

PRIVACY POLICIES AND PROCEDURES MANUAL
OF HAHN & HAHN ATTORNEYS



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1. DEFINITIONS:

- 1.1 **"Anonymised data"** means data from which the client or data subject cannot be identified by the recipient of the information. The name, address, and full postal code must be removed, together with any other information which, in conjunction with other data held by or disclosed to the recipient, could identify the client or data subject. Client or data subject reference numbers or other unique numbers may be included only if recipients of the data do not have access to the 'key' to trace the identity of the client or data subject using that number.
- 1.2 **"Biometrics"** – means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition."
- 1.3 **"consent"** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;"
- 1.4 **"client"** means a client of Hahn & Hahn Attorneys in the course of business;
- 1.5 **"data subject"** means the natural person or juristic person to whom personal information relates;
- 1.6 **"juristic person"** means a social entity, a community or an association of people which has an independent right of existence under the law.
- 1.7 **"Personal information"** - means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 1.7.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 1.7.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 1.7.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other assignment to the person;
 - 1.7.4 the biometric information of the person;
 - 1.7.5 the personal opinions, views or preferences of the person;
 - 1.7.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 1.7.7 the views or opinions of another individual about the person; and
 - 1.7.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;"
- 1.8 **"Processing"** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
- 1.8.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

1.8.2 dissemination by means of transmission, distribution or making available in any other form; or

1.8.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.

1.9 **“Hahn and Hahn Attorneys”** – means the partnership known as Hahn & Hahn Attorneys and any authorised representative of Hahn and Hahn Attorneys.

2. SCOPE AND APPLICATION:

2.1. The purpose of this manual is to ensure a client or data subject’s right to privacy, respect, confidentiality, and autonomy is respected and attained.

2.2. Section 14 of the Constitution provides that everyone has the right to privacy which includes a right to protection against unlawful collection, retention, dissemination and use of personal information.

2.3. The manual applies to the collection, storage, access, use and disclosure of client or data subject information in accordance with the following legislation and guidelines (non-exhaustive):

2.3.1. South African Constitution 1996.

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

2.3.3. Financial Intelligence Centre Act, Act No. 38 of 2001.

2.3.4. Legal Practice Act, Act No. 28 of 2014.

2.3.5. The Promotion of Access to Information, Act No. 2 of 2000.

2.3.6. The Consumer Protection Act, Act 34 of 2005.

2.3.7. The Companies Act, Act 71 of 2008.

2.3.8. The Broad-Based Black Economic Empowerment Act, Act 53 of 2003.

2.3.9. Labour Relations Act, Act 66 of 1995.

2.3.10. Basic Conditions of Employment Act, Act 75 of 1997.

2.3.11. Employment Equity Act, Act No. 55 of 1998.

2.3.12. The South African Revenue Service Act, Act No. 28 of 2011.

3. INFORMATION OFFICER:

3.1. The details of the information officer for purposes for gathering information, updating information and withdrawal of consent by the client or data subject is:

Person: Mr. Jaco Hamman

Email address: jaco@hahnlaw.co.za

Contact Number: 082 353 1924

4. PROCESS LIMITATION

4.1. Only the necessary personal information of the client or data subject will be gathered by an authorised representative of Hahn and Hahn Attorneys.

4.2. The following methods will be used to collect the necessary personal information:

4.2.1. Directly from the client or data subject, with the client or data subject's informed consent where the processing is necessary to carry out actions for the conclusion of performance of a contract to which the client or data subject is a party, including establishing client or data subject's creditworthiness and liquidity.

4.3. Apart from paragraph 4.2., personal information of the client or data subject may be gathered as follows:

4.3.1. The information is held by a public record, or where the client or data subject has deliberately made the information public;

4.3.2. A source which would not prejudice a legitimate interest of the client or data subject and the collection from such source is necessary for:

4.3.2.1. Ensuring that the maintenance of law by any public body is not prejudiced.

4.3.2.2. Compliance with relevant legislation or the enforcement of legislation regarding the collection of revenue by South African Revenue legislation.

