000);
- (12) Income Tax Act, 1962 (Act 58 of 1962);
- (13) Intellectual Property Rights from Publicly Financed Research and Development Act, 2008 (Act 51 of 2008);
- (14) International Standard for Records Management (ISO15489);
- (15) King Report on Corporate Governance (King III and IV);
- (16) Labour Relations Act, 1995 (Act 66 of 1995);
- (17) Minimum Information Security Standards (MISS);
- (18) National Credit Act, 2005 (Act 34 of 2005);
- (19) Promotion of Access to Information Act, 2000 (Act 2 of 2000) (PAIA);
- (20) Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) (PAJA);
- (21) Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act 33 of 2004);
- (22) Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA);
- (23) Regulations relating to the Protection of Personal Information, 2018;
- (24) South African National Standard for Records Management (SANS 15489);
- (25) South African Police Service Act, 1995 (Act 68 of 1995);
- (26) South African Police Service Discipline Regulations, 2016; and
- (27) South African Police Service Employment Regulations, 2018.

14.5 DEFINITIONS

In this manual, unless the context otherwise indicates, —

- (1) “automated means” means any equipment capable of operating automatically in response to instructions given for the purpose of processing information;
- (2) “biometrics” means a technique of personal identification that is based on physical, physiological or behavioural characterisation, including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;
- (3) “child” means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning themselves;
- (4) “code of conduct” means a code of conduct issued in terms of Chapter 7 of the POPIA;

- (5) “competent person” means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;
- (6) “consent” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- (7) “Constitution” means the Constitution of the Republic of South Africa, 1996;
- (8) “data subject” means the person to whom the personal information relates;
- (9) “de-identify”, in relation to personal information of a data subject, means to delete any information that—
 - (a) identifies the data subject;
 - (b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
 - (c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and “de-identified” has a corresponding meaning;
- (10) “electronic communication” means any text, voice, sound or image message sent over an electronic communications network, which is stored in the network or the recipient’s terminal equipment until it is collected by the recipient;
- (11) “enforcement notice” means a notice issued in terms of Section 95 of the POPIA;
- (12) “filing system” means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria;
- (13) “information matching programme” means the comparison, whether manually or by means of any electronic or other device, of any document that contains personal information about ten or more data subjects with one or more documents that contain personal information of ten or more data subjects, for the purpose of producing or verifying information that may be used for the purpose of taking any action in regard to an identifiable data subject;
- (14) “information officer” of, or in relation to, a —
 - (a) public body means an information officer or deputy information officer as contemplated in terms of Section 1 or 17 of the POPIA; or
 - (b) private body means the head of a private body as contemplated in Section 1 of the PAIA;
- (15) “operator” means a person who processes personal information for a responsible party in terms of a contract or mandate without coming under the direct authority of that party;
- (16) “person” means a natural person or a juristic person;

- (17) “personal information” 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 race, gender, sex, pregnancy status, marital status, nationality, 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;
- (18) “prescribed” means prescribed by regulation or by a code of conduct;
- (19) “private body” means—
- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
 - (b) a partnership which carries or has carried on any trade, business or profession; or
 - (c) any former or existing juristic person but excludes a public body;
- (20) “processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - (b) dissemination by means of transmission, distribution or making available in any other form; or
 - (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;
- (21) “professional legal adviser” means any legally qualified person, whether in private practice or not, who lawfully provides a client, at their or its request, with independent, confidential legal advice;
- (22) “PAIA” means the Promotion of Access to Information Act, 2000 (Act 2 of 2000);
- (23) “public body” means—
- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
 - (b) any other functionary or institution when—

- exercising a power or performing a duty in terms of the constitution or a provincial constitution; or
 - exercising a public power or performing a public function in terms of any legislation;
- (24) “public record” means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body;
- (25) “record” means any recorded information —
- (a) regardless of form or medium, including any of the following —
 - writing on any material;
 - 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;
 - label, marking or other writing that identifies or describes anything of which it forms part or to which it is attached by any means;
 - book, map, plan, graph or drawing;
 - 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 a responsible party;
 - (c) whether or not it was created by a responsible party; and
 - (d) regardless of when it came into existence;
- (26) “regulator” means the Information Regulator established in terms of Section 39 of POPIA;
- (27) “re-identify”, in relation to the personal information of a data subject, means to resurrect any information that has been de-identified, that—
- (a) identifies the data subject;
 - (b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
 - (c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and “re-identified” has a corresponding meaning;
- (28) “republic” means the Republic of South Africa;
- (29) “responsible party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information (in the context of the SAPS, it refers to the national commissioner);
- (30) “restriction” means to withhold from circulation, use or publication any personal information that forms part of a filing system but not to delete or destroy such information;
- (31) “special personal information” means personal information as referred to in Section 26 of the POPIA;

- (32) “terrorist and related activities” means those activities referred to in Section 4 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act 33 of 2004);
- (33) “POPIA” means the Protection of Personal Information Act, 2013 (Act 4 of 2013), and includes any regulation or code of conduct made under the said act; and
- (34) “regulations” means the regulations relating to the Protection of Personal Information, 2018.

14.6 THE INFORMATION WE COLLECT

- (1) We collect information directly from you when you provide us with your personal details. Where possible, we will inform you what information you are required to provide to us and what information is optional.
- (2) Website usage information may be collected using “cookies”, which allows us to collect standard internet visitor usage information.
- (3) The type of personal information that we process will depend on the purpose for which it is collected. The following categories of records are collected and kept by the SAPS:

Category of records	Records (this list is not exhausted)
<p>Records pertaining to the functions of the SAPS as set out in Section 205(3) of the constitution (The POPIA is not applicable to these records or information).</p>	<p>Records pertaining to —</p> <ul style="list-style-type: none"> • national security, including activities that are aimed at assisting in the identification of the financing of terrorist and related activities, defence or public safety; or • the prevention, detection, including assistance in the identification of the proceeds of unlawful activities and the combating of money laundering activities, investigation or proof of offences, the prosecution of offenders or the execution of sentences or security measures, to the extent that adequate safeguards have been established in legislation for the protection of such personal information; • criminal records; and • records in terms of other legislation, such as the Firearms Control Act, 2000 (Act 60 of 2000), Criminal Procedure Act, 1977 (Act 51 of

	1977), and the Second-Hand Goods Act, 2009 (Act 6 of 2009).
<p>Internal records</p> <p>The records listed pertain to the affairs of the SAPS</p>	<ul style="list-style-type: none"> • Financial records • Operational records • Intellectual property • Internal correspondence; • Service records; • Statutory records; • Internal policies and procedures; • Minutes of meetings; • Charters, codes of conduct and policies (both internal and external) to which the SAPS and its personnel subscribe; and • Records held by officials of the SAPS.
<p>Donor-related records</p>	<ul style="list-style-type: none"> • Agreements with donors; • Records, reports, designs and the like generated for donors; and • Records generated pertaining to the donor, including transactional records.
<p>Other records</p>	<ul style="list-style-type: none"> • Procurement and administration for the SAPS; and • Research information belonging to the SAPS or carried out by a third party.
<p>Personnel records</p> <p>For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of the SAPS and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the SAPS. This includes all permanent, temporary and part-time staff,</p>	<ul style="list-style-type: none"> • Any personal records provided to us by our personnel; • Any records a third party has provided to us about any of their personnel; • Conditions of employment and other personnel-related contractual and quasi-legal records; • Employment policies and procedures; • Internal evaluation and disciplinary records; and

interns, trainees, consultants, contract workers, reservists and volunteers.	<ul style="list-style-type: none"> • Other internal records and correspondence.
Data Subject	The information collected
Employee	<ul style="list-style-type: none"> • race, gender, sex, pregnancy status, marital status, nationality, 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; • education or the medical, financial, criminal or employment history of the person; • identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier • biometric information; • the views or opinions of another individual about the person; and the name of the person
Applicants for Licensing (Firearms, Second-hand goods, etc.	<ul style="list-style-type: none"> • race, gender, sex, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, well-being, language and birth of the person; • the medical, financial, and criminal history of the person;

