

PAIA Manual



PAIA seeks to promote transparency, accountability and effective governance of all institutions (both public and private) by empowering people to understand their access to information rights, act on them, and both scrutinise, and engage with, decision-making that affects them.



PROMOTION OF ACCESS TO INFORMATION ACT

Act 2 of 2000, as amended

Goosen & Hattingh Attorneys

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Protection of Personal Information Act (POPIA), restricts the processing of personal information unless there's a lawful basis.

Promotion of Access to Information Act (PAIA), allows access to certain records from both private and public bodies, (usually when the requester can show they need it for a legitimate reason and that it's in the public interest)

GOOSEN & HATTINGH ATTORNEYS

PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

compiled in accordance with the requirements of
Section 51
of the Promotion of Access to Information Act No. 2 of 2000

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1.

INTERPRETATION TO THIS MANUAL

Goosen & Hattingh Attorneys is defined as a private body in terms of the Act.

In this manual, unless the context indicates a contrary intention, the following word and expressions shall bear the meanings assigned to them hereunder and cognate words and expressions shall bear corresponding meanings:

Information officer:	The head of the Firm is the Information Officer for the purposes of the Act
Constitution:	Act 108 of 1996
Requester:	Any person or entity requesting access to a record held by Goosen & Hattingh Attorneys
SAHRC:	The South African Human Rights Commission
Section 10 Guide:	The guide compiled by the South African Human Right Commission in terms of section 10 of the Promotion of Access to Information Act No 2 of 2000
The Act:	The Promotion of Access to Information Act No 2 of 2000, as amended and its accompanying regulations
The Firm:	Goosen & Hattingh Attorneys

Reference to any information in this manual in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement to receive such information, other than in terms of the Act.

2.

INTRODUCTION

Goosen & Hattingh Attorneys is a general legal practice with extensive experience in various legal fields, specializing in property law and personal injury claims but our firm also offers service in various other areas of law, including, general litigation, administration of estates and ante-nuptial agreements.

Our dedicated team are careful to listen and eager to devote the necessary time and effort to achieve the best result for each individual client.

Goosen & Hattingh's organizational aim, as set out in our business profile encompasses the firms' core values: Knowledge of the Law, Passion for the work, Compassion for the clients, Open Communication, Willingness to walk the extra mile and providing the community with dedicated legal services

Our practice number at the Legal Practice Council is 4050

This manual has been compiled in fulfilment of the requirements of the Act.

BUSINESS CONTACT DETAILS

Owner, Attorney, Conveyancer and Notary & Information Officer	Petrus Jacobus (Jaco) Hattingh (jaco@goosen-hattingh.com)
Attorney:	Nombuyiselo Florence (Nombu) Malie (nombu@goosen-hattingh.com)
Paralegal, Deputy Information Officer, Risk and compliance Manager	Tharina Hattingh (tharina@goosen-hattingh.com)

Postal Address:	P.O. Box 330, Marble Hall, 0450
Street Address:	De Jure Building, 1 st Floor, 43 Government Square, Marble Hall
Telephone Number:	(013) 261-2497
Fax Number:	(013) 261-2746
E-mail:	tharina@goosen-hattingh.com
Website:	www.goosen-hattingh.com

SECTION 10 GUIDE TO THE ACT

- 4.1 The Act grants a Requester access to Records of a Private Body, if the Record is required for the exercise or protection of any Rights. If a public body lodges a request for access to information with the Firm, the public body must be acting in the public interest.
- 4.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided and gazetted by the Minister from time to time. The applicable form and tariffs are specified in the Act.
- 4.3 The Information Regulator has, in terms of Section 10(1) of PAIA, as amended, updated the PAIA Guide, as initially compiled by the SAHRC. The purpose of the guide is to provide information that is needed by any person who wishes to exercise any right contemplated in PAIA and POPIA.

This Guide will specifically assist a person, also called a data subject, on how to access his/her or its personal information in terms of section 23 of POPIA.

