



**independent police
investigative directorate**

Department:
Independent Police Investigative Directorate
REPUBLIC OF SOUTH AFRICA

Private Bag X941, Pretoria, 0001, 473 Stanza Bopape Street, Benstra Building, Arcadia Pretoria Tel: (012) 399 0026

PAIA MANUAL

**Prepared in terms of section 14 of the
Promotion of Access to Information
Act 2 of 2000 (as amended)**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|----------------------|--|
| 1.1 | “ED” | Executive Director; |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO” | Information Officer; |
| 1.4 | “Minister” | Minister of South African Police Services; |
| 1.5 | “PAIA”
(as | Promotion of Access to Information Act No. 2 of 2000
Amended; |
| 1.6 | “PFMA” | Public Finance Management Act No.1 of 1999 as
Amended; |
| 1.7 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.8 | “Regulator” | Information Regulator; |
| 1.9 | “IPID” | Independent Police Investigative Directorate. |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the nature of the records which may already be available at IPID, without the need for submitting a formal PAIA request;
- 2.2 have an understanding of how to make a request for access to a record of the IPID;
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4 know all the remedies available from the IPID regarding request for access to the records, before approaching the Regulator or the Courts;
- 2.5 the description of the services available to members of the public from the IPID, and how to gain access to those services;
- 2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 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;
- 2.8 know if the IPID 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
- 2.9 know whether the IPID has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

3.1 IPID is established in terms of Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011), is the legislative framework that governs the establishment, functions, and powers of the IPID.

3.2 Objectives /Mandate

3.2.1 Section 206(6) of the Constitution provides that, on receipt of a complaint lodged by a Provincial Executive, an Independent Police Complaints Body established by national legislation must investigate any alleged misconduct of, or offence committed by a member of the police service in the Province.

3.2.2 As a result, the Independent Police Investigative Directorate was established in terms of Section 3(1) of the Independent Police Investigative Directorate Act, 2011 (Act No 1 of 2011), ("the IPID Act").

3.2.3 In addition to the provisions of Section 206(6) of the Constitution, Section 28 of the IPID Act makes provision for investigation of the following crimes allegedly committed by members of the South African Police Service and Metro Police Service: -

- a) any deaths in police custody;
- b) deaths as result of police actions;
- c) any complaint relating to a discharge of an official firearm by any police officer;
- d) rape by a police officer, whether the police officer is on or off duty;
- e) rape of any person while that person is in police custody;
- f) any complaint of torture or assault against a police officer in the execution of his or her duties;
- g) corruption matters within the police initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary, as the case may be; and
- h) any other matter referred to it as a result of a decision by the Executive Director, or if so requested by the Minister, an MEC or

the Secretary as the case may be in the prescribed manner.

3.2.4 Further, Section 28 (2) of the IPID Act provides that the Independent Police Investigative Directorate may investigate matters relating to systematic corruption involving the police.

