



Pinsent Masons

PAIA AND POPIA MANUAL

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1. INTRODUCTION

- 1.1 Pinsent Masons South Africa Incorporated and/or Pinsent Masons Africa LLP ("**the Company**") is a professional legal services firm offering corporate and commercial legal services, including legal advice and legal representation to individuals and businesses. It is part of an international law firm, with its local offices based in Johannesburg.
- 1.2 As part of its operations and services, the Company holds certain records (information and documents), including personal information. The Promotion of Access to Information Act 2 of 2000 ("**PAIA**") and the Protection of Personal Information Act 4 of 2013 ("**POPIA**") provide for certain records and/or information to be accessed where certain circumstances are met and in accordance with certain procedures and at prescribed fees, giving effect to the right of access to information in terms of the Constitution of the Republic of South Africa.
- 1.3 This PAIA and POPIA Manual ("**the Manual**", which includes all annexures and amendments thereto as made available by the Company from time to time) has been prepared in accordance with section 51 of PAIA as read with POPIA. It provides an overview of the records (information and documents) held by the Company and details of how such records may be accessed, including in relation to giving effect to the rights granted under POPIA terms of which a data subject may access its personal information, object to processing and request the correction of any of its personal information held by the Company.
- 1.4 The Company may amend this manual from time to time. It is available and accessible at [Legal Notices \(pinsentmasons.com\)](http://pinsentmasons.com) or on request to the Company's designated Information Officer (being the person duly authorised by and appointed by the Company to act in this capacity).
- 1.5 The Company has appointed an Information Officer in accordance with POPIA. In addition to its obligations prescribed under POPIA, the designated Information Officer is also responsible for assessing any requests to the Company for access to information in terms of PAIA as well as to oversee any other obligations which the Company may have under PAIA. The Information Officer may appoint Deputy Information Officers to assist it in the fulfilment of its obligations.

2. COMPANY DETAILS

(Information to be provided in terms of section 51(1)(a) of PAIA)

Name	Pinsent Masons South Africa Incorporated and Pinsent Masons Africa LLP
Physical address	9 th Floor, 61 Katherine Street Sandton 2196 Johannesburg South Africa
Postal address	PO Box 783926, Sandton, 2146
Head of Office and Information Officer	Apicksha Patel
	Telephone: +27 10 493 4631
	Email: PrivacyTeamSA@pinsentmasons.com

3. **REGULATORS AND GUIDE ON HOW TO USE PAIA**

3.1 The Information Regulator is responsible for PAIA and POPIA respectively and can be contacted as follows:

Physical address:

JD House

27 Stiemens Street

Braamfontein

Johannesburg

2001

Postal address:

PO Box 31533

Braamfontein

Johannesburg

2017

E-mail:

Complaints: complaints.IR@justice.gov.za

General enquiries: inforeg@justice.gov.za

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3.2 The South African Human Rights Commission (SAHRC) as issued a guide on how to use the Act (as prescribed by section 10 of PAIA) and is available on the SAHRC website (www.sahrc.org.za). This Manual complies with the requirements of the guide (defined below) and recognises that the Information Regulator established under POPIA will be responsible for regulating compliance with PAIA, POPIA and their regulations.

4. **RECORDS HELD BY THE COMPANY**

4.1 **Records which are freely available (section 51(1)(c) of PAIA)**

4.1.1 The following records are automatically available to the general public and need not be requested in accordance with the procedure outlined in this Manual:

(a) brochures; and

(b) information available on the Company's website.

