

O'REILLY LAW INC

(Registration Number: 2018/389648/21)

PAIA & POPIA MANUAL

Published in terms of:

Section 51 of the

Promotion of Access to Information Act (No. 2 of 2000)

&

Sections 11 and 24 of the

Protection of Personal Information Act (No. 4 of 2013)

1. DEFINITIONS

- 1.1. “**Company**” means O'Reilly Law Inc, a personal liability company with registration number 2018/389648/1 incorporated in the Republic of South Africa;
- 1.2. “**Data Subject**” means a person to whom personal information relates;
- 1.3. “**PAIA**” means the Promotion of Access to Information Act No. 2 of 2000 (as amended);
- 1.4. “**POPIA**” means the Protection of Personal Information Act No. 4 of 2013 (as amended);
- 1.5. “**Information Regulator**” means the Information Regulator (South Africa) <https://www.justice.gov.za/inforeg/about.html>;
- 1.6. “**Responsible Party**” means a public or private body or any other person which, alone or in conjunction with another person, determines the purpose of and means for processing personal information.

Capitalised terms which are not defined in this section have the meaning assigned to them in the POPIA or the PAIA as the case may be.

2. INTRODUCTION

- 2.1. The Company operates as a specialist legal service provider, assisting clients with various corporate, commercial, regulatory and property law matters in terms of the Legal Practitioners Act No. 28 of 2014.
- 2.2. On 1 March 2001, PAIA was enacted, giving effect to the section 32 (2) Constitutional right of access to information.
- 2.3. One of the requirements in PAIA is the compilation of an information manual that provides information on both the types and categories of records held by a private body. PAIA also gives persons the right of access to information that is required for the exercise or protection of any rights. In order for access to information to be granted, certain requirements have to be met.
- 2.4. This PAIA and POPIA Manual (“Manual”) provides an outline of the type of records and the personal information held by the Company and explains how to submit **requests for access** to these records in terms of PAIA. In addition, it explains how to **object to** the processing of personal information held by the Company, or **request for correction or deletion** of the personal information, in terms of Sections 11 and 24 of the POPIA.

3. AVAILABILITY OF THIS MANUAL

- 3.1. This Manual is available on the Company website at <https://oreillylaw.co.za/> or upon request to the Company's appointed Information Officer, whose contact details appear in section 5.

4. GUIDES TO THE PAIA AND POPIA

- 4.1. Guides to the PAIA and POPIA can be obtained from, and queries directed to:

The Information Regulator (South Africa)
JD House 27 Stiemens Street Braamfontein Johannesburg 2001
P.O. Box 31533 Braamfontein Johannesburg 2017
Website: https://www.justice.gov.za/inforeg/index.html General Enquiries email: inforeg@justice.gov.za Complaints email: complaints.IR@justice.gov.za

5. REQUESTS FOR ACCESS TO - THE INFORMATION OFFICER

- 5.1. The Information Officer appointed in terms of PAIA also refers to the Information Officer referred to in POPIA. The Information Officer oversees the functions and responsibilities as required in terms of PAIA as well as the duties and responsibilities in terms of section 55 of POPIA after registering with the Information Regulator.
- 5.2. The Information Officer may appoint, if necessary, Deputy Information Officers, as permitted in terms of section 17 of PAIA as well as section 56 of POPIA. All requests for information in terms of PAIA or POPIA must be addressed to the Information Officer.

