



Attorneys Notaries Conveyancers

PAIA AND POPIA MANUAL

(Updated: 28 June 2021)

prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2 of 2000 ("PAIA") and updated to address the further requirements of the Protection of Personal Information Act, 4 of 2013 ("POPIA") for

FYFER INCORPORATED
(REG. NO.: 2001/016101/21)

Fyfer Incorporated
2001/016101/21

Directors: L Clark | DM Clark **Consultants:** A Fyfer | JH Fyfer **Professional Assistants:** A Pitamber | J Pretorius **Financial Manager:** L Nortje
Block IV Visiomed Office Park 269 Beyers Naude Drive Northcliff 2195 | PO Box 1359 Cresta 2118 Docex 92 Randburg
T +27 (0)11 678 2160 F +27 (0)11 678 2151

IMPORTANT DISCLAIMER

This document, the contents thereof and any annexures ("document"), are highly confidential and is likely to be subject of legal privilege. It is solely for use by the intended recipient and such persons authorised to receive and possess it. If you are not the intended recipient of this document and/or if you are not authorised to receive this document and/or if you have received this document in error, you are required to immediately notify the addressee, return the document to the sender and to destroy it (including electronic copies). You are furthermore notified that any disclosure, copying, dissemination, distribution, publication, acting upon the contents or related acts are strictly prohibited, may be unlawful and could result in legal action. Fyfer Inc. accepts no liability for any damage, loss or expenses arising from this document or the opening of this document.

1. INTRODUCTION

- 1.1. This manual has been prepared to assist persons in requesting information and provides procedures to be followed to gain access to information and documentation as provided for in PAIA, and POPIA.
- 1.2. Fyfer Incorporated carries on business as a firm of attorneys providing general legal services, including litigation, conveyancing and notarial practice to our clients.

2. BACKGROUND

Every private body specified in PAIA, is required to compile a manual which includes information on the business and a description of all/any records held in its possession. Further, each such private body is to make a copy of this manual available to the public upon request for the purpose of giving effect to the right to access information enshrined in section 32 of the Constitution of the Republic of South Africa, Act 108 of 1996 and to promote a culture of transparency, accountability and good governance both in the private and public sectors.

3. ORGANISATION DETAILS

Name:	Fyfer Incorporated
Head of Organisation:	Liesl Clark
Designated Person:	Dayne Clark
Physical Address:	Block IV Visiomed Office Park, 269 Beyers Naude Drive Northcliff
Postal Address:	P.O. Box 1359, Cresta 2118
Docex:	Docex 92, Randburg
Tel No.:	(011) 678 2160
Fax No.:	(011) 678 2151
E-mail address:	dayne@fyferinc.co.za

4. GUIDE IN TERMS OF PAIA SECTION 10

A guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA.

It is available in all of the official languages. The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission. Any queries with regard to this manual should be directed to:

Address: The South African Human Rights Commission
PAIA Unit, Research and Documentation Department
Private Bag 2700
Houghton
2041

Phone: (011)484 8300

Fax: (011)484 0582

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

5. RECORDS AVAILABLE WITHOUT A REQUEST (SECTION 51(1)(C))

No Notice has been given in terms of PAIA Section 52(2) of records available without a request (Section 51(1)(c)).

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(D))

6.1. Fyfer Incorporated, where applicable, holds information inter alia in terms of the following Legislation, but not limited to:

- 6.1.1. Basic Conditions of Employment Act, No. 75 of 1977
- 6.1.2. Labour Relations Act, No. 66 of 1978
- 6.1.3. Employment Equity Act, No. 55 of 1998
- 6.1.4. Occupational Health and Safety Act, No. 85 of 1993
- 6.1.5. Skills Development Act, No. 97 of 1988
- 6.1.6. Skills Development Levies Act, No. 9 of 1999
- 6.1.7. Unemployment Contribution Act, No. 4 of 2002
- 6.1.8. Unemployment Insurance Act, No. 30 of 1966
- 6.1.9. Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- 6.1.10. Companies Act, No. 71 of 2008

- 6.1.11. Electronic Communications and Transactions Act, No. 25 of 2002
- 6.1.12. Income Tax Act, No. 68 of 1962
- 6.1.13. Value Added Tax Act, No. 89 of 1991
- 6.1.14. Attorneys Act, No. 53 of 1979
- 6.1.15. Legal Practice Act, No. 28 of 2014
- 6.1.16. National Credit Act, No. 34 of 2005
- 6.1.17. Consumer Protection Act, No 68 of 2008
- 6.1.18. Financial Intelligence Centre Act, No. 38 of 2001

