



PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of
2000 (as amended)**

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1. DEFINITIONS

The definitions have been taken from the Promotion of Access to Personal Information Act 2 of 2000 as amended (PAIA) and the Protection of Personal Information Act 4 of 2013 (POPIA):

- 1.1. **“The Firm”** means Hahn & Hahn Attorneys
- 1.2. **“Data Subject”** means the person to whom personal information relates.
- 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. **“Information officer”** means the head of a private body as contemplated in section 1 of POPIA.
- 1.5. **“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:
 - 1.5.1. 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.
 - 1.5.2. information relating to the education or the medical, financial, criminal or employment history of the person.
 - 1.5.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignment to the person.
 - 1.5.4. the biometric information of the person.
 - 1.5.5. the personal opinions, views, or preferences of the person.
 - 1.5.6. 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.

- 1.5.7. the personal views opinions, views, or preferences of the person; and
- 1.5.8. 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.
- 1.5.9. the views or opinions of another individual about the person; and
- 1.5.10. 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.

1.6. **“Processing”**

means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

- 1.6.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use.
- 1.6.2. dissemination by means of transmission, distribution or making available in any other form; or
- 1.6.3. merging, linking, as well as restriction, degradation, erasure or destruction of information.

1.7. **“record”**

means any recorded information regardless of form or medium, including any of the following:

- 1.7.1. Writing on any material;
- 1.7.2. Information produced, recorded, or stored by means of any tape recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
- 1.7.3. Label, marking or other writing that identifies or describes

anything of which it forms part, or to which it is attached by any means;

1.7.4. Book, map, plan, graph or drawing;

1.7.5. photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

in the possession or under the control of a responsible party; whether or not it was created by a responsible party; and regardless of when it came into existence.

1.8. **“Responsible party”** means a private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

1.9. **“requestor”** in relation to –

1.9.1. A public body, means: Any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of ‘public body’, or an official thereof) making a request for access to a record of that public body; or a another person acting on behalf such person.

1.9.2. A private body, means: Any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body, or another person action on behalf of such person.

1.10. **“Special personal information”** means:

1.11.1 The religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or

1.11.2 The criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the

disposal of such proceedings.

2. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|------|--------------------|---|
| 2.1. | “DIO” | Deputy Information Officer; |
| 2.2. | “IO” | Information Officer; |
| 2.3. | “Minister” | Minister of Justice and Correctional Services; |
| 2.4. | “PAIA” | Promotion of Access to Information Act No. 2 of 2000(as Amended; |
| 2.5. | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 2.6. | “Regulator” | Information Regulator; and |
| 2.7. | “Republic” | Republic of South Africa. |

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 3.1. check the categories of records held by the Firm which are available without a person having to submit a formal PAIA request;
- 3.2. have a sufficient understanding of how to make a request for access to a record of the Firm, by providing a description of the subjects on which the Firm holds records and the categories of records held on each subject;
- 3.3. know the description of the records of the Firm which are available in accordance with any other legislation;
- 3.4. 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;
- 3.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6. know if the Firm 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;

- 3.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9. know if the Firm has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10. know whether the Firm has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE FIRM

4.1. Chief Information Officer

Person: JACO HAMMAN

Email address: jaco@hahnlaw.co.za

Contact Number: 012 055 2142 / 012 055 2131

4.2. Deputy Information Officer

Name: MERILYNN DU PLESSIS

Tel: 012 055 2120

Email: merilynn@hahnlaw.co.za

Website: <https://hahnlaw.co.za/>

4.3. Office

- 4.4. Postal: PO Box 55675, Arcadia, Hatfield, Pretoria
- 4.5. Physical: 218 Richard Street, Hatfield, Pretoria.
- 4.6. Telephone: 012 055 2131
- 4.7. Email: info@hahnlaw.co.za
- 4.8. Website: <https://hahnlaw.co.za/>

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

- 5.1. 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.
- 5.2. The Guide is available in each of the official languages and in braille.
- 5.3. The aforesaid Guide contains the description of-
 - 5.3.1. the objects of PAIA and POPIA;
 - 5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 5.3.2.1. the Information Officer of every public body, and
 - 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 5.3.3. the manner and form of a request for-
 - 5.3.3.1. access to a record of a public body contemplated in section 11; and
 - 5.3.3.2. access to a record of a private body contemplated in section 50;
 - 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 5.3.6. 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-
 - 5.3.6.1. an internal appeal;
 - 5.3.6.2. a complaint to the Regulator; and
 - 5.3.6.3. 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;
 - 5.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 5.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 5.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and

- 5.3.10. the regulations made in terms of section 92.
- 5.4. 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.
- 5.5. The Guide can also be obtained-
- 5.5.1. upon request to the Information Officer;
- 5.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 5.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
- 5.6.1. English
- 5.6.2. Afrikaans

6. CATEGORIES OF RECORDS OF THE FIRM WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of Records	Types of The Record	Available on Website	Available upon request
Contacts	The contact details and information of what the firm does.	✓	
Profiles	Partner and professional staff profiles	✓	
Informative Material	Articles Podcasts	✓	
Mandate	Attorneys fees and terms and conditions.		✓