Contact Details of the Information Officer

Information Officer:	Jack O'Reilly
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Physical Address:	Suite 2B, Fed Group Place, 35 Willie Van Schoor Drive, Tygervalley, Cape Town
Telephone Number:	021 948 8273
Email:	jack@oreillylaw.co.za

6. GUIDE OF SA HUMAN RIGHTS COMMISSION (SECTION 51(1) (B))

- 6.1. PAIA grants a Requestor 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.
- 6.2. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in section 15 and 0.
- 6.3. Requestors are referred to the Guide in terms of section 10 of PAIA which has been compiled by the South African Human Rights Commission (SHRC). The Guide which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 6.4. The contact details of the Commission are:

Contact body:	The South African Human Rights Commission
Physical Address:	PAIA Unit 29 Princess of Wales Terrace Cnr. York and Andrew Streets Parktown
Postal Address:	Private Bag 2700, Houghton 2041
Telephone Number:	+27 11 877 3600
E-Mail:	PAIA@sahrc.org.za
Web Site:	www.sahrc.org.za

7. COMPANY RECORD ACCESS - CLASSIFICATION KEY

CLASSIFICATION NO.	ACCESS	CLASSIFICATION [PAIA OR POPIA SECTION]
1	May be Disclosed	Public Access Document
2	May not be Disclosed	Request after commencement of criminal or civil proceedings [Section 7]

CLASSIFICATION NO.	ACCESS	CLASSIFICATION [PAIA OR POPIA SECTION]
3	May be Disclosed	Subject to copyright
4	Limited Disclosure	Personal Information of Natural Persons that belongs to the requestor of that information, or personal information of Juristic Persons represented by the requestor of that information [Section 61]
5	May not be Disclosed	Unreasonable disclosure of personal information of Natural Person [Section 63(1)] or Juristic Person [POPIA]
6	May not be Disclosed	Likely to harm the commercial or financial interests of third party [Section 64(1)(a) and (b)]
7	May not be Disclosed	Likely to harm the Company or third party in contract or other negotiations [Section 64(1)(c)]
8	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [Section 65]
9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [Section 66]
10	May not be Disclosed	Legally privileged document [Section 67]
11	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks [Section 64(2); Section 68(2)]
12	May not be Disclosed	Commercial information of Private Body [Section 68]
13	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [Section 69]
14	May not be Refused	Disclosure in public interest [Section 70]

8. COMPANY RECORDS AVAILABILITY

CATEGORY/ DEPARTMENT	SUBJECT	CLASSIFICATION NO
Legal and Compliance	Insurance policies	12
	Contractual records (suppliers and clients)	12, 7, 8
	Statutory and company secretarial records, shareholder agreements, share certificates, annual reports	12
	Immovable Property Records	12

	Company guidelines, policies and procedures	12, 4
Corporate Governance	Meeting minutes and resolutions	12
Financial Records	Audited Financial Statements;	12
	Tax records (Company and Employee)	4,12
	Asset register	12
	Supplier records / Information	4,5,10
	Banking records	12
	Correspondence (proof of payments)	12
	Invoices and statements	12
Human Resources	Employment contracts	4, 5, 9 / 10
	Policies and procedures	12
	Payroll records	4,5
	Pension fund records	4,5
	Medical scheme records	4,5
	Curriculum Vitae / recruitment records	4,5
	Grievance procedures and disciplinary records	12
	Performance management records	4,5, 12
Information Management and Technology	Equipment registers	12
	Information Policies/Standards/Procedures	12
	System documentation and manuals	12
	Guidelines and manuals	12
	Software register	12
Client Information	Client records, client correspondence, client statutory reports and tax records, client contracts, client litigation proceedings, licenses, legal documentation, client business information, investigative material	4,5,12

8.1. Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before the Company will consider granting access.

9. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

- 9.1. Records of a public nature, typically those disclosed on the Company's website and in its various reports, may be accessed without the need to submit a formal application.

10. DESCRIPTION OF THE RECORDS OF THE BODY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION (SECTION 51(1) (D))

- 10.1. Where applicable to its operations, the Company 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 the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of POPIA.

