

Calitz Crockett & Associates Inc

“The Firm”

**MANUAL PREPARED IN ACCORDANCE WITH
SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT,
NO 2 OF 2000**

INDEX:

<i>ITEM</i>	<i>DESCRIPTION</i>	<i>PAGE(S)</i>
1.	Introduction	4
2.	Definitions	4 – 6
3.	Calitz Crockart & Associates Incorporated	6
4.	Firm Details	7
5.	Contact Details for Information Officers	7 – 8
6.	Publication and Availability of Certain Records in terms of PAIA	8
7.	Grounds for Refusal of Access to Records in terms of PAIA	9 – 10
8.	Remedies Available to the Requester upon Refusal of a Request for Access in terms of PAIA	10
9.	Procedure for a Request to Access in terms of Section 51(e) of PAIA	10 – 11
10.	Fees	11 – 12
11.	Decision to Grant Access to Records	12
12.	Availability of the Manual	12
13.	Protection of Personal Information that is Processed by the Firm	13 – 17

ANNEXURES:

<i>ITEM</i>	<i>DESCRIPTION</i>	<i>PAGE(S)</i>
1.	Subjects and Categories of Records held by Calitz Crockart & Associates Incorporated	18

2.	List of Applicable Legislation held by Calitz Crockart & Associates Incorporated	19 – 20
3.	Access Request Form - Record of Private Body (section 53(1) of the Promotion of Access to Information Act, 2000)	21 – 24
4.	Prescribed Fees	25
5.	Part 1: Sources and Categories of Information	26 – 28
	Part 2: Security Safeguards taken by the Firm	28 – 29
6.	Objection to the Processing of Personal Information in terms of section 11(3) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013)	30
7.	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 (Act No.4 of 2013)	31 – 32

1. INTRODUCTION

This Manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act No. 2 of 2000, and details the procedure to be followed by a Requester and the manner in which a Request for Access will be facilitated.

This Manual also details the purpose for which Personal Information may be processed; a description of the categories of Data Subjects for whom the Firm processes Personal Information as well as the categories of Personal Information relating to such Data Subjects, and the recipients to whom Personal Information may be supplied.

This Manual may be amended from time to time and any such amendments will be published and distributed in accordance with the provisions of PAIA.

2. DEFINITIONS

“Analytics information” means personal information provided by data subjects when our website is accessed which includes (but is not limited to) the data subject’s IP address, the date and time that the website was accessed and the web browser that was used when accessing the website.

“Applicant information” means personal information supplied to our offices by job applicants, which information includes (but it not necessarily limited to) names, identity and passport numbers, contact details such as phone numbers, email, physical and other addresses, education and employment history, race and gender information.

“Bank information” means personal information that is necessary to open bank accounts and receive and process payments through banking institutions.

“Claims information” means any personal information identified in this policy which is used by us to establish, investigate, exercise or defence claims by or against us in any forum.

“Client” refers to any natural or juristic person that received or receives services from the Firm.

“Communication information” means personal information provided when a data subject communicates with us which may include (but is not necessarily limited to) the data subject’s name and contact information, the contents of the communication and related metadata if such communication is made by accessing our website.

“Conditions for Lawful Processing” means the conditions for the lawful Processing of Personal Information as fully set out in chapter 3 of POPIA.

“*Data subject*” means the person to whom the Personal information relates to.

“*Employee information*” means Personal information relating to our partners, employees, their family members and beneficiaries which includes information such as, but not necessarily limited to, names, identity and passport numbers, contact details such as phone numbers, email, physical and other addresses, information contained in communications relating to our partners’ partnerships, employees’ employment, information pertaining to employment and educational information, financial information (such as banking details), marital status and children, race, gender, tax information and biometric information.

“*Enquiry information*” means enquiries made by data subjects regarding our services.

“*Information officer*” means the head of a private body as contemplated in section 1 of the Promotion of Access to Information Act, 2000.

