

PAIA MANUAL

Prepared in terms of section 51 of the Promotion of
Access to Information Act 2 of 2000 (as amended)



TRAILPOD

TRAILPOD (PTY) LTD

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 **“Data Subject”** The person to whom personal information relates.
- 1.2 **“Manual”** This document together with all of its annexures, as amended from time to time, and published in terms of section 51 of PAIA.
- 1.3 **“Minister”** Minister of Justice and Correctional Services
- 1.4 **“PAIA”** Promotion of Access to Information Act No. 2 of 2000 (as amended from time to time including the regulations promulgated by POPIA)
- 1.5 **“Personal Information”** Information about an identifiable individual, including, but not limited to:
- a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of an individual.
 - b) Information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which an individual has been involved.
 - c) Any identifying number, symbol or other particular assigned to an individual.
 - d) The address, fingerprints or blood type of an individual.
 - e) The personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual.
 - f) Correspondence sent by an individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
 - g) The views or opinions of another individual about an individual.
- 1.6 **“POPIA”** Protection of Personal Information Act No.4 of 2013 (as amended from time to time)
- 1.7 **“Regulator”** Information Regulator of South Africa established in terms of section 39 of POPIA
- 1.8 **“Republic”** Republic of South Africa
- 1.9 **“TP”** TRAILPOD (Pty) Ltd

2. PURPOSE OF PAIA MANUAL

This Manual is published pursuant to section 51 of PAIA which requires organisations to compile a manual as a guide to requesters of information. This Manual also serves to:

- 2.1 Indicate the types of records held by TP and the availability of such records from TP.

- 2.2 Provide the public with a sufficient understanding of how to make a request for access to a record of TP, by providing a description of the subjects on which TP holds records, and the categories of records held on each subject.
- 2.3 Provide a description of the records of TP which are available in accordance with any other legislation.
- 2.4 Provide access to all relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access.
- 2.5 Provide a description of the guide on how to use PAIA, as updated by the Regulator.
- 2.6 Inform the public as to the personal information processes followed by TP, the purposes thereof, the categories of data subjects relating thereto, the recipients or categories of recipients to whom the personal information may be supplied and whether or not TP plans to conduct transborder flows of personal information.
- 2.7 Describe the appropriate security measures implemented by TP to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF TP

3.1. Information Officer:

Name: Grant Frederick McPherson

Tel: 0762240762

Email: grant@trailpod.co.za

3.2. Deputy Information Officer:

Name: Not Applicable

Tel:

Email:

3.3 Access to information general contacts:

Email: grant@trailpod.co.za

3.4 National or Head Office:

Physical Address: 1A Parin Road
Parow Industria
Cape Town, 7493, Western Cape, South Africa

Postal Address: 1A Parin Road
Parow Industria
Cape Town, 7493, Western Cape, South Africa

Tel: 0762240762

Email: grant@trailpod.co.za

Website: <https://trailpod.co.za/>

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, 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.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of:
 - 4.3.1. The objects of PAIA and POPIA.
 - 4.3.2. The postal and street address, phone and fax number and, if available, electronic mail address of:
 - 4.3.2.1. The Information Officer of every public body.
 - 4.3.2.2. Every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA².
 - 4.3.3. The manner and form of a request for:
 - 4.3.3.1. Access to a record of a public body contemplated in section 11³.
 - 4.3.3.2. Access to a record of a private body contemplated in section 50⁴.
 - 4.3.4. The assistance available from the Information Officer of a public body in terms of PAIA and POPIA.
 - 4.3.5. The assistance available from the Regulator in terms of PAIA and POPIA.
 - 4.3.6. 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:
 - 4.3.6.1. An internal appeal.
 - 4.3.6.2. A complaint to the Regulator.
 - 4.3.6.3. An application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body.
 - 4.3.7. 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.
 - 4.3.8. The provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively.
 - 4.3.9. The notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access.
 - 4.3.10. the regulations made in terms of section 92¹¹.