4.3.2.3. Court or tribunal proceedings as commenced or reasonably contemplated.

4.3.2.4. Maintaining the interests of national security or

4.3.2.5. Maintaining the legitimate interests of a responsible person or of a third party to whom the information is supplied.

4.4. Procedure:

4.4.1. Written consent is obtained by an authorised representative of Hahn and Hahn Attorneys from the client or data subject directly before information is collected, by completing and signing the consent forms annexed hereto as "**Annexure A**" and "**Annexure B**". "**Annexure A**" is to be used when the data subject is a natural person and "**Annexure B**" is to be used if the data subject is a juristic person.

4.4.2. Should Hahn and Hahn Attorneys obtain personal information from a third party, Hahn and Hahn Attorneys will inform the client or data subject from whom it obtains such information.

5. JUSTIFICATION

5.1. Hahn and Hahn Attorneys will only process information under the following conditions:

5.1.1. With the consent of the client or data subject.

5.1.2. Where the processing is necessary for the performance or conclusion of a contract between Hahn and Hahn Attorneys and the client or data subject.

5.1.3. Such processing is placed on Hahn and Hahn Attorneys by law.

5.1.4. The processing protects the legitimate interest of the client or data subject or of a third party to whom the information is supplied.

6. INFORMATION CLASSIFICATION:

6.1. The personal information collected by Hahn and Hahn Attorneys include the following:

- 6.1.1. The client or data subject's name, date of birth, identity number or passport number, contact details, including but not limited to the client or data subject's contact numbers, email address(es), physical and or postal address, and bank details.
- 6.1.2. With regard to juristic persons: B-BBEEE-compliance, tax compliance, creditworthiness, bank details, payments made and received from juristic person, details in respect of sureties, addresses.
- 6.2. Written consent documents.
- 6.3. All communication between the client or data subject and Hahn and Hahn Attorneys.

7. PURPOSE OF GATHERING:

- 7.1. The purpose of collecting the client or data subject's personal information is to enable Hahn and Hahn Attorneys to comply with the FICA Act and to perform legal services as required from time to time and upon the instructions of clients.

8. RETENTION AND DESTRUCTION:

- 8.1. All personal information of the client or data subject will be recorded on the following formats:
 - 8.1.1. Paper.
 - 8.1.2. Electronically, or
 - 8.1.3. Audio.
- 8.2. The personal information of a client or data subject stored electronically will be retained on a computerized network, alternatively a cloud-based system which is secured by password-access, firewalls, and data encryption.
- 8.3. All information and records are collected and stored in line with Hahn and Hahn Attorneys' statutory obligations and will be stored for the following periods which are necessary for achieving the purpose for which the information was gathered:
 - 8.3.1. per 5 (five) years as the Tax Administration Act, Act No. 28 of 2011.
- 8.4. Records stored on the premises are anonymised and secured from easy access.
- 8.5. Upon the termination of the periods held in paragraphs 8.3 the personal information will be destroyed in a manner which prevents its reconstruction.

9. DISCLOSURE:

- 9.1. Where it is necessary, an authorised representative of Hahn and Hahn Attorneys will, with the consent of the client or data subject, disclose personal information of the client or data subject to a third party.
- 9.2. Procedure:
 - 9.2.1. The client or data subject's consent will be obtained and contained in the consent forms attached hereto as "**Annexure A**" or "**Annexure B**".

10. FURTHER PROCESSING LIMITATION:

10.1. Should Hahn and Hahn Attorneys intend to use any personal information of the client or data subject for a purpose other than as stated in paragraph 7 above, consent for such use will first be obtained from the client or data subject.

10.2. Procedure:

10.2.1. Written consent is obtained by the client or data subject directly from an authorised representative of Hahn and Hahn Attorneys as soon as Hahn and Hahn Attorneys establishes that such information will be used by completing and signing a consent form annexed hereto as **"Annexure C"**.

11. INFORMATION QUALITY:

11.1. Should personal information of the client or data subject be captured from one format to another, (e.g. from a paper form to an electronic form), such information will be sent to the client or data subject for validation in order to collect complete and accurate information.

