

MBA Incorporated Policies

DESCRIPTION

PAIA MANUAL

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

Version 2

15 September 2025

(review date: 14 September 2027)

DEPARTMENT:

OFFICE OF THE MANAGING DIRECTOR

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WENDYWOOD, SANDTON,
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For any enquiries related to this policy, please email coenie@mbaincorporated.co.za.

DEFINITIONS

In this policy, the following words and expressions bear the meanings ascribed to them:

Company means Motsoeneng Bill Attorneys Incorporated. The **company's head office** is situated at 85 Western Service Road, Wendywood, Sandton | Contact Number: 011 463 9401 | Email address: info@mbaincorporated.co.za | Website: <https://mbaincorporated.co.za/>.

Competent person means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.

Consent means any voluntary, specific, and informed expression of will in terms of which permission is given for the performance of any act.

Data subject means the person to whom personal information relates.

Day means business days, unless otherwise indicated.

Employee means any person who works for, or provides services to, or on behalf of the company, and receives or is entitled to receive remuneration.

Fees means the fees in respect of private bodies in terms of Government notice No. R.757 in Government Gazette 45057 of 27 August 2021 attached as **annexure C**.

Information officer, in relation to a private body, means the head of a private body as contemplated in section 1. This shall include a deputy information officer appointed in terms of section 17 of the Act.

Manual means this manual, including its annexures, and any amended version.

PAIA means the Promotion of Access to Information Act 2 of 2000, including the regulations made under it.

Person means a natural or juristic person.

Personal information means information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including but not limited to:

- Information relating to race, gender, sex, pregnancy, marital status, nationality, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth.
- Information relating to the education, medical, financial, criminal, or employment history of the person.
- Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person.
- The biometric information of the person.
- The personal opinions, views, or preferences of the person.
- Correspondence sent by the person that is implicitly or explicitly private or confidential.
- The views or opinions of another individual about the person.
- The name of the person if it appears with other personal information or if the disclosure of the name itself would reveal information about the person.

POPIA means the Protection of Personal Information Act 4 of 2013, including the regulations made under it.

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

- The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use.
- Dissemination by means of transmission, distribution, or making available in any other form.
- Merging, linking, as well as restriction, degradation, erasure, or destruction of information.

Record means any recorded information:

- Regardless of form or medium, including:
 - Writing on any material.
 - Information produced, recorded, or stored electronically.
 - Labels, markings, or other writings identifying or describing anything.
 - Books, maps, plans, graphs, or drawings.
 - Photographs, films, negatives, tapes, or other visual images.
- In the possession or under the control of a responsible party.

- Whether or not it was created by a responsible party.
- Regardless of when it came into existence.

Regulator means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act. The Information Regulator is situated at 54 Maxwell Drive, Woodmead, Johannesburg | Contact Number: 0800 017 160 or 010 023 5200 |

Email: enquiries@infoeregulator.org.za; PAIAComplaints@infoeregulator.org.za; POPIAComplaints@infoeregulator.org.za | Website: <https://infoeregulator.org.za/>.

Requester means any person or entity (including any data subject) requesting access to a record that is under the control of the company.

Responsible party means a public or private body or any other person which determines the purpose of and means for processing personal information.

Third party means any person other than the requester concerned and the company.

PURPOSE

The purpose of this manual is to assist the public by:

- Outlining the categories of records available without a formal PAIA request;
- Explaining how to request access, with a description of subjects and record categories held;
- Identifying records accessible under other legislation;
- Providing contact details of the information officer and deputy information officer;
- Describing the Regulator's Guide to using PAIA and how to obtain it;
- Stating whether and why the body processes personal information, including the categories of data subjects and related information;
- Identifying the recipients (or categories) to whom personal information may be supplied;
- Indicating any planned cross-border processing or transfers and related recipients; and

- Confirming the security measures in place to ensure the confidentiality, integrity and availability of personal information processed.

POLICY STATEMENT & SCOPE

1. The company is committed to lawful and timely access to records in terms of the PAIA and POPIA and the information officer oversees compliance, assists requesters, protects personal and confidential information, and promotes accountability.
2. This manual applies to all records in the company's possession or under its control, regardless of format, including those of its subsidiaries in South Africa (if any). It guides any person requesting access, subject to PAIA's refusal grounds, fees and procedures, and complements internal policies and the Regulator's PAIA Guide.

