



von Lieres, Cooper & Barlow Attorneys
Attorneys, Notaries & Conveyancers

POLICY

in terms of section 51 of

The Promotion of Access to Information Act

2 of 2000 (as amended)

("PAIA")

read with

The Protection of Personal Information Act

4 of 2013 (as amended)

("POPIA")

THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (AS AMENDED)

1. The purpose of PAIA is to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. PAIA was enacted in order to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and in order to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

2. PAIA applies to records of a private body, which records are defined in section 1 of PAIA as any recorded information, regardless of form or medium, in the possession or under the control of the private body and whether or not it was created by that private body.

3. VLCB is a private body as defined in section 1 of PAIA.

4. In terms of section 50 of PAIA, a requester must be given access to any record of the private body if that record is required for the exercise or protection of any rights, the requester complies with the requirements relating to a request for access to the record and access to the record is not refused on any ground(s) contemplated in chapter 4 of PAIA (sections 62-70), namely:
 - Mandatory protection of privacy of a third party who is a natural person;
 - Mandatory protection of commercial information of a third party;
 - Mandatory protection of certain confidential information of a third party;
 - Mandatory protection of safety of individuals and protection of property;
 - Mandatory protection of records privileged from production in legal proceedings;
 - Commercial information of a private body;
 - Mandatory protection of research information of a third party, and protection of research information of private body;
 - Mandatory disclosure in public interest.

VLCB

Our firm conducts business as a partnership of attorneys, notaries and conveyancers.

CONTACT DETAILS – SECTION 51(1)(a)(i) AND (ii) OF PAIA

Name of Firm:	Von Lieres Cooper & Barlow Attorneys
Street Address:	6 th Floor, 71 Loop Street, Cape Town, 8000
Postal Address:	PO Box 15353 Vlaeberg, 8018
Managing Partner / Information Officer	Nevashni Moodley
Contact Person:	Nevashni Moodley
Tel Number:	+27 (0)21 422 1870
Email Address:	nevashni@vlcb.co.za
Website Address:	www.vlcb.co.za

THE SECTION 10 GUIDE ON HOW TO USE PAIA COMPILED BY THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION AND UPDATED BY THE INFORMATION REGULATOR – SECTION 51(1)(b)(i) OF PAIA

The South African Human Rights Commission has compiled a Guide in terms of section 10 of PAIA, which as of 1 July 2021 shall be updated and published by the Information Regulator at intervals of not more than two years. The Guide is available from the offices of the Information Regulator and any queries or complaints can be directed to:

The Information Regulator

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address: P O Box 31533, Braamfontein, Johannesburg, 2001

Telephone: +27 10 023 5200

Fax: 086 5003 351

Website: <https://www.justice.gov.za/inforeg>

E-mail: inforeg@justice.gov.za

NOTICE – SECTION 51(1)(b)(ii) READ WITH SECTION 52(2) OF PAIA

The publishing of notices in terms of section 52(2) of PAIA, dealing with the categories of records of the body which are available without a person having to request access in terms of PAIA has been repealed by section 110 of POPIA.

All records of our firm which are automatically available and accessible to any person are contained on VLCB's website (www.vlcb.co.za).

RECORDS HELD BY OUR FIRM

Departmental records	Subject
Human resources records	<ul style="list-style-type: none">• Past and current staff records• Employment contracts• Staff policies and procedures• Health and safety records• Salary and wage records• Disciplinary records
VLCB records	<ul style="list-style-type: none">• Records of past and current partners• Audited financial statements• Tax and levy records• Investment accounts• Management accounts• Contracts with suppliers• Trust and business account information• Fidelity fund certificates• Budgets• Correspondence, e-mails, backups• Bank statements• Internal policies
Client records	<ul style="list-style-type: none">• Client files and records
Practice promotion	<ul style="list-style-type: none">• Practice promotion strategies• Client database• Media releases• Brochures and seminar information

<p>Records required to be held by VLCB in terms of other legislation (section 51(1)(b)(iii) of PAIA)</p>	<ul style="list-style-type: none"> • Attorneys Act 53 of 1979 • Income Tax Act 58 of 1962 • Value-Added Tax Act No 59 of 1991 • Unemployment Insurance Act 30 of 1966 • Basic Conditions of Employment Act 75 of 1997 • Broad-Based Black Economic Empowerment Act 53 of 2003 • Employment Equity Act 55 of 1998 • Compensation for Occupational Injuries and Diseases Act 130 of 1993 • Skills Development Levies Act 9 of 1999 • Skills Development Act 97 of 1998 • Promotion of Access to Information Act 2 of 2002 • Administration of Estates Act 66 of 1965 • Credit Agreements Act 75 of 1980 • Insurance Act 27 of 1943 • Post Office Act 44 of 1958 • Usury Act 73 of 1968 • Legal Practice Act 28 of 2014 • Protection of Personal Information Act 4 of 2013 • Electronic Communications and Transactions Act 25 of 2002 • Financial Intelligence Centre Act 38 of 2001 • Labour Relations Act 66 of 1995 • Occupational Health and Safety Act 85 of 1993 • Pension Funds Act 24 of 1956
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APPLICATION OF POPIA – SECTION 51(1)(c) OF PAIA

In terms of POPIA, VLCB is a Responsible Party who determines the purpose of and means for processing of personal information of data subjects as defined in section 1 of POPIA. Whereas VLCB's obligations under POPIA are addressed in our Privacy Policy (available on our website www.vlcb.co.za), under PAIA we are required to deal with certain aspects of data processing in this Manual.

