



NATIONAL CONSUMER COMMISSION

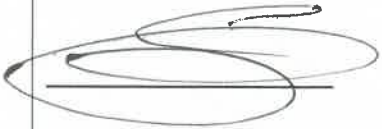

## **ACCESS TO INFORMATION MANUAL**

National Consumer Commission

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**DOCUMENT HISTORY AND APPROVALS**

<b>Version</b>		<b>Version 1</b>		
<b>Date of Revision</b>		JULY 2020		
<b>Compiler</b>	<b>Mr Joseph Selolo</b>	 <b>Acting Company Secretary</b> Date: 7 July 2020		
		<b>Approval</b>	<b>Ms Thezi Mabuza</b>	 <b>Acting Commissioner</b> Date: 08 JULY 2020
<b>VERSION CONTROL</b>				
<b>Version</b>	<b>Date</b>	<b>Revised by</b>	<b>Reason</b>	<b>Sections affected</b>
<b>V1</b>				
<b>V2</b>	7 JULY 2020	J.V Selolo	To amend information officers	Clause 4

## **1. INTRODUCTION**

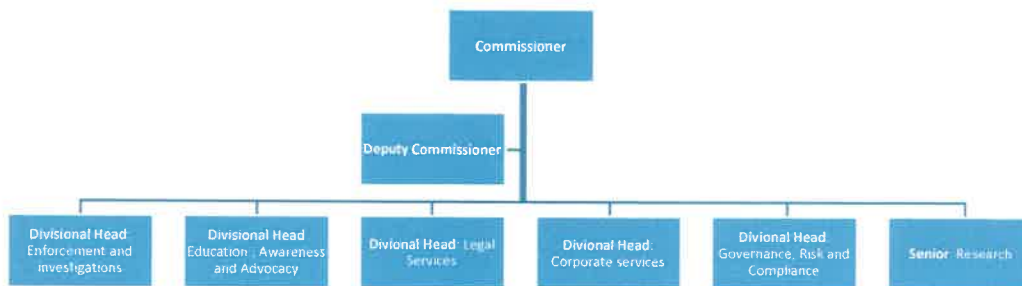
- 1.1 This manual is compiled in terms of the Promotion of Access to Information Act, No 2 of 2000 (“the Act”). The Act gives effect to the constitutional right of access to information contained in section 32 of the Constitution of the Republic of South Africa.
- 1.2 In terms of the Act, public bodies are required to compile a manual as a guide to requesters of information. This manual further serves to indicate the kind of records held by the National Consumer Commission (“the NCC”) and the availability of such records from the NCC, as a public body.

## **2. NATIONAL CONSUMER COMMISSION**

- 2.1 The National Consumer Commission (NCC) was established in terms of section 85 of the Consumer Protection Act No. 68 of 2008 (CPA), as an organ of state within the public administration and as an institution outside public service with jurisdiction throughout the Republic of South Africa.
- 2.2 The NCC is charged with the responsibility to enforce and carry out the functions assigned to it in terms of the CPA by:
- a) promoting informal resolution of any dispute arising in terms of the CPA between a consumer and a supplier, but is not responsible to intervene in or directly adjudicate any such dispute;
  - b) receiving complaints concerning alleged prohibited conduct or offences, and dealing with those complaints in accordance with Part B of Chapter 3 of the CPA;
  - c) monitoring—
    - (i) the consumer market to ensure that prohibited conduct and offences are prevented, or detected and prosecuted; and

- (ii) the effectiveness of accredited consumer groups, industry codes and alternative dispute resolution schemes, service delivery to consumers by organs of state, and any regulatory authority exercising jurisdiction over consumer matters within a particular industry or sector;
- d) investigating and evaluating alleged prohibited conduct and offences;
- e) issuing and enforcing compliance notices;
- f) negotiating and concluding undertakings and consent orders contemplated in section 74;
- g) referring to the NCC any concerns regarding market share, anti-competitive behaviour or conduct that may be prohibited in terms of the Competition Act, 1998 (Act No. 89 of 1998);
- h) referring matters to the National Consumer Tribunal (the Tribunal), and appearing before the Tribunal, as permitted or required by this Act; and
- i) referring alleged offences in terms of this Act to the National Prosecuting Authority

