

PRIVACY POLICIES AND MANUAL

OF

HH hahn·hahn_{inc.}
intellectual property practitioners

Hahn & Hahn Inc.

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1. DEFINITIONS:

The definitions have been taken from the Promotion of Access to Personal Information Act 2 of 2000 as amended (PAIA) and the Protection of Personal Information Act 4 of 2013 (POPIA):

- 1.1. **"The Firm"** means Hahn & Hahn Inc.
- 1.2. **"Data subject"** means the person to whom personal information relates.
- 1.3. **"consent"** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
- 1.4. **"Information officer"** means the head of a private body as contemplated in section 1 of POPIA.
- 1.5. **"Personal information"** - means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
 - 1.5.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person.
 - 1.5.2. information relating to the education or the medical, financial, criminal or employment history of the person.
 - 1.5.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignment to the person.
 - 1.5.4. the biometric information of the person.
 - 1.5.5. the personal opinions, views, or preferences of the person.
 - 1.5.6. 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.
 - 1.5.7. the personal views opinions, views, or preferences of the person; and
 - 1.5.8. correspondence sent by the person that is implicitly or explicitly or a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
 - 1.5.9. the views or opinions of another individual about the person; and
 - 1.5.10. 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.
- 1.6. **"Processing"** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 1.6.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use.
 - 1.6.2. dissemination by means of transmission, distribution or making available in any other form; or
 - 1.6.3. merging, linking, as well as restriction, degradation, erasure or destruction of information."
- 1.7. **"record"** means any recorded information—
 - 1.7.1. regardless of form or medium, including any of the following:
 - 1.7.1.1. Writing on any material;

- 1.7.1.2. information produced, recorded, or stored by means of any tape recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
 - 1.7.1.3. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - 1.7.1.4. book, map, plan, graph or drawing;
 - 1.7.1.5. photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
 - 1.7.2. in the possession or under the control of a responsible party;
 - 1.7.3. whether or not it was created by a responsible party; and
 - 1.7.4. regardless of when it came into existence.
- 1.8. **“Responsible party”** means a private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;
- 1.9. **“requestor”**, in relation to –
- 1.9.1. A public body, means:
 - 1.9.1.1. Any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of ‘public body’, or an official thereof) making a request for access to a record of that public body; or
 - 1.9.1.2. A person acting on behalf of the person referred to in subparagraph (i).
 - 1.9.2. A private body, means:
 - 1.9.2.1. Any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body, or
 - 1.9.2.2. A person acting on behalf of the person contemplated in subparagraph above.
- 1.10. **“Special personal information”** means:
- 1.10.1. The religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
 - 1.10.2. The criminal behaviour of a data subject to the extent that such information relates to:
 - 1.10.2.1. the alleged commission by a data subject of any offence; or
 - 1.10.2.2. any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

2. SCOPE AND APPLICATION:

- 2.1. The purpose of this manual is to ensure that the data subject’s right to privacy, respect, confidentiality, and autonomy is respected and attained.
- 2.2. The manual applies to the collection, storage, access, use and disclosure of the data subject’s personal information in accordance with the following legislation and guidelines:
 - 2.2.1. South African Constitution 1996.
 - 2.2.2. Protection of Personal Information, Act No. 4 of 2013.

- 2.2.3. Basic conditions of employment Act, No. 75 of 1997.
- 2.2.4. Labour relations Act, No. 66 of 1995.
- 2.2.5. The unemployment Insurance Contributions Act, No. 4 of 2002.
- 2.2.6. Income Tax Act, No. 113 of 1993.
- 2.2.7. The Employment Equity Act, No. 55 of 1998.
- 2.2.8. Skills Development Act, No. 97 of 1998.
- 2.2.9. Broad-Based Black Economic Empowerment Act, No. 53 of 2003.
- 2.2.10. Legal Practice Act 28 of 2014.