The Section 10 Guide is available in each of the official languages from the office of the Information Regulator whose contact details are listed out below:

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017 or
Private Bag 2700, Houghton, 2041

Physical Address: The Information Regulator (South Africa)
JD House 27 Stiemens Street
Braamfontein
Johannesburg 2001

Telephone Number: +27 (0)11-877 3600 / +27 (0) 10 023 5200

Email: enquiries@inforegulator.org.za

Website: <https://www.inforegulator.org.za>

5.

VOLUNTARY DISCLOSURE NOTICE(S)

The Firm has not yet issued any voluntary disclosure notices in terms of the provisions of the Act and all requests for access to information should be made in accordance with the procedure set out in section 10 of this manual. Save for marketing and publicity material, all records held by the Firm are deemed to be confidential and any request for access to information will be balanced against, inter alia, the principles of legal professional privilege, attorney-client confidentiality, and the limitations to the right of access of information set out in section 36 of the Constitution and sections 5 and 67 of the Act.

6.

RECORDS OF THE FIRM WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

To the extent applicable, the Firm maintains such information and documents as may be required in accordance with, inter alia, the following legislation:

Category of Records	Applicable Legislation
<ul style="list-style-type: none"> Client personal information:- Names, ID/Passport, registration numbers, address, contact details, Income tax and VAT registration numbers, Bank Account Confirmation letters, Source of Wealth, Salary Slip, Marriage Certificate and Antenuptial Agreement, Company Letterhead Opinions/Advice to clients Correspondence with clients 	<p>Financial-Intelligence-Centre Act 38 of 2000</p> <p>Administration of Estates Act 66 of 1965</p> <p>Legal Practice Act 28 of 2014</p> <p>Deeds Registries Act 47 of 1937</p> <p>Sectional Titles Act 98 of 1986</p> <p>Transfer Duty Act 40 of 1949</p> <p>Value Added Tax Act 89 of 1991</p>

	Value Added Tax Act 89 of 1991
	Employment Equity Act 55 of 1998
	Compensation for Occupational Injuries and Diseases Act 130/1993

7.

APPLICABLE LEGISLATION

No	Ref	Act
1	No 95 of 1986	Alienation of Land Act
2	No 47 of 1937	Deeds Registries Act
3	No 34 of 2005	National Credit Act
4	No 98 of 1986	Sectional Titles Act
5	No 22 of 1994	Restitution of Land Rights Act
6	No 40 of 1949	Transfer Duty Act
7	No 89 of 1991	Value Added Tax Act
8	No 38 of 2000	Financial-Intelligence-Centre Act
9	No 69 of 1984	Close Corporations Act
10	No 71 of 2008	Companies Act
11	No 57 of 1988	Trust Property Control Act
12	No 25 of 2002	Electronic Communications and Transactions Act
13	No 56 of 1996	Road Accident Fund Act
14	No 85 of 1993	Occupational Health and Safety Act (OHSA)
15	No 130 of 1993	Compensation for Occupation Injuries and Diseases Act
16	34 of 1956	Apportionment of Damages Act
17	68 of 1969	Prescription
18	No 75 of 1997	Basic Conditions of Employment Act
19	No 66 of 1995	Labour Relations Act
20	No 55 of 1998	Employment Equity Act
21	No 2 of 2000	Promotion of Access of Information Act
22	No 4 of 2013	Protection of Personal Information Act

8.

SCHEDULE OF RECORDS HELD BY THE FIRM

The following is a list of the subjects on which the Firm holds records and the categories into which the stated subjects fall.

CATEGORIES OF RECORDS HELD	SUBJECTS ON WHICH RECORDS ARE HELD	AVAILABILITY
Documents pertaining to the Sole Owner and other attorneys of the Firm	Sole Proprietor / Staff	Require : Formal PAIA request along with legitimate purpose for request that aligns with requirements of the Act (legitimate reason or that it's in public interest)
Resolutions and Minutes of a meeting of the Firm	Sole Proprietor / Staff	Require : Formal PAIA request along with legitimate purpose for request

