



SUSANDRA VAN WYK

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PAIA MANUAL IN COMPLIANCE WITH THE PROMOTION TO ACCESS OF INFORMATION ACT 2 OF 2000

Why does Susandra van Wyk Attorneys have this manual?

We respect your right to access information. The purpose of this manual is to provide information to help you as the user (and possible requester of information) to understand the function of Susandra van Wyk Attorneys ("SvW Attorneys") as a private body and the records in its custody in align with the Promotion to Access of Information Act 2 of 2000 ("PAIA"). Armed with that information a person shall be able to identify the records they want and the procedure to request for access to SvW Attorneys' records.

The Promotion to Access of Information Act 2 of 2000 (known as PAIA) requires us to draft and make this PAIA manual available to you that contains the following:

- Our postal and street address, phone and fax number and, if available, e-mail addresses
- A guide on how to use the PAIA to get information from SvW Attorneys.
- What records are available to an interested party without having to request access in terms of PAIA.
- A description of the records of SvW Attorneys, which are available in accordance with any other legislation.
- How to request records from SvW Attorneys in terms of PAIA
- Various information related to the Protection of Personal Information Act ("POPIA").
- Additions as described in the PAIA Regulations.
- Such other information as may be prescribed by the Minister.



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General information

SvW Attorneys is a private body as defined in PAIA and a law firm specialising in deceased estate administration and the drafting of Wills. For further explanation who we are and what we do please go to our website (<https://svwlaw.co.za>) or contact our Information Officer.

Public and Private bodies are required to register their Information Officers as per section 55 of POPIA with the Information Regulator. As a private body as defined in PAIA we have appointed and registered an Information Officer at SvW Attorneys as prescribed in the PAIA. Our Information Officer is responsible for overseeing questions in relation to this manual. If you have any questions about this manual, including any requests to exercise your legal rights, please contact our Information Officer using the details set out below.

Our full details are:

- Full name of legal entity: Susandra van Wyk Attorneys
- Name or title of our registered Information Officer: Dr Susandra van Wyk (See Addendum for proof of registration certificate)
- Email address: info@svwlaw.co.za
- Postal address: Suite 16 Private Bag X10, Menlo Park, Pretoria, South Africa 0102

You have the right to make a complaint at any time to the South African Information Regulator's office. However, we would appreciate the chance to address your concerns before you approach the Information Regulator. Therefore, please contact us in the first instance.

This manual includes links to third-party websites. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements or terms. When you leave our website or engage with such third parties, we encourage you to read the distinct privacy policy of every third party you interact with.

How to obtain a guide on how to use the PAIA to get information from SvW Attorneys.

For detailed guidance regarding PAIA, please contact the Information Regulator. They have compiled a PAIA guide in each official language of South Africa on how to exercise your rights under PAIA. Additionally, refer to our FAQs in this manual for general information about PAIA that may pertain to us, as an effort to assist you.



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Visit their website	www.inforegulator.org.za
Postal address	P.O Box 3153, Braamfontein, Johannesburg, 2017
Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Phone number	010 023 5200
Ask a general enquiry by email	enquiries@inforegulator.org.za
Lodge a complaint by email	PAIAComplaints@inforegulator.org.za

Records which we make automatically available.

Pursuant to section 52 of PAIA, we automatically provide you with access to the following records without the need for you to make a separate request for access.

Full names and surname of business owner (legal practitioner)	Legal Practice Council Website: https://lpc.org.za/members-of-the-public/list-of-legal-practitioners/
Practising number	
Designation as attorney, notary and conveyancer	
Our Banking Details	Request by Email
Recent updated Fidelity Fund Certificate	Request by Email
PAIA manual, POPIA and FICA policies	On our website
External newsletters and circulars	Subscribing or on our website
Information on our website	On our website



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Records we hold to function.

We hold the following subjects and categories of records in electronic or physical format, which we do not make automatically available.

- Establishment records
- Business records
- Financial records
- Insurance records
- Tax records
- Personal records
- Agreements or contracts
- Regulatory documents
- Customer and supplier information
- Records and personal information of employees, service providers/representatives and contractors, visitors that include:

Employees	Names and contact details; identity numbers, passport numbers, tax details, • employment history • banking details, CVs
Prospective Employees	CVs – which include, for example names and contact details, Identity or passport number, employment history
Members of the public (visitors)	Names and contact details • Postal addresses • Identity numbers
Contractors and Service Providers	Names and contact details; • Identity numbers • Company/Organisation details

SvW Attorneys does not transfer personal information to another person or institutions unless the data subject or legislation permits such transfer.

