



Ensuring an accessible and trusted
financial sector ombud system

OMBUD COUNCIL

PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000, AS AMENDED

PAIA MANUAL

This Manual is prepared in terms of section 14 of the PROMOTION OF ACCESS TO INFORMATION ACT, 2 of 2000 ("PAIA"), as amended.

Version date: [July 2024]

Contents

1. Definitions	3
2. Purpose of the manual	5
3. Establishment of the Ombud Council and its mandate	6
4. Structure and functions of the Ombud Council	6
5. Contact details for access to information of the Ombud Council	7
6. Remedy available in respect of an act or a failure to act by the Ombud Council	8
7. Guide on how to use PAIA and how to obtain access to the Guide	9
8. Subjects and categories of records held by the Ombud Council	10
9. Records automatically available without having to request access in terms of PAIA	12
10. Process to make a formal PAIA request for access to information and fees payable	14
11. Grounds of refusal for access to records	15
12. Services available to the public from the Ombud Council	17
13. Public involvement in the formulation of Policy or the exercise or performance of duties by the Ombud Council	18
14. Purpose of Processing of personal information.....	19
15. Description of the categories of Data Subjects and of the information or categories of information relating thereto.....	21
16. The recipients or categories of recipients to whom the personal information may be supplied	22
17. Planned trans-border flows of personal information	22
18. Security measures to protect personal information	22
19. Availability of this manual	23
20. Updating the manual	23
Annexure “A” – request form	24
Annexure “B” – fees	29

1. Definitions

- 1.1. **“Deputy Information Officer”** means the Ombud Council’s Head of Operations, who is the designated individual responsible for assisting the Information Officer with the PAIA request.
- 1.2. **“FSR Act”** means the Financial Sector Regulation Act, 9 of 2017.
- 1.3. **“Information Officer”** in the case of the Ombud Council is the Chief Ombud.
- 1.4. **“Information Regulator”** means the Information Regulator established in terms of section 39 of the Protection of Personal Act, 2013.
- 1.5. **“PAIA”** means the Promotion of Access to Information Act, 2 of 2000 as amended, and includes any regulation made and in force in terms of section 92.
- 1.6. **“Personal Information”** means information relating to an identifiable natural person, including but not limited to: -
 - (a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience belief, culture, language or birth of the person;
 - (b) Information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

- (c) Any identifying number, symbol or other particular assigned to the person;
- (d) The address, fingerprints or blood type of the individual;
- (e) The personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- (f) Correspondence sent by the individual 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 individual;
- (h) The views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
- (i) The name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 (twenty) years.

1.7. **“POPIA”** means the Protection of Personal Information Act, 3 of 2013.

1.8. **“Record”** in relation to the Ombud Council means any recorded information: -

- (a) Regardless of form or medium;
- (b) In the possession or under the control of the Ombud Council; and
- (c) Whether or not it was created by the Ombud Council.

1.9. **“Request for access”** means a request for access to a record of the Ombud Council in terms of section 11 of PAIA.

2. Purpose of the manual

2.1. PAIA requires all public and private bodies in South Africa to have a manual to explain to the public how they can get access to the records that a body holds.

2.2. This manual sets out information that allows the public to establish:

- What records the Ombud Council holds, and how to access them.
- Which records require a formal PAIA request and which records are available without a formal request.
- The process and contact details to use to access records.
- The grounds on which the Ombud Council may refuse access to records, and remedies available regarding requests to access records.
- The Ombud Council services that are available to the public and how to use them.
- A description of the records of the Ombud Council which are available in accordance with any other legislation.
- A description of the Information Regulator's guide on how to use PAIA, and how to access it.
- Why and when the Ombud Council will process personal information, and the types of personal information and the description of the categories of data subjects concerned.
- The recipients or categories of recipients to whom the personal information may be supplied.
- Whether and how the Ombud Council plans to transfer or process personal information outside South Africa and the recipients to whom the personal information may be supplied.
- Whether the Ombud Council has appropriate security measures in place to ensure the confidentiality, integrity and availability of personal information it processes.

