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## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1383

14 DECEMBER 2018

### INFORMATION REGULATOR

### PROTECTION OF PERSONAL INFORMATION ACT, 2013

(ACT NO. 4 OF 2013):

### REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION

The Information Regulator has, under section 112(2) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), made the regulations in the Schedule.

### SCHEDULE

#### Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates:

“**data message**” includes a data message as defined in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

“**form(s)**” as referred to in these Regulations, means a form referred to in the annexures to these Regulations or any form which is substantially similar to that form;

“**signature**” includes an electronic signature as defined in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)

"submit" means submit by-

- (a) data message;
- (b) electronic communication;
- (c) registered post;
- (d) electronic mail;
- (e) facsimile; and
- (f) personal delivery.

"the Act" means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);  
and

"writing" includes writing as referred to in section 12 of the Electronic Communications  
and Transactions Act, 2002 (Act No. 25 of 2002).

### **Objection to the processing of personal information**

2. (1) A data subject who wishes to object to the processing of personal information in terms of section 11(3)(a) of the Act, must submit the objection to the responsible party on **Form 1**.

(2) The responsible party, or a designated person, must render such reasonable assistance as is necessary, free of charge, to enable the data subject to make an objection on **Form 1**.

### **Request for correction or deletion of personal information or destruction or deletion of record of personal information**

3. (1) A data subject who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information in terms of section 24(1) of the Act, must submit a request to the responsible party on **Form 2**.

(2) The responsible party, or a designated person, must render such reasonable assistance, as is necessary free of charge, to enable a data subject to complete **Form 2**.

### **Responsibilities of Information Officers**

4. (1) An information officer must, in addition to the responsibilities referred to in section 55(1) of the Act, ensure that-

(a) a compliance framework is developed, implemented, monitored and maintained

(b) a personal information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;

(c) a manual is developed, monitored, maintained and made available as prescribed in sections 14 and 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

(d) internal measures are developed together with adequate systems to process requests for information or access thereto; and

(e) internal awareness sessions are conducted regarding the provisions of the Act, regulations made in terms of the Act, codes of conduct, or information obtained from the Regulator.

(2) The information officer shall upon request by any person, provide copies of the manual to that person upon the payment of a fee to be determined by the Regulator from time to time.

### **Application for issuing code of conduct**

5. A private or public body which is sufficiently representative of any class of bodies, or of any industry, profession, or vocation that wishes to apply for the issuing of a code of conduct in terms of section 61(1)(b) of the Act, must submit an application to

the Regulator on **Form 3**.

### **Request for data subject's consent to process personal information**

6. A responsible party who wishes to process personal information of a data subject for the purpose of direct marketing by electronic communication must in terms of section 69(2) of the Act submit a request for written consent to that data subject on **Form 4**.

### **Submission of complaint**

7. (1) Any person who wishes to submit a complaint contemplated in section 74(1) of the Act must submit such a complaint to the Regulator on **Part I of Form 5**.

(2) A responsible party or a data subject who wishes to submit a complaint contemplated in section 74(2) of the Act must submit such a complaint to the Regulator on **Part II of Form 5**.

### **Regulator acting as conciliator during investigation**

8. (1) If during the investigation of a complaint the Regulator decides to act as a conciliator in terms of section 76(1)(b) of the Act, and convene a conciliation meeting, the Regulator must, as soon as it is practically possible, inform the data subject and the responsible party implicated in the complaint on **Form 6** of the following:

- (a) the Regulator's decision to act as a conciliator in the matter; and
- (b) the date, time and place of the conciliation meeting.

(2) The Regulator-

(a) may consolidate separate complaints, which are alleged to relate to the same interference with the protection of personal information by the same responsible party, in order to deal with the complaints in the same conciliation proceedings;

- (b) must ensure that all persons entitled to attend the conciliation meeting are notified within a reasonable time, of the date, time and place of the meeting;
  - (c) may request all the relevant documentation relating to the complaint from the data subject and the responsible party; and
  - (d) may confer with the parties in person, by electronic communication means, or by any other means as is deemed appropriate.
- (3) Where a conciliation meeting fails to take place, the Regulator must arrange for an alternative date and notify the persons entitled to attend the conciliation meeting accordingly.
- (4) The Regulator must issue a conciliation certificate on **Form 7** within a reasonable time after the date of the conclusion of the conciliation meeting.
- (5) If the complaint is not resolved, or either or both of the parties did not attend a conciliation meeting, the Regulator must proceed with the complaint as provided for in terms of section 76 of the Act.

