



SCHABORT POTGIETER ATTORNEYS INCORPORATED

(Registration Number: 2000/025907/07)

(hereinafter referred as “SPA”)

This manual has been prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended) and to address the requirements of the Protection of Personal Information Act 4 of 2013.

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1. BACKGROUND

Every private body specified in the Act, is required to compile a manual which includes information on the business, including a description of all/any records held in its possession, and make a copy of this manual available to the public upon request for the purpose of creating a right to access information enshrined in section 32 of the Constitution of the Republic of South Africa, Act 108 of 1996 and to promote a culture of transparency, accountability and good governance both in the private and public sectors.

2. INTRODUCTION

SPA Incorporated is operates as a commercial law firm with fields of interest in corporate law, insolvency law and commercial disputes. The firm however takes instructions from companies, individuals, trusts and other legal personas.

3. MANUAL PURPOSE

This manual has been prepared to assist all individuals requesting information and to provide the procedures to be followed in order to gain access to information and documentation as provided in the Promotion of Access to Information Act 2 of 2000.

4. CONTACT DETAILS OF THE FIRM – SECTION 51(1)(A)

Name of private body	Schabort Potgieter Attorneys Incorporated
Name of head of private body	Jacobus H Schabort & Nicolaas GC Potgieter
Registered street address	189 Soutpansberg Road Riviera Pretoria South Africa 0084
Postal address	PO Box 2147 Pretoria 0001
Telephone number	012 329 0179
Fax number	086 226 6689
E-mail address	Office@schabortpotgieter.co.za
Person duly authorized to assist in all request for access to information	Nicolaas GC Potgieter

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

Pursuant to Section 10(1) of the Promotion of Access to Information Act 2 of 2000, as amended, a guide on how to use the Promotion of Access to Information Act has been published and made available by the South African Human Rights Commission. Said guide explains, in an easily comprehensible form and manner, how an individual can, as may reasonably be required, exercise any right contemplated in the PAIA and POPIA.

For further assistance, contact the South African Human Rights Commission at:

Address: PAIA Unit, The Research and Documentation Department, Private Bag X2700, Houghton, 2041
Telephone: (011) 877 3803
Fax: (011) 403 0625
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION - SECTION 51(1)(d)

SPA Incorporated, where applicable, holds information in terms of the following Legislation. The following is not an exhaustive list:

- Companies Act, 71 of 2008;
- Basic Conditions of Employment Act, 75 of 1997;
- Financial Intelligence Centre Act, 38 of 2001;
- Income Tax Act, 58 of 1962;
- Labour Relations Act, 66 of 1995;
- Legal Practice Act, 28 of 2014;
- Occupational Health and Safety Act, 85 of 1993;
- Skills Development Act, 97 of 1998;
- Value-Added Tax Act, 89 of 1991;
- Unemployment Insurance Contributions, Act 4 of 2002.

7. SUBJECTS AND CATEGORIES OF RECORD HELD - SECTION 51(1)(e)

Employment Records

- Employment contracts;
- Disciplinary records;
- Salaries and wages records;
- Disciplinary code;
- Leave records;
- Banking details;

- PAYE records;
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees;
- UIF records.

Client records

- Records provided by clients, including FICA documents;
- Records provided by a client to a third party acting for and on behalf of SPA Incorporated;
- Records provided by third parties;
- Records generated by or within SPA Incorporated;
- Client files;
- Fee agreements, quotations, and mandates.

General records

- Financial and accounting records;
- Insurance records;
- Asset register;
- Client, supplier, and document databases;
- Legal Practice Council records, including Fidelity Fund Certificate;
- Internal and external correspondence;
- Commercial agreements;
- Tax compliance documents;
- Accounting records;
- Bank statements;
- Invoices.

The above information will only be made available subject to the provisions of the Act and access to records may be refused due to attorney-client privilege.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Personal information shall be processed only for specific, explicitly defined and legitimate reasons and the data subject must be informed of these reasons prior to collecting or recording the information.

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
Clients	Name, Surname, ID numbers, address, contact number(s), company registration information, SARS income tax number and VAT registration number, shareholder information, source of wealth and source of income, employments status, banking details, personal information regarding a matter that they are consulting our firm about, contracts and agreements.
Service Providers and Third Parties	ID numbers, passport, drivers' licences, contracts, banking details, agreements, tax certificates, addresses and company registration information.
Employees	Name, surname, address, marital status, emergency contact details, ID numbers, contact number(s), employee remuneration information, employee salary information, SARS information, banking details.

