

This manual is prepared in accordance with section 14 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.



# RTIA

Road Traffic Infringement Agency

Justice in Adjudication



PAIA & POPIA  
MANUAL

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**PROMOTION TO ACCESS TO INFORMATION ACT**  
**PART A**  
**SECTION 14 MANUAL**

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## **1. INTRODUCTION**

This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/ or protection of any right.

The reference to any information, in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of this Act

Any request in terms of Act will only be given if the requester of such information:

- a. Complies with all the procedural requirements in this Act relating to a request for access to that record, and
- b. Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the Act

## **2. RTIA OVERVIEW**

### **2.1 THE FUNCTIONS OF THE RTIA**

The RTIA has been established in terms of Section 3 of the Administrative Adjudication of Road Traffic Offences Act, 1998(Act No 46 of 1998).

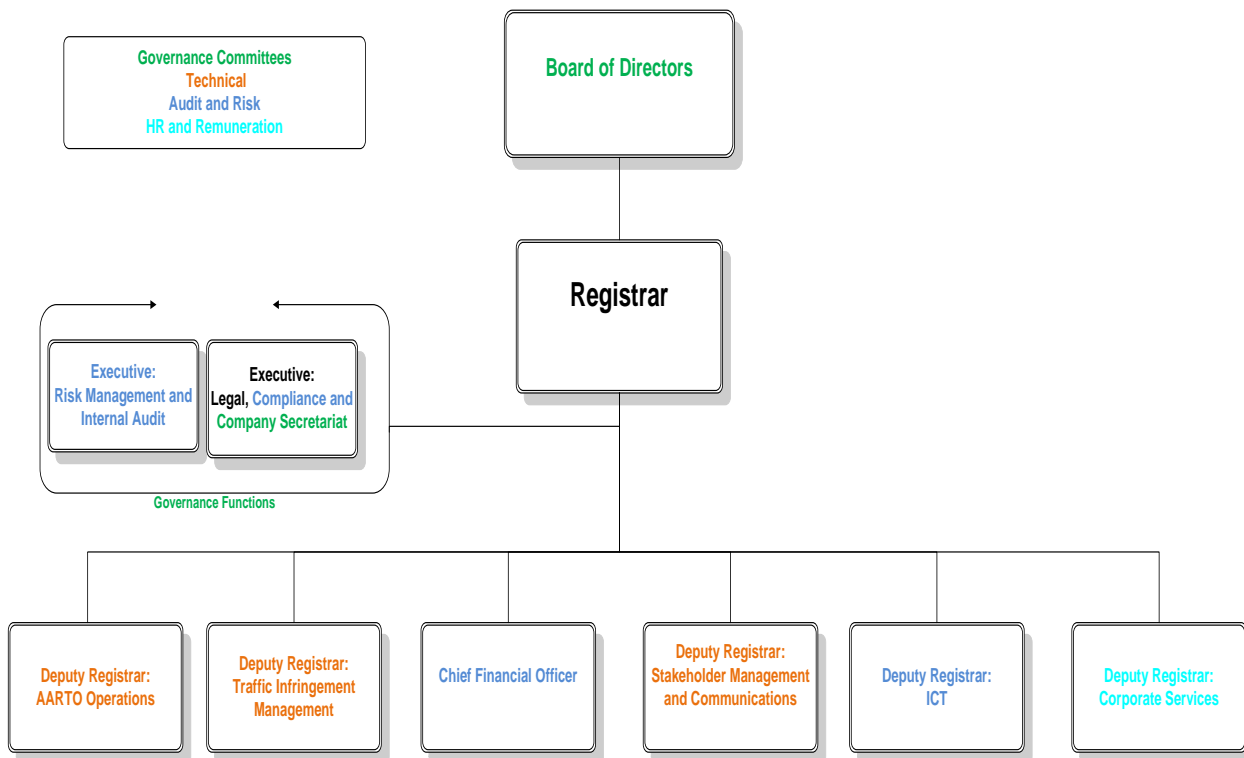
The Agency administers a procedure to discourage the contravention of road traffic & road transport laws.

The Agency also manages the National Contravention Register (NCR) on which all road traffic violations (infringements & offences) for Issuing Authorities (IA's) are recorded.

