

LABUSCHAGNE AND MOSTERT INC.

PAIA MANUAL

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT

Document History

Date	Version	Description	Author	Information Officer
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1 Introduction

Labuschagne and Mostert Inc. ("L&M Inc.") is a law firm serving financial institutions, companies and individuals and is regarded as a private body in terms of PAIA. The Company delivers a range of legal and advisory services to various sectors.

This Promotion of Access to Information Manual ("Manual") provides an outline of the type of records and the personal information it holds and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA"). In addition, it explains how to **access**, or **object to**, personal information held by the Company, or **request correction** of the personal information, in terms of sections 23 and 24 of the Protection of Personal Information Act 4 of 2013 ("POPIA").

PAIA and POPIA give effect to everyone's constitutional right of access to information held by private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

L&M Inc. is fully committed to the implementation of a PAIA Policy, positively and proactively to ensure that information under its control is available and accessible, thus give effect to the letter and spirit of the fundamental right of access to information and of the applicable constitutional principles.

2 Availability of the PAIA Manual

As per section 51(3) of PAIA, this Manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of L&M Inc.. Copies of the Manual may be made, subject to the prescribed fees.

This manual is published on the Company website at www.acute.co.za or alternatively, a copy can be requested from the Information Officer (see contact details in section 2).

2.1 Availability of guides to PAIA and POPIA

The Regulator has, in terms of section 10(1) of PAIA, 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.

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

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.

The Guide can also be obtained upon request to the Information Officer or the website of the Regulator (www.justice.gov.za/inforeg).

The contact details of the Regulator is as follows:

INFORMATION REGULATOR
The Information Regulator P.O. Box 31533, Braamfontein, Johannesburg, 2017
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Telephone number: +27 (0) 10 023 5200 Website : www.justice.gov.za/inforeg Email: inforeg@justice.gov.za

3. Company contact details

Name	Labuschagne and Mostert Inc.
Registration Number	2019/250958/21
Managing Director	Inge Labuschagne
MD contact number	082 884 3605
MD email address	inge@lmincorporated.co.za
Deputy Information Officer	n/a
Street Address	3b Fish Eagle street, Amberfield Heights Estate, Rooihuiskraal North, 0157.
Postal Address	
Access to information general contacts: all requests should be made to the Information Officer.	
Website	https://lmincorporated.co.za

3 Company records

3.1 Automatic disclosure: Sec 51(1)(c) of PAIA – Records automatically available to the Public

No notice has been published in terms of section 52 of PAIA. However, the following records are automatically available at the registered office of L&M Inc. on payment of the prescribed fee for reproduction.

- Documentation and information relating to L&M Inc. which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008.
- Services and Promotional Brochures.
- News and other Marketing Information.

3.2 Legislative requirements: Sec 51(1)(d) – Records available in accordance with other legislation

- Basic Conditions of Employment Act 57 of 1997

- Broad-based Black Economic Empowerment Act 53 of 2003
- Compensation for Occupational Injuries and Diseases Act 61 of 1997
- Companies Act 71 of 2008
- Constitution of South Africa Act 108 of 1996
- Copyright Act 98 of 1987
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act No 85 of 1993
- Pension Funds Act No 24 of 1956
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- Skills Development Levies Act 97 of 1998
- Unemployment Insurance Act 63 of 2001

Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of the Act.

Although L&M Inc. has used its best endeavours to supply you with a list of applicable legislation it is possible that the above list may be incomplete.

3.3 Records held by L&M Inc.: Sec 51(1)(e) – L&M Inc. Record Subjects and Categories

NOTE: This section of the Manual sets out the categories and descriptions of records held by L&M Inc.. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under PAIA. In particular, certain grounds of refusal as set out in Chapter 4 of PAIA may be applicable to a request for such records.