**3. STRUCTURE OF THE NCC**



**4. INFORMATION OFFICER OF THE NCC - (S14 (1) (b) of the Act**

4.1 The Commissioner of the NCC is the designated Information Officer of the NCC. Ms Thezi Mabuza, as the acting Commissioner is the Information Officer and her contact details are as follows:

Name	Contact numbers	Email address
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Ms. Thezi Mabuza	+2712 428 7750 (telephone)	t.mabuza@thenc.org.za
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4.2 The Information Officer has, in terms of section 17 of the Act, delegated her powers under PAIA to the following Deputy Information Officers:

Name	Contact numbers	Email address
Mr. J Mbeje	+2712 428 7759	j.mbeje@thenc.org.za
Mr Tshepo Kwatsha	+2712 428 7728	t.kwatsha@thenc.org.za

4.3 The NCC's Information Officer and Deputy Information Officers share the same physical and postal address as below:

Physical Address	Postal Address
1 Dr Lategan Road Groenkloof, Pretoria	P O Box 36628 Menlo Park 0102

4.4 The NCC's website is [www.thenc.org.za](http://www.thenc.org.za)

4.5 Requests for information and access to records not readily available may be made by contacting any of the Deputy Information Officers.

## 5. A GUIDE ON HOW TO USE PAIA (S14 (1) (c) of the Act

4.6 The South African Human Rights Commission ("SAHRC") is responsible for and has developed a guide in each of the country's eleven languages, with information on how to use PAIA. This guide is available on the SAHRC website.

4.7 Any information or queries related to the guide should be directed to:

The South African Human Rights Commission

The Research and Document Department

PAIA Unit

Private Bag 2700

Houghton 2041

Telephone: +27 11 877 3600

Fax: +27 11 403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## 6. ACCESS TO RECORDS HELD BY THE NCC

### 6.1 AUTOMATIC DISCLOSURE – SECTION 14(1)(E)

All information available from the website [www.thencc.gov.za](http://www.thencc.gov.za); is voluntarily disclosed. Other information, that is automatically disclosed, includes:

TYPE	DESCRIPTION
Reports	<ul style="list-style-type: none"><li>• Annual Reports</li><li>• Notice of referrals</li><li>• Annual Financial Statements</li></ul>
Information to stakeholders	<ul style="list-style-type: none"><li>• Procedures</li><li>• Service Standards</li></ul>
Publications	<ul style="list-style-type: none"><li>• Newsletters</li><li>• Brochures</li><li>• Notices</li><li>• Updates</li><li>• Posters</li><li>• Booklets</li><li>• Pamphlets</li></ul>

TYPE	DESCRIPTION
Agreements	<ul style="list-style-type: none"> <li>• MOUs with other agencies</li> </ul>

6.2 DISCLOSURES ON REQUEST 14(1)(D)

TYPE	DESCRIPTION
Case Related	<ul style="list-style-type: none"> <li>• Exemption applications</li> <li>• Advisory Opinions</li> <li>• Complaints (but not the attached description of conduct)</li> </ul>
Research Papers	<ul style="list-style-type: none"> <li>• Sector studies</li> <li>• Market inquiry reports</li> </ul>
Training and Workshops	<ul style="list-style-type: none"> <li>• Conference papers/speeches</li> <li>• Training presentations</li> </ul>
Financial Management	<ul style="list-style-type: none"> <li>• Budgets</li> <li>• Financial Policies</li> <li>• Auditor General Reports</li> <li>• Audit Committee Minutes</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>• Equity Reports</li> <li>• Training Reports</li> <li>• HR policies</li> </ul>
Procurement	<ul style="list-style-type: none"> <li>• Asset Register</li> <li>• Tenders</li> <li>• Tender Committee Meeting minutes</li> <li>• Agreements with Service Providers</li> </ul>



### 6.3 RESTRICTED DISCLOSURE IN TERMS OF THE CPA

In terms of Sections 107 and 108 of the CPA, A requester will be given access to a record of the Commission if:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- The record is not classified as “confidential information” in terms of the Competition Act, or
- The Tribunal has not classified the record as confidential.

