



Promotion of Access to Information Manual

This manual was prepared in accordance with:
sections 14 and 51 of the Promotion of Access to Information Act, 2000

(hereinafter referred to as **PAIA**)

to address the requirements of the Protection of Personal Information Act, 2013.

(hereinafter referred to as **PoPIA**)

This manual applies to:

Susan B Cohen Attorneys Incorporated

Registration number: **2018/577757/21**

(hereinafter referred to as **SBC Attorneys**)

Revision Schedule

Version No	Date	Approved by	Changes
1.01	1 August 2022	Board of Directors	Original

POLICY STATEMENT

It is **SBC Attorneys'** policy to conduct its operations in compliance with all legal and regulatory requirements, including attorney client privilege. This Manual regulates access to information and records owned, held by or otherwise under the control of **SBC Attorneys** and the release of any such information or records by any of **SBC Attorneys'** directors, officers, employees, agents, or anyone acting on its behalf.

Application

This Manual applies to information and records owned, held by or otherwise under the control of **SBC Attorneys** and the release of any such information or records.

Objective

The objectives of this Manual are to:

- provide a non-exhaustive list of information, records and other details held by **SBC Attorneys**;
- set out the requirements on how to request information in terms of **PAIA** and **PoPIA** as well as the grounds on which a request may be refused; and
- define the manner and form in which a request for information must be submitted.

PAIA provides that a person may only request information in terms thereof if that information is required for the exercise or protection of a right. **PoPIA** provides that a Data Subject may, upon proof of identity, request the Responsible Party to confirm, free of charge, all the information it holds about the Data Subject and may request access to such information, including information about the identity of third parties who have or have had access to such information. **PoPIA** further provides that where the Data Subject is required to pay a fee for services provided to him/her/it the Responsible Party must provide the Data Subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

The capacity under which a Requester requests documentation/ information will determine the category he or she falls in. Please note that the Requester category has a bearing on the conditions of access to the information.

Requesters have been classified into four categories:

- a Personal Requester: requests information about himself/herself/itself.
- a Representative Requester: requests information relating to and on behalf of someone else.
- a Third-Party Requester: requests information about another person.
- a Public Body: requests information in the public interest.

Proof of identity is required to authenticate the request and the Requester. In view hereof, a Requester will be required to submit acceptable proof of identity such as a certified copy of their Identity Document or other legal form of identification.

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1. Background to the Promotion of Access to Information Act

The Promotion of Access to Information Act, No. 2 of 2000 (“**PAIA**”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the “Constitution”) of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

In terms of section 51 of **PAIA**, all Private Bodies are required to compile an Information Manual (“**PAIA Manual**”).

Where a request is made in terms of **PAIA**, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where **PAIA** expressly provides that the information may be adopted when requesting information from a public or private body. Specific consideration is given to ensure attorney and client privilege.

2. Definitions

The following words as shall bear the same meaning as under **POPIA** as follows:

Consent means a voluntary, specific, and informed expression of will in terms of which a Data Subject agrees to the processing of Personal Information relating to him or her.

Data Subject means the person to whom personal information relates.

Minister means the Minister of Justice and Constitutional Development.

Personal information means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including:

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number or other particular assignment to the person;
- d) the blood type or any other biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) 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;
- g) the views or opinions of another individual about the person; and
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Private body means a natural person who carries or has carried on any trade, business or profession in that capacity, a partnership or juristic person.

Processing means any operation or activity or any set of operations, by automatic or manual means, concerning personal information, including:

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or
- c) merging, linking, as well as blocking, degradation, erasure, or destruction of information.

Public body means any department or state or administration in the national, provincial, or local sphere of government or functionary exercising public power.

Responsible Party means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information.

3. Susan B Cohen Attorneys Incorporated

SBC Attorneys are trusted attorneys with more than 40 years of experience in various law fields.

