

**WARRICK DE WET INCORPORATED**  
**(Registration Number 2013/032016/21)**

**MANUAL**

**prepared in terms of Section 51**

**The Promotion of Access to Information Act No 2 of 2000**  
**(“PAIA”)**

**And**

**The Protection of Personal Information Act No 4 of 2013**  
**(“POPI”)**

## **1. INTRODUCTION**

- 1.1 Warrick de Wet Incorporated, trading as Warrick de Wet Redman Attorneys (“Firm”) is a commercial and property transactions and commercial litigation law firm with offices in Durban and Cape Town, South Africa.
- 1.2 This Manual has been compiled in accordance with the requirements of the PAIA. Our Firm is a private body as defined in PAIA, and this manual contains the information specified in section 51 (1) of PAIA, which is applicable to such a private body. This information is as follows:
- 1.2.1 the contact details of the head of the private body;
  - 1.2.2 a description of the guide referred to in section 10 of PAIA;
  - 1.2.3 the latest notice published by the Minister of Justice and Constitutional Development under section 52(2) of PAIA;
  - 1.2.4 a description of the records of the private body which are available in terms of any legislation other than PAIA;
  - 1.2.5 a description of the subjects on which the private body holds records and the categories of records held on each subject in enough detail to facilitate a request for access to a record; and
  - 1.2.6 other information as prescribed by regulation.
- 1.3 This Manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA.
- 1.4 A copy of the Manual will be made available to the South Africa Human Rights Commission (the SAHRC) or the Information Regulator, whichever may be applicable, and will be published on the Firm’s website.

## **2. DEFINITIONS**

- 2.1 For the purposes of this Policy:
- 2.1.1 “Client” means a natural or juristic person who or which receives services from the Firm;
  - 2.1.2 “Employee” means any person who works for or provides services to or on behalf of the Firm and receives or is entitled to receive remuneration;

- 2.1.3 “Guide” means the guide published by the SAHRC in terms of section 10 of the Act;
- 2.1.4 “Manual” means this manual which is published in accordance with section 51 of PAIA;
- 2.1.5 “Minister” means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Constitutional Development;
- 2.1.6 “Requester” means any person or entity requesting access to a record that is under the control of the Firm; and
- 2.1.7 “SAHRC” means the South African Human Rights Commission.

### **3. AIM**

- 3.1 The aim of this Manual is to facilitate requests for access to records of the Firm as provided for in PAIA.
- 3.2 This Manual is useful for the public to-
  - 3.2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
  - 3.2.2 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;
  - 3.2.3 know the description of the records of the body which are available in accordance with any other legislation;
  - 3.2.4 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;
  - 3.2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
  - 3.2.6 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;

- 3.2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.2.9 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
- 3.2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

#### **4. CONTACT DETAILS**

- 4.1 Warrick Sean de Wet is the duly appointed head of the Firm for the purposes of the PAIA as well as the Firm's Information Officer in regard to POPI and is the person to whom requests for access to records should be addressed. His contact details are as follows:

Physical address: Suite 14 Corporate Park  
11 Sinembe Crescent  
Umhlanga

Postal address: PO Box 529  
Westville  
3630

Telephone: 031 201 8820

Email: [wd1@wdattorneys.co.za](mailto:wd1@wdattorneys.co.za)

#### **5. SECTION 10 GUIDE ON HOW TO USE THE ACT**

- 5.1 The SAHRC has, in terms of section 10 of PAIA, compiled in each official language a guide containing information, in an easily comprehensible form and manner, as may reasonably be

required by a person who wishes to exercise any right contemplated in PAIA. The Guide is available from the SAHRC.

- 5.2 Please direct any queries in this regard to:

**The South African Human Rights Commission: PAIA Unit**

The Research and Documentation Department

South African Human Rights Commission

Postal address: Private Bag X2700, Houghton, 2041

Telephone: +27 11 877-3600

Fax: +27 11 403-6025

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

- 5.3 The enforcement of PAIA falls under the jurisdiction of the Information Regulator established in terms of POPIA. The contact details for the Information Regulator are (at present) as follows:

**The Information Regulator (South Africa)**

27 Stiemens Street, Braamfontein, Johannesburg, 0001

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

Telephone number: +27 (0)10 023-5200

Website: <https://www.justice.gov.za/infoereg/index.html>

E-mail: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za) / [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**6. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51 (1) (b) (iii) OF PAIA**