11.2. Should a client or data subject wish to update their information or withdraw their consent to use his or her personal information, the client or data subject is to address such information to the information officer to the address reflected in paragraph 3.

12. CLIENT OR DATA SUBJECT'S RIGHTS:

12.1. Each client or data subject has the right to:

12.1.1. Request access to his or its personal information held by Hahn and Hahn Attorneys.

12.1.2. Request the correction, destruction, or deletion of his or her or its personal information where necessary.

12.1.3. To object, on reasonable grounds relating to his/her or its situation to the processing of personal information by Hahn and Hahn Attorneys.

12.1.4. To submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of the client or data subject.

12.1.5. To institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information.

12.2. A client or data subject may enquire from Hahn and Hahn Attorneys whether Hahn and Hahn Attorneys holds any of their personal information. Such a request will not be withheld from the client or data subject and will not be charged for.

12.3. Hahn and Hahn Attorneys will however charge a fee to the client or data subject should the client or data subject require the full nature and details of the personal information held by Hahn and Hahn Attorneys.

12.4. Hahn and Hahn Attorneys holds the right to deny a request to access for information subject to the Promotion of Access to Information Act, No. 2 of 2002 and or any other relevant legislation which will be advised to the client or data subject upon denial.

12.5. Procedure:

12.5.1. Should the client or data subject wish to submit a request to correct, destroy or delete his or her personal information held by Hahn and Hahn Attorneys, the client or data subject is to complete the form attached hereto as **Annexure “D”** and submit same to the Information Officer whose details reflect in paragraph 3, who will then respond to the request in the appropriate manner and provide the client or data subject with the steps to be taken.

12.5.2. Similarly, should the client or data subject wish to object to the processing of information by Hahn and Hahn Attorneys, then the client or data subject is to complete the form marked as **Annexure “E”** and submit the completed form to the relevant information officer whose details reflect in paragraph 3, who will then respond to the client or data subject in the appropriate manner and provide the client or data subject with the steps taken.

12.5.3. Should the client or data subject wish to access information held by Hahn and Hahn Attorneys, the client or data subject is to complete the Section 51 form attached to **Annexure “F”** and submit same to the information officer whose details reflect in paragraph 3, who will then respond to the client or data subject in the appropriate manner.

12.5.4. Access to information will be subject to the following Acts:

12.5.4.1. Protection of Personal information Act, No 4 of 2013; and,

12.5.4.2. Promotion of Access to Information Act, No. 2 of 2000.

12.5.5. Should the client or data subject wish to lodge a complaint to the regulator the client or data subject can contact the Regulator at the following contact details:

Name: Information Regulator South Africa

Address: 33 Hoofd Street
Forum III, 3rd Floor
Braampark

Postal Address: P.O. Box 31533

Braamfontein

Johannesburg

Telephone No: 010 023 5207

Email Address: infoereg@justice.gov.za

13. RESTRICTION

13.1. Hahn and Hahn Attorneys will restrict the processing of a client or data subject’s personal information under the following conditions:

- 13.1.1. When a client or data subject contests to the accuracy of the information, Hahn and Hahn Attorneys will restrict the information for a reasonable time period to enable the client or data subject to verify the accuracy of the information.
- 13.1.2. The personal information is no longer necessary for Hahn and Hahn Attorneys to achieve the purpose for which it was collected, but is required to be retained for purposes of proof;
- 13.1.3. Should the information become unlawful and the client or data subject requests the restriction thereof as opposed to the destruction thereof.
- 13.1.4. The client or data subject requests to transmit the personal information to another automated processing system.

14. SECURITY SAFEGUARDS:

- 14.1. Hahn and Hahn Attorneys possesses the latest state of the art technological protection including (non-exhaustive) i.e. firewalls, anti-spyware software, antivirus software.