4. STRUCTURE OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE AND FUNCTIONS

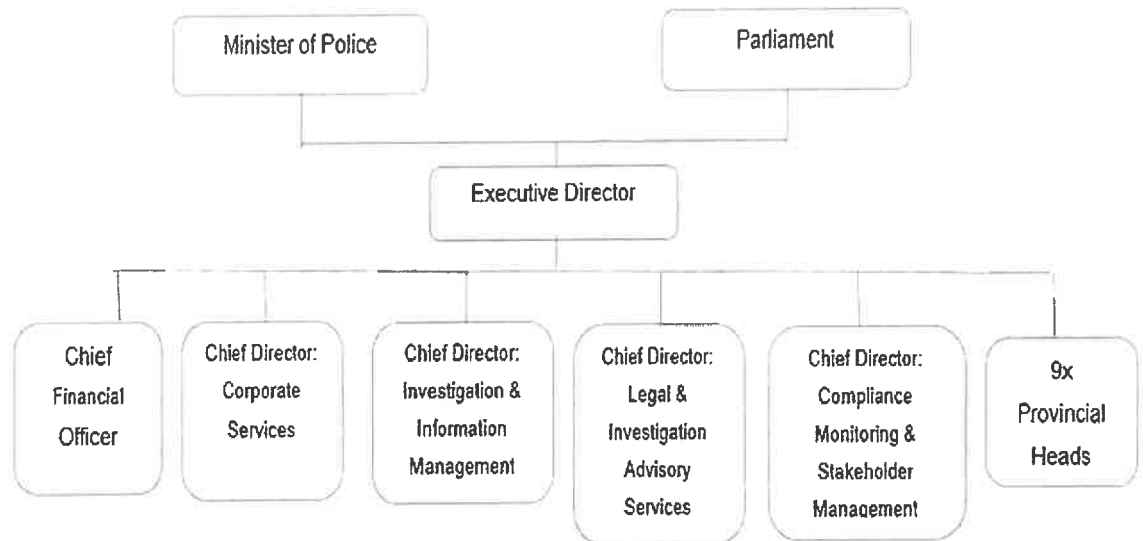
4.1. Structure

4.1.1. The Minister of South African Police is the Executive Authority of the Independent Police Investigative Directorate, (IPID). IPID is composed of four programs headed by Chief Directors with the Executive Director being the Head and the Accounting Officer of the Directorate. The four programs are: -

- (i) Programme 1: Administration
- (ii) Programme 2: Investigation and Information Management
- (iii) Programme 3: Legal and Investigations Advisory Services
- (iv) Programme 4: Compliance Monitoring and Stakeholder Management

4.1.2 In addition, Programme 2 – Investigations and Information Management is supported by Provinces responsible for the investigation of complaints arising from the Provinces. The Provinces are overseen and managed by Provincial Heads.

4.2 Organogram



4.3 THE NAMES OF ALL IPID COMMITTEES

- (i) Appeal Committee
- (ii) Admin Forum Committee
- (iii) Audit Committee
- (iv) Audit Steering Committee
- (v) Bid Adjudication Committee
- (vi) Batho-Pele Committee
- (vii) Bid evaluation Committee
- (viii) Bid Specification Committee
- (ix) Compliance, Ethics and Risk Committee
- (x) Departmental Bargaining Committee
- (xi) Editorial Committee
- (xii) Employment Equity Committee
- (xiii) Executive Committee
- (xiv) Financial Misconduct Committee
- (xv) Budget Control Committee
- (xvi) Firearms Control Committee
- (xvii) Human Resource Plan Committee
- (xviii) ICT Steering Committee
- (xix) Integrity Committee
- (xx) Job Evaluation Committee
- (xxi) Transport, Disposal and Loss Control Committee
- (xxii) Management Committee
- (xxiii) Moderation Committee (Level 1-12)
- (xxiv) Moderation Committee (SMS)
- (xxv) Performance Review Committee
- (xxvi) Procurement Control Committee (General Bid Committee)

- (xxvii) Programme 2 Forum Committee
- (xxviii) Regulation and Policy Committee
- (xxix) Security Committee
- (xxx) Training Committee
- (xxxi) Transport Advisory Committee
- (xxxii) Section 23 Implementation Committee
- (xxxiii) Internal Transfer / Retention Committee
- (xxxiv) Occupation Health and Safety Committee
- (xxxv) Transformation Committee
- (xxxvi) Policy Committee
- (xxxvii) ICT Operational Committee

4.4 FUNCTIONS

PROGRAMME 1: ADMINISTRATION	<ul style="list-style-type: none"> • Provides strategic leadership, management and support services to the Department.
PROGRAMME 2: INVESTIGATION AND INFORMATION MANAGEMENT	<ul style="list-style-type: none"> • Coordinates and facilitates the Department's investigation process through the development of policy and strategic frameworks that guides and report on investigations.
PROGRAMME 3: LEGAL AND INVESTIGATIONS ADVISORY SERVICES	<ul style="list-style-type: none"> • Manage and facilitates the provision of investigation advisory services. Provide legal, civil and labour litigation services.
PROGRAMME 4: COMPLIANCE MONITORING AND STAKEHOLDER MANAGEMENT	<ul style="list-style-type: none"> • Monitor and evaluates the relevance and appropriateness of recommendations made to the South African Police Service and Municipal Police Services in terms of the Independent Police Investigative Directorate Act, 2011.