Financial Records and Tax Records	Sole Proprietor / Staff Vendors/ Service Providers/Clients	Require : Formal PAIA request along with legitimate purpose for request & consent
Insurance records	Sole Proprietor / Staff	Require : Formal PAIA request along with legitimate purpose for request & Sole Proprietor's consent
Auditors' reports	Sole Proprietor / Staff Vendors/ Service Providers	Require : Formal PAIA request along with legitimate purpose for request & Sole Proprietor's consent
Banking records for business and trust accounts	Sole Proprietor / Staff Vendors/ Service Providers/Clients	Require : Formal PAIA request along with legitimate purpose for request & Sole Proprietor's consent
Firm, Attorney and Staff Profiles	Sole Proprietor / Staff	Firm Profile: Freely available on website Attorney and staff: Names, Job Description & Office Contact Details freely available on website
Staff training material	Sole Proprietor / Staff	Upon Request
List of employees	Sole Proprietor / Staff	Require : Formal PAIA request along with legitimate purpose for request or consent from employee
Correspondence relating to personnel	Sole Proprietor / Staff	Require : Formal PAIA request along with legitimate purpose for request or consent from employee
Employment contracts	Sole Proprietor / Staff	Require : Formal PAIA request along with legitimate purpose for request or consent from employee
Personnel records including personal details, disciplinary records, performance and internal evaluation records	Sole Proprietor / Staff	Require : Formal PAIA request along with legitimate purpose for request or consent from employee
Salary / payroll records	Sole Proprietor / Staff	Require : Formal PAIA request along with legitimate purpose for request or consent from employee
Health and safety records	Sole Proprietor / Staff / Vendors / Service Providers	Access to records is limited to authorized Personnel only. Third Parties Require : Formal PAIA request along with legitimate purpose for request or consent from employee
Internal policies and procedures	Sole Proprietor / Staff	Freely available upon request
Codes of conduct	Sole Proprietor / Staff	Freely available upon request
Fidelity Fund certificates	Sole Proprietor / Staff	Available upon request from LPC or directly from FIRM
Supplier lists, Agreements and details of suppliers	Sole Proprietor / Staff / Vendors / Service Providers	IF THE DOCUMENTS CONTAINS NO PERSONAL INFORMATION a copy can be obtained upon request
Asset registers	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Available upon request, with legitimate reason why the information is required
Operational documents	Sole Proprietor / Staff / Vendors / Service Providers	Available upon request
Opinions/Advice to clients	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Require : Formal PAIA request along with legitimate purpose for request or consent from client(s)

Correspondence with clients	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Require : Formal PAIA request along with legitimate purpose for request or consent from clients
Records regarding legal matters	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Require : Formal PAIA request along with legitimate purpose for request or consent from clients
Correspondence with third parties and legal practitioners	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Require : Formal PAIA request along with legitimate purpose for request or consent from third party / legal practitioner
Government and Provincial Gazettes	Vendors / Service Providers	Public Record - Freely accessible to public
Precedents of case law and legal documents	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Public Record - Freely accessible to public
Other legal resources, including domestic and international sources	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Public Record - Freely accessible to public
Records relating to computer software used by Goosen & Hattingh	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Available upon request
Various types of correspondence	Sole Proprietor / Staff / Vendors / Service Providers / Clients	Require : Formal PAIA request along with legitimate purpose for request or consent from relevant party(ies)

9.

PROTECTION OF PERSONAL INFORMATION ACT, 2013

Insofar as the Protection of Personal Information Act, 2013, is concerned-

A. BASIS AND PURPOSE FOR PROCESSING PERSONAL INFORMATION

The Firm may process personal information:

- to provide services to clients
- to comply with legal or regulatory obligations
- if a data subject has provided their consent, or
- if the processing is allowed by law

The purposes for which the Firm processes personal information may include, but are not limited to:

- providing and improving services to clients
- improving users' experience when using the Firm's websites
- communicating with persons for the Firm's internal purposes
- enabling the Firm's internal operations
- exercising and defending legal rights.

