

	Confidential	Policy Document
	Brand South Africa PAIA Manual	



PROMOTION OF ACCESS TO INFORMATION MANUAL

U.T.C.

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	Brand South Africa PAIA Manual	

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Policy Compliance Schedule

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Policy Approval and Control Schedule

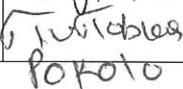
Approved by:	Designation:	Responsibility	Signature	Date Approved	Copy of Status
Ms Sithembile Ntombela	Acting Chief Executive Officer	Process Owner		07 March 2022	
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1. INTRODUCTION

- 1.1 Section 32 of the Constitution of the Republic of South Africa, 1996 provides that everyone has a right of access to any information that is required for the exercise or protection of any rights. The information may be held by the State or by another person.
- 1.2 The Promotion of Access to Information Act, 2000¹ is the law, which gives effect to this constitutional right of access to information.
- 1.3 While PAIA provides for access to information, it also provides grounds that may be relied on to refuse access to records.
- 1.4 The law, which gives effect to the constitutional right to privacy of personal information is the Protection of Personal Information Act, 2013.²
- 1.5 This PAIA Manual has been compiled in line with the requirement of PAIA read together with the requirements of the Protection of Personal Information Act (POPIA) (Act No. 4 of 2013).

2. DEFINITIONS

- 2.1 The following definitions are associated when reading this Manual:
- “**Deputy Information Officer**” means the person who has been appointed to assist the Information Officer with PAIA and POPIA compliance;
 - “**Information Officer**” means the person responsible for PAIA and POPIA compliance or the Chief Executive Officer of Brand South Africa;
 - “**Information Regulator**” means the supervisory authority responsible for monitoring compliance with POPIA and PAIA;
 - “**Manual**” means this manual compiled in terms of section 51 of the POPIA;

¹ Act No. 2 of 2000.

² Act No. 4 of 2013.

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- “Data Subject” means the person to whom personal data relates. Examples of data subjects are employees, vendors, suppliers, customers and Brand South Africa site visitors requesting access to a record containing personal data about them;
- “Personal Data” is any data relating to an identifiable person (natural or juristic). For example, a user’s IP address is not classed as personal data on its own but is classified as linked personal data;
- “PAIA” stands for the Promotion of Access to Information Act 2 of 2000;
- “POPIA” stands for the Protection of Personal Information Act 4 of 2013;
- “Requester” means any person making a request for access to a record of Brand South Africa;
- “record” means any recorded data, regardless of form or medium, which is in the process or under the control of Brand South Africa, irrespective of whether it was created by Brand South Africa or not;
- “Request” means a request for access to a record; and
- “PAIA Manual” means a document, which explain how people can get access to records held by a body. PAIA requires all public and private bodies (unless they are exempt) in South Africa to have a PAIA Manual.

3. CONTACT DETAILS

Below are the details of Brand South Africa’s Information and Deputy Information Officers. You may direct your requests, enquiries or queries relating to PAIA or POPIA to our Deputy Information Officer.

Deputy Information Officer

The Manager: Corporate Legal Services

Postal Address: PO Box 87168, Houghton, Gauteng, South Africa, 2041

Street Address: 103 Central Street, Houghton, Johannesburg

Phone Number: +27 (0) 11 483-0122

Email Address: paia.requests@brandsouthafrica.com

4. GUIDANCE ON PAIA

- 4.1 A guide to PAIA is available from the Information Regulator website: <https://www.justice.gov.za/inforeg/> . The guide also covers the following:

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- The objectives of PAIA are;
- The details of each public body (where possible);
- The process that needs to be followed in order to make a request;
- How to get copies of the guide at no charge;
- How to get access to the manual of a public body; and
- All the remedies available in law to you.