5 KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

5.1 Information Officer

The Executive Director

Name: Ms D.J Ntlatseng
Tel: +27 12 399 0026
Email: DNtlatseng@ipid.gov.za
Fax number: +27 86 614 1698

5.2 Deputy Information Officer

a) Chief Director: Legal & Investigations Advisory Services

Name: Mr Ms Ramafoko
Tel: +27 12 399 0055
Email: SRamafoko@ipid.gov.za

b) Director: Investigations and Legal Advisory Services

Name: Ms N N Vacu
Tel: +27 12 399 0066
Email: NVacu@ipid.gov.za
Fax Number: +27 86 614 1698

5.3 Access to information general contacts

Email: LegalServices@ipid.gov.za

5.4 National / Head Office

Postal Address: Private Bag X 941
PRETORIA
0001

Physical Address: Independent Police Investigative Directorate
Benstra Building
473 Stanza Bopape Street, Arcadia
Pretoria

Telephone: +27 12 399 0000

Email: LegalServices@ipid.gov.za

Website: www.ipid.gov.za

6 DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE IPID

6.1 Internal Appeal

6.1.1 If dissatisfied with the refusal of access to information and/ or dissatisfied with the extension period and/ or the failure to respond to a request and/ or the fee payable a personal requester may lodge an internal appeal **within sixty (60) days** of refusal and/ or non-response on form "B" available at Legal and Investigations Advisory Services and/ or the Information Regulator.

6.1.2 A third party may lodge an internal appeal **within thirty (30) days** of the decision or outcome of the decision or representations or non-response.

6.1.3 The internal appeal must be addressed to the Minister of South African Police through the office of the Information Officer and/ or Deputy Information Officer. The Information officer or Deputy Information Officer will refer the internal appeal to the Minister **within ten (10) days** of receipt and inform the requester that the appeal has been referred to the Minister and the date of referral.

6.1.4 The Information Officer and/ or Deputy Information Officer will inform the requestor of the decision or outcome of internal appeal **within 5 days** of receiving the Minister's decision/ response.

6.2 Complaints to Information Regulator

6.2.2 If the requestor is aggrieved by the decision/ outcome of the Information Officer and/ or the Minister in the Internal appeal. Not satisfied with the decision of refusal of access to information and/ or dissatisfied with the extension period and/ or the failure to respond to a request and/ or the

fee payable a personal requester and/ or third party may lodge a complaint in writing to the Information Regulator **within hundred and eighty (180) days** of internal appeal decision/ outcome of refusal and/ or non-response on form “B” available at Legal and Investigations Advisory Services and/ or the Information Regulator.

6.2.3 The complaint must allege that the decision of the Information Officer and/ or Deputy Information Officer and/ or Minister was not in compliance with the PAI Act.

6.3 Application to Court (Review)

6.2.1 A personal requester and a third party may approach court for review if still dissatisfied with the response of the Minister **within hundred and eighty (180) days** of the decision or outcome of the internal appeal or Complaint to the Information Regulator.

