

PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000 (AS AMENDED)**



TABLE OF CONTENTS

1. DEFINITIONS.....	1
2. PURPOSE OF PAIA MANUAL.....	1
3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF BR LAW	2
4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE.....	2
5. CATEGORIES OF RECORDS OF BR LAW WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS	5
6. DESCRIPTION OF THE RECORDS OF BR LAW WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION	5
7. PROCESSING OF PERSONAL INFORMATION.....	6
8. AVAILABILITY OF THE MANUAL	9
9. UPDATING OF THE MANUAL.....	9
10. Reservation of Rights.....	9
Schedule 1 – Records Available in Terms of PAIA.....	10
Schedule 2 – Personal Information Processed in Terms of POPIA	14

1. DEFINITIONS

- 1.1 "**BR Law**" means Britain Renecke Consulting Proprietary Limited (Registration Number: 2020/748760/07) a limited liability private company incorporated in South Africa;
- 1.2 "**CEO**" means Chief Executive Officer;
- 1.3 "**DIO**" means Deputy Information Officer;
- 1.4 "**IO**" means Information Officer;
- 1.5 "**Manual**" means the manual contained herein, prepared in terms of section 51 of PAIA;
- 1.6 "**Minister**" means Minister of Justice and Correctional Services;
- 1.7 "**PAIA**" means Promotion of Access to Information Act, No. 2 of 2000 (as amended);
- 1.8 "**POPIA**" means Protection of Personal Information Act, No. 4 of 2013; and
- 1.9 "**Regulator**" means Information Regulator.

2. PURPOSE OF PAIA MANUAL

- 2.1 This Manual is useful for the public to-
 - 2.1.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
 - 2.1.2 have a sufficient understanding of how to make a request for access to a record of BR Law, by providing a description of the subjects on which BR Law holds records and the categories of records held on each subject;
 - 2.1.3 know the description of the records of BR Law which are available in accordance with any other legislation;
 - 2.1.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
 - 2.1.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
 - 2.1.6 know if BR Law will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
 - 2.1.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
 - 2.1.8 know the recipients or categories of recipients to whom the personal information

may be supplied;

- 2.1.9 know if BR Law has planned to transfer or process personal information outside South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.1.10 know whether BR Law has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF BR LAW

3.1 Chief Information Officer

Name	Cézanne Mari Britain
Tel	082 67 41 302
Email:	cezanne@britainenecke.co.za
Fax number	not applicable

- 3.2 Deputy Information Officer (NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of BR Law designated in terms of section 17 (1) of PAIA.

Name	Mogomotsi Motona
Tel	073 567 6156
Email:	mmotona@anotom.co.za
Fax number	not applicable

3.3 Access to information general contacts

Email:	cezanne@britainenecke.co.za
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- 3.3.1 Email: Provide general email address for access to information

3.4 National or Head Office

Postal Address	Cézanne Mari Britain
Postal Address	69 - 17 th Street, Parkhurst, 2193
Physical Address	Network Space, 4 th Floor, West Wing, 158 Jan Smuts Avenue, Rosebank, Johannesburg, Gauteng, 2196
Telephone	082 67 41 302
Email	cezanne@britainenecke.co.za
Website	www.britainenecke.co.za

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

- 4.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible

form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

- 4.2 The Guide is available in each of the official languages and in braille.
- 4.3 The aforesaid Guide contains the description of-
 - 4.3.1 the objects of PAIA and POPIA;
 - 4.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1 the Information Officer of every public body, and
 - 4.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 4.3.3 the manner and form of a request for-
 - 4.3.3.1 access to a record of a public body contemplated in section 113; and
 - 4.3.3.2 access to a record of a private body contemplated in section 504;
 - 4.3.3.3 the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.3.4 the assistance available from the Regulator in terms of PAIA and POPIA;
 - 4.3.4 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.4.1 Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.
 - 4.3.4.2 Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act,, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.
 - 4.3.4.3 Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.
 - 4.3.5 Section 50(1) of PAIA- A requester must be given access to any record of a private body if-
 - 4.3.5.1 that record is required for the exercise or protection of any rights;