Personal information will only be processed in accordance with the following POPIA conditions:

- "Accountability", as referred to in section 8
- "Processing limitation", as referred to in sections 9 to 12

- “Purpose specification”, as referred to in sections 13 and 14
- “Further processing limitation”, as referred to in section 15
- “Information quality”, as referred to in section 16
- “Openness”, as referred to in sections 17 and 18
- “Security safeguards”, as referred to in sections 19 to 22, and
- “Data subject participation”, as referred to in sections 23 to 25

B. CATEGORIES OF DATA SUBJECTS AND INFORMATION

The Firm collects personal information in various instances, including when:

- data subjects contact the Firm or request information or services
- the Firm provides services to data subjects
- persons apply for employment at the Firm
- when persons use the Firm ‘s websites

The Firm may collect the information directly from a data subject or from third parties (such as regulators, government authorities and registries, or attorneys representing our clients’ counterparties).

When interacting with the firm via email, the following information may be requested from a person: (This information includes, but is not limited to):

- the person’s name, contact details and information regarding the matter with which they need assistance.

In the course of engaging with clients on matters, the Firm will naturally be exposed to and collect personal information which includes the data subject’s name, contact details, financial information as well as information regarding the matters that the firm assists them with.

As part of its recruitment processes, the Firm collects information from graduates and employment applicants. This information includes educational information as well as employment history. By enquiring regarding employment opportunities at the Firm or applying for employment, applicants are deemed to provide their consent to the Firm’s processing of their personal information for recruitment purposes, which may include screening as well as background and reference checks.

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION THAT MAY BE PROCESSED
Customers Clients	name, address, registration numbers or identity numbers, employment status, correspondence, banking details, financial and tax information, marital status, employment information, source of wealth
Partners	Ownership details, partnership conditions and agreement, address, qualifications, gender and race name, identity numbers, employment status, personnel information including personal details, disciplinary records, performance and internal evaluation records, medical aid and life insurance, pension etc. information with details and beneficiaries’ details, bank details and tax information, payroll records, correspondence, fidelity fund information.
Employees	Employment details, payroll records, correspondence, address, qualifications, gender and race name, identity numbers, employment status, personnel information including personal details, disciplinary records, performance and internal evaluation records, medical aid and life

	insurance, pension etc. information with details and beneficiaries' details, bank details and tax information
Service Providers/ Vendors names,	names, registration number, vat numbers, address, correspondence, qualifications, contracts, health and safety or cybersecurity information, bank details, financials, tax information

C. SUPPLY OF PERSONAL INFORMATION

The Firm may release personal information or disclose it to third parties in certain circumstances. These include, but are not limited to:

- if the Firm is required or authorised to do so by law or a court order
- in order for the Firm to enforce its rights
- in order for the Firm to provide services to its clients

The third parties/recipients or categories of recipients to whom the personal information may be supplied include, but are not limited to:

- advocates and other parties involved in legal services
- third party service providers to the Firm or its clients
- third parties who provide research services to the Firm or its clients
- government authorities and registries, organs of state, regulators, courts, tribunals and law enforcement agencies.

D. TRANSFER OF PERSONAL INFORMATION

If the Firm is required to share or transfer personal information to persons in other countries, those countries' laws might not protect personal information in the same way or on the same level as the law in the data subject's country. However, the Firm will take reasonable steps to ensure that recipients in other countries have appropriate privacy measures in place such as ensuring the necessary data transfer and protection agreements are in place. NO CROSS-BORDER SHARING OF INFORMATION WILL TAKE PLACE WITHOUT FIRST RECEIVING THE EXPLICIT CONSENT OF THE DATA SUBJECT.

E. SECURITY

The Firm takes all reasonable steps to protect and avoid unauthorised access to personal information. It has implemented various policies, procedures and software to safeguard personal information and routinely reviews its operations in order to ensure that personal information is adequately protected.

Security controls have been implemented to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction of personal information.

Further the Firm employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information. These information security measures include but are not limited to firewalls; virus protection software and update protocols; access control and others.

These measures are continuously reviewed to test the security controls to mitigate the risk of cyberattacks.

F. DATA SUBJECT RIGHTS

The law might provide data subjects with rights to access, amend or delete personal information that is in the possession of the Firm. However, the Firm may, in certain instances, legally refuse or decline such requests. If applicable, a data subject may also have the right to object to the Firm's processing of their personal information or to file a complaint with a regulator. If a data subject wishes to exercise their rights, they can contact the Firm at the details provided below. the Firm may charge data subjects a fee for accessing, amending or deleting their personal information.

