

# Capitec PAIA Manual (English)



## Purpose

To provide an outline of the types of records and the personal information held by Capitec and sets out the procedure to request access to these records and personal information

## Read along with this content

PAIA Guidelines: <https://inforegulator.org.za/paia-guidelines/>

PAIA Forms: <https://inforegulator.org.za/paia-forms/>

Capitec PAIA Manual - Addendum A:  
<https://www.capitecbank.co.za/privacy-centre/promotion-of-access-to-information/>

Capitec Contact Details:  
<https://www.capitecbank.co.za/contact-us/>

Capitec Privacy Notice:  
<https://www.capitecbank.co.za/privacy-centre/privacy-notice/>

Data Subject Servicing Forms:  
<https://www.capitecbank.co.za/privacy-centre/data-subject-servicing/>

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## 1. Introduction

- 1.1 Capitec Bank Holdings Limited (“Capitec”) is a public company listed on the Johannesburg Stock Exchange and private body as defined in the Protection of Personal Information Act No. 2 of 2000 (“PAIA”). Capitec is committed to the Constitution of the Republic of South Africa (“Constitution”) and strives to ensure that the rights of all enshrined in the Bill of Rights are protected and respected. Section 32 of the Constitution affords everyone the right to access any information that is held by another person and is required for the protection or exercise of any rights. PAIA gives effect to the constitutional right to access to information. In terms of section 51 of PAIA and section 17 of the Protection of Personal Information Act 4 of 2013 (“POPIA”) a private body is required to compile a manual documenting all processing operations under its responsibility.
- 1.2 Capitec has compiled this Capitec PAIA Manual in compliance with the requirements of both PAIA and POPIA.
- 1.3 This manual applies to Capitec and all its affiliates.

## 2. Purpose of this Information Manual

This Manual provides an outline of the types of records and personal information held by Capitec and sets out the procedure to request access to these records and personal information, the requirements to meet such requests, as well as the grounds for refusal or partial refusal of such request by Capitec.

## 3. Contact Details

All requests for access to records in terms of PAIA must be in writing and must be addressed to the contact details below.

<b>Name of Private Body</b>	Capitec Bank Ltd. Capitec Bank Holdings Ltd. Capitec Ins (Pty) Ltd. Capitec Insurance Holdings (Pty) Ltd. Capitec Life Ltd. Capitec Properties (Pty) Ltd. Capitec Rental Finance (Pty) Ltd.
<b>Postal Address</b>	P O Box 12451, Die Boord, Stellenbosch, 7613
<b>Physical Address</b>	5 Neutron Road, Techno Park, Stellenbosch, 7600
<b>Telephone Number</b>	(021) 809 5900
<b>PAIA Email</b>	<a href="mailto:PAIA@capitecbank.co.za">PAIA@capitecbank.co.za</a> <b>Note:</b> All PAIA Requests must be directed to this email address.
<b>Website</b>	<a href="https://www.capitecbank.co.za/">https://www.capitecbank.co.za/</a>

## 4. The Information Regulator’s Guidance on PAIA Usage

The Information Regulator has compiled a PAIA Guide as per Section 10 of PAIA to assist with the understanding and how to exercise your rights under PAIA. A copy of the Guide in all official languages can be obtained from the Information Regulator <https://infoeregulator.org.za/paia-guidelines/>.