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

4.5. The Guide can also be obtained:

4.5.1. Upon request to the Information Officer.

4.5.2. From the website of the Regulator.

4.6 A copy of the Guide is also available in for public inspection during normal office hours.

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.*

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.”*

5. RECORDS HELD BY TP AVAILABLE WITHOUT A REQUEST TO ACCESS

5.1 Records of a public nature, typically those disclosed on the website of TP may be accessed without the need to submit a formal application.

5.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application.

6. RECORDS HELD BY TP IN ACCORDANCE WITH OTHER LEGISLATION

SS is required, in accordance with legislation, to retain certain records. We hold records for the purposes of PAIA in accordance with the following legislation (as amended from time to time), among others:

- 6.1 Basic Conditions of Employment Act 75 of 1997.
- 6.2 Companies Act 71 of 2008.
- 6.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993.
- 6.4 Electronic Communications and Transaction Act 25 of 2002.
- 6.5 Employment Equity Act 55 of 1998.
- 6.6 Financial Intelligence Centre Act 38 of 2001.
- 6.7 Income Tax Act 58 of 1962.
- 6.8 Labour Relations Act 66 of 1995.
- 6.9 Occupational Health and Safety Act 85 of 1993
- 6.10 Skills Development Act 9 of 1999.
- 6.11 Unemployment Insurance Act 63 of 2001.
- 6.12 Value Added Tax Act 89 of 1991

7. SUBJECTS AND CATEGORIES OF RECORDS HELD BY TP

The table below contains a description of the types of records which TP holds and the categories of records held on each subject. These records are not automatically available without a request in terms of PAIA. A request made in terms of PAIA for records in any of the categories below may be refused in accordance with any of the grounds of refusal as set out in PAIA.

Subject	Description of Record
Statutory Records	<ul style="list-style-type: none">● Company incorporation documents● Share register● Memorandum of Incorporation● Minutes of meetings of the board of directors● Records relating to the appointment of directors, auditors, and other officers

Income Tax	<ul style="list-style-type: none"> ● Pay-as-you-earn (PAYE) records ● Documents issued to employees for income tax purposes ● Records of payments made to South African Revenue Services on behalf of employees ● All or any statutory compliance ● Value Added Tax (currently not applicable) ● Skills development levies (currently not applicable) ● Unemployment Insurance Fund
Labour Relations Records	<ul style="list-style-type: none"> ● Personnel documents and records ● Employment contracts ● Medical aid records ● Pension Fund records ● Disciplinary records ● Salary records ● Disciplinary code and/or procedures ● Leave records ● Training records ● Training manuals ● Address lists ● Internal telephone lists
Finance	<ul style="list-style-type: none"> ● Receipts and payments ● Bank statements ● A list of the company's debtors and creditors ● Budgets ● Management accounts ● Asset registers ● Invoices ● Salaries ● Correspondence

Subject	Description of Record
Risk and Compliance	<ul style="list-style-type: none"> ● Contracts ● Policies and procedures ● Risk assessment ● Compliance records
Others	<ul style="list-style-type: none"> ● IT usage statistics and equipment details ● Supplier lists ● Secretarial records ● Minutes of meetings ● Media releases and public relation events records ● Franchise agreements

8. PROCESSING OF PERSONAL INFORMATION (POPIA)

8.1 Purpose of Processing Personal Information by TP

TP will process personal information in the ordinary course of the business for a number of reasons, including:

- 8.1.1 Providing services requested to franchisor and clients of TP.
- 8.1.2 Managing relationships with clients and prospective clients, suppliers and strategic partners including online and in-person meetings.
- 8.1.3 Managing dispute resolution.
- 8.1.4 Managing contracts, orders, deliveries, invoices and accounting for transactions.
- 8.1.5 Sending quotation estimates and invoices.
- 8.1.6 General human resource and finance functions including those obligations imposed by legislation.
- 8.1.7 Recruitment of staff.
- 8.1.8 Procurement processes.
- 8.1.9 Analysis, evaluation, review and collation of information in order to determine legal issues and potential disputes, provide legal advice and prepare or comment on opinions, memoranda, agreements, correspondence, reports, publications, documents relating to legal proceedings and other documents or records.
- 8.1.10 To allow for proper functioning of the website which includes, amongst others, proper display of content, interface personalisation and ensuring that the website is safe and secure to protect against misuse.