The Agency furthermore has the legislative objective to collect the infringement penalties and the prescribed fees arising from the issuance of Courtesy Letters & Enforcement Orders to non-compliant infringers.

The Agency support the constitutional right of access to information and it is committed to provide access to its records within the ambits of the provisions of the Act and subject to the principles of confidentiality guaranteed to everyone in terms of the Constitution.

## 2.2 A SCHEMATIC DIAGRAM OF THE STRUCTURE OF THE ROAD TRAFFIC INFRINGEMENT AGENCY



## 2.3 THE STRUCTURE OF THE RTIA

The RTIA consist of a national office that is situated in Gauteng.

The RTIA has only one shareholder being the Department of Transport, supported by the Board of Directors, which is responsible for the proper administration of o the Agency. The Board consist of the following members:

1. Three persons who are not employed by the state, appointed by the Minister.
2. A Director of Public Prosecutions.
3. The Registrar of the Agency.
4. The members of the Board will hold office for a period not exceeding five (5) years, but may be re-appointed.

## 2.4 FUNCTIONS OF THE BOARD

The functions of the Board are:

1. Approve the business plan prepared by the Registrar,
2. Monitor the success achieved in promoting compliance to road traffic laws,
3. To receive annual reports and advise the registrar on measures on how to improve the effectiveness of the agency,
4. Advise the Minister on the amendments of the AARTO Act,
5. To consider any other matters which the Board deems advisable in order to achieve the objects of the AARTO Act.

## ***2.5 MANAGEMENT AND VARIOUS MEETING STRUCTURES WITHIN THE RTIA***

The RTIA consists of the following internal management structures:

1. Executive Management Committee (ExCo),
2. Management Committee (ManCo);
3. Compliance Universe Committee;
4. Occupational Health and Safety Committee (OHS);
5. Internal Audit, Audit & Risk Committees, and
6. Remuneration and Employment Conditions Committee (HR & RemCo).

## ***2.6 NATIONAL & OPERATIONAL BODIES IN TERMS OF CO-ORDINATING AARTO MATTERS***

The RTIA is responsible for the coordinating of AARTO matters on a National basis and therefore established the AARTO National Task Team to fulfil the role of a committee overseeing the preparation and implementing of AARTO countrywide. This committee convene on a quarterly basis or when required. This task team also created a sub-committee called the AARTO National Technical Committee.

In addition, various Operational Committees have been established to coordinate AARTO related matters between the implementing Issuing Authorities and some important stakeholders. These committees convene on a monthly basis:

- AARTO Operational Meeting;
- RTIA /IA's & South African Post Office Meeting;
- RTIA/IA's & Government Printing Works Meeting;

## ***2.7 OTHER PUBLIC BODY CLOSELY CONNECTED TO THE RTIA FUNCTIONS***

The RTIA is depended on the Road Traffic Management Corporation (RTMC) for the co-development of the NCR and therefore information requested on the functionality of the NCR system and related matters may need approval by both parties. In this regard, FORM A may need to be submitted to both entities for consideration. The RTMC may be reached on [www.rtmc.co.za](http://www.rtmc.co.za) .

## ***3. AVAILABILITY OF THIS MANUAL***

A copy of this manual is available on our website: ([www.rtia.co.za](http://www.rtia.co.za)) or by sending a request for a copy to the Information Officer of the Agency to the following email addresses - [paiarequest@rtia.co.za](mailto:paiarequest@rtia.co.za) or [popiarequest@rtia.co.za](mailto:popiarequest@rtia.co.za) .

This manual is also obtainable from the South African Human Rights Commission (SAHRC) to the address set out below.

This manual will be updated from time to time or when required. The latest amended version of the manual shall supersede any old previous versions of the manual and any such old versions shall cease to have a legal effect.

#### **4. HOW TO REQUEST ACCESS TO INFORMATION**

Requests for access to records held by the RTIA must be made on the request form that is available on its website, or from the SARHC website ([www.sahrc.org.za](http://www.sahrc.org.za)) of the Department of Justice and Constitutional Development - ([www.doj.gov.za](http://www.doj.gov.za)).

Kindly note that requests need not to be accompanied by a prescribed payment from the onset, but will only be levied processing such request.

