

FORM 5

LODGING OF COMPLAINT

[Regulation 10]

Note

1. This form is designed to assist the Requester (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 Information Regulator or complete the 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 E 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 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:
 - Copy of the form to the Body requesting access to records;
 - The Body's response to your complaint or access request;
 - Any other correspondence between you and the Body regarding your request;
 - Copy of the appeal form, if your complaint relate to a public body;
 - The Body's response to your appeal;
 - Any other correspondence between you and the Body regarding your appeal;
 - Documentation authorizing you to act on behalf of another person (if applicable);
 - 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.

To	The Information Regulator P.O Box 31533, Braamfontein 2017	E-mail address: inforeg@justice.gov.za number: +27 (0)10 023 5200
-----------	--	--

PARTICULARS OF PERSON ON WHOM COMPLAINT IS LODGED

HOSE BEHALF THE INTERNAL APPEAL IS LODGED Mark with an "X"

<input type="checkbox"/> Complainant Personally	<input type="checkbox"/> Representative of Complainant	<input type="checkbox"/> Third party
---	--	--------------------------------------

PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No

Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY				
Received by (Full names)				
Position				
Signature				
Complaint Accepted	Yes		No	
Reference Number				

DATE STAMP HERE

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 (W)		Facsimile		Cell
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 No./Registration No.					
Postal Address					
Street Address	Tel (W)		Facsimile		Cell
E-mail Address					

Contact Numbers				
PART C: THIRD PARTY INFORMATION <i>(Please attach letter of authorisation)</i>				
Type of body	Private		Public	
Name of *Public/Private body				
Registration number <i>(if any)</i>				
Name, surname and title of person authorised to lodge complaint				

Postal Address						
Street Address						
E-mail Address						
Contact Numbers	Tel (W)		Facsimile		Cell	
PART D: BODY AGAINST WHICH THE COMPLAINT IS LODGED						
Type of body	Private		Public			
Name of *Public/Private body						
Registration Number <i>(if any)</i>						
Name, Surname and Title of person you dealt with at the public or private body to try to resolve your complaint or request to access of information						
Postal Address						
Street Address						
E-mail Address						
Contact Numbers	Tel (W)		Facsimile		Cell	
Reference Number given <i>(if any)</i>						
PART E: COMPLAINTS <i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public body for response and possible resolution; there are limited exceptions)</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?	
If yes, when did you receive it? <i>(Please attach the letter to this application)</i>	
Did you appeal against a decision of the information officer of the public body?	
If yes, when did you lodge an appeal?	
Have you applied to Court for appropriate relief regarding this matter?	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.	

PART F: DETAILED TYPE OF ACCESS TO RECORDS <i>(Please select one or more of the following to describe your complaint to the Information Regulator))</i>		
Unsuccessful appeal: (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	I have appealed against the decision of the public body and the appeal is unsuccessful.	
Unsuccessful application for condonation: (Sections 77A(2)(b) and 75(2) of PAIA)	I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.	
Refusal of a request for access: (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	I requested access to information held by a body and that request was refused or partially refused.	
The body requires me to pay a fee and I feel it is excessive: (Sections 22 or 54 of PAIA)	Tender or payment of the prescribed fee.	
Repayment of the deposit: (Section 22(4) of PAIA)	The tender or payment of a deposit.	

Disagree with time extension: (Sections 26 or 57 of PAIA)	The information officer refused to repay a deposit paid in respect of a request for access which is refused.	
Form of access denied: (Section 29(3) or 60(a) of PAIA)	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.	
Deemed refusal: (Section 27 or 58 of PAIA)	I requested access in a particular and reasonable form and such form of access was refused.	
Inappropriate disclosure of a record: (Mandatory grounds for refusal of access to record)	It is more than 30 days since I made my request and I have not received a decision.	

No adequate reasons for the refusal of access: (Section 56(3)(a) of PAIA)	Extension period has expired, and no response was received. Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.	
Partial access to record: (Section 28(2) or 59(2) of PAIA)	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.	
Fee waiver: (Section 22(8) or 54(8) of PAIA)	Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.	
Records that cannot be found or do not exist: (Section 23 or 55 of PAIA)	I am exempt from paying any fee and my request to waive the fees was refused.	

Failure to disclose records:	The Body indicated that some or all of the requested records do not exist, and I believe that more records do exist.	
No jurisdiction (exercise or protection of any rights): (Section 50(1)(a) of PAIA)	The Body decided to grant me access to the requested records, but I have not received them. The Body indicated that the requested records are excluded from PAIA, and I disagree.	
Frivolous or vexatious request: (Section 45 of PAIA)	The Body indicated that my request is manifestly frivolous or vexatious and I disagree.	
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