7 GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

7.1 The Regulator has, in terms of section 10(1) of PAIA, 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.

7.2 The Guide is available in each of the official languages.

7.3 The aforesaid Guide contains the description of-

7.3.2 the objects of PAIA and POPIA;

7.3.3 the postal and street address, phone and fax number and, if available, electronic mail address of-

(i) the Information Officer of every public body, and

- (ii) every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

7.3.4 the manner and form of a request for-

7.3.4.1 access to a record of a public body contemplated in section 11³;
and

7.3.4.2 access to a record of a private body contemplated in section 50⁴;

7.3.5 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

7.3.6 the assistance available from the Regulator in terms of PAIA and POPIA,

7.3.7 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-

7.3.7.1 an internal appeal;

7.3.7.2 a complaint to the Regulator; and

7.3.7.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*
a) *that record is required for the exercise or protection of any rights;*
b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

decision by the Regulator or a decision of the head of a private body;

7.3.8 the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

7.3.9 the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

7.3.10 the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

7.3.11 the regulations made in terms of section 92¹¹.

7.4 Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

7.5 The Guide can also be obtained-

7.5.2 upon request to the Information Officer or head of the private body, using Form 1 available at <https://inforegulator.org.za/paia-forms/>;

7.5.3 upon request, to the Information Regulator, by sending *Form 1* (a request for a copy of the Guide) to- PAIACompliance@infoRegulator.org.za; and

7.5.4 from the website of the Regulator (<https://inforegulator.org.za/paia-guidelines/>).

8 DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE IPID

8.1 The records/ information indicated hereunder is available on request directed to the Information Office and/ or Deputy Information upon payment of a request and access fee.

Subjects on which the body holds records	Categories of records held on each subject
<p>PROGRAMME 1: Administration</p> <p>Corporate Governance</p> <ul style="list-style-type: none"> ➤ Risks ➤ Financial disclosures <p>Information Communication Technology</p> <ul style="list-style-type: none"> ➤ ICT Governance 	<ul style="list-style-type: none"> ➤ Strategic risk register ➤ Operational risk register ➤ Register with information declared supporting documents. ➤ Report on SMS disclosures and MMS declarations on conflict of interest. ➤ ICTGC Committee appointment letters.

Subjects on which the body holds records	Categories of records held on each subject
<p>➤ ICT</p> <p>Financial Management</p> <p>Human Resource Management & Development</p> <p>➤ Human Resource Development</p>	<ul style="list-style-type: none"> ➤ ICT Governance Charter ➤ Minutes of ICTGC Committee Meetings ➤ Strategic Plan ➤ ICT Implementation Plan ➤ Operational Plan ➤ ICT Reports ➤ ICT Policies ➤ Payroll corticates ➤ Payment batches (BAS and Persal) ➤ Suspense Account Reports ➤ Petty Cash Reports ➤ Finance policies ➤ Tax reconciliation reports (EMP201 & EMP501) ➤ Debtors Statement Reports ➤ Financial Statements ➤ Human resource Development: - Annual Training plan ➤ Annual Training Report ➤ Workplace Skills plan ➤ Bursary awards – award letters, bursary contacts, payment stubs, bursary results ➤ Skills programme, List of implemented training programs, list of employees who attended training ➤ Internship recruitment and selection, ➤ Skills development levy payment: Invoice, Financial Statements (SETA) ➤ Discretionary grant funded projects (DG Agreements, invoices, proof of payments)

Subjects on which the body holds records	Categories of records held on each subject
<ul style="list-style-type: none"> ➤ Service Delivery 	<ul style="list-style-type: none"> ➤ Internship, Learnership and bursary policies ➤ Training Budget and expenditure ➤ Service Delivery commitment charter ➤ Service Delivery Improvement plan ➤ Complaints & Compliments mechanism (Complaints and complements received)
<ul style="list-style-type: none"> ➤ Performance Management & Development System 	<ul style="list-style-type: none"> ➤ Performance Agreements ➤ Performance Assessment Results ➤ Performance Assessment Review minutes ➤ Incentives/ Performance rewards implemented ➤ Performance Management Policy
<ul style="list-style-type: none"> ➤ Employee Health and Wellness 	<ul style="list-style-type: none"> ➤ Pillar Documents ➤ Wellness files and profiles ➤ Disability Information ➤ Special Programs Information
<ul style="list-style-type: none"> ➤ Human Resource Planning 	<ul style="list-style-type: none"> ➤ Policies on HR matters, recruitment & selection, leave, retention, skills development, social matters, performance management, etc ➤ Human Resource Plan ➤ Employment Equity Plan ➤ Employment Equity Targets ➤ Job evaluation results ➤ Job profiles or descriptions ➤ Establishment matters or Structure ➤ Delegation of powers or authority
<ul style="list-style-type: none"> ➤ Human Resource Administration 	<ul style="list-style-type: none"> ➤ Vacancy status, Appointments, Advertisements