	<ul style="list-style-type: none"> • identifying number, symbol, e-mail address, physical address, telephone number, online identifier • biometric information; • the views or opinions of another individual about the person; and • the name of the person
Complainant	<ul style="list-style-type: none"> • race, gender, sex, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, sexual orientation, well-being, language and birth of the person; • the medical, financial, and criminal history of the person; • identifying number, symbol, e-mail address, physical address, telephone number, online identifier • biometric information; • the views or opinions of another individual about the person; and • the name of the person
Victims	<ul style="list-style-type: none"> • race, gender, sex, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, sexual orientation, well-being, language and birth of the person; • the medical, financial, and criminal history of the person; • identifying number, symbol, e-mail address, physical address, telephone number, online identifier • the views or opinions of another individual about the person; and

	<ul style="list-style-type: none"> • the name of the person
Suspects / arrested persons / persons in custody	<ul style="list-style-type: none"> • race, gender, sex, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, sexual orientation, well-being, language and birth of the person; • the medical, financial, and criminal history of the person; • identifying number, symbol, e-mail address, physical address, telephone number, online identifier • the views or opinions of another individual about the person; and • the name of the person

14.7 HOW WE USE YOUR INFORMATION

- (1) We will use your personal information only for the purposes for which it was collected and agreed with you. In addition, where necessary, your information may be retained for legal or research purposes.
For example:
- (a) to perform the functions of the SAPS as set out in Section 205(3) of the Constitution;
 - (b) to gather contact information;
 - (c) to confirm and verify your identity or to verify that you are an authorised user for security purposes;
 - (d) for the detection and prevention of fraud, crime, money laundering or other malpractice;
 - (e) to conduct market or customer satisfaction research or for statistical analysis;
 - (f) for audit and record-keeping purposes; and
 - (g) in connection with legal proceedings.
- (2) We may disclose your information:
- (a) where we have a duty or a right to disclose in terms of law; and
 - (b) where we believe it is necessary to protect our rights.

14.8 INFORMATION SECURITY

- (1) We are legally obliged to provide adequate protection for the personal information we hold and to stop unauthorised access and use of personal information. We will, on an ongoing basis, continue to review our security controls and related processes to ensure that your personal information remains secure.

- (2) Our security policies and procedures cover:
 - (a) physical security;
 - (b) computer and network security;
 - (c) access to personal information;
 - (d) secure communications;
 - (e) security in contracting out activities or functions;
 - (f) retention and disposal of information;
 - (g) acceptable usage of personal information;
 - (h) governance and regulatory issues;
 - (i) monitoring access and usage of private information;
 - (j) investigating and reacting to security incidents.
- (3) When we contract with third parties, we impose appropriate security, privacy, and confidentiality obligations on them to ensure that the personal information for which we remain responsible is kept secure.
- (4) We will ensure that anyone to whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

14.9 DATA SUBJECT RIGHTS

- (1) Everyone has the right to be informed if someone is collecting their personal information or if their personal information has been accessed by an unauthorised person. In addition, they have the right to access their personal information and to require that personal information be corrected or destroyed, or they may object to their personal information being processed. Please note that any such access request may be subject to a payment of a legally allowable fee.
- (2) Personal information can only be processed (Section 11 of the POPIA):
 - (a) with the consent of the “data subject”;
 - (b) if it is necessary for the conclusion or performance of a contract to which the “data subject” is a party;
 - (c) if it is required by law;
 - (d) if it protects a legitimate interest of the “data subject”; or
 - (e) if it is necessary to pursue your legitimate interests or the interest of a third party to whom the information is supplied.
- (3) Everyone has the right to object to having their personal information processed. They have the right to withdraw their consent or object if they can show legitimate grounds for their objection.
- (4) A Responsible party has to collect personal information directly from the “data subject” unless:
 - (a) this information is contained in some public record or has been deliberately published by the data subject;
 - (b) collecting the information from another source does not prejudice the subject;
 - (c) it is necessary for some public purpose or to protect their own interests; or

- (d) obtaining the information directly from the subject would prejudice a lawful purpose or is not reasonably possible.
- (5) Personal information may only be collected for a specific, explicitly defined and lawful purpose, and the data subject must be aware of the purpose for which the information is being collected (Section 13 of the POPIA).
- (6) Once the Personal information is no longer needed for the specific purpose for which it was gathered, it must be disposed of (or the data subject must be “de-identified”).
- (7) Personal information may only be kept if it is allowed by law, or the information is needed to keep the record for lawful purposes or in accordance with the contract between the responsible party and the data subject, or the data subject has consented to the data processor keeping the records (Section 14 of the POPIA).
- (8) The SAPS is entitled to keep records of personal information for historical, statistical or research purposes if it has been “de-identified” and safeguards have been established to prevent the records from being used for any other purposes.
- (9) Records must be destroyed in a way that prevents them from being reconstructed.
- (10) Personal information may only be used for the purpose for which the data was collected (Section 15 of the POPIA).
- (11) Documentation relating to personal information and how it has been processed must be maintained, as referred to in Section 14 or 51 of the PAIA.
- (12) Everyone has the right to object to having their personal information processed. They have the right to withdraw their consent or object if they can show legitimate grounds for their objection. A data subject who wishes to object to the processing of personal information in terms of Section 11(3)(a) of the POPIA must submit the objection to the responsible party on Form 1. The responsible party, or a designated person, must render such reasonable assistance as is necessary, free of charge, to enable the data subject to make an objection on Form 1.
- (13) When information is being collected, data subjects must be made aware of (Section 18 of the POPIA):
 - (a) the information that is being collected, and if the information is not being collected from the subject, the subject must be made aware of the source from which the information is being collected;
 - (b) the name and address of the person/organisation collecting the information;
 - (c) the purpose of the collection of information;
 - (d) what period the information will be retained for and assurance given that it will be destroyed by the given date;
 - (e) whether the supply of the information by the subject is voluntary or mandatory;
 - (f) the consequences of failure to provide the information;
 - (g) whether the information is being collected in accordance with any law;
 - (h) if it is intended for the information to leave the country, and what level of protection will be afforded to the information after it has left South Africa;

- (i) who will be receiving the information;
 - (j) that the data subject has access to the information and the right to rectify any details;
 - (k) that the data subject has the right to object to the information being processed (if such right exists); and
 - (l) that the data subject has the right to lodge a complaint to the Information Regulator. The contact details of the Information Regulator must also be supplied (Section 18 of the POPIA).
- (14) These requirements have to be met before the information is collected directly from the subject or as soon as reasonably practicable. The same process must be followed if additional information is collected from a subject for a different purpose.