3. INFORMATION OFFICER:

- 3.1. The details of the information officer for purposes of gathering information, updating information and withdrawal of consent by the data subject is:

Person: Pieter C R Venter

Email address: pieter@hahn.co.za

Contact Number: 012 342 1774

4. PROCESS LIMITATION

- 4.1. Only the necessary personal information of the data subject will be gathered and will only be used for the purpose for which it is processed.
- 4.2. All information gathered by the Firm will be gathered by a duly authorised representative of such Firm.
- 4.3. The following methods will be used to collect the necessary personal information:
 - 4.3.1. Directly when the data subject contacts the Firm through the website;
 - 4.3.2. Directly when the data subject contacts the Firm by e-mail;
 - 4.3.3. Directly when the data subject contacts the Firm through Facebook and or LinkedIn or any social media platform.
 - 4.3.4. Directly when the Firm enters into a contract for services with the data subject.
 - 4.3.5. Indirectly from third-parties in pursuance of an agreement with the third-party.
 - 4.3.6. Indirectly when such information is derived from a public record or has deliberately been made public by the data subject.
 - 4.3.7. Indirectly for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated.

5. JUSTIFICATION

- 5.1. The Firm will only process information under one of the following conditions:
 - 5.1.1. With the consent of the data subject;

- 5.1.2. Where the processing is necessary for the performance or conclusion of a contract between the Firm and the data subject.
- 5.1.3. Such processing is placed on the Firm by law;
- 5.1.4. The processing protects the legitimate interest of the Firm to whom the information is supplied.
- 5.1.5. Where the processing is necessary for pursuing the legitimate interests of the Firm or of a third party to whom information is supplied.

6. INFORMATION CLASSIFICATION:

6.1. The personal information collected by the Firm may include the following:

6.2. In respect of employees of the Firm:

- 6.2.1. Names, surname, marital status, next of kin, race, gender, home language.
- 6.2.2. Identity or Passport Number and copies thereof.
- 6.2.3. Banking details.
- 6.2.4. Pension fund / Provident fund details.
- 6.2.5. Tax details which include PAYE number, UIF contributions, Skills levies etc.
- 6.2.6. Curriculum Vitae and accompanying documents.
- 6.2.7. Record of Employer property issued to employee.
- 6.2.8. Training scheduling and record keeping.
- 6.2.9. Leave.
- 6.2.10. Disciplinary actions taken against the employee whilst in service of the Firm.

6.3. In respect of the Firm's clients:

- 6.4. Names, contact details, registration numbers and Company registration documents.
- 6.5. Correspondence relating to the client.
- 6.6. Any personal information where applicable and in pursuance of an agreement with the Firm.
- 6.7. Any other information supplied to the Firm from a client in pursuance of a contract with the Firm.

7. PURPOSE OF GATHERING:

7.1. The purpose of gathering of the information is to render clients legal services, for employment purposes and as required by law.

8. RETENTION AND DESTRUCTION:

8.1. All personal information will be recorded on the following format:

- 8.1.1. Electronically.
- 8.1.2. Paper.

- 8.2. The personal information will be retained on cloud-based systems.
- 8.3. All information held on paper is stored in secured offices with designated security guards and access-controlled offices.
- 8.4. All personal information of data subjects is stored in line with applicable legislation only that which is necessary for achieving the purpose for which the information was gathered.
- 8.5. Personal information of active employees will be retained for the duration of the employee's active service.
- 8.6. We will swipe off all personal information from our records once the information is no longer necessary to retain.
- 8.7. All paper information will be deconstructed in a manner which prevents reconstruction of the information.

9. DISCLOSURE:

- 9.1. Where it is applicable, an authorised person of the Firm will, with the consent of the data subject, disclose personal information of the data subject to certain, defined parties who have separate agreements with the data subjects.
- 9.2. Third parties:
 - 9.2.1. Advocates.
 - 9.2.2. Expert consultants.
 - 9.2.3. Payroll administrator in respect of employees.
 - 9.2.4. A legal authorities where applicable.

9.3. Procedure:

- 9.3.1. When specific consent is needed outside of those in pursuance of a contract with the Firm, the data subject's consent will be obtained and contained in the contract concluded between the Firm and the data subject or otherwise by the consent form attached hereto as annexure "A".

10. FURTHER PROCESSING LIMITATION:

- 10.1. Should the Firm intend to use any personal information of the data subject for a purpose other than rendering legal services to the data subject, consent for such use will first be obtained from the data subject.
- 10.2. Procedure:
 - 10.2.1. Written consent is obtained by the data subject directly from an authorised representative of the Firm as soon as the Firm establishes that such information will be used by completing and signing a consent form annexed hereto as annexure "B".