INFORMATION AND DEPUTY INFORMATION OFFICER CONTACT DETAILS

3. Information Officer: Michael Motsoeneng Bill
Contact: 011 463 9401
Email: info@mbaincorporated.co.za
4. Deputy Information Officer: Coenie Bezuidenhout
Contact: 011 463 9401
Email: coenie@mbaincorporated.co.za

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

5. 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.
6. The Guide is available in each of the official languages and in braille and can be accessed electronically by following this link: <https://inforegulator.org.za/paia-guidelines/>.
7. A copy of this manual may be requested, free of charge by sending an email to the deputy information officer, downloading it from the company website, alternatively it can be inspected at the company's head office (subject to prior arrangement). Any person who requires a hard copy will be provided with a hard copy subject to pay the company's reasonable printing charges.

NATURE OF RECORDS HELD

Categories of records that are available without a person having to request access:

Category of Record	Types of Records	Website	Available on Email Request
Policy document	POPIA Policy	X	X
Policy document	PAIA Manual	X	X
Internal documents	Uncompleted client engagement form		X

Categories of records that are available in accordance with legislation:

8. The inclusion of any type of record should not be taken to mean that records falling within that type will be made available under PAIA.
9. Certain grounds of refusal as set out in PAIA may be applicable to a request for such records.
10. The records are classified and grouped according to the following applicable legislation and types:

Applicable Legislation	Type of Records
Companies Act 71 of 2008	Memorandum of Incorporation (MOI) & amendments, other incorporation documents. Notices, agendas and minutes of committee meetings, written resolutions. All accounting records and annual financial statements, audit reports.
Basic Conditions of Employment Act 75 of 1997	For each employee: name/occupation, hours worked, remuneration & deductions, leave, written particulars of employment, and any other prescribed information.
Employment Equity Act 55 of 1998	Workforce profiles & analysis, barriers/remedial measures, minutes of consultations, Employment Equity Plan (EEP), implementation proof, annual EEA2 reports, EEA4 income differentials statement, evidence of communication/training.

Financial Intelligence Centre Act 38 of 2001	<p>Client due-diligence (KYC) records: identities, addresses, legal status, beneficial ownership, source of funds, ongoing due-diligence/monitoring.</p> <p>Transaction records: nature, amount, parties, accounts, dates, identifying numbers; RMCP; STR/CTR/TPrR submissions & internal reports; training & compliance audit records.</p>
Income Tax Act 58 of 1962	All tax returns and supporting documents (company ITR14s, EMP201/501 schedules, PAYE/UIF/SDL workings, VAT invoices/bills of entry, ledgers, contracts, bank statements).
Labour Relations Act 66 of 1995	Employment contracts/variations, disciplinary/grievance records, CCMA/Labour Court awards/settlements.
Legal Practice Act 28 of 2014	Trust accounting & business accounting records: client/trust ledgers, bank statements, EFT proofs, fee notes, invoices, deposit slips, journals, reconciliations; Fee/Trust transfer authorities; cost estimates; engagement letters and FICA/KYC files.
Occupational Health and Safety Act 85 of 1993	Risk assessments, H&S policy, training registers, incident/accident records (GAR Annexure 1), H&S committee minutes/recommendations.
Prevention and Combating of Corrupt Activities Act 12 of 2004	Section 34 report copies/affidavits, internal investigation files, whistleblowing reports and related correspondence
Promotion of Access to Information Act 2 of 2000	<p>Section 51 PAIA Manual (current, published & available).</p> <p>Records of PAIA requests (Form 2), fees/deposits, decision letters, third-party notifications/representations, and any disclosures made under PAIA.</p>
Protection of Personal Information Act 4 of 2013	Policies (privacy, security, data subject rights), PAIA/POPIA manual, operator agreements, consent/objection/withdrawal records, PAIA/POPIA request logs, breach logs & Regulator notifications, PIA/impact assessments, operator due-diligence.