They provide expertise in areas such as:

- Notarial Services
- Property Law and Conveyancing
- Drawing and Vining of Contracts
- Deceased Estates and Trust Administration
- Estate Planning, Trusts, and Will Drafting and Administration

This PAIA Manual is available on the website or obtainable from the Information Officer.

4. Purpose of the PAIA Manual

The purpose of **PAIA** is to promote the right of access to information, to foster a culture of transparency and accountability within **SBC Attorneys** by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies. Section 9 of **PAIA** recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient, and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

This **PAIA** Manual complies with the requirements of the guide mentioned in section 10 of **PAIA** and recognises that the Information Regulator, appointed from time to time, will be responsible to regulate compliance with **PAIA** and its regulations by private and public bodies.

5. Contact Details of the SBC Attorneys' Directors

Name and Surname	Susan Barbara Cohen
Registered Address	79 -11th Street, Parkmore, Sandton, South Africa
email - address	susan@susancohen.co.za
Telephone number	+27 (0) 11 883 4601
website	susancohen.co.za

Name and Surname	Catharina Elizabeth van Graan
Registered Address	79 -11th Street, Parkmore, Sandton, South Africa
email - address	karlien@susancohen.co.za
Telephone number	+27 (0) 11 883 4601
website	susancohen.co.za

6. The Information Officer [Section 51(1)(b)]

PAIA prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51.

SBC Attorneys has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of **PAIA**.

The Information Officer appointed in terms of **PAIA** also refers to the Information Officer as referred to in **PoPIA**. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of **PoPIA**.

The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of **PAIA** as well as section 56 of **PoPIA**.

This is to render **SBC Attorneys** as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the **PoPIA**.

All request for information in terms of this Act must be addressed to the Information Officer. Contact Details of the Information Officer of **SBC Attorneys**:

Name and Surname	Karlien van Graan
Registered Address	79 -11th Street, Parkmore, Sandton, South Africa
email address	karlien@susancohen.co.za
Telephone number	+27 (0) 11 883 4601
website	susancohen.co.za

7. Guide of SA Human Rights Commission [Section 51(1) (b)]

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 **PAIA** 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 **PAIA**.

Requesters are referred to the Guide in terms of Section 10 of **PAIA** which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

PAIA Unit:

29 Princess of Wales Terrace, c/o York and Andrew Streets, Parktown.
Private Bag 2700, Houghton 2041,
Tel: +27 11 877 3600.
Email: PAIA@sahrc.org.za
Website: www.sahrc.org.za

8. The Latest Notice in Terms of Section 52(2) (if any) [Section 51(1)(c)]

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of **PAIA**.

9. Subjects and Categories of Records Available only on Request to Access in Terms of PAIA [Section 51(1) (e)]

9.1 Records held by SBC Attorneys

For the purposes of this clause 9.1, Personnel refers to any person who works for, or provides services to, or on behalf of **SBC Attorneys** and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of **SBC Attorneys**. This includes, without limitation, members, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers. This clause serves as a reference to the categories of information that **SBC Attorneys** holds. The information is classified and grouped according to records relating to the following subjects and categories:

Subject	Category
Companies Act Records	All trust deeds Documents of Incorporation Index of names of Directors Memorandum of Incorporation Minutes of meetings of the Board of Directors Minutes of meetings of Shareholders Proxy forms Register of debenture-holders Register of directors' shareholdings Share certificates Share Register Statutory registers and/or records and/or documents Special resolutions Resolutions passed at General and Special meetings Records relating to the appointment of: Auditors Directors Prescribed Officer Public Officer Secretary
Accounting Records	Annual Financial Reports Annual Financial Statements Asset Registers Bank Statements Banking details and bank accounts Banking Records Debtors / Creditors statements and invoices General ledgers and subsidiary ledgers General reconciliation Invoices Paid Cheques Policies and procedures Rental Agreements Tax Returns
Sales Department	Customer details Credit application information Information and records provided by a third party
Marketing Department	Advertising and promotional material
Risk Management and Audit	Audit reports Risk management frameworks Risk management plans