11. INFORMATION QUALITY:

- 11.1. Should personal information of the data subject be captured from one format to another, (e.g. from a paper form to an electronic form or vice versa), such information will be sent to the data subject for validation in order to collect complete and accurate information.
- 11.2. Should a data subject wish to update their information or withdraw their consent to use his/her or its personal information, the requestor is to address such information to the information officer to the address reflected in paragraph 3.

12. DATA SUBJECT'S RIGHTS:

- 12.1. The data subject has the right to:
 - 12.1.1. Request access to his or her or its personal information held by the Firm.
 - 12.1.2. Request the correction, destruction, or deletion of his or her or its personal information where necessary.
 - 12.1.3. To object, on reasonable grounds relating to his/her or its situation to the processing of personal information by the Firm.
 - 12.1.4. To submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of the employee/employer.
 - 12.1.5. To institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information.
- 12.2. A data subject may enquire from the Firm whether the Firm holds any of his, her or its personal information. Such a request will not be withheld and will not be charged for.
- 12.3. The Firm will however charge a fee to the requestor should the requestor require the full nature and details of the personal information held by the Firm.
- 12.4. The Firm holds the right to deny a request to access for information subject to the Promotion of Access to Information Act, No. 2 of 2002 and or any other relevant legislation which will be advised to the requester upon denial.
- 12.5. Procedure:
 - 12.5.1. Should the requestor wish to submit a request to correct, destroy or delete his/her or its personal information held by the Firm, the requestor is to complete the form attached hereto as Annexure "C" and submit same to the Information Officer whose details reflect in paragraph 3, who will then respond to the request in the appropriate manner and provide the requestor with the steps to be taken.
 - 12.5.2. Similarly, should the requestor wish to object to the processing of information by the Firm, then the requestor is to complete the form marked as Annexure "D" and submit the completed form to the relevant information officer whose details reflect in paragraph 3, who will then respond in the appropriate manner and provide the requestor with the steps taken.
 - 12.5.3. Should the data subject wish to access information held by the Firm, the requestor is to complete the Section 51 form attached hereto as Annexure "E" and submit same to the information officer whose details reflect in paragraph 3, who will then respond in the appropriate manner.

12.5.4. Access to information will be subject to the following Acts:

12.5.4.1. Protection of Personal information Act, No 4 of 2013

12.5.4.2. Promotion of access to Information Act, No. 2 of 2000

12.5.5. Should the data subject wish to lodge a complaint to the regulator the data subject can contact the Regulator at the following contact details:

Name: Information Regulator South Africa

Address: 33 Hoofd Street
Forum III, 3rd Floor
Braampark

Postal Address: P.O. Box 31533
Braamfontein
Johannesburg

Telephone No: 010 023 5207

Email Address: infoereg@justice.gov.za

13. RESTRICTION

13.1. The Firm will restrict the processing of a data subject's personal information under the following conditions:

13.1.1. When a data subject contests to the accuracy of the information, the Firm will restrict the information for a reasonable time period to enable the data subject to verify the accuracy of the information.

13.1.2. The personal information is no longer necessary for the Firm to achieve the purpose for which it was collected but is required to be retained for purposes of proof.

13.1.3. Should the information become unlawful, and the data subject requests the restriction thereof as opposed to the destruction thereof.

13.1.4. The data subject requests to transmit the personal information to another automated processing system.¹

14. SPECIAL PERSONAL INFORMATION:

14.1. The Firm will only process a data subject's information relating to race or ethnic origin when the processing is necessary to identify data subjects to comply with laws and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination.

15. SECURITY SAFEGUARDS:

15.1. The Firm utilises IT specialists who provides and utilises the following security safeguards:

¹ Section 14(5) (South Africa, Protection of Personal Information Act, No. 4 of 2013)

15.1.1. Policies to detect and notify the Firm of any risky activity.

15.1.2. Encryption to keep the data private while in transit.

15.1.3. Reviews the collection, storage and processing practices, including physical safety measure to prevent unauthorised access to the system.

15.1.4. Restricts access to personal information to that of the employees, contractors and agents who is subject to strict contractual confidentiality obligations and may be disciplined or terminated if they fail to meet the obligations.