15. SECURITY BREACH:

- 15.1. Should any personal information of the client or data subject be accessed by unauthorised persons, Hahn and Hahn Attorneys will immediately alert the client or data subject together with the Information Regulator in writing thereof.
- 15.2. Process
- 15.3. The client or data subject and the Information Regulator shall be notified in either of the following ways:
 - 15.3.1. Post.
 - 15.3.2. E-mail to the last known e-mail address.
 - 15.3.3. On the website of Hahn and Hahn Attorneys, displayed in a prominent manner.
 - 15.3.4. Published in the news media.
 - 15.3.5. As may be directed by the Regulator.
- 15.4. The notification will include the following information:
 - 15.4.1. The possible consequences of the compromise.
 - 15.4.2. The measures that Hahn and Hahn Attorneys intends on taking to address the compromise.
 - 15.4.3. A recommendation of the measures to be taken by the client or data subject to mitigate possible prejudice caused by the compromise.
 - 15.4.4. If the identity of the person who compromised the security is known by Hahn and Hahn Attorneys, then such identity will be disclosed.

ANNEXURE “A” (CONSENT FOR THE PROCESSING OF PERSONAL INFORMATION OF A NATURAL PERSON)

CONSENT FORM BY A CLIENT OR DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION AND BREACH OF CONFIDENTIALITY

1. Introduction

Hahn & Hahn Attorneys considers all client or data subject information as private and confidential. In order to comply with Hahn & Hahn Attorneys’ standards of privacy and confidentiality together with those set out by law, Hahn & Hahn Attorneys requires your express and informed consent as set out hereunder.

2. Types of Information required from time to time by Hahn and Hahn Attorneys (non-exhaustive)

| | | | |
|-------------------|------------------|-----------------|-----------------|
| Name | Surname | Identity Number | Passport Number |
| Age | Gender | Race | Banking Details |
| <i>Domicilium</i> | Physical Address | Email Address | Profession |

3. Third Parties:

It may be necessary from time to time for Hahn & Hahn Attorneys to obtain information from third parties. Similarly, it may be necessary from time to time to share information to third parties.

Hahn & Hahn Attorneys does not intend on transferring any of your personal information to another country or international organisation.

I consent to Hahn & Hahn Attorneys obtaining information from third parties and sharing my information where necessary as held above. YES ☐ NO ☐ Initial

4. Purpose

The purpose of gathering your information is to enable Hahn & Hahn Attorneys to establish the client or data subject’s creditworthiness and whether the client or data subject is in compliance with legislation with the aim of providing products and services to the aforementioned.

5. Retention and Destruction of Information

All records are stored in accordance with the South African Revenue Service Act, Act 28 of 2011. Once the relevant time period expires as above Hahn and Hahn Attorneys will destroy the information in such a way as to prevent its reconstruction. Records stored on the premises are anonymised and secured from easy access. Confidentiality and security of information stored on a computer or cloud-based system is achieved by the use of access-control such as password-access, firewalls and data encryption.

6. Accuracy of Information

In providing Hahn & Hahn Attorneys with your information you are responsible to provide complete, accurate, up to date and information which is not misleading.

Should any of your information change you are required to provide Hahn & Hahn Attorneys with such information as changed and provide all updates to your information to the information officer.

7. Right to Object and Withdraw consent

You are entitled to object to Hahn & Hahn Attorneys’ processing of your personal information and may at any time withdraw any consent given to you in terms of this consent form.

Should you wish to object to the processing of your personal information or withdraw your consent you are required to complete the necessary objection or withdrawal of consent forms which can be obtained from the information officer and the relevant completed and signed form is to be forwarded to the information officer of Hahn & Hahn Attorneys via email or fax.

8. Right to Access information held by Hahn & Hahn Attorneys

You are entitled, at any time, to request from Hahn & Hahn Attorneys whether it holds any of your personal information, this request will not be withheld from you and will not be charged for. Hahn & Hahn Attorneys will however charge a fee should you require the full nature and details of the personal information held by Hahn and Hahn Attorneys.

In order for you to access information you are required to complete and sign a request for information form in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2002 which can be obtained by the information officer or at Hahn & Hahn Attorneys' website being www.hahnlaw.co.za.

