



ELECTORAL INSTITUTE FOR SUSTAINABLE DEMOCRACY IN AFRICA
(EISA)

Registration Number: 1996 / 008257 / 08

Manual in terms of:

Section 51 of
The Promotion of Access to Personal Information Act 2 of 2000
(the “Act”)

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1. EISA Introduction

The Electoral Institute for Sustainable Democracy in Africa (EISA) is a registered not-for-profit organisation established in South Africa in 1996. It is headquartered in Johannesburg, South Africa, with a regional office in Abidjan, Côte d'Ivoire, as well as field offices across the continent. EISA was established to support democratic transition, initially with a focus on contributing to a free and fair elections in post-Apartheid South Africa. Today, EISA works in many other post-conflict, transitional spaces and emerging democracies across the African continent. The organisation's programmatic scope has also adapted to activities beyond elections to include areas of the democratic governance and political institution support.

Vision: An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment.

Mission: EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa

2. Purpose of this Manual and the Act

The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability in South Africa, and to encourage an open democracy where individuals from all walks of life are empowered to engage with government and participate in decisions which affect their lives.

This EISA Manual outlines the type of records and personal information that EISA holds and explains how to submit requests for access to these records in terms of the Promotion of Access to Personal Information Act. It further explains how personal information in the possession of EISA and under its control is safeguarded and protected.

The PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act and in section 15 and 16 of this Manual.

3. Availability of this Manual

Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the Information Regulator, which will contain information for the purposes of exercising Constitutional Rights.

4. Availability of Guides

Guides to the PAIA and POPIA (Protection of Personal Information Act) may be obtained, and queries may be directed to:

POPI Act	JD House
Information Regulator (South Africa)	27 Stiemens Street
P.O Box 31533	Braamfontein
Braamfontein	Johannesburg
Johannesburg,	2001
2017	Website: https://inforegulator.org.za/
	Email: enquiries@inforegulator.org.za

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5. Company Contact Details

Duly Authorised persons

Directors:	<u>Baidessou Soukolgue - EISA Executive Director</u> <u>soukolgue@eisa.org</u>
Responsible Party (Head of the private body):	<u>Electoral Institute for Sustainable Democracy in</u> <u>Africa - EISA</u>
Information Officer:	<u>Melanie Meirotti</u>
Contact Number:	<u>011 381 6000</u>
Email:	<u>melanie@eisa.org</u>
Deputy Information Officer:	
Monitoring, Evaluation and Learning	<u>Tokologo Ramodibe</u>
Contact Number:	<u>011 381 6000</u>
Email:	<u>tokologo@eisa.org</u>
Deputy Information Officer:	
Payroll and staff files	<u>Nthabiseng Botipe</u>
Contact Number:	<u>011 381 6000</u>
Email:	<u>nthabiseng@eisa.org</u>
Deputy Information Officer:	
Office Administration	<u>Zahira Seedat</u>
Contact Number:	<u>011 381 6000</u>
Email:	<u>zahira@eisa.org</u>
Deputy Information Officer:	
ICT	<u>Irene Maboea (ICT)</u>
Contact Number:	<u>011 381 6000</u>
Email:	<u>irene@eisa.org</u>

Postal Address	<u>P O Box 740, 2006</u>
	<u>Auckland Park</u>
	<u>Johannesburg</u>
	<u>2006</u>
	<u>South Africa</u>
Physical Address	<u>14 Park Road</u>
	<u>Richmond</u>
	<u>Johannesburg</u>
	<u>2092</u>
Telephone Number	<u>011 381 6000</u>
Email	<u>eisa@eisa.org</u>

6. Applicable Legislation

Administration Of Estates Act 66 Of 1965	
Administrative Adjudication of Road Traffic Offences Act 46 of 1998 as amended	
Arbitration Act 42 Of 1965	
Auditing Profession Act 26 Of 2005	
Basic Conditions Of Employment Act 75.1997	
Broad-Based Black Economic Empowerment Act 75 of 1997	
Business Act 71 of 1991	