Skills Development Levies Act 97 of 1998	<p>Register per employee of remuneration paid, employees' tax deducted/withheld, SDL deducted, UIF contributions, and the employee's income tax reference number.</p> <p>EMP201s/EMP501s, proof of SDL payments, SETA classification details, and supporting payroll workings.</p>
Unemployment Insurance Act 63 of 2001	<p>Register per employee showing remuneration paid and the UIF contribution deducted/paid; including personal particulars, financial details and the employee's income tax reference number.</p> <p>EMP201s, EMP501s, proof of payments, payroll journals, and any supporting workings linking payroll to declarations.</p> <p>UI-19 declarations/submissions (and proof of submission) made to the UI Commissioner.</p>
VAT Act 89 of 1991	<p>VAT201 returns and all working papers/reconciliations supporting each return.</p> <p>Output tax: copies of all tax invoices issued (full/simplified), credit/debit notes, and evidence of the 21-day issue rule being met. Input tax: valid tax invoices received.</p>

Description of the subject on which the company holds records and categories of records held on each subject:

11. The inclusion of any type of record should not be taken to mean that records falling within that type will be made available under PAIA.
12. Certain grounds of refusal as set out in PAIA may be applicable to a request for such records.
13. The records are classified and grouped according to the following subjects and types:

Subjects	Types of Records
Employee records	A data subject's personal information;

	<p>Records provided by a third party relating to personnel, example copy of identification document;</p> <p>Conditions of employment and other employee related contractual and quasi-legal records;</p> <p>Correspondence relating to employees; and</p> <p>Training schedules and material.</p>
Client related records	<p>Incorporation documents and related information;</p> <p>Records pertaining to the legal matters of the clients/ members/ beneficiaries of the company;</p> <p>Records provided by a client/ member/ beneficiary to a third party acting for or on behalf of the company;</p> <p>Records provided by a third party; and</p> <p>Records generated by or within the company relating to its clients/ members/ beneficiaries.</p>
The company	<p>Internal policies and procedures; financial records; operational records; service records; communications; information management and technology; administrative records; statutory records; insurance; supplier information and agreement; and marketing and branding.</p>
Other	

PURPOSES OF PERSONAL INFORMATION

14. In accordance with the provisions of the company's POPIA policy, the company will collect data for the purposes below:

14.1. Billing and invoicing for legal services provided.

- 14.2. Client communication and updates (progress reports, case updates, requesting further information, etc.)
- 14.3. Client identification and verification as required in terms of the Financial Intelligence Centre Act 38 of 2001.
- 14.4. Compliance with regulatory and legal obligations (tax related requirements, legal filings, etc.)
- 14.5. Conducting legal research and case preparation.
- 14.6. Employment-related purposes (HR records, payroll, etc.)
- 14.7. Ensuring security and confidentiality of client information.
- 14.8. Handling complaints or disputes.
- 14.9. Handling requests for access to personal information.
- 14.10. Maintaining records of legal transactions and agreements.
- 14.11. Management of client trust accounts.
- 14.12. Managing client matters (legal advice, litigation, contract drafting, drafting Wills and other legal documents, etc.)
- 14.13. Managing relationships with external service providers (sheriffs, advocates, experts, consultants, court staff, deeds offices etc.)
- 14.14. Marketing and business development, subject to consent (newsletters, client engagement, etc.)
- 14.15. Our services are not directed at or designed for children. However, we may need to process a child's personal information when providing legal services in certain private matters (such as advising on inheritance tax, children's court matters, divorces, etc.). This will only occur where required for the specific legal service and always on behalf of the parent or guardian. If the reason for needing a child's personal information is unclear, please contact our information officer for further clarification.

- 14.16. When it is necessary for us to process your special personal information, we will do so as part of our standard business operations, for a legitimate and lawful purpose, and in compliance with all applicable legal requirements, including POPIA.