9. Lodging Complaints at the Information Regulator

You are entitled to lodge a complaint at the Information regulator should you suspect misuse of your personal information by Hahn & Hahn Attorneys. Your complaint can be lodged to the following address:

| | | | |
|------------------------|---|--|--|
| Name: | Information Regulator South Africa | Address: | 33 Hoofd Street, Forum III, 3 rd Floor, Braampark |
| Postal Address: | P.O. Box 31533 Braamfontein, Johannesburg | Telephone Number and Email address: | 010 023 5207 inforeg@justice.gov.za |

10. Refusing consent

In providing your personal information and consent to process your personal information to Hahn & Hahn Attorneys, you do so voluntarily. Therefore, you are entitled to refuse consent to process your information by Hahn and Hahn Attorneys embodied in this form, should you refuse this consent, Hahn & Hahn Attorneys will not be able to render its services to you.

11. Consent to Direct Marketing, Advertising and Promotional Services

I consent to Hahn & Hahn Attorneys using my personal information for the following:

- | | | | |
|-------|---|------------------------------|-----------------------------|
| 11.1. | Marketing and or promotion of its own goods and services: | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 11.2. | Marketing and or promotion of other goods and services: | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

I, _____ hereby give my voluntary consent to Hahn & Hahn Attorneys through its authorised representative/s to process my personal information as held above and acknowledge and understand the purposes for which it is required and for which it will be used.

Signature

Date of Signature

ANNEXURE B (CONSENT FOR THE PROCESSING OF PERSONAL INFORMATION OF A JURISTIC PERSON (*hereinafter “the entity”*))

CONSENT FORM BY A CLIENT OR DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION AND BREACH OF CONFIDENTIALITY

1. Introduction

Hahn & Hahn Attorneys considers all client or data subject information as private and confidential. In order to comply with Hahn & Hahn Attorneys' standards of privacy and confidentiality together with those set out by law, Hahn & Hahn Attorneys requires your express and informed consent as set out hereunder.

2. Types of Information required from time to time by Hahn and Hahn Attorneys (non-exhaustive)

| | | |
|--------------------------|--------------------------------------|-----------------------------------|
| Client's Company Name | Client's Company Registration Number | Client's B-BBEE compliance |
| Client's Banking Details | Client's physical address | Client's Tax Compliance documents |

3. Third Parties:

It may be necessary from time to time for Hahn & Hahn Attorneys to obtain information from third parties. Similarly, it may be necessary from time to time to share information to third parties.

Hahn & Hahn Attorneys does not intend on transferring any of your personal information to another country or international organisation.

I consent to Hahn & Hahn Attorneys obtaining information from third parties and sharing my information where necessary as held above. **YES** ☐ **NO** ☐ **Initial**

4. Purpose

The purpose of gathering your information is to enable Hahn & Hahn Attorneys to establish the client or data subject's creditworthiness and whether the client or data subject is in compliance with legislation with the aim of providing products and services to the aforementioned.

5. Retention and Destruction of Information

All records are stored in accordance with the South African Revenue Service Act, Act 28 of 2011. Once the relevant time period expires as above Hahn and Hahn Attorneys will destroy the information in such a way as to prevent its reconstruction. Records stored on the premises are anonymised and secured from easy access. Confidentiality and security of information stored on a computer or cloud-based system is achieved by the use of access-control such as password-access, firewalls and data encryption.

6. Accuracy of Information

In providing Hahn & Hahn Attorneys with the entity's information you are responsible to provide complete, accurate, up to date and information which is not misleading.

Should any of the entity's information change you are required to provide Hahn & Hahn Attorneys with such information as changed and provide all updates to the entity's information to the information officer.

7. Right to Object and Withdraw consent

The entity is entitled to object to Hahn and Hahn Attorneys' processing of its personal information and may at any time withdraw any consent given by it in terms of this consent form.

Should the entity wish to object to the processing of its personal information or withdraw its consent, it is required to complete the necessary objection or withdrawal of consent forms which can be obtained from the information officer and the relevant completed and signed form is to be forwarded to the information officer of Hahn & Hahn Attorneys via email or fax.

