



WOLVAARDT INCORPORATED

Registration Number: 1995/001680/21

SECTION 51 MANUAL

**PREPARED IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000 ("PAIA")
WITH THE INCORPORATION OF THE PROVISIONS
AND REQUIREMENTS STIPULATED IN THE
PROTECTION OF PERSONAL INFORMATION ACT, NO. 4 OF 2013 ("POPIA")**

This document serves as the information manual as required by Section 51(1) of the Promotion of Access to Information Act, No. 2 of 2000 ("the Act") for a private body. It provides information on the records held and the process that is to be followed to request access to such records.

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1. INTRODUCTION

1.1 GENERAL – WOLVAARDT INC

Wolvaardt Incorporated with registration number: 1995/001680/21 situated at 870 Wolvaardt Inc Road, Moreletapark Extension 9, Pretoria, telephone number: (012) 997 6200 / Cell: 083 941 8846 and email: attorneys@wolvaardtinc.co.za (hereinafter referred to as “Wolvaardt Inc”) is a law firm providing legal services to an array of clients ranging from individuals to large corporate entities. Wolvaardt Incorporated strives to ensure a dynamic approach in customizing legal solutions for individual clients. Client satisfaction is of primary importance and this is obtained by providing efficient and professional legal services informing the clients of the process, time limitations and progress of their matters. Wolvaardt Inc takes great care in delivering optimal service to its client base. Through the provision of quality legal services, Wolvaardt Inc is necessarily involved in the collection, use and disclosure of certain aspects of personal information of clients, customers, employees and other stakeholders.

1.2 PAIA

The Promotion of Access to Information Act, No. 2 of 2000 (hereinafter referred to as “PAIA”) was assented to on the 2nd of February 2000, published on the 3rd of February 2000 and commenced on the 9th of March 2001. The purpose of PAIA is to give effect to section 32 of the Constitution, a fundamental right in the Bill of Rights, being the right of access to any information held by the state and any right held by any other person and that is required for the exercise of any rights. Section 50 of PAIA states that where a request is made for a Private Body to release a Record, the Private Body is obliged to release the Record, subject to applicable legislative and/or regulatory requirements, except where PAIA expressly provides for the withholding of the Record. PAIA further sets out the required procedures to be followed by a requestor when making a Request for Access. In terms of Section 51 of PAIA all Private Bodies are required to compile an information manual “PAIA Manual”.

1.3 POPIA

The Protection of Personal Information Act, No. 4 of 2013 (hereinafter referred to as “POPIA”) was assented to on the 26th of November 2013 with certain sections coming into operation on 11 April 2014 and the balance on the 1st of July 2021. The Purpose of POPIA is to give effect to Section 14 of The Constitution, “The right to Privacy”, by protecting Personal Information and regulating the free flow and processing of Personal Information. POPIA sets minimum conditions which all Responsible Parties must comply with so as to ensure that all Personal Information is respected and protected. These minimum conditions are the Conditions for Lawful Processing and are more fully described hereunder in this manual.

1.4 THE PURPOSE OF THIS PAIA MANUAL

- 1.4.1 The purpose of this Manual is to foster a culture of transparency and accountability within Wolvaardt Inc, its directors, employees (if any), contractors, its network of Subsidiaries, Stakeholders and associates. Furthermore to promote a culture of effective access to information and to enable all stakeholders to fully exercise and protect all their rights. This manual aims to give effect to the right to privacy in relation to the protection of Personal Information. Both PAIA and POPIA recognise that the rights of access to information and privacy respectively are subject to the limitations clause in terms of section 36 of The Constitution where such limitation is reasonable and justifiable in terms of the law of general application in an open and democratic society based on human dignity, equality and freedom.
- 1.4.2 Furthermore it details the process to be followed by a Requestor and the manner in which a Request for Access shall be facilitated;
- 1.4.3 The manual also details the purpose for which the Personal Information may be processed, a description of the categories of Data Subjects for whom Wolvaardt Inc process personal information relating to such data subjects and the recipients to whom the Personal Information may be supplied.

1.5 AVAILABILITY OF THE MANUAL (Section 51(3))

A copy of this manual is available to the public:

- 1.5.1 For inspection during office hours at the principal place of business of Wolvaardt Inc situated at 870 Glossa Road, Moreletapark Extension 9, Pretoria and on its website at <http://wolvaardtinc.co.za>;
- 1.5.2 To any person upon request and upon payment of a reasonable amount;
- 1.5.3 To the Information Regulator upon request.

