

NICOLAAS JOHANNES MARAIS t/a MARAIS ATTORNEYS

PAIA MANUAL

*prepared in accordance with section 51 of
the Promotion of Access to Information Act 2 of 2000, as amended by the
Protection of Personal Information Act 4 of 2013*

1. Background

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 as amended by the Protection of Personal Information Act 4 of 2013 (the “**POPI Act**”) (the “**Act**” or “**PAIA**”) was enacted on 3 February 2000. The Act gives effect to the constitutional right of access to any information held by public and private bodies that is required for the exercise or protection of any rights.
- 1.2 In terms of section 51 of the Act, private bodies are required to compile a manual, which contains the information necessary to enable individuals that are entitled to information to gain access to the relevant record.
- 1.3 This PAIA manual sets out the procedure that a requester (or “**you**”) must follow when requesting information from Nicolaas Johannes Marais t/a Marais Attorneys (“**we**”, “**us**”, “**our**” or “**Marais Attorneys**”) for the purpose of exercising or protecting your, or a third party’s, rights.

2. Introduction to Marais Attorneys Proprietary Limited

Marais Attorneys is a firm of attorneys practicing within the Republic of South Africa rendering the business of legal services.

3. Company information and contact details

Head of Marais Attorneys	Nicolaas Johannes Marais
Email address for PAIA requests	info@maraisattorneys.com
Postal address	PO Box 585, Gallo Manor, 2052
Physical address	1110 The Leonardo, 75 Maude Street, Sandown, Sandton, 2146 Johannesburg, Gauteng, South Africa
Telephone number	087 536 1110
Website	https://www.maraisattorneys.com

4. Other information as may be prescribed

- 4.1 No notice has been submitted by the Minister of Justice and Constitutional Development regarding the categories of records which are available without a person having to request access in terms of the Act. However, the information that is published on our website is automatically available without you having to request access in terms of PAIA.

5. Insofar as PAIA is concerned:

5.1 The Act and the Section 10 Guide

- 5.1.1 The Act grants a requester access to records of a private body, if the record is

required for the exercise or protection of any right(s). If a public body lodges a request, the public body must be acting in the public interest.

5.1.2 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 paragraphs 6 and 7 of the Act.

5.1.3 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 will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

5.1.4 The contact details of the SAHRC are:

Postal Address: Private Bag 2700, Houghton, 2041 Telephone

Number: +27 (0) 11 877 3600

Fax Number: +27 (0) 11 403 0625

Website: www.sahrc.org.za

5.2 The latest notice in terms of section 52(2) of the Act

5.2.1 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 section 52(2) of PAIA.

5.3 Schedule of records available only upon request to access

5.3.1 Information is available in terms of the following legislation, where applicable:

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Patents Act 57 of 1978
- Preferential Procurement Policy Framework Act 5 of 2000
- Promotion of Access to Information Act 2 of 2000

- Protection of Personal Information Act 4 of 2013
- The Prevention and Combatting of Corrupt Activities Act 12 of 2004
- The Protection of Constitutional Democracy Against Terrorist and Related Activities 33 of 2004
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 30 of 1966
- Value-Added Tax Act 89 of 1991

Specific records that we hold include:

Category	Subjects
Corporate Governance	<ul style="list-style-type: none"> • Constitutional Documents • Register of directors • Minutes of meetings of the board of directors
Financial	<ul style="list-style-type: none"> • Audit reports and related information • Budgets • Insurance policies • Utility statements • Financial statements • Tax returns • Invoices
Contracts	<ul style="list-style-type: none"> • Appointment letter with auditors • Contracts with service providers • Procurement agreements and compliance documents • Service provider records
Compliance	<ul style="list-style-type: none"> • BBBEE Compliance • Internal auditing and risk • Legislative compliance • Regulatory reports • Policies and procedures

5.4 Are you entitled to access information?

5.4.1 You are not automatically allowed access to records and we may grant or refuse a

request for access to information in accordance with the Act.

5.4.2 Your request for information will be evaluated and you will be notified within 30 days of receipt of your request of our decision. In deciding whether you are entitled to access the record, we will consider whether:

5.4.2.1 you require the information in order to exercise or protect a right;

5.4.2.2 you have complied with the procedural requirements of the Act; and

5.4.2.3 the record you have requested contains any information that falls within the grounds for refusal of access to information in terms of PAIA.

5.4.3 Should your request be refused, you will be given adequate reasons for the refusal and you may lodge a complaint to the Information Regulator or an application to court against our refusal of the request. We will also provide you with details of the procedure (including the period) for lodging the complaint to the Information Regulator or the application to court.