- 10.1.1. Basic Conditions of Employment Act, No 75 of 1997;
- 10.1.2. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
- 10.1.3. Companies Act, No 71 of 2008;
- 10.1.4. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- 10.1.5. Competition Act, No.71 of 2008;
- 10.1.6. Constitution of the Republic of South Africa 2008;
- 10.1.7. Copyright Act, No 98 of 1978;
- 10.1.8. Electronic Communications Act, No 36 of 2005;
- 10.1.9. Electronic Communications and Transactions Act, No 25 of 2002;
- 10.1.10. Employment Equity Act, No 55 of 1998;
- 10.1.11. Financial Intelligence Centre Act, No 38 of 2001;
- 10.1.12. Identification Act, No. 68 of 1997;
- 10.1.13. Income Tax Act, No 58 of 1962;
- 10.1.14. Intellectual Property Laws Amendment Act, No 38 of 1997;
- 10.1.15. Legal Practice Act, No 28 of 2014;
- 10.1.16. Labour Relations Act, No 66 of 1995;
- 10.1.17. Long Term Insurance Act, No 52 of 1998;
- 10.1.18. Occupational Health & Safety Act, No 85 of 1993;
- 10.1.19. Pension Funds Act, No 24 of 1956;
- 10.1.20. Prescription Act, No 68 of 1969;
- 10.1.21. Prevention of Organized Crime Act, No 121 of 1998;
- 10.1.22. Promotion of Access to Information Act, No 2 of 2000;
- 10.1.23. Protection of Personal Information Act, No. 4 of 2013;
- 10.1.24. Regulation of Interception of Communications and Provision of Communication-Related

Information Act 70 of 2002;

- 10.1.25. Revenue laws Second Amendment Act, No 61 of 2008; bb. Skills Development Levies Act No. 9 of 1999;
- 10.1.26. Short-term Insurance Act No. 53 of 1998;
- 10.1.27. Trust Property Control Act 57 of 1988;
- 10.1.28. Unemployment Insurance Contributions Act 4 of 2002;
- 10.1.29. Unemployment Insurance Act No. 30 of 1966;
- 10.1.30. Value Added Tax Act 89 of 1991.

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

11. DETAIL TO FACILITATE A REQUEST FOR ACCESS TO A RECORD OF THE COMPANY (SECTION 51(1) (E))

- 11.1. The Requestor must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 11.2. The Requestor 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 or physical address, fax number or electronic mail address as noted above.
- 11.3. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
 - 11.3.1. the record or records requested; and
 - 11.3.2. the identity of the Requestor.
- 11.4. The Requestor should indicate which form of access is required and specify a postal address or fax number of the Requestor in the Republic.
- 11.5. The Requestor must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The Requestor must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).
- 11.6. The Company will process the request within 30 (thirty) days, unless the Requestor has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time

periods not be complied with.

- 11.7. The Requestor shall be advised whether access is granted or denied in writing. If, in addition, the Requestor requires the reasons for the decision in any other manner, the Requestor will be obliged to state which manner and the particulars required.
- 11.8. If a request is made on behalf of another person, then the Requestor must submit proof of the capacity in which the Requestor is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).
- 11.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 11.10. The Requestor must pay the prescribed fee before any further processing can take place.
- 11.11. All information as listed in clause 11 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 Requestor has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

12. REFUSAL OF ACCESS TO RECORDS

- 12.1. **Grounds to Refuse Access** - A private body is entitled to refuse a request for information. The main grounds on which the Company may to refuse a request for information relates to the:
 - 12.1.1. 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;
 - 12.1.2. 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;
 - 12.1.3. mandatory protection of the commercial information of a third party (section 64) if the record contains:
 - 12.1.3.1. trade secrets of the third party;