Requests for access to records must be made to the Registrar at the address, fax, and email portal provided below.

The requester must at all times provide sufficient detail on the request form to enable the Registrar to positively identify the requested record and requester. Some important detail, amongst others, to be provided includes:

- a. Full names and the address of the requester;
- b. If the request is made on behalf of someone, the name and the address of the person on whose behalf the request is being made as well as a proof of authority which may be in the form of an affidavit or a sworn statement;
- c. The details regarding the information that is being requested including the purpose for which that information is being requested;
- d. The preferred language in which the information must be provided; and
- e. If the requester wishes to be informed of a decision on the request in any particular manner, to state the manner in which such a decision must be communicated;

A requester wanting to make oral requests for access to information due to illiteracy a disability or for any other reason, is allowed to do so. The Registrar must ensure that such oral request is transferred to the prescribed document and a copy thereof to be given to the requester. The standard form that must be used for making the request is attached as FORM A. By not utilising the standard request form may cause your request to be refused or delayed, this will also be the case if you provide insufficient information.

Kindly note that all requests will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories of information or records held by the RTIA does not give rise to any rights (in contract or otherwise) to access such information or records, except in terms of this Act.

#### **Contact details**

Name of public body:	Road Traffic Infringement Agency ( <b>RTIA</b> )
Designated information officer:	The Registrar
Email address of information officer:	<a href="mailto:paiarequest@rtia.co.za">paiarequest@rtia.co.za</a> or <a href="mailto:popiarequest@rtia.co.za">popiarequest@rtia.co.za</a>
Postal address:	Private Bag x112, Halfway House, 1685
Street address:	Waterfall Office Park, Howick Close, Midrand , 1685
Phone number:	087 285 0500
Fax number:	011 207 3210

## ***5. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT***

The guide described in Section 10 of the Act it will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission  
Private Bag X 2700  
Houghton  
2041  
Telephone: 011 484 8300  
Fax: 011 484 0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
Email: [paia@sahrc.or.za](mailto:paia@sahrc.or.za)

## ***6. VOLUNTARY DISCLOSURE***

The Agency will publish a notice in terms of Section 52 (2) of the Act in this regard, however, it should be noted that the information related to the RTIA and its services is freely available on the RTIA's websites ([www.rtia.co.za](http://www.rtia.co.za) / [www.aarto.gov.za](http://www.aarto.gov.za) ). Certain other information relating to the RTIA is also made available in the Annual Reports which are published every financial year. These Annual Reports are available in any public library and may also be accessed on the website.

## ***7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION***

- Basic Conditions of Employment Act, No 75 of 1997;
- Labour Relations Act 66 of 1995;
- Promotion of Access to Information Act No 2 of 2000;
- Administrative Adjudication of Road Traffic Offences Act No 46 Of 1998;
- National Road Traffic Act No 93 of 1996;
- Criminal Procedure Act 51 of 1977, and
- Public Finance Act No 1 of 1999.

## ***8. ACCESS TO RECORDS HELD BY THE RTIA FOR WHICH NO FORMAL REQUEST NEED TO BE MADE FOR ACCESS TO SUCH INFORMATION***

The following information held by the RTIA is available without following the processes outline in the Act:

- Access to the requesters own infringement information by registering a personal profile through our website: [www.aarto.gov.za](http://www.aarto.gov.za) ;
- Copies of annual reports;
- Road Safety promotional material;
- RTIA educational material; and
- Copies of Administrative Adjudication of Road Traffic Offences Act and its Regulations.



## ***9. RECORDS HELD BY THE AGENCY***

The RTIA maintains records on the below categories and subject matters. In all cases, requests for access to this information must be made in terms clause 4 of this manual and in terms of the Act:

### ***9.1 INTERNAL RECORDS***

- Minutes of staff and other meetings conducted;
- Operational reports pertaining the primary business of the Agency;
- Intellectual Property;
- Internal policies & procedures;
- Internal audit reports;
- Correspondence between the Agency and its Stakeholders;
- Statutory records;
- Delegation matrix;
- Official email correspondence;
- Records relating to the usage of official cell phones and other official tools of work; and
- Records related to the National Contravention Register system development and functioning,

### ***9.2 PERSONNEL RECORDS***

Personnel records refer to personal records of any person who is employed by the Agency, whether on permanent or part-time basis and entitled to receive remuneration for services rendered. This includes RTIA Board Members.