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Close Corporations Act 69 Of 1984	
Collective Investment Schemes Control Act 45 Of 2002	
Companies Act 71 Of 2008	
Compensation Of Occupational Injuries & Diseases Act 130 of 1993	
Competition Act 71 of 2008	
Consumer Protection Act 68 of 2008	
Copyright Act 98 of 1978	
Customs and Excise Act 91 of 1964	
Electronic Communications Act 36 of 2005	
Electronic Communications and Transactions Act 25 of 2002	
Employment Equity Act, No. 55 Of 1998	
Films & Productions Act 65 of 1996	
Financial Advisory and Intermediary Services Act 37 of 2002	
Financial Institutions (Protection of Funds) Act 28 of 2001	
Financial Intelligence Centre Act 38 of 2001	
Friendly Societies Act 25 of 1956	
Identification Act 68 of 1997	
Income Tax Act 58 of 1962	
Insolvency Act 24 of 1936	
Insurance Act 18 of 2017	
Intellectual Property Laws Amendment Act 38 of 1997	
Labour Relations Act 66 of 1995	
Long-term Insurance Act 52 of 1998	
Medical Schemes Act 131 of 1998	
National Credit Act 34 of 2005	
National Road Traffic Act 93 of 1996	
National Qualifications Framework Act 67 of 2008	
Occupational Health and Safety Act 85 of 1993	
Patents Act 57 of 1978	
Pension Funds Act 24 of 1956	
Prescription Act 68 of 1969	
Prevention of Organised Crime Act 121 of 1998	
Prevention and Combating of Corrupt Activities Act 12 of 2004	
Private Security Industry Regulation Act 54 of 2001	
Promotion of Access to Information Act 2 of 2000	
Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000	
Protection of Constitutional Democracy against Terrorist and related Activities Act 33 of 2004	
Protection of Personal Information Act 4 of 2013	
Qualifications Act 58 of 1995	
Regulation of Interception of Communications and Provision of Communication-related Information Act 122 of 2002	
Revenue Laws Second Amendment Act 61 of 2008	
Short-term Insurance Act 53 of 1998	
Skills Development Act 97 of 1998	
Tax Administration Act 28 of 2011	
Trademarks Act 194 of 1993	
Unemployment Insurance Contributions Act 63 of 2001	
Value-Added Tax Act 89 of 1991	

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7. Additional Cross-border Country Legislation Applicable

European Union – General Data Protection Regulation	
United Kingdom – Data Privacy Act 2018	
United States – US Privacy Act of 1974, Health Insurance Portability and Accountability Act, Children's Online Privacy Protection Act, Financial Services Modernization Act of 1999	
Sweden - Swedish Data Act	
African Union – Malabo Convention	

8. Schedule of Records and Availability

Category	Record	Availability	Applicable Legislation
Public Affairs	Public Product Information	Freely Available	
	Launches and Events Records	PAIA Request	
	Journalist Records	PAIA Request	Films & Productions Act 65 of 1996
	Public Corporate Records	Freely Available	Companies Act 71 of 2008
	Media Releases	Freely Available	Electronic Communications Act 36 of 2005 Films & Productions Act 65 of 1996
Public Affairs	Social Media Posts	Freely Available	Electronic Communications Act 36 of 2005
	Published Newsletters	Freely Available	Electronic Communications Act 36 of 2005
	Academic Journal	Freely Available	Films & Productions Act 65 of 1996
Regulatory & Administrative	Permits, Licenses or Authorities	Freely Available	National Road Traffic Act 93 of 1996 Administrative Adjudication of Road Traffic Offences Act 46 of 1998 as amended Occupational Health & Safety Act 85 of 1993
	Conflict of Interest Management Policy	Freely Available	Financial Advisory & Intermediary Services Act 37 of 2002 – Part 2
	Complaints Policy	Freely Available	Financial Advisory & Intermediary Services Act 37 of 2002 – Part 11
	FICA Internal Rules	PAIA Request	Financial Intelligence Centre Act 38 of 2001
	Health & Safety Plan	PAIA Request	Occupational Health & Safety Act 85 of 1993
	Documents of Incorporation	PAIA Request	Companies Act 71 of 2008
	Memorandum of Incorporation	PAIA Request	Companies Act 71 of 2008 – Schedule 5, Section 4
	Minutes of Board, Directors Meetings, and Shareholder Meetings	PAIA Request	Companies Act 71 of 2008 – Part F, Section 39
	Register of Members	PAIA Request	Companies Act 71 of 2008 – Chapter 3
Regulatory & Administrative	Register of Board of Directors and Director's shareholdings	PAIA Request	Companies Act 71 of 2008 – Part F, Section 39