- 4.3.5.2 that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- 4.3.5.3 access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.
- 4.3.6 an internal appeal;
- 4.3.7 a complaint to the Regulator; and
- 4.3.8 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.9 the provisions of sections 145 and 516 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.10 the provisions of sections 157 and 528 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.11 the notices issued in terms of sections 229 and 5410 regarding fees to be paid in relation to requests for access; and
- 4.3.12 the regulations made in terms of section 9211.
- 4.4 Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.
- 4.5 Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.
- 4.6 Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.
- 4.7 Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.
- 4.8 Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.
- 4.9 Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.
- 4.10 Section 92(1) of PAIA provides that –"*The Minister may, by notice in the Gazette, make regulations regarding-*

- 4.10.1 *any matter which is required or permitted by this Act, to be prescribed;*
- 4.10.2 *any matter relating to the fees contemplated in sections 22 and 54;*
- 4.10.3 *any notice required by this Act,;*
- 4.10.4 *uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and*
- 4.10.5 *any administrative or procedural matter necessary to give effect to the provisions of this Act,."*
- 4.11 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.12 The Guide can also be obtained-
 - 4.12.1 upon request to the Information Officer;
 - 4.12.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.13 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
 - 4.13.1 English
 - 4.13.2 Afrikaans

5. CATEGORIES OF RECORDS OF BR LAW WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The records held by BR Law, both those that can be accessed without an application in terms of PAIA and otherwise, are listed in Schedule 1.

6. DESCRIPTION OF THE RECORDS OF BR LAW WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

- 6.1 Administration of Estates Act,, No. 66 of 1965
- 6.2 Arbitration Act, No. 42 of 1965
- 6.3 Basic Conditions of Employment No. 75 of 1997
- 6.4 Broad Based Black Economic Empowerment Act, No. 53 of 2003
- 6.5 Companies Act, No. 71 of 2008
- 6.6 Compensation for Occupational Injuries and Health Diseases Act, No.130 of 1993

- 6.7 Consumer Protection Act, No. 68 of 2008
- 6.8 Copyright Act, No. 98 of 1978
- 6.9 Electronic Communications Act, No. 36 of 2005
- 6.10 Electronic Communications and Transactions Act, No. 25 of 2002
- 6.11 Employment Equity Act, No. 55 of 1998
- 6.12 Financial Intelligence Centre Act, No. 38 of 2001
- 6.13 Income Tax Act, No. 95 of 1967
- 6.14 Insurance Act, No 27 of 1943
- 6.15 Intellectual Property Laws Amendments Act, No. 38 of 1997
- 6.16 Labour Relations Act, No. 66 of 1995
- 6.17 Legal Practice Act, No. 28 of 2014
- 6.18 Long Term Insurance Act, No. 52 of 1998
- 6.19 National Credit Act, No. 34 of 2005
- 6.20 Occupational Health & Safety Act, No. 85 of 1993
- 6.21 Prescription Act, No. 68 of 1969
- 6.22 Prevention and Combating of Corrupt Activities Act, No. 12 of 2004
- 6.23 Prevention of Organized Crime Act, No. 121 of 1998
- 6.24 Protection of Personal Information Act, No. 4 of 2013
- 6.25 Short Term Insurance Act, No. 53 of 1998
- 6.26 Skills Development Act, No. 97 of 1998
- 6.27 Skills Development Levies Act, No. 9 of 1999
- 6.28 Trademarks Act, No. 194 of 1993
- 6.29 Unemployment Contribution Act, No. 4 of 2002
- 6.30 Unemployment Insurance Act, No. 30 of 1996
- 6.31 Value Added Tax Act, 89 of 1991

7. PROCESSING OF PERSONAL INFORMATION

7.1 The personal information processed by BR Law in terms of POPIA is set out in **Schedule 2**.

7.2 Planned and actual transborder flows of personal information.

BR Law may use hosting or cloud services to store and process personal information that are not located in the RSA. If it does so, it will ensure that the level of protection given to the personal information is at least as good as that provided for under South African Law, either by means of a binding contract with the service provider, or by using a service provider located in a country with privacy laws of similar or stronger effect.

