



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
and effective access to information*

THE COMPLAINTS AND DISPUTE RESOLUTION COMMITTEE

1. PURPOSE

- 1.1 The purpose of the Complaints and Dispute Resolution Committee is to ensure that a dispute resolution and complaints management system is in place to resolve grievances that arise from the processing of personal information and the right of access to information in an effective manner.
- 1.2 The Committee must:
 - 1.2.1 Ensure the development of a strategy and plan for the establishment of an effective complaints system that is accessible to the general public for approval by Members of the Information Regulator (Members);
 - 1.2.2 Ensure the implementation and maintenance of the complaints system;
 - 1.2.3 Ensure the development of a strategy and a plan for dispute resolution including reconciliation of disputes for approval by Members;
 - 1.2.4 Ensure the development of a strategy and a plan for conducting investigations for approval by Members;
 - 1.2.5 Ensure that parties are informed of developments during and as a result of investigations;
 - 1.2.6 Review reports related to investigations in terms of the Protection of Personal Information Act 4 of 2013 and the Promotion of Access to Information Act 2 of 2000 for approval by Members;
 - 1.2.7 Review the referral of relevant complaints to the Enforcement Committee for approval by Members;
 - 1.2.8 Ensure that information notices are served in the furtherance of dispute resolution for approval by Members;
 - 1.2.9 Ensure that enforcement notices are served;

- 1.2.10 Oversee the cancellation of enforcement notices and actions in terms thereof for approval by Members;
- 1.2.11 Ensure the timely review of dispute resolution provisions in codes of conduct for approval by Members;
- 1.2.12 Ensure that adjudicators' dispute rulings are submitted and reviewed for approval by Members; and
- 1.2.13 Ensure that adjudicators report to the Information Regulator (Regulator) on an annual basis.

2. AUTHORITY

The Committee must make recommendations to Members.

3. COMPOSITION OF THE COMMITTEE

- 3.1 The Committee must be composed of at least two Members. The CEO and his or her designated representative and other Executive members of staff are ex officio members.
- 3.2 In the event a Member is not able to attend a meeting, such Member may designate another Member to attend a meeting on his or her behalf.

4. DURATION OF THE COMMITTEE

The Committee will be established for the duration of three years.

5. MEETINGS OF THE COMMITTEE

5.1 Frequency of Meetings

- 5.1.1 The meetings of the Committee must be convened frequently as deemed appropriate

and as determined by the Chairperson of the Committee.

5.1.2 Special meetings may be convened in cases of emergency; or where the matter has to be dealt with by the Committee on an urgent basis and cannot stand over to the next meeting.

5.1.3 Reasonable notice of the Committee meetings must be given to all members of the Committee.

5.1.4 Meetings may be held in person or through electronic means such as e-mail, tele-conference or video conference.

5.1.5 Every member present at a Committee meeting must sign an attendance register.

5.1.6 An agenda and supporting documents must be prepared and circulated timeously to the members of the Committee and at least 5 days before the intended date of a meeting to the members of the Committee (or such other period as agreed by Committee members).

5.2 Chairing of Meetings

5.2.1 The Chairperson of the Committee is appointed by the Members.

5.2.2 The Chairperson must convene and chair the meetings.

5.2.3 If the Chairperson is unable to attend a meeting the Members will appoint a Chairperson for that meeting

5.3 Quorum

5.3.1 At least two members must be present at the meeting.

5.3.2 A Committee meeting may, however, proceed with its business irrespective of the number of Members present, but may not take a decision on any matter when there is no quorum.

5.4 Decision – Making

5.4.1 The decisions are taken by consensus. Dissenting views must be recorded and referred to the Members.

5.4.2 Resolutions adopted at the Committee meeting are binding on all Committee members.

5.5 Right to Vote

Only Members have the right to vote.

6. **SECRETARIAT**

6.1 The Chairperson, in consultation with the CEO must, designate employees to assist the Committee with the administrative and secretarial work arising from or connected with the performance of the functions of the Committee.

6.2 Minutes of all Committee meetings must be kept by the duly appointed secretariat of the meeting.

6.3 Minutes of the meetings of the Committee must record in sufficient detail the matters considered by the Committee and decisions reached, including any concerns and views raised by members.

6.4 Draft and final versions of minutes of such meetings should be sent to members of the Committee for comment and record respectively.


6.5 Adopted minutes must be signed by the Chairperson of the Committee.

7. **REPORTING**

The Committee must report to the Members through its Chairperson.

8. REVIEW AND EVALUATION

The Committee Members must annually review and evaluate the adequacy of its Committee and recommend any proposed changes to the Members for approval.

Signed by Chairperson 

on the day 18 of APRIL 2017