3.3.1 Corporate affairs, communications, and marketing

- Newsletters and Publications
- Corporate Social Investment
- Brochures, newsletters, and advertising material
- Client information
- Marketing brochures
- Marketing strategies
- Product and services brochures
- Policies and procedures

3.3.2 Corporate governance

- Applicable Statutory Documents

- Annual Reports
- Board of Directors and Board Committee Terms of Reference
- Codes of Conduct
- Executive Committee Meeting Minutes
- Legal Compliance Records
- Memoranda of Incorporation
- Minutes of Board of Directors and Board Committee Meetings
- Minutes of Shareholders' Meetings
- Corporate Policies and Procedures
- Share Certificates
- Shareholder Agreements
- Share Registers
- Strategic plans
- Statutory Returns to Relevant Authorities
- List of employees

3.3.3 **Finance and taxation**

- Policies and Procedures
- Accounting Records
- Annual Financial Statements
- Audit Reports
- Capital Expenditure Records
- Investment Records
- Invoices and Statements
- Management Reports
- Purchasing Records
- Sale and Supply Records
- Tax Records and Returns
- Transactional Records
- Management Accounts
- Asset Register
- Payroll Records
- Banking records
- Bank facilities and account details

3.3.4 **Human resources**

- Education and Training Records

- Employee Benefit Records
- Employment Contracts
- Employment Equity Records
- Employee Information
- Employee Share Option Scheme
- Policies and Procedures
- Leave Records
- Medical Records
- Study assistance scheme/s
- Tax Returns of employees
- UIF Returns
- Incident records
- Employee Disability Insurance Records

3.3.5 **Information technology**

- Agreements
- Disaster Recovery
- Hardware and Software Packages
- Policies and Procedures
- Internal Systems Support and Programming
- Licenses
- Operating Systems

3.3.6 **Facilities management**

- Physical Security Records (Visitors, Suppliers, Contractors, Employees)
- Electronic Access & Identity Management Records (Employees, Contractors)
- Time and Attendance Records

3.3.7 **Intellectual property**

- Trademark applications
- Agreements relating to intellectual property
- Copyrights

3.3.8 **Legal**

- General Contract Documentation
- Company Guidelines, Policies and Procedures

- Complaints, pleadings, briefs, and other documents pertaining to any actual or pending litigation, arbitration, or investigation.
- Material licenses, permits and authorizations.
- Employee, customer, and supplier information
- Immovable Property Records
- Statutory Records
- Insurance Records

3.3.9 **Clients and financial institutions**

- Client documentation
- Correspondence with clients
- Correspondence with third parties
- All information relating to or held on behalf of clients.
- Details of financial services providers
- Credit provider details.
- Declaration regarding insolvency
- Debt review and sequestration.

3.3.10 **Procurement Management**

- Service Provider and Supplier Records.

4 **Processing of personal information**

L&M Inc. takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African privacy. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any personal information processed by L&M Inc..

4.1 **The purpose of processing of personal information by L&M Inc.**

4.1.1 L&M Inc. processes personal information for variety of purposes including but not limited to the following:

- Fulfilling its statutory obligations in terms of applicable legislation;
- Verifying information provided to L&M Inc.;
- Obtaining information necessary to provide contractually agreed services to a customer;
- Monitoring, maintaining, and managing L&M Inc.'s contractual obligations to customers, clients, suppliers, service providers, employees, directors and other third parties;
- for travel purposes
- for recruitment purposes;
- for employment purposes;

- Marketing and advertising;
- for health and safety purposes;
- Resolving and tracking complaints;
- Monitoring and securing the assets, employees, and visitors to the premises of L&M Inc.;
- to help us improve the quality of our products and services;
- to help us detect and prevent fraud and money laundering
- Historical record keeping, research and recording statistics necessary for fulfilling L&M Inc.'s business objectives.

4.2 **Categories of data subjects and personal information processed by L&M Inc.**

4.2.1 L&M Inc. may process the personal information of the following categories of data subjects, which includes current, past, and prospective data subjects:

- Customer and employees, representatives, agents, contractors, and service providers of such customers;
- Suppliers, service providers to and vendors of L&M Inc. and employees, representatives, agents, contractors and service providers of such suppliers and service providers;
- Directors and officers of L&M Inc.;
- Shareholders;
- Existing and former employees (including contractors, agents, temporary and casual employees);
- Visitors to any premises of L&M Inc.;
- Complaints, correspondents, and enquiries; and
- to monitor access, secure and manage our premises and facilities.