### **Pre-investigation proceedings of Regulator**

9. (1) If the Regulator intends to investigate any matter contemplated in Chapter 10 of the Act, the Regulator must in terms of section 79 of the Act, notify the parties to whom the investigation relates of such intention on **Part I of Form 8** prior to conducting the investigation.
- (2) The Regulator must inform the responsible party to whom the investigation relates on **Part II of Form 8** of the complaint, or the subject matter of the investigation, and must inform the responsible party of the right to submit a written response to the complaint or the subject matter of the investigation within the time allocated by the Regulator.

## Settlement of complaints

10. (1) If it appears from a complaint or any written reply to the complaint under section 79(b)(ii) of the Act or during a conciliation meeting, that it may be possible to secure a settlement between the parties and if appropriate, satisfactory assurances as contemplated in section 80 of the Act, the Regulator may confer with the parties in person, by electronic communication means, or by any other means as is deemed appropriate to endeavour to obtain a settlement and if appropriate, satisfactory assurances as contemplated in section 80 of the Act.

(2) If during the process referred to in sub-regulation (1) the Regulator decides to convene a settlement meeting, the Regulator must, as soon as it is practically possible, inform the data subject and the responsible party on **Form 9** of the date, time and place of the settlement meeting.

(3) For the purpose of settlement proceedings, the Regulator has the same powers of a conciliator contemplated in sub-regulations (2) to (3) of Regulation 8. (4) The Regulator must issue a settlement certificate on **Form 10** within a reasonable time after the date of the conclusion of the settlement meeting.

(5) If no settlement and assurance is secured or if either or both of the parties did not wish to attend a settlement meeting, the Regulator must proceed with the matter as provided for in terms of section 76 of the Act.

## Assessments

11. (1) A request for an assessment in terms of section 89(1) of the Act must be submitted to the Regulator on **Part 1 of Form 11**

(2) The Regulator must inform the requester on **Part II of Form 11** if it has decided to conduct an assessment on-

(a) its own initiative; or

(b) as requested in terms of sub-regulation (1);

within a reasonable time from the date that the decision was made,

(3) The period of assessment will be determined by the Regulator on a case by case basis.

(4) The Regulator must notify the requester or the responsible party (if not the requester) of any decision made, or action taken, or view formed on **Form 12** within a reasonable time from the date that the decision was made or action taken or view formed.

#### **Informing the parties of developments regarding investigation**

**12.** (1) During the course of an investigation, the Regulator must within a reasonable time from the date of a decision being made or action being taken-

(a) keep the complainant, the data subject (if not the complainant) and the responsible party informed of the developments of the investigation; and

(b) inform the complainant, data subject (if not complainant) and the responsible party of the result of the investigation.

(2) The notifications contemplated in sub-regulation (1) must be served at the designated addresses of the complainant, the data subject and the responsible party advising--

(a) on **Form 13** that an enforcement notice will not be issued in terms of section 94(a) of the Act;

(b) on **Form 14** that the complaint has been referred to the Enforcement Committee in terms of section 92 of the Act;

(c) on **Form 15** that an enforcement notice has been served in terms of section 95 of the Act;

(d) on **Form 16** that an enforcement notice had been cancelled or varied in terms of section

96 of the Act;

(e) on **Form 17** that an appeal has been lodged against an enforcement notice for cancellation or variation of the notice in terms of section 97 of the Act;

(f) on **Form 18** that an appeal against an enforcement notice has been allowed and that an enforcement notice has been substituted in terms of section 98 of the Act; or

(g) on **Form 19** that an appeal has been dismissed in terms of section 98 of the Act.

### **Short title**

**13. These Regulations shall be called the** Regulations relating to the Protection of Personal Information, 2018 and shall commence on a date to be determined by the Regulator by proclamation in the Government Gazette.