14.10 SPECIAL PERSONAL INFORMATION

- (1) Section 26 of the POPIA creates a special category of personal information called “special personal information”. This relates to religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information. Also included in this category is information relating to the alleged commission of any offence or any proceedings in respect of any offence allegedly committed and the outcome of such proceedings.
- (2) Failure to obtain consent makes processing this special personal information strictly prohibited unless –
 - (a) it is necessary by law;
 - (b) it is done for historical, statistical or research purposes; or
 - (c) the information has been deliberately made public by the subject.
- (3) There are limited exceptions to the prohibition against the processing of “special personal information”. Details of such exceptions are set out in the POPIA.
- (4) Special rules apply to the processing of personal information of children (Section 35 of the POPIA). These rules are set out in the POPIA.
- (5) The Information Regulator has the power to grant exemptions to allow people to process personal information without complying with the POPIA if the public interest outweighs the subject’s rights of privacy or where there is a clear benefit to the subject. Such exemptions may be granted.

14.11 TRANSBORDER INFORMATION FLOWS

Data protection laws (such as the GDPR in the EU, DPA in the UK or POPIA in South Africa) generally agree that anyone processing personal data may only transfer it to someone outside the country under certain circumstances. Bearing in mind that POPIA is largely based on the European Data Protection Directive (EU Directive), which was replaced by the General Data Protection Regulation in May 2018 (GDPR), and that POPIA prescribes that processing conditions should be established ‘in harmony with

international standards', some reliance can be placed on those countries which the European Commission has declared as having such adequate safeguards.

POPIA recognises the need to transfer personal information from South Africa and states that its purpose is to protect 'important interests, including the free flow of information within the republic and across international borders'.

Section 72 of POPIA deals with transfers of personal information outside South Africa or trans-border information flows. It essentially provides that a responsible party may not transfer personal information about a data subject to a third party who is in a foreign country unless certain protections are in place, such as —

- Adequate legal protection: The recipient of the personal information must be subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection that effectively upholds the principles for reasonable processing and that includes provisions that are substantially similar to the conditions for the lawful processing of personal information and for the further transfer of personal information.
- Consent: The data subject consents to the transfer.
- Necessary for the performance of a contract: The transfer is necessary for the performance of a contract between the data subject and the responsible party or for the implementation of pre-contractual measures taken in response to the data subject's request.
- Interests of the data subject: The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party.
- Benefit of the data subject: The transfer is for the benefit of the data subject in circumstances where it is not reasonably practicable to obtain the consent of the data subject for the transfer, and the data subject would be likely to give consent had it been obtained.

These are not cumulative requirements, and only one of the above would need to be present in order for the cross-border data transfer to be acceptable.

The experience in other jurisdictions has shown that one of the easiest and most convenient ways to effect cross-border data transfers is where the transfer takes place to a country with a law which provides 'an adequate level of protection', with principles for processing that are 'substantially similar to the conditions for the lawful processing of personal information', as contemplated under Section 72(1)(a) of POPIA.

Section 40(1)(g) of POPIA provides that the Information Regulator has a duty 'to facilitate cross-border cooperation in the enforcement of privacy laws by participating in any initiative that is aimed at such cooperation'. It will, therefore, be an important part of the role of the regulator to assist in facilitating the cross-border transfers of personal information in a manner that is both effective and compliant with POPIA.

The Information Regulator has not yet established a procedure for the approval of 'Binding Corporate Rules', nor has it provided any guidelines on what should be housed under a 'Cross Border Transfer Agreement'.

Section 72 of POPIA states the following:

‘A responsible party in the republic may not transfer personal information about a data subject to a third party who is in a foreign country ...’ and then proceeds to list a number of exceptions.

Chapter 5 of the GDPR deals with cross-border data transfers. Article 49 provides that —

‘Any transfer of personal data which are undergoing processing or are intended for processing after transfer to a third country or to an international organisation shall take place only if, subject to the other provisions of this regulation, the conditions laid down in this chapter are complied with by the controller and processor, including for onward transfers of personal data from the third country or an international organisation to another third country or to another international organisation. All provisions in this chapter shall be applied in order to ensure that the level of protection of natural persons guaranteed by this regulation is not undermined.’

Where POPIA sets out exceptions, GDPR sets out requirements. We can compare the POPIA exceptions to the GDPR requirements as follows:

- POPI Act – Data is not allowed to be transferred across international borders to a third party.
- GDPR – Data can be transferred on the basis of an adequacy decision by the commission.
- GDPR – Data can be transferred subject to appropriate safeguards.
- GDPR – Data can be transferred on the basis of binding corporate rules.
- GDPR – Data can be transferred by force on mutual international agreements.

POPIA – Exceptions

Cross-border data transfers are acceptable:

- with the consent of the data subject;
- for the performance of a contract or for pre-contractual measures in response to the data subject’s request;
- for the conclusion of a contract between the controller and a third party for the benefit of the data subject;
- for the benefit of the data subject where:
 - (a) consent cannot be reasonably obtained; or
 - (b) where consent can be obtained, it is likely that consent would be granted; or
- when adequate protection is provided for where the third party is bound by law, agreements, or corporate rules.

In order to ensure compliance under POPIA, it is imperative that the SAPS, in transferring personal information outside of South Africa (and particularly to countries where there is no EU declaration of adequate safeguards and/or where juristic personal information is processed) —

- carry out due diligence checks of the data protection laws (if any) in

- place in the foreign country that they wish to export the personal information to obtain advice on the laws in that foreign country that permit access to personal information by government agencies; and
- put in place the appropriate safeguards in comprehensive data-transfer agreements or binding corporate rules (which would only apply to transfers of personal information within a group of companies).

Cross-border information provided to other countries relates to the core business of the SAPS, i.e. the mandate of the SAPS set out in Section 205(3) of the Constitution of the Republic of South Africa, 1996.

Section 6 of POPIA provides that POPIA does not apply to the processing of personal information by or on behalf of the SAPS —

- to protect the national security/ identification of financing of terrorist activities;
- defence/public safety/security measures;
- for purposes of prevention/detection of crime;
- identification of the proceeds of crime;
- combating money laundering;
- investigation or proof of offences; or
- prosecution of offenders/execution of sentences;

to the extent that adequate safeguards have been established in legislation.

In this regard, *inter alia*, the following legislation provides for the powers referred to in Section 6 of POPIA and plays a role in the cross-border flow of personal information relating to crime:

- Criminal Procedure Act, 1977 (Act 51 of 1977);
- Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007);
- South African Police Service Act, 1995 (Act 68 of 1995);
- Second-Hand Goods Act, 2009 (Act 9 of 2009);
- Firearms Control Act, 2000 (Act 60 of 2000);
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act 33 of 2004);
- Stock Theft Act, 1959 (Act 57 of 1959);
- Criminal Law (Forensic Procedures) Amendment Act, 2010 (Act 6 of 2010);
- Criminal Law (Forensic Procedures) Amendment Act, 2013 (Act 37 of 2013);
- National Strategic Intelligence Act, 1994 (Act 39 of 1994);
- Immigration Act, 2002 (Act 13 of 2002);
- Counterfeit Goods Act, 1997 (Act 37 of 1997);
- Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004);
- Regulation of Foreign Military Assistance Act, 1998 (Act 15 of 1998);
- Implementation of the Rome Statute of the International Criminal Court Act, 2000 (Act 27 of 2000);
- Financial Intelligence Centre Act, 2001 (Act 38 of 2001);

- Extradition Act, 1962 (Act 67 of 1962);
- International Cooperation in Criminal Matters Act, 1998 (Act 1998);
- Promotion of Access to Information Act, 2000 (Act 2 of 2000);
- Correctional Services Act, 1998 (Act 111 of 1998);
- Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992);
- Prevention of Organised Crime Act, 1998 (Act 121 of 1998);
- Merchandise Marks Act, 1941 (Act 17 of 1941);
- Prevention and Combatting of Trafficking in Persons Act, 2013 (Act 7 of 2013); etc.