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 and/or Third-Party Verification Companies.
Qualifications, for qualification verifications	South African Qualifications Authority and/or Third-Party Verification Companies.
Name, surname and identity number for Financial Intelligence Centre Act screening	Financial Intelligence Centre.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Name and confirmation of pay date	Court order and on receipt of relevant legal documentation.
All employee information listed in 8.2	Department of labour, auditors and external business consultants
Credit and payment history, for credit information	Credit Bureaus

8.4 Planned transborder flows of personal information

The firm does not transfer personal information outside of South Africa's borders, unless provided with a client's express permission to do so or when acting in terms of a Court Order/any other legal requirement to do so.

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 firm makes use of certain security and technological measures to ensure that personal information is kept confidential and secure. These measures include, but are not limited to, the following:

- Firewalls;
- Virus protection software;
- Logical and physical access controls;
- Secure setup of hardware and software making up the IT-infrastructure; and
- Any outsourced/third-party service provider who processes personal data on behalf of the firm are contracted to implement security controls.

9. AVAILABILITY OF THE MANUAL AND REQUESTS FOR ACCESS

A copy of this Manual is available at the firm's office for public inspection during normal business hours, to any person upon request and upon the payment of a reasonable prescribed fee; and to the Information Regulator upon request.

Copies of the manual may be obtained, subject to the prescribed fees.

All requests for access to information should be addressed to the Person duly authorized to assist in all requests for access to information of SPA Incorporated at his email address. In terms of the Act, all requests must be completed on the prescribed request form, annexed hereto marked "Form 2".

The requester must provide sufficient detail on the request form to enable the person duly authorized to assist in all requests for access to information of SPA Incorporated to identify the record and the requester. The requester should also indicate what form of access is required and specify a postal address, email address or fax number of the requester.

The requester must identify the right(s) that he or she is seeking to exercise or protect and provide sufficient explanations as to why the requested record is required for the exercise or protection of said right(s). If a request is made on behalf of a third person, the requester must then submit proof of the capacity in which the request is being made.

The person duly authorized to assist in all requests for access to information of SPA Incorporated must notify the requester by notice, requiring the requester to pay the prescribed fee (if any) before processing the request. The prescribed fee is set out in the Regulations of the Act and attached to this manual as Annexure 1. The person so duly authorized will then make a decision in accordance with the provisions of the Act, whether to grant the request or not, and notify the requester of said decision.

If the request is granted, a further fee must be paid for the search, reproduction, preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

A requester who believes that there has been a failure to comply with the Act should proceed with the relevant legal remedies available to them.

Section 54 of the Act provides for a private body to require a request fee to be paid by a requester before processing a request. Information in regard to the fees payable is set out in Annexure 1.

10. UPDATING OF THE MANUAL

The director of SPA Incorporated will on a regular basis update this manual.

Last updated: 10 January 2024

FORM 2
REQUEST FOR ACCESS TO RECORD
 [Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

189 Spoutpansberg Road

Riviera

Pretoria

E-mail address:

Fax number:

Mark with an "X"

☐ Request is made in my own name ☐ Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		

Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
PARTICULARS OF RECORD REQUESTED <i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>				
Description of record or relevant part of the record:				
Reference number, if available				

Any further particulars of record	
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [Regulation 8]

Note:

1. *If your request is granted the—*
 - (a) *amount of the deposit, (if any), is payable before your request is processed; and*
 - (b) *requested record/portion of the record will only be released once proof of full payment is received.*
2. *Please use the reference number hereunder in all future correspondence.*

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on: (i) Flash drive • To be provided by requestor (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			

Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive			
• To be provided by requestor	R40.00		
(ii) Compact disc			
• If provided by requestor	R40.00		
• If provided to the requestor	R60. 00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer

Item	Description	Amount
1.	Request fee, payable by every requester	R140.00
2.	Photocopy or printed black & white copy for every A4 page	R2.00 per page or part of the page
3.	Printed copy of A4-size page	R2.00 per page or part of the page
4.	For a copy in a computer-readable form on: - a flash drive (provided by the requester) - a compact disc (CD) if the requester provides the CD to us - a compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
5.	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider.
6.	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
7.	For a transcription of an audio record, per A4-size page	R24.00
8.	For a copy of an audio record on a flash drive (provided by the requester) For a copy of an audio record on compact disc (CD) if the requester provides the CD to us For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00

Item	Description	Amount
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure The search and preparation fee cannot exceed	R145.00 R435.00
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.
11.	Postage, email or any other electronic transfer	Actual expense, if any.

END