Records include:

- Remuneration matters, including salary structures;
- Conditions of service;
- Personal Tax records;
- Medical membership;
- Internal evaluation records;
- Performance contracts & bonus provisions;
- Health records; and
- Cell phone records.

This information may only be provided if the person to whom it relates gives necessary consent or on the basis of a court order directing for the disclosure of such information.

### ***9.3 INFRINGER'S RECORD (NATURAL OR JURISTIC PERSONS) (DIGITISED ONTO THE NCR)***

- Any records submitted by alleged infringers regarding their representation, nomination of responsible driver, revocation of enforcement order, election to be tried in court and instalment applications;

- Infringement and offence history of infringers;
- Demerit point history or current standing reports;
- Payment history of infringers;
- Vehicle detail of alleged infringers;
- Personal details of alleged infringers;
- Record of outcome of elective option applications made to the RTIA;
- Performance reports conducted about alleged infringers;
- Records obtained in whatever format from the NaTIS; Infringement & Demerit point history of employees of the Agency;
- Rehabilitation Programme attendance history of Habitual Offenders, and
- Appeal history applications to the Appeals Tribunal.

#### ***9.4 TECHNICAL RECORDS***

- Technical or statistical records generated by the National Contravention Register;
- Any technical or statistical reports generated on or behalf of the Agency by a third party duly authorised or appointed by the Agency to generate such reports.

#### ***9.5 NCR FUNCTIONALITY***

- Any records or documents outlining the architecture of the functioning of the NCR and associated transactions.

#### ***9.6 VEHICLE RECORDS***

- Any records pertaining to the infringement history of the RTIA's official vehicles;
- Maintenance records of the RTIA's official vehicles;
- Maintenance cost of the RTIA's official vehicles;
- Fuel cost of official vehicles; and
- Accident records of official vehicles.

#### ***9.7 OTHER PARTIES***

- Records that are kept of other parties, including without limitation contractors, suppliers, joint ventures and service providers. In addition, such other parties that may possess records, which can say to be belonging to the RTIA. The following records may fall under this category:
- Records held by the Agency pertaining to other parties, including financial records, correspondence, contractual records and electronic mail.

#### ***9.8 OTHER RECORDS***

Further records that are held:

- Information relating to own research carried out regarding any business related to the RTIA's functions in terms of its own legislation;

- Information relating to research carried out regarding any business related to the RTIA's functions in terms of its own legislation provided by third parties.

### ***10. REMEDY AVAILABLE IF THE REQUEST FOR INFORMATION IS DENIED***

The only remedy available is to approach the High Court of South Africa in order to apply for such relief.

### ***11. FEES PAYABLE FOR RECORDS REQUESTED OF PUBLIC BODY***

The “**request fee**” payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is **R35–00**

The “**access fees**” referred to in section 22(7) of the Act (unless the requester is exempted under section 22(8)) and “**fees for reproduction**” referred to in section 15(3) of the Act, are as follows:

1. for every photocopy of an A4-size page or part thereof: **R0–60**
2. for every printed copy of an A4-size page or part thereof: **R0–40**
3. a copy in a computer-readable form on –
  - stiffy disc: **R5**
  - compact disc: **R40**
4. transcription of visual images, for an A4-size or part thereof: **R22**
5. a copy of visual images: **R60**
6. a transcription of an audio record, for an A4-size page or part thereof: **R12**
7. a copy of an audio record: **R17**
8. to search for the record for disclosure (for each hour or part thereof, but excluding the first hour): **R15**

**The actual postal fee is payable when a copy of a record must be posted to a requester.**

### ***12. Deposits***

Where the Agency receives a request for access to information held on a person other than the requester himself/herself and the Registrar upon receipt of the request is of the opinion that the preparation of the required record will take more than six hours, a deposit is pay of 50% of the fees to be paid will be payable.