Safety, Health, and Environment	Complete Safety, Health and Environment Risk Assessment Environmental Managements Plans Inquiries, inspections, examinations by environmental authorities
IT Department	Computer / mobile device usage policy documentation Disaster recovery plans Hardware asset registers Information security policies/standards/procedures Information technology systems User manuals Information usage policy documentation Project implementation plans Software licensing System documentation and manuals
Corporate Social Responsibility (CSR)	CSR schedule of projects/record of organisations that receive funding Reports, books, publications and general information related to CSR spend Records and contracts of agreement with funded organisations

9.2 Note:

The accessibility of the records may be subject to grounds of refusal as set out in this PAIA manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before SBC Attorneys will consider access.

10. Records Available without a Request to Access in terms of PAIA

Records of a public nature, typically those disclosed on the SBC Attorneys website and in its various annual reports, may be accessed without the need to submit a formal application.

Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

11. Description of the Records of the Body which are available in accordance with any other Legislation [Section 51(1) (d)]

Where applicable to its operations, SBC Attorneys also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties

in terms of the requirements and conditions of PAIA; the below mentioned legislation and applicable internal policies and procedures, are available should an interested party be entitled to such information.

A request to access must be done in accordance with the prescriptions of **PAIA**.

1. Auditing Professions Act, No 26 of 2005
2. Basic Conditions of Employment Act, No 75 of 1997
3. Broad- Based Black Economic Empowerment Act, No 75 of 1997
4. Business Act, No 71 of 1991
5. Companies Act, No 71 of 2008
6. Compensation for Occupational Injuries & Diseases Act, 130 of 1993
7. Competition Act, No.71 of 2008
8. Constitution of the Republic of South Africa 2008
9. Copyright Act, No 98 of 1978
10. Customs & Excise Act, 91 of 1964
11. Electronic Communications Act, No 36 of 2005
12. Electronic Communications and Transactions Act, No 25 of 2002
13. Employment Equity Act, No 55 of 1998
14. Financial Intelligence Centre Act, No 38 of 2001
15. Identification Act, No. 68 of 1997
16. Income Tax Act, No 58 of 1962
17. Intellectual Property Laws Amendment Act, No 38 of 1997
18. Labour Relations Act, No 66 of 1995
19. Legal Practice Act, No 28 of 2014
20. Long Term Insurance Act, No 52 of 1998
21. Occupational Health & Safety Act, No 85 of 1993
22. Pension Funds Act, No 24 of 1956
23. Prescription Act, No 68 of 1969
24. Prevention of Organised Crime Act, No 121 of 1998
25. Promotion of Access to Information Act, No 2 of 2000
26. Protection of Personal Information Act, No. 4 of 2013
27. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
28. Revenue laws Second Amendment Act. No 61 of 2008
29. Skills Development Levies Act No. 9 of 1999
30. Short-term Insurance Act No. 53 of 1998
31. Trust Property Control Act 57 of 1988
32. Unemployment Insurance Contributions Act 4 of 2002
33. Unemployment Insurance Act No. 30 of 1966
34. Value Added Tax Act 89 of 1991

* Although we have used **SBC Attorneys'** best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to **SBC Attorneys'** attention that existing or new legislation allows a Requester access on a basis other than set out in **PAIA**, **SBC Attorneys** shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation than listed above, the Requester is required to indicate what legislative right the request is based on, to allow the **SBC Attorneys** Information Officer the opportunity of considering the request.

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal as set out in this PAIA Manual.