PURPOSE OF PROCESSING – SECTION 51(1)(c)(i) OF PAIA

In order to interact with data subjects, to fulfil contractual obligations, to provide assistance, to comply with all legal obligations imposed on us and/or in instances in which our firm pursues a legitimate interest, it is necessary for VLCB to process personal information.

VLCB may process personal information of data subjects for various reasons, including, but not limited to, the following:

- to address enquiries and to follow up on leads on prospective clients;
- to provide legal services to clients;
- to give effect to mandates from clients;
- to give effect to contracts with third parties/operators;
- to give effect to employment contracts with our staff;
- to give effect to and manage our relationships with suppliers;
- for purposes of recruitment;
- to obtain or provide quotations;
- in the administration of our website and social media platforms (Facebook, LinkedIn, WhatsApp);
- to maintain employment records, to comply with labour, tax, pension fund and other applicable legislation and to give effect to employment agreements;
- to comply with applicable overarching legislation (such as the Financial Intelligence Centre Act).

Any objection to the processing of personal information by VLCB in terms of section 11(3) of POPIA should be made in the prescribed form as set out in annexure “**A**” hereto and submitted to our Information Officer by hand or e-mail.

Any request for the correction or deletion of personal information or for the destruction or deletion of a record of personal information in terms of section 24(1) of POPIA should be made in the prescribed form as set out in annexure "B" hereto and submitted to our Information Officer by hand or e-mail.

CATEGORIES OF DATA SUBJECTS – SECTION 51(1)(c)(ii) OF PAIA

It is anticipated that VLCB may process the following types of data of the various categories of data subjects listed below.

Category of Data Subjects	Information Processed
Individuals (clients, potential clients, other)	Name, surname, Identity Number or passport number, date of birth, age, marital status, citizenship, telephone numbers, e-mail address, physical and postal addresses, income tax number, financial information, banking information (including account numbers), FICA documentation, CCTV footage, etc.
Juristic persons (clients, potential clients, other)	Entity name, registration number, director/member/accountant/auditor/liquidator details, tax-related information, contact details for representatives, banking information (including account numbers), FICA documentation, VAT registration details, etc.
Partners and employees of the firm	Name, surname, Identity Number or passport number, contact details, physical and postal address, date of birth, age, marital status, race, disability information, employment history, criminal background checks, CV, education history, banking details, income tax reference number, remuneration and benefit information, pension fund information, health information, details related to performance, disciplinary procedure information, CCTV footage, etc.

Third party operators and suppliers	Company registration details, Identity Numbers / passport numbers, BBBEE certificates, tax clearance, income tax and VAT registration details, payment information including bank account numbers, invoices, contractual agreements, Fidelity Fund certificates, addresses, contact details, CCTV footage, etc.
Potential employees/jobseekers	Name, surname, Identity Number or passport number, contact details, physical and postal address, date of birth, age, marital status, race, disability information, employment history, criminal background checks, CV, education history, CCTV footage, etc.

RECIPIENTS/CATEGORIES OF RECIPIENTS – SECTION 51(1)(c)(iii) OF PAIA

In the course and scope of our interactions or relationships with various parties/persons (data subjects) personal information may be transferred to and stored by third parties and/or operators, who may be local or foreign.

Where the personal information of a data subject is entrusted to a third party (operator) by VLCB we are required under POPIA to enter into a written agreement with the operator to ensure that adequate security measures are established and maintained by the operator in relation to the integrity and confidentiality of the data subject's personal information.

PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION – SECTION 51(1)(c)(iv) OF PAIA

Where personal information is transferred to or stored by a third party and/or operator in a foreign country by VLCB we undertake to do all that is reasonably possible to ensure that the level of protection afforded to the personal information shall be at least that provided by us within the prescripts of any data protection laws (including POPIA) applicable in the Republic of South Africa.

SECURITY SAFEGUARDS – SECTION 51(1)(c)(v) OF PAIA

VLCB secures the integrity and confidentiality of personal information in our possession or under our control by taking appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information. Our firm takes all reasonable measures to ensure that personal information is processed securely, including but not limited to:

- restricting physical and digital access to personal information to those authorised to be in possession thereof;
- entering into written agreements with third parties/operators to whom personal information is entrusted by us to ensure that it receives adequate protection;
- installing anti-virus and anti-ransomware software on its servers, desktops and laptops, which are password protected, and ensuring that all software is updated on a daily basis; and
- ensuring that we regularly revise our security strategies and safeguards to prevent unauthorised access to personal information.