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## ***PART B***

### ***POPIA MANUAL***

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#### ***1. THE PROTECTION OF PERSONAL INFORMATION PROCESSED BY THE RTIA***

1.1 With the processing of Personal Information, the RTIA will process such information and give effect to Chapter 3 of POPIA and in particular Section 2 of the POPIA Act, in that the RTIA will:

- Protect the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at—
  1. balancing the right to privacy against other rights, particularly the right of access to information; and
  2. protecting important interests, including the free flow of information within the Republic and across international borders;
- regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;
- provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act.

1.2 Above conditions is obligatory, and may not be derogated from unless specific exclusions apply as outlined in POPIA.

1.3 Personal Information required and processed by the RTIA is explicitly defined in terms of the National Road Traffic Act, 1996(Act No. 93 of 1996) and the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No 46 of 1998) and such personal information collected lawfully for purposes related to a function or activity of the responsible party.

1.4 The RTIA as the Responsible Party for the purpose of 1.3 above, will ensure that the Personal Information of a Data Subject:

**1.4.1** is processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3 of POPIA,

**1.4.2** is only processed of the purposes to which it has been collected,

**1.4.3** will only be processed for secondary processes as far as it relates to the transfer and updating of personal detail to the Road Traffic Management Corporation, through a data capturing process on the National Contraventions Register upon the issuing of an infringement notice to the data subject, and upon the updating of personal information following the receiving of an elective option application (in terms form (s) from the data subject and submitted to the Agency.

- 1.4.4 any other personal information of the data subject being collected by the Agency outside the provisions of 1.4.3 above will not be processed for secondary purposes
- 1.4.5 is accurate and kept up to date,
- 1.4.6 will not be kept longer than necessary in terms of law, except for infringement records to which the laws of prescription do not apply,
- 1.4.7 is not processed for purposes of direct marketing by means of unsolicited electronic communications except, for the purposes of serving AARTO infringements and other notifications to be served electronically in terms of Regulation 31 (AARTO Regulations),
- 1.4.8 is collected and processed according to integrity and security of private information and to ensure that the RTIA carefully manages the data collected and storing of such data collected and to protect such data collected against unauthorised access or acquisition or accidental loss, destruction or damage,
- 1.4.9 Is processed in accordance with the rights of Data Subjects, where applicable.

## ***2. THE RTIA RECOGNISES THE RIGHT OF DATA SUBJECTS AND THEREFORE:***

- 2.1 data subjects will be notified that their Personal Information is being collected by the Agency;
- 2.2 data subjects will be notified in the event of a data breach;
- 2.3 data subjects know what personal information is held by the Agency and how to access such;
- 2.4 data subjects will have access to personal information held by the Agency will need to be processed through the provisions and requirements of this Manual;
- 2.5 data subjects have the right to request correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- 2.6 data subjects have the right to object against the RTIA's use of their personal information and request the deletion of such information (deletion will be subject to the RTIA's record keeping requirements). Infringement Records and History held of data subjects will not be subject to deletion and will remain part of the National Contravention Register indefinitely)
- 2.7 data subjects have the right to object against the processing of Personal Information for the purposes of direct marketing by means of unsolicited electronic communications;

2.8 data subjects have the right to submit a complaint to the Information Regulator regarding alleged infringement of any rights protected under POPIA and institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

### **3. PURPOSE OF THE PROCESSING OF PERSONAL INFORMATION BY THE AGENCY**

The collection and processing of personal information by the Agency, will be done where the:

- processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
- processing complies with an obligation imposed by law on the responsible party;
- processing protects a legitimate interest of the data subject;
- processing is necessary for the proper performance of a public law duty by a public body; or,
- processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied

As outlined above, Personal Information will only be processed for a specific purpose. The purposes for which the Agency processes or will process Personal Information is set out below.