2. CONTACT DETAILS OF DIRECTOR (Section 51(1)(a))

NAME	ELOISE WOLVAARDT
CONTACT NUMBER	083 941 8846
EMAIL ADDRESS	eloise@wolvaardtinc.co.za
PHYSICAL ADDRESS:	870 Glossa Road, Moreletapark Extension 9, Pretoria, 0001

3. THE INFORMATION OFFICER

- 3.1 PAIA prescribes the appointment of an information officer for private bodies where such Information Officer is responsible to, inter alia, assess a request for access to information. The Head of a Private body fulfils the function of compiling and updating the PAIA manual in terms of section 51(1) and ss(2) of PAIA, fulfils the function of compiling and updating the PAIA manual.
- 3.2 The Information Officer appointed in terms of PAIA also refers to the Information Officer as referred to in POPIA. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of POPIA after registering with the Information Regulator.
- 3.3 The Information Officer may, where it is deemed necessary, appoint deputy information officers, as allowed for in section 17 of PAIA as well as section 56 of POPIA. All requests for information in terms of The Act must be addressed to the Information Officer.

CONTACT DETAILS OF THE INFORMATION OFFICER

NAME OF PRIVATE ENTITY	WOLVAARDT INCORPORATED
HEAD OF PRIVATE BODY	The Chairperson of the Board of Directors as elected from time to time
NAME	ELOISE WOLVAARDT
CONTACT NUMBER	0839418846
EMAIL ADDRESS	eloise@wolvaardtinc.co.za
REGISTERED ADDRESS:	870 Glossa Road, Moreletapark Extension 9, Pretoria, 0001
REGISTERED POSTAL ADDRESS:	P O Box 9376, Pretoria, 0001

4. GUIDE OF INFORMATION REGULATOR (Section 51(1)(b))

- 4.1 PAIA grants a Requestor access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 4.2 In terms of Section 10 of PAIA (as amended), the Information Regulator must update and make available the existing guide that has been compiled by the South African Human Rights Commission containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act and the Protection of Personal Information Act, 2013.
- 4.3 PAIA furthermore stipulates that the guide must, without limiting the generality of subsection,
- 4.3.1 include a description of the objects of PAIA and POPIA;
- 4.3.2 the manner and form of a request for access to a record of a private body contemplated in section 50 of PAIA;
- 4.3.3 the assistance available from the information officer of a private body in terms of PAIA and POPIA;
- 4.3.4 the assistance available from the Information Regulator in terms of PAIA and POPIA;
- 4.3.5 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.
- 4.4 The contact details of the Information Regulator are as follows:

The Information Regulator: Advocate Pansy Tlakula
Email: Complaints.IR@justice.gov.za
Website: http://www.justice.gov.za/infoereg/
JD House, 27 Siemens Street, Braamfontein, Johannesburg

5. PUBLICATION AND AVAILABILITY OF CERTAIN RECORDS IN TERMS OF PAIA

5.1 Schedule of records held by Wolvaardt Inc

The schedule of records reflected hereunder are records held by Wolvaardt Inc for purposes of PAIA and POPIA respectively. Access to such records may not be granted subject to the grounds of refusal as specified hereunder. The information is classified and grouped according to records.

<u>SUBJECT</u>	<u>CATEGORY</u>
Companies Act Records	All trust deeds;
<i>Not freely available and requires a request in terms of PAIA by using the request procedure – Form C hereunder</i>	Documents of Incorporation;
	Index of names of Directors and details;
	Memorandum of Incorporation;
	Minutes of meetings of the Board of Directors;
	Minutes of meetings of Shareholders;
	Proxy forms;
	Register of debenture-holders;
	Register of directors' shareholdings;
	Share certificates;
	Share Register and other statutory registers and/or records and/or documents;
	Special resolutions/Resolutions passed at General and Class meetings;
	Records relating to the appointment of:
	Auditors;
	Directors;
	Prescribed Officer;
	Public Officer; and
	Secretary
Financial Records	Accounting Records;
<i>Not freely available and requires a request in terms of PAIA by using the request procedure – Form C hereunder</i>	Annual Financial Reports;
	Annual Financial Statements;