“*Marketing information*” means Personal information provided by data subjects should a data subject subscribe to our newsletter or marketing communications.

“*Message information*” means Personal information provided to us by data subjects in order to communicate with them by SMS or Whatsapp.

“*PAIA*” means the Promotion of Access to Information Act, 2000.

“*Personal information*” means information relating to an identifiable, living, natural person and where applicable, an identifiable, existing juristic person, including but not limited to, information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of a person, information relating to the education or medical, financial, criminal or employment history of a person; any identifying number, symbol, e-mail address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that would reveal the contents if the original correspondence; the views or opinions of another individual regarding the person; 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.

“*POPIA*” means the Protection of Personal Information Act, 2013.

“*Processing*” is any activity or set of operations concerning Personal information and includes the collection, receipt, capturing, collation, storage, updating, retrieval, alteration or use of information;

the dissemination of information by means of transmission, distribution or making available in any other form; and the merging, linking, erasure or destruction of information.

“*Risk information*” means Personal information identified in this policy to be utilised where necessary in order to conduct audits, obtain expert advice and to identify and manage risks.

“*Responsible party*” means a public or private body or any other person which, independently or in conjunction with others, determines the purpose of and means for the Processing of Personal information, and is usually (but not always) the collector of such information.

“Requester” has the meaning ascribed thereto in section 1 of PAIA.

“*Service information*” means information based on the legal services we provide, and will include information such as, but not necessarily limited to, names, identity and passport numbers, contact details such as phone numbers, email, physical and other addresses, registration and VAT numbers, marital status, employment history, and information contained in communications with our clients and other parties which relate to our services, our details (including our banking details).

“*Supplier information*” means Personal information relating to our suppliers of goods and services, which includes, but is not necessarily limited to, names, identity and passport numbers, registration and VAT numbers, contact details such as phone numbers, email, physical and other addresses and financial information such as banking details.

Any other terms used in this Manual which meanings are not provided for above, shall have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

3. CALITZ CROCKART & ASSOCIATES INCORPORATED

Calitz Crockart & Associates Incorporated has been providing quality legal services to clients for more than 20 years and takes pride in providing personal professional services. As a general practice, it is able to provide a wide range of commercial and personal legal services. Each matter is approached as unique and handled in a manner which attempts to not only address the legal questions posed but also to take into account the particular needs and circumstances of each client. Calitz Crockart & Associates Inc has a number of individual and commercial clients that have been with the firm from the very start of the practice and it is proud to have built such longstanding relationships with clients whom the firm regard as part of its family. The firm's services are not limited to KwaZulu-Natal. The firm renders legal services throughout the country as well as to international clients.

4. DETAILS *(Information required under section 51(1)(a) of PAIA)*

4.1 The Firm's details are as follows:

Physical address : 19 Village Road

Kloof

3610

Postal address : PO Box 22

Kloof

3640

Telephone number : 031 202 3100

Email address : calcro@calitzcrokart.co.za

Fax to email : 086 608 3662

5. CONTACT DETAILS FOR INFORMATION OFFICERS

5.1 The Information Officer's (Ivette Calitz) contact details are as follows:

Physical address : 19 Village Road

Kloof

3610

Postal address : PO Box 22

Kloof

3640

Telephone number : 031 202 3100 / 083 254 4818

Email address : calcro@calitzcrokart.co.za / ivette@calitzcrokart.co.za

Fax to email : 086 608 3662 / 086 608 3601

5.2 The Deputy Information Officer's (Shantal Peter) contact details are as follows:

Physical address : 19 Village Road
Kloof
3610

Postal address : PO Box 22
Kloof
3640

Telephone number : 031 202 3100 / 082 644 5571

Email address : calcro@calitzcrokart.co.za / admin@calitzcrokart.co.za

Fax to email : 086 608 3662

6. PUBLICATION AND AVAILABILITY OF CERTAIN RECORDS IN TERMS OF PAIA

6.1 Schedule of Records *(Information required under section 51(1)(e) of PAIA):*

6.1.1 The Schedule of Records as contained in **Annexure 1** of this Manual details the Records that are held and/or Processed by the Firm for the purposes of PAIA and POPIA respectively.

