

SECTION 51 PAIA MANUAL

PROMOTION OF ACCESS TO INFORMATION

FOR

ASSENMACHER BRANDT ATTORNEYS

(hereinafter referred to as “AB Attorneys”)

Last Updated: October 2023

INDEX

MANUAL FOR THE PROMOTION OF ACCESS TO INFORMATION

1 INTRODUCTION	3
2 CONTACT DETAILS	3
3 GUIDE IN TERMS OF SECTION 10 OF THE ACT	3-4
4 NOTICE/S IN TERMS OF SECTION 52(2) OF THE ACT	4
5 INFORMATION/DOCUMENTS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION	4-5
6 DOCUMENTS/INFORMATION HELD BY THE COMPANY IN TERMS OF THE ACT	5-6
7 FORM OF REQUEST	7
8 PURPOSE OF PROCESSING PERSONAL INFORMATION	7-8
9 CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION RELATING THERETO	8-9
10 RECIPIENTS OF PERSONAL INFORMATION TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED	9
11 PLANNED TRANSBORDER FLOW OF PERSONAL INFORMATION	10
12 DESCRIPTION OF INFORMATION SECURITY MEASURES	10
13 OTHER INFORMATION	10-11
14 AVAILABILITY OF MANUAL	11
15 REMEDIES	11

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000 (the “Act/PAIA”)

1 INTRODUCTION

AB Attorneys is a firm of attorneys who render legal services to its clients. The firm has expertise in Employment, Commercial, Corporate, Competition, Pharmaceutical and Aviation Law and Litigation, and also specialises in the formation and establishment of local Companies and business enterprises and assisting international Companies, Airlines and Banks in establishing business and representative offices in South Africa. The firm also provides legal services in most other fields of law.

2 CONTACT DETAILS (Section 51(1)(a)(i) of the Act)

Name of body:	Assenmacher Brandt Attorneys
Information Officer:	Peter Josef Assenmacher
Designation:	Partner
Partners:	P. J. Assenmacher C. J. Brandt
Address:	Fairway Office Park, Ground Floor, Sable Place, Suite 21, 52 Grosvenor Road, Bryanston, 2191
Postal Address:	P.O. Box 130527, Bryanston, 2074
Telephone:	011 706 0303
Fax:	086 478 1312
E-mail:	law@assenmacher.co.za
Website address:	www.assenmacherlaw.co.za

3 GUIDE IN TERMS OF SECTION 10 OF THE ACT (Section 51(1)(b)(i) of the Act)

3.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 Requests in terms of the Act shall be made in accordance with the prescribed

procedures, at the rates provided. The forms and tariff are dealt with in Regulation 7 of the Act.

- 3.3 Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission (SAHRC), which contain information for the purposes of exercising any right contemplated in the Act and the Protection of Personal Information Act, No 4 of 2013 (“POPIA”). The Guide is available from the Information Regulator.

The contact details of the Information Regulator are:

Telephone number: 010 023 5200

Email addresses: enquiries@info regulator.org.za

Registration.IO@info regulator.org.za

Postal Address: PO Box 31533, Braamfontein, Johannesburg, 2017

Website: <https://www.info regulator.org.za>

4 NOTICE/S IN TERMS OF SECTION 52(2) OF THE ACT (Section 51(1)(b)(ii) of the Act)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act, and as and when notices are published, if applicable, such notices shall be deemed to be incorporated in this manual.

5 INFORMATION/DOCUMENTS AVAILABLE IN ACCORDANCE WITH LEGISLATION (Section 51(1)(b)(iii) of the Act)

AB Attorneys retains records and documents in terms of the legislation listed below, which is not an exhaustive list. Unless disclosure is prohibited in terms of legislation, regulations and contractual documents, records which are to be made available in terms of PAIA and/or POPIA shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA. Whilst AB Attorneys maintains records relating to the undermentioned legislation, it does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a

case by case basis in accordance with the provisions of PAIA and/or POPIA.

