



MOTOR INDUSTRY OMBUDSMAN  
OF SOUTH AFRICA

FOUNDER MEMBER OF THE OMBUDSMAN ASSOCIATION OF SOUTH AFRICA

NPC (Reg. No. 2001/004871/08)

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## ASSISTANCE REQUEST FORM (ARF)

The Motor Industry Ombudsman of South Africa's (MIOSA) assists consumers in resolving complaints by investigating and coming to a subsequent finding. It is therefore of utmost importance that the assistance request form is completed in full. Failure to do so will result in unnecessary delays. For assistance in this regard, please contact the MIOSA information and liaison office at **010 590 8378**.

Reference No: \_\_\_\_\_  
*For office use only*

How did you become aware of the MIOSA: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

### Details of Complainant:

#### 1. a) If Complainant is an Individual:

Title (Hon, Dr, Mr, Mrs, Miss, Ms): \_\_\_\_\_

Surname: \_\_\_\_\_

First Names: \_\_\_\_\_

ID number: \_\_\_\_\_

#### b) If authorized to act on the complainant's behalf in terms of Section 4 of the Consumer Protection Act No. 68 of 2008 (CPA). Please attach a certified copy of your original mandate or Power of Attorney (POA), as well as the reason for obtaining your mandate or POA:

Title (Hon, Dr, Mr, Mrs, Miss, Ms): \_\_\_\_\_

Surname: \_\_\_\_\_

First Names: \_\_\_\_\_

ID number: \_\_\_\_\_

#### c) If the complainant is a legal entity, ie, a registered company or a close corporation etc, this assistance request form must be accompanied by a letter from the auditor or accounting officer stipulating that the legal entity's annual turnover or asset base does not exceed the amount of R2 million per annum.

#### d) In the event where a dispute arises between Service Providers or Operatives within the motor industry a dispute must be dealt with by the MIOSA subject to Section 82 of the CPA.

### 2. Complainant information:

Daytime Tel: \_\_\_\_\_ CODE \_\_\_\_\_

Cell : \_\_\_\_\_

Email: \_\_\_\_\_

Fax \_\_\_\_\_ CODE \_\_\_\_\_

Preferred means of contact: (Please tick one)  FAX  EMAIL

Complainant Initial: \_\_\_\_\_

Gender: (please tick one)	<input type="checkbox"/>	Male	<input type="checkbox"/>	Female				
Ethnic Group:(please tick one)	<input type="checkbox"/>	African	<input type="checkbox"/>	Coloured	<input type="checkbox"/>	Indian	<input type="checkbox"/>	White
Age Group: (please tick one)	<input type="checkbox"/>	15-34	<input type="checkbox"/>	35-44	<input type="checkbox"/>	45-59	<input type="checkbox"/>	60+

### Confirmation of Jurisdiction and Undertaking

I \_\_\_\_\_ the complainant or representative of the complainant, confirm that I have given the manufacturer/importer/distributor/retailer/dealer/service provider (herein after referred to as Respondent) the opportunity to resolve the complaint before submitting this assistance request form to the **MIOSA**.

When I did so I spoke to \_\_\_\_\_ of \_\_\_\_\_ on or about \_\_\_\_\_

**I submit this assistance request form to the MIOSA because: (Please tick)**

- (a)  My complaint was not resolved by the Respondent over a period of \_\_\_\_\_ (period of time).
- (b)  The Respondent rejected my complaint (**Please attach correspondence to this effect**)

**I confirm that my complaint is not: (Please tick)**

the subject of any legal proceedings. If I have consulted an Attorney it has only been to get advice or assistance in drafting my complaint.

**I consent to: (Please tick)**

my complaint and all correspondence thereafter be provided to the financial institution cited below.

### PRODUCT/COMPONENT DETAILS

Make/Type:				
Model (Year):				
Registration number:				
Engine number (on licence disc):				
VIN number (on licence disc):				
Gearbox: (Please tick one)	<input type="checkbox"/>	Manual	<input type="checkbox"/>	Automatic
Date of purchase and kilometers:	Date	<input type="text"/>	Kms	<input type="text"/>
Date dispute originated and kilometers:	Date	<input type="text"/>	Kms	<input type="text"/>
Current kilometers:	<input type="text"/>			
Is the service history up to date? (Please tick one)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Was product/component under warranty at the time? (Please tick one)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Vehicle used mainly on: (Please tick one or both)	<input type="checkbox"/>	Tar	<input type="checkbox"/>	Dirt
Finance by (Financial institution):	<input type="text"/>			
Account number:	<input type="text"/>			
Product supplied incorrect:	<input type="text"/>			
Transaction Value:	<input type="text"/>			

Complainant Initial: \_\_\_\_\_

**MY COMPLAINT IS AGAINST THE FOLLOWING BUSINESS**

<b>Contact details of business complaint is against:</b>					
Business Name:					
Complaint reference number (if available):					
Business Street Address					
Suburb:		City/Town:		Province:	
Business Telephone number:	CODE				
Business Fax number:	CODE				
Business Email:					
What did the business suggest?					