4.2 Should you have any queries in this regard, please contact the Information Regulator directly at:

The Information Regulator of South Africa

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg

Postal address: P.O. Box 31533, Braamfontein, Johannesburg 2017

Email address: POPIAComplaints.IR@justice.gov.za or
PAIAComplaints.IR@justice .gov.za

Website: <https://www.justice.gov.za/inforeg/>

5. PURPOSE

- 5.1 The purpose of this PAIA Manual is to inform a Requester on how to obtain access to Records held by Brand South Africa, thereby giving effect to Section 51 of PAIA, and where applicable, section 23 of POPIA.
- 5.2 This PAIA Manual provides for different categories of records, which may be provided to a Requester without the need for a Requester to submit a formal request. It also provides a list of categories of records which requires the lodging of a formal request.
- 5.3 The PAIA Manual provides a Requester with the procedure to be followed when submitting a Request for access to records held by Brand South Africa.

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6. RECORDS WHICH CAN BE ACCESSED WITHOUT A PAIA REQUEST

The following records are publicly available without a Request for access in terms of PAIA being necessary:

- E-publications
- Published marketing material (i.e. published booklets, brochures, posters, newsletters, pamphlets);
- Published reports
- Annual reports;
- Financial statements
- Budget speeches;
- Published research; and
- Recruitment opportunities.

7. RECORDS KEPT IN TERMS OF OTHER LEGISLATION

7.1 Brand South Africa operates within certain laws and regulations, some of which require us to keep certain records.

7.2 Annexure A provides a list of laws that we may be subject to and require us to keep certain records.

8. RECORDS WHICH REQUIRE A PAIA REQUEST

Records, to which the right and manner of access will be provided in accordance with PAIA (subject to the restrictions and right of refusal to access provided for in PAIA), are available in respect of the aspects of Brand South Africa's businesses and operations as set out in Annexure B.

9. PROCEDURE FOR REQUESTING INFORMATION

9.1 Automatically available records

No records will be made automatically available, except for any other information published as such on the Brand South Africa's website.

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- Research and Reports
- CI Toolkit
- Corporate identity
- Campaigns (past and present)
- Business Information
- Videos
- SA now - newsletter
- Projects and events
- Open and closed tenders
- Stakeholders
- Annual Report

Automatically available records may be obtained free of charge. Should a need arise for the reproduction of such record, a reproduction fee will be payable.

9.2 Application Process

Step 1: Request

- 9.2.1 Where a person wishes to access information held by Brand South Africa or the Companies, other than automatically available records, such a person must make a Request for access to such information on the prescribed form, attached as **Annexure C**. This form is also available on the Information Regulator's website.
- 9.2.2 The prescribed form must be completed with enough particulars to enable the Deputy Information Officer to identify:
- the record(s) requested;
 - the identity of the Requester;
 - which form of access is required, if the Request is granted;
 - the postal address, email or fax number of the Requester;
 - the right the Requester is seeking to exercise or protect; and
 - an explanation of why the requested record is required for the exercise or protection of that right.
- 9.2.3 If a Request is made on behalf of another person, then the Requester must submit proof of the capacity in which the Requester is making the Request to the reasonable satisfaction of the Information Officer.

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- 9.2.4 The completed form may be submitted in either of the following manners to the Deputy Information Officer:
- by hand
 - by post
 - by email
- 9.2.5 An individual who, because of illiteracy or a disability is unable to make a Request for access to a record on the prescribed form, may make that Request orally.
- 9.2.6 The Information Officer will then reduce the oral Request to writing in the prescribed form and provide a copy thereof to the Requester.

Request, access and reproduction fees

- 9.2.7 When the Request is received by the Information Officer, he/she shall acknowledge receipt of the Request and require the Requester to pay the prescribed Request fee before further processing of the Request. The access and reproduction fees payable by a Requester are set out in **Annexure D**.
- 9.2.8 If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the Requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the Request is granted.
- 9.2.9 The Information Officer shall withhold a record until the Requester has paid the relevant fees.