PROCESSING OF PERSONAL INFORMATION

15. For the purposes stated above, the company may collect and process personal information in various way, including but not limited to:
- 15.1. Billing and invoicing: personal and case-related data is processed to generate invoices, track payment status, and manage client accounts.
 - 15.2. Communication: client information is processed to communicate with clients about case progress, court dates, meetings, and billing. This may involve email, phone calls, letters, or secure portals.
 - 15.3. Data analysis: information is analysed to assess legal matters, prepare for cases, draft documents, or provide legal advice/ services. This includes reviewing client histories, legal documents, and applicable laws.
 - 15.4. Data collection: information collected through various means, such as client intake forms, email correspondence, phone calls, meetings, and documents provided by clients.
 - 15.5. Data sharing: information may be shared with external parties such as courts, opposing counsel, experts, or government agencies to further a case, comply with legal obligations, or obtain required documentation.
 - 15.6. Data storage: collected information is stored securely, usually in electronic databases (back up servers, shared network drives within the firm, and local hard drives), case management software, or physical files. This policy must be read in conjunction with the company's policy on Cyber Security.
 - 15.7. Document preparation: client information is used to draft legal documents such as contracts, pleadings, agreements, and other transactional documents. Personal and case details are processed to create accurate legal content.
 - 15.8. Record keeping: records of client data, legal documents, and communication are maintained for compliance with legal, regulatory, and professional standards. **In terms of FICA, client information is retained for 5 years, whereas the Legal Practice Council requires client information to be retained for 7 years.**

After expiry of the mandatory record keeping period above, the records must be destroyed.

Public records may be disposed of in the ordinary manner, but all financial records, and/ or records that are confidential in nature will be shredded, or destroyed in an equivalent fashion as directed by the industry standards at the time.

- 15.9. Security: the company has implemented data protection measures, including encryption, access controls, and audits to secure sensitive client information from unauthorised access, theft, or loss.

PROCESSING SPECIAL PERSONAL INFORMATION

16. The company may process special personal information under the following circumstances:

- 16.1. With the data subject's consent – when explicit consent has been given for the processing of such information.
- 16.2. To establish, exercise or defend legal rights – when necessary for litigation, legal advice, or compliance with legal obligations.
- 16.3. To comply with international public law obligations – if processing is required under international legal standards.
- 16.4. For public interest research, statistics or history – when the purpose serves the public interest, consent is impractical, and safeguards are in place.
- 16.5. When the data subject has made the information public – voluntarily and knowingly.
- 16.6. If authorised by the regulator – where the regulator grants permission based on public interest and adequate safeguards.

17. Additional authorisations apply for specific categories:

- 17.1. Religious or philosophical beliefs – we do not collect information about your religious or philosophical beliefs, where such information is required for the execution of our mandate, we will advise you and seek consent.
- 17.2. Race or ethnic origin – for identification when essential, or to advance legitimate interests under the law.

- 17.3. Trade union membership – as required for the execution of our mandate, particularly in relation to labour law matters.
 - 17.4. Political persuasion – we do not collect information about your political beliefs and persuasions, but we may collect information about political affiliations to the extent that it may affect the execution of our mandate.
 - 17.5. Health or sex life – when necessary for the purposes of executing our lawful mandate.
 - 17.6. Criminal behaviour or biometric information – when necessary for the purposes of executing our mandate, especially when it relates to criminal law matters, on information required for the purposes of human resources records.
18. The company may process children's personal information under these conditions:
- 18.1. With prior consent from a competent person – typically a parent or legal guardian.
 - 18.2. To establish, exercise or defend legal rights – in legal proceedings or advisory services involving children.
 - 18.3. To comply with international public law obligations – where necessary under international law.
 - 18.4. For public interest research, statistics or history – where consent is impractical, provided safeguards protect the child's privacy.
 - 18.5. Where the child, with competent person's consent, made the information public – the child has willingly disclosed the information.
 - 18.6. Additionally, the Regulator may authorise such processing if it serves the public interest and adequate safeguards are in place. The company will provide transparency, allow parental oversight, avoid over-collection, and implement protective measures to ensure the integrity and confidentiality of the child's data.

RIGHTS OF DATA SUBJECTS

19. The rights of data subjects under POPIA include the right to:
- 19.1. Be notified when personal information is collected or accessed by an unauthorised person.

In the event of a breach, MBA Incorporated will promptly notify the Regulator and affected data subjects.

Notifications will be issued in writing via mail, email, website, media, or as directed by the Regulator.

