

NATIONAL CONSUMER COMMISSION



## **ACCESS TO INFORMATION MANUAL**

Prepared in terms of section 51 of the Promotion of Access to  
Information Act, 2 of 2000

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## DOCUMENT HISTORY AND APPROVALS

<b>Version</b>	<b>Version 1.1</b>	
<b>Date of Revision</b>	31 MAY 2023	
<b>Compiler</b>	Mr. Joseph Selolo	 <hr/> <b>Company Secretary</b> <b>Date:</b> 31 May 2023
<b>Approval</b>	Ms. Thezi Mabuza	 <hr/> <b>Acting Commissioner</b> <b>Date:</b> 01 June 2023

### VERSION CONTROL

Version	Date	Revised by	Reason	Sections Affected
V1				
V1.1	31 MAY 2023	J.V Selolo	To amend the NCC's structure To amend information officers To amend the NCC's domain name To amend/remove the prescribed forms	Clause 3 Clause 4 Clause 4 Clause 8

## **1. INTRODUCTION**

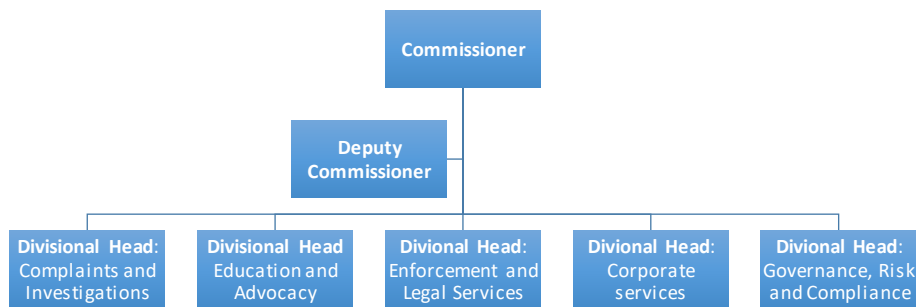
- 1.1 This manual is compiled in terms of the Promotion of Access to Information Act, No 2 of 2000 (“the Act”). The Act gives effect to the constitutional right of access to information contained in section 32 of the Constitution of the Republic of South Africa.
- 1.2 In terms of the Act, public bodies 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 the 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, 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@thence.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@thence.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.thence.org.za](http://www.thence.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**

- 5.1 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.

- 5.2 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.org.za](http://www.thencc.org.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>
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., by 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.

7.1.5 If the requester is unable to read or write, or has a disability, then he/she can request 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.

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

## 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 alternately, 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.
- After the information officer has decided 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 over 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 For the fees of reproduction of records, please refer to Form 03:

8.3 For the Request for Access to Records fees, please refer to Form 02

8.4 For purposes of determining whether or not a deposit is payable by the requester before the 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.

8.4.1 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 the 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 an application, the court may grant any order that is just and equitable.

**11. AVAILABILITY OF THE MANUAL**

- 11.1 This manual has been drafted to show the NCC's commitment to leading by example in 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 at least once each year.