5.5 Notification of extension period (if required)

5.5.1 In terms of the Act, the 30 (thirty) day period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances. Should we need to extend this period, we will provide you with notification of such extension.

5.6 Form of request for access to records

5.6.1 Any request for access to a record must be made on the prescribed form (Form C: Request for Access to Record of Private Body) which is available on the website of the South African Human Rights Commission at www.sahrc.org.za. Your request may be emailed or delivered to our physical or postal address and must be addressed to the Information Officer (see details above).

5.6.2 In order for us to identify the record that you request access to, please ensure that you provide us with the following information:

5.6.2.1 the record requested;

5.6.2.2 your identification details;

5.6.2.3 the form of access required;

5.6.2.4 your postal address, email address and telephone number;

5.6.2.5 the right which you are seeking to exercise or protect with an explanation of why the requested record is required for the exercise or protection of that right;

5.6.2.6 whether, in addition to a written reply, you wish to be informed of our decision on the request in any other manner, and if so, the relevant manner and the necessary particulars in order to be so informed; and

5.6.2.7 whether the request is made on behalf of another person along with proof of the capacity in which you are making the request to the reasonable satisfaction of the Information Officer.

5.7 The request fee; access fee and/or deposit

5.7.1 The following applies to requests:

- 5.7.1.1 you will be required to pay a prescribed request fee in the amount of R50.00 (fifty Rand) before your request will be processed;
- 5.7.1.2 you will be informed if an access fee is payable in order for you to access the record/s;
- 5.7.1.3 you must pay the request fee and access fee (if any) prior to the information being provided to you;
- 5.7.1.4 a deposit in respect of the access fee may be requested in accordance with the Act. This deposit is fully refundable should your request for access be refused;
- 5.7.1.5 records may be withheld until the relevant fees have been paid;
- 5.7.1.6 you may lodge a complaint to the Information Regulator or an application with a court against the tender/payment of the request fee and/or deposit, where applicable; and
- 5.7.1.7 you will be informed of the procedure (including the period) for lodging the complaint to the Information Regulator or the application to court.
- 5.7.2 The notice which sets out the prescribed fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

5.8 Third party information

- 5.8.1 If access is requested to a record that contains information about a third party, you must provide specific written consent of the third party or prove that you require the information in order to exercise or protect a right. We are obliged to attempt to contact the third party to inform them of your request. This provides the third party with the opportunity to respond by either consenting to the access or by providing reasons why access should be denied. In the event of the third party furnishing reasons for the denial of access, we will consider these reasons in determining whether access should be granted or not, and advise you accordingly.

6. Insofar as the POPI Act is concerned:

6.1 The purpose of the processing

- 6.1.1 We collect and process personal information for the following purposes:
 - 6.1.1.1 providing our services or products or for obtaining services or products (such as responding to queries or requests submitted to us by authorised requesters or for the purposes of negotiating or fulfilling our contractual obligations);
 - 6.1.1.2 business purposes (such as internal audit, accounting, business planning, joint ventures, disposals of business, or other proposed and actual transactions); and
 - 6.1.1.3 legal purposes (such as complying with regulations or pursuing good governance).

6.2 Categories of data subjects and related personal information

Employees, Contractors and Consultants	Suppliers and Service Providers	Clients (i.e. Advertisers and Agencies)	Landlords (Private and Public)	Other (e.g. Statutory and other authorities)
<i>Personal Information</i>				
Full name / juristic entity name				
Identity number / passport number / registration	Identity number / registration number	Identity number / registration number	Identity number / registration number	Contact details of employees or personnel
Contact details				
Email address				
Physical and postal address				
Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence	Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence	Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence	Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence	Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence
Views or opinions by any person in respect of a data subject	Views or opinions by any person in respect of a data subject	Views or opinions by any person in respect of a data subject	Views or opinions by any person in respect of a data subject	Views or opinions by any person in respect of a data subject
Nationality	Nationality / jurisdiction of incorporation	Nationality / jurisdiction of incorporation	Nationality / jurisdiction of incorporation	
Pregnancy				
Marital status				
Disability				
Well-being				
Birth				

Employment history				
Criminal history				
Financial status				
Educational background				
Age				
Gender				
Next of kin details				
Language				
Employment related information (such as salary, benefits, etc)				
Banking information	Banking information	Banking information	Banking information	
	FICA information	FICA information	FICA Information	
Juristic entity registration information	Juristic entity registration information	Juristic entity registration information	Juristic entity registration information	
Contact details of employees or personnel	Contact details of employees or personnel	Contact details of employees or personnel	Contact details of employees or personnel	Contact details of employees or personnel
<i>Special Personal Information</i>				
Race / ethnic origin				
Medical and health-related information				
Biometric information				
Criminal behaviour (where applicable)				