**FORM 1**  
**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF**  
**SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.**  
**4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
 [Regulation 2]

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)</b>


Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/designated person*

**FORM 2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

**Request for:**

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	

Fax number/ E-mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
<b>D</b>	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or</b> <b>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b> <i>(Please provide detailed reasons for the request)</i>

Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/ designated person*

**FORM 3****APPLICATION FOR THE ISSUE OF A CODE OF CONDUCT IN TERMS OF SECTION 61(1)(b) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)****REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 5]

<b>A</b>	<b>DETAILS OF PRIVATE OR PUBLIC BODY</b>
Name of the body:	
Private / Public body	
List the class of body or any industry size, profession, or vocation, you represent: <i>(Attach proof of representation)</i>	
Total number of members of industry, or any class of bodies, profession or vocation:	
Proportion of representation (expressed as a percentage) in the industry, class of bodies, profession or vocation <i>(Attach proof of representation)</i> :	
Business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>B</b>	<b>DETAILS OF PERSON WHO COMPLETES THIS FORM</b>
Name(s) and surname of person completing this form:	
Capacity in body:	

Does the person completing this Form have the authorisation of the body he/she represents to lodge this application? ( <i>Attach authorisation</i> )	
Business address ( <i>if different from body's address</i> ):	Code (      )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR APPLICATION FOR INFORMATION REGULATOR TO ISSUE A CODE OF CONDUCT</b> ( <i>Please provide detailed reasons for the request and supporting documentation</i> )

Signed at ..... this ..... day of .....20.....

.....  
*Signature of the person completing the form*

**FORM 4**

**APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 6]

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(Name of data subject)*

FROM: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact number(s): \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_  
*(Name, address and contact details of responsible party)*

Full names and designation of person signing on behalf of responsible party:

\_\_\_\_\_

.....  
*Signature of designated person*

Date: \_\_\_\_\_

**PART B**

I, \_\_\_\_\_ *(full names of data subject)* hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

**SPECIFY GOODS or SERVICES:**

**SPECIFY METHOD OF COMMUNICATION:** FAX:

E - MAIL:

SMS:

OTHERS – SPECIFY:

Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject*



**FORM 5**

**COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION/COMPLAINT REGARDING DETERMINATION OF AN ADJUDICATOR IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 7]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

**Complaint regarding:**

Alleged interference with the protection of personal information

Determination of an adjudicator.

PART I	ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION IN TERMS OF SECTION 74(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act No. 4 of 2013)
A	PARTICULARS OF COMPLAINANT
Name(s) and surname / registered name of data subject:	
Unique Identifier/Identity Number:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address :	

<b>B</b>	<b>PARTICULARS OF RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR COMPLAINT</b> <i>(Please provide detailed reasons for the complaint)</i>
<b>PART II</b>	<b>COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR IN TERMS OF SECTION 74(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)</b>
<b>A</b>	<b>PARTICULARS OF COMPLAINANT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>B</b>	<b>PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY</b>
Name(s) and surname of adjudicator:	

Name(s) and surname of responsible party /registered name:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR COMPLAINT</b> <i>(Please provide detailed reasons for the grievance)</i>

Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/ designated person*

**FORM 6**

**NOTICE TO PARTIES: CONCILIATION MEETING REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 76 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 8(1)]

Reference Number \_\_\_\_\_

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	

**KINDLY TAKE NOTE** that the Regulator has decided to act as a conciliator in the matter.

**YOU ARE HEREBY INVITED**

to attend a conciliation meeting at (place) .....on the.....day of  
..... at .....(time) and on any subsequent date that may be required,  
regarding the following matter:

\_\_\_\_\_

\_\_\_\_\_

Kindly confirm your attendance with the Regulator on/before  
\_\_\_\_\_.

Signed at ..... this ..... day of .....20.....

.....  
*Regulator (Represented by)*

**FORM 7**

**NOTICE TO PARTIES: CONCILIATION REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 76 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation 8(4)]**

**CONCILIATION CERTIFICATE**

Reference Number: \_\_\_\_\_

**IN THE MATTER BETWEEN**

**Name(s) and surname of complainant(s) (if not the data subject):**

\_\_\_\_\_

**Name(s) and surname of data subject:**

\_\_\_\_\_

**AND**

**Name(s) and surname of responsible party(s):**

\_\_\_\_\_

**CERTIFICATE OF COMPLETED CONCILIATION**

The complaint number: \_\_\_\_\_

The nature of the complaint:


**THIS IS TO CERTIFY THAT**

\_\_\_\_\_  
(Full names of conciliator)

the dispute has been resolved

the dispute has not been resolved

Signed at..... this ..... day of .....20.....