SvW Attorneys does not transfer personal information to another country unless the data subject or legislation permits such transfer.



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Records we hold to comply with the law.

We hold records the same way all organisations are required by law to hold them. Additionally, we retain records that the law specifically requires organisations like ours to hold. This includes POPIA/PAIA and FICA compliance.

Personal information of users or prospective users

We may hold information of user's personal identification information collected in various ways, including when users visit our Website, fill out a form, or use other services, features, or resources we provide on our Website. However, taken into account that users have the option to visit our Website anonymously.

Kindly note that SvW Attorneys does not transfer personal information to another person or institutions unless the data subject or legislation permits such transfer.

Also note that SvW Attorneys does not transfer personal information to another country unless the data subject or legislation permits such transfer.

Non-personal identification information

We may hold non-personal identification information about users or prospective users when they engage with our Website. This information may include the user's browser name, computer type, and technical details about their connection to our Website, such as operating system and Internet service provider. We may also gather other similar information.

SvW Attorneys does not transfer personal information to another person or institutions unless the data subject or legislation permits such transfer.

SvW Attorneys does not transfer personal information to another country unless the data subject or legislation permits such transfer.

When do we collect personal identifier information?

We will process your personal information in the following circumstances:

- when you contact us for services from us online or over the phone or by email;
- when you have sent us supporting documentation for the purpose of requesting advice or making an appointment or any other information required;
- when you register for our newsletter or request for a quote or an appointment or advice and any other type of enquiry;



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- when you have been in contact with one of our employees or account managers during presentations, trade shows, exhibitions, conferences or roadshows;
- when you contact us, or we contact you to take part in surveys; and/or
- when you engage with us on social media (by mentioning/tagging us or by contacting us directly).

How you can request access

We have appointed our Information Officer to deal with all matters relating to PAIA so we can comply with our PAIA obligations. To request access to a record, please direct an email to us and submit the following information by using the PAIA Form 2: Request for Access to Record (Regulation 7). The form is available upon request from the Information Officer or from Regulator's website <https://inforegulator.org.za/paia-forms/>

Please submit the PAIA Form 2 to the Information Officer by sending it to info@svwlaw.co.za

Please ensure that the completed email contains sufficient information for the Information Officer to identify you, the requested records, and the form of access you require. This should include specifying your email address, postal address, describing the right you seek to exercise or protect, explaining why you need the requested record to exercise or protect that right, providing any alternative method you would prefer to be informed of our decision other than in writing, and offering proof of the capacity in which you are making the request if you are doing so on behalf of someone else. We will determine the adequacy of this proof. Failure to provide us with the necessary information may result in the rejection of the request due to a lack of procedural compliance.

Oral requests that are not made in writing are not forbidden. In the instance where a requester who cannot read or write may present the request orally, such a request shall be recorded in writing and processed. The Information Officer shall provide guidance on this matter. Additionally, the Information Officer is under an obligation to assist any requester who experiences difficulties with making a request for access to information.

How we will give you access

We will evaluate and consider all requests we receive. If we approve your request, we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.



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How much it will cost you.

When submitting your request, you are required to pay a request fee as prescribed by the law. The prescribed fees must be paid before we can grant you access. Upon your request [Section 54(1)], our Information Officer will provide you with a notice outlining the application procedure [Section 54(3)(c)].

If we approve the request, an additional access fee, as prescribed by the law, will apply. This fee encompasses the time spent handling your request, including searching and preparing the record for disclosure if the designated hours have been exceeded. Our Information Officer will inform you if a deposit is necessary for the access fee. The deposit amount may be up to one-third of the prescribed access fee [Section 54(2)]. The access fee will cover the costs of creating or transcribing the record, any applicable postal fees, and the reasonable time required for searching and preparing the record for your access.

Should you have paid the deposit, and your request is subsequently denied, we will refund the deposit amount to you. Please note that until the fees have been paid, we retain the right to withhold the requested record.

Grounds for us to refuse access.