- 6.1 Certain records held by the Firm are available in terms of legislation other than the Act. The specific records which are available in terms of such legislation are set out in that legislation and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

6.1.1 Administration of Estates Act 66 of 1965;

6.1.2 Attorneys Act 53 of 1979;

- 6.1.3 Basic Conditions of Employment Act 75 of 1997;
- 6.1.4 Companies Act 71 of 2008;
- 6.1.5 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 6.1.6 Copyright Act 61 of 1978;
- 6.1.7 Currency and Exchanges Act 9 of 1933;
- 6.1.8 Employment Equity Act 55 of 1998;
- 6.1.9 Debt Collectors Act 114 of 1998;
- 6.1.10 Financial Intelligence Centre Act 38 of 2001 ("FICA");
- 6.1.11 Insolvency Act 24 of 1936;
- 6.1.12 Income Tax Act 58 of 1962;
- 6.1.13 Labour Relations Act 66 of 1995;
- 6.1.14 Medical Schemes Act 131 of 1998;
- 6.1.15 National Building Regulations and Building Standards Act 103 of 1977;
- 6.1.16 National Credit Act 34 of 2005;
- 6.1.17 Consumer Protection Act 68 of 2008;
- 6.1.18 Occupational Health and Safety Act 85 of 1993;
- 6.1.19 Pension Funds Act 24 of 1956;
- 6.1.20 Regional Services Councils Act 109 of 1985;
- 6.1.21 Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;
- 6.1.22 Securities Services Act 36 of 2004;
- 6.1.23 Skills Development Levies Act 9 of 1999;
- 6.1.24 Skills Development Act 97 of 1998;
- 6.1.25 Stamp Duties Act 77 of 1968;
- 6.1.26 Tax on Retirement Funds Act 38 of 1996;
- 6.1.27 Trademarks Act 194 of 1993;
- 6.1.28 Trust Property Control Act 57 of 1988;
- 6.1.29 Unemployment Insurance Act 63 of 2001;
- 6.1.30 Unemployment Insurance Contributions Act 4 of 2002; and
- 6.1.31 Value Added Tax Act 89 of 1991.

## 7. ACCESS TO RECORDS

- 7.1 For purposes of facilitating a request in terms of PAIA, the information below includes a description of the subjects on which the Firm holds records and the categories into which these fall. This information is not exhaustive and may be amended from time to time.
- 7.2 Certain records are available without having to be requested in terms of the request procedures set out in PAIA and detailed in clause 8 of the Manual below. A request for access to records held by the Firm in terms of section 52 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information (Form E).
- 7.3 Subject to the provisions of PAIA, information may be inspected, collected, purchased or copied at the offices of the Firm and, unless the records are available on the Firm's website, an appointment to view the records will have to be made with the Information Officer. The schedule of reproduction fees in relation to a section 52 information request are set out clause 9.2 below.
- 7.4 Categories of record of the Firm which are available to a person without having to request access in terms of PAIA:

Category	Description	Format	Maintained by	Retention period
<b>Information in the public domain</b>	Incorporation documents	Hard copy and electronic copy	Information Officer	Indefinite
	B-BBEE certificate	Hard copy and electronic copy	Information Officer	Indefinite
	Public statements and communications	Hard copy and electronic copy	Information Officer	Indefinite
	Employment Equity Report	Hard copy and electronic copy	Information Officer	Indefinite

	General information pertaining to the Company and information regarding the services rendered	Hard copy and electronic copy	Information Officer	Indefinite
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7.5 The records listed below, which need to be requested in terms of PAIA and/or POPIA, will not in any instance be provided to a requester. In other words, the records held under the various subjects are not automatically available and access to them is subject to the nature of the information contained in the record, as well as the grounds of refusal as set out in PAIA that may be applicable to a request for such records. (See also clause 8.4 below.) The procedure in terms of which such records may be requested from the Firm is set out in clause 8.1 below.