3. Establishment of the Ombud Council and its mandate

- 3.1. The Ombud Council is established in terms of section 175 of the Financial Sector Regulation Act 9 of 2017 ("**FSR Act**"). The objective of the Ombud Council is to assist in ensuring that financial customers have access to, and are able to use, affordable, effective, independent and fair alternative dispute resolution processes for complaints about financial institutions in relation to financial products, financial services, and services provided by market infrastructures (section 176 of the FSR Act).
- 3.2. The Ombud Council does not handle customer complaints itself, but oversees all financial sector ombud schemes, in essence operating as the regulatory authority for ombuds. The Ombud Council will assist complainants to identifying which ombud is responsible for hearing their complaint in cases where the jurisdiction is unclear.
- 3.3. The Ombud Council exercises oversight over recognised industry ombud schemes and statutory ombud schemes.
- 3.4. The Ombud Council is also a national public entity, listed under Schedule 3A of the Public Finance Management Act, 1999 ("PFMA").

4. Structure and functions of the Ombud Council

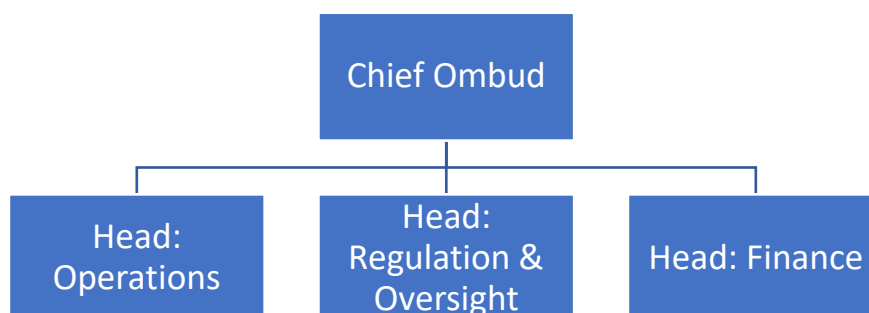
4.1. Structure and governance

The Ombud Council is governed by a Board of Directors, appointed by the Minister of Finance in terms of section 180 of the FSR Act. The Board is supported by an Audit and Risk Committee and a Remuneration and Human Resources Committee.

The functions of the Ombud Council and its day-to-day management are performed by the Chief Ombud of the Council, who acts as its Chief Executive

and is also appointed by the Minister of Finance (see section 188 of the FSR Act).

The executive structure of the Ombud Council is as follows:



4.2. *Functions*

The key statutory functions of the Ombud Council in terms of section 177 of the FSR Act are, in summary, to:

- Recognise industry ombud schemes;
- Promote co-operation and co-ordination between ombud schemes;
- Strive to protect the independence and impartiality of ombud schemes;
- Promote public awareness of ombud schemes;
- Facilitate access by financial customers to ombud schemes;
- Publicise ombud schemes;
- Resolve jurisdictional overlaps between ombud schemes;
- Monitor the performance of ombud schemes, including their compliance with financial sector laws;
- Support financial inclusion; and
- Perform other functions conferred on it by law, or as reasonably necessary to achieve its objective.

The Ombud Council must perform its functions without fear, favour or prejudice.

