

# Promotion of Access to Information Act (PAIA) manual

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*In terms of Section 51 of the Promotion of Access to Information Act 2 of 2000.*

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## Introduction

This manual intends to foster a culture of transparency and accountability by setting out how we protect and give access to information that is needed to exercise or protect any right. We also want to actively promote a society in which the people of South Africa have effective access to information to allow them to more fully exercise and protect their rights. This manual explains how you can submit requests for access to records in terms of the Promotion of Access to Information Act 2 of 2000 (the Act).

To promote effective governance of private bodies, it's necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act so they can exercise their rights in relation to public and private bodies.

Section 9(b) of the Act recognises that there are limits to the information people or organisations can request. These justifiable limits include the following, but there could be other cases where information can't be shared:

- Limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient good governance; and
- Limits that balance the right to access to information with any other rights, including rights in the Bill of Rights in Chapter 2 of the Constitution.

To balance these rights, we'll evaluate all requests for access to information individually and in line with the Act. You can request a copy of this manual by emailing our Information Officer at [InformationOfficer@discovery.bank](mailto:InformationOfficer@discovery.bank).



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## Purpose of the PAIA manual

We drafted this manual in line with Section 51 of the Act with the intention of:

- Providing a description of the records held by Discovery Bank and on behalf of Discovery Bank;
- Setting out why we can refuse to give you access to any records; and
- Outlining the procedure and the associated fees when requesting access to records.

## Contact details

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### General contact details

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|                  |                                  |
|------------------|----------------------------------|
| Company name     | Discovery Bank Limited           |
| Postal address   | PO Box 786722, Sandton, 2196     |
| Physical address | 1 Discovery Place, Sandton, 2196 |
| Telephone number | 0800 07 96 97                    |
| Fax number       | 011 324 4800                     |

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### PAIA coordinator contact details

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|                  |                                   |
|------------------|-----------------------------------|
| Postal address   | PO Box 786722, Sandton, 2196      |
| Physical address | 1 Discovery Place, Sandton, 2196  |
| Telephone number | 011 529 1459                      |
| Email address    | InformationOfficer@discovery.bank |

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### Deputy PAIA coordinator contact details

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|                  |                                   |
|------------------|-----------------------------------|
| Postal address   | PO Box 786722, Sandton 2196       |
| Physical address | 1 Discovery Place, Sandton 2196   |
| Telephone number | 011 529 2772                      |
| Email address    | InformationOfficer@discovery.bank |

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## South African Human Rights Commission: The PAIA Unit

The South African Human Rights Commission compiled an official guide that contains information to assist a person wishing to exercise their right of access to information in terms of the Act. The same process applies to information sought in terms of POPIA. The guide on how to use the Act is available at [www.sahrc.org.za](http://www.sahrc.org.za).

As of 30 June 2021, the Information Regulator will take over regulatory duties (mandate functions) relating to the Act.



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## Information Regulator details:

The Information Regulator (South Africa)  
Postal address: PO Box 31533, Braamfontein, 2017  
Telephone number: +27 10 023 5207  
Fax number: +27 11 403 0668  
PAIA complaints email: PAIAComplaints.IR@justice.gov.za  
POPIA complaints email: POPIAComplaints.IR@justice.gov.za  
General enquiries email: infoereg@justice.gov.za

## Records of Discovery Bank

Discovery Bank will treat all your personal records as confidential, even if you are no longer a client. As a rule, we won't share anything about your accounts, name or address with anyone, including other companies in the Discovery Group, without your consent. By law, there are only four exceptional situations when we will share your information without written permission.

We have to share your information:

1. Because of a court case or we are legally compelled to do so;
2. If it is in the public interest to disclose information;
3. If our interests require disclosure (this will not be used as a reason for sharing information about you or your accounts such as your name and address) to anyone else including other companies in the Discovery Group for marketing purposes); and
4. You ask us to share your information or give us written permission to share your information.

