**FORM 5 – lodgining 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 the University of Pretoria’s response or non-response to a request for access to records under the Promotion of Access to Information 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/.*](http://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 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 given the University of Pretoria (hereinafter referred to as “the University”) an opportunity to respond to and attempt to resolve the issue. To help the University address your concerns prior to approaching the Information Regulator, you must complete the prescribed PAIA form and submit it to the University.*
4. *A copy of this form will be provided to the University 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:*
	* *The form to the University requesting access to records.*
	* *The University’s response to your complaint or access request.*
	* *Any other correspondence between you and the University regarding your request.*
	* *The appeal form, if your complaint relates to a public body.*
	* *The University’s response to your appeal.*
	* *Any other correspondence between you and the University regarding your appeal.*
	* *Documentation authorising you to act on behalf of another person (if applicable).*
	* *A court order or court documents relevant to your complaint, if any.*
7. *If there provided in this Form is not enough, submit information as an Annexure to this Form and sign each page.*

**To** The Information Regulator

P.O Box 31533

Braamfontein

 2017

Email address: inforeg@justice.gov.za Tel number: +27 (0)10 023 5200

**PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED**

Mark with an "**X**"

Complainant personally Representative of Complainant Third party

|  |
| --- |
| **PREREQUISITES** |
| Did you submit a request (PAIA form) for access to a record of a public 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 procedures against a decision of theInformation Oﬃcer of a public body? | Yes |  | No |  |
| Have you applied to a 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 |  |
| Postal address | Facsimile | Other electronic communication *(Please specify)* |
|  |  |  |

|  |
| --- |
| **PART A: PERSONAL INFORMATION OF COMPLAINANT** |
| Full names |  |
| Identity number |  |
| Postal address |  |
| Street address |  |
| Email address |  |
| Contact numbers | Tel (W) |  | Facsimile |  | Cell |  |
| **PART B: REPRESENTATIVE INFORMATION** *(Complete only if you will be represented. A Power of Attorney must be attached if the complainant is represented, failing which the complaint will be rejected)*  |
| Full names of representative |  |
| Nature of representation |  |
| Identity number/Registration number |  |
| Postal address |  |
| Street address | Tel (W) |  | Facsimile |  | Cell |  |
| Email address |  |
| Contact numbers |  |
| **PART C: THIRD PARTY INFORMATION***(Please attach letter of authorisation)* |
| Type of body | Private |  | Public |  |
| Name of \*public/private body |  |
| Registration number *(if any)* |  |
| Name, surname and title of person authorised to lodge a complaint |  |

|  |  |
| --- | --- |
| Postal address |  |
| Street address |  |
| Email 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 *(if any)* |  |
| Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request to access of information |  |
| Postal address |  |
| Street address |  |
| Email address |  |
| Contact numbers | Tel (W) |  | Facsimile |  | Cell |  |
| Reference number given*(If any)* |  |
| **PART E: COMPLAINTS***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)*  |
|  |
|  |
|  |
|  |
| Date on which request for access to records submitted |  |
| Please specify the nature of the right(s) to be exercisedor protected if a complaint is against a private body |  |
| Have you attempted to resolve the matter with theorganisation? |  |
| If yes, when did you receive it?*(Please attach the letter to this application)* |  |
| Did you appeal against a decision of the Information Oﬃcer of a 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 the matter was adjudicated by the Court? Please attach a Court Order, if there is any. |  |

|  |
| --- |
| **PART F: DETAILED TYPE OF ACCESS TO RECORDS***(Please select one or more of the following to describe your complaint to the Information Regulator))* |
| 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 was 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 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 the 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 was 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 was 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 was 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 the requested records do not exist, however more records 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. 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 (No. 4 of 2013) (POPIA). 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 authorise 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, or witness) who has information that is 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*