



ATTORNEYS • CONVEYANCERS • NOTARIES
SINCE 1991

PAIA MANUAL

In terms of the

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

For

P J J VAN RENSBURG PRETORIA

REGISTRATION NUMBER: 1991/003811/21

(Hereinafter referred to as “VR ATTORNEYS)

REGISTERED ADDRESS:

221 GORDON ROAD, HATFIELD, PRETORIA, 0083

This manual is prepared in accordance with Section 51 of the Promotion of Access to Information Act, and to address key aspects of the Protection of Personal Information Act.



TABLE OF CONTENTS

1.	DEFINITIONS	3
2.	INTRODUCTION	3
3.	PURPOSE OF THE MANUAL	4
4.	DETAILS OF THE INFORMATION OFFICERS	4
5.	SECTION 10 GUIDE	5
6.	SECTION 51(1)(C) NOTICE	5
7.	RECORDS OF THE FIRM WHICH ARE AVAILABLE IN TERMS OF SECTION 51(1)(d)	5
8.	PROCEDURE TO REQUEST ACCESS TO RECORD	7
9.	PROCEDURE FOR ACCESS TO RECORD THAT CAN NOT BE FOUND	8
10.	UPDATING OF MANUAL	8

Annexures: A

1. DEFINITIONS

- 1.1. **“POPI”** means the Protection of Personal Information Act
- 1.2. **“PAIA”** means the Promotion of Access to Information Act 2 of 2000
- 1.3. **“SAHRC”** means the South African Human Rights Commission
- 1.4. **“FICA”** means the Financial Intelligence Centre Act 38 of 2001
- 1.5. **“Data Subject”** means the persons the following persons whose personal information is processed and retained by Van Rensburg Inc., namely:
 - 1.5.1. Employees;
 - 1.5.2. Service Providers;
 - 1.5.3. Clients;
 - 1.5.4. General public
- 1.6. **“Requester”** means any person or entity requesting access to a record held by VR ATTORNEYS.
- 1.7. **“Firm”** means VR ATTORNEYS

2. INTRODUCTION

The aim of the Protection of Personal Information Act is to give effect to the constitutional right to privacy, by protecting personal information when processed by private or public bodies, subject to limitations aimed at:

- Balancing the right to privacy against other rights, in particular, the right to access such information; and
- Protecting important interests, including the charge flow of information within South Africa and internationally.

POPI prescribes the requirements for the lawful processing of personal information obtained by the Public, the act further provides the public with remedies in instances where there has been a breach of their right to privacy.

Section 51 of the Promotion of Access to Information Act requires all Private entities to create an information manual that provides the types of data retained, as well as the procedures to be followed when requesting such information and records.

Van Rensburg Inc. understands the significance of the right to privacy and the protection of personal information supplied to it and is dedicated to protecting such information.

This manual provides the measures and conditions adopted by Van Rensburg Inc. to ensure the protection of Personal Information obtained, the procedure to be followed to request such information

VR ATTORNEYS. reserves the right to amend this privacy policy or add provisions to it at any time by publishing an updated version on its website.

3. PURPOSE OF THE MANUAL

The purpose of PAIA is to promote the right to access information to the public. Section 9 of the Act provides a limitation on a person's right to access information on the following basis:

- To provide reasonable protection of privacy
- To facilitate legal confidentiality;
- To provide effective governance ¹

4. DETAILS OF THE INFORMATION OFFICER

Chief Information Officer

Name: Thato Jethro Mashego

Telephone number: 012 342 7861

Email address: thato@vrinc.co.za

Deputy Information Officer

Name: Estelle du Plessis

Telephone number: 012 342 7861

Email address: estelle@vrinc.co.za

Physical address: 221 Gordon Road, Hatfield, Pretoria, 0083

Postal address: P.O. BOX 9110, Pretoria, 0001

Docex: 304 Pretoria

¹ Promotion of Access to Information Act of 2000.

5. SECTION 10 GUIDE:

- 5.1. Section 10 of the Act requires the SAHRC to compile and publish a Guide to assist people in accessing records and how to exercise their right to access information.
- 5.2. The Guide is available on their website: www.sahrc.org.za
- 5.3. Any inquiries relating to the Guide and the relating to a person's right to access information may be addressed with the SAHRC, their contact details are as follows:
 - i. Postal address: The South African Human Rights Commission: PAIA (Promotion of Access to Information Act) Unit Research and Documentation Department Private Bag 2700 Houghton 2041
 - ii. Telephone: +27 (11) 484 8300/ +27 11 877 3600
 - iii. Fax: +27 (11) 484 7146/ +27 11 403 0625
 - iv. Email: PAIA@sahrc.org.za/ section51.paia@sahrc.org.za

6. NOTICE IN TERMS OF SECTION 51(C)

VR Attorneys has not issued a notice in terms of Section 52(2) of the Act providing for categories of information held by Van Rensburg Inc. which a requester need not request access to such information.