12. Detail to Facilitate a Request for Access to a Record of SBC Attorneys [Section 51(1)(e)]

- 12.1 The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 12.2 The requester must complete the prescribed form enclosed herewith and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal-, physical-, or electronic mail address as noted in clause 5 above.
- 12.3 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
 - the record or records requested; and
 - the identity of the requester.
- 12.4 The requester should indicate which form of access is required and specify a postal- or Email address of the requester in the Republic;
- 12.5 The requester must state that he/she requires the information to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right [section 53(2)(d)].
- 12.6 **SBC Attorneys** will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- 12.7 The requester shall be advised in writing whether access is granted or denied. If, in addition, the requester requires the reason(s) for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 12.8 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer [section 53(2)(f)].
- 12.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally, proving their identity to the reasonable satisfaction of the Information Officer.
- 12.10 The requester must pay the prescribed fee (if applicable) before any further processing can take place.

- 12.11 All information as listed in clause 12 herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer may sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

13. Refusal of Access to Records

13.1 Grounds to Refuse Access

A private body such as **SBC Attorneys** is entitled to refuse a request for information.

13.1.1 The main grounds for **SBC Attorneys** to refuse a request for information relates to the:

- a) mandatory protection of the privacy of a third party who is a natural person or a deceased person [section 63] or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- b) mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- c) mandatory protection of the commercial information of a third party [section 64] if the record contains:
 - i. trade secrets of the third party;
 - ii. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - iii. information disclosed in confidence by a third party to **SBC Attorneys**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - iv. mandatory protection of confidential information of third parties [section 65] if it is protected in terms of any agreement;
 - v. mandatory protection of the safety of individuals and the protection of property [section 66];
 - vi. mandatory protection of records which would be regarded as privileged in legal proceedings [section 67].

13.1.2 The commercial activities [section 68] of a private body, such as **SBC Attorneys**, which may include:

- i. trade secrets of SBC Attorneys;

- ii. financial, commercial, scientific or technical information - disclosure of which could likely cause harm to the financial or commercial interests of **SBC Attorneys**;
- iii. information which, if disclosed could put **SBC Attorneys** at a disadvantage in negotiations or commercial competition;
- iv. a computer program which is owned by **SBC Attorneys**, and which is protected by copyright;
- v. the research information [section 69] of **SBC Attorneys** or a third party, if its disclosure would disclose the identity of **SBC Attorneys**, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

13.1.3 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

13.1.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation, including attorney client privilege.

13.1.5 If a requested record cannot be found or if the record does not exist, the SBC Attorneys Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of PAIA. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the SBC Attorneys Information Officer refuses access to such record based on reasons mentioned above.

14. Remedies Available When SBC Attorneys Refuses a Request

14.1. Internal Remedies

SBC Attorneys does not have internal appeal procedures. The decision made by the **SBC Attorneys** Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the **SBC Attorneys** Information Officer.

14.2. External Remedies

14.2.1. A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, may apply to a Court for relief.

14.2.2. A third party dissatisfied with the **SBC Attorneys** Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief. For purposes of **PAIA**, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the

Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

15. Access to Records Held by SBC Attorneys

15.1. Prerequisites for Access by Personal/Other Requester

15.1.1 Records held by SBC Attorneys may be accessed by requests only once the prerequisite requirements for access have been met.

15.1.2 requester is any person making a request for access to a record of **SBC Attorneys**. There are two types of requesters:

- Personal Requester
 - i. A personal requester is a requester who is seeking access to a record containing personal information about the requester.
 - ii. **SBC Attorneys** will voluntarily provide the requested information or give access to any record regarding the requester's personal information. The prescribed fee for reproduction of the information requested may be charged.
- Other Requester
 - i. This requester (other than a personal requester) is entitled to request access to information regarding a third party.
 - ii. In considering such a request, **SBC Attorneys** will adhere to the provisions of PAIA. Section 71 of PAIA requires that the **SBC Attorneys** Information Officer take all reasonable steps to inform a third party, to whom the requested record relates, of the request, informing him/her that he/she may make a written or oral representation to the **SBC Attorneys** Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.

15.1.3 **SBC Attorneys** is not obliged to grant access to such records.