5. **Contact details for access to information of the Ombud Council**

5.1. Chief Information Officer:

Name: Leanne Jackson
Designation: Chief Ombud (CEO)
Physical Address: Ground Floor
Mac Mac Building
Maxwell Office Park
Magwa Crescent
Midrand
2090

Tel: 012 051 3400
E-mail: admin@ombudcouncil.org.za

5.2. Deputy Information Officer:

Name: Siphiwe Dube
Designation: Head of Operations
Physical Address: Ground Floor
Mac Mac Building
Maxwell Office Park
Magwa Crescent
Midrand
2090

Tel: 012 051 3400
E-mail: admin@ombudcouncil.org.za

6. Remedy available in respect of an act or a failure to act by the Ombud Council

6.1. Any person who is aggrieved by an act of the Ombud Council in accordance with the PAIA Act, or a failure to so act, may submit a

complaint to the Information Regulator in accordance with section 77A of PAIA. This includes complaints about: The Ombud Council's refusal to grant access to requested records; an access fee charged by the Ombud Council; the extension of the time taken to grant access to a record; or the form in which access is granted.

- 6.2. A complaint must be submitted in writing to the Information Regulator, in the prescribed form, within 180 days of the Ombud Council decision that the complaint relates to. The complaint must allege that the Ombud Council's decision was not in accordance with PAIA.
- 6.3. Once this complaint procedure has been exhausted, the aggrieved person may in certain cases apply to a court for appropriate relief under section 82 of PAIA.

7. Guide on how to use PAIA and how to obtain access to the Guide

- 7.1. The Information Regulator has, in terms of section 10(1) of PAIA, made available a Guide on how to use PAIA. The Guide is available in all South African official languages and can be obtained in the following ways:
 - At the offices of the Information Regulator;
 - On request from the Ombud Council's Information Officer (see contact details under section 5);
 - From the Information Regulator's website at <https://www.justice.gov.za/infoereg>)
- 7.2. The Guide contains easily comprehensible information on the following:
 - The objects of POPIA and PAIA;
 - Addresses and contact details of the Information Officers and Deputy Information Officers of public and private bodies;

- How to access records of public or private bodies;
- The manner and form of a request for access to a record of a public body and access to a record of a private body;
- The assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- The assistance available from the Regulator in terms of PAIA and POPIA;
- Legal remedies available for contraventions of POPIA and PAIA, including the manner of lodging an internal appeal, a complaint to the Regulator, and an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- The obligations of public and private bodies to compile a PAIA manual (like this one), and how to access a manual;
- Requirements for voluntary (automatic) disclosure of some records;
- Fees payable for requests for access to records; and
- Regulations made under PAIA.

8. Subjects and categories of records held by the Ombud Council

8.1. The Ombud Council holds several types of records, as set in the Table below:

Table 1: Ombud Council records

Subject	Type of record
Strategy, planning and performance	<ul style="list-style-type: none"> • Strategic plans • Annual performance plans • Statutory reports in terms of the PFMA and other prescripts
Governance	<ul style="list-style-type: none"> • Board and Committee minutes • Board-approved Policies • Risk management plans and frameworks

	<ul style="list-style-type: none"> • Audit records • Records of directors • Special resolutions/ Resolutions passed in Board and Committee meetings
Financial and procurement	<ul style="list-style-type: none"> • Accounting records, financial statements, budget & levy proposals • Advertised and awarded tenders • Contractor records • Banking Records • Banking details and bank accounts • Bank statements • Asset Registers • Policies and procedures • Invoices • Tax records
Operational	<ul style="list-style-type: none"> • Leases, licences and other contracts • Operational and IT related plans and processes • Internal correspondence • Working draft documents • Lists of suppliers • Supplier agreements • Software licensing •
Human resources	<ul style="list-style-type: none"> • Staff personal records • Employment contracts • Recruitment records • Performance management records • Payroll and remuneration records • Leave, training, disciplinary, and other records of employment relationships • Medical aid records • Pension fund records • Training manuals and records
Ombud scheme records	<ul style="list-style-type: none"> • Governing rules of ombud schemes and related consultation documents • Scheme recognition records

	<ul style="list-style-type: none"> • On-site inspection and other supervision records • Reports and submissions by ombud schemes • Minutes and records of statutory and other meetings with ombud schemes • General correspondence with ombud schemes in the course of fulfilling our statutory mandate
Regulatory (rule-making) functions	<ul style="list-style-type: none"> • Ombud Council Rules and related consultation documents
Stakeholder engagement	<ul style="list-style-type: none"> • Records of engagements with stakeholders, including National Treasury, other regulatory authorities, industry associations, financial institutions, etc. • Records relating to consumer education and awareness activities
Customer records	<ul style="list-style-type: none"> • Records of complaints about ombud schemes from members of the public and related correspondence • Requests from the public for help in identifying relevant ombud schemes and related correspondence.