REQUESTING ACCESS TO A RECORD – SECTION 53 OF PAIA

A request for access to a record must be made in the prescribed form as set out in annexure “C” hereto. All requests are to be addressed to our firm’s Information Officer and delivered to our physical address or e-mail.

FEES PAYABLE – SECTION 54 OF PAIA

A data subject has the right to request VLCB to confirm, without charge, if our firm holds personal information about the data subject as prescribed in terms of POPIA.

All requests for access to records are subject to the following prescribed fees:

- a request fee, being an administrative fee payable prior to the processing of a request; and
- an access fee, being a fee relating to the costs of reproduction of the record, payable prior to the reproduction of the record.

Should the search for and preparation of a requested record, in the opinion of VLCB, require more than the hours prescribed for this purpose in terms of the Regulations to PAIA then payment of a deposit may be requested by us. This deposit shall not exceed one third of the access fee which will be payable if the request is granted. The requester may approach the Information Regulator or the court, where applicable, should the need for payment of a deposit be disputed.

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

A schedule of the prescribed request and access fees as at date of preparation of this Manual is annexed hereto marked annexure "D".

APPLICABLE TIME PERIODS FOR REQUESTS – SECTIONS 56(1) AND 57(1) OF PAIA

As soon as reasonably possible, but not longer than 30 (thirty) days after a request for a record has been received by us, VLCB shall provide the requester with its decision on whether or not to grant such request.

The aforesaid period of 30 (thirty) days may be extended by a further period not exceeding 30 (thirty) days as provided for in terms of section 57(1) of PAIA.

DECISION ON REQUEST – SECTIONS 56(2) TO (3) AND 58 OF PAIA

If a request for access to a record is granted our firm shall provide the requester with written notice of the access fee payable and the form in which access will be provided.

If a request for access to a record is denied VLCB shall provide written reasons for refusal, which shall exclude reference to the content of the record.

Should our firm fail to provide a requester with a decision within the time periods stipulated in PAIA a request should be regarded as having been refused.

Any written notice provided by our firm in response to a request shall set out the procedure to be followed by the requester to lodge a complaint to the Information Regulator or make application to court based on the outcome of our decision.

GROUND(S) FOR REFUSAL OF ACCESS TO RECORDS – SECTIONS 62 TO 70 OF PAIA

As stated above, VLCB may refuse access to records on the grounds listed in chapter 4 of PAIA.

However, despite the provisions of chapter 4, our firm must grant a request for access to a record held by us if the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by the ground(s) for refusal.

GRIEVANCE PROCEDURE TO BE FOLLOWED BY REQUESTER – SECTIONS 77A AND 78 OF PAIA

A requester or any other interested party aggrieved by a decision relating to the refusal of a request for access, the fee payable, the extension of the period to deal with a request or the form of access may, where permissible, submit a complaint to the Information Regulator. This complaint should be submitted within 180 (one hundred and eighty) days of VLCB'S decision.

A requester or other interested party may, after exhausting the complaints procedure laid out in 77A of PAIA and who is aggrieved by any decision made by our firm or the Information Regulator may, within 180 (one hundred and eighty) days, apply to court for appropriate relief as provided for in terms of section 82 of PAIA.

AVAILABILITY AND UPDATING OF THIS MANUAL – SECTION 51(2) TO (3) OF PAIA

The Information Officer shall ensure that this Manual is updated on a regular basis.

This Manual shall be made available on our website (www.vlcb.co.za), at our physical offices during normal business hours or to any person upon the payment of a reasonable amount for a physical copy thereof. This Manual shall also be made available to the Information Regulator upon request.

FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]

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.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....
Signature of data subject/designated person

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request 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.*

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person

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:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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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"/>
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*	<input type="checkbox"/>
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"/>
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)	<input type="checkbox"/>

*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 type="checkbox"/>	NO <input type="checkbox"/>
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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:

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

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H. Notice of decision regarding request for access

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

Fees in respect of private bodies

1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.	
2	The fees for reproduction referred to in regulation 11(1) are as follows:	
		R
	(a) For every photocopy of an A4-size page or part thereof	1.10
	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
	(c) For a copy in a computer-readable form on-	
	(i) stiffy disc	7.50
	(ii) compact disc	70.00
	(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
	(ii) For a copy of visual images	60.00
	(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
	(ii) For a copy of an audio record	30.00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.	
4	The access fees payable by a requester referred to in regulation 11(3) are as follows:	
		R
	(1) (a) For every photocopy of an A4-size page or part thereof	1.10
	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
	(c) For a copy in a computer-readable form on-	
	(i) stiffy disc	7.50
	(ii) compact disc	70.00
	(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
	(ii) For a copy of visual images	60.00
	(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
	(ii) For a copy of an audio record	30.00
	(f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.	
	(2) For purposes of section 54(2) of the Act, the following applies:	
	(a) Six hours as the hours to be exceeded before a deposit is payable; and	
	(b) one third of the access fee is payable as a deposit by the requester.	
	(3) The actual postage is payable when a copy of a record must be posted to a requester.	

