



Information Security & Privacy Management

PAIA Manual

Version 2

26 August 2024

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APPROVAL

Role	Name	Date	Signature
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TABLE OF CONTENTS

1. LIST OF ACRONYMS AND ABBREVIATIONS.....	4
2. PURPOSE OF PAIA MANUAL.....	4
3. THE INFORMATION OFFICER	5
4. INFORMATION REGULATOR:.....	5
5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE	6
6. OBJECTIVES	6
7. ACCESS TO INFORMATION LIMITATIONS	7
8. SHARING PERSONAL INFORMATION	7
9. OTHER LEGISLATION	7
10. APPLICABILITY AND SCOPE	8
10.1 INFORMATION CATEGORIES:	8
11. INFORMATION DEFINED	9
11.1 COMPANY INFORMATION	9
11.2 FINANCIAL INFORMATION.....	11
11.3 STAFF INFORMATION	11
11.4 CANDIDATE INFORMATION	11
11.5 CLIENT INFORMATION	11
11.6 3 RD PARTY INFORMATION	12
11.7 POLICIES AND PROCESSES	12
11.8 AGREEMENTS OR CONTRACTS.....	12
11.9 WEB USER INFORMATION.....	12
12. REQUEST PROCEDURE	13
12.1 REQUEST FOR ACCESS	13
12.2 REJECTION OR REFUSAL OF ACCESS.....	13
12.3 OBJECTION TO PROCESSING	14
12.4 CORRECTING OR DELETION OF INFORMATION	14
12.5 PROOF OF IDENTITY	14
12.6 PAYMENT OF THE REGULATED FEES	14
13. OWNERSHIP AND REVIEW	15
14. PROMOTION OF ACCESS TO INFORMATION (PAIA) FORMS.....	15

1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 “CEO” Chief Executive Officer
- 1.2 “DIO” Deputy Information Officer;
- 1.3 “IO” Information Officer;
- 1.4 “Minister” Minister of Justice and Correctional Services;
- 1.5 “PAIA” Promotion of Access to Information Act No. 2 of 2000 (as Amended);
- 1.6 “POPIA” Protection of Personal Information Act No.4 of 2013;
- 1.7 “Regulator” Information Regulator; and
- 1.8 “Republic” Republic of South Africa
- 1.9 “Nanyata” Nanyata Siyaya Holdings (Pty) Ltd, registration number 2014/208941/07, trading as Nanyata

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records, and the categories of records held on each subject;
- 3. know the description of the records of the body which are available in accordance with any other legislation;
- 4. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 9. know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

At Nanyata, we strive for quality in everything we do through our commitment to ethical and sustainable business practices within the South African business environment. “Transparency” is written into our corporate philosophy, which makes adherence to PAIA second nature to us, and builds our commitment to protecting the privacy of all our stakeholders, including candidates, clients as well as the users of our website, and aim to provide a safe and secure experience, and ensure that the information in our custody is only used for the purposes set out in this policy.

3. THE INFORMATION OFFICER

PAIA and POPIA require the appointment of an Information Officer which in relation to a private body means the head of a private body as contemplated in Section 1 of PAIA.

Section 56 of POPIA makes provision for the appointed Information Officer to delegate the associated duties and responsibilities to a duly authorised person. All requests to Nanyata for information in terms of the Act must be addressed to the Information Officer:

Information Officer:
Jacintha Naidoo

Registered physical address:
8 Jukskei Road,
Kelland,
Randburg,
Johannesburg,
South Africa,
2194 .

email address dataprivacy@nanyata.co.za

Telephone Number: +(27) 87 148 8472

Please note: All requests for access to information must be formally made following the process set out in this manual, and requests will only be effective when done via the above email address. No hand delivered or mailed requests will be adhered to.

4. INFORMATION REGULATOR:

For further guidance on how to get access to information under PAIA, please may contact the Information Regulator to find out more information about PAIA. PAIA requires the Information Regulator to compile a guide in each official language of South Africa on how to exercise any right under PAIA. The current guide compiled by the South African Human Rights Commission is available on their website listed below.

In terms of the Section 110 of the Protection of Personal Information Act 4 of 2013 the functions of the Human Rights Commission have been transferred to the Information Regulator. Their contact details are as follows:

Postal address: P.O Box 3153, Braamfontein, Johannesburg, 2017

Physical address: JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001

Website: <https://www.justice.gov.za/inforeg/index.html> and
<http://www.sahrc.org.za/index.php/understanding-paia>

General e-mail: inforeg@justice.gov.za

Complaints email: complaints.IR@justice.gov.za

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- The Guide is available in each of the official languages and in braille.
- The aforesaid Guide contains the description of
 - the objects of PAIA and POPIA;
 - the postal and street address, phone and fax number and, if available, electronic mail address of-
 - the Information Officer of every public body, and
 - every Deputy Information Officer of every public and private body designated in terms of section 17 of PAIA and section 56 of POPIA;
 - the manner and form of a request for-
 - access to a record of a public body contemplated in section 11; and
 - access to a record of a private body contemplated in section 50;
 - the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - the assistance available from the Regulator in terms of PAIA and POPIA;
 - all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, 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 provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and the regulations made in terms of section 92.