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	Proxy Forms	PAIA Request	Companies Act 71 of 2008 – Part C, Section 51
	Internal correspondence (e-mails/memos)	PAIA Request	
	Insurance Policies held by organisation	PAIA Request	Insurance Act 18 of 2017 Short Term Insurance Act 53 of 1998
Human Resources	Employment Applications	PAIA Request	
	Employment Contracts	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Personal Information of Employees	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Employment Equity Plan	PAIA Request	Employment Equity Act 55 of 1998
	Medical Aid Records	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Medical Records	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Pension Fund Records	PAIA Request	Pension Funds Act 24 of 1956
	Employee Disability Insurance Records	PAIA Request	Compensation of Occupational Injuries & Diseases Act 130 of 1993
	Disciplinary Records	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Company Guidelines, Policies and Procedures	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Performance Management Records	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Salary & Payroll Records	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Employee Benefit Records	PAIA Request	Unemployment Insurance Contributions Act 63 of 2001
	PAYE Records	PAIA Request	Income Tax Act 58 of 1962
	Disciplinary Code	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Leave Records	PAIA Request	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995
	Training Records	PAIA Request	Skills Development Act 97 of 1998 Qualifications Act 58 of 1995 National Qualifications Framework Act 67 of 2008

Human Resources	Training Manual	PAIA Request	Skills Development Act 97 of 1998 Qualifications Act 58 of 1995 National Qualifications Framework Act 67 of 2008
	Inpatriate and Expatriate Records	PAIA Request	Tax Administration Act 28 of 2011
Financial	Financial Statements	PAIA Request	Financial Advisory & Intermediary Services Act 37 of 2002 Companies Act 71 of 2008 – Part C, Section 125
	Financial and Tax Records	PAIA Request	Financial Advisory & Intermediary Services Act 37 of 2002 Tax Administration Act 28 of 2011 Income Tax Act 58 of 1962 Value Added Tax Act 89 of 1991
Financial	Asset Register	PAIA Request	Companies Act 71 of 2008 – Part C, Section 25 Income Tax Act 58 of 1962
	Supplier Records	PAIA Request	Consumer Protection Act 68 of 2008 – Part C, Section 22 Competition Act 71 of 2008 – Part D, Section 40
	Management Accounts and Reports	PAIA Request	Financial Advisory & Intermediary Services Act 37 of 2002 National Credit Act 34 of 2005
	Vouchers, Cash Books and Ledgers	PAIA Request	Financial Advisory & Intermediary Services Act 37 of 2002 National Credit Act 34 of 2005
	Banking Records and Statements	PAIA Request	Banks Act 94 of 1994
	Electronic Banking Records	PAIA Request	Banks Act 94 of 1994 Electronic Communications and Transactions Act 25 of 2002
Legal Services and Compliance Division	General Contract Documentation	PAIA Request	
	Intellectual Property Records	PAIA Request	Intellectual Property Laws Amendment Act 25 of 2013
	Immovable Property Records	PAIA Request	Immovable Property Act 94 of 1965
	Statutory Records	PAIA Request	Companies Act 71 of 2008 – Part C, Section 22
Marketing	Market Information	PAIA Request	Consumer Protection Act 68 of 2008
	Product Brochures	PAIA Request	
	Advertisements	PAIA Request	
	Field Records	PAIA Request	
	Performance Records	PAIA Request	
	Marketing Strategies	PAIA Request	
IT Department	Processing, Testing & Developmental Records	PAIA Request	

Facilities Management Department (Security)	Physical Security Records (Visitors, Suppliers, Customers/Clients, Employees)	PAIA Request	Protection of Personal Information Act 4 of 2013 Occupational Health & Safety Act 85 of 1993 Private Security Industry Regulation Act 54 of 2001
	Electronic Access and Identity Management Records (Employees, Contractors, Vendors) Includes biometric information	PAIA Request	
	Time and Attendance Records	PAIA Request	
Client/Customer	Customer Records		Consumer Protection Act 68 of 2008 – Part C, Section 22 Competition Act 71 of 2008 – Part D, Section 40
	Credit Application Information		
	Customer / Client Database		Protection of Personal Information Act 4 of 2013
	Customer / Client Agreements		Protection of Personal Information Act 4 of 2013
	Customer / Client Files		Protection of Personal Information Act 4 of 2013
	Customer / Client Instructions		Electronic Communications and Transactions Act 25 of 2002
	Customer / Client Correspondence		Electronic Communications Act 36 of 2005
Donor	Donor Records		Consumer Protection Act 68 of 2008 – Part C, Section 22 Competition Act 71 of 2008 – Part D, Section 40
	Donor Database		Protection of Personal Information Act 4 of 2013
	Donor Agreements		Protection of Personal Information Act 4 of 2013
	Donor Files		Protection of Personal Information Act 4 of 2013
	Donor Instructions		Electronic Communications and Transactions Act 25 of 2002
	Donor Correspondence		Electronic Communications Act 36 of 2005
Third Party	Rental agreements		Financial Intelligence Centre Act 38 of 2001
	Supplier Contracts		Consumer Protection Act 68 of 2008 – Part C, Section 22 Competition Act 71 of 2008 – Part D, Section 40
	Non-disclosure agreements		Protection of Personal Information Act 4 of 2013
	Letters of Intent		Protection of Personal Information Act 4 of 2013
Risk Control	Complaints and Investigation Records		
Mail	Mail Register		