Step 2: Information processing

- 9.2.10 The Information Officer will process the Request within **thirty (30) days**, unless the Requester has stated special reasons, which would satisfy such person that circumstances dictate that the above time periods should not be complied with.

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- 9.2.11 The 30-day period within which the Information Officer has to decide whether to grant or refuse the Request may be extended for a further period of not more than thirty (30) days if the Request is for a large amount of information, or the Request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original thirty (30) day period.
- 9.2.12 The Information Officer will notify the Requester in writing should an extension be sought.
- 9.2.13 During this period, the Information Officer will confirm if the requested record is available. The Information Officer will assess if the Request should be granted or refused.

Step 3: Final Notification

- 9.2.14 The Requester will be informed of the completion of the Request as well as the outstanding fees payable.

Step 4: Payment and delivery

- 9.2.15 Once the payment is received, the information is released to the Requester in such form as the Requester reasonably requires or such form as the Information Officer reasonably determines.
- 9.2.16 The Information Officer will refuse a Request for access to information on grounds as stated in terms of PAIA.
- 9.2.17 If a Request was rejected, the Information Officer will give the Requester written reasons.
- 9.2.18 If the Requester is not happy with the refusal, he/she may lodge a complaint with the Information Regulator and lodge an appeal with the High Court against the refusal of the Request.

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9.2.19 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10. INFORMATION RELATED TO POPIA

POPIA requires Brand South Africa to provide Data Subjects with certain information relating to how Personal Data that we process is, amongst others, used, disclosed, and destroyed. We have set out the required information below.

10.1 Information on how a Data Subject can request access to their Personal Data under POPIA

10.1.1 Requests for Personal Data under POPIA must be made in accordance with the provisions of PAIA. This process is outlined in paragraph 9 above.

10.1.2 If Brand South Africa provides a Data Subject with their Personal Data, the Data Subject has the right to request the correction, deletion or destruction of their Personal Data, in the prescribed form. We have attached the form as **Annexure E**. A Data Subject may also object to the processing of their Personal Data in the prescribed form. We have attached the form to this Manual as **Annexure F**.

10.1.3 Brand South Africa will give a Data Subject or a Requester a written estimate of the fee for providing the Personal Data, before providing access. Brand South Africa may also require a Data Subject or Requester to pay a deposit for all or part of the fee prior to giving access to the requested Personal Data.

10.2 Purpose of processing

10.2.1 POPIA provides that Personal Data may only be processed lawfully and in a reasonable manner that does not infringe a Data Subject's privacy.

10.2.2 The type of Personal Data that Brand South Africa processes will depend on the purpose for which it is collected. Brand South Africa will disclose to a Data Subject why the Personal Data is being collected and will process the Personal Data for that purpose only.

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Personal Data that is processed

Natural Persons

- Names;
- Contact details;
- Physical and postal addresses;
- Date of birth;
- ID number;
- Passport number;
- Tax related information;
- Nationality;
- Gender;
- Confidential correspondence.

Juristic Persons / Entities

- Names of contact persons;
- Name of legal entity;
- Physical and postal address and contact details;
- Financial information;
- Registration number;
- Founding documents;
- Tax related information;
- Authorised signatories; and
- Beneficiaries.

Contracted Service Providers

- Names of contact persons;
- Name of legal entity;
- Physical and postal address and contact details;
- Financial information;
- Registration number;
- Founding documents;
- Tax related information; and
- Authorised signatories.

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Employees / Trustees / Potential personnel / Volunteers / Employees' family members /

Temporary Staff

- Gender;
- Pregnancy;
- Marital status;
- Race;
- Age;
- Language;
- Education information;
- Financial information;
- Employment history;
- ID number;
- Next of kin;
- Children's name;
- Gender;
- Age;
- Education/studies, grades;
- Physical and postal address; contact details;
- Opinions;
- Criminal behaviour and/or criminal records;
- Well-being;
- External commercial interests; and
- Medical information.