<b>Visit their website</b>	<a href="https://infoeregulator.org.za/">https://infoeregulator.org.za/</a>
<b>Physical address</b>	The Information Regulator (South Africa) Woodmead North Office Park 54 Maxwell Drive Woodmead Johannesburg 2191
<b>Contact Details</b>	Toll Free: 08000 17 160 Landline: 010 023 5200
<b>Email</b>	<a href="mailto:enquiries@infoeregulator.org.za">enquiries@infoeregulator.org.za</a> - to request the Information Regulator’s guide. <a href="mailto:PAIAComplaints@infoeregulator.org.za">PAIAComplaints@infoeregulator.org.za</a> - should your PAIA request be denied or there is no response from Capitec for access to records you may use this email address to lodge a complaint on the applicable form

## 5. Categories of Records of Capitec which are Publicly Available or can be Requested Outside of PAIA

Category of records	Types of the Record	Available on Website	Available upon request (not under PAIA)
<b>Marketing</b>	Product flyers Global One Credit Capitec Connect Save Transact Insurance	√	
<b>Client</b>	<b>Forms and documents</b> Debit Orders Foreign exchange CSI documents Credit insurance Funeral plans documents General Financial health Send cash Mobile banking	√	

Category of records	Types of the Record	Available on Website	Available upon request (not under PAIA)
	<b>Business Bank Forms and Documents</b> (Various Account Opening Application Forms; Entity Resolutions; Various Cession, Pledge and Guarantee Forms; Suretyship Forms; Various Loan Agreements; Instalment Sale Agreement; Insurance Confirmation Form; Various Indemnity Forms; Debit Orders; Standing Orders; Various Client Information Change Forms) FOREX: (Standing Instruction Capitec Business; Cross Boarder Declaration Outward; Cross Boarder Declaration and Funds Transfer Instruction Inward; Foreign Exchange Trading Agreement; Contract to Buy/Sell Forward Exchange)		√
	<b>Will and Estate Late Forms:</b> Death Notice; Reporting of Deceased Estate; Personal Heir Information; Inventory and Questionnaire; Administrative Procedure	√	
	<b>Merchant Support Forms:</b> Merchant Application Form; Merchant Acquiring Services Agreement; Merchant Statements		√
	Policy (Conflict of Interest Management Policy re FAIS; Privacy Notice)	√	
	Guideline (On how to receive international payments)	√	
<b>Third Parties</b>	PAIA Manual	√	
	Supplier Code of Conduct	√	
	List of Third Parties	√	
<b>Legislative</b>	Basic Conditions of Employment Act; Employment Equity Act; Financial Advisory and Intermediary Services Act; Occupational Health and Safety Act		√
<b>Corporate Financial</b>	Capitec Bank Holdings Limited Unaudited Financial Results along with annual reports	√	
<b>Media Releases</b>	Various Capitec Media Articles	√	
<b>Capitec Connect Product</b>	End User Charter, Code of Conduct	√	

Category of records	Types of the Record	Available on Website	Available upon request (not under PAIA)
<b>Certificates</b>	NCR Credit Provider Registration Certificate; Financial Service Provider Registration Certificate (FSB); Occupancy certificate		√

## 6. Records Available in Accordance with any Other Legislation

A description of the records of Capitec which are available in accordance with other legislation, is annexed hereto marked PAIA Manual - Addendum A. These categories of records are not exhaustive and are subject to change. If you ask for access to these records, we do not automatically grant your request, but we will evaluate it in accordance with the provisions of PAIA, any other legal requirements and our policies.

## 7. Types of Records held per Capitec Subject

The table provided below indicates the Subjects on which the body holds records and Categories of records for Capitec.

Subjects on which the body holds records	Categories of records
<b>Employee Records</b>	Personal records provided by permanent, temporary, and part-time employees or prospective employees, contractors; Records provided by a third party relating to employees; Conditions of employment and other personnel-related contractual and quasi-legal records; Internal evaluation records and other internal records; Correspondence relating to employees; Training schedules and material.
<b>Client records</b>	<p><b>Personal Identification and Contact Information</b></p> <ul style="list-style-type: none"> <li>• Personal details (name, surname, previous names, gender, date of birth, occupation)</li> <li>• Identity information (South African ID number, passport number, tax identification number)</li> <li>• Contact details (home, work, postal and email addresses, telephone numbers)</li> <li>• Biometric information (photographic identification, fingerprint data, voice ID)</li> <li>• Demographic information (gender, marital status, race, ethnicity, health information for insurance)</li> <li>• Personal information of children provided by guardians for banking, insurance, bursaries, or financial education</li> </ul> <p><b>Financial and Transactional Data</b></p>