15.2. Furthermore, the Firm stores all electronic records on a designated server, which is protected and secured with limited access.

15.3. The Firm's system can only be accessed with usernames and passwords.

15.4. All devices of the Firm's representatives are password protected.

15.5. The employees of the Firm are subject to strict contractual confidentiality obligations and may be disciplined or his/her services terminate if they fail to meet the obligations.

15.6. All paper format of information is stored in on site offices who have designated security to regulate access to the offices.

Procedure to identify source of data breach and neutralize breach together with procedure of improving and preventing reoccurrence of data breaches:

15.7. The Firm's devices are administered by an IT Specialist, and they are also responsible for ensuring regular back-up and safekeeping of data. They work closely with the server host utilised by the Firm to ensure integrity of the whole system.

16. SECURITY BREACH:

16.1. Should any personal information of the data subject be accessed by unauthorised persons, the Firm will immediately alert the data subject together with the Information Regulator in writing thereof.

16.2. Process

16.3. The data subject and the Information Regulator shall be notified in either of the following ways:

16.3.1. Post.

16.3.2. E-mail to the last known e-mail address.

16.3.3. On the website of the Firm, displayed in a prominent manner.

16.3.4. Published in the news media.

16.3.5. As may be directed by the Regulator.

16.4. The notification will include the following information:

16.4.1. The possible consequences of the compromise.

16.4.2. The measures that the Firm intends on taking to address the compromise.

16.4.3. A recommendation of the measures to be taken by the employee/employer to mitigate possible prejudice caused by the compromise.

16.4.4. If the identity of the person who compromised the security is known by the Firm, then such identity will be disclosed.

ANNEXURE A

CONSENT FORM BY A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION AND BREACH OF CONFIDENTIALITY OF HAHN & HAHN Inc. (“the Firm”)

1. Introduction

The Firm considers all information as private and confidential. In order to comply with the Firm’s standards of privacy and confidentiality together with those set out by law, the Firm requires your express and informed consent as set out hereunder.

2. Types of Information required from time to time by the Firm in respect of Employees:

Name and Surname of employees	Identity Number, Passport Number and copies thereof of employees.	Banking Details for salary payments of employees	Pension Fund or Provident Fund details and all other relevant employment details of employees.
Disciplinary records	Curriculum vitae and accompanying documents		

3. Types of Information required from time to time by the Firm in respect of clients in terms of a contract held with the Firm:

Names, contact details, registration numbers and Firm registration documents.	Correspondence relating to the client and as between the client and the Firm.	Any personal information provided to the Firm by the client in pursuance of a contract for legal services with the Firm	Any other information provided to the Firm by the client
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4. Third Parties:

It may be necessary from time to time for The Firm to obtain information from third parties such as advocates, expert consultants, payroll administrators, legal authorities where necessary.

Similarly, it may be necessary from time to time to share information to third parties such as advocates, expert consultants, payroll administrators, legal authorities where necessary.

The firm does not intend on transferring any of your personal information to another country or international organisation.

I consent to the Firm obtaining information from third parties and sharing my information where necessary as held above. YES NO Initial

5. Purpose

The purpose of gathering your information is to render legal services and for employment services in respect of employees.

6. Retention and Destruction of Information

All records are collected and stored in keeping with legislation and stored in full for no longer than five (5) years. Once the relevant time period expires the Firm will destroy the information in such a way as to prevent its reconstruction. Confidentiality and security of information is stored on a cloud-based system and is protected by the cloud-based system provider and can only be accessed through passwords and usernames which has a two-factor authorization process before access can be granted.

7. Accuracy of Information

In providing the Firm with your information you are responsible to provide complete, accurate, up to date and information which is not misleading.

Should any of your information change you are required to provide the Firm with such changed information and provide all updates to your information to the information officer.

8. Right to Object and Withdraw consent

You are entitled to object to The Firm's processing of your personal information and may at any time withdraw any consent given to you in terms of this consent form.

Should you wish to object to the processing of your personal information or withdraw your consent you are required to complete the necessary objection or withdrawal of consent forms which can be obtained from the information officer and the relevant completed and signed form is to be forwarded to the information officer of the Firm via email or fax.