8. Right to Access information held by Hahn and Hahn Attorneys

The entity is entitled, at any time, to request from Hahn & Hahn Attorneys whether it holds any of its personal information, this request will not be withheld and will not be charged for. Hahn and Hahn

Attorneys will however charge a fee should you require the full nature and details of the personal information held by Hahn & Hahn Attorneys.

In order for the entity to access information it is required to complete and sign a request for information form in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2002 which can be obtained by the information officer or at Hahn & Hahn Attorneys' website being www.hahnlaw.co.za.

9. Lodging Complaints at the Information Regulator

The entity is entitled to lodge a complaint at the Information regulator should it suspect misuse of its personal information by Hahn & Hahn Attorneys. A complaint can be lodged at the following address:

| | | | |
|------------------------|---|--|--|
| Name: | Information Regulator South Africa | Address: | 33 Hoofd Street, Forum III, 3 rd Floor, Braampark |
| Postal Address: | P.O. Box 31533 Braamfontein, Johannesburg | Telephone Number and Email address: | 010 023 5207 infoereg@justice.gov.za |

10. Refusing consent

In providing the entity's personal information and consent to process its personal information to Hahn & Hahn Attorneys, you do so voluntarily. Therefore, the entity is entitled to refuse consent to process your information by Hahn and Hahn Attorneys embodied in this form, should you refuse this consent, Hahn & Hahn Attorneys will not be able to render services to the entity.

11. Consent to Direct Marketing, Advertising and Promotional Services

I consent to Hahn & Hahn Attorneys using the personal information of the entity for the following:

- | | | | |
|-------|---|------------------------------|-----------------------------|
| 11.1. | Marketing and or promotion of its own goods and services: | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 11.2. | Marketing and or promotion of other goods and services: | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

I, _____, duly authorised by the entity, hereby give the entity's voluntary consent to Hahn & Hahn Attorneys. through its authorised representative/s to process my personal information as held above and acknowledge and understand the purposes for which it is required and for which it will be used.

Signature

Name of entity

Date of Signature

ANNEXURE "C"

CONSENT FORM FOR THE FURTHER PROCESSING OF PERSONAL INFORMATION

1. INTRODUCTION

Hahn & Hahn Attorneys intends to use the following of your personal information for further processing:

2. PURPOSE

The purpose of gathering your information is to enable Hahn & Hahn Attorneys to establish the client or data subject's creditworthiness and whether the client or data subject is in compliance with legislation with the aim of providing products and services to the aforementioned.

The reason(s) for the further processing of your information is as follows:

3. RIGHT TO WITHDRAW CONSENT

You are entitled to, at any time withdraw any consent given by you in terms of this consent form.

Should you wish to withdraw your consent you are required to complete the necessary withdrawal of consent form which can be obtained from the information officer and the relevant completed and signed form is to be forwarded to the information officer of Hahn & Hahn Attorneys via email or fax.

I, _____ hereby give my consent to Hahn & Hahn Attorneys through its authorised representative/s to further process my personal information, or the information of the juristic person, as the case may be, as held above and acknowledge and understand the purposes for which it is required and for which it will be used.

Signature

Date of Signature

Name of juristic person if applicable

[illegible]

Signature _____

Date of Signature

ANNEXURE "E"

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

| DETAILS OF CLIENT OR DATA SUBJECT | |
|--|--|
| Name(s) and surname or name of juristic person: | |
| Identity Number: | |
| Registration number if juristic person | |
| Residential, postal or business address: | |
| Contact Number(s): | |
| E-mail address: | |
| Fax Number: | |
| DETAILS OF RESPONSIBLE PARTY | |
| Name and Surname: | |
| Identity Number: | |
| Residential, postal or business address: | |
| Contact Number(s): | |
| Fax Number: | |
| E-mail address: | |
| REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) | |
| (Please provide detailed reasons for the objection) | |
| | |
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| | |

Signature

Date of Signature

ANNEXURE “F”

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT, NO. 2 OF 2002 OF HAHN AND HAHN
ATTORNEYS**