Subjects on which the body holds records	Categories of records held on each subject
<ul style="list-style-type: none"> ➤ Conditions of Service 	<ul style="list-style-type: none"> ➤ Selection panels ➤ Shortlisting minutes (scores and criteria) ➤ Submission for appointments ➤ Personal records and appointment records ➤ Leave and Housing files ➤ Leave records, records on payment of unused leave ➤ Acting allowance approvals and acting in higher positions approval ➤ Termination of service records, transfers and movement of personnel ➤ Exit benefit records
<p>Integrity Strengthening</p>	<ul style="list-style-type: none"> ➤ Investigation reports ➤ Search reports ➤ Lifestyle audit investigation reports ➤ Alcohol and drug testing reports
<p>Auxiliary Services</p>	
<ul style="list-style-type: none"> ➤ Transport (Departmental vehicles) 	<ul style="list-style-type: none"> ➤ Trip requests and authorisations ➤ License renewals ➤ Petrol invoices
<ul style="list-style-type: none"> ➤ Facilities (Accommodation & Telephone services) 	<ul style="list-style-type: none"> ➤ Office space requests ➤ Communication file with the Department of Public Works records ➤ Funding records ➤ Accommodation and service charge invoices ➤ Telephone installation requests ➤ Telephone invoices
<ul style="list-style-type: none"> ➤ Registry 	<ul style="list-style-type: none"> ➤ Mail register (incoming & outgoing mail)

<p>Labour Relations</p>	<ul style="list-style-type: none"> ➤ Bargaining Chamber files, minutes of the DBC meetings and correspondence (between the GPSSBC, Labour and Employer)
<p>Internal Audit</p> <ul style="list-style-type: none"> ➤ Audit Committee ➤ Internal Audit 	<ul style="list-style-type: none"> ➤ Appointment letters ➤ Audit Committee Charter ➤ Minutes of the Audit Committee Meetings ➤ Internal Audit Manual ➤ Audit Plans ➤ Audit Charter
<p>Security Management</p>	<ul style="list-style-type: none"> ➤ Access Control records ➤ CCTV footage ➤ Investigation reports ➤ Security inspection reports ➤ Strategic Plan
<p>PROGRAMME 2: INVESTIGATION AND INFORMATION MANAGEMENT</p> <ul style="list-style-type: none"> ➤ Investigation Dockets ➤ Statistics 	<ul style="list-style-type: none"> ➤ Dockets on Section 28(1)(a) to S28(1)(h) of the IPID Act ➤ Dockets on S28(2) of the IPID Act ➤ Received files, finalised investigations, and closed files
<p>PROGRAMME 3: LEGAL AND INVESTIGATIONS ADVISORY SERVICES</p> <ul style="list-style-type: none"> ➤ Litigation Services 	<ul style="list-style-type: none"> ➤ Litigation claims (received and closed) ➤ Contingent Liability records

Subjects on which the body holds records	Categories of records held on each subject
<ul style="list-style-type: none"> ➤ Legal Investigations & Advisory Services PROGRAMME 4: COMPLIANCE AND STAKEHOLDER MANAGEMENT ➤ Compliance Monitoring 	<ul style="list-style-type: none"> ➤ SOP ➤ Litigation manual ➤ Regulatory, Legislation and Policies ➤ Policing powers records ➤ SOP ➤ Manual on PAIA ➤ S7(4) Report to the National Prosecuting Authority ➤ S7(4) Report to the Minister of Police ➤ S7(5) Report to the Minister of Police ➤ S7(5) Report to the Civilian Secretary for Police ➤ S7(6) Report to the National and Provincial Commissioner for Police ➤ S7(7) Report to the Civilian Secretary for Police ➤ Recommendation Reports to the Metro Police Services ➤ Recommendation report by Investigators to the South African Police and Metro Police ➤ Referral reports to the National Prosecuting Authority