## 7. PROCESSES AND PROCEDURES FOR REQUESTING INFORMATION OR RECORDS – SECTION 14 (1)(D)

### 7.1 Form of the request:

7.1.1 The request must be submitted in the appropriate form, Annexure A hereto, at the Commission’s address or by email<sup>1</sup>.

7.1.2 The requester must indicate if the request is for a copy of the record or if the requester would like to inspect the record at the offices of the NCC.

7.1.3 The requester must indicate if, in addition to a written reply to his request for the record, he would like to be informed about the decision in any other way e.g. telephone.

7.1.4 If the requester is asking for the information on behalf of someone else, the capacity in which the request is being made should be indicated.

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<sup>1</sup> Printed in the Government Gazette (Govt. Notice R187 – 15 February 2002) (Form A)

7.1.5 If the requester is unable to read or write, or has a disability, then he/she can make the request for the record orally. The information officer or his duly authorized representative will fill in the form on behalf of the requester and give him a copy thereof.

7.1.6 The requester must pay the relevant fees.

7.2 Rights of the requester:

7.2.1 If the requester asks for access to the record in a particular form, then the requester is entitled to access in the manner that has been asked for unless doing so would interfere unreasonably with the running of the NCC, or damage the record, or infringe a copyright not owned by the State or the NCC.

7.2.2 If the record is not a document, it can, to the extent possible, be viewed or heard at the NCC's offices.

7.2.3 If for practical reasons, access cannot be given in the required form but in an alternate manner, then the fee charged will not exceed that which the requester would have paid had access been provided in the manner requested.

7.3 Fees Payable

7.3.1 There are two types of fees required to be paid in terms of the Act, namely the request fee and the access fee.

7.3.2 A requester who seeks access to a record containing personal information about himself is not required to pay the request fee. Every other requester must pay the required request fee:

- The information officer will notify the requester (other than a personal requester) to pay the prescribed fee (if any) before further processing the request.
- The request fee payable is R35.

- After the information officer has made a decision on the request, the requester will be notified of the decision in the manner in which the requester requested to be notified.
- If the request is granted, the access fee must be paid for the search, preparation, reproduction and for any time reasonably required to be spent, including time spent in excess of the prescribed hours to search and prepare the record for disclosure.

## 8. PRESCRIBED FEES

8.1 The fee for a copy of this manual is R1, 00 for every photocopy of an A4-size page or part thereof.

8.2 The fees for reproduction of records are as follows:

TYPE OF REPRODUCTION	FEE
a) For every photocopy of an A4-size page or part thereof	R1.00
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	R1.00
For a copy in a computer-readable form on-	
i. stiffy disc	R40,00
ii. compact disc	R40,00
c) (i) For a transcription of visual images, for an A4-size page or part thereof	R22,00
(ii) For a copy of visual images	R60,00
d) (i) For a transcription of an audio record, for an A4-size page or part thereof	R12,00
(ii) For a copy of an audio record	R17,00

8.3 The request fee payable by every requester, other than a personal requester, is R35,00.

8.4 The access fees payable by a requester referred to in regulation 7 (3) are as follows:

8.4.1

<b>TYPE OF REPRODUCTION</b>	<b>FEE</b>
a) For every photocopy of an A4-size page or part thereof	R1,00
b) For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine-readable form	R1,00
c) For a copy in a computer-readable form on –	
(i) stiffy disc	R40,00
(ii) compact disc	R40,00
d) (i) For a transcription of visual images, for an A4-size page or part thereof	R22,00
(ii) For a copy of visual images	R60,00
e) (i) For a transcription of an audio record, for an A4-size page or part thereof	R12,00
f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

8.4.2 For purposes of determining whether or not a deposit is payable by the requester prior to preparation of the record for disclosure, the following applies:

- i. Six hours is a reasonable time to be spent in preparation of the record without payment of a deposit;
- ii. If the time required to prepare the record exceeds six hours, a deposit is payable; and
- iii. This deposit is equivalent to one third of the access fee payable.