	Asset Registers and management;
	Bank Statements;
	Banking details and bank accounts;
	Banking Records;
	Debtors / Creditors statements and invoices;
	General ledgers and subsidiary ledgers;
	General reconciliation;
	Invoices;
	Levy Roll;
	Policies and procedures;
	Rental Agreements; and
	Tax Returns
Income Tax Records	PAYE Records;
<i>Not freely available and requires a request in terms of PAIA</i>	Documents issued to employees for income tax purposes;
	Records of payments made to SARS on behalf of employees;
	All other statutory compliances:
	VAT
	Regional Services Levies
	Skills Development Levies
	UIF
	Workmen's Compensation
Personnel Documents And Records	Accident books and records;
<i>Not freely available and requires a request in terms of PAIA</i>	Address Lists;
	Disciplinary Code and Records;

	Employee benefits arrangements rules and records;
	Employment Contracts;
	Employment Equity Plan;
	Forms and Applications;
	Grievance Procedures;
	Leave Records;
	Medical Aid Records;
	Payroll reports/ Wage register;
	Pension Fund Records;
	Safety, Health and Environmental records;
	Salary Records;
	SETA records;
	Standard letters and notices;
	Training Manuals;
	Training Records;
	Workplace and Union agreements and records.
	HR Policies and Procedures
	Employment equity plan and statistics
Procurement Department	Standard Terms and Conditions for supply of services and products;
<i>Not freely available and requires a request in terms of PAIA</i>	Contractor and supplier agreements;
	Lists of suppliers, products, services and distribution; and
	Policies and Procedures.

Risk Management and Audit	Audit reports;
<i>Not freely available and requires a request in terms of PAIA</i>	Risk management frameworks; and
	Risk management plans.
Safety, Health and Environment	Complete Safety, Health and Environment Risk Assessment
<i>Not freely available and requires a request in terms of PAIA</i>	Environmental Managements Plans
	Inquiries, inspections, examinations by environmental authorities
IT Department	Computer / mobile device usage policy documentation;
<i>Not freely available and requires a request in terms of PAIA</i>	Disaster recovery plans;
	Hardware asset registers;
	Information security policies/standards/procedures;
	Information technology systems and user manuals
	Information usage policy documentation;
	Project implementation plans;
	Software licensing; and
	System documentation and manuals.
Corporate Social Responsibility (CSR)	CSR schedule of projects/record of organisations that receive funding;
<i>Not freely available and requires a request in terms of PAIA</i>	Reports, books, publications and general information related to CSR spend;
	Records and contracts of agreement with funded organisations.

Public Affairs <i>(freely available)</i>	Company Profile and Contact Information Organisational Profile Newsletters Service Provider Contact Details Promotion of Access to Information Manual Privacy Policy Disclaimers Legislation: Acts Advertising and promotional material
Employees / Clients / Suppliers <i>Not freely available and requires a request in terms of PAIA</i>	Litigation Debt Collection Litigation Debt Collection Ownership Details Biometrics registration, access and egress details CCTV footage Standard Operating Procedures All archive documents relating to the entire above schedule, excluding the Section - Public Affairs
Security <i>Not freely available and requires a request in terms of PAIA</i>	
Archives <i>Not freely available and requires a request in terms of PAIA</i>	

5.2 List of applicable legislation:

The following is a list of applicable legislation in terms of which Wolvaardt Inc retains or processes records and which is applicable to Wolvaardt Inc is as follows:

- 5.2.1 Alienation of Land Act No. 68 of 1981
- 5.2.2 Arbitration Act No. 42 of 1965
- 5.2.3 Basic Conditions of Employment Act No. 75 of 1997
- 5.2.4 Broad- Based Black Economic Empowerment Act, No 75 of 1997
- 5.2.5 Business Act, No 71 of 1991
- 5.2.4 Companies Act No. 71 of 2008
- 5.2.5 Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- 5.2.6 Consumer Protection Act No. 68 of 2008
- 5.2.7 Constitution of South Africa, 1996
- 5.2.8 Copyright Act No 98 of 1978;
- 5.2.9 Debt Collectors Act No. 114 of 1998
- 5.2.10 Electronic Communications Act, No 36 of 2005
- 5.2.11 Electronic Communications and Transactions Act No. 25 of 2002
- 5.2.12 Employment Equity Act No. 55 of 1998
- 5.2.13 Environmental Conservation Act No. 73 of 1989
- 5.2.14 Financial Intelligence Centre Act No. 38 of 2001
- 5.2.15 Health Act No. 63 of 1977
- 5.2.16 Income Tax Act No. 58 of 1962
- 5.2.17 Insolvency Act No. 24 of 1936
- 5.2.18 Labour Relations Act No. 66 of 1995
- 5.2.19 Legal Practice Act 28 of 2014
- 5.2.20 Municipal Systems Act No. 32 of 2000 and other Municipal Acts and Bylaws;
- 5.2.21 National Credit Act No. 34 of 2005
- 5.2.22 Occupational Health and Safety Act No. 85 of 1993
- 5.2.23 Pension Funds Act No. 24 of 1956
- 5.2.24 Prescription Act No. 68 of 1969
- 5.2.25 Prevention of Organised Crime Act No. 121 of 1998
- 5.2.26 Promotion of Access to Information Act No. 2 of 2000
- 5.2.27 Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- 5.2.28 Protection of Information Act No. 84 of 1982
- 5.2.29 Protection of Personal Information Act No. 4 of 2013
- 5.2.30 Protected Disclosures Act No. 26 of 2000
- 5.2.31 Protection of Constitutional Democracy Against Terrorist and Related Activities Act No. 33 of 2004
- 5.2.32 Regulation of Interception of Communications and Provisions of Communications Related Information Act No. 48 of 2008
- 5.2.33 Regulation of Interception of Communications and Provisions of Communications Related Information Act No. 70 of 2002
- 5.2.34 Short Term Insurance Act No. 53 of 1998
- 5.2.35 Skills Development Levies Act No. 9 of 1999

- 5.2.36 Skills Development Act No. 97 of 1998
- 5.2.37 Tax Administration Act No. 28 of 2011
- 5.2.38 The King Report on Corporate Governance in South Africa King III and King IV
- 5.2.39 Unemployment Insurance Act No. 63 of 2001
- 5.2.40 Unemployment Insurance Contributions Act No. 4 of 2002
- 5.2.41 Value-added Tax Act No. 89 of 1991
- 5.2.42 General Data Protection Regulation (GDPR).

Disclaimer:

- * *Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requestor access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requestor believes that a right of access to a record exists in terms of other legislation listed above is based on, to allow the Information Officer the opportunity of considering the request in light thereof.*
- * *Note that the accessibility of the records may be subject to the grounds of refusal set out in the PAIA manual. Records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Wolvaardt Inc will consider access.*

5.3 **Records Available without a Request to Access in terms of the Act**

- 5.3.1 Records of a public nature, typically those disclosed on the Wolvaardt Inc website, may be accessed without the need to submit a formal application.
- 5.3.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

6. DETAIL TO FACILITATE A REQUEST FOR ACCESS TO A RECORD OF WOLVAARDT INC

- 6.1 The Requestor must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The Requestor must complete the prescribed form enclosed herewith marked Appendix 1 and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer at the postal, physical address or electronic mail address as noted above.
- 6.3 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
 - 6.3.1 The record or records requested; and
 - 6.3.2 The identity of the Requestor.

- 6.4 The Requestor should indicate which form of access is required and specify an email address, postal address or fax number of the Requestor in the Republic;
- 6.5 The Requestor must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The Requestor must clearly specify why the record is necessary to exercise or protect such a right.
- 6.7 Wolvaardt Inc will process the request within 30 (thirty) days, unless the Requestor has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- 6.7.1 The period referred to in paragraph 6.7 above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of Wolvaardt Inc and the Records cannot reasonably be obtained within the original 30 day period.
- 6.7.2 Wolvaardt Inc will notify the Requestor in writing should an extension of time as contemplated in paragraph 6.7.1 above be required.
- 6.8 The Requestor shall be advised whether access is granted or denied in writing. If, in addition, the Requestor requires the reasons for the decision in any other manner, the Requestor will be obliged to state which manner and the particulars required.
- 6.9 If a request is made on behalf of another person, then the Requestor must submit proof of the capacity in which the Requestor is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).
- 6.10 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.11 The Requestor must pay the prescribed fee, if any, before any further processing can take place.
- 6.12 All information as listed herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the Requestor has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA

The following are the grounds on which Wolvaardt Inc must, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

- 7.1 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be reasonable;
- 7.2 Mandatory protection of the commercial information of a third party if the records contains:
 - 7.2.1 Trade Secrets of the third party;
 - 7.2.2 Financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and or
 - 7.2.3 Information disclosed in confidence by a third party to Wolvaardt Inc, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition
- 7.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 7.4 Mandatory protection of the safety of individuals and the protection of property;
- 7.5 Mandatory protection of records that would be regarded as privileged in legal proceedings;
- 7.6 Protection of the commercial information of Wolvaardt Inc which may include:
 - 7.6.1 Trade Secrets;
 - 7.6.2 Technical information, the disclosure of which could likely cause harm to the financial or commercial interests of Wolvaardt Inc;
 - 7.6.3 Information which, if disclosed, could put Wolvaardt Inc at a disadvantage in contractual or other negotiations or prejudice Wolvaardt Inc in commercial competition and or
 - 7.6.4 Digital programs which are owned by Wolvaardt Inc, and which are protected by copyright with intellectual property laws;
- 7.7 Research information of Wolvaardt Inc or a third party, where such disclosure would place the research or the researcher at a serious disadvantage; and
- 7.8 Requests for records that are clearly frivolous or vexatious or which involve and unreasonable division of resources.

8. REMEDIES AVAILABLE TO THE REQUESTOR UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF PAIA

8.1 Internal Remedies:

Wolvaardt Inc does not have internal appeal procedures. The decision made by the Information Officer is final. Requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

- 8.2 External Remedies:
In accordance with Sections 56(3)(c) and 78 of PAIA, a requestor may apply to a Court for relief within 180 days of notification of the decision for appropriate relief.

9. FEES

- 9.1 The Act provides for two types of fees, namely:
- 9.1.1 A request fee, payable by a Requestor, other than a Personal Requestor; and
- 9.1.2 An access fee, which must be calculated by taking into account the production costs, search and preparation time and cost, as well as postage costs.
- 9.2 When the Request for Access is received by the Information Officer, the Information Officer shall by notice require the Requestor, other than a Personal Requestor, to pay the prescribed request fee (if any), before further processing of the Request for Access.
- 9.3 If the search for a Record requires more than the prescribed hours for this purpose, the Information Officer shall notify the Requestor to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted.
- 9.4 The Information Officer shall withhold a Record until the Requestor has paid the fees as may be announced.
- 9.5 A Requestor whose Request for Access to a Record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the Record for disclosure including making arrangements to make it available in a requested form provided for in section 29(2) (a) and (b)(i) and (ii) of PAIA.
- 9.6 If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer must repay the deposit to the Requestor.
- 9.7 The Minister may by notice in the Government Gazette exempt any person or category of persons from paying any fee referred to in Section 54.
- 9.8 All fees and charges are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requestors shall be informed of the fees payable prior to making payment.
- 9.9 Currently the fees associated with any request in terms of PAIA as determined by the Regulations as provided for on the website of the SAHRC is annexed hereto as Appendix 5.

10. DECISION TO GRANT ACCESS TO RECORDS

- 10.1 Wolvaardt Inc will process the request within 30 (thirty) days, unless the Requestor has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with, and give notice with reasons (if required) to that effect.
- 10.2 The period referred to in paragraph 10.1 above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of Wolvaardt Inc and the Records cannot reasonably be obtained within the original 30 day period.
- 10.3 Wolvaardt Inc will notify the Requestor in writing should an extension of time as contemplated above be required.
- 10.4 In terms of Section 70 of PAIA, Wolvaardt Inc must grant a request for access to a record of the body if the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law; or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

11. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY WOLVAARDT INC

11.1 Conditions for Lawful Processing

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA. Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

- a) Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.
- b) Processing limitation - Personal Information must be collected directly from a Data Subject to the extent applicable; not be excessive, must only be processed with the consent of the Data Subject and must only be used for and relevant to the purposes for which it was obtained.
- c) Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.
- d) Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- e) Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.