6.1.2 Access to such Records may not be granted if they are subject to the grounds of refusal which are specified in clause 7 below.

6.2 List of Applicable Legislation *(Information required under section 51(1)(d) of PAIA):*

6.2.1 The Firm retains records which are required in terms of legislation other than PAIA.

6.2.2 Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the Requester has a right of access to a record other than in terms of the procedure set out in the PAIA are set out in **Annexure 2**.

7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA

- 7.1 The following are the grounds on which the Firm may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:
- 7.1.1 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;
- 7.1.2 Mandatory protection of the commercial information of a third party, if the Records contain:
- (a) trade secrets of that third party;
 - (b) financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - (c) information disclosed in confidence by a third party to the Firm, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 7.1.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 7.1.4 Mandatory protection of the safety of individuals and the protection of property;
- 7.1.5 Mandatory protection of Records that would be regarded as privileged in legal proceedings;
- 7.1.6 Protection of the commercial and / or confidential information of the Firm, which may include:
- (a) trade secrets;
 - (b) financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Firm;
 - (c) information which, if disclosed, could put the Firm at a disadvantage in contractual or other negotiations or prejudice the Firm in commercial competition; and/or

- (d) computer programs which are owned by the Firm, and which are protected by copyright and intellectual property laws;

7.1.7 Research information of the Firm or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and

7.1.8 Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

7.2 If the Firm is unable to locate the records that the Requester has requested, after undertaking a reasonable and diligent search, and it believes either that the records are lost, destroyed, or that the records are not in its possession, or are in its possession but are unattainable, the Firm's Information Officer shall provide the Requester with a notice in this regard in the form of an affidavit setting out the measures taken by the Firm to locate the document and the reasons for its inability to locate / attain the document.

8. REMEDIES AVAILABLE TO THE REQUESTER UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF PAIA

The decision made by the Information Officer is final, and Requester will have to exercise such external remedies at their disposal if the Request for Access is refused, including such remedies as provided for in section 56(3)(c) and section 78 of PAIA.

9. PROCEDURE FOR A REQUEST TO ACCESS IN TERMS OF SECTION 51(e) OF PAIA

9.1 A Requester must complete the prescribed Request for Access Form attached as **Annexure 3** and submit the completed Request for Access form as well as payment of a request fee (if applicable) and a deposit (if applicable), to the Information Officer at the postal or physical address, facsimile number or electronic mail address stated in clause 5 above.

9.2 The Request for Access Form must provide sufficient particulars so as to enable the Information Officer to identify the following:

9.2.1 the Record/s requested;

9.2.2 the identity of the Requester;

- 9.2.3 the form of access that is required, if the request is granted;
 - 9.2.4 the postal address or fax number of the Requester; and
 - 9.2.5 the right that the Requester is seeking to exercise or protect and an explanation as to why the requested Record is required for the exercise or protection of such right.
- 9.3 If a Request for Access is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer.
- 9.4 If the Requester is unable to complete the prescribed form because of illiteracy or disability, the Requester may make the request orally.
- 9.5 The Firm will voluntarily provide the requested Records to a Personal Requester (as defined in section 1 of PAIA). The prescribed fee for reproduction of the Record requested by a Personal Requester will be charged in accordance with section 54(6) of PAIA and paragraph 10 below.

10. FEES

- 10.1 When the Request for Access is received by the Information Officer, the Information Officer will by notice require the Requester, other than a Personal Requester, to pay the prescribed request fee (if any), before further Processing of the Request for Access.
- 10.2 The prescribed request fees are set out in **Annexure 4**.
- 10.3 If the search for a Record requires more than the prescribed hours for this purpose, the Information Officer will notify the Requester to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted. If the Request for Access is refused, the Information Officer will repay the deposit to the Requester.
- 10.4 The Information Officer reserves the right to withhold a Record until the Requester has paid the fees set out in Annexure 4.
- 10.5 A Requester whose Request for Access to a Record has been granted, must pay an access 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 making arrangements to make it available in a requested form provided for in PAIA.

