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PAIA MANUAL

Prepared in terms of section 51 of the Promotion of Access to Information Act 2
of 2000 (as amended)

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 **"CEO"** Chief Executive Officer
- 1.2 **"DIO"** Deputy Information Officer;
- 1.3 **"IO"** Information Officer;
- 1.4 **"Minister"** Minister of Justice and Correctional Services;
- 1.5 **"PAIA"** Promotion of Access to Information Act No. 2 of 2000 (as Amended);
- 1.6 **"POPIA"** Protection of Personal Information Act No.4 of 2013;
- 1.7 **"Regulator"** Information Regulator; and
- 1.8 **"Republic"** Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;

2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF MDV ATTORNEYS

3.1. Firm Information

Name: Marzaan de Villiers t/a MDV Attorneys

Main Object: Attorney, Notary Conveyancer

Postal Address: Unit 203 Nedeburg, 166 Ocean View Drive, Fresnaye, 8005

Physical Address: Unit 203 Nedeburg, 166 Ocean View Drive, Fresnaye, 8005

Telephone: 0722269593

Email: marzaan@mdvattorneys.com

Website: <https://www.mdvattorneys.com>

3.2 Chief Information Officer

Name: Marzaan de Villiers

Tel: 0722269593

Email: marzaan@mdvattorneys.com

3.3 Access to Information General Contacts

Email: marzaan@mdvattorneys.com

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of:

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

4.3.3. the manner and form of a request for:

4.3.3.1. access to a record of a public body contemplated in section 11³; and

4.3.3.2. access to a record of a private body contemplated in section 50⁴;

4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:

4.3.6.1. an internal appeal;

4.3.6.2. a complaint to the Regulator; and

4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

1 Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

2 Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

3 Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

4 Section 50(1) of PAIA- *A requester must be given access to any record of a private body if*

a) that record is required for the exercise or protection of any rights;

b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and

c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

4.3.10. the regulations made in terms of section 92¹¹.

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained:

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours: AFRIKAANS & ENGLISH

5 Section 14(1) of PAIA- *The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.*

6 Section 51(1) of PAIA- *The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.*

7 Section 15(1) of PAIA- *The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access*

8 Section 52(1) of PAIA- *The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access*

9 Section 22(1) of PAIA- *The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

10 Section 54(1) of PAIA- *The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

11 Section 92(1) of PAIA provides that –*The Minister may, by notice in the Gazette, make regulations regarding-*

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

5. CATEGORIES OF RECORDS OF MDV ATTORNEYS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS (by completing Form C)

Category of records	Types of the Record	Available on Website	Available upon request
Policy	Privacy Policy related to MDV Attorneys' Website	X	X
Terms & Conditions	Terms & Conditions when making use of MDV Attorneys' Website and all facilities and services made available through it by MDV ATTORNEYS	X	X

6. DESCRIPTION OF THE RECORDS OF MDV ATTORNEYS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Legal Practice	Legal Practice Act, 28 of 2014
PAIA Manual	Promotion of Access to Information Act, 2 of 2000
Information	Protection of Personal Information Act, 4 of 2013
Intellectual Property	Intellectual Property Laws Amendment Act, 28 of 2013
Trade Marks	Trade Marks Act, 194 of 1993
Labour Relations	Labour Relations Act, 66 of 1995
Finance	Income Tax Act, 58 of 1962
Finance	South African Reserve Bank Act, 90 of 1989
Finance	South African Revenue Services Act, 34 of 1997
Finance	Insolvency Act, 24 of 1936
Consumer Protection	Consumer Protection Act, 68 of 2008
Finance	National Credits Act, 34 of 2005
Value Added Tax	Value Added Tax Act, 89 of 1991
Deeds Office	Deeds Registries Act, 47 of 1937
Alienation of Land	Alienation of Land Act, 68 of 1981
Sectional Title	Sectional Titles Act, 95 of 1986
Electronic Deeds Registration	Electronic Deeds Registration Systems Act, 19 of 2019
Finance	Financial Intelligence Centre Act, 38 of 2001
Rights	Constitution of the Republic of South Africa, 108 of 1996
Electronic Communication	Electronic Communications Act, 36 of 2005
Electronic Communication & Transactions	Electronic Communications and Transactions Act, 25 of 2002
Administrative Justice	Promotion of Administrative Justice Act, 3 of 2000

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY MDV ATTORNEYS

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	- Business Plan
Finance	- Financial Statements - Invoices - Credit Notes - Receipts - Income Tax Reports & Returns - Fixed Asset Register - Auditors Reports
Operations	- Client Records - Third Party Record - Software Programs & Licenses - Mandates - Contracts with External Service Providers

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

MDV Attorneys is a broad based legal practice based in Cape Town. MDV Attorneys specializes in Conveyancing, Notarial Practice, civil litigation, commercial law, labour law, administration of deceased estates, and liquor licenses. MDV Attorneys' operations are regulated by the Legal Practice Council of South Africa and it is issued with a Fidelity Fund Certificate annually. MDV Attorneys' clients include private and juristic persons, based both locally and abroad.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	Names, registration number, vat numbers, address, trade secrets and bank details
Employees	Address, qualifications, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

8.4 Planned transborder flows of personal information

Some personal information may be stored in the cloud, specifically Microsoft One Drive on the Azure server in Cape Town. Categories of personal information include Identity number and names, physical address, email address, telephone number, banking details, financial details, qualifications, credit and payment information.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

The nature of the security safeguards to be implemented or under implementation to ensure the confidentiality and integrity of the personal information under the care of the body include: Data Encryption; Antivirus and Anti-malware Solutions, Password Protection and Two-way Authentication.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available–

9.1.1 on <https://www.mdvattorneys.com>, if any;

9.1.2 head office of MDV ATTORNEYS for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The head of MDV ATTORNEYS will on a regular basis update this manual.

Issued by



Marzaan de Villiers

Director MDV ATTORNEYS