Available on website and principal place of business



1. CONTACT DETAILS OF HAHN AND HAHN ATTORNEYS:

1.1. The contact details of Hahn & Hahn Attorneys are as follows:

Postal Address: PO Box 55675, Arcadia, 0007
Street address: 218 Richard Street, Hatfield, Pretoria
Phone number: 012 431 2480
Fax number: 086 509 6077
Email address: info@hahnlaw.co.za

2. GUIDE ON HOW TO USE ACT

2.1. In compliance with and according to the South African Human Rights Commission, section 10 of PAIA requires the Commission to compile and publish an easy to understand guide to assist in accessing records and documents and exercising one's right to information. The guide is sometimes referred to as the 'Section 10 Guide'. It provides you with all the information you need to access any records. It also lists the contact details of government departments and institutions that keep records for the State, as well as the contact details of various private companies. The Commission is also required to update this guide at least once every two years.

2.2. The Guide on How to Use the Promotion of Access to Information Act 2 of 2002 can be accessed on the South African Human Rights Commission's website: www.sahrc.org.za

3. AUTOMATICALLY AVAILABLE INFORMATION

3.1. Hahn and Hahn Attorneys has not published a voluntary disclosure in terms of Section 52(2) of the Act.

3.2. The following information is automatically available on Hahn & Hahn Attorneys' website and need not be requested:

3.2.1. Marketing information of Hahn & Hahn Attorneys such as services offered and about Hahn and Hahn Attorneys.

4. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

4.1. The following are descriptions of the records held by Hahn and Hahn Attorneys in accordance with any other legislation:

4.1.1. Basic Conditions of Employment Act 75 of 1997 and Labour Relations Act 66 of 1995:

- 4.1.1.1. Policies and Procedures.
- 4.1.1.2. Employment Contracts.
- 4.1.1.3. Employee Information including leave, salary, payroll.
- 4.1.1.4. Disciplinary records.

4.1.2. The Companies Act 71 of 2008:

- 4.1.2.1. Company Registration Documents.

4.1.2.2. Memorandum of Incorporation.

4.1.2.3. Financial Statements.

4.1.2.4. Resolutions.

4.1.2.5. Proxies

4.1.2.6. Agendas

4.1.2.7. Share records

4.1.3. Income Tax Act 95 of 1967:

4.1.3.1. Records of employee's income tax deductions and calculations.

4.1.4. Unemployment Insurance Act 63 of 2001:

4.1.4.1. Records of employee's unemployment Insurance claims and history where relevant.

4.1.5. Value Added Tax Act 89 of 1991:

4.1.5.1. Records of Value Added Tax claims and reports.

4.1.6. Deeds Registry Act 47 of 1937

4.1.6.1. Title Deeds.

4.1.6.2. Lease Agreements.

4.1.6.3. Rental Agreements.

4.1.6.4. Hire Purchase Agreements.

4.1.6.5. Credit Agreements.

4.1.8 Employment Equity Act, Act 55 of 1998.

4.1.8.1 Employees' details

4.1.8.2 Employees' demographics.

4.1.9 South African Revenue Service Act, Act 34 of 1997.

4.1.10 The Tax Administration Act, Act 28 of 2011.

4.1.12 The Broad-Based Black Economic Empowerment Act, Act 53 of 2003.

4.1.13 The Legal Practice Act, Act 28 of 2014.

5. **REQUEST FOR ACCESS TO INFORMATION**

5.1. A request for information held by Hahn & Hahn Attorneys is to be made and submitted to the information officer at Hahn and Hahn Attorneys' address, fax or e-mail address of Hahn & Hahn Attorneys on the form annexed hereto as "**Annexure G**".

5.2. For purposes of facilitating a request for access to information, a description and category of the records available by Hahn & Hahn Attorneys are held in paragraph 4 above.

5.3. The form will be processed, and an outcome will be notified to the requester within 30 days after the request has been received.

5.4. Should the request be approved, Hahn and Hahn Attorneys will notify the requester of the following:

5.4.1. The outcome of the request.

5.4.2. The access fee required to be paid by the requester for the information requested.

5.4.3. The format in which the information will be provided by Hahn & Hahn Attorneys, should the requester not require a specific format.