15.1.4 The requester must fulfil the prerequisite requirements, in accordance with the requirements of PAIA and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

16. Prescribed Fees [Section 51(1)(f)]

16.1. Fees Provided by PAIA

16.1.1. PAIA provides for two types of fees, namely:

- a) a request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and

- b) an access fee, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs incurred by the private body in obtaining and preparing a record for delivery to the requester.
- 16.1.2. When the request is received by the **SBC Attorneys** Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request [section 54(1)].
- 16.1.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the **SBC Attorneys** Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 16.1.4. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
- 16.1.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for search, preparation and reproduction, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure inclusive of making arrangements to make it available in the request form.
- 16.1.6. If a deposit has been paid in respect of a request for access, which is refused, then the **SBC Attorneys** Information Officer must repay the deposit to the requester.

17. Reproduction Fee

Where **SBC Attorneys** has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

Reproduction of Information Fees	Fees to be Charged:
Information in an A-4 size page photocopy or part thereof	R 1,10
A printed copy of an A4-size page or part thereof	R 0,75
A copy in computer-readable format, for example:	R 70,00
Compact disc	
A transcription of visual images, in an A4-size page or part thereof	R 40,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4-size page or part thereof	R 20,00
A copy of an audio record	R 30,00

Request Fees

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.

Access Fees

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of **PAIA** or an exclusion is determined by the Minister in terms of section 54(8).

The applicable access fees which will be payable are:

Access of Information Fees	Fees to be Charged:
Information in an A-4 size page photocopy or part thereof	R 1,10
A printed copy of an A4-size page or part thereof	R 0,75
A copy in computer-readable format, for example:	R 7,50
Floppy disc	R 70,00
Compact disc	
A transcription of visual images, in an A4-size page or part thereof	R 40,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4-size page or part thereof	R 20,00
A copy of an audio record	R 30,00*

*Per hour or part of an hour reasonably required for such search where a copy of a record needs to be posted a pre-postal fee is payable.

Deposits

Where **SBC Attorneys** receives a request for access to information held on a person other than the requester and the **SBC Attorneys** Information Officer, upon receipt of the request, is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

Collection Fees

The initial "request fee" of R50,00 should be deposited into the bank account specified by **SBC Attorneys** and a copy of the deposit slip, application form and other correspondence / documents, must be forwarded to the **SBC Attorneys** Information Officer via email.

All fees are subject to change as allowed for in **PAIA** and consequently such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

18. Decision

18.1. Time Allowed to Institution

- 18.1.1. **SBC Attorneys** will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 18.1.2. The 30 (thirty) day period within which **SBC Attorneys** must decide whether to grant or refuse the request, may be extended for a further period of no more than a further (30) thirty days if the request relates to a large volume of information, or the request requires a search for information held at another office of **SBC Attorneys** or the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 18.1.3. **SBC Attorneys** will notify the requester in writing should an extension be required.

19. Protection of Personal Information that is Processed by SBC Attorneys

- 19.1 Chapter 3 of **PoPIA** provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in **PoPIA**.
- 19.2 **SBC Attorneys** needs Personal Information relating to both individual and juristic persons to carry out its business and organisational functions. The way this information is processed and the purpose for which it is processed is determined by **SBC Attorneys**. **SBC Attorneys** is accordingly a Responsible Party for the purposes of **PoPIA** and will ensure that the Personal Information of a Data Subject:
 - 19.2.1 is processed lawfully, fairly, and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by **SBC Attorneys**, in the form of privacy or data collection notices. **SBC Attorneys** must also have a legal basis (for example, consent) to process Personal Information to ensure information;
 - 19.2.2 is processed only for the purposes for which it was collected;
 - 19.2.3 will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
 - 19.2.4 is adequate, relevant and not excessive for the purposes for which it was collected;
 - 19.2.5 is accurate and kept up to date;

- 19.2.6 will not be kept for longer than necessary;
- 19.2.7 is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by **SBC Attorneys**, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- 19.2.8 is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
- i. be notified that their Personal Information is being collected by **SBC Attorneys**.
 - ii. the Data Subject also has the right to be notified in the event of a data breach;
 - iii. know whether **SBC Attorneys** holds Personal Information about them, and to have access to that information. Any request for information must be handled in accordance with the provisions of this Manual;
 - iv. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
 - v. object to **SBC Attorneys**' use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to **SBC Attorneys**' record keeping requirements);
 - vi. object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
 - vii. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under **POPIA** and to institute civil proceedings regarding the alleged non- compliance with the protection of his, her or its personal information.