7. RECORDS OF THE FIRM WHICH ARE AVAILABLE

- 7.1. VR Attorneys retains information and documents as may be required in accordance with the following Acts:
 - Administration of Estates Act 66 of 1965
 - Basic Conditions of Employment Act 75 of 1997
 - Broad-Based Black Economic Empowerment Act 53 of 2003
 - Companies Act 71 of 2008
 - Consumer Protection Act 68 of 2008
 - Employment Equity Act 55 of 1998
 - Electronic Communications and Transactions Act 25 of 2002
 - Financial Intelligence Centre Act 38 of 2001
 - Income Tax Act 58 of 1962
 - Insolvency Act 24 of 1936
 - Labour Relations Act 66 of 1995

- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access of Information Act 2 of 2000
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stamp Duties Act 77 of 1968
- Transfer Duty Act 1949
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

7.2. Schedule of records held by Van Rensburg Inc.

CATEGORY OF RECORDS	DESCRIPTION OF RECORDS
MANAGEMENT	<ul style="list-style-type: none"> • Minutes of meetings held within the firm • Documents relating to the incorporation of the firm and information relating to the Directors of the firm
FINANCE	<ul style="list-style-type: none"> • Financial records • Banking records for business and trust accounts • Insurance records • Auditors reports • Tax reports
MARKETING	<ul style="list-style-type: none"> • Marketing brochures • Firms' publications • Firms' online profile

HUMAN RESOURCES	<ul style="list-style-type: none"> • Employees details • Staff training material • Correspondence in connection with the employees • Employment contracts • Unemployment Insurance Fund contribution records • Payroll records • Healthy and Safety records • Internal records and procedures • Code of Conducts • Fidelity Fund certificates
ADMINISTRATION	<ul style="list-style-type: none"> • Lists of suppliers • Agreements and particulars of the suppliers • Asset register • Operational documents
LEGAL SERVICES	<ul style="list-style-type: none"> • Legal opinions and advice to clients • Correspondence to clients • Correspondence with third parties • Records for legal matters
INFORMATION TECHNOLOGY	<ul style="list-style-type: none"> • Records relating to software for the computers, related license • IT support agreements

8. PROCEDURE TO REQUEST ACCESS TO RECORD

- 8.1. In order for a request to access personal information to be processed by Van Rensburg Inc, a requester must complete FORM C, which is attached hereto.
- 8.2. The requested can lodge their request with either the Chief Information Officer or the Deputy thereof, for consideration.
- 8.3. The Information Officer will notify the requester within 30 (days) from the date of lodgement of the request, of his or her decision by way of an affidavit.

- 8.4. The affidavit must clearly state whether the request has been granted or refused, and advise on the external remedies at the requester's disposal to challenge the Information Officers' decision.

9. PROCEDURE FOR ACCESS TO RECORDS THAT CAN NOT BE FOUND

In circumstances where the Firm has taken all reasonable steps to find records requested by the Requester, or the firm confirms that they are not in possession of such record, the firm will convey its findings to the requester by way of an Affidavit detailing the measures utilized to obtain or gain access to the requested records.

Should the Firm gain possession of such record, the Requester must be given access to the record, unless the Information Officer refuses access to the records based on reasonable grounds.

10. UPDATING MANUAL

This manual will be reviewed by the Chief Information Officer on an annual basis to ensure consistent compliance with PAIA and any amendments thereafter.

ANNEXURE A: REQUEST FOR ACCESS TO RECORD

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname	
Identity number:	
Postal address	
Fax number	
Telephone number	
E-mail address	
Capacity in which request is made, when made on behalf of another person:	

C. Particulars of person on whose behalf request is made

This section must be completed *ONLY* if a request for information is made on behalf of *another* person.

Full names:	
Identity number:	
Telephone number:	

Email address:	
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D. Particulars of record

- | |
|--|
| <p>(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.</p> <p>(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.</p> |
|--|

Description of record or relevant part of the record	
Reference number, if available:	
Any further particulars of record:	

E. Fees

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
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Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Mark the appropriate box with an X.	
Notes (a) Compliance with your request in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If the record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If the record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
4. If the record is held on a computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	a printed copy of record*	<input type="checkbox"/>	a printed copy of information derived from the record"
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer-readable form* (stiffy or compact disc)
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.		<input type="checkbox"/>	YES
		<input type="checkbox"/>	NO

G Particulars of right to be exercised or protected

Indicate which right is to be exercised or protected:

Explain why the record requested is required for the exercise or protection of the
aforementioned right:

H. Notice of decision regarding the request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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

SIGNATURE OF REQUESTER OF
DULY AUTHORISED AGENT