**DETAILS OF COMPLAINT**

Please type or write legibly on a separate page **ALL** the relevant facts including dates, times, places and names in date order.

The information submitted will be used by the MIOSA in the resolution of the dispute. Please ensure that all relevant documentation is submitted with this assistance request form. Please also attach:

- a copy of the OTP/purchase invoice if a complaint flows from a sale transaction; or
- a copy of the quotation, job card and the final costing invoice if a complaint flows from service or repair agreement.

**Please summarise your complaint in the space below: This summary will be used by the MIOSA to arrive to a conclusion of the matter.**

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Complainant Initial: _____
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**Briefly state what outcome you hope to achieve**

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- TERMS AND CONDITIONS**
1. I/we agree not to hold the MIOSA or any of its staff liable for any loss or damage of any nature that I/we may suffer as a result of the MIOSA accepting and dealing with this complaint.
  2. I/we hereby undertake not to be abusive or insulting when communicating with the MIOSA.
  3. I/we hereby irrevocably and unconditionally consent that:
    - 3.1. The MIOSA will have the right to use any documents and/or other evidence submitted in the process to resolve the dispute through a conciliation process, in support of a recommendation made in a complaint.
    - 3.2. The MIOSA will have the sole right to disclose all documents and/or other evidence received on the specific complaint to both the Respondent and Complainant.
    - 3.3. I/we authorise the other party to disclose any information to the MIOSA in regards to the complaint.
    - 3.4. The MIOSA will have the discretion to disclose and/or publicise their recommendation including any supportive documents and/or evidence, as well as reporting it to the appropriate authorities, eg, National Consumer Commission (NCC), the Department of Trade and Industry (DTI) and the National Consumer Tribunal (NCT) in terms of the South Africa Automotive Industry Code of Conduct (Code).
  4. In order for the MIOSA to investigate the complaint objectively, independently and in terms of the South African law, the parties will at no stage during the investigation approach or divulge any information regarding the complaint to the press, social media or any other format of publication.
  5. I/we accept that the MIOSA will not be able to attend to my/our complaint should I/we have commenced with legal action.
  6. Neither I nor my representative will subpoena the documents in my/our file, or the MIOSA or any member of its staff. Neither I nor my representative will order that any of these documents be disclosed in terms of any court rule unless ordered to do so by a court of law.
  7. I/we understand and comprehend the above and confirm that it is fair and reasonable in the circumstances to protect both myself/ourselves and the other party's rights to prevent prejudice in respect of our rights.
  8. By lodging a complaint with the MIOSA, the period of prescription of the claim is not stopped. I/we wish to confirm that my/our claim against the Respondent may prescribe in 3 years in terms of the Prescription Act No. 68 of 1969 and that the onus to stop prescription will be with me/us.

**Complainant Initial:** \_\_\_\_\_

9. I/we agree that should I/we lose vested interest in the said vehicle (ie, sold the vehicle, repossessed etc), I/we will immediately inform the MIOSA, in writing, so that the MIOSA can close the file.
10. I/we agree that in the case where the registered owner has passed away, the executor of the estate should inform the MIOSA immediately.
11. I/we agree to the jurisdiction of the MIOSA in terms of Section 69 of the CPA.
12. I/we agree that my complaint shall be dealt with by the MIOSA on the above terms and conditions and according to the rules of the MIOSA. The information provided by me/us herein is, to the best of my knowledge, true and correct.
13. I/we agree to receive SMS messages to my/our mobile phone from the MIOSA with regards to my/our complaint.

