

Caveat Legal (Pty) Ltd

('Caveat')

Registration number 2011/128699/07

PROMOTION OF ACCESS TO INFORMATION ACT 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

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| 1.1 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as amended); |
| 1.2 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.3 | “Regulator” | Information Regulator; and |
| 1.4 | “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 CAVEAT

3.1. Information Officer

Name: Yvonne Wakefield
Email: info@cavealegal.com

3.3 Access to information general contacts

Email: **info@cavealegal.com**

3.4 National or Head Office

Postal Address: 7 Wodin Rd
Newlands
7700

Physical Address: As above

Email: accounts@caveatlegal.com

Website: www.caveatlegal.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

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;

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 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.*

- 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;
- 4.3.8. 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://inforegulator.org.za/>).

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.

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 A copy of the Guide is also available in the following official languages, for public inspection during normal office hours-

4.6.1 [English](#)

4.6.2 [Afrikaans](#)

4.6.3 [isiZulu](#)

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

General information about Caveat which is automatically available and does not need to be requested can be accessed via the internet on our website at www.caveatlegal.com and social media pages.

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

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008
Notice of Incorporation	Companies Act 71 of 2008
Share Register	Companies Act 71 of 2008
Records of directors	Companies Act 71 of 2008
Minutes of meetings of the board of directors, audit committee and directors committees	Companies Act 71 of 2008
Register of Company Secretary and Auditors	Companies Act 71 of 2008
Annual Financial Statements	Companies Act 71 of 2008
Accounting Records	Companies Act 71 of 2008
Promotional competition records	Consumer Protection Act 68 of 2008
Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees.	Compensation for Occupational and Diseases Act, 130 of 1993
Records of workplace incidents including incidents which resulted in employees having to receive medical treatment	Occupational Health and Safety Act, 84 of 1993 and Compensation for Occupational and Diseases Act, 130 of 1993

Records of recommendations made to [CLIENT] in terms of issues affecting the health of employees	Occupational Health and Safety Act, 84 of 1993 and Compensation for Occupational and Diseases Act, 130 of 1993
Medical surveillance records	Occupational Health and Safety Act, 84 of 1993
Written particulars of an employee after termination of employment	Basic Conditions of Employment Act 75 of 1997
Employee's name and occupation	Basic Conditions of Employment Act 75 of 1997
Time worked by each employee	Basic Conditions of Employment Act 75 of 1997
Remuneration paid to each employee	Basic Conditions of Employment Act 75 of 1997
Date of birth of any employee under the age of 18 years	Basic Conditions of Employment Act 75 of 1997
Records in respect of its workforce, its employment equity plan and other records relevant to its compliance with this Act	Employment Equity Act 55 of 1998
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Records of collective agreements, arbitration awards and determinations	Labour Relations Act 66 of 1995, Wage Act 5 of 1957
Records of strike, lock-out or protest action involving employees	Labour Relations Act 66 of 1995
Records of disciplinary transgressions, the actions taken by Caveat and the reasons for the actions	Labour Relations Act 66 of 1995
Employee records – names, identifications numbers and monthly remuneration and address at which employee is employed	Unemployment Insurance Act 63 of 2002
Employee remuneration, pension contributions and tax records	Tax Administration Act 28 of 2011, Income Tax Act 58 of 1962, Pension Fund Act 24 of 1956
Caveat tax records	Tax Administration Act 28 of 2011, Income Tax Act 58 of 1962 and Value Added Tax Act 89 of 1991, Skills Development Levies Act 9 of 1999
Records relating to based black economic empowerment and employment equity	Broad-Based Black Economic Empowerment Act 53 of 2003 and Employment Equity Act 55 of 1998
Electronic communications and transactions records	Electronic Communications & Transactions Act 25 of 2002

7. DESCRIPTION OF THE SUBJECTS ON WHICH CAVEAT HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

Subjects on which [CLIENT] holds records	Categories of records
Corporate	<ul style="list-style-type: none"> - Shareholder records - Records relating to the incorporation of [[CLIENT] - Statutory records - Board minutes and resolutions
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employees records - Panel Member records - Training records
Finance	<ul style="list-style-type: none"> - Tax records (Caveat and employees) - Annual financial statements - Bank statements - Purchase Orders/Invoices - Asset Register - Insurance information
Operational	<ul style="list-style-type: none"> - Request for Proposals - Operational reviews - Vendor records - Guidelines, policies and procedure - Contracts - Internal and external correspondence - Records provided by a third party - Databases - Information technology - Strategic Plans - Marketing materials