9 THE LATEST NOTICE REGARDING CATEGORIES OF RECORDS OF THE IPID WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

DESCRIPTION OF RECORDS OF CATEGORIES AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a)

<p>Strategy and Performance monitoring</p> <ul style="list-style-type: none"> ➤ Strategic Plan ➤ Annual Performance Plan ➤ Annual Report <p>Communication</p> <ul style="list-style-type: none"> ➤ Press releases from April 2018 ➤ The leaflets, newsletters and booklets issued by the Department 	<ul style="list-style-type: none"> ➤ These records do not require a request for access and are available from the IPID website www.ipid.gov.za under documents. ➤ In the event that a person has no access to the above website a request may be directed to the Information officer at Dntlatseng@ipid.gov.za and/ or Deputy Information officer at SRamafoko@ipid.gov.za and/ or ➤ May be collected from the IPID offices at:- 473 Stanza Bopape Street, Benstra Building Arcadia Pretoria Switchboard Telephone: +27 12 399 0000
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10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE IPID AND HOW TO GAIN ACCESS TO THESE SERVICES

10.1 IPID is obliged to investigate any complaint on alleged misconduct of, or offence committed by a member of the police service. Members of the public may lodge a complaint against members of the police and / or metro police for any offence or misconduct stated in paragraph 3.3 above.

10.2 The Directorate commits to assist members of the public who have difficulty in completing the prescribed Form "2" and permitted to lodge their requests by telephone.

10.3 Members of the public who are not able to read and write may lodge their request for information orally and will be assisted by the Deputy Information officer to lodge their request.

11 PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY IPID

11.1 The public may participate during the legislation formulation and amendment process. The period of public comments is advertised on the government gazette with the closing date indicated for. Public participation is also conducted as follows: -

- a) Public Consultations and Hearings; -
- b) Surveys and Questionnaires; -
- c) Open Meetings; -
- d) Outreach events/ imbizos.

12. PROCESSING OF PERSONAL INFORMATION

12.1 Purpose of Processing

- a) **Complainants:** Individuals who lodge complaints against South African Police Service and Metro Police for crimes allegedly committed by members in accordance with the IPID mandate to investigate such crimes.
- b) **South African Police Service and Metro Police:** Under investigations into alleged crime in accordance with the IPID, mandate to investigate such case.
- c) **Witnesses:** Individuals who may have information relevant to a case under investigation by IPID.
- d) **Employees of the Department:** Accessing personal information from staff members is part of the employee administration process
- e) **Companies:** Companies engaging business with the Department are asked to provide their company information

12.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential,

Categories of Data Subjects	Personal Information that may be Processed
	postal or business address; Unique Identifier/Identity Number and confidential correspondence.
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

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

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Vetting and Security clearance	State Security Agency

Category of personal information	Recipients or Categories of Recipients
Assess tax liabilities, ensure adherence to financial regulations.	Department of Treasury

12.4 Planned trans-border flows of personal information

None.

12.5 General Description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

- a) Restricted access to the premises;-
- b) Firewall software;-
- c) Legal and Regulatory Compliance: MISS Act and POPIA;-
- d) Access Controls;-
- e) Anti-virus.

13. RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES

13.1 Where the record requested relates to a third party the Information Officer and/ or Deputy Information Officer must: -

13.1.1 Notification

13.1.2 As soon as possible but at least **within twenty-one (21) days** of receipt of the request take all reasonable steps to inform a third party of a request that contains: -

- (i) A third party's personal information;
- (ii) A third party's trade secrets;
- (iii) A third party's financial, commercial, scientific or technical information and disclosure would likely cause commercial or financial harm to the third party;
- (i) Information supplied by the third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;

- (ii) Information supplied in confidence by a third and disclosure would amount to breach of a duty of confidence owed to the third party in terms of an agreement or reasonably prejudice the future supply of similar information which should be supplied in public interest;
- (iii) Information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent or the research subject matter.