No	Reference	Act
1	No 71 of 2008	Companies Act
2	No 69 of 1984	Close Corporation Act
4	No 58 of 1962	Income Tax Act
5	No 89 of 1991	Value Added Tax Act
6	No 38 of 2001	Financial Intelligence Centre Act
7	No 66 of 1995	Labour Relations Act
8	No 55 of 1998	Employment Equity Act
9	No 24 of 1956	Pension Funds Act
10	No 75 of 1997	Basic Conditions of Employment Act
11	No 63 of 2001	Unemployment Insurance Act
12	No 97 of 1998	Skills Development Act
13	No 9 of 1999	Skills Development Levies Act
14	No 130 of 1993	Compensation for Occupational Injuries & Diseases Act
15	No 85 of 1993	Occupational Health & Safety Act
16	No 2 of 2000	Promotion of Access to Information Act
17	No 4 of 2013	Protection of Personal Information Act
19	No 53 of 2003	The Broad-Based Black Economic Empowerment Act
20	No 28 of 2014	The Legal Practice Act

6 DOCUMENTS / INFORMATION HELD BY AB ATTORNEYS IN TERMS OF THE ACT (Section 51(1)(b)(iv) of the Act)

The following records are kept which may or may not be made available, as indicated:

6.1 Confidential Records: The following records are treated as confidential and may not be made available:

6.1.1 All financial records, including but not limited to Audited Financial Statements; Management Accounts; Asset Registers; Financial and Tax Records;

- 6.1.2 Documents issued to employees for income tax purposes;
 - 6.1.3 Records of payments made to SARS on behalf of employees;
 - 6.1.4 All Partner related records, including but not limited to resolutions;
 - 6.1.5 All documents which are of a strategic nature, including but not limited to patents, trademarks, business plans, designs;
 - 6.1.6 Insurance policies;
 - 6.1.7 Correspondence with clients, counsel and third parties;
 - 6.1.8 Records relating to legal proceedings involving clients.
 - 6.1.9 Employment contracts;
 - 6.1.10 Training records;
 - 6.1.11 Salary and leave records;
- 6.2 **Non-confidential Records:** The following records may be made available on request in terms of the Act:
- 6.2.1 Incorporation documents;
 - 6.2.2 Marketing information;
- 6.3 **Public Records:** The following records are in the public domain and freely available on request:
- 6.3.1 Corporate records such as BBBEE Affidavit, Letters of Good Standing;
 - 6.3.2 Fidelity Fund Certificates;
 - 6.3.3 News and Publications on website.

7 FORM OF REQUEST

To facilitate the processing of an information request

- 7.1 Use the prescribed form provided for in the Regulations to the Act.
- 7.2 Address a request to the Information Officer.
- 7.3 Provide sufficient details to enable the Information Officer to identify:
- a) The record/s requested;
 - b) The requester;
 - c) If the request is made on behalf of a person, submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer;
 - d) The form of access required;
 - e) The postal address, fax number, email address and telephone number of the requester in South Africa;
 - f) If the requester wishes to be informed of the decision in any other manner (in addition to written), to state that manner and the necessary particulars to be so informed;
 - g) The right which the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 8 **PURPOSE OF PROCESSING PERSONAL INFORMATION (Section 51(1)(c)(i) of the Act)**
- 8.1 Personal information will only be used for the purpose for which it was collected and as may be agreed, which may include but is not limited to:
- 8.1.1 Providing legal services to clients and to carry out the legal services requested;

- 8.1.2 Conducting credit reference searches or verification;
- 8.1.3 Confirming, verifying and updating client and service provider details;
- 8.1.4 Detection and prevention of fraud, crime, money laundering or other malpractices;
- 8.1.5 Audit and record keeping purposes;
- 8.1.6 In connection with legal proceedings;
- 8.1.7 Providing AB Attorneys requested services to clients, and to maintain and constantly improve the relationship;
- 8.1.8 Providing communication in respect of AB Attorneys and regulatory matters which may affect clients; and
- 8.1.9 In connection with and to comply with legal and regulatory requirements or when it is otherwise required by law.

9 CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION/ SPECIAL PERSONAL INFORMATION RELATING THERETO (Section 51(1)(c)(ii) of the Act)

AB Attorneys maintains records on the following categories and subject matters. The recordal of a category or subject matter does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA and/or POPIA.