9. Right to Access information held by The Firm

You are entitled, at any time, to request from the Firm whether it holds any of your personal information, this request will not be withheld from you and will not be charged for. The Firm will, however, charge a fee should you require the full nature and details of the personal information held by the Firm.

In order for you to access information you are required to complete and sign a request for information form in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2002 which can be obtained by the information officer or <https://www.hahn.co.za/>.

Lodging Complaints at the Information Regulator

You are entitled to lodge a complaint at the Information regulator should you suspect misuse of your personal information by the Firm. Your complaint can be lodged to the following address:

Name:	Information Regulator South Africa	Address:	33 Hoofd Street, Forum III, 3 rd Floor, Braampark
Postal Address:	P.O. Box 31533 Braamfontein, Johannesburg	Telephone Number and Email address:	010 023 5207 infoereg@justice.gov.za

10. Refusing consent

In providing your personal information and consent to process your personal information to the Firm, you do so voluntarily. Therefore, you are entitled to refuse consent to process your information by the Firm embodied in this form, should you refuse this consent, the Firm will not be able to render financial advisory services to you as per your request or in pursuance of a contract with the Firm.

11. Consent to Direct Marketing, Advertising and Promotional Services

I consent to the Firm using my personal information for the following:

- 11.1. Marketing and or promotion of its own goods and services: YES NO
- 11.2. Marketing and or promotion of other goods and services: YES NO

I, _____ hereby give my voluntary consent to the Firm through its authorised representative/s to process my personal information as held above and acknowledge and understand the purposes for which it is required and for which it will be used.

Date of Signature

Signature

ANNEXURE B**CONSENT FORM FOR THE FURTHER PROCESSING OF PERSONAL INFORMATION: HAHN & HAHN Inc. ("the Firm")****1. INTRODUCTION**

The Firm intends to use the following of your personal information:

2. Types of Information required from time to time by the Firm in respect of Employees:

Name and Surname of employees	Identity Number, Passport Number and copies thereof of employees.	Banking Details for salary payments of employees	Pension Fund or Provident Fund details and all other relevant employment details of employees.
Disciplinary records	Curriculum vitae and accompanying documents		

3. Types of Information required from time to time by the Firm in respect of clients in terms of a contract held with the Firm:

Names, contact details, registration numbers and Firm registration documents.	Correspondence relating to the client and as between the client and the Firm.	Any personal information provided to the Firm by the client in pursuance of a contract for legal services with the Firm	Any other information provided to the Firm by the client
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4. PURPOSE

The purpose of using such information is to provide legal services.

5. RIGHT TO WITHDRAW CONSENT

You are entitled to, at any time withdraw any consent given by you in terms of this consent form.

Should you wish to withdraw your consent you are required to complete the necessary withdrawal of consent form which can be obtained from the information officer and the relevant completed and signed form is to be forwarded to the information officer of the Firm via email or fax.

I, _____ hereby give my consent to the Firm through its authorised representative/s to process my personal information as held above and acknowledge and understand the purposes for which it is required and for which it will be used.

Signature

Date of Signature

ANNEXURE D

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

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.

<u>DETAILS OF REQUESTOR</u>	
Name(s) and surname:	
Identity Number:	
Residential, postal or business address:	
Contact Number(s):	
E-mail address:	
Fax Number:	
<u>DETAILS OF RESPONSIBLE PARTY</u>	
Name and Surname:	
Identity Number:	
Residential, postal or business address:	
Contact Number(s):	
Fax Number:	
E-mail address:	
<u>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d)</u>	
<u>(Please provide detailed reasons for the objection)</u>	

Signature

Date of Signature

ANNEXURE E

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT, NO. 2 OF 2002
OF THE FIRM

Available on website and principal place of business

1. CONTACT DETAILS OF THE FIRM:

1.1. The contact details of Hahn & Hahn Inc. are as follows:

Postal Address: PO Box 13575, Hatfield, Pretoria, 0028.

Street address: 222 Richard Street, Hatfield, Pretoria, South Africa.