Section 50 of the Act states that the person requesting information has access to any record of a private body if:

- That record is necessary for the exercise or protection of any right; or
- That person complies with the procedural requirements in the Act relating to a request for access to that record; or
- There is a refusal that's not in terms of the grounds for refusal in Part 3, Chapter 4 of the Act.

We may refuse to give you access to documents depending on the situation. We set out and explain these reasons in Section 5 of this manual.

We broadly classify and group records according to the following subjects and categories:

### Personnel records:

- Personal records that personnel provide;
- Records that a third party (external company or person) provides relating to personnel;
- Conditions of employment and other personnel-related contracts and quasi-legal records;
- Internal evaluation records and other internal records;
- Letters and documents relating to personnel; and
- Training schedules and material.

*'Personnel'* refers to any person who works for or provides services to or on behalf of Discovery Bank. This person is paid for their work or should be paid for their work. Personnel also includes any other person who assists in carrying out or conducting the business of Discovery Bank as well as, without limitation, the trustees, all permanent, temporary and part-time staff, and contract workers.



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## Client-related records:

- Records a client or secondary cardholder provides to Discovery Bank;
- Records a client or secondary cardholder provides to a third party (external person or organisation) acting for or on behalf of Discovery Bank;
- Records a third party provides concerning a client or secondary cardholder;
- Records generated by or within Discovery Bank relating to a client or secondary cardholder.

'Client' refers to any natural or juristic entity that receives services from Discovery Bank. This includes prospective clients who submit applications to Discovery Bank, but which or who ultimately don't become Discovery Bank clients.

## Discovery Bank records:

These records include, but are not limited to, the records which affect Discovery Bank's own affairs:

- Financial records;
- Strategic records;
- Operational records;
- Information technology policies and procedures; and
- Other policies and procedures.

## Other party records:

Discovery Bank may possess records affecting other parties including, but not limited to, contractors, suppliers, and service providers. These other parties can have records that belong to Discovery Bank such as:

- Personnel, client, or private body records which another party holds, as opposed to the records Discovery Bank holds;
- Records held by Discovery Bank relating to other parties, including without limitation, financial records, correspondence, contractual records, records the other party provides, and records third parties provide about contractors or suppliers.

## Grounds for refusal to access records

Discovery Bank may refuse a request for information in these circumstances:

### Compulsory protection of privacy of a third party who is a natural person:

In South African law, '*natural person*' means an ordinary person as opposed to a legal entity like a company. We may refuse a request for access to records if sharing it would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

### Compulsory protection of commercial information of a third party:

We may refuse a request for access to records if the record contains:

- Trade secrets of a third party (external person or organisation);
- Financial, commercial, scientific or technical information, other than trade secrets, of a third party if sharing the information would be likely to cause harm to the commercial or financial interests of that third party; or
- Confidential information a third party supplies of which the disclosure could reasonably:
  - Put that third party at a disadvantage in contractual or other negotiations; or
  - Put that third party at a disadvantage in commercial competition.



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## **We have to protect certain confidential information about a third party:**

We may refuse a request for access to records if sharing them would go against our duty of keeping an organisation or person's information confidential according to an agreement.

## **Compulsory protection of the safety of individuals, and protection of property:**

We may refuse a request for access to records:

- If sharing it could reasonably endanger the life or physical safety of an individual; or
  - If sharing it would be likely to cause harm to or impair the security of:
    - A building, structure or system, including, but not limited to, a computer or communication system;
    - A means of transport; or
    - Any other property.
- If keeping the information confidential protects methods, systems, plans or procedures to protect an individual in line with a witness protection scheme; or
- To protect the safety of the public, or any part of the public, or the security of property.

## **Compulsory protection of records privileged from production in legal proceedings:**

We may refuse a request for access to records if the record is privileged from production in legal proceedings unless the person entitled to the privilege gives us written permission to share the record.