4.2 **Records held by the Company in terms of other legislation (section 51(1)(d) of PAIA)**

4.2.1 The Company retains a number of records in accordance with legislation which applies to it, including but not limited to –

Attorneys Act, No. 53 of 1979;

Basic Conditions of Employment Act, No. 75 of 1997;

Companies Act, No. 71 of 2008;

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

Consumer Protection Act, No. 68 of 2008;

Copyright Act, No. 98 of 1978;

Electronic Communications and Transactions Act, No. 25 of 2002;

Employment Equity Act, No. 55 of 1998;

Financial Intelligence Centre Act, No. 38 of 2001;

Income Tax Act, No. 58 of 1962;

Labour Relations Act, No. 66 of 1995;

Medical Schemes Act, No. 131 of 1998;

National Credit Act, No. 34 of 2005;

Occupational Health and Safety Act, No. 85 of 1993;

Pension Funds Act, No. 24 of 1956;

Protection of Personal Information Act, No.4 of 2013;

Regulation of Interception of Communications and Provision of Communication Related Information Act, No. 70 of 2002;

Skills Development Act, No. 97 of 1998;

Skills Development Levies Act, No. 9 of 1999;

Unemployment Insurance Act, No. 63 of 2001;

Value Added Tax Act, No. 89 of 1991.

4.2.2 Where any information contained in any records retained by the Company in terms of the above legislation is of a public nature, such records may be available for inspection without a person having to request access thereto in terms of PAIA.

4.3 **Records held by the Company (section 51(1)(e) of PAIA)**

The records held by the Company include but are not necessarily limited to -

4.3.1 Human resources

- (a) Employee information including personal information, employment history and health records that the company may hold from time to time.
- (b) Disciplinary records
- (c) Employment equity plan
- (d) Records of pension and provident funds
- (e) Training and development information.
- (f) General files containing information on employee benefits and employee recruitment and selection information.
- (g) List of employees
- (h) Employment contracts
- (i) Tax records
- (j) Training records
- (k) Payroll
- (l) Applicable internal policies and procedures

4.3.2 Client related records

- (a) FICA records
- (b) Correspondence

4.3.3 Property

- (a) Lease agreements
- (b) Insurance records
- (c) Asset register

4.3.4 Operations

- (a) Function records and related costings
- (b) Stock sheets
- (c) List of suppliers
- (d) Supplier agreements

4.3.5 Information technology (these records are not held locally but may be accessed where required)

- (a) Licence agreements
- (b) Records relating to systems

- (c) Domain information
- (d) Usage statistics
- (e) Equipment details
- (f) Costings of hardware and software.

4.3.6 Company

- (a) Company secretarial records
- (b) Incorporation documents, including Memorandum and Articles of Association

4.3.7 Finance/Accounts department

- (a) Accounting records
- (b) Annual financial statements
- (c) Tax returns
- (d) A list of the company's creditors and debtors
- (e) Invoices
- (f) Salary information
- (g) Banking records
- (h) Bank account details
- (i) Fixed assets register
- (j) Audit reports
- (k) Fidelity fund certificates

4.3.8 Marketing department

- (a) Company brochures and publications
- (b) Documents relating to public relation events
- (c) Company media releases

5. REQUEST PROCESS

- 5.1 Any requests for access to records of the Company are subject to PAIA and, in respect of personal information, POPIA.