- f) Openness - there must be transparency between the Data Subject and the Responsible Party.
- g) Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- h) Data Subject participation - the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

11.2 Purpose of the Processing of Personal Information by WOLVAARDT INC

As outlined in paragraph 12(1)(c), Personal Information may only be Processed for a specific purpose. The purposes for which Wolvaardt Inc Processes or will Process Personal Information is set out in Part 1 of Appendix 2.

11.3 Categories of Data Subjects and Personal Information/special Personal Information relating thereto

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. Part 2 of Appendix 2 sets out the various categories of Data Subjects that WOLVAARDT INC Processes Personal Information on and the types of Personal Information relating thereto.

11.4 Recipients of Personal Information

Part 3 of Appendix 2 outlines the recipients to whom WOLVAARDT INC may provide a Data Subject's Personal Information to.

11.5 Cross-border flows of Personal Information

Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa:

- a) If the recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- b) If the Data Subject consents to the transfer of their Personal Information; or
- c) If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or

- d) If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- e) If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

Part 4 of Appendix 2 sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

11.6 Description of information security measures to be implemented by WOLVAARDT INC

Part 5 of Appendix 2 sets out the types of security measures to be implemented by WOLVAARDT INC in order to ensure that Personal Information is respected and protected. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by WOLVAARDT INC may be conducted in order to ensure that the Personal Information that is processed by WOLVAARDT INC is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

11.7 Objection to the Processing of Personal Information by a Data Subject

Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 3 subject to exceptions contained in POPIA.

11.8 Request for correction or deletion of Personal Information

Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 6 to this Manual.

12. UPDATING OF PAIA MANUAL

Wolvaardt Inc will update this PAIA Manual at such intervals as may be deemed necessary.

13. ACCEPTANCE OF PAIA MANUAL

BOARD OF DIRECTORS: NAME OF DIRECTOR	SIGNATURE	DATE
ELOISE WOLVAARDT		

APPENDIX 1:
FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(SECTION 53(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000
(REGULATION 10)
J752



REPUBLIC OF SOUTH AFRICA

FORM C

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

The Head:

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:

[illegible]

Postal address:

Telephone number:

() Fax number: ()

Fax 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 ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

[illegible]

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:

.....

.....

.....

.....

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:

.....

.....

.....

.....

.....

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: <input type="text"/>	Form in which record is required: <input type="text"/>
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request for access 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 to 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record	<input type="checkbox"/>	<input type="checkbox"/>
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"/>	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)	<input type="checkbox"/>	<input type="checkbox"/>
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"/>	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"/>
--	------------------------------	-----------------------------

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:
<input type="text"/>
<input type="text"/>
<input type="text"/>
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

APPENDIX 2: PART 1 – PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

(Wolvaardt Inc reserves the right to add to the summary of items listed hereunder at any stage)

A. For existing and new Clients:

- a. Rendering legal services to clients in terms of the mandate;
- b. Managing clients' accounts and any application, agreement or correspondence clients may have with Wolvaardt Inc;
- c. Communicating (including direct marketing) with clients by email, SMS, letter, telephone or in any other way about Wolvaardt Inc' services, charges etc, unless clients indicate otherwise;
- d. Performing other administrative and operational purposes;
- e. Recovering any debt clients may owe Wolvaardt Inc'
- f. Complying with the Legal Practice Council's regulatory framework and other legal obligations;
- g. Any other reasonably required purpose relating to the Wolvaardt Inc's main objectives.

B. For prospective clients:

- a. Verifying and updating information;
- b. Any other reasonably required purpose relating to the processing of a prospective client's personal information reasonably related to the Wolvaardt Inc' main objectives.

C. For employees:

- a. Verification of applicant employees' information during recruitment process
- b. General matters relating to employees:
 - i. Pension
 - ii. Medical aid
 - iii. Payroll
 - iv. Disciplinary action
 - v. Training
- c. Any other reasonably required purpose relating to the employment or possible employment relationship.

D. For operators / vendors /suppliers /other businesses:

- a. Verifying information and performing checks;
- b. Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- c. Payment of invoices;
- d. Complying with the Wolvaardt Inc's regulatory and other obligations; and
- e. Any other reasonably required purpose relating to the Wolvaardt Inc business.