Website end-users / Application end-users

- Names;
- Electronic identification data: IP address;
- Log-in data, cookies, electronic localisation data; cell phone details, GPS data.

10.3. Categories of recipients for purposes of processing personal data

10.3.1 Brand South Africa may supply Personal Data to these potential recipients:

- Medical insurers;
- Recruitment companies;

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- Credit bureaus;
- Pension / provident funds and/or their trustees;
- Sub-contractors; and
- Other recipients in international organisations.

10.3.2 Brand South Africa may disclose Personal Data collected to any of its overseas subsidiaries, associate entities or third-party service providers, with whom it engages in business or whose services or products it elects to use, including cloud services hosted in international jurisdictions.

10.3.3 Brand South Africa ensures that it enters into written agreements to ensure that other parties comply with POPIA privacy requirements. Personal Data may also be disclosed where Brand South Africa has a legal duty or a legal right to do so.

10.4. Actual or planned trans-border flows of Personal Data

Brand South Africa may disclose Personal Data collected to any of its overseas operations, associate entities or third-party service providers, with whom it engages in business or whose services or products it elects to use, including cloud services hosted in international jurisdictions.

10.5. General description of information security measures

Brand South Africa is committed and obliged to implement all reasonable controls to safeguard access to Personal Data. Brand South Africa employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of Personal Data and unlawful access to or processing of Personal Data.

Where third parties are required to process Data Subject Personal Data in relation to the purposes set out in this PAIA Manual and for other legal requirements, Brand South Africa ensures that third parties are contractually bound to apply the appropriate security practices.

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All use of Brand South Africa website and transactions through it are protected by encryption in line with international standards.

11. AVAILABILITY OF THE MANUAL

This PAIA Manual is currently available as follows:

- on the Brand South Africa Limited website at www.brandsouthafrica.com
- in hard copy, to be viewed free of charge, at the offices of Brand South Africa, 103 Central Street, Houghton.

12. ANNEXURE A: APPLICABLE LEGISLATION

- Arbitration Act No. 42 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Broadcasting Act No. 4 of 1999
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Disease Act No. 130 of 1993
- Constitution of Republic of South Africa Act 1996
- Copyright Act No. 98 of 1978
- Electronic Communications Amendment Act No. 1 of 2014
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Prevention and Combating of Corrupt Activities Act No. 12 of 2004
- Promotion of Access to Information Act No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Protected Disclosures Act No. 26 of 2000
- Short-Term Insurance Act No. 53 of 1998
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- South African Reserve Bank Act No. 90 of 1989
- Tax Administration Act No. 28 of 2011

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- Trademarks Act No. 194 of 1993
- Trust Property Control Act No. 57 of 1988
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act No. 4 of 2002
- Value Added Tax Act No. 89 of 1991

13. ANNEXURE B: RECORDS WHICH REQUIRE A PAIA REQUEST

Branding	<ul style="list-style-type: none"> ○ Brand South Africa's brand policy and standards ○ Brand and advertising material ○ Print and audio-visual advertisements
Board Secretary	<ul style="list-style-type: none"> ○ Trust Deed ○ Social Compact ○ Statutory returns to appropriate authorities ○ Corporate calendars ○ Agreements ○ Minutes of the Board and its Committees
Communications	<ul style="list-style-type: none"> ○ Documents relating to public communications ○ Documents relating to internal communications
Corporate Services	<ul style="list-style-type: none"> ○ Annual reports ○ Applicable statutory documents Employment Equity Reports; etc. ○ Documents relating to recruitment ○ Returns to UIF ○ Training schedules and material ○
Financial	<ul style="list-style-type: none"> ○ Accounting records ○ Audited financial statements ○ Agreements ○ Income tax returns ○ Banking records ○ Invoices and statements
Information Management and Technology	<ul style="list-style-type: none"> ○ Information policies, standards, procedures and guidelines ○ Agreements
Intellectual Property	<p>Trademarks</p> <ul style="list-style-type: none"> ○ applications for lapsing, abandonment, withdrawal or defence of trademarks ○ Assignment, cession, transfer of trademarks ○ Agreements relating to the licensing of trademarks