7.6 Categories of records that may be requested in terms of PAIA and/or POPIA:

Category	Description	Format	Maintained by	Retention period
<b>Finance and administration</b>	Bank account records; Books and records of account and financial statements; Annual budget; VAT and PAYE records; Asset registers; Details of auditors; External auditor reports; Information pertaining to clients as required in terms of the Financial Intelligence Centre Act;	Hard copy and electronic copy	Information Officer	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts



	<p>Minutes of the meetings of the Firm (non-confidential parts);</p> <p>Minutes of the meetings of committees/ subcommittees;</p> <p>Minutes of staff meetings and/or management meetings.</p>			
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Category	Description	Format	Maintained by	Retention
<b>Management</b>	<p>Minutes of meetings of the Board;</p> <p>Internal correspondence;</p> <p>Resolutions and directives; internal investigation reports;</p> <p>Policies, procedures, and codes;</p> <p>Travel management and arrangements.</p>	Hard copy and electronic copy	Information Officer	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
<b>Human Resources</b>	<p>Organisational information (organisational structure, etc.);</p> <p>Personnel files;</p> <p>Contracts, conditions of service and other agreements;</p> <p>Statutory employee records;</p> <p>Records of background checks</p>	Hard copy and electronic copy	Information Officer	As required in terms of applicable legislation / contracts of employment

	<p>(including qualification, credit and criminal record checks);</p> <p>Budget projections in respect of staff;</p> <p>Employee leave records;</p> <p>Correspondence with or about employees</p> <p>Performance management records;</p> <p>Records of disciplinary hearings and findings;</p> <p>Records of incapacity proceedings, including medical information</p> <p>Records of occupational injuries and diseases;</p> <p>Employee declarations in terms of the EEA.</p>			
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<b>Category</b>	<b>Description</b>	<b>Format</b>	<b>Maintained by</b>	<b>Retention</b>
<b>Relationships with third parties</b>	<p>Service level agreements with suppliers;</p> <p>Contact details of suppliers;</p> <p>Tender and bid documentation;</p> <p>Service level agreements;</p> <p>Details of customers / clients including contact details, details pertaining to transactions, loyalty programmes, etc.;</p> <p>Licences and general conditions for conducting business.</p>	Hard copy and electronic copy	Information Officer	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
<b>Information technology</b>	<p>Computer software;</p> <p>Support and maintenance agreements;</p> <p>Licensing agreements;</p> <p>Records regarding computer systems and programmes.</p>	Hard copy and electronic copy	Head of IT	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
<b>Category</b>	<b>Description</b>	<b>Format</b>	<b>Maintained by</b>	<b>Retention</b>
<b>Property</b>	<p>Asset registers;</p> <p>Lease agreements in respect of immoveable property;</p> <p>Records regarding insurance in respect of movable or immoveable property.</p>	Hard copy and electronic copy	Operations Administration Manager	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts

<b>Legal</b>	Litigation; Appeals; Contracts and memoranda of understanding; Regulatory permissions, licenses, and/or exemptions.	Hard copy and electronic copy	Information Officer / Group Risk Manager	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
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### 7.7 For purposes of POPIA:

- 7.7.1 For the purposes of facilitating a request for personal information, the information below includes details of the purpose of the processing of personal information by the Firm, a description of the categories of data subjects and of the information or categories of information relating to data subjects held by the Firm, the recipients or categories of recipients to whom personal information may be supplied, planned transborder flows of personal information, and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Firm to ensure the confidentiality, integrity and availability of the information which is to be processed.
- 7.7.2 In terms of POPIA, a requester to whom certain personal information relates may request the Firm to confirm, free of charge, whether or not it holds personal information about that particular requester.
- 7.7.3 A requester may make a request that the Firm provides the record or a description of the personal information about the requester which is held by it, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time, in a reasonable manner, and format, at a fee, and in a form that is generally understandable.
- 7.7.4 Categories of data subjects and categories of personal information relating thereto:

<b>Data subjects</b>	<b>Categories of information</b>
Employees	Human resources information (see above)

Clients	<p>Contact details</p> <p>Take-on information in terms of the Financial Intelligence Centre Act, 2001</p> <p>Details of services provided and fees charged</p> <p>Demographic information</p>
Contractors / service providers	<p>Contact details</p> <p>Details of services rendered and fees paid</p> <p>Demographic information</p>

7.7.5 Purposes of processing:

<b>Data subject category</b>	<b>Broad description of purposes of processing</b>
Applicants for employment; employees; alumni	<p>To carry out actions for the consideration of an application for employment;</p> <p>To carry out actions necessary for the performance of the employment contract;</p> <p>To ensure compliance with an obligation imposed by law on the company;</p> <p>To pursue the legitimate interests of the company or a third party to whom the information is supplied</p>
Clients	<p>To carry out actions necessary for the performance of the services contract;</p> <p>To ensure compliance with an obligation imposed by law on the company;</p> <p>To pursue the legitimate interests of the company or a third party to whom the information is supplied.</p>
Contractors / service providers	<p>To carry out actions necessary for the performance of the services contract;</p> <p>To ensure compliance with an obligation imposed by law on the company;</p> <p>To pursue the legitimate interests of the company or a third party to whom the information is supplied.</p>