The SAPS is bound by various international agreements regarding police cooperation agreements that have been concluded with the following:

- Arab Republic of Egypt
- Argentine Republic
- Austrian Federal Government
- Democratic Republic of Congo
- Federal Republic of Nigeria
- Federative Republic of Brazil
- Islamic Republic of Iran
- Italy
- Kingdom of Netherlands
- Vietnam
- Kingdom of Swaziland
- People's Republic of China
- Republic of Bulgaria
- Republic of Chile
- Republic of Cyprus
- Republic of France
- Republic of Hungary
- Republic of Kenya
- Republic of Malta
- Zimbabwe
- Republic of Mozambique
- Republic of Portugal
- Republic of Rwanda
- Republic of Turkey
- Republic of Uganda
- Russian Federation
- State of Qatar
- United Arab Emirates
- Darfur Region of the Republic of the Sudan (AMIS)
- SARPCCO Countries: Mutual Assistance in the Field of Crime Combating

The following declarations of intent also exist:

- Vietnam
- Socialist Republic of Vietnam
- United States of America

Memorandums of understanding exist between the South African Police Service and the following foreign law enforcement agencies:

- Ministry of Interior of the Republic of Angola
- Australian Federal Police
- Vietnam
- Namibian Police Force
- Federal Drug Control Service of the Russian Federation
- Royal Swaziland Police Service
- Zimbabwe Republic Police

Agreements and memorandums of understanding exist between the Liaison Offices of the Republic of South Africa and the liaison offices of:

- Taipei

In terms of these agreements, the most common clauses relating to personal information are —

- each party will ensure the confidentiality of information in accordance with the conditions made by the party providing the information;
- the documents or information received may not be used for a purpose other than intended and may not be disclosed to third parties without the consent of the party providing the information; and
- the receiving party will apply the same standard as the party providing the information regarding the safekeeping or security of the information.

14.12 BUSINESS UNITS AND PEOPLE THE SAPS SHARES INFORMATION OR RECORDS WITH;

The SAPS shares information or records to some extent (but not necessarily personal information) with the following:

- Cooperative Governance and Traditional Affairs (COGTA)
- Department of Agriculture, Land Reform and Rural Development (DALRRD)
- Department of Arts and Culture (DAC)
- Department of Basic Education (DBE)
- Department of Correctional Services (DCS)
- Department Of Defence (DoD)
- Department of Environmental Affairs (DEA)
- Department of Higher Education and Training (DHET)
- Department of Home Affairs (DHA)
- Department of Human Settlements (DHS)
- Department of International Relations and Cooperation (DIRCO)
- Department of Mineral Resources & Energy (DMRE)
- Department of Public Works (DPW)
- Department of Rural Development and Land Reform (DRDLR)
- Department of Science and Technology (DST)
- Department of Social Development (DSD)
- Department of Telecommunications and Postal Services (DTPS)
- Department of Tourism (DoT)

- Department of Transport (DoT)
- Department of Water and Sanitation (DWS)
- Financial Services Board (FSB)
- Government Communication and Information System (GCIS)
- Independent Communications Authority of South Africa (ICASA)
- Independent Police Investigative Directorate (IPID)
- Municipal Demarcation Board (MDB)
- National Department of Health (NDoH)
- National Intelligence Agency (NIA)
- National Intelligence Co-ordinating Committee (NICOC)
- National Planning Commission of South Africa (NPCZA)
- National Prosecuting Authority (NPA)
- National Treasury
- Railway Safety Regulator (RSR)
- Road Accident Fund (RAF)
- Road Traffic Management Corporation (RTMC)
- South African Civil Aviation Authority (SACAA)
- South African Heritage Resources Agency (SAHRA)
- South African Law Reform Commission (SALRC)
- South African Maritime Safety Authority (SAMSA)
- South African National Parks (SANParks)
- South African National Roads Agency SOC Ltd (SANRAL)
- South African Reserve Bank (SARB)
- South African Revenue Service (SARS)
- Sport and Recreation South Africa (SRSA)
- State Security Agency (SSA)
- Statistics South Africa (STATS SA)

14.13 COMPLAINTS

- (1) Any person who wishes to submit a complaint as contemplated in Section 74(1) of the POPIA must submit such a complaint to the regulator on Part I of Form 5.
- (2) A responsible party or a data subject who wishes to submit a complaint as contemplated in Section 74(2) of the POPIA must submit such a complaint to the Regulator on Part II of Form 5.

The Information Regulator:

Street Address: JD House
27 Stiemens Street
Braamfontein
JOHANNESBURG
2001

Postal address: The Information Regulator
P.O Box 31533
Braamfontein
2017

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

Tel number: 010 023 5200

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

14.14 REGULATOR ACTING AS CONCILIATOR DURING INVESTIGATION

- (1) If, during the investigation of a complaint, the regulator decides to act as a conciliator in terms of Section 76(1)(b) of the POPIA, the regulator must, as soon as it is practically possible, inform the data subject and the responsible party implicated in the complaint on Form 6 of the following:
 - (a) the regulator's decision to act as a conciliator in the matter; and
 - (b) the date, time and place of the conciliation meeting.
- (2) The regulator —
 - (a) may consolidate separate complaints, which are alleged to relate to the same interference with the protection of personal information by the same responsible party, in order to deal with the complaints in the same conciliation proceedings;
 - (b) must ensure that all persons entitled to attend the conciliation meeting are notified —
 - (i) within a reasonable time of the date, time and place of the meeting; and
 - (ii) may request all the relevant documentation relating to the complaint from the data subject and the responsible party;
 - (c) may confer with the parties in person, by electronic communication means, or by any other means as is deemed appropriate;
- (3) must arrange for an alternative date when a conciliation meeting fails to take place and notify the persons entitled to attend the conciliation meeting accordingly;
- (4) must issue a conciliation certificate on Form 7 within a reasonable time after the date of the conclusion of the conciliation meeting;
- (5) must proceed with the complaint as provided for in terms of Section 76 of the act if the complaint is not resolved, or either or both of the parties did not attend a conciliation meeting.

14.15 PRE-INVESTIGATION PROCEEDINGS OF THE REGULATOR

- (1) If the regulator intends to investigate any matter contemplated in Chapter 10 of the act, the regulator must, in terms of Section 79 of the Act, notify the parties to whom the investigation relates of such intention on Part I of Form 8 prior to conducting the investigation.
- (2) The regulator must inform the responsible party to whom the investigation relates on Part II of Form 8 of the complaint or the subject matter of the investigation and must inform the responsible party of the right to submit a written response to the complaint or the subject matter of the investigation within the time allocated by the regulator.

14.16 SETTLEMENT OF COMPLAINTS

- (1) If it appears from a complaint or any written reply to the complaint under Section 79(b)(ii) of the POPIA or during a conciliation meeting that it may be possible to secure a settlement between the parties and, if appropriate, satisfactory assurances as contemplated in Section 80 of the POPIA, the regulator may confer with the parties in person, by electronic communication means, or by any other means as is deemed appropriate to endeavour to obtain a settlement and if appropriate, satisfactory assurances as contemplated in Section 80 of the POPIA.