8.2 Protection of Personal Information

TP captures, processes, stores and communicates personal information to perform its business functions. It is accountable and a responsible party in ensuring that personal information:

- a) Is processed lawfully, fairly, and transparently.
- b) Is processed only for the purposes for which it was collected for.
- c) Will not be processed for a secondary purpose unless consent is provided.
- d) Is accurate and kept up to date.
- e) Will not be kept for longer than necessary.
- f) Is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored,

processed, and communicated.

- g) Is processed in accordance with the rights of Data Subjects, where applicable.

8.3 Rights of Data Subjects

- 8.3.1 To be notified that their Personal Information is being collected.
- 8.3.2 To be notified in the event of a data breach.
- 8.3.3 To know whether TP holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual.
- 8.3.4 To request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information.
- 8.3.5 To object to the use of their Personal Information and request the deletion of such PII. Deletion is, however, subject to the record keeping requirement of TP as well as the regulations and legislations to be adhered to.
- 8.3.6 To object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications.
- 8.3.7 To complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged noncompliance with the protection of his, her or its personal information.

8.4 Categories of Data Subjects and Types of Personal Information processed

- 8.4.1 SS processes personal information relating to our employees, franchisees (and their staff), clients, service providers, and visitors to our premises and website, interviewees/potential job candidates, attendees of TP webinars and other events such as launches and training.
- 8.4.2 The types of personal information processed by TP is contained in our privacy policy and relates to both living and juristic persons.

8.5 Disclosure of Personal Information to Third Parties

- 8.5.1 TP may disclose personal information to third parties such as our associates and service providers, for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality.
- 8.5.2 Should TP disclose information to third parties, the latter is obliged to use that personal information for the reasons and purposes the information was disclosed for. To this end, we have agreements/understanding in place with the relevant third parties to ensure that an adequate level of security and confidentiality is adopted by the third parties to which personal information is being transferred to.
- 8.5.3 TP may be obliged to disclose personal information where we have a duty to disclose in terms of law or where we believe it is necessary to protect our rights. This includes

where we are required to disclose personal information as a result of litigation being instituted by or against us.

8.6 Planned Transborder Flows of Personal Information

TP may transfer personal information to recipients outside of the Republic. In the event that this happens, we will ensure compliance with POPIA in relation to any cross-border transfers of personal information. For example, we will ensure that the third party who is the recipient of the information is subject to a law or binding agreement which provides for an adequate level of protection similar to POPIA.

8.7 Safety measures for data security

8.7.1 TP takes reasonable, appropriate and adequate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure or unauthorised access. We contractually mandate any third parties to which your personal information is transferred to do the same.

8.7.2 TP regularly reviews our security controls and related processes to ensure that personal information is secure. However, where there are reasonable grounds to believe that personal information has been accessed or acquired by any unauthorised person, we will notify the Regulator and the affected person(s), unless the Regulator or a public body responsible for detection, prevention or investigation of offences, informs us that such notification will impede a criminal investigation.

8.8 Objection to the Processing of Personal Information

Section 11 (3) of POPI and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the processing of his/her/its Personal Information by completing the prescribed "*Form 01*" provided in **Annexure B** of this Manual and submitting it to the Information Officer per paragraph 3.1. of this Manual .

8.9 Request for Correction or Deletion of Personal Information

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed "*Form 02*" provided in **Annexure B** of this Manual and submitting it to the Information Officer per paragraph 3.1. of this Manual. To ensure the lawfulness and correctness of the data, the data subject may also request TP to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the company is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions..