8.2. Access to any of the above records, unless listed under paragraph 9 below as being automatically available, must be requested through the PAIA procedure outlined in paragraph 10 below.

9. Records automatically available without having to request access in terms of PAIA

9.1. Records set out in the Table below can be accessed on the Ombud Council's website¹, <https://www.ombudcouncil.org.za> or by sending an

¹ As at the date of finalising this Manual, the Ombud Council's website is still in development. Several of the records indicated as being available on request will in future also be available on the website.

e-mail request to admin@ombudcouncil.org.za, as indicated on the Table.

Table 2: Automatically available Ombud Council records

Subject	Type of record	Request	Website
Strategy, planning and performance	<p>The following, where published as required by the PFMA for financial year 2023/24 onwards².</p> <ul style="list-style-type: none"> • Strategic plans • Annual performance plans • Annual reports 		<p>✓</p> <p>✓</p> <p>✓</p>
Governance	<ul style="list-style-type: none"> • Names of directors and composition of Board and Committees • This PAIA Manual • POPIA Privacy Statement • Regulatory framework 		<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
Financial and procurement	<ul style="list-style-type: none"> • Published budget and levy proposals • Advertised and awarded tenders • Contractor records 	<p>✓</p> <p>✓</p>	<p>✓</p>
Human resources	<ul style="list-style-type: none"> • Advertised vacancies • Organisation design 	<p>✓</p>	<p>✓</p>
Ombud scheme records	<ul style="list-style-type: none"> • Names, contact details and website links for ombud schemes • Governing rules of ombud schemes and related published consultation documents • Scheme recognition certificates and conditions 		<p>✓</p> <p>✓</p> <p>✓</p>
Regulatory (rule-making) functions	<ul style="list-style-type: none"> • Ombud Council Rules and related published consultation documents 		<p>✓</p>
Other	<ul style="list-style-type: none"> • Media releases • Any other records on our website 		<p>✓</p> <p>✓</p>

² The Ombud Council became listed under the PFMA as a Schedule 3A public entity with effect from the 2023/24 financial year. Records referred to under this item are those required to be submitted to Parliament in accordance with the PFMA.

10. Process to make a formal PAIA request for access to information and fees payable

Process:

- 10.1. Any request for access to information that is not shown as automatically available in the Table under section 9, must be formally requested in terms of the process provided for in PAIA.
- 10.2. In accordance with section 18 of PAIA a request for access must be made in the prescribed form, as contained in Annexure “A”.
- 10.3. Annexure A must be addressed and submitted to the Information Officer / Deputy Information Officer by hand or by e-mail, using the contact details set out in paragraph 5 above.
- 10.4. The requester must provide sufficient information of the record requested in order for the Information Officer / Deputy Information Officer to identify the record. The prescribed form must be completed with enough details to at least enable the Information Officer / Deputy Information Officer to identify:
 - The requester;
 - The type and particulars of the record requested; and
 - The form and manner of access requested.
- 10.5. Should a requester, because of illiteracy or disability, be unable to make a request for access in accordance with the above process, the request may be made orally. The Information Officer / Deputy Information Officer will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.

Fees:

10.6. The requester will be notified of the prescribed fee payable, if any, and how to make payment to the Ombud Council, before a request for information is processed further. The requester is exempted from paying an access fee to the Ombud Council if:

- The requester is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R14 712.00 (fourteen thousand seven hundred and twelve rand) a year; or
- The requester is married and his/her joint income, after permissible deductions, such as PAYE and UIF, is less than R27 192.00 per year.