#### **4.1 FOR INFRINGERS**

4.1.1 Attending to the processing of AARTO elective options submitted or accessed through the Agency:

<b>AARTO FORM</b>	<b>DESCRIPTION OF NOTIFICATION</b>
AARTO 04	Arrangement to pay in instalments
AARTO 07	Nomination of driver or person in control
AARTO 08	Application for Representation
AARTO 08A	Notification of Suspect or False prosecution
AARTO 10A	Application for Appeal or Review
AARTO 11A	Application for Rehabilitation
AARTO 23	Application for return of suspended documents
AARTO 25	Application for refunding of monies
AARTO 27	Application to access demerit points status
AARTO 27a	Application to access demerit points history
AARTO 34:	Application for Condonation

#### 4.1.2 Attending to notifications send to the infringer:

<b>AARTO FORM</b>	<b>DESCRIPTION OF FORM / NOTIFICATION</b>
AARTO 03	Infringement notice for camera and other infringements
AARTO 03a	Operator infringement notice
AARTO 03b	Infringement notice in respect of unattended vehicle
AARTO 12	Courtesy letter
AARTO 13	Enforcement order issued after the date referred to in regulation 32 (2)
AARTO 13	Enforcement order issued before the date referred to in regulation 32 (2)
AARTO 06	Notification of outcome of an application to pay in instalments
AARTO 07a	Notification of a successful nomination
AARTO 07b	Notification of an unsuccessful nomination
AARTO 09a	Notification of a successful representation on all charges
AARTO 09b	Notification of an unsuccessful representation on all charges
AARTO 09c	Notification of successful representation on main charge
AARTO 10	Notification of non-compliance
AARTO 10c	Notification of hearing
AARTO 10b	Notification of Rejection of Review or Appeal
AARTO 10d	Notification of results of appeal or review
AARTO 11a	Notification of successful completion of rehabilitation programme
AARTO 11b	Notification of unsuccessful completion of rehabilitation programme
AARTO 11c	Notification of results of an application for a rehabilitation programme
AARTO 16	Notification of dishonoured or insufficient or a failure to make payment of a penalty in instalment
AARTO 17	Notification of dishonoured or insufficient payment of a penalty
AARTO 18	Notification of recording of road traffic offence or infringement and corresponding demerit points on the National Road Traffic Offences Register
AARTO 20	Receipt of payment
AARTO 21	Notification in respect of cancellation
AARTO 22	Notification in respect of suspension
AARTO 25a	Result of application for refund of monies
AARTO 26	Notification of result of application for refund of monies
AARTO 33	Notice of summons to be issued for a traffic offence
AARTO 33a	Notice of summons to be issued to operator
AARTO 34a	Result of condonation

#### 3.1.3 Complying with RTIA Regulatory obligations.

### ***3.2 FOR EMPLOYEES***

- 3.2.1** vetting processes during the recruitment process;
  - criminal record checks;
  - employment reference checks; and
  - qualification reference checks.
- 3.2.2** general employee matters in relation to:
  - Pension funds and contributions;
  - Medical aid funds and contributions;
  - Payroll and remuneration matters;
  - Disciplinary Action and proceedings; and
  - Training received.
- 3.2.3** employee information gathered during the course of employment:
  - employee names;
  - employee home addresses;
  - employee telephone numbers;
  - employee email addresses;
  - employee emergency contact details;
  - employee numbers; and
  - employee date of birth.
- 3.2.4** any other reasonable required purpose relating to employment or possible employment.
- 3.2.5** Complying to RTIA Regulatory obligations.

### ***3.3 FOR SERVICE PROVIDERS AND THIRD PARTIES***

- 3.3.1** Verifying information and performing checks including financial, tax status and past experience.
- 3.3.2** Purposes relating to the agreement or possible agreement or business relationship or possible business relationship between the parties including the processing of procurement bids and quotations.
- 3.4** Payment of invoices.
- 3.5** Complying with RTIA Regulatory obligations or operational requirements.

## ***4. CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION OR SPECIAL PERSONAL INFORMATION RELATING THERETO***

As per section 1 of POPIA, a data subject may either be a natural or a juristic person. The various categories of data subjects that the RTIA processes personal information on and types of personal information hereto are set out below.



#### **4.1 INFRINGERS (NATURAL & JURISTIC)**

- Postal address and/or street address, business and residential;
- Title and name;
- Business name;
- Identity number,
- Traffic Register Number / Business Register Number,
- Contact numbers / and or email address,
- Age,
- Gender,
- Nationality,
- Vehicle details (make, model, colour, Vehicle licence Number),
- Vehicle Operator Card number,
- Infringer signature,
- Authorised Officer signature,
- Authorised Officer Infrastructure number, and
- Other information required in order to comply with the RTIA regulatory obligations.