- 12.1.3.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 12.1.3.3. information disclosed in confidence by a third party to The Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 12.1.3.4. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
 - 12.1.3.5. mandatory protection of the safety of individuals and the protection of property (section 66);
 - 12.1.3.6. mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).
- 12.1.4. The commercial activities (section 68) of a private body, such as the Company, which may include:
- 12.1.4.1. trade secrets of the Company;
 - 12.1.4.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company;
 - 12.1.4.3. information which, if disclosed could put the Company at a disadvantage in negotiations or commercial competition;
 - 12.1.4.4. a computer program which is owned by the Company, and which is protected by copyright;
 - 12.1.4.5. the research information (section 69) of the Company or a third party, if its disclosure would disclose the identity of The Company, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 12.1.5. Requests for information that are clearly unnecessary, or which involve an unreasonable misallocation of resources shall be refused.
- 12.1.6. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

- 12.1.7. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the Requestor 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 Requestor shall be given access to the record in the manner stipulated by the Requestor in the prescribed form, unless the Information Officer refuses access to such record.

13. REMEDIES AVAILABLE WHEN THE COMPANY REFUSES A REQUEST

13.1. Internal Remedies :

If the Company does not have internal appeal procedures. The decision made by the Information Officer is then considered final. Requestors 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 Information Officer.

13.2. External Remedies :

- 13.2.1. 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;
- 13.2.2. a third party dissatisfied with the 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.

- 13.3. 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.

14. ACCESS TO RECORDS HELD BY THE COMPANY

- 14.1. Records held by the Company may be accessed by requests only once the prerequisite requirements for access have been met.
- 14.2. A Requestor is any person making a request for access to a record of the Company. There are two types of Requestors:

- 14.2.1. Personal Requestor: A personal Requestor is a Requestor who is seeking access to a record containing personal information about the Requestor. The Company will voluntarily provide the requested information or give access to any record with regard to the Requestor's personal information. The prescribed fee for reproduction of the information requested will be charged.
- 14.2.2. Other Requestor: This Requestor (other than a personal Requestor) is entitled to request access to information on third parties.
- 14.3. In considering such a request, the Company will adhere to the provisions of PAIA. Section 71 requires that the 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 Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.
- 14.4. The Company is not obliged to voluntarily grant access to such records. The Requestor 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.

15. PRESCRIBED FEES (SECTION 51 (1) (F)) OF PAIA

15.1. Fees provided by PAIA:

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

15.1.1.1. A request fee, which is a form of administration fee to be paid by all Requestors except personal Requestors, before the request is considered and is not refundable; and

15.1.1.2. an access fee, which is paid by all Requestors in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the Requestor.

15.1.2. When the request is received by the Information Officer, such officer shall by notice require the Requestor, other than a personal Requestor, to pay the prescribed request fee, before further processing of the request (section 54(1)).

15.1.3. 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 Information Officer shall notify the

Requestor to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

15.1.4. The Information Officer shall withhold a record until the Requestor has paid the fees as indicated below.

15.1.5. A Requestor 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 reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including deciding to make it available in the request form.

15.1.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the Requestor.

16. REPRODUCTION FEE

16.1. Where The Company 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: Compact disc	R 70,00
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

16.2. **Request Fees** - Where a Requestor submits a request for access to information held by an institution on a person other than the Requestor himself/herself, a request fee in the amount of R50,00 is payable up-front

before the institution will further process the request received.

- 16.3. **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 the Act, 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: Stiffy disc Compact disc	R 7,50 R 70,00
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 *Per hour or part of an hour reasonably required for such search.	R 30,00*
Where a copy of a record needs to be posted the actual postal fee is payable.	

- 16.4. **Deposits** - Where the institution receives a request for access to information held on a person other than the Requestor himself/herself and the 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 Requestor. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.
- 16.5. **Collection Fees** - The initial "request fee" of R50,00 should be deposited into the bank account below and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via fax. The officer will collect the initial "request fee" of applications received directly by the Information Officer via email. All fees are subject to change as allowed for in PAIA and as a consequence such escalations may not always be immediately available at the time of the request being made. Requestors shall be informed of any changes in the fees prior to making a payment.