The notice will outline the nature of the breach, corrective actions taken, recommended protective measures, and, if known, the identity of the unauthorised party.

If necessary, MBA Incorporated will publicly disclose the breach to ensure data subjects are informed and protected, always prioritising transparency and compliance with regulatory requirements.

19.2. Establish whether a responsible party holds personal information and request access.

A previous, current, or prospective client (data subject), upon proving their identity, may request confirmation (free of charge) on whether MBA Incorporated holds their personal information. They may also request access to that information, including details of third-party access, within a reasonable time, format, and fee structure. MBA Incorporated will provide a fee estimate and may request a deposit. The data subject must be informed of their right to request correction. Access may be refused if valid grounds under the Promotion of Access to Information Act apply, but non-exempt information will still be disclosed.

19.3. Request correction, destruction, or deletion of personal information.

A data subject may request the correction or deletion of their personal information if it is inaccurate, outdated, irrelevant, or unlawfully obtained, or request its destruction if the MBA Incorporated is no longer authorised to retain it. Upon request, MBA Incorporated will act promptly by correcting, deleting, or justifying the information, or noting the unresolved dispute. If changes affect past or future decisions, affected third parties will be informed where practicable/ applicable. MBA Incorporated will also notify you of the action taken in response to the request.

The above may be requested by completing and submitting **form 2**, to the information officer.

19.4. Object to the processing of personal information on reasonable grounds.

19.5. Object to the processing of personal information for direct marketing purposes.

19.6. Not have personal information processed for direct marketing via unsolicited electronic communications.

A data subject has the right to object to the processing of their personal information on reasonable grounds relating to their specific situation.

This objection applies when processing is based on the MBA Incorporated's or a third party's legitimate interests, or when used for purposes like direct marketing. The objection must be made in the prescribed manner. Once an objection is lodged, MBA Incorporated will no longer process the information unless legislation permits it, or compelling legitimate grounds can be demonstrated that override the interests, rights, and freedoms of the data subject.

It must be understood that an objection to processing of certain information may result in MBA Incorporated being unable to execute its mandate, which may result in termination of the mandate by the responsible attorney.

The above may be requested by completing and submitting **form 1**, to the information officer.

19.7. Not be subject to decisions based solely on automated processing of personal information.

A data subject may not be subject to decisions with legal or significant effects based solely on automated processing, such as profiling for work performance, creditworthiness, or health. Exceptions apply if the decision is linked to a contract and protects the data subject's interests, or if governed by law or a code of conduct with safeguards. In such cases, MBA Incorporated will allow the data subject to make representations and provide enough information on the logic behind the automated decision to enable an informed response.

19.8. Submit complaints to the Information Regulator.

Any person may submit a written complaint to the Information Regulator, in the prescribed manner and form, if they believe their personal information has been interfered with or unlawfully processed. Additionally, a responsible party or data subject may lodge a complaint if aggrieved by an adjudicator's decision under section 63(3). The Regulator must provide reasonable assistance to individuals who require help in submitting their complaint.

For more information on how to lodge a complaint with the Regulator, please visit their website on <https://inforegulator.org.za/complaints/>.

19.9. Institute civil proceedings for interference with the protection of personal information.

A data subject, or the Regulator on their behalf, may institute civil action for damages against a responsible party for breach of POPIA, regardless of intent or negligence. Defences include vis major, plaintiff's consent or fault, impracticality, or exemption by the Regulator. Courts may award compensation for patrimonial and non-patrimonial loss, aggravated damages, interest, and legal costs. If the Regulator brings the action, awarded amounts are deposited into a trust, with expenses deducted and the remainder distributed to the data subject. Undistributed funds after three years revert to the Regulator. All court orders must be published. Settlements require court approval.

GENERAL GUIDING PRINCIPLES

20. The company is guided by the following 8 conditions/ guiding principles for the lawful processing of personal information:

Accountability:

21. The company will take full responsibility for ensuring that all personal information is processed lawfully and in accordance with POPIA. This includes putting policies, procedures, and training in place to monitor and enforce compliance throughout the information lifecycle.

Processing limitation:

22. We will only process personal information lawfully and for legitimate purposes. Processing will be minimal, relevant, and limited to what is necessary. Consent will always be obtained where required, and data will be collected directly from the data subjects unless otherwise justified.