<b>Subjects on which the body holds records</b>	<b>Categories of records</b>
	<ul style="list-style-type: none"> <li>• Credit bureau information (data held by registered credit bureaus)</li> <li>• Financial information (bank account details)</li> <li>• Transactional behaviour data (product and service interactions, actions performed)</li> <li>• Records supporting regulatory obligations (transaction details, payment purpose, beneficiary data, identification documents, suspicious activity)</li> <li>• Life and non-life insurance information (policy content, claims, beneficiary details, previous policies, confirmation of death)</li> <li>• Stokvel management data (name, surname, ID number, participation, due diligence, AML checks, fraud monitoring)</li> <li>• Employment information (status, remuneration, retrenchment or disability claim data)</li> <li>• Education, lifestyle, and financial health information (provided when joining MoneyUp Academy)</li> </ul> <p><b>User Account and Authentication Information</b></p> <ul style="list-style-type: none"> <li>• User login data (app and online banking credentials)</li> <li>• Authentication data (biometric information, voice ID, photographic identification, fingerprint data)</li> </ul> <p><b>Device and Usage Information</b></p> <ul style="list-style-type: none"> <li>• Device information (IP address, device model, name, ID, operating system version, NFC functionality, app configuration)</li> <li>• Log Data (time/date of service use, statistical information collected via third-party products for Merchant Services and Capitec Connect)</li> <li>• IMEI number (for Capitec Connect services like SIM swap, ownership charge, number churn, porting support)</li> <li>• Location information (approximate geographic location during app use or transactions)</li> </ul> <p><b>Communication and Correspondence</b></p> <ul style="list-style-type: none"> <li>• Records of correspondence (emails, telephone calls, live chat, instant messages, social media)</li> <li>• Other information provided via forms, surveys, competitions, or direct communication (face-to-face, phone, email, online, live chat)</li> <li>• Information about interactions, complaints, disputes, and insurance claims</li> <li>• Content and metadata from exchanges of information (emails, voicemails, live chat)</li> </ul> <p><b>Cookies and Similar Technologies</b></p> <ul style="list-style-type: none"> <li>• Cookies and similar technologies (used to recognise users, remember preferences, tailor content; details in Cookie Policy)</li> </ul> <p><b>Investigation and Compliance Data</b></p> <ul style="list-style-type: none"> <li>• Investigation data (due diligence, fraud, sanctions, AML checks, external intelligence reports)</li> <li>• Criminal information (commission or alleged commission of offences, related legal proceedings)</li> </ul>
<b>Private body records</b>	Financial records; Operational records; Databases; Information Technology; Marketing records; Internal correspondence; Product records; Statutory records; Internal Policies and Procedures; Treasury-related records; Securities and Equities; Records held by officials of Capitec.

Subjects on which the body holds records	Categories of records
<b>Other records</b>	Personnel, client, or private body records which are held by another party, as opposed to the records held by Capitec itself; Records held by Capitec pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers. Capitec may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Capitec.

## 8. Categories of Records Automatically Available

Clients can request most documents and records related to their relationship with Capitec by providing valid identification, unless disclosure is restricted or unauthorised. Available records include settlement letters, credit applications, insurance details, terms and conditions, and account statements. To request these, contact Capitec Client Care or visit a branch. Contact details:  
<https://www.capitecbank.co.za/contact-us/>.

## 9. Processing of Personal Information

9.1 Capitec's declaration on the processing of personal information can be found in Capitec's Privacy Notice available through the Capitec Privacy Centre:  
<https://www.capitecbank.co.za/privacy-centre/privacy-notice/>.