17. DECISION

- 17.1. Time Allowed to Institution

- 17.1.1. The Company 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.
- 17.1.2. The 30 (thirty) day period within which the Company has to decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large number of information, or the request requires a search for information held at another office of The Company and the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 17.1.3. The Company will notify the Requestor in writing should an extension be sought.

18. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY

- 18.1. Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information by a Responsible Party. These conditions may not be deviated from unless specific exclusions apply as outlined in POPIA.
- 18.2. The Company needs Personal Information relating to both individual and juristic persons in order to carry out its business and organizational functions. The way this information is processed and the purpose for which it is processed is determined by the Company.
- 18.3. The Company is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:
 - 18.3.1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Company, in the form of privacy or data collection notices. The Company must also have a legal basis (for example, consent) to process Personal Information;
 - 18.3.2. is processed only for the purposes for which it was collected; will not be processed for a secondary purpose unless that processing is compatible with the original purpose.is adequate, relevant and not excessive for the purposes for which it was collected;
 - 18.3.3. is accurate and kept up to date;
 - 18.3.4. will not be kept for longer than necessary;
 - 18.3.5. 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 The Company, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage; and

18.3.6. is processed in accordance with the rights of Data Subjects, where applicable.

18.4. **Data Subjects have the right to:**

18.4.1. be notified that their Personal Information is being collected by the Company. The data subject also has the right to be notified in the event of a data breach;

18.4.2. know whether the Company holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;

18.4.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;

18.4.4. object to The Company's use of their personal information and request the deletion of such personal information (deletion would be subject to The Company's record keeping requirements);

18.4.5. object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and

18.4.6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

18.5. **Purpose of the Processing of Personal Information by the Company**

18.5.1. As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which the Company processes or will process Personal Information is set out the privacy profile table in Appendix 2 .

18.6. **Categories of Data Subjects and Personal Information/special Personal Information relating thereto**

18.6.1. As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. Appendix 1 set out the various categories of Data Subjects that the Company processes

Personal Information on and the types of Personal Information relating thereto.

18.7. Recipients of Personal Information

- 18.7.1. Part 3 of Appendix 2 outlines the recipients to whom the Company may provide a Data Subject's Personal Information to.

18.8. Cross-border flows of Personal Information

- 18.8.1. Section 72 of POPIA provides that Personal Information may only be transferred out of South Africa if the:

- 18.8.1.1. 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
- 18.8.1.2. the Data Subject consents to the transfer of their Personal Information; or
- 18.8.1.3. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- 18.8.1.4. 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
- 18.8.1.5. 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 in all likelihood provide such consent.

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

18.9. Description of information security measures to be implemented by the Company

- 18.9.1. Appendix 2 sets out the types of security measures to be implemented by the Company in order 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 the Company may be conducted in order to ensure that the Personal Information that is processed by the Company is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

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

18.10.1. 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.

18.11. Request for correction or deletion of Personal Information

18.11.1. 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/deleted in the prescribed form attached as Appendix 4 to this Manual.

Signed at Cape Town on this 9 day of Feb 2022



Director

Appendix 1: Access Request Form



J752

REPUBLIC OF SOUTH AFRICA FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

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:													
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 and surname:													
Identity number:													

D. Particulars of record

(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.

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

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

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

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 below, 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 for access 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 to 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:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		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.	Yes	No
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G. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:

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

H. Notice of decision regarding 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 year.....

.....