Phone number: 012 342 1774

Email address: hahn@hahn.co.za

2. GUIDE ON HOW TO USE ACT

2.1. In compliance with and according to the South African Human Rights Commission "Section 10 of PAIA requires the Commission to compile and publish an easy to understand guide to assist in accessing records and documents and exercising one's right to information. The guide is sometimes referred to as the 'Section 10 Guide'. It provides you with all the information you need to access any records. It also lists the contact details of government departments and institutions that keep records for the State, as well as the contact details of various private companies. The Commission is also required to update this guide at least once every two years."²

2.2. The Guide on How to Use the Promotion of Access to Information Act 2 of 2002 can be accessed on the South African Human Rights Commission's website: www.sahrc.org.za

3. AUTOMATICALLY AVAILABLE INFORMATION

3.1. The Firm has not published a voluntary disclosure in terms of Section 52(2) of the Act.

3.2. The following information is automatically available on the Firm's website and need not be requested:

3.2.1. The contact details and information on what the Firm does.

3.2.2. Partner and professional staff profiles.

4. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

4.1. The following are descriptions of the records of the bodies held by The Firm in accordance with any other legislation:

4.1.1. Basic conditions of Employment Act 75 of 1997 and Labour Relations Act 66 of 1995 ("BCEA"):

4.1.1.1. Employment Contracts.

4.1.1.2. Employee Information including name, occupation, wage and attendance register, remuneration paid and time worked.

4.1.1.3. Disciplinary records.

4.1.1.4. Employee's job description.

² (South African Human Rights Commission, 2014)

- 4.1.1.5. The date on which employment commenced.
 - 4.1.1.6. The hours of work.
 - 4.1.1.7. Remuneration particulars.
 - 4.1.1.8. Leave provisions.
 - 4.1.1.9. Notice period.
- 4.1.2. Labour Relations Act:
- 4.1.2.1. Unless a collective agreement, arbitration award or determination made in terms of the BCEA provides otherwise, when an employer on whom a collective agreement, arbitration award or determination is binding then such copy of that agreement, award or determination.
 - 4.1.2.2. Details of any strike, lock-out or protest action involving the employees of the employer.
- 4.1.3. Employment Equity Act
- 4.1.3.1. Records of designated employers including workforce, employment equity plan and other records relevant to its compliance with the EEA.
 - 4.1.3.2. Record of all interviews conducted with job applicants.
- 4.1.4. Companies Act 61 of 1973:
- 4.1.4.1. Firm Registration Documents.
 - 4.1.4.2. Memorandum of Incorporation.
 - 4.1.4.3. Financial Statements.
 - 4.1.4.4. Resolutions.
 - 4.1.4.5. Proxies.
 - 4.1.4.6. Agendas.
 - 4.1.4.7. Share records.
- 4.1.5. Income Tax Act 95 of 1967:
- 4.1.5.1. Records of employee's income tax deductions and calculations.
- 4.1.6. Unemployment Insurance Contributions Act 63 of 2001:
- 4.1.6.1. Records of employee's unemployment Insurance claims and history where relevant.
- 4.1.7. Value Added Tax Act 89 of 1991:
- 4.1.7.1. Records of Value Added Tax claims and reports.
- 4.1.8. Deeds Registry Act 47 of 1937

- 4.1.8.1. Title Deeds.
- 4.1.8.2. Lease Agreements.
- 4.1.8.3. Rental Agreements.
- 4.1.8.4. Hire Purchase Agreements.
- 4.1.8.5. Credit Agreements.

4.1.9. Broad Based Black Economic Empowerment Act, No 53 of 2003:

- 4.1.9.1. B-BBEE Certificates.

4.2. Legal Practice Act 28 of 2014:

- 4.2.1. Correspondence between attorneys and clients.
- 4.2.2. Correspondence between attorneys and third parties.
- 4.2.3. Client file and all information held in pursuance of a contract between the firm and the client.
- 4.2.4. Registration and other documents in relations to legal practitioners and candidate legal practitioners with the legal counsel.

