



# Promotion of Access to Information Manual

This manual was prepared in accordance with:

sections 14 and 51 of the Promotion of Access to Information Act, 2000  
(hereinafter referred to as **PAIA**)

to address the requirements of the Protection of Personal Information Act, 2013.  
(hereinafter referred to as **PoPIA**)

This manual applies to:

**CW Malan Jeffreysbaai Inc.**

**1996/006706/21**

**Hereinafter referred to as “The Firm”**

Revision Schedule

Version No	Date	Approved by
1.0	1 December 2023	Directors

## 1. Introduction

The promotion of Access to Information Act, 2000 (the “Act”) gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released.

This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

### Nature Of The Firm and its Business

We are a medium-sized law firm in the Kouga Municipal area and our offices are in Jeffreys Bay, Eastern Cape.

The firm provides effective, efficient and inspired legal services to meet the distinctive needs of our clients.

CW Malan was originally established in Humansdorp in 1908 and branches followed in Joubertina and Jeffreys Bay. CW Malan Jeffreys Bay was the first full-time law firm in Jeffreys Bay when Giel de Swardt opened its doors on 1 January 1982. Currently, the respective law firms practicing under the name CW Malan, do so independently.

CW Malan Jeffreys Bay Incorporated is proud of its long-term business relationship with our many corporate clients, the farming community across the Eastern Cape and public. The firm also serves on the panel of attorneys of ABSA Bank, Firstrand Bank, Nedbank and Standard Bank.

This PAIA Manual is available on the website or obtainable from the Information Officer.

### Contact Details of Directors:

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**Contact Details of Information Officer:**

Name and Surname	BAREND JACOBUS GERICKE (RENCKE) DE SWARDT
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**2. Guide Of The Act**

A guide to the Act (as contemplated under section 10 of the Act) is available from the Information Officer of The Firm (available for inspection at their offices) alternatively is available on the website of the Information Regulator.

A copy of the guide, in any of the official languages, can be requested from the Information Regulator making use of the following prescribed form: <https://inforegulator.org.za/paia-guidelines/>

The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide and its contents should be directed to:

**The Information Regulator:**

J.D. House  
27 Stiemens Street  
Braamfontein, Johannesburg  
Email: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)

**3. Access To Records Held by The Firm**

Records held by The Firm may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of The Firm and in this regard, the Act distinguishes between two types of requesters:

- **Personal Requester**

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, The Firm will provide the requested information, or give access to any record regarding the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by The Firm.

- **Other Requester**

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, The Firm is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by The Firm.

### **3.1 Request Procedure**

A requester must comply with all the procedural requirements contained in the Act and Regulations relating to a request for access to a record. A requester must complete the prescribed form enclosed herewith in Appendix 1 and submit same as well as payment of a request fee and a deposit, if applicable to the information officer at the postal or physical address, fax number or electronic mail address stated herein.

The prescribed form must be filled in with enough particularity to at least enable the information officer to identify:

- - The record or records requested;
- - The identity of the requester;
- - What form of access is required; and
- - The postal address or fax number of the requester.

A requester must state that he or she requires the information to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

The Business will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this time period is not complied with.

The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the information officer.

### **3.2 Decision**

The Business will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect.

The 30-day period within which The Firm must decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of The Firm (other than the head office) and the information cannot reasonably be obtained within the original 30-day period. The information officer will notify the requester in writing should an extension be necessary.

#### **4. Fees**

The Act provides for two types of fees:

A request fee, (which will be a standard fee) and an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable.

When a request is received by the information officer of The Firm, the information officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request.