6. OBJECTIVES

The objectives of this Manual are:

- to provide a list of all records held by Nanyata;
- to set out the requirements with regard to who may request information in terms of PAIA as well
- as the grounds on which a request may be denied;
- to define the manner and form in which a request for information must be submitted; and
- to comply with the additional requirements imposed by POPIA

7. ACCESS TO INFORMATION LIMITATIONS

- PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.
- Information will therefore not be furnished unless a person provides sufficient particulars to enable Nanyata to identify the requestor, establish their legitimate rights to this information, as well as proof that this information is being requested in line with the protection of such rights
- The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA
- There is a charge associated with these requests
- Please note that all required forms can be accessed from the Information Regulator website <https://inforegulator.org.za/paia-forms>

8. SHARING PERSONAL INFORMATION

Depending on the nature of the personal information, Nanyata may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA or POPIA; and

9. OTHER LEGISLATION

Information must be made available to specific entities in terms of the legislation listed below:

- Administration of Estates Act 66 of 1965
- Arbitration Act 42 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Constitution of South Africa Act 108 of 1996
- Criminal Procedure Act 51 of 1977
- Customs and Excise Act 91 of 1964
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Environment Conservation Act 73 of 1989
- Estate Agency Affairs Act 112 of 1976
- Explosives Act 13 of 1956
- Financial Markets Act 19 of 2012
- Hazardous Substances Act 15 of 1973
- Income Tax Act 58 of 1962
- Insolvency Act No. 24 of 1936

- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- National Dust Control Regulations, 2013 under the National Environmental Management: Air Quality Act 39 of 2004
- National Environmental Management Act 107 of 1998
- National Environmental Management: Waste Act 59 of 2008
- National Water Act 36 of 1999
- Occupational Diseases in Mines and Works Act 78 of 1973
- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 14 of 1998
- Protected Disclosure Act 26 of 2000
- Promotion of Access of Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protection of Personal Information Act 4 of 2013
- Sarbanes Oxley Act of 2000
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Tax Administration Act 28 of 2011
- Trade Marks Act 194 of 1993
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

10. APPLICABILITY AND SCOPE

10.1 Information Categories:

- Company information
- Financial information
- Staff information
- Candidate information
- Client information
- 3rd party information
- Policies and processes
- Agreements or contracts
- Web user information

All information processed by Nanyata is stored in a secured location, and is accessible only by relevant staff.

Please note that records need to be requested using the process outlined in Section 10

11. INFORMATION DEFINED

11.1 Company information

The following information is publicly available from CIPC:

Director's name

Director's ID

Director's Contact information

FORM CODE	DESCRIPTION
CoR 9.1	Application to reserve a company name
CoR 9.2	Application for extension of name reservation
CoR 10.1	Application for Defensive Name Registration
CoR 10.2	Application for renewal of Defensive Name Reservation
CoR 11.1	Application to Transfer Reserved or Registered Name
CoR 14.1	Notice of Incorporation
CoR 15.1A	Memorandum of Incorporation – Standard Short Form for Private Companies
CoR 15.1B	Memorandum of Incorporation – Long Standard Form for Private Companies
CoR 15.1C	Memorandum of Incorporation – Short Standard Form Non Profit Companies without members
CoR 15.1D	Memorandum of Incorporation – Long Standard Form Non Profit Companies without members
CoR 15.1E	Memorandum of Incorporation – Long Standard Form Non Profit Companies with members
CoR 15.2	Notice of Amendment of Memorandum of Incorporation
CoR 15.2A	Notice of Amendment of Memorandum of Incorporation – Notice of Ring Fencing Provisions
CoR 15.3	Notice of Alteration of Memorandum of Incorporation
CoR 15.4	Notice of Translation of Memorandum of Incorporation
CoR 15.5	Notice of Consolidated Revision of Memorandum of Incorporation
CoR 16.1	Notice of adoption, alteration or repeal of company rules
CoR 16.2	Notice of result of rule ratification vote
CoR 17.1	Application by foreign company to transfer registration to the Republic
CoR 18.1	Notice of Conversion of a close corporation
CoR 20.1	Notice of Registration of External Company
CoR 21.1	Notice of Change of Registered Office
CoR 21.2	Notice of Person Authorised to Accept Service
CoR 22	Notice of Location of Company records
CoR 24	Request for Access to information
CoR 25	Notice of Change of Financial year end
CoR 31	Notice of Board Resolution to convert par value shares
CoR 35.1	Notice of existence of Pre-incorporation contract