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Caveat processes personal information in the ordinary course of its business, including, but not limited to, the following:

1. providing and improving our goods and services;
2. creating and managing customer accounts;
3. managing commercial relationships with customers and suppliers;
4. to receive goods and/or services from you;
5. recruitment;
6. managing employee relationships and performing employment contracts as well as obligations imposed by law;
7. information analysis;
8. marketing and promotional purposes;
9. communication purposes; and
10. administering our website.

For more information regarding the purposes we process personal information, please see our Privacy Notice on our website or for employees, please contact the Information Officer.

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

Most commonly, Caveat processes the following personal information of the following categories of data subjects:

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Names, contact details, registration numbers or identity numbers, VAT numbers, financial information, banking information and CCTV images
Suppliers	Names, contact details, registration numbers or identity numbers, VAT numbers, financial information, banking information, BEE certificates, general business information and CCTV images
Employees, and Contractors and Panel Members	Name, contact details, personal identity number / passport number or copy, marital status, dependents and emergency contacts, salary and other benefits, information about training and performance (including appraisals, performance reviews, performance improvement plans and related correspondence), details of any disciplinary or grievance procedures if any and related correspondence), bank account information; data from public registers, criminal records, car plate numbers, holiday, sick leave and other

Categories of Data Subjects	Personal Information that may be processed
	absences as well as potential rehabilitation activities, nationality and entitlement to work, medical or health conditions, including disability information, electronic communication, such as access and log-in information, IP address, user name (if applicable), e-mail and data traffic, information on entry and exit at the office premises (biometric information);

For more information regarding the categories of data subjects and personal information we process, please see our Privacy Notice on our website or for employees, please contact the Information Officer.

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

We may share your information with Caveat affiliates and with third parties, including but not limited to, third party online platforms, organisations providing a service to us or acting as our agents, sub-contractors (including their agents) and professional advisers, marketing suppliers and IT suppliers.

For more information regarding the categories of potential recipients of personal information, please see our Privacy Notice on our website or for employees, please contact the Information Officer.

8.4 Planned transborder flows of personal information

Given that the Internet is a global environment, using the Internet to collect and process personal information necessarily involves the transmission of data on an international basis. While we generally store all of the personal information that we collect about you in your region, it is possible that your personal information will be transmitted to parties outside your region including to our affiliates.

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

We apply physical, technical and administrative measures to protect your personal information that is under our control from unauthorised access, collection, use, disclosure,

copying, modification or disposal. All information you provide to us is stored on secure servers. We do not transfer your personal information outside of the country of your resident unless we are satisfied that there are sufficient safeguards in place to protect your personal information.

We employ up to date technology to ensure the confidentiality, integrity and availability of the personal information under our care. Measures include, but are not limited to:

- Virus protection software and update protocols.
- Encryption where possible.
- Electronic access control.
- Secure setup of software making up the IT infrastructure.
- Outsourced service providers who process personal information on behalf of us are contracted to implement security controls.
- Policies and procedures are implemented to ensure the security of your information.
- Ongoing security awareness training of employees and contractors.

9. FORM OF REQUEST

A requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.

A request for access to records held by Caveat in terms of section 50 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information ([Form 2](#)). The request must be made to Caveat at the address or email address, specified in section 1 above.

A requester must provide sufficient detail on the prescribed form to allow Caveat to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to Caveat. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.

10. AVAILABILITY OF THE MANUAL

10.1 A copy of the Manual is available-

10.1.1 at www.caveatlegal.com;

10.1.2 to any person upon request and upon the payment of a reasonable prescribed fee;
and

10.1.3 to the Information Regulator upon request.

10.2 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.

11. UPDATING OF THE MANUAL

The Information Officer of Caveat will on a regular basis update this manual.

Issued by



YVONNE WAKEFIELD

CEO