19.3. Purpose of the Processing of Personal Information

As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which **SBC Attorneys** processes or will process Personal Information is set out in Part 1 of Appendix 2 hereto.

19.4. Categories of Data Subjects and Personal Information / Special Personal Information relating thereto

As per section 1 of **PoPIA**, a Data Subject may either be a natural or a juristic person. Part 2 of Appendix 2 hereto sets out the various categories of Data Subjects that **SBC Attorneys** Processes Personal Information on and the types of Personal Information relating thereto.

19.5. Recipients of Personal Information

Part 3 of Appendix 2 hereto outlines the recipients to whom **SBC Attorneys** may provide a Data Subjects Personal Information to.

19.6. Cross-border flows of Personal Information

19.6.1. Section 72 of PoPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- i. recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in **PoPIA**; or
- ii. Data Subject consents to the transfer of their Personal Information; or
- iii. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- iv. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- v. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

19.6.2. Part 4 of Appendix 2 hereto sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

19.7. Description of information security measures to be implemented by **SBC Attorneys**

Part 5 of Appendix 2 hereto sets out the types of security measures to be implemented by **SBC Attorneys** to ensure that Personal Information is respected and protected. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by **SBC Attorneys** may be conducted to ensure that the Personal Information that is processed by **SBC Attorneys** is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

19.8. Objection to the Processing of Personal Information by a Data Subject

Section 11(3) of **PoPIA** and regulation 2 of the **PoPIA** Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 3 subject to exceptions contained in **PoPIA**.

19.9. Request for correction or deletion of Personal Information

Section 24 of **PoPIA** and regulation 3 of the **PoPIA** Regulations provides that a Data Subject may request that their Personal Information be corrected/deleted in the prescribed form attached as Appendix 4 to this Manual

20. Availability and Updating of the PAIA Manual

This **PAIA** Manual is made available in terms of Regulation Number R.187 of 15 February 2002. **SBC Attorneys** will update this **PAIA** Manual at such intervals as may be deemed necessary. This **PAIA** Manual of **SBC Attorneys** is available to view at its premises and on its website.

Appendix 1: main-form-c1.pdf (justice.gov.za) (Request for Information)

Appendix 2: Part 1 - Processing of Personal Information in Accordance with PoPIA

For Stakeholders:

- a) Performing duties in terms of any agreement with stakeholders.
- b) Make, or assist in making, credit decisions about stakeholders.
- c) Operate and manage stakeholders' accounts and manage any application, agreement or correspondence stakeholders may have with **SBC Attorneys**.
- d) Communicating (including direct marketing) with stakeholders by email, SMS, letter, telephone or in any other way about **SBC Attorneys'** products and services, unless stakeholders indicate otherwise.
- e) To form a view of stakeholders as individuals and to identify, develop or improve products and services, that may be of interest to stakeholders.
- f) Carrying out market research, business, and statistical analysis.
- g) Performing other administrative and operational purposes including the testing of systems.
- h) Recovering any debt stakeholders may owe **SBC Attorneys**.
- i) Complying with the **SBC Attorneys'** regulatory and other obligations.
- j) Any other reasonably required purpose relating to the **SBC Attorneys** business.

For prospective Stakeholders:

- a) Verifying and updating information.
- b) Pre-scoring.
- c) Direct marketing.
- d) Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the **SBC Attorneys'** business.

For employees:

- a) The same purposes as for stakeholders (above)
- b) Verification of applicant employees' information during recruitment process
- c) General matters relating to employees:
 - i. Pension
 - ii. Medical aid
 - iii. Payroll
 - iv. Disciplinary action
 - v. Training
- d) Any other reasonably required purpose relating to the employment or possible employment relationship.