APPENDIX 2: PART 2 – CATEGORIES OF DATA SUBJECTS AND CATEGORIES OF PERSONAL INFORMATION RELATING THERETO

(Wolvaardt Inc reserves the right to add to the summary of items listed hereunder at any stage)

A. Employees

- a. Name, contact details and residential address
- b. Identity number and identity documents including passports
- c. Employment history and references
- d. Banking and financial details
- e. Details of payments to third parties (deductions from salary)
- f. Employment contracts
- g. Employment equity plans
- h. Medical aid records
- i. Pension Fund records
- j. Remuneration/salary records
- k. Performance appraisals
- l. Disciplinary records
- m. Leave records
- n. Training records

B. Clients

- a. Full names;
- b. Identity Number;
- c. Postal and/or street address;
- d. contact numbers and/or e-mail address
- d. age
- e. gender
- f. marital status
- g. language
- h. financial information
- i. identity or passport number
- j. all information required in terms of legislation;
- k. browsing habits and click patterns on Wolvaardt Inc' website and application.

C. Operators / Vendors /suppliers /other businesses:

- a. Name and contact details
- b. Identity and/or company information and directors' information
- c. Banking and financial information
- d. Information about products or services
- e. Other information not specified, reasonably required to be processed for business operations

APPENDIX 2: PART 3 – RECIPIENTS OF PERSONAL INFORMATION

(Wolvaardt Inc reserves the right to add to the summary of items listed hereunder at any stage)

- a. Any firm, organisation or person that Wolvaardt Inc uses to collect payments and recover debts or to provide a service on its behalf;
- b. Any firm, organisation or person that/who provides Wolvaardt Inc with products or services;
- c. Any payment system Wolvaardt Inc uses;
- d. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Wolvaardt Inc has a duty to share information;

- e. Third parties to whom payments are made on behalf of employees;
- f. Financial institutions from whom payments are received on behalf of data subjects;
- g. Any other operator not specified;
- h. Directors, employees, contractors and temporary staff; and
- i. Agents.

Appendix 2: Part 4 – Cross border transfers of Personal Information

Personal Information may be transmitted trans-border to Wolvaardt Inc' suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. Wolvaardt Inc will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

Appendix 2: Part 5 – Description of information security measures

Wolvaardt Inc undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Wolvaardt Inc may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access Control of Persons

Wolvaardt Inc shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed and stored.

2. Data Media Control

Wolvaardt Inc undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by Wolvaardt Inc and containing personal data of Customers.

3. Data Memory Control

Wolvaardt Inc undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration or deletion of stored data.

4. User Control

Wolvaardt Inc shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

5. Access Control to Data

Wolvaardt Inc represents that the persons entitled to use Wolvaardt Inc' data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

6. Transmission Control

Wolvaardt Inc shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of data communication equipment / devices of Wolvaardt Inc.

7. Transport Control

Wolvaardt Inc shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

8. Organisation Control

Wolvaardt Inc shall maintain its internal organisation in a manner that meets the requirements of this Manual.

APPENDIX 3: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

Objection to the Processing of Personal Information in terms of Section 11(3) of the Protection of Personal Information Act, 2013

Regulations Relating to The Protection of Personal Information, 2017

Notes:

- 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.*

Reference Number:.....

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:	
Email 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 at this day of20...

.....

Signature of data subject/designated person

APPENDIX 4:

Form for the Request to Delete or Correct Personal Information in terms of POPIA

Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information in terms of Section 24(1) of the Protection of Personal Information Act, 2013

Regulations Relating to The Protection of Personal Information, 2017

Notes:

- 1 Affidavits or other documentary evidence as applicable in support of the request must 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.

Mark the appropriate box with an "X"

Request for:

Reference Number:.....

☐

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 authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Surname:	
Full names:	
Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number:	
Email address:	

Appendix 5:

FEES ASSOCIATED WITH PAIA REQUESTS AS REFLECTED ON WEBSITE OF SAHRC

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041

Tel: (011) 877 3800
Fax: 011 403 0625



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000 RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is only the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act
PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, inexpensively and effortlessly as reasonably possible." [emphasis added]. Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA
In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R110
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L. M. Mushwana
Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.

Chairperson: M.L. Mushwana; Deputy Chairperson: P. Govender; Commissioners: L. Mokone, B. Matlaj, J. Love, D. Titus
Chief Executive Officer: K. Ahmed