

REGISTRATION NUMBER OF COMPANY: 2007/006650/21

BOSHOFF SMUTS INCORPORATED

MANUAL

in terms of Section 51 of The Promotion of Access to Information Act 2 of 2000

and

The Protection of Personal Information Act 4 of 2013

Date of Compliance: 11/10/2021

Date of Revision: 26/06/2024

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1. Introduction to your company and the type of business:

Boshoff Smuts Incorporated, (Registration number: 2007/006650/21), is a law firm and a personal liability company, duly incorporated in terms of the company laws of the Republic of South Africa and provides various legal service to its clients ranging from individual and companies.

This manual is published in terms of sections 14 and 51 of PAIA to promote transparency, accountability, and effective governance of all private bodies. PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right to access to information.

Additionally, the manual sets out categories of records held, how access to information can be obtained, objections can be raised, corrections be requested, and deletion be requested, regarding the personal information held by the company in terms of section 23, 24 and 25 of POPIA and the Regulations Relating to the Protection of Personal Information, 2017 (“POPIA Regulations”).

2. Purpose of PAIA Manual:

This PAIA Manual is useful for the public to-

- 2.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3. know the description of the records of the body which are available in accordance with any other legislation;

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- 2.4. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9. know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Contact Details – Section 51 (1)(a):

Directors:	Rudolph Boshoff
	Johan Smuts
	Nadia Hetzel
Chief Information Officer:	NADIA HETZEL
Deputy Information Officer(s):	N/A

Postal Address: PostNet Suite #153
Private Bag x1015
Lyttelton
0140

Street Address: Waterford Court Office Park
Block A, Unit 3
234 Glover Avenue (Cnr Rabie & Glover Ave)
Lyttelton, Centurion
0140

Telephone Number: 012 644 2661

Fax Number: 012 644 2693

General Email: hanlie@boshoffsmuts.co.za

4. The Act and Section 10 Guide – Section 51 (1)(b):

- 4.1. From 1 July 2021, the Information Regulator will assume the functions of the South African Human Rights Commission (“SAHRC”) and will be responsible for PAIA and POPIA queries.
- 4.2. The Information Regulator updated and made available the revised Guide on how 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.
- 4.3. The aforesaid Guide contains the description of-
 - 4.3.1. the objects of PAIA and POPIA;

- 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50;
- 4.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

- 4.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer;
 - 4.5.2. from the website of the Regulator (below).
- 4.6. A copy of the Guide is also available in English, for public inspection during normal office hours-
- 4.7. The contact details of the Information Regulator are:
- Telephone no: (012) 406 4818
- Email: infoereg@justice.gov.za
- Dax no: (086) 500 3351
- Website: www.justice.gov.za/infoereg
- Postal Address: P.O. Box 31533
Braamfontein,
Johannesburg

2017

Physical Address: JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

5. Applicable Legislation – Section 51 (1)(c):

5.1. Records automatically available:

5.1.1. No notices have been published by the Information Regulator on the categories of records automatically available without a person having to request access thereto in terms of PAIA.

5.1.2. Certain information, like information provided on the company's website are freely accessible to any person requesting this information and no application will be required to access this information.

5.2. Records held in terms of legislation

5.2.1. Basic Conditions of Employment Act 75 of 1997;

5.2.2. Companies Act 71 of 2008;

5.2.3. Electronic Communications and Transactions Act 25 of 2002;

5.2.4. Employment Equity Act 55 of 1998;

5.2.5. Financial Intelligence Centre Act 38 of 2001;

5.2.6. Income Tax Act 58 of 1962;

5.2.7. Labour Relations Act 66 of 1995;

5.2.8. Legal Practice Act 66 of 2014;

5.2.9. Occupational Health and Safety Act 85 of 1993;

5.2.10. Pension Fund Act 24 of 1956;

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

5.2.12. Unemployment Insurance Act 63 of 2001; and

5.2.13. Value Added Tax 89 of 1991.

6. Schedule of Records – Section 51 (1)(d):

6.1. Additional records held by the company:

The table below shows additional records and categories of records held by the company. These records are not automatically available without a request in terms of PAIA and a request to these records may be refused in accordance with the grounds of refusal set out in PAIA

Subject	Description of record
Statutory records	<ul style="list-style-type: none">• Company incorporation documents• Memorandum of Incorporation• Records relating to the appointment of directors, auditors, and other officers
Income tax	<ul style="list-style-type: none">• Pay-as-you-earn (PAYE) records• Documents issued to employees for income tax purposes• Records of payments made to South African Revenue Services on behalf of employees• All or any statutory compliance• Value Added Tax

	<ul style="list-style-type: none"> • Skills development levies • Unemployment Insurance Fund
<p>Labour relations records</p>	<ul style="list-style-type: none"> • Personnel documents and records • Employment contracts • Medical aid records • Pension Fund records • Disciplinary records • Salary records • Disciplinary code and/or procedures • Leave records • Training records • Training manuals • Address lists • Internal telephone lists
<p>Finance</p>	<ul style="list-style-type: none"> • Receipts and payments • Bank statements • A list of the company's debtors and creditors • Budgets • Management accounts • Asset registers • Invoices • Salary Slips • Minutes of meetings