- 5.2 In terms of PAIA, a request for access is to be made on the prescribed form accessible at https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf with a copy being set out in **Annexure A** to this Manual. The request is to be made to the Information Officer addressed to the contact details set out above (section 53(1) of PAIA).
- 5.3 The requester must provide sufficient detail on the form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed (section 53(2)(a) and (b) and (c) and (e) of PAIA).
- 5.4 The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (section 53(2)(d) of PAIA).
- 5.5 In circumstances where the request for access is being made on behalf of another person, the requestor is obliged to prove the capacity in which the request is being made, with any submissions in support thereof being subject to the satisfaction of the Company (section 53(2)(f) of PAIA). Section 71 of the PAIA makes provision for a request for information or records about a third party. In considering such a request, the Company will adhere to the provisions of sections 71 to 74 of the Act. The requestor is to note the provisions of Chapter 5 of Part 3 of PAIA in terms of which the Company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the Company by referring the matter to the High Court.
- 5.6 The Information Officer will decide on whether or not to grant the request as soon as is reasonably possible (but in any event within thirty days of the request having been submitted) and notify the requester accordingly.
- 5.7 The Information Officer may decide to extend the period of thirty days for another period of not more than thirty days if -
- 5.7.1 the request is for a large number of records;
 - 5.7.2 the search for the records is to be conducted at premises not situated in the same town or city as the head office of the Company;
 - 5.7.3 consultation among divisions or departments; as the case may be, of the company is required;
 - 5.7.4 the requester consents to such an extension in writing; and
 - 5.7.5 the parties agree in any other manner to such an extension.
- Should the Company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 5.8 If the Information Officer fails to respond (or extend the period within which the respond) within thirty days after a request has been received, it will, in terms of PAIA, be deemed to have refused the request (section 58 read together with section 56(1) of PAIA).
- 5.9 Where access is granted -
- 5.9.1 the Information Officer will advise the requester of -

- (a) the access fee to be paid for the information (in accordance with paragraph 6 of this Manual below) prior to the Company being able to process the request and grant the access (section 54(1) of PAIA);
- (b) the format in which access will be given; and
- (c) the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted (section 56(2) of PAIA); and

5.9.2 access to the record requested will be given as soon as reasonably possible.

5.10 The following access and reproduction fees apply:

5.10.1 the request fee payable by a requester, other than a personal requester (being a requester who seeks access to a record containing personal information about that requester) is R50,00. The requester may lodge an application to the court against the tender or payment of the request fee (section 54(3)(b) of PAIA); and

5.10.2 where the Information Officer is of the opinion that the number of hours required to search, reproduce and/or prepare the information requested will exceed 6 hours, it may require that a deposit be paid, calculated in accordance with PAIA.

5.10.3 Access and Reproduction fees respectively:

For every photocopy of an A4 size page or part thereof	R1,10
For every printed copy of an A4 size page or part thereof	R0,75
For a copy of a compact disc	R70,00
For a transcript of visual images for an A4 size page or part thereof	R40,00
For a copy of visual images	R60,00
For a transcript of an audio record, for an A4 size page or part thereof	R20,00
For a copy of an audio record	R30,00

5.11 If the request for access is refused, the Information Officer shall advise the requester in writing of the refusal, including adequate reasons for the refusal and that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (section 56(3) of PAIA).

5.12 Upon the refusal by the Information Officer, any deposit paid by the requester will be refunded.

5.13 The requester may lodge an appeal with a court of competent jurisdiction against any process set out in this paragraph 5.

6. INFORMATION OR RECORDS NOT FOUND

6.1 If a record cannot be found or if the records do not exist, the Information Officer shall notify the requester (providing full details of steps taken to find the record or determine its existence) that it is not possible to give access to the requested record.

6.2 If the record in question should later be found, the requester shall be given access to the record unless access is refused by the Company.

7. GROUNDS OF REFUSAL OF ACCESS

7.1 The Company may refuse to grant access on certain grounds, including the following (Part 3, Chapter 4 of the PAIA):

7.1.1 that the record constitutes privileged information for the purposes of legal proceedings or is subject to professional privilege;

7.1.2 to protect the commercial information or the confidential information of a third party or the Company;

7.1.3 that it is necessary to protect the safety of individuals or property;

7.1.4 that it is necessary to protect the research information of a third party or the Company; and

7.1.5 that granting access would result in the unreasonable disclosure of personal information about a third party.