7. SUBJECTS AND CATEGORIES OF RECORD HELD – SECTION 51(1)(E)

7.1. Companies Act Records

- 7.1.1. Documents of incorporation
- 7.1.2. Minutes of Board of Directors meetings
- 7.1.3. Records relating to the appointment of directors/auditor/secretary/public officer and other officers
- 7.1.4. Share Register and other statutory registers

7.2. Employment Records

- 7.2.1. Employment contracts
- 7.2.2. Disciplinary records
- 7.2.3. Salaries and wages records
- 7.2.4. Disciplinary code
- 7.2.5. Leave records
- 7.2.6. Banking details
- 7.2.7. PAYE records
- 7.2.8. Documents issued to employees for income tax purposes
- 7.2.9. Records of payments made to SARS on behalf of employees
- 7.2.10. UIF records

7.3. Client records

- 7.3.1. Section 51 PAIA Manual
- 7.3.2. Records provided by clients, including FICA documents
- 7.3.3. Records provided by third parties
- 7.3.4. Records generated by or within Fyfer Incorporated
- 7.3.5. Client files
- 7.3.6. Fee agreements, quotations and mandates

7.4. General records

- 7.4.1. Financial and accounting records
- 7.4.2. Insurance records
- 7.4.3. Asset register
- 7.4.4. Client, supplier and document databases
- 7.4.5. Law Society records, including Fidelity Fund Certificate
- 7.4.6. Internal and external correspondence
- 7.4.7. Commercial agreements
- 7.4.8. Tax compliance documents
- 7.4.9. Accounting records
- 7.4.10. Bank statements
- 7.4.11. Invoices

The above information will only be made available subject to the provisions of PAIA and POPIA, and access to records may be refused due to attorney-client privilege.

8. AVAILABILITY OF THE MANUAL AND REQUESTS FOR ACCESS

- 8.1. This manual is available for inspection free of charge at the registered address of Fyfer Incorporated. Copies of the manual may be obtained, subject to payment of the prescribed fees. The manual may also be accessed online at www.fyferincorporated.co.za or alternatively, a copy is available upon request directly from the SAHRC.
- 8.2. All requests for access to information should be addressed to the Designated Person at the address, fax number or email stipulated above. In terms of PAIA, all requests must be completed on the prescribed request form, annexed hereto marked **Appendix 1**.

- 8.3. The requester must provide sufficient detail on the request form to enable the Designated Person to identify the record and the requester. The requester should also indicate what form of access is required and specify a postal address or fax number of the requester.
- 8.4. The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right. If a request is made on behalf of a third person, the requester must then submit proof of the capacity in which the request is being made.
- 8.5. The Designated Person must notify the requester by notice, requiring the requester to pay the prescribed fee (if any) before processing the request. The prescribed fee is in the Regulations of the Act. The Designated Person will then make a decision in accordance with the provisions of the Act, whether to grant the request or not and notify the requester of the decision.
- 8.6. If the request is granted, a further fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 8.7. Legal remedies are available to a requester who believes that there has been a failure to comply with PAIA. The requester may lodge an appeal or an application to court.

9. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY FYFER INCORPORATED

9.1. Conditions of Processing

- 9.1.1. Chapter 3 of POPI provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPI. Below is a description of the eight Conditions for Lawful Processing as contained in POPI:
 - 9.1.1.1. Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPI in respect of the Processing of Personal Information.
 - 9.1.1.2. Processing limitation - Personal Information must be collected directly from a Data Subject to the extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purposes for which it was obtained.
 - 9.1.1.3. Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.

- 9.1.1.4. Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- 9.1.1.5. Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.
- 9.1.1.6. Openness - there must be transparency between the Data Subject and the Responsible Party.
- 9.1.1.7. Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- 9.1.1.8. Data Subject participation - the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

9.2. Purpose of the Processing of Personal Information by Fyfer Incorporated

- 9.2.1. As outlined in paragraph 9.1.1.3, Personal Information may only be Processed for a specific purpose. The purposes for which Fyfer Incorporated processes or will Process Personal Information, is set out in **Appendix 2**.

9.3. Categories of Data Subjects and Personal Information/special Personal Information relating thereto

- 9.3.1. As per section 1 of POPI, a Data Subject may either be a natural or a juristic person. **Appendix 2** sets out the various categories of Data Subjects that Fyfer Incorporated processes Personal Information on and the types of Personal Information relating thereto.