11. DECISION TO GRANT ACCESS TO RECORDS

- 11.1 The Firm will decide whether to grant or decline the Request for Access within 30 (thirty) days of receipt of the Request for Access and will give notice to the Requester with reasons (if required) to that effect.
- 11.2 The period referred to above may be extended for a further period of not more than 30 (thirty) days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of the Firm and the Records cannot reasonably be obtained within the original 30 (thirty) day period.
- 11.3 The Firm will notify the Requester in writing should an extension of time as contemplated above be required.
- 11.4 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required.

12. AVAILABILITY OF THE MANUAL

- 12.1 This Manual is made available in terms of PAIA and section 4 of the Regulations to POPIA.
- 12.2 This Manual will be available for inspection at the offices of the Firm and the Information Officer as listed in clause 4 and 5 above, during business hours.
- 12.3 This Manual will also be available on the Firm's website at www.calitzcrocart.co.za.
- 12.4 A copy of this Manual can be obtained from the Information Officer, at the prescribed fee in accordance with Annexure 4.

13. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE FIRM

13.1 Personal information is collected and processed from data subjects and from third parties in order for the Firm to execute its' clients' instructions, to fulfil the Firm's mandates, and for the Firm's business purposes.

13.2 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.

13.3 In accordance with the provisions of POPIA, the Firm undertakes that the Personal information of a data subject:

13.3.1 is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Firm, in the form of privacy or data collection notices;

13.3.2 is processed on a legal basis. There are various legal grounds and/or Processing conditions which the Firm will rely on in order to process the Personal information of data subjects, which grounds include, but are not limited to, the following:

- (a) To protect the legitimate interests of data subjects;
- (b) To execute the Firm's clients' instructions and to fulfil the Firm's mandates;
- (c) To comply with applicable legislation, which legislation includes (but is not limited to) the Protection of Personal Information Act, 2013, the Legal Practice Act, 2014, the Value Added Tax Act, 1991, the Promotion of Access to Information Act, 2000, and the various Covid-19 laws and regulations; and
- (d) To pursue and protect the legitimate interests, including business interests, of the Firm;

13.3.3 is processed only for the purposes for which it was collected;

13.3.4 will not be processed for a secondary purpose unless that Processing is compatible with the original purpose.

13.3.5 is adequate, relevant and not excessive for the purposes for which it was collected;

13.3.6 is accurate and kept up to date;

13.3.7 will not be kept for longer than necessary;

13.3.8 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 Firm, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;

13.3.9 is processed in accordance with the rights of Data Subjects, where applicable, which rights include:

- (a) to be notified that their Personal Information is being collected by the Firm. The Data Subject also has the right to be notified in the event of a data breach;
- (b) to request and access that Personal information, which request must be in accordance with provisions of this Manual;
- (c) to request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal information;
- (d) to object to the Firm's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to the Firm's record keeping requirements);
- (e) to object, on reasonable grounds, to the Processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- (f) to lay a complaint with the Information Regulator in respect of the Processing of their Personal information and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal information.

13.4 Categories of Personal Information held by the Firm:

13.4.1 The categories of records of Personal information held by the Firm are set out in **Part 1 of Annexure 5**.

13.5 Cross-border flows of Personal Information:

13.5.1 Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- (a) 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
- (b) Data Subject consents to the transfer of their Personal Information; or
- (c) Transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- (d) 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
- (e) 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.

13.5.2 When making authorised disclosures or transfers of Personal information in terms of section 72 of POPIA, Personal Data may be disclosed to recipients located in countries which do not offer a level of protection for those data as high as the level of protection as South Africa.