.....  
Conciliator (Represented by)

**FORM 8**  
**NOTICE TO PARTIES OF INTENTION OF REGULATOR TO INVESTIGATE A COMPLAINT**  
**IN TERMS OF SECTION 79 OF THE PROTECTION OF PERSONAL INFORMATION ACT,**  
**2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
 [Regulation 9]

Reference Number \_\_\_\_\_

PART I	DETAILS OF DATA SUBJECT
<b>A</b>	
Name(s) and surname/registered name of data subject/complainant/aggrieved party:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>NOTICE TO DATA SUBJECT TO WHOM THE INVESTIGATION RELATES (if not the complainant) AND ANY PERSON ALLEGED TO BE AGGRIEVED (if not the complainant) IN TERMS OF SECTION 79(a) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act 4 of 2013)</b>
<b>YOU ARE HEREBY INFORMED THAT:</b>	
The Regulator intends to investigate the following matter:	

Dated at .....on this ..... day of .....20.....  ..... Regulator (Represented by)	
<b>PART II</b>	<b>NOTICE TO RESPONSIBLE PARTY</b>
<b>D</b>	
<b>YOU ARE HEREBY INFORMED THAT:</b>	
The Regulator received a complaint and intends to investigate the following matter:  ..... ..... .....	
(Details of complaint or subject matter of the investigation)	
Kindly note that you have the right to submit to the Regulator, on/before.....(date), a written response in relation to the complaint or subject-matter of the investigation.	
Signed at ..... on this ..... day of .....20.....  ..... Regulator (Represented by)	



**FORM 9**

**NOTICE TO PARTIES: SETTLEMENT MEETING REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 76 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 10]**

Reference Number \_\_\_\_\_

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	

**KINDLY TAKE NOTE** that the Regulator has decided to facilitate a settlement in the matter.

**YOU ARE HEREBY INVITED**

To attend a SETTLEMENT meeting at (place).....on the..... day of ..... at ..... (*time*) and on any subsequent day that may be required, regarding the following matter:

\_\_\_\_\_

Kindly confirm your attendance with the Regulator on/before \_\_\_\_\_.

Signed at ..... this ..... day of .....20.....

.....  
*Regulator (Represented by)*

**FORM 10**

**NOTICE TO PARTIES: SETTLEMENT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 76 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation 10]**

**SETTLEMENT CERTIFICATE**

Reference Number: \_\_\_\_\_

**IN THE MATTER BETWEEN**

**Name(s) and surname of complainant(s) (if not the data subject):**

\_\_\_\_\_

**Name(s) and surname of data subject:**

\_\_\_\_\_

**AND**

**Name(s) and surname of responsible party(s):**

\_\_\_\_\_

**CERTIFICATE OF SETTLEMENT**

The complaint number: \_\_\_\_\_

The nature of the complaint:


**THIS IS TO CERTIFY THAT**

\_\_\_\_\_  
(Full names of conciliator)

has reached a settlement in this matter

The assurances obtained:


has not reached a settlement in this matter

Signed at ..... this ..... day of .....20.....

.....  
Regulator (Represented by)

**FORM 11  
REQUEST FOR AN ASSESSMENT  
SECTION 89(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation 11]**

Reference Number: \_\_\_\_\_

**PART I** **REQUEST FOR AN ASSESSMENT  
IN TERMS OF SECTION 89(1) AND (2) OF THE PROTECTION OF PERSONAL  
INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

A request is hereby made in terms of section 89 of the Protection of Personal Information Act 4 of 2013 that the Information Regulator must assess whether the processing of personal information complies with the provisions of the Act:

**1. CONTACT DETAILS**

**REQUESTER:**

Name(s) and surname: .....

Address: .....

.....

.....

Contact number/s: .....

E-mail address: .....

**RESPONSIBLE PARTY:**

Name(s) and surname: .....

Address: .....

.....

.....

Contact number/s: .....

E-mail address: .....

**2. INFORMATION PROCESSING TO BE ASSESSED**

.....

.....

.....

.....

**3. PERSONS AFFECTED BY THE RELEVANT INFORMATION PROCESSING PRACTICE/S**

.....

.....

.....

.....

**4. THE REASON WHY AN ASSESSMENT IS REQUESTED**

.....

.....

.....

.....

**5. SPECIFIC ASPECTS OF THE PROCESSING OF INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS**

.....  
.....  
.....

**6. PERIOD**

**I first become aware that the processing of information should be assessed on:**

the ..... day of ..... 20.....

**Explain the reasons for the delay (if any) in requesting the assessment:**

.....  
.....  
.....