## **Commercial information of a private body:**

We may refuse a request for access to records if the record:

- Contains trade secrets of the private body;
- Contains financial, commercial, scientific or technical information, other than trade secrets of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body;
- Contains information, which if shared could reasonably be expected:
  - To put the private body at a disadvantage in contractual or other negotiations; or
  - To prejudice the body in commercial competition.
- Is a computer program, as defined in section 1(1) of the Copyright Act 98 of 1978 as amended, owned by the private body, except when necessary to give access to a record to which access is granted in terms of this Act.

## **Compulsory protection of research information of a third party and protection of research information of a private body:**

We may refuse a request for access to records if the record:

- Contains information about research being carried out or going to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose:
  - The third party;
  - A person that is or will be carrying out the research on behalf of the third party; or
  - The subject matter of the research, to serious disadvantage.
- Contains information about research being or to be carried out by or on behalf of the private body, the disclosure of which would be likely to expose:
  - The private body;
  - A person that is or will be carrying out the research on behalf of the private body; or
  - The subject matter of the research – to serious disadvantage.



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We may refuse a request for access to records that are made jokingly or upsetting or which involve an unreasonable diversion of resources.

## Access to records that Discovery Bank holds

You can only request access to Discovery Bank records if you meet certain requirements.

There are two types of requesters:

### Personal requester:

A *'personal requester'* is a requester who wants access to a record containing personal information about themselves. Discovery Bank will willingly provide the requested information or give access to any record about the requester's personal information. We'll charge a set fee for making a copy of this information.

### Other requester:

This requester (other than a personal requester) can request access to information about third parties. However, Discovery Bank does not have to grant access without a valid legal reason for doing so. The requester must meet the procedural requirements for access in terms of the Act, including paying a request and access fee.

## Request procedure

A requester requiring access to information Discovery Bank holds or any other party on behalf of Discovery Bank, must complete the prescribed online form (see [Annexure A](#)), submit it to the Information Officer by email to [InformationOfficer@discovery.bank](mailto:InformationOfficer@discovery.bank) and pay the request fee, if there is one.

When you fill in the prescribed form, it must allow us to at least identify:

- The record or records requested;
- The identity or records requested;
- An email address or telephone number.

The requester must also:

- State that they require the information to exercise or protect a right;
- Clearly state the nature of the right to be exercised or protected. The requester must also clearly set out why the record is necessary to exercise or protect a legal right.

Discovery Bank will process the request within 30 days unless the requester has given us special reasons for needing the information sooner and our Information Officer agrees to give the information sooner.

We'll use our digital channels to inform the requester if we grant or deny access. If the requester needs to receive the reasons for our decision through any other channel (such as post), they must tell us how they would like to receive the information and include the necessary contact details.

If a request is on behalf of another person, then the person requesting access to the information must give us proof that they are acting on behalf of another person and tell us why they are acting on their behalf (in which capacity) to the reasonable satisfaction of the Information Officer.

We can only process requests for records that exist when we receive the request. Also, these requested records must be in Discovery Bank's possession or under our control for us to provide them. If this is not the case, requests must be made to the person or organisation who currently holds or controls the record.



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If an individual can't complete the prescribed form because of illiteracy or disability, they may make the request orally. The requester must pay the prescribed fee before we can go any further with the request process.

## Decision

Discovery Bank will, within 30 days of receiving the request, decide whether to grant or decline the request and give notice with reasons (if necessary).

The 30-day period which Discovery Bank has to decide whether to grant or refuse the request may be made longer if the request is for a large volume of information or whether the request requires a search for information and the information can't reasonably be obtained within the original 30-day period. The Information Officer will use our digital channels to notify the requester in writing if there needs to be an extension.