CoR 35.2	Notice of decision relating to a Pre-Incorporation contract
CoR 36.1	Standard form notice to companies by holders of securities
CoR 36.2	Standard form of notice by company to holders of its securities
CoR 36.3	Notice to beneficial interest holders
CoR 36.4	Standard form notice to company by director of personal financial interest
CoR 39	Notice of Change concerning a Director
CoR 40.1	Notice of resolution to wind up solvent company
CoR 40.2	Notice of transfer of company registration to foreign jurisdiction
CoR 40.5	Application for re-instatement of de-registered company
CoR 44	Notice of change of auditor or company secretary
CoR 46.1	Documents in relation to Employee Share Schemes
CoR 46.2	Annual certificate required relating to Employee Shares Schemes
CoR 46.3	Application to Commission to exclude categories of persons from rights offer
CoR 46.4	Application to Commission to register prospectus
CoR 46.5	Registration Certificate of Prospectus
CoR 46.6	Application to permit information to be excluded from prospectus
CoR 89	Notice of Amalgamation or Merger
CoR 123.1	Notice of Change concerning a Director
CoR 123.2	Notice of appointment of Practitioner
CoR 123.3	Notice to not commence business rescue proceedings
CoR 125.1	Notice concerning status of Business Rescue Proceedings
CoR 125.2	Notice of Termination of Business Rescue Proceedings
CoR 125.3	Notice of Substantial Implementation of a Business Rescue Plan
CoR 126.1	Application for license as a Business Rescue Practitioner
CoR 126.2	Certificate of Practitioner License
CoR 134.1	Application to Commission to be accredited as ADR provider
CoR 135.1	Complaint to Commission
CTR 151	Tribunal Notice of Hearing
CTR 160	Tribunal Summons
CoR 168	Notice challenging filed information
CoR 178	Request for particulars regarding requested exemption
CM 25	Consent to waive period of notice of meeting to pass a special resolution
CM 25A	Consent to propose and pass special resolution at meeting of which notice has not been given
CM 26	Special resolution
CM 100	Statement of Affairs

11.2 Financial information

Nanyata does not make any financial information publicly available, besides the information listed on CIPC above.

11.3 Staff information

Nanyata does not make any staff information publicly available but does produce the legally required documentation and submits the necessary reports. Staff can request access to the following, as it pertains directly to themselves:

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- UIF paid
- Workmen's Compensation paid

11.4 Candidate information

Due to the nature of the Nanyata business, Candidate personal information is collected, verified, stored, shared and retained for the purpose of assisting the candidate to seek employment. A candidate has the right to access this information by following the 'How to request access' section of this manual. The information is gathered directly from the candidate where possible, or from third party portals where the candidate captured their own information; but there is some data which is necessarily collected from third parties with the candidate's permission. The information in question includes, but is not limited to:

PERSONAL DETAILS COLLECTED:

Name, Surname, Gender, Ethnicity, Date of birth, ID number, Disabled, Telephone number, Primary citizenship, Secondary citizenship, Location, and email address

CAREER DETAILS COLLECTED :

Employer, salary, Qualifications

ADDITIONAL DETAILS COLLECTED:

Fingerprints, copy ID, ID verification, Criminal History, Credit Checks, Qualification Checks, References (Shared with 3rd parties)

11.5 Client information

Nanyata collects and processes client information in order to deliver the service contracted by them. The information about the corporate client is generally of a publicly available nature, but from time to time, other personal information could be gleaned from job-specifications, organisation structures, requests or correspondence. Nanyata will store the information needed to fulfil it's service, and destroy that which is not needed.

Personal Information is also collected about some individuals within the client organisation, such as the hiring manager, HR representative, and other key personnel. In this case, Nanyata may collect and store the following:

- Name
- Surname

- Office Telephone number
- Cellular phone number
- Email address
- Role

11.6 3rd party information

Nanyata engages with 3rd party job portals where candidates have captured and uploaded their own information. Every effort is made to ensure that all 3rd parties dealt with, are bound by the same level, if not higher, of data privacy regulation. On these 3rd party sites, the candidate can upload or remove and/or edit their own information, keeping the responsibility for updates within the candidate's control. Nanyata therefor can safely assume that all information collected has the necessary permissions attached.