Purpose specification:

23. All personal information collected will be for a specific, explicitly defined, and lawful purposes. Records will not be kept longer than necessary unless required by law or for lawful retention. Retention and destruction practices will be clearly documented and enforced.

Further processing limitation:

24. Further use of personal information will be compatible with the original purpose for which it was collected. If not, new justification or consent will be sought. We will evaluate compatibility based on the relationship between the purposes, the nature of the information, and its consequences.

Information quality:

25. Personal information must be complete, accurate, and kept up to date. The company will take reasonable steps to ensure the integrity of data at the time of collection and during use, especially when decisions are made based on that information.

Openness:

26. We will maintain documented processing activities and inform data subjects when collecting their personal information. Notification will include the purpose, source (if not direct), recipients, and the subject's rights, ensuring transparency and informed participation.

Security safeguards:

27. The company has implemented appropriate technical and organisational measures to secure personal information against loss, unauthorised access, or damage. Contracts with operators will ensure compliance, and we will notify affected parties and the Regulator of any security compromise.

Data subject participation:

28. Data subjects have the right to access their personal information and request correction or deletion where appropriate. Requests will be handled fairly, efficiently, and in the prescribed manner, ensuring transparency, responsiveness, and respect for data subject rights.

RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED

29. Depending on the nature of the data, the company may supply information or records to the following categories of recipients:
- 29.1. Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
 - 29.2. Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules;
 - 29.3. The Competition Commission in terms of the Competition Act No. 89 of 1998;
 - 29.4. South African Revenue Services, or another similar authority
 - 29.5. Anyone making a successful application for access in terms of PAIA; and
 - 29.6. Subject to a legitimate interest, a person who conducts business with the company.
30. The company will comply with POPIA before transferring personal information to a third-party who is not a contractor of the company.
31. Before transferring personal information to a third-party contractor the company will obtain assurances from the third-party that it will process the personal information in a manner consistent with POPIA.

32. Where the company discovers that a third-party contractor is using or disclosing personal information in a manner contrary to POPIA, the company will take reasonable steps to safeguard the rights of the affected party/ parties.

HOW TO ACCESS RECORDS HELD BY THE COMPANY

33. Records held by the company may be accessed by a requester only once the prerequisite requirements for access have been met.
34. A requester is any person requesting access to a record of or held by the company, including a:
- 34.1. Personal requester seeking access to a record containing personal information about the requester. The company will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. A prescribed fee for the reproduction of the information requested may be charged.
 - 34.2. Other requesters requested access to information on behalf of third parties. The company is not obliged to grant access voluntarily. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

REQUESTING PROCEDURE

35. A requester may request access to information by completing the prescribed form 2 attached as **annexure "A"**. The form must be completed comprehensively.
36. The completed form must be submitted to the deputy information officer together with proof of payment of the requesting fee in the amount of **R140.00**.
37. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the deputy information officer.
38. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally via telephone or in person.

OUTCOME OF REQUEST

39. The deputy information officer will notify the requester of the outcome of the request (accepted/declined) in writing (**annexure “B”**) within 20 days after the request was made.
40. Acceptance of the request will be accompanied by a request for payment of the prescribed fees in terms of **annexure “B & C”**. Document preparation will not commence until proof of payment has been verified.
41. The initial period may be extended subject to the nature of the records (example: voluminous or not easily accessible), which extension and reasons for the extension will be communicated to the requester prior to expiry of the initial 20 days. Notwithstanding, the requester is permitted to refer the matter for adjudication in terms of the ‘remedies’ section.
42. If the request was declined, the requester will be provided with written reasons and will be informed of his/ her to refer the matter for adjudication in terms of the ‘remedies’ section.
43. A failure to respond to a request within 20 days (or extended period) must be deemed at refusal of the request and will entitle the requester to the remedies provided for in this manual.