## Who we'll supply personal information to

Depending on the nature of the data, and the request, Discovery Bank may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators, or judicial commissions of enquiry requesting data (for example, the National Credit Regulator in terms of the National Credit Act 34 of 2005);
- Any court, administrative or judicial forum, arbitration or statutory commission, or ombudsman making a request for data or discovery in terms of the relevant rules (that is the Competition Commission in terms of the Competition Act 89 of 1998);
- South African Revenue Services or similar authorities;
- Third parties that have a contractual relationship with Discovery Bank for the retention of data (for example, third-party archiving services);
- Research or academic institutions;
- Auditing and accounting bodies (internal and external);
- Anyone making a successful application for access in terms of PAIA;
- Subject to the provisions of POPIA and the National Credit Act 34 of 2005, Discovery Bank may share information about a client's creditworthiness with any credit bureau or credit provider, industry association or other association for an industry in which Discovery Bank operates.

## Remedies available when Discovery Bank refuses a request for information

The decision made by the Information Officer is final.

A requester or a third party who is not satisfied with the Information Officer's refusal to disclose information, may within 30 days of being notified of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

## Fees

The Act provides for two types of fees, namely:

- A request fee, which is a standard fee; and
- An access fee, which we calculate by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.



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When the Information Officer receives the request, they will inform the requester, to pay the prescribed request fee (if any), before processing the request further (see [the fees in Annexure B](#)).

The Information Officer withholds the records until the requester has paid the necessary fees.

A requester who we grant the request to access a record, must pay an access fee for reproduction, for search and preparation, and for any time reasonably necessary that is more than the prescribed hours to search for and prepare the record for disclosure – including making arrangements to make it available in the requested form.

If the requester pays a deposit for a request for access that we refuse, then the Information Officer will refund the deposit to the requester.

## Reproduction fees

If Discovery Bank has given the Minister a list of categories of records that will be automatically available to any person requesting access, the only charge possible for obtaining such records will be a fee for reproducing the record.





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## Annexure A: Prescribed form for the requester to complete

### Form C – Request for access to records Discovery Bank holds

*This form is in terms of Section 53(1) of the Promotion of Information Act 2 of 2000.*

#### Discovery Bank details:

The Information Officer  
Discovery Bank  
Postal address: PO Box 786722, Sandton, 2196  
Physical address: 1 Discovery Place, Sandton, 2196  
E-mail address: InformationOfficer@discovery.bank

#### Details of the person requesting the information:

Full name and surname \_\_\_\_\_

#### Note:

1. Please fill in the details of the person who is requesting access to the records.
2. If you are requesting records on behalf of someone else, please state in what capacity you do so (for example, lawyer or family member).
3. Please fill in an email address for us to send the information to.

Identity number \_\_\_\_\_

Telephone number \_\_\_\_\_

Email address \_\_\_\_\_

#### Details of the person on whose behalf you are making the request (please complete this section only if you are requesting information on behalf of someone else):

Full name and surname \_\_\_\_\_

Identity number \_\_\_\_\_

In what capacity you make this request \_\_\_\_\_

#### Details about the record (the requester must sign all the pages that make up the request):

- Provide details of the record to which access is necessary, including a reference number, if possible.
- If there is not enough space, please continue on a separate page and attach it to this form.



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**Description of the record or relevant part of the record:**

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Reference number, if applicable \_\_\_\_\_

**Any further details about the record:**

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**Fees:**

- We'll only process a request for access to a record, other than a record containing personal information about yourself, after payment of a request fee.
- The fee depends on the reasonable time necessary to search for and prepare a record.
- If you qualify to not pay the fee, please state the reason.