	<ul style="list-style-type: none"> • Correspondence
Risk and compliance	<ul style="list-style-type: none"> • Contracts • Policies and procedures • Risk assessment • Compliance records
Others	<ul style="list-style-type: none"> • IT usage statistics and equipment details • Supplier lists • Secretarial records • Media releases and public relation events records

7. Processing of Personal Information:

7.1. POPIA:

7.1.1. In terms of POPIA and particularly chapter 3 there are minimum conditions set out for the processing of Personal Information and may only be varied from when specifically excluded in POPIA.

7.1.2. By providing quality goods and services, the company is involved in the collection, use and disclosure of certain aspects of the Personal Information of clients, employees, and other stakeholders such as Service Providers. The right to privacy entails that a person should have control over his/her Personal Information and should be able to conduct his/her affairs relatively free from unwanted intrusions. The Company is committed to effectively deal with Personal Information as required by

POPIA and PAIA, while using certain Personal Information as required in the course of their business.

7.2. Purpose of processing personal information:

7.2.1. We will Process your Personal Information in the ordinary course of our business, whether it be dealing with you as a client, employee or third party. We will primarily use your Personal Information only for the purpose for which it was primarily collected. We will only use your Personal Information for a secondary purpose if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the Personal Information was collected. We may subject your Personal Information to Processing during the course of various activities, including, without limitation, the following:

- 7.2.1.1. operating our business;
- 7.2.1.2. to provide legal services such as legal advice, legal opinions, memorandums, agreements, correspondence, reports, publications, compiling documents for legal proceedings and other documents and records (electronic or otherwise) through analysing, evaluating, reviewing, and collating information to determine legal issues and potential disputes,
- 7.2.1.3. transfer of information to our Service Providers and other third parties;
- 7.2.1.4. to comply with any applicable law and preventing fraud; and
- 7.2.1.5. recruitment.

7.2.2. Your Personal Information may be Processed by us for relationship management and marketing purposes in relation to our services, for

account management, and for marketing activities in order to establish, maintain and/or improve our relationship with you and with our Service Providers.

7.2.3. We may Process your Personal Information for internal management and management reporting purposes (including, but not limited to): internal audits, internal investigations, implementing internal business controls, providing central Processing facilities, for management reporting analysis.

7.2.4. We will only Process Personal Information for the purpose it was collected as far as it will be sufficient to fulfil our mandate or obligations to you in the ordinary course of our business.

7.3. Categories of data subjects:

Category of data subjects	Types of information processed
Individuals (Clients and potential clients)	Name, surname, South African identity number or passport number, date of birth, age, marital status, citizenship, telephone numbers, email address, physical and postal addresses, income tax number, financial information, banking information including account numbers, FICA documentation, CCTV images.
Juristic Persons (Corporate clients)	Entity name, registration number,

	tax-related information, contact details for representatives, banking information including account numbers, FICA documentation.
Directors	Identity numbers, names, FICA documentation, CCTV images, biometric data.
Employees, potential employees, new recruitments	Name, surname, South African identity number or other identifying number, contact details, physical and postal address, date of birth, age, marital status, race, disability, information, employment history, criminal background checks, CVs, education history, banking details, income tax reference number, remuneration and benefit information, health information, details related to employee performance, disciplinary procedure information, CCTV images, biometric data.
Service providers, including outsourced or hosted services,	Company registration details, identity numbers, BEE certificates, tax

auditors, etc.	clearance, income tax and VAT registration details, payment information including bank account numbers, invoices, contractual agreements, addresses, contact details, CCTV images.
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7.4. Disclosure of personal information to third parties

7.4.1. If we engage a third-party Operator to Process any of your Personal Information, we will ensure that these third-party Operators adhere to an adequate level of protection of your Personal Information. Should the Operator be based in a foreign country such protection should provide adequate protection similar to POPIA.

7.5. International Transfer of data relating to Personal Information

7.5.1. Your Personal Information may be transferred to a recipient outside of the Republic of South Africa when necessary.

7.5.2. Such international transfer of data relating to Personal Information may only be transferred subject to the third party operating in at an adequate level of protection of personal information and to a country who adopted a law that provides for adequate protection of your Personal Information, similar to POPIA.

8. Form of Request – Section 51 (1)(e):

8.1. Requests of personal information must be sent to the Information Officer at its address. To request a record in terms of PAIA, the requestor must complete the prescribed form attached to this manual in **Annexure A**.