The PAIA has provided certain grounds (in sections 7, 12, and Chapter 4 of PAIA) upon which a request may be refused. These grounds of refusal mean that we may have to deny you access to certain records in accordance with PAIA in order to protect:

- someone else's privacy (Section 63)
- another company's commercial information (Section 64)
- someone else's information (Section 65)
- research information (Section 68)
- the safety of individuals and property (Section 66)
- records privileged from production in legal proceedings (Section 67)
- records of an opinion, advice, report or recommendation, consultation, discussion, including minutes of a meeting, to formulate a policy or take a decision;
- disclosure of the record that may cause prejudice to the defence, security and international relations of the country;



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- disclosure of the record that is likely to materially jeopardise economic interests and financial welfare of South Africa

We will notify you in writing whether your request has been approved or denied within 30 calendar days of receiving your request. However, this period may be extended by an additional thirty (30) calendar days. If an extension is necessary, you will be informed accordingly. If we are unable to locate the record you have requested or if it does not exist, we will provide you with written notification through an affidavit, explaining that access to the requested record is not feasible.

Remedies available if we refuse to give you access.

If we deny your request for access, you have the following options:

- Apply to a court (Section 78) with the appropriate jurisdiction. Every Magistrates Court has the authority to hear the PAIA application. The Clerk of the Court will assist and guide you through the process of lodging an application with the court.
- File a complaint with the Information Regulator. The complaint must be submitted by completing the PAIA prescribed Form 5 and sending it to the Information Regulator. The Information Regulator will assist and guide you through the complaint process.

These actions must be taken within 180 calendar days from the date of our decision notification.

Availability of this Access to Information Manual

This manual is available in English in electronic format on our website and in physical format at the reception of our company offices.

Updates to this Access to Information Manual

We will update this Access to Information Manual whenever we make material changes to it.



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FAQS ABOUT THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (COMMONLY KNOWN AS PAIA)

What is PAIA?

The Promotion of Access to Information Act 2 of 2000 (commonly known as PAIA) enables individuals to obtain access to information held by both public and private bodies. All organisations in South Africa are required to comply with it.

Who regulates PAIA and what are its functions?

From the 1st of July 2021 the Information Regulator has taken on this role, succeeding the SAHRC. The Regulator is dedicated to upholding the principles outlined in the Constitution and national legislation, including, but not limited to, PAIA and POPIA. The Information Regulator is responsible for promoting and safeguarding the right to privacy concerning the protection of personal information, as well as the right of access to information. To fulfil these responsibilities, the Regulator exercises its powers and carries out its functions in accordance with POPIA and PAIA.

The establishment of the Regulator is defined under Section 39 of POPIA, which mandates it to be independent and impartial. It is entrusted with performing its functions and exercising its powers without bias, prejudice, or favour. The Regulator is accountable to the National Assembly.

What is the aim of PAIA?

The aim of PAIA is to cultivate a culture of transparency and accountability within both public and private bodies. It also contributes to the achievement of South Africa's objectives for an open and participatory democracy. PAIA further enacts the right of access to information and actively advances a society where every individual has effective access to information. This empowerment allows every person to fully exercise their rights.

Why do we need PAIA?

Section 32 of the Constitution upholds the right of access to information held by both public and private bodies. This section also mandates the enactment of legislation to facilitate this right, outlining procedures for accessing information from these bodies and establishing grounds for refusal. PAIA was formulated in response to this constitutional directive and, to a large extent, became effective in March 2001. Its preamble acknowledges the 'secretive and unresponsive culture' of the pre-democratic era. One of PAIA's key objectives is to 'foster a culture of transparency and accountability in public and private bodies.'



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PAIA serves as a vehicle to uphold the rights of access to information and accountability. It empowers individuals to utilise the law and provides various avenues for requesting information. Legal expertise is not necessary to make an information access request under PAIA. The legislation strives to achieve a balance between the interests and rights of the requester and the public or private body (business) holding the record. PAIA is applicable to numerous issues and areas.

While a draft Promotion of Access to Information Amendment Bill was proposed in 2015, it was never introduced in Parliament. PAIA has been subject to amendments through the Protection of Personal Information Act and will also undergo amendments through the Cybercrimes Act upon its enactment. The implications of PAIA are further elucidated in this Manual.

What does PAIA deal with?

The central focus of PAIA is access to information. The principal participants are the requester and the public or private body. The crux lies in obtaining access to information stored within records, with the requester initiating the access process.

In accordance with the PAIA (Promotion of Access to Information Act), both private bodies (as defined in PAIA) and public bodies (primarily state departments and state administrations as defined in PAIA) are obligated to grant access to their records upon request under PAIA. It is imperative to:

- understand the definition of a record;
- identify the specific record being requested;
- understand when access to a record must be granted;
- recognise the circumstances under which access to a record may be declined; and
- establish the necessary protocols to ensure PAIA compliance.

What is a record?