**Reason for the exemption from paying the prescribed fee:**

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## Form of access

|  |  |                          |   |
|--|--|--------------------------|---|
| If you have a disability and can't access the record by reading, viewing or listening to it, state the disability and indicate how you would like to receive the record:   |  |                          |   |
| <b>Disability</b>  |  |                          |   |
| <b>Form to receive the record</b> (for example, in Braille)  |  |                          |   |
| <b>Mark the appropriate box with an X</b>  |  |                          |   |
| <b>Note:</b>   |  |                          |   |
| <ul style="list-style-type: none"> <li>▪ Your preferred access method depends on how the record is available. Discovery Bank sends all records by email.</li> <li>▪ Access in the manner requested may be refused under certain circumstances. In such an instance, we'll inform you if you'll receive access in another form.</li> <li>▪ The fee to access the record, if any, will be determined in part by the form in which you want to receive the record.</li> </ul> |  |                          |   |
| <b>1. If the record is written or printed</b>  |  |                          |   |
| <input type="checkbox"/>   | Copy of record                             | <input type="checkbox"/> | View record   |
| <b>2. If the record consists of visual images</b> (such as photographs, slides, video recordings, computer-generated images, sketches)   |  |                          |   |
| <input type="checkbox"/>   | View the images                            | <input type="checkbox"/> | Copy of the images  |
| <input type="checkbox"/>   |  | <input type="checkbox"/> | Transcription of the images                               |
| <b>3. If the record consists of recorded words or information which can be reproduced in sound</b>   |  |                          |   |
| <input type="checkbox"/>   | Listen to the soundtrack (voice recording) | <input type="checkbox"/> | Transcription of soundtrack (written or printed document) |
| <b>4. If the record consists of recorded words or information which can be reproduced in writing</b>   |  |                          |   |
| <input type="checkbox"/>   | Printed copy of record                     | <input type="checkbox"/> | Printed copy of information derived from the record       |
| <input type="checkbox"/>   |  | <input type="checkbox"/> | Copy in computer-readable form                            |



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If there isn't enough space, please continue on a separate page and attach it to this request. The requester must sign all the additional pages.

You'll receive a notification in writing whether we approve or decline your request. If you want us to tell you the decision telephonically, please give us your contact details.

## Details of the right to be exercised or protected

**Explain which right is to be exercised or protected:**

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**Explain why the requested record is required for the exercising or protection of this right:**

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## Notice of the decision concerning the request for access

**How you would like us to inform you of the decision regarding your request for access to the record:**

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
*Signature of data subject/designated person*



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## Reference number

|  |     |    |
|--|-----|----|
| Request received by<br><br>Information officer<br>Discovery Bank Limited |     |    |
| Request approved   | Yes | No |
| Declined   | Yes | No |
| If declined, letter was sent on  |     |    |

## Fees

|                           |  |
|---------------------------|--|
| Request fee (if any)      |  |
| Deposit (if any)          |  |
| Access fee                |  |
| Total fees                |  |
| Confirmation of fees paid |  |

\_\_\_\_\_  
 Signature of the Information Officer



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## Annexure B: Fees

### Copies of this PAIA manual

- Copies of this manual are R1.10 for every A4 page.

### Reproduction fees:

Please note that we have set out these fees in line with the Act. However, Discovery Bank only sends records through our digital channels.

| Type of record  | Fees           |
|---|----------------|
| Every photocopy of an A4 page   | R1.10          |
| Every printed copy of an A4 page from a computer or in electronic or computer-readable form                   | R0.75          |
| For a copy in a computer-readable form on:  |                |
| ▪ Stiffy disc   | R7.50          |
| ▪ Compact disc  | R70.00         |
| A transcript of visual images for an A4 page  | R40.00         |
| A copy of visual images   | R60.00         |
| A transcript of an audio record for an A4 page  | R20.00         |
| To search for a record that must be disclosed (per hour or part of an hour reasonably required for searching) | R30.00 an hour |
| If a copy or a record needs to be posted, the requester has to pay the actual postal fee.                     |                |

### Request fees:

If a requester submits a legitimate request for access to information from Discovery Bank about someone other than the requester, they have to pay a request fee of R50.00 upfront.

### Access fees:

An access fee applies in all instances where we grant a request for access to information, except in those instances where payment of an access fee is specifically excluded in terms of the Act or the Minister determines an exclusion in terms of Section 54(8) of the Act.