8. Protection of Personal Information that is processed by the Company

8.1 Introduction

8.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful "processing" of "personal information" by a "responsible party" (as such terms are defined under POPIA). These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

8.1.2 The Company processes personal information in compliance with applicable laws, including POPIA and has implemented a number of measures to ensure that the security of your personal information is maintained. Security and the protection of personal information (and associated obligations) is very much embedded in the culture of the Company. This is achieved through on-going training and awareness, and augmented by robust and auditable logical and physical technical controls that the Company has invested in. The Company implements and maintains reasonable and appropriate technical and organisational measures to protect personal information, including by way of the implementation of policies, procedures and controls aimed at preventing any unauthorised access to, loss or destruction of personal information. This Company has a wide range of security measures designed to mitigate data security breaches, accidental loss or destruction of, or damage to, personal information. As a prominent law firm with a significant global presence, it is of paramount importance to us to ensure that all client-related information and transactions (as well as that of our own) are handled in a secure and highly confidential environment. We were one of the first law firms to have its Information Security Management System (ISMS) formally certified to ISO27001.

- 8.1.3 The terms on which the Company processes personal information is set out in its Privacy Policy accessible at <https://www.pinsentmasons.com/legal-notices/privacy-policy>. The Privacy Policy sets out details in respect of -
- (a) the Company as a responsible party (section 2 of the Privacy Policy);
 - (b) sharing of your personal information and the rules which we apply thereto (section 3 of the Privacy Policy) (including (i) the transfer of your personal information to other entities within the Customer's group of companies, to our service providers and suppliers; and (ii) the measures we have adopted to ensure compliance with the requirements under POPIA where we transfer your data outside of South Africa);
 - (c) categories of data subjects (section 4 of the Privacy Policy);
 - (d) the means and purposes of processing, including the way in which we collect personal information (section 5 of the Privacy Policy);
 - (e) how long we retain your personal information (section 6 of the Privacy Policy);
 - (f) your rights as a data subject (section 7 of the Privacy Policy). Please send your request to PrivacyTeamSA@pinsentmasons.com. If you wish to exercise either of the following rights, the prescribed forms are to be used, as follows:
 - (i) to object to the processing of your personal information (under section 11(3) of POPIA and regulation 2 of the POPIA Regulations) you should use the prescribed form attached to this manual as **Annexure B** (subject to exceptions contained in POPIA);
 - (ii) to request your personal information to be corrected/deleted (Section 24 of POPIA and regulation 3 of the POPIA Regulations) you should use the prescribed form attached as **Annexure C**; and
 - (g) details of our data protection related complaints procedure (section 8 of the Privacy Policy).

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

Pinsent Masons South Africa Incorporated and Pinsent Masons Africa LLP

Marked for attention of: The Information Officer: Apicksha Patel

[Email: PrivacyTeamSA@pinsentmasons.com](mailto:PrivacyTeamSA@pinsentmasons.com)

Physical address: 9th Floor, 61 Katherine Street, Sandton, 2196, Johannesburg, South Africa

Postal address: PO Box 783926, Sandton, 2146

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:

Fax number:

Telephone 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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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.
- (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:

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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:

	copy of record*		inspection of record
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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 of
.....20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

Annexure B

**Objection to the Processing of Personal Information in terms of Section 11(3) of
POPIA by a Data Subject**

Regulations relating to the protection of Personal Information, 2018

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	
Contact number(s)	
Fax number / e-mail address	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of Data Subject	
Residential, postal or business address	
Contact number(s)	
fax number / email address	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(D) TO (F) (Please provide detailed reasons for the objection)

Signed atthis.....day of20.....

Signature of Data Subject

Request for correction or deletion of Personal Information or destroying or deletion of record of Personal Information in terms of Section 24(1) of POPIA

Regulations relating to the protection of Personal Information, 2018

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 authorized to retain the record of information.

A	Details of Data Subject
Names(s) and surname/ registered name of Data Subject	
Unique Identifier/ Identity Number	
Residential, postal or business address	
Contact number(s)	
Fax number / email address	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of Responsible Party	
Residential, postal or business address	
Contact number(s)	
Fax number / email address	
C	Reasons for objection in terms of Section 11(1)(d) to (f) (Please provide details reasons for the objection)

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 (please provide detailed reasons for the request)