



**NELSON
BORMAN**



PAIA MANUAL

**COMPILED BY NELSON BORMAN & PARTNERS
INC. ATTORNEYS
REGISTRATION NUMBER: 1991/001159/21**

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

1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CIO”	Chief Information Officer
1.2	“DIO”	Deputy Information Officer
1.3	"Data Subject"	The natural or juristic person to whom Personal Information relates
1.4	“IO“	Means Nelson Borman’s designated Information Officer described in paragraph 3.1 of this Manual
1.5	“Manual”	This manual, together with all annexures thereto as amended and made available on the website of Nelson Borman and at the offices of Nelson Borman from time to time
1.6	“Minister”	Minister of Justice and Correctional Services
1.7	“Nelson Borman”	Nelson Borman & Partners Inc. Attorneys
1.8	“PAIA”	Promotion of Access to Information Act No. 2 of 2000 (as amended)
1.9	“Personal Information”	Has the meaning ascribed thereto under POPIA
1.10	“POPIA”	Protection of Personal Information Act No.4 of 2013
1.11	"Processing"	Means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including – <ul style="list-style-type: none"> • the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; • dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or • merging, linking, blocking, degradation, erasure or destruction. "Process" has a corresponding meaning.
1.12	“ Regulator”	Information Regulator
1.13	“ 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 NELSON BORMAN & PARTNERS INC. ATTORNEYS

3.1. Chief Information Officer (CIO)

Name: Caroline Langa (Director)
Tel: +27 11 476 2420
Email: caroline@nelsonborman.co.za
Fax number: +27 11 476 2400

3.2. Deputy Information Officer (DIO)

Name: Alma Swanepoel (Director)
Tel: +27 11 476 2420
Email: alma@nelsonborman.co.za
Fax Number: +27 11 476 2400

3.3 Access to information general contacts

Email: caroline@nelsonborman.co.za and
alma@nelsonborman.co.za

3.4 National or Head Office

Postal Address: P.O. Box 21, Cresta, 2118

Physical Address: 3rd floor Blackheath Mews, 258 Beyers Naude Drive,
Blackheath, 2195

Telephone: +27 11 476 2420

Email: caroline@nelsonborman.co.za /
alma@nelsonborman.co.za

Website: www.nelsonborman.co.za

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;
- 4.3.8. 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 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.

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

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/inforeq/>).

4.6 A copy of the Guide is also available in two official languages, for public inspection during normal office hours, being English and Afrikaans.

5. CATEGORIES OF RECORDS OF NELSON BORMAN & PARTNERS INC. ATTORNEYS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

5.1 Records of a public nature, typically those published on the website of Nelson Borman & Partners Inc Attorney, may be accessed without the need for a formal application.

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.”

5.2 Other public records, such as records of CIPC and the Deeds Office, may also be accessed without the need for a formal application, although an appointment will have to be secured with the Information Officer in order to view such records.

6. DESCRIPTION OF THE RECORDS OF NELSON BORMAN & PARTNERS INC. ATTORNEYS 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
POPIA Manual	Protection of Personal Information Act 4 of 2013
FICA Risk Management and Compliance Programme	Financial Intelligence Centre Act 38 of 2001
Employee information	Basic Conditions of Employment Act 75 of 1997
B-BBEE certificate	Broad-Based Black Economic Empowerment Act 53 of 2003
Employee information	Compensation for Occupational Injuries and Diseases Act 130 of 1993
Employee information	Employment Equity Act 55 of 1998
Financial information of Nelson Borman & Partners as well as that of its Employees	Income Tax Act 58 of 1962
Employee information	Labour Relations Act 66 of 1995
Information of Directors, Attorneys and Candidate Attorneys as well as Fidelity Fund Certificates and Professional Indemnity; Tertiary qualifications; Correspondence with LPC.	Legal Practice Act 28 of 2014
Employee information	Occupational Health and Safety Act 85 of 1993
Employee information and that of entities involved in skills development	Skills Development Act 97 of 1998
Employee information	Unemployment Insurance Act 30 of 1996

Information of VAT paid to SARS by Nelson Borman & Partners and that of Debtors and Creditors of the Company	Value Added Tax Act 89 of 1991
Client's Personal Information	Administration of Estates Act No. 66 of 1965

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY NELSON BORMAN & PARTNERS INC. ATTORNEYS

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	<ul style="list-style-type: none"> • Annual Reports; • Strategic Plan; • Annual Performance Plan.
Human Resources	<ul style="list-style-type: none"> • HR policies and procedures; • Advertised posts; • Employees records; • Contracts of employment with employees of Nelson Borman; • Personnel records of each employee of Nelson Borman; • Disciplinary records; • Compensation or redundancy payments; • Records relating to conditions of employment; Employment Equity Plan • Pension and provident fund records; • Employee tax information; • Training schedules and manuals; • Agreements with clients; • Files relating to client matters; • Payroll records; • Internal policies and procedures.
Financial / accounting records	<ul style="list-style-type: none"> • Annual financial statements; • Tax returns; • Audit reports;