#### **4.2 EMPLOYEES**

- Name and contact details,
- Identity number and identity documents including passports;
- Employment history;
- Employment references;
- Banking and financial details;
- Details of payments to third parties (deductions from salary);
- Employment contracts;
- Performance contracts;
- Employment equity plans;
- Medical aid records;
- Pension Fund records;
- Performance appraisals;
- Disciplinary Records;
- Leave records;
- Training records; and
- Other information required in order to comply with the RTIA regulatory obligations.

#### **4.3 SERVICE PROVIDERS AND THIRD PARTIES**

- Name and contact details;
- Identity and/ or company information and director's information;
- Banking and financial information;
- References Letters;

- Tax Status;
- BEEE status certificates;
- Professional Body registration certificates;
- Invoices;
- Credit Notes;
- Other information required in order to comply with the RTIA's regulatory obligations.

## ***5. RECIPIENTS OF PERSONAL INFORMATION***

Recipients to whom the RTIA may provide Data Subjects Personal Information to are set out below.

- Any firm, organization or person that the RTIA uses to collect payments and recover debts or to provide a service on its behalf;
- Any firm, organization or person that or who provides the RTIA with products or services;
- Any payment (remuneration) system the RTIA uses,
- Regulatory Bodies and Governmental Authorities or various ombudsmen, or other authorities, including tax authorities, where the RTIA has a duty to share information
- Third parties to whom payments are made on behalf of employees;
- Financial institutions from who payments are received on behalf of data subjects;
- Employees, contractors and temporary staff;
- To third parties to which a Power of Attorney has been provided by the data subject (Infringers) in order to access and be provided with infringement detail, record or statement of account for all liabilities outstanding;
- Infringement details, records or statement of accounts being provided to the data subject, through a call centre interaction process and where the data subject has been positively identified; and
- Any other bodies to specified above

## ***6. CROSS-BORDER FLOWS OF PERSONAL INFORMATION***

6.1 Section 72 of POPIA provides for that personal information may only be transferred out of the Republic of South Africa if the –

- **Adequate legal protection**: That the recipient of the personal information must be subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that effectively upholds the principles for reasonable processing, and that include provisions that are substantially similar to the conditions for the lawful processing of personal information within South Africa and for the further transfer of personal information.
- **Consent**: The data subject consents to the transfer of personal information over the borders of the Republic.

- **Necessary for the performance of a contract:** The transfer is necessary for the performance of a contract between the data subject and the responsible party, or for the implementation of pre-contractual measures taken in response to the data subject's request.
- **Interests of the data subject:** The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party.
- **Benefit of the data subject:** The transfer is for the benefit of the data subject in circumstances where it is not reasonably practicable to obtain the consent of the data subject for the transfer, and the data subject would be likely to give consent had it been obtained.

6.2 Personal Information may only be transmitted cross-border to RTIA's suppliers in other countries, and personal information may be stored in data servers hosted outside South Africa, which may not have been adequate data protection laws. The RTIA will endeavour to ensure that its service providers and third parties will make all reasonable efforts to secure said data and personal information via contractual clauses or notices in agreements and otherwise.

6.3 The RTIA will also ensure that at least one requirement listed above will be present when data subject personal information flows over the borders of the Republic.

## ***7. DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY THE RTIA***

7.1 The RTIA security measures introduced in order to ensure that personal information is respected and protected are outlined below.

7.2 The RTIA undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. The RTIA may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

## ***8. THE FOLLOWING UNDERTAKINGS ARE MADE:***

- We undertake to do an analysis of the risks presented by our processing, and use this to assess the appropriate level of security we need to put in place,
- We undertake to have an information security policy (or equivalent) and take steps to make sure the policy is implemented,
- Where necessary and appropriate, we undertake to have additional policies and ensure that controls are in place to enforce them;
- We undertake to make sure that we regularly review our information security policies and measures and, where necessary, improve them;

- We undertake use encryption where it is appropriate to do so (NaTIS and National Contravention Register);
- We understand the requirements of confidentiality, integrity and availability for the personal information we process;
- We undertake to make sure that we can restore access to personal information in the event of any incidents, such as by establishing an appropriate backup process; and
- We undertake to ensure that any data processor we use also implements appropriate technical and organisational measures.