5.5. Should Hahn and Hahn Attorneys refuse the request for access to the information as requested by the requester, Hahn & Hahn Attorneys will notify the requester of the following:

5.5.1. Reasons for the refusal.

5.5.2. The requester's right to lodge an application with a competent court against the refusal of the request, and the procedure for lodging such application.

5.6. Process

5.6.1. Should a notice of request be made on behalf of another person:

5.6.1.1. Hahn and Hahn Attorneys requires a request fee of R50.00 before further processing of the request.

5.6.1.2. If the preparation of the record for disclosure, would in the opinion of the head of Hahn and Hahn Attorneys require more than the hours prescribed the head will, by notice, require the requester, to pay as a deposit no more than one third of the access fee which would be payable if the request is granted.

6. **FEES**

| Item | Description | Amount |
|------|---|--|
| 1. | Copy per A4 page | R1.10 |
| 2. | Printing per A4 page | R0.75 |
| 4. | Transcription of visual images per A4 page | R40.00 |
| 5. | Copy of visual image | R60.00 |
| 6. | Transcription of audio recording per A4 page | R20.00 |
| 7. | Copy of audio recording | R30.00 |
| 8. | Search and preparation of the record for disclosure | R30.00 per hour or part thereof, excluding the first hour reasonably required for the search and preparation |

| | | |
|----|------------|--------|
| 9. | Access fee | R50.00 |
|----|------------|--------|

7. RECORDS NOT FOUND OR THAT DO NOT EXIST

- 7.1. Hahn and Hahn Attorneys will take all reasonable steps in finding a record requested.
- 7.2. Should the record not be found or does not exist, despite steps taken to find the record or determine its existence, this will be notified to the requester and such notice will be deemed to be a decision to refuse access to information.
- 7.3. Should a notice in terms of paragraph 7.2 be issued to a requester and it is subsequently found, the requester will be granted access thereto unless such access was refused as a part of the outcome of an application for access to information in terms of paragraph 5 above.
- 7.4. Process:
- 7.5. Should Hahn and Hahn Attorneys not find the record/s as requested for reason of the record not being found (although being in the possession of Hahn and Hahn Attorneys), or does not exist, the head of Hahn and Hahn Attorneys will by affidavit or affirmation notify the requester that it is not possible to give access to the record.
- 7.6. The affidavit or affirmation will give full account of all steps taken to find the relevant record or to determine whether the record exists. Such affidavit will include all communication with every person who conducted the search on behalf of the head.

8. EXTENSION OF PERIOD

- 8.1. Hahn and Hahn Attorneys may extend the period of thirty (30) days referred to in paragraph 5 once for a further period of not more than thirty (30) days, if—
- 8.1.1. the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Hahn and Hahn Attorneys;
- 8.1.2. the request requires a search for records in, or collection thereof from, an office of Hahn and Hahn Attorneys not situated in the same town or city as the office of the head that cannot reasonably be completed within the original period;
- 8.1.3. consultation among divisions of Hahn and Hahn Attorneys or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
- 8.1.4. more than one of the circumstances contemplated exist in respect of the request making compliance with the original period not reasonably possible; or the requester consents in writing to such extension.

9. Procedure:

- 9.1. If a period is extended, the head of Hahn and Hahn Attorneys will, as soon as reasonably possible, but in any event within thirty (30) days, after the request is received, notify the requester of that extension, the period of the extension and the reasons for the extension.
- 9.2. The notice must state:
 - 9.2.1. the period of the extension.
 - 9.2.2. adequate reasons for the extension, including the provisions of this Act relied upon.
 - 9.2.3. that the requester may lodge an application with a court against the extension, and the procedure (including the period) for lodging the application.

Annexure "G"



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:

Person: Jaco Hamman
Email address: jaco@hahnlaw.co.za
Contact Number:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Telephone 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:

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

| | | | | | |
|---|---|--------------------------|--|--------------------------|--|
| 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"/> | |
| 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"/> | |
| 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 style="width: 40px;" type="checkbox"/> | NO <input style="width: 40px;" 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:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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