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ (month) 20 \_\_\_\_\_ (year)

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**Signature of Complainant or person  
authorized to act on the Complainant's behalf**

**[Please do not return this disclosure notice when sending your Assistance Request Form back to the MIOSA]**

**DATA SUBJECT DISCLOSURE NOTICE  
SECTION 18  
OF THE PROTECTION OF PERSONAL INFORMATION ACT, 4 of 2013 (POPIA)**

**Privacy Notice**

*This notice explains how the Motor Industry Ombudsman of South Africa (MIOSA) obtains, uses and discloses your personal information, in accordance with the requirements of POPIA. The MIOSA is committed to protect your privacy and to ensure that your personal information is collected and used properly, lawfully and transparently.*

**Definition of personal information**

“Personal Information” shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person; Information relating to the education or the medical, financial, criminal or employment history of the person; Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; The biometric information of the person; The personal opinions, views or preferences of the person; Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; The views or opinions of another individual about the person, whether the information is recorded electronically or otherwise.

Both individuals and companies are included in the ambit of personal information.

It is not personal information if the information is already in the public domain or is not used, or intended to be used, in trade or commerce.

**The information the MIOSA collects**

The MIOSA collects and processes your personal information, and further processes your information, mainly to execute our mandate in terms of the provisions of Section 82(3) of the Consumer Protection Act, 68 of 2008 (CPA) and the ancillary South African Automotive Industry Code of Conduct (Code). The MIOSA is mandated to regulate relations between persons conducting business within the automotive industry and to provide for a scheme of alternative dispute resolution between consumers and all participants in the industry and to provide alternative dispute resolution services.

The MIOSA is also mandated in terms of the Code to collect contributions from persons conducting business within the automotive industry. Information enabling such collection is also collected and processed, and further processed, if necessary.

The MIOSA collects information directly from you, where you provide us with your personal and/or business' details. Where possible, the MIOSA will inform you what information you are required to provide and what information is optional. With regards to the conducting of business within the automotive industry, the MIOSA also collects information via field inspectors, the internet and social media platforms.

Website usage information may be collected using “cookies” which allows the MIOSA to collect standard internet visitor usage information.

### **How the MIOSA uses your information**

The MIOSA will use your personal information only for the purposes for which it was collected and will only process personal information if the below mentioned conditions are met:

- The person is told why the processing is necessary, what information is required and what will be done with it; or
- The person consents to the processing, which consent will be obtained at the time when that person’s personal information is processed; or
- The processing is necessary i.e. in order to conduct an accurate analysis of that person’s needs for purposes of amongst other employment reasons, medical aid requirements; or
- The processing is required as a result of, or in order to, comply with an obligation imposed by law; or
- The processing protects a legitimate interest of the person, and it is in the person’s best interest; or
- Processing is necessary for pursuing the legitimate interests of the MIOSA or of a third party to whom the personal information is supplied.

### **Disclosure of information**

The MIOSA may disclose your personal information to its service providers who are involved in the delivery of services to the MIOSA. The MIOSA has agreements in place to with the services providers to ensure that they comply with the privacy requirements as required by POPIA.

The MIOSA may also disclose your information:

- Where the MIOSA has a duty or a right to disclose in terms of legislation or the Code;
- Where the MIOSA believes it is necessary to protect its rights.

### **Information Security**

The MIOSA is legally obliged to provide adequate protection for the personal information it holds and to stop unauthorised access and use of personal information. The MIOSA will, on an on-going basis, continue to review its security controls and related processes to ensure that your personal information remains secure.

The MIOSA’s security policies and procedures cover:

- Physical security;
- Computer and network security;
- Access to personal information;
- Secure communications;
- Security in contracting out activities or functions;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Governance and regulatory issues;
- Monitoring access and usage of private information;
- Investigating and reacting to security incidents.

When the MIOSA contracts with third parties, it imposes appropriate security, privacy and confidentiality obligations on them to ensure that personal information which the MIOSA remains responsible for, is kept secure.

The MIOSA will ensure that anyone to whom it passes your personal information to agrees to treat your information with the same level of protection as the MIOSA is obliged to.

## **Your Rights**

### **Access to information**

You have the right to request a copy of the personal information the MIOSA holds with regards to you. Refer to the MIOSA PAIA and POPIA Manual on the MIOSA website for the steps to follow.

Please note that any such access request may be subject to a payment of a legally allowable fee.

### **Correction of your information**

You have the right to ask the MIOSA to update or correct your personal information. The MIOSA would appreciate it if you would keep your personal information accurate.

Refer to the MIOSA PAIA and POPIA Manual on the MIOSA website for the steps to follow.

### **How to contact us**

If you have any queries with regards to this notice, you need further information about the MIOSA's privacy policies, access or correct your personal information, please contact us at the numbers and/or addresses listed in the MIOSA PAIA and POPIA Manual on the MIOSA website for the steps to follow.