## ***9. SPECIFIC DESCRIPTION OF INFORMATION SECURITY MEASURES IMPLEMENTED:***

### ***9.1 ACCESS CONTROL OF PERSONS***

- The RTIA shall introduce adequate bio-metric access control measures to prevent authorised persons from gaining access to data processing equipment or units where data is processed.

### ***9.2 DATA MEDIA CONTROL***

- The RTIA shall implement suitable measures in order to prevent the authorised manipulation of media, including, copying, alteration or removal of data media used by the RTIA and containing personal information.

### ***9.3 DATA MEMORY CONTROL***

- The RTIA shall implement suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data.

### ***9.4 USER CONTROL***

- Access to NaTIS (National Traffic Information System) and the National Contravention Register (NCR) will be limited to those RTIA individuals duly authorised by the RTIA NaTIS Administrator. Transaction access and information accessed will be monitored on a regular basis.
- Other systems used by the RTIA, will also be managed through suitable measures to prevent its data systems from being used by unauthorised persons by means of data transmission equipment.

### ***9.5 ACCESS CONTROL TO DATA***

- The RTIA shall implement suitable measures to ensure that the persons entitled to use the RTIA's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions and authorisation and also coupled with their respective job descriptions. (where applicable)

## **9.6 TRANSMISSION CONTROL**

- The RTIA shall enable the verification and tracing of the locations or destinations to which Personal Information is transferred by utilization of the RTIA's data communication devices.

## **9.7 TRANSPORT CONTROL**

- The RTIA shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorised person's during the transmission thereof or during the transport of data media.

## **9.8 ORGANIZATION CONTROL**

- The RTIA shall maintain its internal organisation in a manner that meets the requirements of this Manual.

## **10. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA SUBJECT**

10.1 Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides a data subject may, at any time object to the processing of his / her or its Personal Information by utilising the prescribe form.

10.2 Attached is the prescribed form marked as **Form 1** which must be used to record such an objection.

## **11. REQUEST FOR CORRECTION OR DELTION OF PERSONAL INFORMATION**

11.1 Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a data subject may request for their personal information to be corrected or deleted by utilising the prescribed form.

11.2 Attached is the prescribed form marked as **Form 2** for this purpose.

**Approved by:**



Acting: Registrar of the RTIA

Date: 06/07/2022



**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: .....

Identity number: 

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**D. The decision against which the internal appeal is lodged**

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

**E. Grounds for appeal**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

.....

.....

.....

.....

State any other information that may be relevant in considering the appeal:

.....

.....

.....

.....

.....

**F. Notice of decision on appeal**

- (a) You will be notified in writing of the decision on your internal appeal
- (b) If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request

State the manner: .....

Particulars of manner: .....

Signed at ..... this day ..... of ..... year.....

.....  
SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received on ..... (date) by .....

..... (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on ..... (date) to the relevant authority.

OUTCOME OF APPEAL: .....

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION: .....

DATE RELEVANT AUTHORITY .....

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON (date): .....



**FORM 1**  
**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF**  
**SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.**  
**4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 2]

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	ROAD TRAFFIC INFRINGEMENT AGENCY
Residential, postal or business address:	PO BOX 6341
	HALFWAY HOUSE
	MIDRAND
	Code ( 1685    )
Contact number(s):	
Fax number/ E-mail address:	Fax: +27 11 207 3210; <a href="mailto:popiarequest@rtia.co.za">popiarequest@rtia.co.za</a>
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)</b>


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

.....  
*Signature of data subject/designated person*

**FORM 2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR  
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF  
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.  
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation 3]**

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

**Request for:**

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	ROAD TRAFFIC INFIRNGEMENT AGENYCY
Residential, postal or business address:	PO BOX 6341
	HALFWAY HOUSE
	MIDRAND
	Code ( 1685 )

Contact number(s):

Tel: +27 87 285 0500

Fax number/ E-mail address:	Fax: +27 11 207 3210 <a href="mailto:popiarequest@rtia.co.za">popiarequest@rtia.co.za</a>
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
<b>D</b>	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or</b> <b>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b> <i>(Please provide detailed reasons for the request)</i>

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

.....  
*Signature of data subject/ designated person*