7.3 Information Security Measures.

BR Law employs appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in its possession or under its control, which include the following:

7.3.1 Ensuring physical security measures are in place at all times, including, but not limited to, having an alarm system in place; locking of all doors to the office;

7.3.2 Keeping all physical client files (including FICA documentation) in cabinets located in access-controlled offices;

7.3.3 Archiving client files securely with a third party storage services provider;

7.3.4 Backing up and storing all client information and files to the password protected cloud storage provided by Microsoft and protected by security processes set up by Microsoft;

7.3.5 Shredding of all client information and files once closed and digital backups made;

7.3.6 Ensuring each desktop computer used by staff is password protected;

7.3.7 Ensuring each laptop computer used by staff is password protected and encrypted;

7.3.8 Ensuring firewall and anti-virus software is installed on all computers and laptops and running at all times;

7.3.9 Identifying reasonably foreseeable internal and external risks to personal and other information in its possession or under its control;

7.3.10 Establishing and maintaining appropriate safeguards against the risks identified;

7.3.11 Regularly verifying that the safeguards are effectively implemented;

7.3.12 Ensuring that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards;

7.3.13 Ensuring compliance by all staff of its strict security policy contained in its Electronic Communications Policy, which includes that:

- 7.3.13.1 All information relating to BR Law's clients and business operations, whether paper-based or electronic, is confidential and must be treated with utmost care;
- 7.3.13.2 Staff are strictly prohibited from performing any act which may damage or threaten the functioning, security and/or integrity of BR Law's electronic communications system;
- 7.3.14 Staff must:
 - 7.3.14.1 Maintain exclusive control over and use of any password or access code used to gain access to the electronic communications system, and protect it from inadvertent disclosure to others;
 - 7.3.14.2 Take care not to open any unsolicited messages or messages from senders unknown, especially when such messages include attachments;
 - 7.3.14.3 Ensure that the information or data under their control is properly safeguarded according to its level of sensitivity;
 - 7.3.14.4 Make back-ups of all sensitive, critical and valuable data files as often as is deemed reasonable by the system controller;
 - 7.3.14.5 Keep all confidential information secure and use it only for the purposes intended and not disclose it to any unauthorised third party;
 - 7.3.14.6 When working remotely, password protect any work which relates to BR Law's business in order to prevent unauthorised access thereof.
 - 7.3.14.7 Install (or allow the IT service provider to install) and run backup software on devices if provided to them by BR Law for business use;
 - 7.3.14.8 Install and use virus detection software on any device connected to BR Law's electronic communications system; and
 - 7.3.14.9 Not use knowledge of passwords, codes or loopholes in BR Law's electronic communications system to damage resources, obtain extra resources, take resources from other users, gain unauthorised access to other parts of the system or otherwise make use of the system in a manner for which proper authorisation has not been given;
 - 7.3.14.10 Copies of confidential information should be printed out only as necessary, retrieved from the printer immediately, and stored or destroyed in an appropriate manner;
 - 7.3.14.11 If any sensitive or confidential information is lost or disclosed to unauthorised parties, or suspected to be lost or disclosed to unauthorised parties, the system controller must be notified immediately; and
 - 7.3.14.12 Any incident that appears or is likely to compromise the security of BR Law's electronic communications system must be reported to the system controller or the IT service provider. This will include missing data, virus infestations, and

unexplained transactions.

8. AVAILABILITY OF THE MANUAL

8.1 A copy of the Manual is available-

8.1.1 on www.britainrenecke.co.za;

8.1.2 head office of BR Law for public inspection during normal business hours;

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

8.1.4 to the Information Regulator upon request.

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

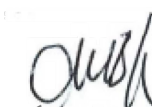
9. UPDATING OF THE MANUAL

The head of a BR Law will on a regular basis update this Manual.

10. RESERVATION OF RIGHTS

Nothing in this Manual is to be construed as a waiver of the right to the confidentiality of any document or any legal privilege or right of non-disclosure attaching to any document mentioned herein, whether in terms of any statute or under the common law. All rights in this regard are fully reserved.

ISSUED BY



CÉZANNE MARI BRITAIN

CHIEF EXECUTIVE OFFICER

SCHEDULE 1 – RECORDS AVAILABLE IN TERMS OF PAIA

Category	Subject	Availability
Communication	Public product information	Available
	Media releases	Available
	Promotion of Access to Information Act, Manual	Available
	Internal and external correspondence	May not be disclosed
	News and publications	Available
Human Resources	Employment contracts	May not be disclosed
	Disciplinary records	May not be disclosed
	Employment equity plan	Limited disclosure only on request
	Skills development programme	Limited disclosure only on request
	Salaries and wages records	May not be disclosed
	Documents relating to employee benefits	May not be disclosed
	Disciplinary code	Limited disclosure only on request
	Personnel Guidelines, Policies and Procedures	Limited disclosure only on request
	Leave records	May not be disclosed