13.6 Security Safeguards to be implemented by the Firm:

13.6.1 **Part 2 of Annexure 5** details the security measures implemented by the Firm in order to ensure that Personal Information is adequately protected, in accordance with section 19 of POPIA.

13.6.2 The Firm shall have due regard to the accepted Personal information security measures and procedures which may apply to it generally or which are required in terms of a specific industry or profession set of rules and regulations.

13.6.3 Where there are reasonable grounds to believe that a data subject’s Personal information has been access or disclosed by an unauthorised person, the Information Officer will be contacted as soon as possible after the discovery of the security breach.

13.6.4 The Information Officer shall inform the Information Regulator and the data subject about the breach. Such notification will be declared as soon as possible after the discovery of the security breach.

13.6.5 The Information Officer must make available sufficient information to the data subject to enable to data subject to take the necessary protective measures against the potential consequences of the breach.

13.7 Objection to the Processing of Personal Information by a Data Subject:

13.7.1 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 **Annexure 6**, unless legislation provides for such Processing.

13.8 Retention, Deletion and Restriction of Records of Personal Information:

13.8.1 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 and / or deleted in the prescribed form attached as **Annexure 7** to this Manual.

13.8.2 Records of Personal information shall not be retained by the Firm for longer periods than is necessary in order to achieve the purpose for which the Personal information is collected, unless:

- (a) The retention of the Personal information is required or authorised by legislation;
- (b) The retention of the Personal information is required or authorised by contract between the firm and the data subject;
- (c) The Firm reasonably requires the Personal information for legal purposes related to its business functions or services;
- (d) The data subject (or a competent person in law if the data subject is a minor) consents to the retention of the Personal information.

13.8.3 The Firm undertakes to delete or destroy records of Personal information once such information is no longer necessary or the Firm is no longer authorised or permitted to retain it.

13.8.4 The records of Personal information shall be destroyed in such a manner as to prevent its reconstruction in an intelligible form.

13.8.5 The Firm shall restrict the Processing of Personal information if:

- (a) The Firm no longer requires the Personal information to achieve the purpose for which it was collected and processed, but is required to retain the information for the purposes of proof or for record keeping purposes;
- (b) The accuracy of the Personal information is contested by the data subject;
- (c) The data subject requests that the Personal information be transmitted or transferred to another automated processing system;
- (d) The Processing of the Personal information is unlawful; and / or
- (e) The data subject opposes the destruction or deletion of the Personal information or requests the restriction of its use.

13.8.6 Where the Processing of Personal information has been restricted, the Firm shall only process such information with the data subject's consent (or the consent of a person competent in law where the data subject is a minor), for the purposes of proof or record keeping, in order to protect the rights of any natural or legal person, or if such Processing would be in the public interest.

Annexure 1**SUBJECTS AND CATEGORIES OF RECORDS HELD BY CALITZ CROCKART & ASSOCIATES
INCORPORATED****1. Client service records, including:**

- (a) Client correspondence and message information
- (b) Client records
- (c) Client business information
- (d) Client contracts

2. Corporate Governance, including:

- (a) Codes of conduct
- (b) Legal compliance records

3. Finance and administration, including:

- (a) Accounting records
- (b) Annual financial statements
- (c) Invoices and statements
- (d) Tax records and returns
- (e) Banking records
- (f) Financial transactions
- (g) Management accounts
- (h) Insurance information
- (i) Client registry
- (j) Bank information

4. Employment, including:

- (a) Employment contracts
- (b) Employee information
- (c) PAYE information and records
- (d) Medical aid records
- (e) Remuneration records and policies
- (f) Performance appraisals
- (g) Pension and provident fund records
- (h) Minutes of staff meetings
- (i) Industrial and labour relations records

5. Information management and technology, including:

- (a) Asset register
- (b) IT policies and procedures

6. Information and research

- (a) External publications
- (b) Internal publications
- (c) Reference works
- (d) Articles
- (e) Periodicals