Categories of individuals and juristic entities	Categories of personal information held	Availability
Employees	Identity numbers, contact details, physical and postal address, date of birth, age, marital status, race, disability information, medical records, employment history, criminal/background checks, CVs, education history, bank details, income tax reference number, remuneration, disciplinary action, payroll records, training records, leave records.	Not automatically available.

Clients	Entity name, registration number, income tax reference number, tax, information, contact details of representative persons, FICA documentation, financial information, contractual documents, identity number in respect of natural persons, contact details, email address.	Not automatically available
New job applicants	Name, surname, address, contact details, identity numbers, email address, details of qualifications, skills, experience and employment history, remuneration, benefits.	Not automatically available
Suppliers/service providers	Entity name, registration number, income tax number, tax information, contact details of representative persons, FICA documentation, BBBEE certificates, financial information, contractual documents.	Not automatically available
Website visitors	Name, email address, company name, job title and telephone number	Not automatically available
Visitors	Physical address, contact details, email address.	Not automatically available

10 RECIPIENTS OF PERSONAL INFORMATION TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED (Section 51(1)(c)(iii) of the Act)

- 10.1 Counsel who has been briefed in respect of legal proceedings;
- 10.2 Employees of AB Attorneys;
- 10.3 Authorities to whom AB Attorneys are obliged to provide such information for legal or regulatory purposes;
- 10.4 Authorised third parties for purposes of existing or future legal proceedings;
- 10.5 Authorities required by law for purposes of the prevention of fraud, loss, bribery or corruption;
- 10.6 Third parties for the purpose of performing services and processing of personal information on behalf of AB Attorneys.

AB Attorneys will send its data subjects notifications or communications if it is obliged by law to do so or in terms of contractual relationships, where disclosure of their personal information is required. Disclosure of personal information to governmental authorities will only be effected if so required by law or a court order.

11 PLANNED TRANSBORDER FLOW OF PERSONAL INFORMATION (Section 51(1)(c)(iv) of the Act)

Should AB Attorneys transfer personal information to another country for the purposes of rendering legal services to clients, AB Attorneys will take the necessary steps to ensure that service providers and third party operators are bound by laws, binding corporate rules or contractual agreements which provide an adequate level of protection and uphold principles of reasonable and lawful processing of personal information in terms of POPIA.

12 DESCRIPTION OF INFORMATION SECURITY MEASURES (Section 51(1)(c)(v) of the Act)

AB Attorneys takes the security of data seriously, and accordingly, reasonable technical and organisational measures are implemented to protect personal information. AB Attorneys has internal policies and controls in place to ensure that data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the proper performance of their duties. AB Attorneys will take steps to ensure that third party providers who may process personal information on behalf of AB Attorneys apply adequate safeguards as required in terms of POPIA.

13 OTHER INFORMATION (Section 51(1)(a)(ii) of the Act)

13.1 The Minister of Justice and Constitutional Development has published regulations in terms of Section 92 of the Act, as can be obtained from the guidance document referred to in paragraph 3 above. The following applies to requests (other than personal requests):

13.1.1 A requester is required to pay the prescribed fees before a request will be processed; If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

13.1.2 A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;

13.1.3 Records may be withheld until the fees have been paid;

13.1.4 The fee structure is contained in the Regulations to the Act;

13.1.5 A requester must request the banking details of AB Attorneys from the Information Officer to make payment.

14 AVAILABILITY OF THE MANUAL (Section 51(3) of the Act)

14.1 This manual is available for inspection during normal business hours at the offices of AB Attorneys and appears on the website of AB Attorneys, and shall be made available on request to the Information Regulator.

14.2 Copies of the manual may be obtained, subject to the prescribed fees, at the offices of AB Attorneys.

15 REMEDIES

AB Attorneys does not have an internal appeal process regarding PAIA and POPI requests. As such, the decision made by the Information Officer shall be final. If a request is denied, the requester shall be entitled to exercise his/her/its rights entitled to in law.

END