PAIA defines a record as any recorded information held by a business in any form or medium. Within the scope of PAIA, records encompass materials created by third parties that are now under the control of the business. Additionally, records encompass email and other forms of recorded electronic communications.

Access to records: when can one ask for access?

The most significant implication of PAIA is that an individual can request access to records held by a business, as permitted by PAIA under specific circumstances. To gain access, a requester must fulfil the following criteria:



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- **Access to Records of Private Bodies:** A requester must establish that they require the record for the exercise or protection of any rights (Section 50). The term 'rights' within this context is not explicitly defined by PAIA and is subject to interpretation. It may encompass a broad spectrum of legal rights, including constitutional, statutory, and common law rights, rather than being limited to only constitutional rights. The wider interpretation of 'rights' seems more probable. Complying with this requirement is relatively straightforward. In contrast, a requester seeking access to records of public bodies has a general or automatic right under Section 11.
- **Compliance with PAIA Procedure:** A requester must adhere to the procedure outlined by PAIA. The request must be in the specific format specified in the PAIA regulations, and the requester must pay the prescribed fees to the organisation. Again, this requirement is relatively easy to meet.
- **Absence of Grounds for Refusal:** There must be no grounds for refusal as outlined in PAIA. An example of a refusal ground is the 'unreasonable disclosure of personal information about a third party.' These refusal grounds aim to strike a balance between the requester's right to access information and the rights of the organisation holding the information, as well as the rights of third parties. Overcoming this third requirement might be more challenging in certain cases.

What is a PAIA manual?

By law, SvW Attorneys is considered a private organisation and is required to provide a PAIA manual containing specific information as specified by PAIA. The manual's purpose is to inform the public about how they can request access to the information held by SvW Attorneys and the type of information that is held.

For a public body, an additional requirement is to include in the manual a description of all remedies available in respect of an act or failure to act by the body.

According to PAIA, each manual must be made available as prescribed. The PAIA regulations stipulate that a manual must be accessible on the organisation's website and at its place of business.

What is the PAIA manual deadline?

The PAIA manual deadline is the 31st of December 2021. Starting from the 1st of January 2022, every organisation is required to have a manual. No exemptions apply.

What is an Information Officer?

In relation to a private body, an Information Officer refers to the head of the private body as defined in section 1 of the PAIA, which includes the Chief Executive Officer, Managing Director, or equivalent officer of the juristic person, or any individual duly authorised by the leader.



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Any questions or enquiries needed?

If you have any questions about this PAIA manual, the practices of this site, or your dealings with this site, please contact us at:

Name and title of our Information Officer: Dr Susandra van Wyk

Email address: info@svwlaw.co.za

Postal address: Suite 16 Private Bag X10, Menlo Park, Pretoria, South Africa 0102

WEBSITE DISCLAIMER

The materials contained on the web pages of SvW Attorneys are provided for general information purposes only and do not constitute legal or other professional advice. Every situation has a unique set of circumstances and specific professional advice should therefore be obtained for your particular needs. We accept no responsibility for any loss or damage which may arise from reliance on information contained in these pages.

EMAIL DISCLAIMER

The information contained in email communications is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed, and others authorised to receive it. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking action in reliance on the contents of information in the email is strictly prohibited and may be unlawful. SvW Attorneys shall not be liable for the proper and complete transmission of the information contained in email communications, or for any delay in its receipt, or for assuring that it is virus-free. SvW Attorneys does not accept any liability for the accuracy of the information or advice contained in an email, or for any loss arising from reliance on it. An email communication represents the originator's personal views and opinions, which do not necessarily reflect those of SvW Attorneys. If you have received an email communication in error, please do not read it, notify SvW Attorneys at our email address and delete the email from your system. Our email address is: info@svwlaw.co.za

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Addendum: Proof of Information Officer's Registration Certificate




**INFORMATION
REGULATOR
(SOUTH AFRICA)**
Ensuring protection of your personal information
and effective access to information

REGISTRATION CERTIFICATE

Registration Number: 0017587/2023-2024-IRRT/PR

This is to certify that **Susandra van Wyk** has been registered as the **Information Officer** with the Information Regulator by **Susandra van Wyk Attorneys**, in terms of section 55(2) of the Protection of Personal Information Act 4 of 2013 on the **16 August 2023**.



Chief Executive Officer
INFORMATION REGULATOR

NB: Please note that it is your responsibility to ensure that the particulars of an Information Officer and/or Deputy Information Officer(s) are correct and updated on an annual basis or as when it becomes necessary.

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