9. HOW TO REQUEST ACCESS TO INFORMATION

- 8.1. To request a record in terms of PAIA, the requestor must complete the prescribed “*Form 02*” as provided in **Annexure A** of this Manual. The request and completed prescribed form must be sent to the Information Officer as provided in paragraph 3.1 of this Manual.
- 8.2. The requestor must provide sufficient detail to enable the Information Officer to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, identify the right that they are seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 8.3. If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer.
- 8.4. PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the Information Officer will decide whether or not to grant a request for access to information.

10. PAYMENT OF FEES

- 9.1. PAIA provides for two types of fees, namely:
 - 9.1.1. A request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
 - 9.1.2. an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 9.2. Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 9.3. If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, TP will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 9.4. TP may withhold a record until the requester has paid the fees as indicated in “*Form 03*” provided in **Annexure A** of this Manual.
- 9.5. A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 9.6. In terms of POPIA, a data subject has the right to request TP to confirm, free of charge, whether or it holds personal information about the data subject and request from TP the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.
- 9.7. POPIA further provides that where the data subject is required to pay a fee for services provided to them, TP must provide the data subject with a written estimate of the payable

amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

11. APPLICABLE TIME-PERIODS

11.1 TP will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.

11.2 The 30-day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of SS or the records are not located at TP's offices.

12. OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

13. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

13.1 In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds:

13.1.1 Protection of privacy to a third party who is a natural person.

13.1.2 Protection of the commercial information of a third party.

13.1.3 Protection of certain confidential information of a third person.

13.1.4 Protection of the safety of individuals and the protection of property.

13.1.5 Protection of records privileged from production and legal proceedings.

13.1.6 The commercial information and activities of TP.

13.1.7 The protection of research information of a third party.

13.1.8 Any other ground legally available on which to refuse access to the information requested.

13.2 Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

14. REMEDIES FOR REFUSAL

Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

15. AVAILABILITY OF THE MANUAL

This manual is available in electronic and hard copies in English at the office and website of TP.

16. UPDATING OF THIS MANUAL

This manual will be reviewed and updated, if necessary, on a periodic basis.

Issued by

Grant McPherson CEO of TP

h) ANNEXURE B - PAIA FORMS

The following forms can be downloaded from the website of the Information Regulator at <https://info regulator.org.za/paia-forms/>:

- Form 01: [Request for a Guide from the Regulator](#) [Regulation 2]
- Form 01: [Request for a Copy of the Guide from an Information Officer](#) [Regulations 3]
- Form 02: [Request for Access to Record](#) [Regulation 7]
- Form 03: [Outcome of request and of fees payable](#) [Regulation 8]
- Form 04: [Internal Appeal Form](#) [Regulation 9]
- Form 05: [Complaint Form](#) [Regulation 10]
- Form 13: [PAIA Request for Compliance Assessment Form](#) [Regulation 14(1)]

Notes to the above:

1. Should a requester not have access to the website of the Information Regulator or experience problems in accessing the above forms, then an electronic copy of these forms may be requested by contacting the Information Officer per paragraph 3.1. of this Manual.
2. All requests for information should be completed on the above “*Form 02*” and sent to the Information Officer per paragraph 3.1. of this Manual.
3. For an understanding of fees payable to request information, please refer to the prescribed fees listed in above “*Form 03*”.

i) **ANNEXURE C - POPIA FORMS**

Various forms can be downloaded from the website of the Information Regulator at <https://info regulator.org.za/popia-forms/> including the following:

- Form 01: [Objection to the Processing of Personal Information](#)
- Form 02: [Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information](#)

Notes to the above:

1. Should a requester not have access to the website of the Information Regulator or experience problems in accessing the above forms, then an electronic copy of these forms may be requested by contacting the Information Officer per paragraph 3.1. of this Manual.
2. To object to the processing of any Personal Information, “*Form 01*” above must be completed and sent to the Information Officer per paragraph 3.1. of this Manual.
3. To request correction or deletion of any Personal Information, “*Form 02*” above must be completed and sent to the Information Officer per paragraph 3.1. of this Manual.