## 7.7.6 Likely recipients:

Data subjects	Likely recipients
Applicants for employment; employees; alumni.	Exco Human resources department Finance department Line management
Clients	Exco Partners / Directors Employees working on client mandates Finance department Risk department Marketing department
Contractors / Service providers	Exco Human resources department Finance department Facilities management department

## 7.7.7 General description of information security measures:

Technical measures	Organisational measures
Firewalls Malware and anti-virus protection systems Patches and updating the software as relevant. Strong Passwords Physical security Appropriate disposal of assets Managing Access rights	Information security policies Business continuity plan Awareness & training Reviews & audits Risk assessments

## **8. REQUEST PROCEDURE IN TERMS OF THE ACT**

- 8.1 A request for access to records held by the Company in terms of section 53 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information (Form C). The request must be made to the Information Officer of the Firm at the address, telefax number or e-mail address specified in clause 4 above.
- 8.2 The requester must provide enough detail on the prescribed form to enable the Information Officer of the Firm to identify the record 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 the Information Officer. The requester is also required to indicate which form of access to the relevant records is required, and to provide her/his/its contact details in South Africa.
- 8.3 For the purposes of Form C, the requester must comply with all the procedural requirements in PAIA relating to a request for access to the relevant records.
- 8.4 The Firm may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. These grounds include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party of the Firm itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for legal proceedings, that it is necessary to protect the research information of a third party or the Firm itself.
- 8.5 If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Firm's possession but cannot be found, or it does not exist, then the Information Officer will, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.
- 8.6 The Firm is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of the Firm's decision in another manner as well, this must be set out in the request and the relevant details included in order to allow the Firm to inform the requester in the preferred manner.

- 8.7 The Firm will make a decision in relation to a request for records within 30 days of receiving it, unless a third party notification and intervention, as contemplated in Chapter 5 of PAIA, applies.

## 9. FEES PAYABLE

- 9.1 The fees for reproduction of information that is automatically available from the Firm, referred to in clause 7 above (a section 52 request), are as follows:

(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0,75
(c)	For a copy in a computer-readable form on:	
	(i) Compact disk	R70.00
(d)	For a transcription of visual images, for an A4-size page or part thereof	R40.00
	(ii) For a copy of visual images	R60.00
(e)	(i) For a transcription of an audio record, for an A4size page or part thereof	R20.00
	(ii) For a copy of an audio record	R30.00

- 9.2 The request fee and fees for reproduction for information which needs to be requested in terms of PAIA and/or POPIA, referred to in clause 7.7 above (a section 53 request) are as follows:

	<b>Request Fee</b>	<b>R50.00</b>
(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machinereadable audio record form	R0,75
(c)	For copy in a computer-readable form on:	
	(i) compact disc	R70



(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R40
	(ii) For a copy of visual images	R60
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20
	(ii) For a copy of an audio record	R30

9.3 The request fee may be paid at the time a request is made or the person authorised to deal with such requests on the Firm's behalf may notify the requester that s/he/it needs to pay the request fee before processing the request any further. A requester may apply to the court to be exempted from the requirement to pay the request fee.

9.4 Where a request for access to a record or records held by the Firm is granted, the requester also has to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. The Firm is entitled to withhold a record until the required access fees have been paid.

9.5 Persons who are requesting access to their personal information are exempt from paying a request fee, but they are still required to pay the access fee and reproduction fee, if applicable.

9.6 In addition, if the search for and preparation of the record or records requested takes more than 6 hours, the Firm may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records. The requester may make an application to the court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.

9.7 Remedies for refusal to request for information:

9.7.1 Internal remedy:

9.7.1.1 The Firm does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

9.7.2 External remedy:

9.7.2.1 Where a requester is not satisfied by a decision made by the Information Officer, s/he/it may apply to court for relief within 180 days of receiving the decision that has caused the grievance. The application can be made to a Magistrate's Court or High Court.

## **10. AVAILABILITY OF THE MANUAL**

10.1 This Manual is available at the offices of the Firm at the address set out in paragraph 4 above.