9.4. Cross-Border Flows Of Personal Information

- 9.4.1. Section 72 of POPI provides that Personal Information may only be transferred out of the Republic of South Africa:
 - 9.4.1.1. If the recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI; or

- 9.4.1.2. If the Data Subject consents to the transfer of their Personal Information; or
- 9.4.1.3. If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- 9.4.1.4. If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- 9.4.1.5. If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

9.5. Description of information security measures to be implemented by Fyfer Incorporated

- 9.5.1. **Section D of Appendix 2** sets out the types of security measures to implemented by Fyfer Incorporated to ensure that Personal Information is respected and protected.
- 9.5.2. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by Fyfer Incorporated may be conducted in order to ensure that the Personal Information that is processed by Fyfer Incorporated is safeguarded and processed in accordance with the Conditions for Lawful Processing.

9.6. Objection to the Processing of Personal Information by a Data Subject

- 9.6.1. Section 11 (3) of POPI and regulation 2 of the POPI Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as **Appendix 3** subject to exceptions contained in POPI.

9.7. Request for correction or deletion of Personal Information

- 9.7.1. Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as **Appendix 4** to this Manual.

10. RESERVATION OF RIGHTS

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

SIGNED AT NORTHCLIFF ON THE 28TH DAY OF JUNE 2021

LIESL CLARK

DIRECTOR, FYFER INCORPORATED

APPENDIX 1: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

SECTION 53(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
[Regulation 10]

A - Particulars of private body

The Head: _____

B - Particulars of person requesting access to the record

The particulars of the person who requests access to the record must be given below.

The address and/or fax number in the Republic to which the information is to be sent must be given.

Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone 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: _____

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

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.

Reason for exemption from payment of fees:

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 hereunder, state your disability and indicate in which form the record is required.

Disability:		Form in which record is required	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>			
1. If the record is in written or printed form:			
	copy of record*		inspection of record
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	view the images		copy of the images" transcription of the images*
3. If record consists of recorded words or information which can be reproduced insound:			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*		printed copy of information derived from the record" copy in computer readable form*(stiffy or compact disc)
<p>'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>			<p>YES</p> <p>NO</p>

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:

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

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of.....20

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF REQUEST IS MADE

APPENDIX 2: PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPI

A. Purpose of Processing

Fyfer Incorporated uses personal information under its care in the following manner:

- Administration
- Rendering services according to contractual agreements
- Staff administration
- Complying with Tax Laws
- Keeping accounts of records

B. Categories of Data Subjects and their Personal Information

Fyfer Incorporated may possess records relating to suppliers, shareholders, service providers, staff, vendors, and clients:

Data Subject	Information Processed
Clients – Natural Persons	Names, contact details, postal address, date of birth, ID number, Tax related information, nationality, gender, confidential correspondence.
Clients – Juristic Persons / Entities	Names of contact persons, Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding documents, Tax related information, authorised signatories.
Service Providers	Names of contact persons; Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding document, Tax related information, authorised signatories, beneficiaries, ultimate beneficial owners.
Vendors	Names of contact persons; Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding document, Tax related information, authorised signatories, beneficiaries, ultimate beneficial owners.
Employees / Directors	Gender, Pregnancy, Marital Status, Ethnicity, Age, Language, Education information, Financial Information, Employment History, ID number, Physical

	and Postal address, Contact details, Criminal behaviour, Well-being
--	---

C. Actual or Planned Transborder Flows of Personal Information

Fyfer Incorporated has no planned transborder flow of information.

D. General Description of Information Security Measures

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

- Network Firewall
- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up the IT infrastructure

APPENDIX 3: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 AND REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[REGULATION 2]

<i>Note:</i>	
<ol style="list-style-type: none"> 1 <i>Affidavits or other documentary evidence as applicable in support of the objection may be attached.</i> 2 <i>If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.</i> 3 <i>Complete as is applicable.</i> 	
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:	

APPENDIX 4: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION

SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 AND REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[REGULATION 3]

Note:	
<p>1 <i>Affidavits or other documentary evidence as applicable in support of the request may be attached.</i></p> <p>2 <i>If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.</i></p> <p>3 <i>Complete as is applicable.</i></p>	
Request for:	
Mark the appropriate box with an 'x'.	
<input type="checkbox"/>	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
<input type="checkbox"/>	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:	