7. Marketing and communication

- (a) Marketing records
- (b) Marketing strategies

Annexure 2**LIST OF APPLICABLE LEGISLATION HELD BY CALITZ CROCKART & ASSOCIATES
INCORPORATED**

Administration of Estates Act, No.66 of 1965

Arbitration Act, No 42 of 1965

Attorneys Act, No. 53 of 1979

Basic Conditions of Employment Act, No. 75 of 1997

Close Corporations Act, No. 69 of 1984

Companies Act, No. 71 of 2008

Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

Competition Act, No. 89 of 1998

Consumer Protection Act, No. 68 of 2008

Copyright Act, No. 98 of 1978

Currency and Exchanges Act, No. 9 of 1933

Debt Collectors Act, No. 114 of 1998

Electronic Communications and Transactions Act, No. 25 of 2002

Employment Equity Act, No. 55 of 1998

Finance Act, No. 35 of 2000

Financial Intelligence Centre Act, No. 38 of 2001

Financial Institutions (Protection of Funds) Act, No. 28 of 2001

Financial Intelligence Centre Act, No 38 of 2001

Financial Relations Act, No. 65 of 1976

Financial Services Board Act, No. 97 of 1990

Financial Services Ombud Schemes Act, No. 37 of 2004

Harmful Business Practices Act, 23 of 1999

Income Tax Act, No. 95 of 1967

Insolvency Act, No. 24 of 1936

Inspection of Financial Institutions Act, No. 80 of 1998

Intellectual property Laws Amendment Act, No. 38 of 1997

Labour Relations Act, No. 66 of 1995

Long Term Insurance Act, No. 52 of 1998

Medical Schemes Act, No. 131 of 1998

National Credit Act, No. 34 of 2005

National Road Traffic Act, No. 93 of 1996

Occupational Health and Safety Act, No. 85 of 1993

Pension Funds Act, No. 24 of 1956

Post Office Act, No. 44 of 1956

Promotion of Access to Information Act, No. 2 of 2000

Protection of Personal Information Act, No.4 of 2013

Protection of Businesses Act, No. 99 of 1978

South African Reserve Bank Act, No. 90 of 1989

Short Term Insurance Act, No. 53 of 1998

Skills Development Act, No. 97 of 1998

Skills Development Levies Act, No. 9 of 1999

Tax on Retirement Funds Act; No. 38 of 1996

The Securities Services Act, No. 36 of 2004

Trade Marks Act, No. 194 of 1993

Trust Property Control Act, No. 57 of 1988

Unemployment Insurance Act, No. 63 of 2001

Unemployment Insurance Contributions Act No. 4 of 2002

Value Added Tax Act, No. 89 of 1991

Annexure 3

ACCESS REQUEST FORM - RECORD OF PRIVATE BODY (SECTION 53(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000)

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:

(.....) Fax 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 requester 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.
You will be notified of the amount required to be paid as the request fee.
- (b) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to

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: 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.	Form in which record is required:
---	-----------------------------------

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
--	-----	----

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 requester 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..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS
MADE

Annexure 4**PRESCRIBED FEES**Fees in respect of private bodies

1. The **fee for a copy of the Manual** as contemplated in Regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.
2. The **fees for reproduction** referred to in Regulation 11(1) are as follows:
 - 2.1 For every photocopy for an A4-size page or part thereof R1.10
 - 2.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form R0.75
 - 2.3 For a copy in a computer-readable form on –
 - (a) stifty disc R7.50
 - (b) compact disc R70.00
 - 2.4 For a transcription of visual images, for an A4-size page or part thereof R40.00
 - 2.5 For a copy of visual images R60.00
 - 2.6 For a transcription of an audio record, for an A4-size page or part thereof R20.00
 - 2.7 For a copy of an audio record R30.00
3. The **request fee** payable by a Requester, other than a Personal Requester, referred to in regulation 11(2) is R50.00
4. The **access fees** payable by a Requester referred to in regulation 11(3) are as follows:
 - 4.1 For every photocopy of an A4-size page or part thereof R1.10
 - 4.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0.75
 - 4.3 For a copy in a computer-readable form on –
 - (a) stifty disc R7.50
 - (b) compact disc R70.00
 - 4.4 For a transcription of visual images, for an A4-size page or part thereof R40.00
 - 4.5 For a copy of visual images R60.00
 - 4.6 For a transcription of an audio record, for an A4-size page or part thereof R20.00
 - 4.7 For a copy of an audio record R30.00
 - 4.8 To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
5. For purposes of section 54(2) of the Act, the following applies:
 - 5.1 Six hours as the hours to be exceeded before a deposit is payable;
 - 5.2 One third of the access fee is payable as a deposit by the Requester. The actual postage is payable when a copy of a record must be posted to a Requester.