11. Grounds of refusal for access to records

11.1. The fact that a record is listed on the Table in paragraph 8 as being held by the Ombud Council does not necessarily mean that the Ombud Council will or must make the record available.

11.2. Some records may be subject to grounds of refusal provided for in sections 33 to 46 of PAIA. Please refer to PAIA for the full details of these grounds of refusal, which are summarised below for ease of reference.

11.3. The Ombud Council must, subject to certain exceptions contemplated in PAIA, refuse access to records where, in summary:

- Disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased person. This ground of refusal does not apply to certain records regarding officials of public bodies;
- The record contains trade secrets or other financial, commercial, scientific or technical information of a third party which could cause commercial or financial harm if disclosed; or the

information was provided in confidence by a third party and disclosure could put them at a competitive or negotiating;

- Disclosure would constitute an action for breach a duty of confidence owed to a third party in terms of an agreement;
- Disclosure could endanger the life or physical safety of an individual;
- Disclosure is prohibited under the Criminal Procedure Act;
- The record is subject to legal privilege, unless the privilege is waived;
- Refusal of access is necessary to protect research information of a third party;

11.4. The Ombud Council may refuse access to records where, in summary:

- The information was provided in confidence by a third party, and disclosure would prejudice the future supply of such information or information from that source, and it is in the public interest that the supply of information should continue;
- Disclosure would likely prejudice the security of buildings, structures, systems, means of transport, or other property;
- The record is about ways of dealing with contraventions of the law, or with a specific prosecution or investigation of contraventions, and disclosure could prejudice the effectiveness of those processes;
- Disclosure could prejudice South Africa's defence, security or international relations;
- Disclosure could materially jeopardise South Africa's economic interests or financial welfare;
- The record contains trade secrets or other financial, commercial, scientific or technical information of the State or a public body which could harm the commercial or financial interests of the State or public body if disclosed; or information where disclosure could put a public body at a competitive or negotiating

disadvantage; or is a computer program owned by the State or a public body;

- Refusal of access is necessary to protect research information of a public body;
- The record contains an opinion, advice, report, recommendation, or consultation or meeting records, for the purpose of assisting in formulating policy or taking a decision in the exercise of statutory functions; and disclosure could frustrate deliberative processes in or between public bodies, or frustrate the success of a policy;
- Disclosure could jeopardise the effectiveness of a public body's testing, examining or auditing procedures;
- The record contains evaluative material provided in confidence;
- The record contains a preliminary, working or other draft of an official of a public body;
- The request is manifestly frivolous or vexatious;
- The work involved in processing the request would substantially and unreasonably divert the Ombud Council's resources.

11.5. The refusal grounds set out in paragraphs 11.3 and 11.4 do not apply if the requested disclosure would reveal evidence of a substantial contravention or failure to comply with the law, or an imminent and serious public safety or environmental risk; and the public interest in the disclosure clearly outweighs the harm contemplated in the refusal ground concerned.

12. Services available to the public from the Ombud Council

12.1. The Ombud Council does not deal directly with complaints by financial customers against financial institutions as it does not have any jurisdiction over the conduct of financial institutions. These complaints

should be submitted to the applicable ombud scheme. It is also not the Ombud Council's role to become involved in, or review or reconsider the outcome of any specific complaints handled by ombud schemes. This would be inconsistent with our mandate to protect the independence and impartiality of ombuds.

12.2. The Ombud Council's enforcement powers under the FSR Act enable us to take various regulatory actions – including conducting investigations – against ombud schemes where a scheme contravenes or is likely to contravene a financial sector law, insofar as that law relates to ombud schemes. Certain actions may also be taken where an ombud scheme has contravened its own governing rules in a material way. The Ombud Council will therefore deal with a query against an ombud scheme that indicates that this type of contravention has occurred or is likely to occur.