Data subjects are encouraged to contact the Firm in order to update their personal information as and when necessary.

G. 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.

The data subject may use ***Annexure A: Form 2 - Request for Correction or Deletion of Personal Information*** to request for the correction or deletion of their personal information. Once completed, the data subject is to follow the Request Procedure set out on **section 10** this Manual.

H. 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 subject to exceptions contained in POPIA.

The data subject may use ***Annexure B: Form 1 - Objection to the Processing of Personal Information*** to request this. Once completed, the data subject is to follow the Request Procedure set out on **section 10 of this Manual**.

10.

REQUEST PROCEDURE FOR ACCESS TO RECORDS OF THE FIRM

To enable the Firm to process a request for access to information, kindly complete the prescribed ***Annexure C: Form 02: Request for Access to Record [Regulation 7]***

The requester must comply with the guidelines set out below, which have been set out in line with requirements of the PAIA Act, relating to the request for records:

The request must be submitted in the format of Form 2 as required and submitted to the Firm at the contact details outlined in paragraph 3 above. All requests for records made by a requester will be assisted by the Information Officer or the Deputy Information Officer.

The prescribed form must be completed in detail to provide clear, sufficient and unambiguous details to enable the Firm to ascertain:

- The identity of the requester (If the requester is represented by an agent, sufficient proof showing authority to represent the requester and the identity of the agent)
- The record/s requested
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right
- The form of access required
- If the requester wishes to be informed of the decision in any manner (in addition to a written decision) the manner and particulars thereof
- The postal address or fax number of the requester in the Republic
- The request for access to information must be clearly identified as such and marked for the attention of the information officer, and
- The applicable Prescribed fee as set out in the regulations to the Act must accompany the request for access to information.

The request for access to records may be submitted orally under the circumstance of illiteracy or a disability of the requester. The completion of Form 2 will be done on behalf of the requester and provide a copy thereof to the requester.

Access to records will only be considered after the above checks are done, thereafter the Firm will respond to the requester within 30 days with a copy of the requested record or the reason/s of grounds of refusal.

The above 30 days' timeline may be extended for a further 30 days, should such a circumstance arise that an extension is needed. The requester will be notified, together with reasons explaining why the extension is necessary before the original 30 days expires.

Upon due lodgement of a request for access to information lodged with the Firm, the Firm will consider the request and notify the requester of his decision by way of a written notice within the time periods stipulated in the Act, stating clearly whether the request is granted or refused and advising the requester of external remedies which the requester may pursue to dispute the Information officer's decision.

The result and amount payable will then be communicated in ***Annexure D - FORM 3 - outcome of request and of fees payable [Regulation 8]***

11.

GROUND FOR REFUSAL

The Firm has a right to refuse access to records which a requester has requested on the following grounds:

- Mandatory protection of privacy of a third party, who is natural person, if the disclosure of a record would involve the unreasonable disclosure of personal information about the third party, including a deceased individual,
- Mandatory protection of commercial information of a third party, if the request includes trade secrets, information supplied in confidence by the third party and financial, commercial, scientific or technical information of the third party, which the disclosure thereof would cause harm to the commercial or financial interest of that third party,
- Mandatory protection of certain confidential information of a third party, which if it is disclosed would constitute an action for breach of duty of confidence owed to the third party in terms of an agreement,
- Mandatory protection of safety of individuals, and protection of property where the disclosure could be reasonably expected to endanger the life or physical safety of an individual,
- Commercial information of the Firm,
- Mandatory protection of records privileged from production in legal proceedings, and
- Mandatory protection of research information of a third party, and protection of research information of the Firm.

Where the Firm was unable to disclose any or certain parts of information because of above Grounds of Refusal, any other information that is not part of the Ground of Refusal must be disclosed.

Section 70 of PAIA contains an overriding provision where disclosure of a record is deemed to be compulsory if it would reveal:

- (i) a substantial contravention of, or failure to comply with the law, or
- (ii) there is an imminent and serious public safety or environmental risk, and
- (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

12.