Based on the Stylo Investments (Pty) Ltd model

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9. Processing of Personal Information

- 9.1. EISA values and understands the importance of privacy and protection of personal information and will therefore only process personal information in accordance with POPIA. The relevant EISA privacy policies relating to the collection, processing, safeguarding, and sharing will be applied to any personal information processed by EISA.
- 9.2. EISA processes personal information for various specific purposes including, but not limited to, the following:
- 9.2.1. For employment purposes.
 - 9.2.2. For apprenticeship/internship purposes.
 - 9.2.3. For recruitment purposes.
 - 9.2.4. To provide products and/or services to data subjects.
 - 9.2.5. To obtain relevant and specific products and technology from suppliers and vendors to enable EISA to provide products and/or services to data subjects.
 - 9.2.6. To establish an improvement plan for the quality of products and/or services provided by EISA.
 - 9.2.7. To identify data subjects when they contact EISA.
 - 9.2.8. To implement and maintain customer/client records.
 - 9.2.9. To perform customer/client related analysis to establish specific customer/client profiles.
 - 9.2.10. For administrative, financial, and contractual purposes – including tax purposes.
 - 9.2.11. For legal and legislative purposes.
 - 9.2.12. For health & safety purposes.
 - 9.2.13. To enable the proper facilitation and security of EISA by monitoring access to the premises and by securing the premises.
 - 9.2.14. To perform all business functions relating to suppliers and business partners.
 - 9.2.15. To establish a detection framework for preventing fraud and money laundering.
 - 9.2.16. To enable EISA to recover any debts.
 - 9.2.17. For travel purposes.
 - 9.2.18. To perform reasonable and specific market related research to identify a specific need for products and/or services from our data subjects.

10. Data Subject Categories

- 10.1. The following table indicates the specific categories of data subjects of which EISA processes personal information:

Category	Personal Information processed
Partner/Beneficiary Information	Partner/Beneficiary personal information
	Partner/Beneficiary performance information
	Partner/Beneficiary financial status/record information
	Partner/Beneficiary employee information
Employees	Employee personal Information
	Employment history information
	Employee health status – medical history
	Employee financial history and current financial status – Salary information
	Employee benefit information – Provident & Pension Fund information
	Payroll information – leave, bonus pay etc
	Employment contract information
	Employee performance/satisfaction reports and information
Employee training and awareness sessions records	

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Employees	Attendance register records – including all clocking procedures
	Health & Safety records
	Remote Access records
	Physical Access records
	Surveillance records
Inpatriate and Expatriate	Inpatriate and expatriate personal information
Recruitment and Applications records	Curriculum Vitae and application forms
	Relevant background check reports
	Criminal history report
	Credit score and financial status reports (where applicable)
Customers/Client Potential customers/clients &	Customer personal information
	Customer Service Level Agreements
	Customer warranties
	Customer specific location information
	Customer financial records – account numbers for debit order purposes
	Customer personal information – customer data subject personal information for the purpose of processing as a third party
Donors	Donor personal information
	Donor Agreements
	Donor specific location information
	Donor financial records – account numbers for debit order purposes
	Donor personal information – donor data subject personal information for the purpose of processing as a third party
Suppliers/Vendors	Supplier personal information
	Supplier financial records – account numbers for payment purposes
	Supplier representative information
Visitors	Visitor personal information
	Security access information – physical
	Security access information – electronic access
	Surveillance records/footage

11. Recipient Categories

- 11.1. The following is a list of recipients that EISA shares personal information of data subjects with for any of the purposes outlined in Section 7 and 8:
- 11.1.1. Any other field office in South Africa and in other countries.
 - 11.1.2. Carefully selected organisational partners and beneficiaries associated with EISA.
 - 11.1.3. Suppliers – where applicable to provide a service related to the personal information of EISA’s data subjects.
 - 11.1.4. Service providers and representatives/agents that provide a service on EISA’s behalf.
 - 11.1.5. Any third party with who EISA has signed an agreement to process personal information on EISA’s behalf.
- 11.2. EISA will not share personal information of data subjects with any third party’s or unauthorised persons, except under the following conditions:
- 11.2.1. Where EISA is legally obliged to provide such personal information.
 - 11.2.2. Where EISA is legally required to do so for existing or future legal proceedings.
 - 11.2.3. Where EISA is involved in the prevention of fraud, bribery, corruption, or money laundering.
 - 11.2.4. Where EISA is selling one or more of their businesses to a person to whom EISA may legally transfer EISA’s rights under any customer agreement signed with customers.
 - 11.2.5. The sharing of such personal information is required to provide or maintain any information, products and/or service to data subjects.