	<p>Personal information of past, present and prospective employees and officer / directors</p> <p>Banking details</p> <p>PAYE records</p> <p>Documents issued to employees for income tax purposes</p> <p>Records of payments made to SARS on behalf of employees</p> <p>UIF records</p>	<p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p>
Client Records	<p>Records provided by clients, including documentary information required in compliance with FICA</p> <p>Records provided by a client to a third party acting for and on behalf of BR Law</p> <p>Records provided by third parties</p> <p>Client files, including correspondence with clients</p> <p>Correspondence with third parties</p> <p>Fee agreements, quotations and mandates</p>	<p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p>
Immovable and Movable Property	<p>Asset register</p> <p>Agreements for the lease of immovable property</p>	<p>Limited disclosure only on request</p> <p>May not be disclosed</p>

	<p>Agreements for the lease or sale of movable property Credit sale agreements and/or hire purchase agreements</p> <p>Other agreements for the purchase, ordinary sale, conditional sale or hire of assets</p>	<p>May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p>
Financial Information	<p>Financial and accounting records Banking details</p> <p>Insurance records</p> <p>Tax compliance documents and tax returns</p> <p>Accounting records</p> <p>Bank statements</p> <p>Invoices in respect of creditors and debtors Details of auditors</p> <p>Auditors' reports in respect of audits conducted</p>	<p>May not be disclosed</p> <p>Available upon request</p> <p>May not be disclosed May not be disclosed May not be disclosed May not be disclosed</p> <p>Available upon request</p> <p>Limited disclosure only on request</p>
Information Technology	<p>Computer software, support and maintenance agreements</p> <p>Other documentation pertaining to computer systems and computer programmes</p>	<p>May not be disclosed May not be disclosed</p>
Information relating to legal proceedings	Records relating to legal proceedings involving BR Law	May not be disclosed
General Records	Client, supplier and document databases	May not be disclosed

	<p>Legal Practice Council records, including Fidelity Fund Certificate</p> <p>BBBEE Certificate</p> <p>Commercial agreements</p> <p>Statutory records</p> <p>Organisational structure</p>	<p>Limited disclosure only on request</p> <p>Available upon request</p> <p>May not be disclosed</p> <p>Available upon request</p> <p>Available upon request</p>
Intellectual Property	<p>List of trademarks, copyrights and designs held and pending applications</p> <p>Records relating to domain names</p> <p>Licenses relating to intellectual property rights</p>	<p>Available upon request</p> <p>Available upon request</p> <p>Limited disclosure only on request</p>
Company Records	<p>Documents of incorporation Memorandum and Articles of Association Minutes of Board of Directors meetings</p> <p>Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers</p> <p>Share Register and other statutory registers</p>	<p>Available upon request</p> <p>Limited disclosure only on request May not be disclosed</p> <p>May not be disclosed</p> <p>May not be disclosed</p>

SCHEDULE 2 – PERSONAL INFORMATION PROCESSED IN TERMS OF POPIA

Personal Information	Purpose of Processing	Data Subjects it relates to	Valid Recipients
<p>Employee Personal Information, including:</p> <ul style="list-style-type: none"> - Full name - Identity Number - Physical address - Cellphone number - Personal Email address - Banking details - Tax information 	<p>Managing employment relationship.</p> <p>As required by statutory obligations in terms of the relevant employment legislation.</p> <p>As required by SARS for tax purposes.</p>	<p>Past and current employees of the company.</p>	<p>Management of BR Law.</p> <p>Accounts department of BR Law.</p> <p>SARS.</p> <p>Statutory bodies and courts in terms of legislation or court orders.</p>
<p>Supplier and Third-Party Contractors' Personal Information, including:</p> <ul style="list-style-type: none"> - Full name - Identity Number - Company name - Company Registration Number - Physical address - Contact details - VAT number - Banking details 	<p>Managing supplier/contractor relationship for services to be provided.</p> <p>To make payments for services rendered.</p> <p>As required by statutory obligations in terms of the relevant legislation.</p>	<p>Past and current suppliers/contractors of BR Law.</p>	<p>Management of BR Law.</p> <p>Accounts department of BR Law.</p> <p>SARS.</p> <p>Statutory bodies and courts in terms of legislation or court orders.</p>

Client Personal Information, including: <ul style="list-style-type: none">- Full name- Identity Number	Managing client relationship. To render legal services to client.	Past and current clients of BR Law.	Management of BR Law.
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