- (2) If during the process referred to in sub-paragraph (1) the regulator decides to convene a settlement meeting, the regulator must, as soon as it is practically possible, inform the data subject and the responsible party on Form 9 of the date, time and place of the settlement meeting.
- (3) For the purpose of settlement proceedings, the regulator has the same powers as a conciliator contemplated in sub-regulations (2) to (3) of Regulation 8 of the regulations.
- (4) The regulator must issue a settlement certificate on Form 10 within a reasonable time after the date of the conclusion of the settlement meeting.
- (5) If no settlement and assurance is secured or if either or both of the parties do not wish to attend a settlement meeting, the regulator must proceed with the matter as provided for in terms of Section 76 of the POPIA.

14.17 ASSESSMENTS

- (1) A request for an assessment in terms of Section 89(1) of the POPIA must be submitted to the regulator in Part 1 of Form 11.
- (2) The regulator must inform the requester on Part II of Form 11 if it has decided to conduct an assessment —
 - (a) on its own initiative; or
 - (b) as requested in terms of sub-paragraph (1);
 within a reasonable time from the date that the decision was made.
- (3) The period of assessment will be determined by the regulator on a case-by-case basis.
- (4) The regulator must notify the requester or the responsible party (if not the requester) of any decision made, or action taken, or view formed on Form 12 within a reasonable time from the date that the decision was made or action taken or view formed.

14.18 INFORMING THE PARTIES OF DEVELOPMENTS REGARDING INVESTIGATION

- (1) During the course of an investigation, the regulator must, within a reasonable time from the date of a decision being made or action being taken —
 - (a) keep the complainant, the data subject (if not the complainant) and the responsible party informed of the developments of the investigation; and
 - (b) inform the complainant, data subject (if not complainant) and the responsible party of the result of the investigation.
- (2) The notifications contemplated in sub-paragraph (1) must be served at the designated addresses of the complainant, the data subject and the responsible party advising on —
 - (a) Form 13 that an enforcement notice will not be issued in terms of Section 94(a) of the POPIA;

- (b) Form 14 that the complaint has been referred to the Enforcement Committee in terms of Section 92 of the POPIA;
- (c) Form 15 that an enforcement notice has been served in terms of Section 95 of the POPIA;
- (d) Form 16 that an enforcement notice had been cancelled or varied in terms of Section 96 of the POPIA;
- (e) Form 17 that an appeal has been lodged against an enforcement notice for cancellation or variation of the notice in terms of Section 97 of the act;
- (f) Form 18 that an appeal against an enforcement notice has been allowed and that an enforcement notice has been substituted in terms of Section 98 of the POPIA; or
- (g) Form 19 that an appeal has been dismissed in terms of Section 98 of the POPIA.

15. **UPDATING OF THE MANUAL**

The national deputy information officer will, if necessary, update and publish this manual annually on the website of the SAPS.

Issued by NATIONAL DEPUTY INFORMATION OFFICER

16. PAIA FORMS

16.1 SAPS 512(n)

FOR DEPARTMENTAL USE
Reference number: _____

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

REQUEST FOR ACCESS TO RECORD OF THE SOUTH AFRICAN POLICE SERVICE

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000))

A. Particulars of public body

The name and postal or street address, fax number or e-mail address of the Deputy Information Officer must be stated below.

The Deputy Information Officer: _____

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be recorded below.
- (b) Provide an email address, an address and/or fax number to which the record must be sent.
- (c) In the case of a personal requester (i.e. a requester requesting access to a record which contains his or her own personal information), attach a copy of your ID to this form and ensure that the certificate on the last page of this form is completed and signed by a peace officer or justice of the peace who must also place an office date stamp.
- (d) If the request is made on behalf of a personal requester, documentary proof of the capacity of the requester to make the request on behalf of another person must be attached to this form. Such documentary proof may, amongst other, be —
- (i) a general or specific power of attorney and a copy of the client's ID / passport;
 - (ii) a certified copy of the birth certificate of a minor and a certified copy of the identity document of the parent;
 - (iii) the letter of appointment as the executor of an estate issued by the Master of the High Court, together with proof of identity in the case of a request on behalf of a deceased estate;
 - (iv) where the request is made on behalf of a corporate body, a letter by an authorised person which authorizes the requester to make the request; or
 - (v) a copy of the page(s) of an insurance contract where the client have signed and where it is stated that the insurance company may act on behalf of the client.
- (e) If the person on whose behalf the request is made, has orally authorised the requester or by means of a letter to make the request on his or her behalf, the certificate at the end of paragraph C must be completed by the person on whose behalf the request is made in the presence of a peace officer or justice of the peace who must also complete his or her part of the certificate. A copy of the ID of the person on whose behalf the request is made must be attached to this form.

Full names and surname: _____

Identity number: _____

Postal address: _____

Postal code: _____

Telephone number: _____ Fax number: _____

E-mail address: _____

C. Particulars of person on whose behalf request is made

- (a) This paragraph must be completed if a request for information is made on behalf of another person.
- (b) The *certificate at the end of this paragraph must be completed if —
- (i) the person on whose behalf the request is made, has orally authorised the requester or by means of a letter to make the request on his or her behalf; or
 - (ii) documentary proof of capacity (see paragraph B(d)(i) to (v) above) to act on behalf of another person cannot be attached or is not attached to this form.

Full names and surname: _____

Identity number: _____

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

*Certificate:

I, _____, hereby authorise the requester to request access to the aforementioned record on my behalf.
My identity number is: _____

SIGNATURE OF PERSON ON WHOSE BEHALF REQUEST IS MADE

I, _____, hereby certify that I am satisfied that the person on whose
(state rank, name and surname of peace officer or justice of the peace)
the request is made, is the person that signed the letter authorising the requester to submit the request on his or her behalf or is satisfied that the person whose identity number appears on this certificate, is one and the same person that signed this certificate.

Signed on _____ (date) at _____ (place).

SIGNATURE OF PEACE OFFICER / JUSTICE OF THE PEACE
(i.e. the signature of a magistrate, judge, police official or correctional official, etc. as defined in Act 51 of 1977 & Act 16 of 1963. Although the legal representative of a requester (e.g. an attorney or lawyer) or other person, may be regarded as a "commissioner of oath", he or she is not regarded as a Peace Officer or a Justice of Peace.)