Signature of Requestor /

Person on whose behalf the request is made

APPENDIX 2: PRIVACY PROFILE

	Category of Data Subject	Nature of Personal Information Processed	Purpose for Processing
1	Employees	Contact Details	<ul style="list-style-type: none"> • For monitoring and security purposes related to the administration of The Company security procedures. • For legal purposes required by the Company as an employer and which may be reasonably required for the purpose of managing and maintaining an employment relationship. • For general administration, financial and tax purposes. • To help the Company detect and prevent fraud and money laundering.
		Medical information	
		Identity number and date of birth	
		Disability information	
		Employment history	
		Criminal records and credit history	
		Pension and Provident Fund Information	
		Employment contracts	
		Performance records	
		Payroll records	
		Electronic access records	
		Physical access records	
		Surveillance records	
		Health and safety records	
		Training records	
	Leave records		
	Time and attendance records		
	Device usage data including IP address, and online activity		
	Details of payments to third parties		
2	Prospective Employees	Curriculum Vitae	<ul style="list-style-type: none"> • For legal purposes required by the Company as an employer and which may be reasonably required for the purpose of managing and maintaining an employment relationship.
		Criminal record checks	
		Background checks	
3	Third Party Suppliers / Vendors	Name and contact details	<ul style="list-style-type: none"> • Verifying information and performing checks. • Purposes relating to the agreement or business relationship or possible
		Identity and/or company information and directors' information	

		Banking and financial information	<p>agreement or business relationships between the parties.</p> <ul style="list-style-type: none"> • Payment of invoices. • Complying with the Company's regulatory and other obligations. • Any other reasonably required purpose relating to a legitimate interest or the performance of a contractual obligation between the supplier and the Company. • For monitoring and security purposes related to the administration of the Company's security procedures.
		Information about products or services	
		Information about privacy and information security related practices of a juristic person	
		Device usage data including IP address, and online activity	
4	Prospective Clients	Postal and/or street address	<ul style="list-style-type: none"> • Verifying information and performing checks. • Direct Marketing. • Purposes relating to concluding commercial/ services related agreement.
		Title and name	
		Contact numbers and/or e-mail address	
		Browsing habits and click patterns on Company websites.	<ul style="list-style-type: none"> • Carrying out market research, business, and statistical analysis. • Complying with the Company's regulatory and other obligations. • Any other reasonably required purpose relating to a legitimate interest of the Company between the supplier and the Company.
		Device usage data including IP address, and online activity	
		Information about products or services	
5	Clients	Name and contact details	<ul style="list-style-type: none"> • Performing duties in terms of a contractual agreement with clients. • Making credit decisions about
		Company registration details	
		Physical and/or postal address	
		Director details	

		Credit records and financial information	<p>clients.</p> <ul style="list-style-type: none"> • Operating and managing the client's accounts and managing any application, agreement or correspondence which clients may have with the Company. • Communicating (including direct marketing) with clients by email, SMS, letter, telephone or in any other way about the Company's products and services, unless the client indicates otherwise or revokes consent. • To form a view of clients as individuals and to identify, develop or improve products that may be of interest to clients. • Carrying out market research, business and statistical analysis. • Performing other administrative and operational processes including the testing of systems. • Recovering any debt that clients may owe to the Company. • Complying with regulatory and other obligations. • Registration for attendance at events (online and in person).
		Browsing habits and click patterns on Company websites	
6	General Public	Name and contact details	<ul style="list-style-type: none"> • Carrying out market research, business and statistical analysis. • Registration for attendance at Company events (online and in person). • To facilitate requested communications.
		Browsing habits and click patterns on Company websites.	
		Device usage data including IP address, and online activity	
		Information about products or services	

1. THIRD PARTY RECIPIENTS OF PERSONAL INFORMATION

- 1.1. Any firm, organization or person that the Company uses to collect payments and recover debts or to provide a service on its behalf.
- 1.2. Any firm, organization or person that/who provides the Company with products or services including Drop Box, Slack, Clio, Microsoft Outlook, Trello and Google Drive.
- 1.3. Any payment system that the Company uses.
- 1.4. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where The Company has a duty to share information.
- 1.5. Third parties to whom payments are made on behalf of employees (such as our payroll service provider).
- 1.6. Financial institutions from whom payments are received on behalf of Data Subjects.
- 1.7. Employees, contractors, temporary staff and authorized agents.