FEE SCHEDULE IN TERMS OF SECTION 54

The following fees will apply to all requests for access to information held by the Firm save for personal requests which will not subject to a fee:

- 12.1 A requestor must pay the prescribed fees before a request will be processed,
- 12.2 Where the preparation of the record requested requires more than the prescribed hours (currently 6 hours), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted),
- 12.3 A requestor may lodge an application with a competent court against the tender/payment of the request fee and/or deposit,

- 12.4 The Firm may withhold access to a record under its control until the requisite fees have been paid,
- 12.5 If a request for access to information is granted, an access fee must be paid before such information is made available to the requester,
- 12.6 The prescribed fee structure for request of access to the records of a private body is available on the website of the information regulator but also as ***Annexure E: Prescribed Fee Schedule***.

13.

OTHER INFORMATION AS MAY BE PRESCRIBED IN TERMS OF THE ACT

13.1 Information of records not found

Where the Firm has taken all reasonable steps to find a record, but such record is not found, or is found not to exist, the Firm will provide notification of this to the requester in the form of as sworn affidavit.

The sworn affidavit will provide a full account of all steps taken by the Firm to find the record or to determine the existence thereof, and

If the requested record is later found by the Firm, the requester shall be notified and furnished with the requested document in the manner stipulated by the requester in the application for request for access to information previously lodged by the requester (This will apply to instances where the Firm does not object to disclosing the requested information).

Where the requested record is later found, but the Information officer objects to disclosing the record to the requester, the Firm shall notify the requester of the Firm's decision and advise the requester of external appeal remedies available to dispute the refusal of access to information.

13.2 Information requested about a third party

Where any information relating to a third party is requested from the Firm by a requester, the Firm will notify the third party of the request.

The third party will have an opportunity to grant his, her or its consent to the disclosure of the record or to make representations as to why the requested record should not be disclosed to the requester.

Where the Firm decides to grant access to the record, it will notify all affected third parties who will be entitled to approach a competent court by way of application in relation to such decision.

This manual is available for inspection at the offices of Goosen & Hattingh Attorneys, alternatively a copy of this manual may be obtained by request at the prescribed fees from the office of Goosen & Hattingh Attorneys. This manual can also be accessed on the Firm's website www.goosen-hattingh.com

13.3. Remedies available to a requester upon refusal of access

- **Internal remedies**

The Firm does not have any internal appeal procedures that may be followed after a request for access information has been refused. As such, the decision made by the Information officer is final and 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.

- **External remedies**

A requester that is dissatisfied with the Information officer's decision may, within 30 days of notification of the decision, apply to a competent court for relief. Likewise, a third party dissatisfied with the Information officer's decision may, within 30 days of notification of the decision, apply to a competent court for relief. For purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.

A requester may also contact the information regulator for further assistance and remedies.

14.

ANNEXURES

14.1 Annexure A: Form 2 – Request for Correction or Deletion of Personal Information

14.2 Annexure B: Form 1 - Objection to the Processing of Personal Information

14.3 Annexure C: Form 02 - Request for Access to Record [Regulation 7]

14.4 Annexure D: Form 3 - outcome of request and of fees payable [Regulation 8]

14.5 Annexure E: Prescribed Fee Schedule

ANNEXURE A

FORM 2

**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 (ACT NO. 4 OF 2013)**

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]

Note:

- Affidavits or other documentary evidence in support of the request must be attached.*
- 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".

File Reference Number _____

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 authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Surname:	
Full Names:	
Identity Number:	
Residential, postal and Business address:	
	Code ()
	Code ()
Contact number(s):	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if a natural person):	
Residential, postal or business address:	
	Code ()
Contact number(s):	
E-mail address:	

ANNEXURE B

FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION OR DESTROYING OR
DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE
PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 2(1)]**

Note:

1. Affidavits or other documentary evidence in support of the objection 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.