9.2 Any request for information that forms part of a data subject exercising their rights in accordance with POPIA, will not be dealt with in accordance with PAIA. Refer to <https://www.capitecbank.co.za/privacy-centre/data-subject-servicing/> to log such a request.

## 10. Access to Records held by Capitec

10.1 Access to records held by Capitec is permitted solely upon fulfilment of all prerequisite requirements for access.

10.2 A requester is any person making a request for access to information which Capitec is in possession of. There are two types of requesters: a personal requester and other requester.

10.2.1 A personal requester is a requester who is seeking access to:

10.2.1.1 their own records and in their own personal capacity. Capitec will voluntarily provide or grant access to the requested information or give access to the relevant

record regarding the requester's information after verifying the requester's identity and ensuring all PAIA requirements are fulfilled.

10.2.1.2 any other types of records in Capitec's possession in their own personal capacity.

## 10.2.2 Requests by Other Requesters

10.2.2.1 Other requesters may seek access to information held by Capitec on behalf of natural or juristic persons who believe that Capitec possesses their information, or they may act on behalf of any interested party wishing to obtain information held by Capitec. It is important to note that Capitec is not automatically obliged to provide the information requested by such parties. Instead, other requesters are required to meet all prerequisite requirements for access to information, as stipulated in PAIA.

10.2.2.2 Where the reproduction of information is required as part of the access request, the applicable prescribed fee for reproduction will be charged. In addition, the process demands accurate identification of both the requester and the natural or juristic person on whose behalf the request is submitted. A valid proof of authority or mandate must be submitted by the requestor to demonstrate the authority of any requester acting on behalf of a natural or juristic person.

10.2.2.3 Capitec will only release the requested records to the other requester once verification of the authority or mandate has been successfully completed and explicit consent has been obtained from the natural or juristic person to whom the information relates.

# 11. Request Procedure

11.1 A personal or other requester must comply with all the prerequisite requirements contained in PAIA relating to the request for access to a record.

11.2 A personal or other requester must complete the prescribed form (Form 02) as found on the Information Regulator's website (<https://info regulator.org.za/paia-forms/>) before the PAIA request can be validated. All other versions of the form will be denied.

11.3 The completed form as well as payment of the request fee and a deposit, if applicable, must be sent to the Information Officer at the postal or physical address, or via electronic mail (email) to PAIA@capitecbank.co.za.

11.4 The prescribed form (Form 02) must be completed with enough particularity and the valid supporting legal and identity documents, including:

11.4.1 Specifying in sufficient detail the record or records requested. Requests for vague, hypothetical, unspecified documents or PAIA requests that do not meet the requirements to be deemed a valid request will not be processed and will be deemed invalid upon receipt.

11.4.2 Certified copies of identification documents (ID) for the personal or other requester must be provided, and these copies should not be older than three months. If an 'other requester' submits a request on behalf of a natural or juristic person, or interested party, a certified ID copy for the respective natural or juristic person, or interested party is required, with the copy dated within the past three months. Refer to section 11.9 and its sub-sections for more detail regarding proof of capacity.