2. CROSS BORDER TRANSFERS OF PERSONAL INFORMATION

- 2.1. Personal Information may be transmitted transborder to the Company's regional entities and suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa for the purpose of carrying out the legitimate business purposes of the Company and providing services to our clients.
- 2.2. The Company makes use of Drop Box, Slack, Clio, Microsoft Outlook, Trello and Google Drive (third party service and software providers) for cloud storage, file synchronization, billing and invoicing, internal and external communication (as applicable). Personal Information of our clients and service providers is processed and stored by these third-party providers which have data centres located outside of South Africa. We are comfortable that these third-party providers implement reasonable privacy and security measures to protect Personal Information. You can view the respective terms of service including privacy and acceptable use policies of our third-party service providers here:
 - <https://www.dropbox.com/terms>;
 - <https://www.clio.com/privacy/>;
 - <https://slack.com/trust/privacy/privacy-policy>;
 - <https://www.atlassian.com/legal/privacy-policy>;
 - <https://policies.google.com/privacy?hl=en-US> ;
 - <https://privacy.microsoft.com/en-gb/privacystatement>.
- 2.3. The Company will ensure that its regional entities and service providers take all reasonable efforts to secure said data and Personal Information and will execute the appropriate contractual arrangements which regulates the lawful Processing of Personal Information and ensures that the Personal Information is adequately protected.

3. DESCRIPTION OF INFORMATION SECURITY MEASURES

- 3.1. The Company undertakes to institute and maintain the data protection measures to accomplish the 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 Company may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved:
- 3.1.1. Access Control - The Company implements suitable measures with regards to access controls in order to prevent unauthorized persons from gaining access to the data Processing equipment where the data are Processed. This includes the use of role based, need to know and need to use access permissions, technical security controls such as multi-factor authentication and encryption, along with administrative controls.
- 3.1.2. Data Media Control - The Company implements suitable measures to prevent the unauthorised manipulation of media, including reading, copying, alteration or removal of the data media used by the Company and containing Personal Information of employees, clients or service providers. This includes the use of role based, need to know and need to use access permissions, frameworks for change management along with frameworks to continually monitor the assigned access permissions of the Company employees and contractors.
- 3.1.3. Data Memory Control - The Company implements suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data. This includes the use of role based, need to know and need to use access permissions, technical security controls such as multi-factor authentication and encryption.
- 3.1.4. User Control - The Company implements suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment including the use of technical controls such as minimum password complexity requirements, multi-factor authentication, encrypted channels and multi-encrypted credential storage facilities along with adequate internal training for the Company employees on the application and implementation of such measures.
- 3.1.5. Access Control to Data - The Company represents that the persons entitled to use the Company data processing systems are only able to access the data within the scope and to the extent covered by their respective access permissions (authorization) which are suitably covered by the access measures described above designed upon the principles of least privilege, need to know, need to use, and defense in depth. This includes the use of administrative controls to periodically monitor review and update access permissions.
- 3.1.6. Transmission Control - The Company shall only transmit Personal Information to recipients and locations / destinations that have been verified through the documented due diligence

process, using the Company managed systems that, similarly, are required to be verified through the due diligence process.

- 3.1.7. Transport Control - The Company shall implement suitable measures to prevent Personal Information from being read, copied, altered, or deleted by unauthorised persons during the transmission thereof or during the transport of the data media by ensuring transmission of Personal Information only be undertaken by the assigned and approved individuals using verified The Company managed systems or other suitably verified encrypted channels.
- 3.1.8. Organization Control - The Company shall maintain the technical and administrative controls described herein using internationally recognised frameworks and best practices to ensure that the internal organization along with its stipulated systems, employees, and contractors meet the requirements set out in this Manual and obligations imposed by POPIA.

Appendix 3: Objection to the Processing of Personal Information in terms of Section 11(3) of the Protection of Personal Information Act, 2013

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
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:	
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)

Signed at this day of 20...

.....

Signature of data subject/designated person

**Appendix 4: 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 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 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:	
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)
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)