8.4.3 The actual postage is payable when a copy of the record must be posted to the requester.

## **9. DECISION OF THE NCC**

- 9.1 As prescribed in section 25 of the Act, the Information Officer and/or Deputy Information Officers shall decide whether to grant the requested access to information and inform the requester accordingly.
- 9.2 The requester shall be notified of the decision in the most expedient manner possible.
- 9.3 If the request for access to information is refused by the Information Officer, the requester shall be provided with written reasons for such refusal.

## **10. REMEDIES AVAILABLE IF THE PROVISIONS OF PAIA THAT ARE NOT COMPLIED WITH BY THE NCC**

- 10.1 The NCC does not have an internal appeal procedure in place to facilitate appeals against decisions of the Information Officer and Deputy Information Officers.
- 10.2 An aggrieved party may seek appropriate relief by way of application to a Court with Jurisdiction. On hearing such application, the court may grant any order that is just and equitable.

## **11. AVAILABILITY OF THE MANUAL**

11.1 This manual has been drafted in an effort to show the NCC's commitment to leading by example in the compliance with, our Constitution, laws and regulations of the Republic of South Africa. The availability of this manual is not only in compliance with the requirements of PAIA, but also is an effort to truly run a transparent institution which is compliant and promotes the constitutional right of access to information.

11.2 The manual is available at the offices of the NCC, and on the NCC's website and can be made available to any person upon request.

## **12. UPDATING OF THE MANUAL**

This manual will be updated on a periodic basis but no less than once each year.

**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18 (1) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000)

[Regulation 2]

<p>FOR DEPARTMENTAL USE</p> <p>Reference number: .....</p> <p>Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).</p> <p>Request fee (if any): R .....</p> <p>Deposit (if any) R .....</p> <p>Access fee: R .....</p> <p>SIGNATURE OF HEAD OF REGISTRY: .....</p>
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**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

.....  
.....

**B. Particulars of person requesting access to the record**

- (a) The particulars of the person who requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: .....

Identity number: .....

Postal address: .....

Fax number: .....

Telephone number: .....

E-mail address: .....

*CAPACITY IN WHICH REQUEST IS MADE, WHEN MADE ON BEHALF OF ANOTHER PERSON:*

**C. Particulars of person on whose behalf request is made**

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname: .....

Identity number: .....

**D. Particulars of record**

- a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located
- b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios



1. Description of record or relevant part of the record:
  
2. Reference number, if available:
  
3. Any further particulars of record:

**E. Fees**

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid
- b) You will be notified of the amount required to be paid as the request fee.
- c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- d) If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption from payment of fees:

.....

.....

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: .....	Form in which record is required:
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Mark the appropriate box with an "X".

NOTES:

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in written or printed form -**

Copy of record*	Inspection of record

**2. If record consists of visual images -**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images	Copy of the images*	Transcription of the images*

**3. If record consists of recorded words or information which can be reproduced in sound -**

Listen to the soundtrack (audio cassette)	Transcription of sound track* (written or printed document)

<b>4. If record is held on computer or in an electronic or machine-readable form -</b>					
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form*  (stiffy or compact disk)
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?  A postal fee is payable				YES	NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.					
In which language would you prefer the record? <u>Zulu</u> <input type="checkbox"/>					
(Please tick the relevant box) <u>N. Sotho</u> <input type="checkbox"/>					
<u>English</u> <input type="checkbox"/>					

**D. Notice of decision regarding request for access**

You will be notified whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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