- 11.4.3 Specify the required record types, desired access format, and method of provision.
- 11.4.4 The postal address or email address of the personal or other requester.
- 11.5 The personal or other requester must specify the right they wish to exercise or protect and explain why the information is needed for that purpose.
- 11.6 Capitec will process requests within 30 days after verifying the personal or other requester, natural or juristic person/s, and/or interested parties, and confirming all prerequisite requirements. If special reasons are provided that justify a different timeline, the Information Officer may adjust the processing period as needed.
- 11.7 Where the information being requested pertains to a natural or juristic person, Capitec will initiate contact with the natural or juristic person using the verified contact number recorded in Capitec's systems. During this process, Capitec will disclose the identity of the personal or other requester to the client and formally request their consent to release their information to the personal or other requester.
- 11.8 The personal or other requester will be notified of the validation of their request and whether access has been approved or denied. Should the personal or other requester seek an explanation for the decision, they are required to specify both the method and details by which such information should be provided.
- 11.9 When an 'other requester' seeks information on behalf of a natural or juristic person, or interested party, the other requester is required to provide satisfactory proof of their capacity and/or authority to the Information Officer. This proof of capacity or authority should be submitted in the form of a Special Power of Attorney or another appropriate legal document relevant to the specific circumstances. If a Special Power of Attorney is provided as evidence, it must clearly demonstrate the following:
  - 11.9.1 Expressly grant the other requester authority to exercise rights under PAIA on behalf of the natural or juristic person, or interested party, and specifying both the commencement and duration of these powers within a defined time frame.
  - 11.9.2 Demonstrate that the other requester has been granted the necessary authority to request access to and receive the specific information sought through PAIA.
  - 11.9.3 Establishing a clear link between the powers or authority granted and right to access information under PAIA.
- 11.10 The personal or other requester must pay the prescribed fee before any processing can take place, if required.

## 12. Grounds for refusal of access to records

**PAIA chapter 4 provides circumstances under which a request for access to records may/must be refused by Capitec, including:**

- 12.1 Mandatory protection of the privacy of a third party who is a natural person, who would involve the unreasonable disclosure of personal information of that natural person.
- 12.2 Mandatory protection of the commercial information of a third party, if the record contains:
  - 12.2.1 trade secrets of that third party.

- 12.2.2 financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party.
- 12.2.3 information disclosed in confidence by a third party to Capitec if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 12.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- 12.4 Mandatory protection of the safety of individuals and the protection of property.
- 12.5 Mandatory protection of records which would be regarded as privileged in legal proceedings.
- 12.6 The commercial activities of Capitec, which may include:
  - 12.6.1 trade secrets of Capitec.
  - 12.6.2 financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Capitec.
  - 12.6.3 Information which, if disclosed could put Capitec at a disadvantage in negotiations or commercial competition.
  - 12.6.4 a computer program which is owned by Capitec, and which is protected by copyright.
  - 12.6.5 the research information of Capitec or a third party, if its disclosure would disclose the identity of Capitec, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 12.7 Section 7 of the PAIA provides for certain circumstances when PAIA does not apply to a request for access to a record/s. The circumstances include:
  - 12.7.1 Records requested for the purposes of criminal or civil proceedings;
  - 12.7.2 Requests made after the initiation of criminal or civil proceedings, as the case may be; and
  - 12.7.3 If access to such records is governed by other applicable laws, and not by the provisions of this Act.

## 13. Remedies Available on Refusal of Request for Information

### 13.1 Internal remedies

- 13.1.1 A personal or other requester whose PAIA request has been denied may request an internal review in writing to Capitec's Deputy Information Officer (DIO) at [paia@capitecbank.co.za](mailto:paia@capitecbank.co.za). Internal review requests must be lodged within 60 days of the initial refusal.
- 13.1.2 The DIO, who does not participate in the routine handling of PAIA requests, will undertake a comprehensive review of the initial decision and consider any supplementary supporting information provided. To ensure impartiality and objectivity, the DIO who considered the initial PAIA request and responded to the request will not be involved in determining the outcome of the review application.

13.1.3 After receiving an internal review, the DIO will reassess the decision and consider any new information submitted. The DIO then decides on access to the requested information. To ensure impartiality, another DIO conducts a secondary review before the final decision. The reviewing DIO signs the formal response, and all approvals are recorded for audit and compliance.

13.1.4 A response will be issued within 15 business days of receipt of the review request.

## 13.2 External remedies

A personal or other requester that is dissatisfied with the Information Officer's refusal to disclose information may within 30 days of notification of the decision, make use of the following mechanism:

13.2.1 Lodge a complaint with the Information Regulator by completing the prescribed PAIA Form 5 from the Information Regulator's website and send it to [PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za).