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The applicable access fees are:

| Type of record  | Fees           |
|---|----------------|
| Every photocopy of an A4 page   | R1.10          |
| Every printed copy of an A4 page from a computer or in electronic or computer-readable form                   | R0.75          |
| For a copy in a computer-readable form on:  |                |
| ▪ Stiffy disc   | R7.50          |
| ▪ Compact disc  | R70.00         |
| A transcript of visual images for an A4 page  | R40.00         |
| A copy of visual images   | R60.00         |
| A transcript of an audio record, for an A4 page   | R20.00         |
| To search for a record that must be disclosed (per hour or part of an hour reasonably required for searching) | R30.00 an hour |
| If a copy or a record needs to be posted, the requester has to pay the actual postal fee.                     |                |

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## Annexure C: Form for objecting to the processing of personal information

### Form 1 – Objection to the processing of personal information

*This form is in terms of Section 11(3) of the Protection of Personal Information Act 4 of 2013 and regulations relating to the protection of personal information, 2018.*

[Regulation 2]

**Note:**

1. You may attach affidavits or other documentary evidence to support the objection.
2. If the space provided in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete what applies to you.

**A. Details of data subject:**

Name(s) and surname/registered name of data subject \_\_\_\_\_

Unique identifier or identity number \_\_\_\_\_

Residential, postal or business address \_\_\_\_\_

\_\_\_\_\_ Code \_\_\_\_\_

Contact number(s) \_\_\_\_\_

Email address \_\_\_\_\_

**B. Details of the responsible party:**

Name(s) and surname/registered name of responsible party \_\_\_\_\_

Residential, postal or business address \_\_\_\_\_

\_\_\_\_\_ Code \_\_\_\_\_

Contact number(s) \_\_\_\_\_

Email address \_\_\_\_\_





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## C. Reasons for objection in terms of Section 11(1)(d) to (f):

*(Please provide detailed reasons for the objection)*

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
*Signature of data subject/designated person*



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## Annexure D: Form for correcting or deleting personal information or destroying records of personal information

### Form 2 – Request for correction or deletion of personal information or destroying record of personal information

*This form is in terms of Section 24(1) of the Protection of Personal Information Act 4 of 2013 and regulations relating to the protection of personal information, 2018 [Regulation 3].*

*Where we can't delete your personal information, we'll take all steps reasonably possible to make it anonymous. You agree that we may keep your personal information until you ask us to delete or destroy it unless the law requires us to keep it.*

**Note:**

1. You may attach affidavits or other records to support the objection.
2. If there isn't enough space in this document, submit information as an annexure to this form and sign each page.
3. Complete what applies to you.

**Request for:**

| <b>Mark the appropriate box with an X</b>   |                          |
|---|--------------------------|
| Correction or deletion of the personal information about the data subject that the responsible party possesses or controls.   | <input type="checkbox"/> |
| Destroying or deletion of a record of personal information about the data subject that the responsible party possesses or controls and the responsible party is no longer authorised to retain the record of information. | <input type="checkbox"/> |

**A. Details of data subject:**

Name(s) and surname or registered name of data subject \_\_\_\_\_

Unique identifier or identity number \_\_\_\_\_

Residential, postal or business address \_\_\_\_\_

\_\_\_\_\_ Code \_\_\_\_\_

Contact number(s) \_\_\_\_\_

Email address \_\_\_\_\_

**B. Details of the responsible party:**

Name(s) and surname or registered name of responsible party \_\_\_\_\_

Residential, postal or business address \_\_\_\_\_

\_\_\_\_\_ Code \_\_\_\_\_

Contact number(s) \_\_\_\_\_

Email address \_\_\_\_\_



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C. Information to be corrected, deleted, destructed, or destroyed:

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D. Reasons for correcting or deleting the personal information about the data subject in terms of Section 24(1)(a) that the responsible party possesses and controls.

If relevant, also provide reasons for destroying or deleting a record of personal information about the data subject in terms of Section 24(1)(b) that the responsible party no longer has authorisation to retain:

*(Please provide detailed reasons for the request)*

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
*Signature of data subject/designated person*