OFFICE STAMP

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number, if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

Description of record or relevant part of the record: _____

Reference number, if available: _____

E. The record is requested for:

Mark with "X"	
<input type="checkbox"/>	(a) The purpose of civil proceedings that has commenced (Civil proceedings commences when a summons is issued and it does not commence when a notice of intended institution of legal proceedings in terms of section 3(1) of the Institution of Legal Proceedings against Certain Organs of State Act, 2002 (Act No 40 of 2002), is received. When such notice is received and a summons has not been issued, the PAIA will apply to a request for access to record.)
<input type="checkbox"/>	(b) The purpose of criminal proceedings that has commenced (i.e. a prosecutor been appointed or consulted by the investigating officer, or the prosecutor "charged" the suspect)
<input type="checkbox"/>	(c) Any other purpose not mentioned in (a) or (b)

F. Fees

- (a) A **Request Fee** as prescribed by the Regulations on the PAIA is payable before the request will be considered and the relevant Deputy Information Officer will notify you of such payment to be made.
- (b) If access is granted to the record or part of the record, an **Access / Reproduction Fee** as prescribed by the Regulations on the PAIA is payable before such access be provided and the relevant Deputy Information Officer will notify you of such payment to be made. The Access Fee depends on the form in which access is required and the reasonable time required to search and prepare the record and if applicable, the actual postage fee.
- (c) **The Request Fee is not payable by —**
- (i) a requester who requests access to a section 15 automatically available record (e.g. person involved in the accident who requests access to the relevant accident report, etc.) or his or her authorised representative (e.g. attorney, lawyer, insurance company, next of kin, parents of the minor child, etc.).
- (d) **The following persons do not pay the Request Fee / any Access or Reproduction Fees:**
- (i) The suspect, victim or complainant who requests a copy of his or her own statement in an open docket (i.e. the investigation is still open or ongoing); or
- (ii) A person that is exempted by the Minister of Justice and Correctional Services by proclamation in the Gazette (e.g. a person who is incarcerated or he or she is unemployed or he or she receives an annual income, after permissible deductions which does not exceed R 14 712, 00 or he or she is married and his or her life partner whose annual income, after permissible deductions does not exceed R27 192, 00 per annum, etc.).

G. Form of access to record

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

Form in which record is required: Mark the appropriate box with an "X" to indicate the form in which you would prefer access to the record. (Note that it may not necessarily be possible to grant access to the record in the form or on the medium you requested. In such a case you will be informed of the form or medium in which access will be granted. Also note that the fee payable for access to the record, if any, will in part depend on the form in which access is requested.)			
1. If the record is in written or printed form —			
copy of record		inspection of record	
2. If the record consists of visual images — (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
view the images		copy of the images*	
		transcription of the images	
3. If the record consists of recorded words or information which can be reproduced in sound —			
listen to the soundtrack (audio cassette)		transcription of soundtrack	
		copy of the soundtrack (audio cassette)	
4. If the record is held on computer or in an electronic or machine-readable form —			
view the record		printed copy of the record*	
		copy in computer readable form (compact disc)	
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? If so, the actual postal cost is payable.			YES NO
In which language would you prefer the record? <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>			

H. Notice of decision regarding request for access

How would you prefer to be informed of the decision regarding your request for access to the record? You will be notified in writing, please specify the manner (e.g. email, fax, post, etc.) in which you wish to be notified. Provide the necessary particulars to enable compliance with your request.

Signed at _____ on this _____ day of _____ 20____

SIGNATURE OF REQUESTER

Certificate for completion by the Peace Officer or Justice of Peace in the case of a personal requester (i.e. a requester requesting access to a record which contains his or her personal information):	
I, _____, hereby certify that the requester, with Identity (state rank, name and surname of peace officer or justice of the peace)	
Number: _____ has signed the request form in my presence (of person who is requesting information about himself or herself)	
and that I have satisfied myself that the person who signed the form and the person whose identity number appears on the form, is one and the same person.	
Signed on _____ (date) at _____ (place).	OFFICE STAMP
SIGNATURE OF PEACE OFFICER / JUSTICE OF THE PEACE (i.e. the signature of either a magistrate, judge, police official or correctional official, etc. as defined in Act 51 of 1977 & Act 16 of 1963. Although the legal representative of a requester (e.g. an attorney or lawyer) or other person, may be regarded as a "commissioner of oath", he or she is not regarded as a Peace Officer or a Justice of Peace.)	

FOR DEPARTMENTAL USE

Request received by _____ (state rank, name and surname of deputy information officer)
on _____ (date) at _____ (place).
SIGNATURE OF DEPUTY INFORMATION OFFICER

16.2 SAPS 512(o)

SAPS 512(o)

STATE YOUR REFERENCE NUMBER

Reference number: _____

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000))

A. Particulars of public body

The Information Officer:

B. Particulars of requester or third party who lodges the internal appeal

(a) The particulars of the person who is lodging the internal appeal, must be completed below.
 (b) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be stated at C below.

Full names and surname: _____

Identity number: _____

Postal address: _____

 E-mail address: _____

Telephone number: _____ Fax number: _____

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) is lodging the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an "X" in the appropriate box:

<input type="checkbox"/>	Refusal of request for access.
<input type="checkbox"/>	Decision regarding fees determined in terms of section 22 of the Act.
<input type="checkbox"/>	Decision regarding the extension of the period within which request must be dealt with in terms of section 26(1) of the Act.
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form as requested by the requester.
<input type="checkbox"/>	Decision to grant request for access.

16.3 Form 1: Request for a Guide from the Regulator [Regulation 2]

FORM 1**[Regulation 2]**

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)

Signed at _____ this _____ day of _____ 20 _____



Signature of requester

16.4 Form 1: Request for a Copy of the Guide from an Information Officer [Regulations 3]

FORM 1**REQUEST FOR A COPY OF THE GUIDE**

[Regulations 3]

TO: The Information Officer

I,

Full names:	ef		
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)

Signed at _____ this _____ day of _____ 20 _____

Signature of requester

16.5 Form 2: Request for Access to Record [Regulation 7]

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

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

TO: The Information Officer

(Address)

E-mail address: Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

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

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

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <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 <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

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

Signature of Information Officer

16.6 Form 4: Internal Appeal Form [Regulation 9]

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	<input type="checkbox"/>
			No	<input type="checkbox"/>
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: (<i>Proof of the capacity in which appeal is lodged, if applicable, must be attached.</i>)				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	<input type="checkbox"/>
Decision regarding fees prescribed in terms of section 22 of the Act	<input type="checkbox"/>
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	<input type="checkbox"/>
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	<input type="checkbox"/>
Decision to grant request for access	<input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>
OUTCOME OF APPEAL			
Refusal of request for access. Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>
	No	<input type="checkbox"/>	
Fees (Sec 22). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>
	No	<input type="checkbox"/>	
Extension (Sec 26(1)). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>
	No	<input type="checkbox"/>	
Access (Sec 29(3)). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>
	No	<input type="checkbox"/>	
Request for access granted. Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>
	No	<input type="checkbox"/>	

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

16.7 Form 5: Complaint Form [Regulation 10]

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/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	<input type="checkbox"/>	No	<input type="checkbox"/>
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Have you applied to Court for appropriate relief regarding this matter?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

FOR INFORMATION REGULATOR'S USE ONLY			
<i>Received by: (Full names)</i>			
<i>Position</i>			
<i>Signature</i>			
<i>Complaint accepted</i>	Yes	<input type="checkbox"/>	No
<i>Reference Number</i>			
<i>Date stamp</i>			

Postal address	Facsimile	Other electronic communication <i>(Please specify)</i>	
PART A PERSONAL INFORMATION OF COMPLAINANT			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		
PART B REPRESENTATIVE INFORMATION <i>(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)</i>			
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 <i>(Please attach letter of authorisation)</i>			
Type of Body	Private	<input type="checkbox"/>	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	<input type="checkbox"/>	Public	<input type="checkbox"/>
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	<input type="checkbox"/>	No	<input type="checkbox"/>
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	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				
PART F				
DETAILED TYPE OF ACCESS TO RECORDS				
<i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>				
Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	<i>I have appealed against the decision of the public body and the appeal is unsuccessful.</i>			
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	<i>I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.</i>			

Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>	<input type="checkbox"/>
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>	<input type="checkbox"/>
	<i>The tender or payment of a deposit.</i>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
	<i>Extension period has expired and no response was received.</i>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
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>	<input type="checkbox"/>
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	<input type="checkbox"/>
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>	<input type="checkbox"/>
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	<input type="checkbox"/>
Other (Please explain)		
PART G		
EXPECTED OUTCOME		
How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
PART H		
AGREEMENTS		

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

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

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

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

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

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

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party

16.8 Form 13: PAIA Request for Compliance Assessment Form [Regulation 14(1)]

REQUEST FOR ASSESSMENT

FORM 13

[Regulation 14(1)]

I,

Full Name(s)			
Postal Address			
Street Address			
E-Mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

hereby, in terms of section 77H of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), request that the Information Regulator assess whether the under-mentioned public or private body generally complies with the provisions of the Act insofar as its policies and implementation procedures are concerned.