13.1.2 Representation by the third party and Consent

- (i) A third party may **within twenty-one days (21) days** of notification make written or oral representations to the Information Officer and/ or Deputy Information Officer on why the request for the third party's record should be refused, and/ or give written consent for the disclosure of his information.
- (ii) The Information Officer and/ or Deputy Information Officer must within thirty (30) days of the notice to the third party and/ or representation decide whether to grant or refuse the request for access to third party's information and must notify the third party concerned including, the requester.

14. REQUEST PROCEDURE

14.1 A request for access to any record must be in the prescribed "*Form 1*" fully completed and addressed to the Information Officer of the public body at his or her address or fax number or electronic mail address.

14.2 An incomplete request or failure to use the Form 1 will result in the refusal of the information sought.

14.3 A request for information must be accompanied by the following documents or information: -

14.3.1 ID copy of the requestor and/ or his attorney if represented; and

14.3.2 A power of attorney not older than six (6) months;

15. PAYMENT OF FEES IN TERMS OF THE PAIA

- 15.1 The requestor will be liable for access and request fees payable **within 7 days** of notice of payment. Failure to pay as indicated will result on the request being closed and a new request will have to be lodged should the information still be
- 15.2 All payments shall be made in the form of cash payable by deposit or electronic funds transfer (EFT) into the bank account of IPID department. The banking details of the Department are as follows: -

ABSA Bank

Account no: 1044190075

Branch code: 632005

Reference: Surname and Initials of requester (Applicant)

IMPORTANT: *No request may be processed unless the request and access fees where applicable have been paid as indicated.*

16. AVAILABILITY OF THE MANUAL

16.1 This Manual is made available in the following three official languages-

16.1.1 English;-

16.1.2 IsiZulu;-

16.1.3 Setswana.

16.2 A copy of this Manual or the updated version thereof, is also available as follows-

16.2.1 on the departmental website www.ipid.gov.za if any;

16.2.2 at the Head Office of the public body for public inspection during normal business hours;

16.2.3 to any person upon request in the prescribed Form 1 and upon the payment of a reasonable prescribed fee; and

16.2.4 to the Information Regulator upon request.

16.3 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

17. UPDATING OF THE MANUAL

The IPID will, if necessary, update and publish the Manual annually.

Issued by



MS DIKELEDI J. NTLATSENG

THE EXECUTIVE DIRECTOR: INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Date: 20/12/2023

PAIA FEES: AS CONTAINED IN ANNEXURE B TO THE NEW PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO 2 OF 2000), (PAIA): REGULATIONS ON PAGES 18 TO 85 IN REGULATION GAZETTE NO. 11329 DATED 27 AUGUST 2021, VOL. 674, NO. 45057