5. REQUEST FOR ACCESS TO INFORMATION

- 5.1. A request for information held by the Firm is to be made and submitted to the information officer at the Firm's address or e-mail address on the form annexed hereto as "**Annexure F**".
- 5.2. For purposes of facilitating a request for access to information, a description and category of the records available by the Firm are held in paragraph 4 above.
- 5.3. The form will be processed, and an outcome will be notified to the requester within 30 days after the request has been received.
- 5.4. Should the request be approved, the Firm will notify the requester of the following:
 - 5.4.1. The outcome of the request.
 - 5.4.2. The access fee required to be paid by the requester for the information requested.
 - 5.4.3. The format in which the information will be provided by the Firm should the requester not require a specific format.
- 5.5. Should the Firm refuse the request for access to the information as requested by the requester, the Firm will notify the requester of the following:
 - 5.5.1. Reasons for the refusal.
 - 5.5.2. The requester's right to lodge an application with a competent court against the refusal of the request, and the procedure for lodging such application.
- 5.6. Process

5.6.1. Should a notice of request be made on behalf of another person:

5.6.1.1. The Firm requires a request fee of R50.00 before further processing of the request.

5.6.1.2. If the preparation of the record for disclosure, would in the opinion of the head of the Firm require more than the hours prescribed the head will, by notice, require the requester, to pay as a deposit no more than one third of the access fee which would be payable if the request is granted.

6. FEES

Item	Description	Amount
1.	Copy per A4 page	R1.10
2.	Printing per A4 page	R0.75
4.	Transcription of visual images per A4 page	R40.00
5.	Copy of visual image	R60.00
6.	Transcription of audio recording per A4 page	R20.00
7.	Copy of audio recording	R30.00
8.	Search and preparation of the record for disclosure	R30.00 per hour or part thereof, excluding the first hour reasonably required for the search and preparation
9.	Access fee	R50.00

7. RECORDS NOT FOUND OR THAT DO NOT EXIST

7.1. The Firm will take all reasonable steps in finding a record requested.

7.2. Should the record not be found or does not exist, despite steps taken to find the record or determine its existence, this will be notified to the requester and such notice will be deemed to be a decision to refuse access to information.

7.3. Should a notice in terms of paragraph 7.3 be issued to a requester and it is subsequently found, the requester will be granted access thereto unless such access was refused as a part of the outcome of an application for access to information in terms of paragraph 5. above.

7.4. Process:

- 7.5. Should the Firm not find the record/s as requested for reason of the record not being found (although being in the possession of the practice), or does not exist, the head of the Firm will by affidavit or affirmation notify the requester that it is not possible to give access to the record.
- 7.6. The affidavit or affirmation will give full account of all steps taken to find the relevant record or to determine whether the record exists. Such affidavit will include all communication with every person who conducted the search on behalf of the head.

8. EXTENSION OF PERIOD

- 8.1. The head of the Firm may extend the period of thirty (30) days referred to in paragraph 5 once for a further period of not more than thirty (30) days, if—
- 8.1.1. the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Firm;
 - 8.1.2. the request requires a search for records in, or collection thereof from, an office of the Firm not situated in the same town or city as the office of the head that cannot reasonably be completed within the original period;
 - 8.1.3. consultation among divisions of the Firm or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
 - 8.1.4. more than one of the circumstances contemplated exist in respect of the request making compliance with the original period not reasonably possible; or the requester consents in writing to such extension.³

9. Procedure:

- 9.1. If a period is extended, the head of the Firm will, as soon as reasonably possible, but in any event within thirty (30) days, after the request is received, notify the requester of that extension, the period of the extension and the reasons for the extension.
- 9.2. The notice must state:
- 9.2.1. the period of the extension.
 - 9.2.2. adequate reasons for the extension, including the provisions of this Act relied upon.
 - 9.2.3. that the requester may lodge an application with a court against the extension, and the procedure (including the period) for lodging the application.

³ (Promotion of Access to Information Act 2 of 2002, South Africa)

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	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 <input type="checkbox"/>	NO <input type="checkbox"/>
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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 requester must sign all the additional folios.

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

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

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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 REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

REFERENCES

- Promotion of Access to Information Act 2 of 2002, South Africa. (n.d.). Promotion of Access to Information Act 2 of 2002.
- South Africa, Protection of Information Act. (2013, No. 4). Protection of Personal Information Act. *Protection of Personal Information Act*.
- South African Human Rights Commission. (2014). *Sahrc*. Retrieved from Sahrc/21/files: https://www.gov.za/sites/default/files/gcis_documents/SAHRC-PAIA-guide2014.pdf