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	<ul style="list-style-type: none"> ○ validity attacks through a trademark office or authority ○ assignment, cession, transfer, licensing or other arrangement concerning a trademark <p>Copyright</p> <ul style="list-style-type: none"> ○ assignment, cession, transfer or licensing of copyright material
Internal Audit and Risk Management	<ul style="list-style-type: none"> ○ Documents relating to generic risk management processes ○ Audit plans
Marketing	<ul style="list-style-type: none"> ○ Activations material ○ Audio-visual material ○ Brochures and advertising material ○
Procurement and Supply Management	<ul style="list-style-type: none"> ○ Documents and contracts relating to procurement and supply of products and services ○ Minutes of the BAC and BEC
Research	<ul style="list-style-type: none"> ○ Agreements ○ Publications

14. ANNEXURE C: FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Information Officer:

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B. Particulars of person requesting access to the record

- | |
|--|
| <p>(a) The particulars of the persons who requests access to the record must be given below.</p> <p>(b) The address and/or fax number and/or email address in the Republic to which the information is to be sent must be given.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
|--|

Full names and surname: _____

Identity Number: _____

Postal Address: _____

Fax number: _____ Telephone Number: _____

Email address: _____

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

C. Particulars of person on whose behalf request is made

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>

Full names and surname: _____

Identity Number: _____

D: Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if known 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 the additional folios

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason.

Reason for exemption from payment of fees:

F. Form of access to records

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 hereunder, 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.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined by the form in which access is requested.			
1. If the record is in written or printed form			
	copy of record*		inspection of record
2. <i>If record consists of visual images</i> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	view the images	copy the images*	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to soundtrack (audio cassette)		transcription of soundtrack* (written or printed documents)
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or 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? Postage is payable		YES NO

G. Particulars of right to be exercised or protected

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.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right.

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H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/ denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

SIGNED AT _____ ON THIS ____ DAY OF _____ 2021

**SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE**

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15. ANNEXURE D: PRESCRIBED FEES

15.1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4 size page or part thereof.

15.2 The fees for reproduction referred to in regulation 11(1) are as follows:

	Rands
(a) For every photocopy of an A4size page or part thereof	01.10
(b) For every printed copy of an A4-site page or part thereof held on a computer or in electronic or machine - readable form	00.75
(c) For a copy in a computer-readable form on - i) stifty disc ii) compact disc	07.50 70.00
(d) i) For a transcription of visual images, for an A4-size page or part thereof ii) For a copy of visual images	40.00 60.00
(e) i) For a transcription of an audio record, for an A4-size page or part thereof ii) For a copy of an audio record	20.00 30.00

15.3 The request fee payable by every requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

15.4 The access fees payable by a requester referred to in regulation 11(3) are as follows:

	Rands
(a) For every photocopy of an A4-size page or part	01.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable	0.75
(c) For a copy in a computer-readable form on - i) stifty disc ii) compact disc	7.50 70.00
(d) i) For a transcription of visual images, for an A4-size page or part thereof ii) For a copy	40.00 60.00
(e) i) For a transcription of an audio record, for an A4-size page or part thereof ii) For a copy of an audio record	20.00 30.00
(f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

15.5 For purposes of section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

15.6 The actual postage is payable when a copy of a record must be posted to a requester.

16. ANNEXURE E: POPIA REQUEST FORM FOR CORRECTION / DELETION

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

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

Note:

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

Mark the appropriate box with an "x".

Request for:

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

A.	DETAILS OF THE DATA SUBJECT
Name(s) and surname /registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address	
	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

Signed at _____ this _____ day of _____ 20_____

Signature of data subject/ designated person