Annexure 5**PART 1: SOURCES AND CATEGORIES OF PERSONAL INFORMATION****1. Service information:**

- 1.1. The Firm collects and process Personal information from its clients, its employees, from pleadings and process which may be served on or supplied to the Firm, the Firm's representatives and, if mandated by the its clients, from external sources such as public records and licenced databases.
- 1.2. Such Personal information will be based on, or be processed in relation to, service information and shall be processed in accordance with the law.
- 1.3. Service information will be collected and processed in order to provide the Firm's services, account for such services and secure payment for these services (including disbursements). This information will also be utilised in order to keep accurate records of the Firm's dealings with its clients, to properly manage its relationships with its clients, to ensure that the security of its business and its systems are compliant with legislation, and to properly and securely administer and market its services and run the business of the Firm.
- 1.4. Examples: names, identity and passport numbers, contact details such as phone numbers, email, physical and other addresses, registration and VAT numbers, marital status, employment history, and information contained in communications with the Firm's clients and other parties which relate to the Firm's services, and its details (including its banking details).

2. Supplier information:

- 2.1 The Firm collects Personal information which relates to suppliers (both actual and potential) of goods and services which is usually sourced either directly from suppliers, or from other sources such as (but not limited to) advertisements, references and quotations.
- 2.2 The Firm processes such Personal information based on consent (be it contractual or otherwise) and on the basis of quotations received and invoices paid. The Firm ensures that its relationships with its suppliers are legitimate, comply with applicable legislation (including tax legislation) and that communication with its suppliers is maintained and managed.
- 2.3 Examples: names, identity and passport numbers, registration and VAT numbers, contact details such as phone numbers, email, physical and other addresses and financial information such as banking details.

3. Employee information:

- 3.1 The Firm collects Personal information which relates to its partners, employees and their family members, and beneficiaries which are mainly sourced from its partners and employees but which can also be sourced from databases such as LinkedIn and other licenced databases, recruitment agencies and public records.
- 3.2 The Firm processes employee information in order to deal with employee and / or client queries and disputes and claims brought by and against the Firm, to conclude and manage contracts, to assist the Firm in complying with legislation such as tax legislation, employment equity

legislation and COVID-19 legislation, to deal with benefits such as medical aid, insurance and retirement benefits, and to ensure that the services that the Firm provides and markets are consistent, secure and properly administered.

- 3.3 Examples: names, identity and passport numbers, contact details such as phone numbers, email, physical and other addresses, information contained in communications relating to the Firm's partners' partnerships, employees' employment, information pertaining to employment and educational information, financial information (such as banking details), marital status and children, race, gender, tax information and biometric information.

4. Applicant information:

- 4.1 Applicant information is mainly sourced from the job applicant directly, by email or telephone or from the job application itself. Applicant information is also sourced from recruitment agencies, online platforms such as LinkedIn and other licenced databases, as well as from references and public records.
- 4.2 Applicant information is processed, in accordance with applicable legislation, so that the Firm can consider job applications and act accordingly in order to provide successful job applicants with job opportunities.
- 4.3 Examples: names, identity and passport numbers, contact details such as phone numbers, email, physical and other addresses, education and employment history, race and gender information.