GROUND FOR REFUSAL OF ACCESS TO RECORDS

Mandatory grounds of refusal:

44. Mandatory protection of privacy of third party who is a natural person, if the disclosure amounts to an unreasonable disclosure.
45. Mandatory protection of commercial information of a third party, such as trade secrets, or any other information that will threaten the third party’s commercial interests.
46. Mandatory protection of certain confidential information, and protection of certain other confidential information, of a third party where disclosure would result in a breach of duty of confidence.
47. Mandatory protection of safety of individuals, and protection of property where the disclosure of information could compromise the safety of an individual or the security of a building or property.
48. Mandatory protection of records privileged from production in legal proceedings, unless legal privilege was waived.

49. Mandatory protection of research information of third party, and protection of research information of public or private body where disclosure would expose the researcher, a third party, or place the research subject at serious disadvantage.
50. Requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources will be refused.

REMEDIES UPON REFUSAL OF A REQUEST TO ACCESS TO INFORMATION

51. The company does not have any internal appeals procedures at the disposal of a requester whose request was declined, or where the information officer has failed to respond to the request.
52. A dissatisfied requester may seek recourse as follows:
 - 52.1. Lodging a complaint with the information regulator within 180 days of the date on which the decision (or failure to take a decision) was made by completing form 5 (available online). The complaints procedure and applicable forms can be accessed at <https://inforegulator.org.za/complaints/>.
 - 52.2. Apply to court (magistrate's or high court) in terms of section 82 of PAIA (subject to first lodging a complaint with the regulator).
53. The relief that may be granted by the regulator or a court is set out in the PAIA guide.

REFERENCES

Information Regulator (South Africa) <https://inforegulator.org.za/> (accessed: September 2025).

Information Regulator (South Africa). (2021). *Guide on how to use the Promotion of Access to Information Act 2 of 2000, as amended*.

Protection of Information Act 84 of 1982.

Protection of Personal Information Act 4 of 2013, and regulations.

ANNEXURES:

Annexure A: Form 2: Request for access to record

Annexure B: Form 3: Outcome of request and of fees payable

Annexure C: Fees

FORM 2
REQUEST FOR ACCESS TO RECORD

[Regulation 7.]

Note:

1.

Proof of identity must be attached by the requester.

2.

If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO:

The information officer

.....

.....

.....

.....

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐ Request is made in my own name ☐ Request is made on behalf of another person.

PERSONAL INFORMATION	
Full names:	
Identity number:	
Capacity in which request is made (<i>when made on behalf of another person</i>):	

[illegible]

Reference number, if available:	
Any further particulars of record:	
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	

Copy of record on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of record on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected:	

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

FEES	
<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>c) <i>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.</i></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i></p>	
Reason:	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at this day of 20

.....

Signature of requester / person on whose behalf request is made

.....

.

FOR OFFICIAL USE

Reference number:	
Request received by: (<i>state rank, name and surname of information officer</i>)	
Date received:	
Access fees:	
Deposit (if any):	

.....

Signature of information officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8.]

Note:

1.

If your request is granted the—

(a)

amount of the deposit, (if any), is payable before your request is processed; and

(b)

requested record/portion of the record will only be released once proof of full payment is received.

2.

Please use the reference number hereunder in all future correspondence.

Reference number:

TO:

.....

.....

.....

.....

Your request dated, refers.

1.

You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of

reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
--	--

OR

2.

You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3.

To be submitted:

Postal services to postal address	
Postal services to street address Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: (<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available</i>)	

Kindly note that your request has been:

☐

Approved

--

Denied, for the following reasons:

4.

Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on: (i) Flash drive • To be provided by requestor	R40.00		
(ii) Compact disc • If provided by requestor •	R40.00 R60.00		

If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive			
• To be provided by requestor	R40.00		
(ii) Compact disc			
• If provided by requestor	R40.00		
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5.

Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account: Name of Bank:

Name of account
holder:

Type of account:

Account number:

Branch Code:

Reference Nr:

Submit proof of
payment to:

Signed at this day of 20

.....

Information officer

**FEES IN RESPECT OF PRIVATE BODIES IN TERMS OF GOVERNMENT NOTICE
NO.R.757 IN GOVERNMENT GAZETTE 45057 OF 27 AUGUST 2021**

FEES

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (iii) Flash drive (to be provided by requestor) (iv) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash drive (to be provided by requestor) (vi) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00

10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.”.