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- 11.2.6. Where a third party provides a service in accordance with a signed agreement to process such personal information on EISA's behalf.
- 11.2.7. Where the sharing of such personal information is required to assist EISA in improving the quality of its products and/or services.
- 11.3. EISA undertakes to send its data subjects proper notification in the event that it is obliged by law to share personal information pertaining to specific data subjects.
- 11.4. EISA further undertakes to only disclose personal information of data subject to the government when it is legally required by law to do so.
- 11.5. All EISA employees (including vendors and contractors with access to EISA information and systems) have the responsibility to adhere to all privacy and confidentiality policies published by EISA and to attend scheduled personal information privacy awareness sessions.

12. Security safeguarding measures to protect personal information

- 12.1. EISA has implemented reasonable, appropriate technical and organisational measures to protect the personal information of its data subjects.
- 12.2. EISA has entered into the relevant agreements with third parties and has signed an Information Processing Agreement with all its third parties to ensure that all third parties processing personal information on behalf of EISA adheres to the reasonable, appropriate technical and organisational measures.
- 12.3. EISA regularly verifies the technical and organisational measures implemented and continually updates these measures to enable and enhance proper risk management of personal information in its possession and under its control.

13. Information transfer – Cross-border flow of personal information

- 13.1. EISA undertakes to only transfer personal information across South African borders where relevant business transactions and/or situations require cross-border processing and/or where the relevant data subject has given its consent to the cross-border transfer of the personal information.
- 13.2. EISA further undertakes to ensure that the personal information is adequately protected when being transferred cross-border.
- 13.3. EISA will ensure that it enters into a written, binding agreement with all third parties to ensure that an adequate and proper level of protection is provided and that the conditions for lawful processing of personal information, in terms of POPIA, is upheld.

14. Personal information received from a third party

- 14.1. EISA requires written consent from all data subjects of which it receives personal information via a third party and confirmation that the data subjects do not object to EISA processing their personal information.
- 14.2. EISA requires that all data subjects of which it receives personal information via a third party to be aware of this EISA PAIA Manual and to take note of all the EISA policies relating to the processing of personal information.

15. Form of Request

- 15.1. To facilitate the processing of your request, kindly:
 - 15.1.1. Use the prescribed form, available as Annexure A on the EISA Data Request Procedure policy.
 - 15.1.2. Address your request to the EISA Information Officer.
 - 15.1.3. Provide sufficient details to enable EISA to identify:

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- a. The record(s) requested.
 - b. The requester (and if an agent is lodging the request, proof of capacity).
 - c. The form of access required.
 - d. The South African postal address or email address of the requester.
 - e. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
 - f. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- 15.2. Any requester is advised to refer to the Data Request Procedure which is found as Annexure B to this Manual.

16. Access to prescribed fees

- 16.1. The following applies to requests (other than personal requests):
- 16.1.1. A requester is required to pay the prescribed fees (R140.00) before a request will be processed.
 - 16.1.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
 - 16.1.3. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit.
 - 16.1.4. Records may be withheld until the fees have been paid.
 - 16.1.5. A detailed fee structure is available, please request the fee schedule from Information Officer.
 - 16.1.6. The fee structure is also available on the website of the Information Regulator at <https://inforegulator.org.za/>

17. Access to prescribed forms and fee schedule

- 17.1. A hard copy of the prescribed forms and fee schedule may be requested from the EISA Information Officer or Deputy Information Officer. (See contact details in Section 5 of this Manual).

18. Appeal Process

- 18.1. EISA does not have a dedicated internal appeal procedure regarding any requests in terms of PAIA or POPIA.
- 18.2. Therefore, the decision regarding any requests in terms of this Manual, PAIA, and POPIA made by the EISA Information Officer or Deputy Information Officer, is final.
- 18.3. Any requester is entitled to apply to the Information Regulator for relief in the case of a request being denied by EISA.