**7. DATA SUBJECT PARTICIPATION:**

**Does the requester:**

Have the right to access personal information held by the responsible party in terms of section 23 of the Protection of Personal Information Act 4 of 2013:

Yes  No  Not applicable

Have to right to request the responsible party to correct personal information in terms of section 24 of the Protection of Personal Information Act 4 of 2013:

Yes  No  Not applicable

Signed on this \_\_\_ day of \_\_\_\_\_ 20...

\_\_\_\_\_  
Requester

**PART II NOTICE OF A DECISION ON AN ASSESSMENT**  
*(Section 89(1) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013))*

**1. NOTICE OF A DECISION ON AN ASSESSMENT**

The Regulator has decided to conduct an assessment in terms of section 89(1) of the Protection of Personal Information Act 4 of 2013.

**2. INFORMATION PROCESSING TO BE ASSESSED**

.....  
.....  
.....  
.....

**3. PERSONS AFFECTED BY THE RELEVANT INFORMATION PROCESSING PRACTICE/S**

.....  
.....  
.....  
.....

**4. THE REASON WHY AN ASSESSMENT IS TO BE CONDUCTED/ NOT TO BE CONDUCTED**

.....  
.....  
.....  
.....

**5. SPECIFIC ASPECTS OF THE PROCESSING OF INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS**

.....  
.....  
.....  
.....

Signed on this \_\_\_ day of \_\_\_\_\_ 20.....

.....  
Regulator (Represented by)

**FORM 12  
NOTIFICATION  
SECTION 89 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation (11) (4)]**

**Reference number:** \_\_\_\_\_

A request was made in terms of section 89 of the Protection of Personal Information Act 4 of 2013 that the Information Regulator must assess whether the processing of information complies with the provisions of the Act:

**Name(s) and surname of Requester:** .....

**Name(s) and surname of Responsible party:** .....

**Date of assessment:** .....

The Information Regulator hereby wishes to confirm that it formed the following views:

.....  
.....  
.....

The Information Regulator hereby wishes to confirm that it wishes to take no further action in this regard.

The Information Regulator hereby wishes to confirm that it wishes to take the following action in this regard:

.....  
.....  
.....

Signed on this \_\_\_\_\_ day of \_\_\_\_\_ 20.....

.....  
*Regulator (Represented by)*



**FORM 13**

**NOTICE TO PARTIES NOT TO ISSUE AN ENFORCEMENT NOTICE IN TERMS OF SECTION 94 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 12(2)(a)]

Reference number: \_\_\_\_\_

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<p>An investigation has been completed in terms of the Protection of Personal Information Act of 2013. Parties are hereby notified that an enforcement notice will not be issued as no interference with the protection of personal information of a data subject has taken place in terms of section 94(a)</p> <p>Signed at .....on this ..... day of .....20.....</p> <p>.....</p> <p><i>Regulator (Represented by)</i></p>	

**FORM 14**

**REFERRAL TO ENFORCEMENT COMMITTEE IN TERMS OF  
SECTION 92 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)  
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 12(2)(b)]

Reference number: \_\_\_\_\_

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/registered name of data subject/complainant/aggrieved party:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>Complaint received from:</b>	
_____	
(Full name(s) and surname)	
Date received:	
_____	
Responsible party:	
_____	
(Full names)	

An investigation has been completed in terms of Protection of Personal Information Act 4 of 2013.  
Parties are hereby notified that:

Complaint

.....  
.....

Other matter:

.....  
.....

Consideration

.....  
.....

Recommendation

.....  
.....

was as referred to the Enforcement Committee in terms of section 92 on the .....day of .....20.....

.....  
Regulator (Represented by)

**FORM 15  
ENFORCEMENT NOTICE IN TERMS OF SECTION 95 OF THE PROTECTION OF PERSONAL  
INFORMATION ACT 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 12(2)(c)]

Reference number: \_\_\_\_\_

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject/complainant/aggrieved party:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	

**Complaint received by:**

\_\_\_\_\_

(Full name(s) and surname)

Date received:

\_\_\_\_\_

Responsible party:

\_\_\_\_\_

(Full names)

**A. The Enforcement Committee has concluded that the protection of personal information of the data**

**subject has been interfered with as follows:**

- A breach of the conditions for the lawful processing of personal information.
- Non-compliance with the duty to notify security compromises (section 22 of the Protection of Personal Information Act 4 of 2013)
- Non-compliance with the duty of confidentiality (section 54 of the Protection of Personal Information Act 4 of 2013)
- Non-compliance with obligations for direct marketing by means of unsolicited electronic communications (section 69 of the Protection of Personal Information Act 4 of 2013)
- Non-compliance with obligations regarding the inclusion of personal information in directories (section 70 of Protection of Personal Information Act 4 of 2013)
- Non-compliance with obligations regarding automated decision making (section 71 of the Protection of personal Information Act 4 of 2013)
- Non-compliance with obligations regarding personal information outside the (section 72 of the Protection of Personal Information Act 4 of 2013)
- Breach of the provision of a code of conduct issued in terms of section 60: Code of Conduct .....of (Reference .....