12.3. The Ombud Council will also assist financial customers to identify the appropriate ombud scheme to deal with their complaints against financial institutions.

12.4. The above services can be requested by e-mailing enquiries@ombudcouncil.org.za or completing the on-line message facility on our website. For more information on the Ombud Council's mandate please see our website (<https://www.ombudcouncil.org.za>).

13. Public involvement in the formulation of Policy or the exercise or performance of duties by the Ombud Council

In terms of the FSR Act, the Ombud Council is empowered to make binding regulatory instruments titled Ombud Council Rules. We are also required to approve the governing rules of industry ombud schemes. In both cases, the Ombud Council must publish drafts of these rules for public comment on our website before they may be finalised. In addition, the FSR Act requires the Ombud Council to publish its budgets, fees and

levies proposals for each financial year on its website for public comment. These measures enable public participation in the Ombud Council's regulatory policy and funding arrangements

14. Purpose of Processing of personal information

14.1. POPIA provides that personal information may only be processed lawfully and in a reasonable manner that does not infringe the data subject's privacy. The type of personal information the Ombud Council processes will depend on the purpose for which it is collected, and we will process the information for that purpose only.

14.2. The Ombud Council has a mandate to assist in ensuring that financial customers have access to, and are able to use affordable, effective, independent, and fair alternative dispute resolution processes for complaints about financial institutions in relation to financial products and services. The Ombud Council has oversight, enforcement, and regulatory powers in relation to statutory and industry ombuds. To achieve this mandate, the Ombud Council must collect personal information directly from you and may be collected indirectly from other external sources for purposes of fulfilling the Ombud Council's legislative mandate and functions. In order to effectively oversee the financial ombud system, we need information about the operations of ombud schemes and how they interact with financial institutions and financial customers in dealing with customer complaints.

14.3. The Ombud Council may collect personal information from several sources, such as:

- Ombud schemes
- Financial sector regulators and other public entities
- Media
- Law enforcement agencies
- Members of the public

- Whistle-blowers
- Our service providers
- Verification agencies

14.4. We collect personal information for several reasons, including the following:

- If you are an ombud scheme, ombud or ombud scheme official or employee, to process your recognition application, approve your governing rules, or supervise your conduct and compliance with financial sector laws in terms of our mandate.
- If you're a financial customer, to investigate a concern you raise with us regarding the way in which an ombud scheme has handled your complaint, or to refer you to an appropriate ombud scheme or other channel where you need help in resolving a complaint.
- To monitor trends and causes of complaints against financial institutions.
- To identify possible contravention by ombuds or ombud schemes of financial sector laws related to ombud schemes.
- Where you are our service provider or potential service provider, to manage our relationship with you, consider a tender from you, or pay you for your services.
- Where you are our employee, to manage the employment relationship with you.
- For processing your application where you have applied for employment with us.
- Where you are a member of any of our governance structures, to manage your governance role.
- Where you are a media service provider or potential media service provider, to manage our engagement with you.

14.5 You have the right to ask us to update, correct or delete your personal information. We will require a copy of your ID document to confirm your identity before making changes to personal information we may hold about you.

15. Description of the categories of Data Subjects and of the information or categories of information relating thereto

The categories of data subjects in respect of whom the Ombud Council processes personal information are;

Employees

Suppliers

General public

Media

We collect and process the following non-exhaustive categories of personal information.

- Identifying numbers (employee number; company registration numbers; ID numbers),
- Contact details such as email-addresses, physical addresses, telephone numbers.
- Names, surname, marital status, nationality, age, physical health status, mental health status, well-being, disability status, language, date of birth.
- Biometric information such as fingerprinting, particularly in our employment processes.
- Information on your race, ethnic or social origin, criminal record.
- Education, medical, financial, employment information
- Website usage information may be collected using “cookies” which allows us to collect standard internet visitor usage information.