If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The information officer shall withhold a record until the requester has paid the fee or fees as indicated.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required more than the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

#### **5. Categories Of Records Held By The Business: Section 51(1)(E)**

##### **Companies Act Records**

- - Documents of incorporation
- - Memorandum of Incorporation
- - Minutes of Board of Directors or Members meetings
- - Records relating to the appointment of directors / auditor / secretary / officers / members
- - Share Register and other statutory registers (if applicable)

## **Financial Records**

- - Annual Financial Statements
- - Tax Returns
- - Accounting Records
- - Banking Records
- - Bank Statements
- - Electronic banking records
- - Asset Register
- - Invoices

## **Tax Records**

- - PAYE Records
- - Documents issued to employees for income tax purposes
- - Records of payments made to SARS on behalf of employees
- - All other statutory compliances:
  - o VAT
  - o Skills Development Levies
  - o UIF
  - o Workmen's Compensation

## **Personnel Documents and Records**

- - Employment contracts
- - Employment Equity Plan (if applicable)
- - Disciplinary records
- - Salary records
- - Disciplinary code
- - Leave records
- - Training records
- - Training Manuals

## **Client Files**

- - Notes
- - Documentation received from client
- - Pleadings
- - Documentation relating to service rendered
- - Communication

## 6. Processing of Personal Information

### 6.1 Purpose of Processing

The Business uses the Personal Information under its care in the following ways:

- - Rendering service according to instructions given by clients
- - Staff administration
- - Keeping of accounts and records
- - Complying with tax laws

### 6.2 Categories of Data Subjects and their Personal Information

The Business may possess records relating to suppliers, shareholders, contractors, service providers, staff and clients.

### 6.3 Entity Type Personal Information Processed

Clients – Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Clients –	Names; registration number; contact details; physical and postal addresses; Tax related information; confidential information and correspondence
Intermediary / Advisor	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees / Directors	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being;

### 6.4 Categories of Recipients for Processing the Personal Information

The Business may supply the Personal Information to service providers who render the following services:

- - Capturing and organising of data;
- - Storing of data;
- - Sending of emails and other correspondence to clients
- - Conducting due diligence checks;
- - Administration of the Collective Investment Schemes;

### 6.5 Actual or Planned Transborder Flows of Personal Information

The Business may transfer data trans-border to store data with third party cloud storage providers.

## **6.6 General Description of Information Security Measures**

The Business employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of The Firm are contracted to implement security controls.

## **7. Remedies Available If Request for Information Is Refused**

### **7.1 Internal Remedies**

The Business does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the Information Officer.

### **7.2 External Remedies**

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

## **8. List of Applicable Legislation**

Records of The Firm's and other legal entities in which The Firm has a direct controlling interest or an indirect controlling interest through its subsidiaries) may be kept by or on behalf of The Firm in accordance with the following legislation (some of which legislation may not be applicable to The Firm), as well as with other legislation that may apply to The Firm and/or its subsidiaries from time to time:

Basic Conditions of Employment Act 57 of 1997

Broad-based Black Economic Empowerment Act 53 of 2003 Companies Act 71 of 2008

Compensation for Occupational Injuries and Diseases Act 130 of 1993 Copyright Act 98 of 1978

Currencies and Exchanges Act 9 of 1993

Electronic Communications and Transactions Act 25 of 2002 Employment Equity Act 55 of 1998

Financial Intelligence Centre Act 38 of 2001

Financial Institutions (Protection of Funds) Act 28 of 2001 Financial Services Board Act 97 of 1990

Income Tax Act 58 of 1962

Inspection of Financial Institutions Act 80 of 1998 Labour Relations Act 66 of 1995

Occupational Health and Safety Act 85 of 1993

Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002

Prevention of Organised Crime Act 121 of 1998



Prevention and Combating of Corrupt Activities Act 12 of 2004  
Promotion of Access to Information Act 2 of 2000  
Protected Disclosures Act 26 of 2000  
Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004  
Skills Development Act 97 of 1998  
Skills Development Levy Act 9 of 1999  
Securities Transfer Tax Act 25 of 2007  
Securities Transfer Tax Administration Act 26 of 2007  
Trademarks Act 194 of 1993  
Trust Property Control Act 57 of 1988  
Unemployment Insurance Act 30 of 1966  
Unemployment Insurance Contributions Act 4 of 2002  
Value Added Tax Act 89 of 1991

## 9. Availability of the Manual

This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002.

**The Firm** will update this PAIA Manual at such intervals as may be deemed necessary. This PAIA Manual of **The Firm** is available to view at its premises at *15 Oosterland Street, Jeffreys Bay, Eastern Cape, South Africa* and on its website.

## 10. Request for Information

Form for the Request for Information available at: <https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>