

PAIA MANUAL

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“DIO”	Deputy Information Officer;
1.2	“IO”	Information Officer;
1.3	“Minister”	Minister of Justice and Correctional Services;
1.4	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.5	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.6	“Regulator”	Information Regulator; and
1.7	“Republic”	Republic of South Africa

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;
- 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. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF LAWBELLA

3.1. Director

Name: Eugenia J Barale
Tel: + 27 826468861
Email: info@lawbella.com

3.2. Deputy Information Officer *(NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA.*

3.3 Access to information general contacts

Email: info@lawbella.com

3.4 National or Head Office

Postal Address: 1 Port Place, West Beach, Cape Town, 7441

Physical Address: 1 Port Place, West Beach, Cape Town, 7441

Telephone: + 27 82 976 2168

Email: info@lawbella.com

Website: www.lawbella.com

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

4.1. 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.

4.2. The Guide is available in each of the official languages and in braille.

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 PAIA¹ and section 56 of POPIA²;

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 11³; and

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO 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 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

- 4.3.8. the provisions of sections 15⁷ and 52⁸ 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 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.
- 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 (<https://www.justice.gov.za/inforeg/>).
- 4.6. A copy of the Guide is also available in the following official languages, for public inspection during normal office hours-

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.6.1 ENGLISH

5. CATEGORIES OF RECORDS OF LAWBELLA WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
Public	Website(s):	X	
	Advertising & marketing brochures/pamphlets	X	X
	Press releases and magazine adverts	X	X
	Companies' registration details at CIPC		X
	VAT Number		X

6. DESCRIPTION OF THE RECORDS OF LAWBELLA WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008

PAIA Manual	Promotion of Access to Information Act 2 of 2000
Employment Conditions	Basic Conditions of Employment Act, No 75 of 1997;
Workplace safety	Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
Statutory disclosures	Electronic Communications Act, No 36 of 2005;
Statutory disclosures	Employment Equity Act, No 55 of 1998;
Workplace safety	Occupational Health & Safety Act, No 85 of 1993;
Statutory disclosures	Unemployment Insurance Act No. 30 of 1966.
Statutory disclosures	Electronic Communications and Transactions Act, No 25 of 2002;
Statutory disclosures	Income Tax Act, No 58 of 1962;
Statutory disclosures	Protection of Personal Information Act, No. 4 of 2013;

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE LAWBELLA.

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employees records
Administrative	<ul style="list-style-type: none"> ▪ Financial & Management Reports ▪ Banking Records ▪ Audited Financial statements and SARS returns ▪ Income tax statements ▪ Files relating to the appointment of staff ▪ Insurance ▪ Work reviews, appraisals, leave forms, etc ▪ Correspondence with Associations ▪ Requisitions & Invoices ▪ Internal phone lists & address lists ▪ Company policies & procedures ▪ Budgets, accounts, banking & monthly reconciliations ▪ Audited financial statements & SARS returns ▪ Contracts: staff, clients, employee records
Operational	<ul style="list-style-type: none"> ▪ Newsletters & marketing material ▪ Client consultations ▪ Client database (personal information) ▪ Sensitive client information (Debit order mandates / banking information) ▪ All documentation relating to client services ▪ All documentation relating to supplier rates

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

The purpose or reasons for processing personal information in Lawbella is for the effective service delivery and communication with clients. Furthermore, communicating promotions and marketing to data subjects which have consented.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details, VAT details
Service Providers / Consultants	names, registration number, vat numbers, address, trade secrets and bank details
Employees / sub-contractors	address, qualifications, identity numbers, CV

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Identities, company registrations numbers, clients, customers.	Independant contractors, consultants, third parties who may assist with the provisions of services.
Accounts information of Clients, clients details, such as registration numbers.	Third party software's that are used in running the operations of Lawbella. CRM software, accounting software.

8.4 Planned transborder flows of personal information

Lawbella may transfer personal information outside of South Africa when personal information is stored on secured cloud servers outside of South Africa. Lawbella may transfer personal information outside of South Africa if a third party or software used in performing services or to ensure operational efficiency is located outside of South Africa.

The law, corporate rules or agreement should include provisions that are

- (i) substantially similar to the conditions for the lawful processing of personal information in South Africa, for example EU states under GDPR or UK GDPR, and
- (ii) substantially similar to section 72 of POPIA, relating to the further transfer of personal information from the recipient to third parties that are in a foreign country.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information.

The Company undertakes to treat all personal information collected as confidential and shall not disclose it unless required by law or in the course of the proper performance of their duties (in compliance with sections 19, 20, 21 and 22 of POPI read with the security safeguards and procedure recorded hereunder.

Lawbella has taken all reasonable steps to ensure that personal information is protected by implementing appropriate, reasonable, technical security measures such as Anti-Virus, two factor authentication, access control measures, using trusted third parties.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

- 9.1.1 on www.lawbella.com if any;
- 9.1.2 head office of the **LAWBELLA** for public inspection during normal business hours;
- 9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and



9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The head of a **LAWBELLA** will on a regular basis update this manual.

Forms and related information can be found on the information regulators website:
<https://info regulator.org.za/paia-forms/>

Issued by
Eugenia J Barale
Director



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]

Attention: The Information Officer:

Name: Eugenia J Barale

Tel: + 27 82 976 2168

Email: info@lawbella.com

B. Particulars of 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: _____

Fax number: Telephone number: _____

E-mail address: _____

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

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

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

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

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

2. **Reference number, if available:** _____

3. **Any further particulars of record:** _____

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

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

Disability: _____

Form in which record is required: _____

Mark the appropriate box with an X:

NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

- copy of record
- inspection of record

2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

- view the images
- copy of the images
- transcription of the images

3. If record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack (audio cassette) ☐ transcription of soundtrack* ☐ (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

- printed copy of record
- printed copy of information derived from the record
- copy in computer readable form (stiffy or compact disc)

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



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.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.



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 _____ 20__

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

NB: Completed document must be sent to info@lawbella.com (with attachments where applicable) marked for attention Information Officer.