Name of Private / Public Body			
Postal Address			
Street Address			
E-Mail Address			
Contact Number(s)	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF INFORMATION TO BE ASSESSED
PERSONS AFFECTED BY THE RELEVANT INFORMATION PRACTICE/S
THE REASON WHY AN ASSESSMENT IS REQUESTED
SPECIFIC ASPECTS OF THE INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS

Signed at _____ this _____ day of _____ 20 _____

Requester

17. POPIA FORMS

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:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of 20.....

.....
 Signature of data subject/designated person

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/ Identify Number:	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	<p>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</p> <p>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.</p> <p><i>(Please provide detailed reasons for the request)</i></p>

Signed at this day of 20.....

.....
Signature of data subject/ designated person

FORM 4

APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 6]**

TO: _____

(Name of data subject)

FROM: _____

Contact number(s): _____
Fax number: _____
E-mail address: _____
(Name, address and contact details of responsible party)

Full names and designation of person signing on behalf of responsible party:

.....
Signature of designated person

Date: _____

PART B

I, _____ *(full names of data subject)* hereby:

Give my consent

To receive direct marketing of goods or services to be marketed by means of electronic communication.

SPECIFY GOODS or SERVICES:

SPECIFY METHOD OF COMMUNICATION: FAX:

E - MAIL:

SMS:

OTHERS – SPECIFY:

Signed at this day of 20.....

.....
Signature of data subject

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 IN TERMS 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:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR COMPLAINT (Please provide detailed reasons for the complaint)
PART II	COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR IN TERMS 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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
B	PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY
Name(s) and surname of adjudicator:	

Name(s) and surname of responsible party /registered name:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the grievance)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person

FORM 6

**NOTICE TO PARTIES: CONCILIATION MEETING REGARDING INTERFERENCE WITH
THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 76 OF THE
PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 8(1)]**

Reference Number _____

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	

KINDLY TAKE NOTE that the Regulator has decided to act as a conciliator in the matter.

YOU ARE HEREBY INVITED

to attend a conciliation meeting at (place)on the.....day of
..... at(time) and on any subsequent date that may be required,
regarding the following matter:

Kindly confirm your attendance with the Regulator on/before

_____.

Signed at this day of 20.....

.....
Regulator (Represented by)

FORM 7

NOTICE TO PARTIES: CONCILIATION REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 76 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 8(4)]**

CONCILIATION CERTIFICATE

Reference Number: _____

IN THE MATTER BETWEEN

Name(s) and surname of complainant(s) (if not the data subject):

Name(s) and surname of data subject:

AND

Name(s) and surname of responsible party(s):

CERTIFICATE OF COMPLETED CONCILIATION

The complaint number: _____

The nature of the complaint:

THIS IS TO CERTIFY THAT

(Full names of conciliator)

the dispute has been resolved

the dispute has not been resolved

Signed at..... this day of 20.....

.....
Conciliator (Represented by)

FORM 8
NOTICE TO PARTIES OF INTENTION OF REGULATOR TO INVESTIGATE A COMPLAINT
IN TERMS OF SECTION 79 OF THE PROTECTION OF PERSONAL INFORMATION ACT,
2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 9]

Reference Number _____

PART I	DETAILS OF DATA SUBJECT
A	
Name(s) and surname/registered name of data subject/complainant/aggrieved party:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	NOTICE TO DATA SUBJECT TO WHOM THE INVESTIGATION RELATES (if not the complainant) AND ANY PERSON ALLEGED TO BE AGGRIEVED (if not the complainant) IN TERMS OF SECTION 79(a) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act 4 of 2013)
YOU ARE HEREBY INFORMED THAT:	
The Regulator intends to investigate the following matter:	

Dated at on this day of 20..... _____ Regulator (Represented by)	
PART II	NOTICE TO RESPONSIBLE PARTY
D	
YOU ARE HEREBY INFORMED THAT: The Regulator received a complaint and intends to investigate the following matter: _____ _____ _____ _____	
(Details of complaint or subject matter of the investigation)	
Kindly note that you have the right to submit to the Regulator, on/before.....(date), a written response in relation to the complaint or subject-matter of the investigation.	
Signed at on this day of 20..... _____ Regulator (Represented by)	

FORM 9

NOTICE TO PARTIES: SETTLEMENT MEETING REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 76 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 10]

Reference Number _____

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	

KINDLY TAKE NOTE that the Regulator has decided to facilitate a settlement in the matter.

YOU ARE HEREBY INVITED

To attend a SETTLEMENT meeting at (place).....on the..... day of at (time) and on any subsequent day that may be required, regarding the following matter:

Kindly confirm your attendance with the Regulator on/before _____.

Signed at this day of 20.....

.....
Regulator (Represented by)

FORM 10

NOTICE TO PARTIES: SETTLEMENT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 76 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 10]

SETTLEMENT CERTIFICATE

Reference Number: _____

IN THE MATTER BETWEEN

Name(s) and surname of complainant(s) (if not the data subject):

Name(s) and surname of data subject:

AND

Name(s) and surname of responsible party(s):

CERTIFICATE OF SETTLEMENT

The complaint number:

The nature of the complaint:

THIS IS TO CERTIFY THAT

(Full names of conciliator)

has reached a settlement in this matter

The assurances obtained:

has not reached a settlement in this matter

Signed at this day of 20.....

.....
Regulator (Represented by)

FORM 11
REQUEST FOR AN ASSESSMENT
SECTION 89(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
 [Regulation 11]

Reference Number: _____

PART I	REQUEST FOR AN ASSESSMENT IN TERMS OF SECTION 89(1) AND (2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)
<p>A request is hereby made in terms of section 89 of the Protection of Personal Information Act 4 of 2013 that the Information Regulator must assess whether the processing of personal information complies with the provisions of the Act:</p>	
<p>1. CONTACT DETAILS</p> <p>REQUESTER: Name(s) and surname: Address: Contact number/s: E-mail address:</p> <p>RESPONSIBLE PARTY: Name(s) and surname: Address: Contact number/s: E-mail address:</p>	
<p>2. INFORMATION PROCESSING TO BE ASSESSED</p> <p>..... </p>	
<p>3. PERSONS AFFECTED BY THE RELEVANT INFORMATION PROCESSING PRACTICE/S</p> <p>..... </p>	
<p>4. THE REASON WHY AN ASSESSMENT IS REQUESTED</p> <p>..... </p>	

5. SPECIFIC ASPECTS OF THE PROCESSING OF INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS

.....