6.3 The recipients or categories of recipients of personal information

6.3.1 We may share personal information for the purposes set out above, as the case may be:

6.3.1.1 with our affiliates and subsidiaries and group companies. Marais Attorneys is the party responsible for the management of jointly used personal information;

- 6.3.1.2 with service providers to provide operational services on our behalf, including (but not limited to) managing, supporting, operating or promoting our business, assisting with client support, email delivery, information analytics, administrative functions, and auditing;
- 6.3.1.3 if you are our client's customer and our client requires personal information relating to you from us in order to respond to a query or request that they have received from you;
- 6.3.1.4 with our employees (or those of our service providers) that require the personal information to do their jobs. These include our (or our service providers') responsible management, human resources, accounting, audit, compliance, information technology, or other personnel. Any of our (or our service providers') employees or personnel that handle your personal information will do so under strict confidentiality obligations;
- 6.3.1.5 where you consent to the sharing of your personal information;
- 6.3.1.6 in connection with any joint venture, merger, sale of company assets, consolidation or restructuring, financing, or acquisition of all or a portion of our business by or to another company;
- 6.3.1.7 for other legal reasons, including:
 - 6.3.1.7.1 in response to a request for information by a competent authority in accordance with, or required by any applicable law, regulation or legal process;
 - 6.3.1.7.2 where necessary to comply with judicial proceedings, court orders or government orders;
 - 6.3.1.7.3 to protect our rights, property or safety, or those of our affiliates, subsidiaries or business partners, you, or others; or
 - 6.3.1.7.4 as otherwise required by applicable law.
- 6.3.2 Any third parties (other than in the case of a disclosure for any legal reason contemplated in the final bullet point above) with whom we share personal information are contractually required to implement appropriate data protection and security measures to protect personal information and are not permitted to use personal information for any purpose other than the purpose for which they are provided with or given access to personal information.

6.4 Planned transborder flows of personal information

- 6.4.1 We may send personal information outside of the jurisdiction in which it is collected for the above purposes, including for processing and storage by service providers in connection with such purposes. You should note that while personal information is out of that jurisdiction, it is subject to the laws of the country in which it is held, and may be subject to disclosure to the governments, courts or law enforcement or regulatory agencies of such other country, pursuant to the laws of such country.
- 6.4.2 Marais Attorneys can provide access to personal information to the companies of its group, which are based outside of the Republic of South Africa for the above purposes.

6.5 Security Measures

- 6.5.1 We protect your personal information from accidental or unlawful destruction,

loss, alteration, unauthorised access or disclosure by using a combination of physical, technical, operational and administrative security measures and safeguards and contractually require that third parties to whom we disclose your personal information do the same. These security measures and safeguards include, but are not limited to, the following:

- 6.5.1.1 Physical security measures, including:
 - 6.5.1.1.1 Access control for staff and visitors, including (but not limited to) security doors, access cards, etc
 - 6.5.1.1.2 Internal security, including (but not limited to), implementation of a “clear desk, clear screen” policy, storing and securing personal, sensitive and confidential information by staff in locked desk drawers, cabinets and cupboards, locking of offices when unoccupied by staff, etc
- 6.5.1.2 Cyber and IT-related security measures, including:
 - 6.5.1.2.1 Logical access control
 - 6.5.1.2.2 Encryption where applicable
 - 6.5.1.2.3 Passwords and multifactor authentication
 - 6.5.1.2.4 Anti-virus and antimalware
 - 6.5.1.2.5 Firewalls, Intrusion Detection Systems (IDS) and Intrusion Prevention Systems (IPS)
 - 6.5.1.2.6 Acceptable usage of company assets, services, and devices
 - 6.5.1.2.7 Remote access
 - 6.5.1.2.8 Information security incident management
- 6.5.1.3 Training and awareness
- 6.5.1.4 Policies and Procedures
- 6.5.2 We also conduct regular audits, quality assurance and improvement assessments in order to monitor and update our security measures (as and when required) for the purposes of ensuring the confidentiality, integrity and availability of the information which is processed.

7. Availability of this PAIA manual

- 7.1 This PAIA manual has not been signed for security reasons. A signed copy is available free of charge at our offices during business hours alternatively a signed copy will be made available to you on request and upon payment of a reasonable amount.