File Reference Number _____

A	DETAILS OF DATA SUBJECT
Full Names and Surname of data subject:	
Residential, postal and Business address:	
	Code ()
	Code ()
	Code ()
Contact number(s):	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if a natural person):	
Residential, postal or business address:	
	Code ()
Contact number(s):	
E-mail address:	
Name of public or private body (if not a natural person):	
Business Address	
Contact Numbers:	
Email Address:	

ANNEXURE C

FORM 2

REQUEST FOR ACCESS TO RECORD(S)

[Regulation 7]

Note:

1. Proof of Identity must be attached by the requester.
2. If request is made on behalf of another person, proof of such authorization, together with a copy of their Identity must be attached to this form.

TO: The Information Officer

(Address)

E-mail address: _____

Mark the appropriate box with an "x".

File Reference Number _____

☐ Request is made in my own name☐ Request is made on behalf of another person

PERSONAL INFORMATION	
Full Names & Surname:	
Identity Number:	
Capacity in which request is made (when made on behalf of another person)	
Postal Address	
	Code ()
Street Address	
	Code ()
Business Address	
	Code ()
Contact number(s):	Work:
	Home:
	Cellphone:
E-mail address:	
Full names of person on whose behalf request is made (if applicable)	
Identity Number	
Postal Address	
	Code ()
Street Address	
	Code ()
Business Address	
	Code ()
Contact number(s):	
E-mail address:	

PARTICULARS OF RECORD REQUESTED	
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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)	
Description of record or relevant part of the record:	
Any further particulars of record	
TYPE OF RECORD (Mark the applicable box with an "X")	
Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS (Mark the applicable box with an "X")	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	
MANNER OF ACCESS (Mark the applicable box with an "X")	
Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	

Courier service to street address	
Email information in a format that can be printed (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES

1. A request fee must be paid before the request will be considered.
2. You will be notified of the amount of the access fee to be paid.
3. 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.
4. If you qualify for exemption of the payment of any fee, please state the reason for exemption

Reason	

You will be notified in writing whether your request has been approved or denied.

If approved, the costs, relating to your request, will be confirmed.

Please indicate your preferred manner of correspondence:

Postal Address	Courier (Street Address)	Electronic Communication

Signed at _____ on this the _____ day of _____ 20__

Signature of Requester / person on whose behalf request is made.

FOR OFFICIAL USE

Reference Number	
Request received by: Name, Surname of Information Officer / Deputy IO)	
Date Received:	
Access Fee:	
Deposit (if applicable):	

**Signature of Information Officer /
Deputy Information Officer**

ANNEXURE D**FORM 3****OUTCOME OF REQUEST
AND FEES PAYABLE TO ACCESS RECORD(S)**

[Regulation 8]

Note:

1. If your request is granted the:-
(a) amount of the deposit, (if any), is payable before your request is processed; and
(b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

E-mail address: _____

Your request datedrefers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR**2. You requested:**

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Email of information in printable format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has

- ☐ been approved.
- ☐ been denied, for the following reason

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4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on: 7 Flash drive. 7.1. To be provided by requestor 8 Compact disc 8.1. If provided by requestor 8.2. If provided to the requestor	R40.00 R40.00 R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record (i) Flash drive 9 To be provided by requestor (ii) Compact disc 9 If provided by requestor 10 If provided to the requestor	R40.00 R40.00 R60. 00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

- ☐ Yes ☐ No

Hours of Search		Amount of Deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ on this the _____ day of _____ 20__

Information officer / Deputy Information Officer

ANNEXURE E

FEES ASSOCIATED WITH PAIA REQUESTS

Item	Description	Amount
1.	Request fee, payable by every requester	R140.00
2.	Photocopy or printed black & white copy for every A4 page	R2.00 per page or part of the page
3.	Printed copy of A4-size page	R2.00 per page or part of the page
4.	For a copy in a computer-readable form on: <ul style="list-style-type: none"> a flash drive (provided by the requester) a compact disc (CD) if the requester provides the CD to us a compact disc (CD) if we give the CD to the requester 	R40.00 R40.00 R60.00
5.	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider.
6.	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
7.	For a transcription of an audio record, per A4-size page	R24.00
8.	For a copy of an audio record on a flash drive (provided by the requester) For a copy of an audio record on compact disc (CD) if the requester provides the CD to us For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure The search and preparation fee cannot exceed	R145.00 R435.00
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.
11.	Postage, email or any other electronic transfer	Actual expense, if any.