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> • Invoices in respect of creditors and debtors of Nelson Borman; • Fidelity Fund certificates; • Bank facilities and account details; • Details of accounting officer or auditors; • Formal books of account and other financial statements; • Source documents; • Banking records; • Management reports; • Indebtedness to bankers; • Bank facilities and accounts details; • Bank statements.
Company records	<ul style="list-style-type: none"> • Company registration documents; • Memorandum of Incorporation; • Share register and other statutory registers; • Minutes of meetings.
Client records	<ul style="list-style-type: none"> • Client documentation in terms of FICA (due diligence and KYC); • Correspondence with clients; • Correspondence with third parties; • Records regarding legal proceedings involving clients at Nelson Borman; • Research conducted on behalf of clients of Nelson Borman; • Other information relating to, or held on behalf of clients of Nelson Borman.
Intellectual property	<ul style="list-style-type: none"> • Trade-marks, copyrights and designs; • Software licences; • Records relating to domain names.
Immovable and movable property records	<ul style="list-style-type: none"> • Lease Agreements of immovable property leased by Nelson Borman;

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> • Agreements for the lease or sale of movable property by Nelson Borman; • Records regarding insurance in respect of movable property; • Records regarding insurance in respect of immovable property; • Asset register; • Credit sale agreements and/or hire purchase agreements.
Information technology	<ul style="list-style-type: none"> • Records regarding computer systems and programmes held by Nelson Borman; • Computer software, support and maintenance agreements.
Library information	<ul style="list-style-type: none"> • Electronic and hard copy publications of books; • Precedent agreements and opinions.
Marketing	<ul style="list-style-type: none"> • Marketing Material.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

8.1.1 Nelson Borman is a personal liability company registered with CIPC under registration number 1991/001159/21.

8.1.2 Nelson Borman is a law firm offering a wide range of legal services, including but not limited to litigation, conveyancing and real estate law, notarial practice, administration of deceased estates, company law, trust law and the like.

8.1.3 Nelson Borman's client base includes local individuals, public and private companies as well as international clients.

8.1.4 Nelson Borman will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose and will ensure that it makes the Data Subject aware of such purpose as far as possible.

8.1.5 Nelson Borman will ensure that there is a legal basis for the Processing of any Personal Information and will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).

8.1.6 Nelson Borman is obliged, in terms of FICA, to conduct client due diligence and to process personal information to "Know Your Client" (KYC).

8.1.7 Nelson Borman also processes all of its employees' Personal Information as well as that of potential employees when a vacancy exists.

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

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Names, addresses, registration numbers or identity numbers, employment status, marital status and bank details.
Service Providers	Names, registration numbers, VAT numbers, addresses, trade secrets and bank details.
Employees and potential employees	Addresses, qualifications, employment record, references, gender and race.
Employees and potential employees	Salary details, appointment letters, leave forms, disciplinary records and records of employee life cycle.
Debtors/ Creditors	Names, addresses, registration numbers or identity numbers, Statements, Invoices, bank details.
Employees	Employment equity plan.

8.2 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
Identity numbers and name (individual clients)	Tracing Companies
Company Name and registration numbers (companies)	Tracing Companies
Identity number, names and company names	Statutory Bodies
Income tax records / VAT	SARS
Property details / addresses / municipal values	Municipalities
Personal Information of individuals and legal entities	Financial Intelligence Centre
Employees' Personal Information	Legal Practice Council

8.3 Planned transborder flows of personal information

In carrying out any cross-border transfers of Personal Information, Nelson Borman will adhere to the requirements of POPIA.

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

In Processing any Personal Information, Nelson Borman shall comply with the following minimum technical and organisational security requirements –

8.4.1 Physical Access – Access to Personal Information is restricted in our offices and only to those Employees who need the Personal Information to perform a specific job or task, shall have access to such information. Access to the office is also password protected.

8.4.2 Employee Training – All Employees with access to Personal Information are kept up to date on our security and privacy practices. After a new policy is added, these Employees are notified and/or reminded about the importance we place on privacy, and what they can do to enhance protection for the Personal Information of all Data Subjects. Staff is also trained on POPIA and FICA and all amendments thereto.

8.4.3 Passwords – all employees have passwords for their laptops which are not to be shared with anybody else. This also applies to printing of documents.

8.4.4 Back-ups – All Personal Information is backed-up regularly, based on operational or legal requirements, and back up testing is conducted regularly in order to ensure that Personal Information can be recovered in the event that such Personal Information is lost, damaged or destroyed.

8.4.5 Malware protection – Nelson Borman has comprehensive malware protection software employed, which software is specifically designed to protect them from the most recent malware infections.

8.4.6 Vulnerability scanning – Nelson Borman frequently conducts vulnerability scanning in order to assess whether Personal Information is adequately protected from external threats.

8.4.7 Systems Review – Nelson Borman conducts regular reviews of its technical and organisational security measure system in order to ensure that all of the above security measures are functioning effectively and applied consistently.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on www.nelsonborman.co.za ;

9.1.2 head office of Nelson Borman 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 Nelson Borman & Partners Inc. Attorneys will on a regular basis update this manual.

Issued by

CAROLINE LANGA

CHIEF INFORMATION OFFICER