For vendors /suppliers /other businesses:

- a) Verifying information and performing checks;
- b) Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- c) Payment of invoices;
- d) Complying with the **SBC Attorneys'** regulatory and other obligations; and
- e) Any other reasonably required purpose relating to the **SBC Attorneys** business.

Appendix 2: Part 2 - Categories of Data Subjects and Categories of Personal Information relating thereto

Personnel / Employees

- a) Name and contact details
- b) Identity number and identity documents including passports
- c) Employment history and references
- d) Banking and financial details
- e) Details of payments to third parties (deductions from salary)
- f) Employment contracts
- g) Employment equity plans
- h) Medical aid records
- i) Pension Fund records
- j) Remuneration/salary records
- k) Performance appraisals
- l) Disciplinary records
- m) Leave records
- n) Training records

Stakeholders and prospective stakeholders (which may include employees)

- a) Postal and/or street address
- b) title and name
- c) contact numbers and/or e-mail address
- d) ethnic group
- e) employment history
- f) age
- g) gender
- h) marital status
- i) nationality
- j) language
- k) financial information
- l) identity or passport number
- m) browsing habits and click patterns on **SBC Attorneys** website.

Vendors /suppliers /other businesses:

- a) Name and contact details
- b) Identity and/or company information and directors' information
- c) Banking and financial information
- d) Information about products or services
- e) Other information not specified, reasonably required to be processed for business operations

Appendix 2: Part 3 - Recipients of Personal Information

- a) Any firm, organisation or person that **SBC Attorneys** uses to collect payments and recover debts or to provide a service on its behalf;
- b) Any firm, organisation or person that/who provides **SBC Attorneys** with products or services;
- c) Any payment system **SBC Attorneys** uses;
- d) Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where **SBC Attorneys** has a duty to share information;
- e) Third parties to whom payments are made on behalf of employees;
- f) Financial institutions from whom payments are received on behalf of data subjects;
- g) Any other operator not specified;
- h) Employees, contractors and temporary staff; and
- i) Agents.

Appendix 2: Part 4 – Cross border transfers of Personal Information

Personal Information may be transmitted transborder to **SBC Attorneys'** stakeholder and suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. **SBC Attorneys** will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

Appendix 2: Part 5 – Description of information security measures

SBC Attorneys 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. **SBC Attorneys** may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access Control of Persons

SBC Attorneys shall implement suitable measures to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

2. Data Media Control

SBC Attorneys undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by **SBC Attorneys** and containing personal data of Customers.

3. Data Memory Control

SBC Attorneys undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration, or deletion of stored data.

4. User Control

SBC Attorneys shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

5. Access Control to Data

SBC Attorneys represents that the persons entitled to use **SBC Attorneys'** data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

6. Transmission Control

SBC Attorneys shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of **SBC Attorneys'** data communication equipment / devices.

7. Transport Control

SBC Attorneys shall implement suitable measures to prevent Personal Information from being read, copied, altered, or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

8. Organisation Control

SBC Attorneys shall maintain its internal organisation in a manner that meets the requirements of this Manual.

Appendix 3: Objection to the Processing of Personal Information

Objection to the Processing of Personal Information in terms of Section 11(3) of **PoPIA**

Regulations Relating to The Protection of Personal Information, 2018

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

A. Details of Data Subject	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B. Details of Responsible Party	
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
C. REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)	

Appendix 4: Request for Correction or Deletion of Personal Information

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

Regulations Relating to **POPIA** [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 Data Subject	
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B. Details of Responsible Party	
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Email:	
Cell Number	
Other contact number(s):	
C. Reasons for Objection in Terms of Section 11(1)(D) to (F) (Please Provide Detailed Reasons for The Objection)	
D. 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 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. (Please Provide Detailed reasons for the request)	