- 8.2. To object to the processing of personal information, correct or delete personal information, Form 1 (objection) or Form 2 (correction or deletion) must be completed, attached to this Manual in **Annexure B**.
- 8.3. Provide sufficient details to enable the Information Officer to identify:
 - 8.3.1. the record(s) requested;
 - 8.3.2. the requester (and if an agent is lodging the request, proof of capacity);
 - 8.3.3. the form of access required;
 - 8.3.4. the postal address or fax address of the requester in the Republic;
 - 8.3.5. if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and
 - 8.3.6. the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

9. Any other Information – Section 51 (1)(f)

- 9.1. PAIA provides for two types of fees, namely –
 - 9.1.1. A request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered;
 - 9.1.2. and an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 9.2. Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any) before further processing of the request.
- 9.3. If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more

than the hours prescribed in the regulations for this purpose, the company will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

- 9.4. The company may withhold a record until the requester has paid the fees as indicated in **Annexure C**, if no annexure C the prescribed fee in the regulations are applicable.
- 9.5. A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 9.6. In terms of POPIA, a data subject has the right to request the company to confirm, free of charge, whether or it holds personal information about the data subject and request from the company the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.
- 9.7. POPIA further provides that where the data subject is required to pay a fee for services provided to them, the company must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

10. Applicable time-periods:

The company will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request. This period may be extended for a further 30 days based on the amount of records that must be searched.

11. Outcome of the request (granting or refusing):

Should a request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requested may lodge an application with a Court against the refusal of the request.

12. Availability of the manual:

This manual is available in electronic on the companies' website or physically at the company's physical address and will be reviewed and updated, if necessary, on a periodic basis.

NADIA HETZEL (Information Officer)

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of Public Body:

The Head: _____

Company Name: _____

Company Registration Number: _____

B. Particulars of the person requesting access to the record:

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Telephone number: _____ Fax number: _____

Email: _____

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: _____

Postal address: _____

Telephone number: _____ Fax number: _____

Email: _____

Capacity in which request is made, when made on behalf of another person:

D. Particulars of Record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

1. Description of the record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of the 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is

<p>Disability:</p> <p>_____</p> <p>Form in which record is required:</p> <p>_____</p> <p>Mark the appropriate box with an X</p> <p>NOTES:</p> <p>(a) Compliance with your request for access 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 to the record, if any, will be determined partly by the form in which access is required</p>

required.

1. If the record is in written or printed form					
	Copy of record		Inspection of record		
2. If record consists of visual images – (including 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 in sound					
	Listen to the soundtrack (audio cassette)		Transaction of soundtrack (written or printed documents)		
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 (stiffy or compact disc)
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? * Postage is payable.				YES	NO

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 enable compliance with your request.

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

Signed at _____ this day ____ of _____ year _____.

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013**

(ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017

[Regulation 2(1)]

Note:

- 1. Affidavits or other documentary evidence in support of the objection must be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number.....

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	
Contact Number(s):	
FAX Number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (<i>if the responsible party is a neutral person</i>):	
Residential, postal or business address:	
Contact number(s):	
FAX Number:	
E-mail address:	
Name of public or private body (<i>if the responsible party is not a natural person</i>):	
Business Address:	

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Contact Numbers(s):	
FAX Number:	
E-mail address:	
C	REASONS FOR OBJECTION (Please provide detailed reasons for the objection)

Signed at _____ this day ____ of _____ 20__.

Signature of data subject (applicant)

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]**

Note:

Affidavits or other documentary evidence in support of the request must be attached.

If the space provided for in this Form is inadequate, submit information as an Annexure to this Form

and sign

each page.

Reference Number.....

Mark the appropriate box with an "x".

Request for:

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

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	
Contact Number(s):	
FAX Number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (<i>if the responsible party is a neutral person</i>):	
Residential, postal or business address:	
Contact number(s):	
FAX Number:	
E-mail address:	
Name of public or private body (<i>if the responsible party is not a natural person</i>):	
Business Address:	
Contact Numbers(s):	
FAX Number:	
E-mail address:	

C	REASONS FOR CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT / DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY (Please provide detailed reasons for the objection)

Signed at _____ this day ____ of _____ 20____.

Signature of data subject (applicant)

ANNEXURE C

FEES PAYABLE IN RESPECT OF RECORDS REQUESTED

The fees, in respect of private bodies, are as follows –	Rands
For every photocopy of an A4-size page or part thereof	R 1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
For a copy in a computer-readable form on – <ul style="list-style-type: none"> • stifty disc R 7.50 • compact disc R 70.00 	
For a transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 30.00
The request fee payable by a requester, other than a personal requester	R 50.00
The access fees payable by a requester are as follows –	
For every photocopy of an A4-size page or part thereof	R 1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
For a copy in a computer-readable form on - <ul style="list-style-type: none"> • stifty disc R 7.50 • compact disc R 70.00 	
For a transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 30.00
To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.	

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For purposes of section 54(2) of PAIA, the following applies –

- Six hours as the hours to be exceeded before a deposit is payable; and
- one third of the access fee is payable as a deposit by the requester.

The actual postage is payable when a copy of a record must be posted to a requester.