Nanyata has agreements and contracts in place with all 3rd parties it deals with, all of which include laying out the responsibilities in terms of the protection of personal information.

11.7 Policies and processes

Nanyata ensures that it's operations are streamlined and it's processes as robust as possible. The policies relating to the protection of personal information includes:

- Privacy Policy
- PAIA Manual (this document)

Nanyata has formal, documented processes which are for internal use only, and will not be shared publicly.

No policy or process documentation contains any personal information. These documents are for internal use only, and with the exception of the Privacy Policy and PAIA manual, will not be shared externally to the organisation.

11.8 Agreements or contracts

All agreements are entered into with Privacy in mind. As a result, privacy clauses have been built into all Nanyata's internal and external contracts. Whilst Nanyata does not personally vet any of the 3rd party providers they share personal information with, these 3rd party providers are held to the same standards as Nanyata holds themselves. Nanyata remains the responsible party for any information processed by them.

11.9 Web user information

Nanyata runs a wordpress website which habitually collects non-personally-identifying information of the sort that web browsers and servers typically make available, such as the browser type, language preference, referring site, and the date and time of each visitor request. The purpose in collecting non-personally identifying information is to better understand how Nanyata's visitors use its website.

The Nanyata website collects potentially personally-identifying information like Internet Protocol (IP) addresses. These are not used to identify its visitors, it is used aggregated for statistical purposes.

The Nanyata website also makes use of cookies, designed to collect information to optimize its services, as an example the browser experience and to increase functionality. This data is gathered for marketing purposes and to create a greater personalized experience for website visitors. This data also enables moderation comments on the website.

While cookies are used by default, they may be disabled. However, this may prevent the user from using the full range of available services. Website cookies can be rejected in the user's browser configurations.

12. REQUEST PROCEDURE

12.1 Request for Access

- Any request for access to a record in terms of PAIA must substantially correspond with Form C of Annexure B to Government Notice No. R.187 dated 15 February 2002 and should be specific in terms of the record requested.
- The completed form must be submitted to the Information Officer via electronic mail address set out in section 3 above and pay a request fee and a deposit, where so advised.
- The Prescribed Form C must include sufficient details to enable the Information Officer to identify:
 - the record or records requested
 - the requester
 - the form of access required
 - the e-mail, postal address or fax number of the requester
 - whether the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
- The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- POPIA provides that a data subject may, upon proof of identity, request Nanyata to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information. Such request must be made to Nanyata using Form C.
- POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Nanyata must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

12.2 Rejection or Refusal of Access

- A request for access to information which does not comply with the formalities as prescribed by PAIA will be rejected.
- Nanyata may refuse a request, based on the following:
 - the protection of personal information of a third person from unreasonable disclosure;
 - the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
 - if disclosure would result in the breach of a duty of confidence owed to a third party;

- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put Nanyata at a disadvantage in negotiations or prejudice it in commercial competition; and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Nanyata.
- Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.
- If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

12.3 Objection to processing

- POPIA provides that a data subject may object, at any time, to the processing of personal information by Nanyata, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing.
- The data subject must complete the prescribed Objection form.

12.4 Correcting or deletion of information

A data subject may request Nanyata to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Nanyata is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions. The data subject must complete the prescribed update form.

12.5 Proof of identity

Proof of identity is required to authenticate identity and the request. The data subject will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of identity document or other legal forms of identity.

12.6 Payment of the regulated fees

Section 54 of PAIA entitles Nanyata to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees charged are set out in Regulation 9(2)(c) promulgated under PAIA.

- The request fee: R50
- The access fee: This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are pre-stipulated.

The record will not be disclosed until the necessary fees have been paid in full.

13. OWNERSHIP AND REVIEW

This policy is owned by Jacintha Naidoo and must be reviewed at least every two (2) years, or any applicable code of conduct under POPIA is published or there is any amendment to the overarching legislation.

14. Promotion of Access to Information (PAIA) Forms

All forms referenced in this manual are noted below and can be accessed from the Information Regulator website i.e. from <https://inforegulator.org.za/paia-forms/>

Form 01: Request for a Guide from the Regulator [Regulation 2]

Form 01: Request for a Copy of the Guide from an Information Officer [Regulation 3]

Form 01: Objection to The Processing of Personal Information [Section 113]

Form 02: Request for Access to Record [Regulation 7]

Form 02: Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information [Section 24(1)]

Form 03: Outcome of request and of fees payable [Regulation 8]

Form 04: Internal Appeal Form [Regulation 9]

Form 05: Complaint Form [Regulation 10]

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

Form C: Request for Access to Record of Private Body [Section 53 (1)]