13.2.2 Apply to a Court with jurisdiction for relief, for the purposes of PAIA, provided all other external remedies have been exhausted.

## 14. Fees

14.1 The fees and the structure of the fees in Respect of Private Bodies is mentioned in the table below.

Sr. No.	Description	Amount
1	The request fee payable by every requester	R140.00
2	Photocopy/printed black and white copy of A4-size page	R2.00 per page or part thereof.
3	Printed copy of A4-size page	R2.00 per page or part thereof.
4	For a copy in a computer-readable form on:	
	Flash drive (to be provided by requester)	R40
	Compact disc if provided by requester	R40
	Compact disc if provided to the requester	R60
5	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6	Copy of visual images	Service to be outsourced. Will depend on quotation from Service provider.
7	Transcription of an audio record, per A4-size page	R24.00

Sr. No.	Description	Amount
8	Copy of an audio record on:	
	Flash drive (to be provided by requester)	R40
	Compact disc if provided by requester	R40
	Compact disc if provided to the requester	R60
9	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R145.00
	To not exceed a total cost of	R435.00
10	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11	Postage, e-mail, or any other electronic transfer	Actual expense, if any.

14.2 Fees and their structure may change periodically. For the most up-to-date information, visit the Info Regulator's website: <https://info regulator.org.za/information-regulator-paia-manuals/>.

14.3 The Information Officer and/or Deputy Information Officer may on their discretion withhold a record until the personal or other requester has paid the required fees.

## 15. Decision

15.1 Capitec will review and respond to a request within 30 days of receiving and successfully validating it.

15.2 If necessary, this decision period can be extended by an additional 30 days, especially if there is a large amount of information or if records need to be found at another office. In such cases, Capitec will notify the personal or other requester in writing, providing reasons for any extension or decision.

## 16. Availability of the Manual

16.1 Copies of this Manual, including its translations, and Addendum are available on:

16.1.1 Capitec's website via: <https://www.capitecbank.co.za/privacy-centre/promotion-of-access-to-information/>.

16.1.2 All Head Offices of Capitec for public inspection during normal business hours.

# 17. Appendix A: Form 02: 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		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<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			
<b>TYPE OF RECORD</b> <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			

<b>FORM OF ACCESS</b> <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	

<b>MANNER OF ACCESS</b> <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>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<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**

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

\_\_\_\_\_

*Signature of Information Officer*

## 18. Appendix B: Form 05: Complaint Form [Regulation 10]



**INFORMATION  
REGULATOR  
(SOUTH AFRICA)**  
*Ensuring protection of your personal information  
and effective access to information*

Address: JD House, 27 Stiemens Street  
Braamfontein, Johannesburg, 2001  
P.O. Box 31533  
Braamfontein, Johannesburg, 2017  
Tel: 010 023 5200  
Email: [PAIAComplaints@infoRegulator.org.za](mailto:PAIAComplaints@infoRegulator.org.za)

### COMPLAINT FORM

#### FORM 5 [Regulation 10]

#### NOTE:

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

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

Postal address	Facsimile	Other electronic communication (Please specify)

**PART A  
 PERSONAL INFORMATION OF COMPLAINANT**

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

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

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

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

Type of Body	Private	<input type="checkbox"/>	Public	<input type="checkbox"/>
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): Cellular		Facsimile	
<b>PART D</b> <b>BODY AGAINST WHICH THE COMPLAINT IS LODGED</b>				
Type of body	Private		Public	
Name of public / private body				
Registration number (if any)				
Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B): Cellular		Facsimile	
Reference Number given (if any)				
<b>PART E</b> <b>COMPLAINT</b> <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.				
<b>PART F</b> <b>DETAILED TYPE OF ACCESS TO RECORDS</b> <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)		
<b>PART G EXPECTED OUTCOME</b>		
How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
<b>PART H AGREEMENTS</b>		

**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**