7. DESCRIPTION OF THE RECORDS OF (WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION)

Category of Records	Applicable Legislation
Employment Contracts	Basic conditions of Employment Act 75 of 1997 and Labour Relations Act 66 of 1995 (“BCEA”)
Disciplinary records	
Employee cv and accompanying documents	
Employee contacts	
Leave	
Remuneration Particulars	
Policies	
Unless a collective agreement, arbitration award or determination made in terms of the BCEA provides otherwise, when an employer on whom a collective agreement, arbitration award or determination is binding then such copy of that agreement, award or determination.	Labour Relations Act 66 of 1995
Details of any strike, lock-out or protest action involving the employees of the employer.	
Partnership Agreement	Common law and the Companies Act 61 of 1973
Financial Statements	

Resolutions	
Proxies	
LPC Membership details	Legal Practice Act, No. 28 of 2014
Member details	
Letterhead	
Banking records	
RMCP Policy and related documents	
Fidelity Fund records	
LPC annual fees records	
Registered post office details	
Firm details	
Professional registration	
Correspondence between attorneys and clients	
Correspondence between attorneys and third parties	
Client file including correspondence, documents, finance, FICA compliance and mandate agreements	
RMCP Policy and records	Financial Intelligence Centre Act 38 of 2001

Records of employee's income tax deductions and calculations.	Income Tax Act 95 of 1967
Records of employee's unemployment Insurance claims and history where relevant.	Unemployment Insurance Contributions Act 63 of 2001
Records of Value Added Tax claims and reports	Value Added Tax Act 89 of 1991
B-BBEE Certificates	Broad Based Black Economic Empowerment Act, No 53 of 2003
Lease Agreements	Common law
Rental Agreements	
Legal Platform Agreements	
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Information and Deputy Information officer registration documents	Protection of Personal Information 4 of 2013
Privacy Policy	
Related Records	

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE FIRM HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE FIRM

Subjects on which the body holds records	Categories of records
Firm regulatory details	Partnership agreement Proxies Resolutions Financial records
INCOME TAX	Pay-as-you-earn (PAYE) records Documents issued to employees for income tax purposes Records of payments made to South African Revenue Services on behalf of employees Statutory compliance Skills development levies Unemployment Insurance Fund
LABOUR RELATIONS RECORDS	Employee documents and records Employment contracts Pension Fund Records Salary records Leave records Training Records Addresses

	<p>Internal telephone lists</p> <p>Advertised posts</p>
FINANCE	<p>Receipts and Payments</p> <p>Bank Statements</p> <p>Creditors and debtors list</p> <p>Budges</p> <p>Management accounts</p> <p>Asset register</p> <p>Invoices</p> <p>Salaries</p> <p>Correspondence</p>
RISK AND COMPLIANCE	<p>Contracts</p> <p>Policies and procedures</p> <p>Risk Assessments</p> <p>Compliance records</p>
OTHERS	<p>IT records</p> <p>Supplier lists</p> <p>Secretarial records</p> <p>Agreements with suppliers</p>

9. PROCESSING OF PERSONAL INFORMATION

- 9.1. The purpose of gathering of the information is to render clients legal services, for employment purposes and as required by law.

10. DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO:

Categories of Data Subjects	Personal Information that may be processed
Clients	Name, address, registration numbers or identity numbers, employment status, bank details, registration documents, resolutions.
Employees	Name, address, cell phone number, email address, identity numbers, qualifications, gender, race, criminal checks, cvs, bank details.
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Consultants	Name, cv, identity number and bank details.
Third Parties	Name, telephone number, email addresses, physical addresses.

11. THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names for criminal checks of employees	SCI & South African Police Services

Qualifications, for qualification verifications of employees	CSI & Qualification Institution
Name, contact number and cellphone	Expert Consultants, Advocates, Legal Authorities where applicable.

12. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

12.1. None.

13. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY THE RESPONSIBLE PARTY TO ENSURE THE CONFIDENTIALITY, INTEGRITY AND AVAILABILITY OF THE INFORMATION

13.1. The Firm utilises external IT specialists who provides and utilises the following security safeguards:

14.1.1. Policies to detect and notify the Firm of any risky activity.

14.1.2. Encryption to keep the data private while in transit.

14.1.3. Reviews the collection, storage and processing practices, including physical safety measure to prevent unauthorised access to the system.

14.1.4. Restricts access to personal information to that of the employees, contractors and agents who is subject to strict contractual confidentiality obligations and may be disciplined or terminated if they fail to meet the obligations.

13.2. Furthermore, the Firm stores all electronic records on a designated server, which is protected and secured with limited access.

13.3. The Firm's system can only be accessed with usernames and passwords.

13.4. All devices of the Firm's representatives are password protected.

13.5. The employees of the Firm are subject to strict contractual confidentiality obligations and may be disciplined or his/her services terminate if they fail to meet the obligations.

13.6. All paper format of information is stored in on site offices who have designated security to regulate access to the offices.

14. AVAILABILITY OF THE MANUAL

14.1. A copy of the Manual is available:

- 14.1.1. on the Firm' website being: <https://hahnlaw.co.za/>
- 14.1.2. The Firm's address for public inspection during normal business hours;
- 14.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and
- 14.1.4. to the Information Regulator upon request.
- 14.1.5. 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.

15. UPDATING OF THE MANUAL

The Partner of the Firm will on a regular basis update this manual.

Issued by



Tjaart Nicolaas (Jaco) Hamman

PARTNER