1. The PAIA fees that applies are as follows:

REQUEST FEES		
The deputy information officer who handles the request must complete form 3 Notice of Fee Payable-form and provide it to the requester, informing him or her of the Request Fee payable before the request will be processed any further		
Item	Description	Amount
1.	The Request Fee payable by a requester	R100
ACCESS/REPRODUCTION FEE		
When access is granted, the deputy information officer who handles the request must complete form 3 Decision on Request for Access to a Record-form and notify the requester, amongst other, the access fee which is payable.		
Item	Description	Amount
2.	Photocopy of A4-size page or part thereof	R1,50
3.	Printed copy of A4-size page or part thereof	R1,50
4.	For a copy in a computer-readable form on: <ul style="list-style-type: none"> (I) Flash drive <ul style="list-style-type: none"> • (to be provided by the requester) (II) Compact disc: <ul style="list-style-type: none"> • If provided by the requester • If provided to the requester 	R40,00 R40,00 R60,00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Transcription of an audio record, per A4-size page	R 24,00
7.	Copy of an audio record on: <ul style="list-style-type: none"> 1) Flash drive (to be provided by the requester) 2) Compact disc: <ul style="list-style-type: none"> (a) If provided BY the requester (b) If provided TO the requester 	R 40,00 R40,00 R60,00
8.	To search for and prepare the record for the disclosure for each hour or part of an hour, excluding the first hour (i.e. the first hour is free of charge), reasonably required for such search and preparation. To NOT EXCEED a total cost of:	R100,00 R300,00
9.	Deposit if search exceeds 6 hours The amount payable as a deposit must not exceed one third of the amount payable, if the request is granted.	One third of amount per request calculated in terms of items 2 to 8.
10.	Postage, email or any other electronic transfer	Actual expense, if any.

PAIA FEES: AS CONTAINED IN ANNEXURE B TO THE NEW PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO 2 OF 2000), (PAIA): REGULATIONS ON PAGES 18 TO 85 IN REGULATION GAZETTE NO. 11329 DATED 27 AUGUST 2021, VOL. 674, NO. 45057

2. **Personal Requester** The definition of a “**personal requester**” has been deleted in the PAIA and a person who requests access to a record that contains personal information relating to himself or herself is now liable to also pay the R 100,00 Request Fee (this includes this person’s authorised representative e.g. this person’s attorney, lawyer, insurance company, parents of the minor child or the next of kin, etc.).

3. **Request for access to section 15 Automatically Available Record.**

The National Deputy Information Officer: PAIA annually updates the section 15 of PAIA Notice.

(list) of Automatically Available Records of the Service. The updated notice for 2021 will be published by the Minister of Justice and Correctional Services and the National Deputy Information Officer: PAIA will make the updated published Notice available:

- (a) to the Information Regulator;
- (b) on the website of the Service to replace the current Notice;
- (c) on the Intranet for employees; and
- (d) for inspection at the office of the National Deputy Information Officer

These records are listed as automatically available without a requester having to request access thereto through the normal PAIA request procedure. The procedure to follow when a request for access to such a record is received at the Service, is still applicable as set out in par 35 of the NI 14 of 2019. A requester may request a copy of such record and must be provided with such copy upon payment of the Access or Reproduction Fee (where applicable). The R 100,00 Request Fee is not payable. For ease of reference, an example of some of the records that are listed as section 15 Automatically Available Records, are:

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS
DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)	
<p>COPY OR PHOTOCOPY</p> <p><i>Note that -</i></p> <ul style="list-style-type: none"> • with the term “copy” is meant where reproduction is done manually; • a copy will only be furnished to the authorised person; • When a request is received in writing from public bodies or institutions who are entitled to immediately receive a copy of a docket free of charge. 	<p>If the record is still in the possession or under control of the Service, the records may be obtained by the authorised person on request in writing on the prescribed request form addressed to the relevant office of the Service.</p> <p><i>Note that -</i></p> <p>The following persons are deemed to be authorised persons: (a) the complainant and authorised representative e.g. this person’s attorney, lawyer, insurance company, parents of the minor child or the next of kin, etc.).</p>

4. Persons who do not pay any fees

The following persons do not pay the Request Fee or any Access or Reproduction Fees:

- a) The suspect, victim or complainant who requests a copy of his or her own statement in an open docket;
- b) A record that must be provided in terms of a subpoena *duces tecum* or summons; and
- c) A person that is exempted by the Minister of Justice and Correctional Services by proclamation in the Gazette (e.g. a person who is incarcerated or he or she is unemployed or he or she receives an annual income, after permissible deductions which does not exceed R 14 712, 00 or he or she is married and his or her life partner whose annual income, after permissible deductions does not exceed R27 192, 00 per annum, etc.) (see par 14(2)(g) of NI 14 of 2019).