6. PERIOD

I first became aware that the processing of information should be assessed on:

the day of 20.....

Explain the reasons for the delay (if any) in requesting the assessment:

.....

7. DATA SUBJECT PARTICIPATION:

Does the requester:

Have the right to access personal information held by the responsible party in terms of section 23 of the Protection of Personal Information Act 4 of 2013:

Yes No Not applicable

Have to right to request the responsible party to correct personal information in terms of section 24 of the Protection of Personal Information Act 4 of 2013:

Yes No Not applicable

Signed on this ___ day of _____ 20...

 Requester

PART II	NOTICE OF A DECISION ON AN ASSESSMENT <i>(Section 89(1) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013))</i>
----------------	--

1. NOTICE OF A DECISION ON AN ASSESSMENT

The Regulator has decided to conduct an assessment in terms of section 89(1) of the Protection of Personal Information Act 4 of 2013.

2. INFORMATION PROCESSING TO BE ASSESSED

.....
.....
.....

3. PERSONS AFFECTED BY THE RELEVANT INFORMATION PROCESSING PRACTICE/S

.....
.....
.....

4. THE REASON WHY AN ASSESSMENT IS TO BE CONDUCTED/ NOT TO BE CONDUCTED

.....
.....
.....

5. SPECIFIC ASPECTS OF THE PROCESSING OF INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS

.....
.....
.....

Signed on this ___ day of _____ 20.....

.....
Regulator (Represented by)

FORM 12
NOTIFICATION
SECTION 89 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation (11) (4)]

Reference number: _____

A request was made in terms of section 89 of the Protection of Personal Information Act 4 of 2013 that the Information Regulator must assess whether the processing of information complies with the provisions of the Act.

Name(s) and surname of Requester:

Name(s) and surname of Responsible party:

Date of assessment:

The Information Regulator hereby wishes to confirm that it formed the following views:

.....
.....

The Information Regulator hereby wishes to confirm that it wishes to take no further action in this regard.

The Information Regulator hereby wishes to confirm that it wishes to take the following action in this regard:

.....
.....
.....

Signed on this _____ day of _____ 20.....

.....
Regulator (Represented by)

FORM 13

**NOTICE TO PARTIES NOT TO ISSUE AN ENFORCEMENT NOTICE IN TERMS OF
SECTION 94 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4
OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 12(2)(a)]**

Reference number: _____

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
<p>An investigation has been completed in terms of the Protection of Personal Information Act of 2013. Parties are hereby notified that an enforcement notice will not be issued as no interference with the protection of personal information of a data subject has taken place in terms of section 94(a)</p> <p>Signed at on this day of 20.....</p> <p>..... Regulator (Represented by)</p>	

FORM 14

**REFERRAL TO ENFORCEMENT COMMITTEE IN TERMS OF
SECTION 92 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 12(2)(b)]

Reference number: _____

A	DETAILS OF DATA SUBJECT
Name(s) and surname/registered name of data subject/complainant/aggrieved party:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
Complaint received from: _____ (Full name(s) and surname) Date received: Responsible party: (Full names)	

An investigation has been completed in terms of Protection of Personal Information Act 4 of 2013.
Parties are hereby notified that:

Complaint

.....
.....

Other matter:

.....
.....

Consideration

.....
.....

Recommendation

.....
.....

was as referred to the Enforcement Committee in terms of section 92 on theday of20.....

.....
Regulator (Represented by)

subject has been interfered with as follows:

- A breach of the conditions for the lawful processing of personal information.
- Non-compliance with the duty to notify security compromises (section 22 of the Protection of Personal Information Act 4 of 2013)
- Non-compliance with the duty of confidentiality (section 54 of the Protection of Personal Information Act 4 of 2013)
- Non-compliance with obligations for direct marketing by means of unsolicited electronic communications (section 69 of the Protection of Personal Information Act 4 of 2013)
- Non-compliance with obligations regarding the inclusion of personal information in directories (section 70 of Protection of Personal Information Act 4 of 2013)
- Non-compliance with obligations regarding automated decision making (section 71 of the Protection of personal Information Act 4 of 2013)
- Non-compliance with obligations regarding personal information outside the (section 72 of the Protection of Personal Information Act 4 of 2013)
- Breach of the provision of a code of conduct issued in terms of section 60: Code of Conductof (Reference

B. The reasons for reaching this conclusion are:

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.....
.....

C. The responsible party is hereby ordered to:

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.....
.....

Take the following specified steps:

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.....

To refrain from taking the following specified steps:

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.....
.....

To stop the processing, the following specified personal information:

.....
.....
.....

To stop processing of personal information for the following purpose:

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.....
.....

To stop the processing of personal information in the following manner:

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.....
.....

D. Urgency

The Regulator directs that this notice should be complied with a matter of urgency for the following reasons:

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.....
.....

E. Time periods

The responsible party must comply with this Enforcement Notice and the directives under C after 30 (thirty) working days from receiving this notice.

The responsible party must comply with this Enforcement Notice and the directives under C after 4 (four) working days from receiving this notice.

F. Right of Appeal

The responsible party may appeal against this Enforcement Notice within 30 (thirty) working days of receiving this notice.

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Regulator (Represented by)

FORM 16
CANCELLATION OR VARIATION OF ENFORCEMENT NOTICE
SECTION 36 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
 [Regulation 12(2)(d)]

Reference number: _____

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
<p>Complaint received by _____ (state name and surname) on _____ date _____</p> <p><input type="checkbox"/> The application by the responsible party to cancel the Enforcement Notice .../..... (reference) issued on the ... day of 20..... has been granted.</p> <p><input type="checkbox"/> The application by the responsible party to vary the Enforcement Notice .../..... (reference) issued on t day of 20..... has been granted.</p> <p>This notice replaces the Enforcement Notice/.....(reference) issued on theday of 20.....with the following attached notice..... Reference Number issued</p> <p>Right of Appeal The complainant may appeal against the variation of the Enforcement Notice within 180 (one hundred and eighty) days of receiving this notice.</p>	

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 Regulator (Represented by)

FORM 17
NOTICE OF APPEAL
SECTION 97 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 12(2)(e)]

Reference Number: _____

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
<p>Complaint received by _____ date _____ (state name and surname) on _____</p> <p>Responsible party:</p> <p><input type="checkbox"/> Kindly take note that an APPEAL HAS BEEN LODGED to the High Court against the variation/ cancellation of an Enforcement Notice (reference) issued on the ... day of 20.....</p> <p><input type="checkbox"/> Kindly take note that an APPEAL HAS BEEN LODGED to the High Court to set aside of an Enforcement Notice (reference) issued on the ... day of 20.....</p> <p>..... Regulator (Represented by)</p>	

Complaint received by _____ (state name(s) and surname) on ____ day of _____ 20....

Responsible party:

The High Court of _____ considered the appeal lodged in terms of notice The court has held that Enforcement NoticeJ..... (reference) issued on the ... day of 20... is set aside for the following reasons:

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.....

.....
Regulator (Represented by)

FORM 19
NOTICE OF DISMISSAL OF APPEAL
SECTION 98 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 12(2)(g)]

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
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:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
Complaint received by _____ date _____ (state name and surname) on	
Responsible party:	
Kindly take note that an APPEAL HAS BEEN DISMISSED in the High Court against the variation/ cancellation of an Enforcement Notice ... /... Issued on day of 20..... Judgment is attached.	
..... Regulator (Represented by)	