**B. The reasons for reaching this conclusion are:**

.....

.....

.....

**C. The responsible party is hereby ordered to:**

.....

.....

.....

Take the following specified steps:

.....

.....

.....

To refrain from taking the following specified steps:

.....

.....

.....

To stop the processing, the following specified personal information:

.....  
.....  
.....

To stop processing of personal information for the following purpose:

.....  
.....  
.....

To stop the processing of personal information in the following manner:

.....  
.....  
.....

**D. Urgency**

The Regulator directs that this notice should be complied with a matter of urgency for the following reasons:

.....  
.....  
.....

**E. Time periods**

The responsible party must comply with this Enforcement Notice and the directives under C after 30 (thirty) working days from receiving this notice.

The responsible party must comply with this Enforcement Notice and the directives under C after 4 (four) working days from receiving this notice.

**F. Right of Appeal**

The responsible party may appeal against this Enforcement Notice within 30 (thirty) working days of receiving this notice.

.....  
Regulator (Represented by)

**FORM 16  
CANCELLATION OR VARIATION OF ENFORCEMENT NOTICE  
SECTION 96 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 12(2)(d)]

Reference number: \_\_\_\_\_

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<p><b>Complaint received by</b> _____ <b>(state name and surname) on</b> _____ <b>date</b> _____.</p> <p><input type="checkbox"/> The application by the responsible party to cancel the Enforcement Notice .... / ..... (reference) issued on the ... day of ..... 20..... has been granted.</p> <p><input type="checkbox"/> The application by the responsible party to vary the Enforcement Notice .... / ..... (reference) issued on t day of ..... 20..... has been granted.</p> <p>This notice replaces the Enforcement Notice ..... / .....(reference) issued on the .....day of .....20.....with the following attached notice..... Reference Number issued .....</p> <p><b>Right of Appeal</b> The complainant may appeal against the variation of the Enforcement Notice within 180 (one hundred and eighty) days of receiving this notice.</p>	

.....  
Regulator (Represented by)



**FORM 17**  
**NOTICE OF APPEAL**  
**SECTION 97 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)**  
**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
 [Regulation 12(2)(e)]

Reference Number: \_\_\_\_\_

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<p><b>Complaint received by</b> _____ <b>(state name and surname) on</b>                  _____ <b>date</b> _____.</p> <p><b>Responsible party:</b></p> <p><input type="checkbox"/> Kindly take note that an APPEAL HAS BEEN LODGED to the High Court against the variation/                  cancellation of an Enforcement Notice .... / ..... (reference) issued on the ... day of ..... 20.....</p> <p><input type="checkbox"/> Kindly take note that an APPEAL HAS BEEN LODGED to the High Court to set aside of an                  Enforcement Notice .... / ..... (reference) issued on the ... day of ..... 20.....</p> <p>.....                  Regulator (Represented by)</p>	



Complaint received by \_\_\_\_\_ (state name(s) and surname) on \_\_\_\_ day  
of \_\_\_\_\_ 20....

**Responsible party:**

The High Court of ..... considered the appeal lodged in terms of notice  
..... The court has held that Enforcement Notice .../..... (reference) issued on the  
... day of ..... 20... is set aside for the following reasons:

.....  
.....  
.....

.....  
*Regulator (Represented by)*

**FORM 19  
NOTICE OF DISMISSAL OF APPEAL  
SECTION 98 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 12(2)(g)]

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<p><b>Complaint received by</b> _____ <b>(state name and surname) on</b> _____ <b>date</b> _____.</p> <p><b>Responsible party:</b></p> <p>Kindly take note that an APPEAL HAS BEEN DISMISSED in the High Court against the variation/ cancellation of an Enforcement Notice ... /... issued on ..... day of ..... 20..... Judgment is attached.</p> <p>..... Regulator (Represented by)</p>	