Some of this information is more likely to be processed for employment purposes or service provider procurement purposes, but some of it may be processed if relevant to a financial customer's complaint to an ombud scheme or against a financial institution.

16. The recipients or categories of recipients to whom the personal information may be supplied

Depending on the nature of the data, the Ombud Council may supply information or records to the following categories of recipients:

Regulatory Authorities

Law enforcement agencies

Verification agents

Ombud schemes

Medical schemes

Employee pension funds

Tax authorities

Media

17. Planned trans-border flows of personal information

The Ombud Council does not plan to transfer personal information outside of South Africa, but we may do so to secure or back up data or for technical reasons and for general awareness raising through social media. In that case, the Ombud Council will take such steps as it is able to, to transfer data to countries with privacy and data laws similar to those of South Africa. We will, if necessary, update and publish this Policy annually.

18. Security measures to protect personal information

18.1. The Ombud Council has reasonable security measures in place to ensure the confidentiality, integrity and availability of personal information that we process. These include email protection threat prevention which has spam, malware and advanced threat protection; phishing and impersonation protection; email encryption; cloud archiving. Additional security measures

include physical, electronic and operational procedures to safeguard and secure information and mitigate the risk of loss, misuse, and unauthorised access, disclosure, alteration, or destruction.

18.2. The Ombud Council is located at Mac Mac Building, Maxwell Office Park, Magwa Crescent, Midrand, 2198. The access points to the office park is controlled by a 24 hour security guard at the two entrances and through biometric system. Access to the ground floor is controlled through an access card and biometric entrance control system.

19. Availability of this manual

19.1. A copy of this manual is available:

- On the Ombud Council's website <https://www.ombudcouncil.org.za>
- On request by e-mail to admin@ombudcouncil.org.za.
- To the Information Regulator on request,

19.2. The manual is available in the following three official languages:

- English
- *[translation into two additional languages will be arranged once the manual has been assessed by the Information Regulator.]*

20. Updating the manual

20.1. The Ombud Council will, if necessary, update and publish this manual annually.

Issued by:

Ombud Council

Date: 3 July 2024

[July 2024]

Annexure “A” – request form

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
person.

☐

Request is made on behalf of another

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="checkbox"/>
	Cellular:		

Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><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></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD (Mark the applicable box with an "X")</p>			
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 (Please specify)

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

Annexure “B” – fees

Fees in respect of Public Bodies

No.	Description	Fee
1.	Request fee payable by every requester	R100.00
2.	Photocopy of A4 size page	R1.50 per page or part thereof
3.	Printed copy of A4 size page	R1.50 per page or part thereof
4.	For a copy in a computer readable form on: (i) Flash drive (to be provided by the requestor) (ii) Compact disc <ul style="list-style-type: none"> • If provided by the requester • If provided to the requester 	R40.00 R40.00 R60.00
5.	To search for and prepare the record for disclosure for each hour or part thereof, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of:	R100.00 R300.00
6.	Deposit, if search exceeds 6 hours	One third of the amount per request calculated in terms of items 2 to 8.
7.	Postage, e-mail or any other electronic transfer	Actual expense, if any

Fees in respect of Private Bodies

No.	Description	Fee
1.	Request fee payable by every requester	R140.00
2.	Photocopy 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: (i) Flash drive (to be provided by the requestor) (ii) Compact disc <ul style="list-style-type: none"> • If provided by the requester • If provided to the requester 	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4 size page	Service to be outsourced, will depend on the quotation from the service provider
6.	Copy of visual images	
7.	Transcription of an audio record, per A4 size page	R24.00
8.	To search for and prepare the record for disclosure for each hour or part thereof, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of:	R145.00 R435.00
9.	Deposit, if search exceeds 6 hours	One third of the amount per request calculated in terms of items 2 to 8.
10.	Postage, e-mail or any other electronic transfer	Actual expense, if any