5. Analytics information:

- 5.1 Analytics information is sourced when the Firm's website is accessed or when data subjects communicate with the Firm using its website.
- 5.2 This information is only used for the purposes for which it was provided, to improve the Firm's services, and to facilitate its communication with data subjects.
- 5.3 The Firm does not collect any other Personal information when data subjects access its website.
- 5.4 The Firm's website may have links to other websites or platforms. If the data subject clicks on the link, the linked website or platform may send its own cookies to the data subject's device to collect data or process data subjects' Personal information. This is beyond the Firm's control and is based on such third parties' own privacy policies.
- 5.5 If a data subject posts information on the Firm's website, the Firm may process such information to enable the publication of the data subject's post and to assist with the administration and marketing of the Firm's services.
- 5.6 Examples: data subject's IP address, the date and time that the website was accessed and the web browser that was used when accessing the website

6. Message information:

- 6.1 If a data subject provides the Firm with message information, the Firm uses it to communicate with the data subject in relation to the provision of the Firm's services.

- 6.2 Such information is sourced directly from the data subject, with the data subject's consent, and will only be utilised for the purpose for which it was provided.
- 6.3 Telecommunication companies and Whatsapp may collect the data subject's Personal information for their own purposes when the Firm communicates with the data subject via SMS or Whatsapp, which is beyond the Firm's control.

7. Other types of Personal information:

- 7.1 Personal information such as enquiry information, marketing information and communication information is utilised by the Firm in order to inform data subjects about the Firm's services, to communicate with data subjects, to respond to enquiries, and to update data subjects about events, newsletters and other communications about the Firm's services.
- 7.2 Personal information such as risk information and claims information is utilised by the Firm in order to manage risks and protect its business against risk, to protect and enforce its rights and the rights of others and to enable the proper administration and protection of its business.

PART 2: SECURITY SAFEGUARDS TAKEN BY THE FIRM

Section 19 of POPIA requires that Personal information held by the Firm be adequately protected.

The Firm undertakes to secure the integrity and confidentiality of Personal information that is in its possession or within its control and to continuously review and update its security measures and processes to prevent unauthorised access and disclosure of Personal information.

The Firm shall have due regard to the accepted Personal information security measures and procedures which may apply to it generally or which are required in terms of a specific industry or profession set of rules and regulations.

The following procedures are in place to ensure that Personal information retained by the Firm is secure:

1. The Firm's Information Officer is the director of the Firm, who is responsible for, and is able to ensure compliance with, the conditions and provisions of POPIA.
2. A copy of the Firm's Privacy Notice is available on the Firm's website.
3. Employees of the Firm will be made aware of, and trained, on the Privacy Policy and this Manual and the relevant provisions of POPIA.
4. Each new employee will be required to sign an employment contract that contains provisions relating to consent and confidentiality for the use and storage of the employee's Personal information.
5. Each employee currently employed by the Firm will be required to sign an addendum to their employment contract, containing relevant consent and confidentiality clauses for the use and storage of Personal information.
6. The Firm's client service agreement shall contain the relevant consent and confidentiality clauses in terms of POPIA, for the use, storage and Processing of Personal information, which will be required to be signed by new clients.
7. Existing clients of the Firm will be required to consent to the Processing of their Personal information.
8. Archived hardcopies of clients' Personal information is safely stored at an offsite facility and is destroyed after the retention period as prescribed by the Legal Practice Act, 2014, has elapsed.
9. Current hardcopies of clients' Personal information are safely secured in the Firm's offices, which are secured by means of an alarm activation system.
10. Electronic Personal information is backed up, managed and regulated through an agreement entered into with a reputable service provider.

11. The Firm's internal server hard drives are protected by firewalls and antivirus software.
12. Only the directors of the Firm and the employees of the Firm have access to clients' Personal information.

Annexure 6

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

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:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
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 of20.....

.....

Signature of data subject/designated person

Annexure 7

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 (ACT NO.4 OF 2013)

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 THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
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. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....

Signature of data subject/ designated person