The nature of personal information processed in respect of the above data subjects may include, as may be applicable:

- Name, identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
- Biometric information;
- Information relating to the education or the medical, financial, criminal or employment history of the data subject;
- Information relating to the race, gender, marital status, national origin, age disability, language, and birth of the data subject;
- The personal opinions, views, or preferences of the data subject;
- Confidential correspondence sent by the data subject;
- The views of opinions of another individual about the data subject.

4.3 **Recipients or categories of recipients with whom personal information is shared**

4.3.1 L&M Inc. may supply personal information to the following recipients:

- Regulatory, statutory and government bodies;
- Suppliers, service providers, vendors, agents, and representatives of L&M Inc.;
- Employees of L&M Inc.;
- Shareholders and other stakeholders;
- Third party verification agencies and credit bureau;
- Banks and other financial institutions.

L&M Inc. does not share the personal information of our data subjects with any third parties, except if:

- L&M Inc. is obliged to provide such information for legal or regulatory purposes;
- L&M Inc. is required to do so for purposes of existing or future legal proceedings,
- L&M Inc. is selling one or more of our businesses to someone to whom we may transfer our rights under any customer agreement we have with you;
- L&M Inc. is involved in the prevention of fraud, loss, bribery, or corruption;
- they perform services and process personal information on our behalf;
- this is required to provide or manage any information, products and/or services to data subjects;
or
- needed to help L&M Inc. improve the quality of our products and services.

L&M Inc. shall send our data subjects notifications or communications if we are obliged by law, or in terms of our contractual relationship with them.

L&M Inc. shall only disclose personal information to government authorities if we are required to do so by law.

L&M Inc. employees, contractors, and suppliers, are required to adhere to data privacy and confidentiality principles.

5 **Information security measures to protect personal information**

L&M Inc. continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures which apply to L&M Inc..

6 **Trans-border flows of personal information**

Personal information of data subjects may be transferred across borders due to the hosting of some projects and applications in foreign jurisdictions. Current employees and consultants' information may also be transferred transborder where L&M Inc. has a physical presence or may be providing services or performing in terms of its contractual obligations.

L&M Inc. shall only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing and will do so only in accordance with South

African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.

L&M Inc. shall take steps to ensure that customers, clients, and service providers are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of POPIA.

L&M Inc. shall take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in this manual.

7 Personal information received from third parties

For personal information received from a third party on behalf of a data subject, L&M Inc. shall require confirmation that they have written consent from the data subject, that they are aware of the contents of this PAIA manual and the L&M Inc. Privacy Policy, and do not have any objection to L&M Inc. processing their information in accordance with this manual and policy.

8 Policy with regard to Confidentiality and Access to Information

L&M Inc. will protect the confidentiality of information provided by third parties, subject to L&M Inc.'s obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information.

If access is requested to a record that contains information about a third party, L&M Inc. is obliged to attempt to contact the third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

9 Access procedure and requests

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by L&M Inc..

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to L&M Inc.'s records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

9.1 Guidance on completion of prescribed access form

In order for L&M Inc. to facilitate access to a record, the requester shall:

- Complete the prescribed form contained in the PAIA manual.

- Address your request to the Deputy Information Officer either via conventional mail or e-mail.
- Provide sufficient detail to enable the Company to identify:
 - The record(s) requested.
 - The requestor (and, if an agent is lodging the request, proof of capacity).
 - The South African postal address or email address of the requestor.
 - The form of access required.
 - The South African postal address or email address of the requestor.
 - If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.

9.2 Prescribed fees

Payment details can be obtained from the Deputy Information Officer and payment can be made either a direct deposit or electronic fund transfer (no credit card payments are accepted). Proof of payment must be supplied. Four types of fees are provided for in terms of the Act:

- Request fee: An initial, non-refundable R 50 (incl. VAT) is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.
- Reproduction fee: This fee is payable with respect to all records that are automatically available.
- Access fee: If the request for access is successful an access fee may be required to re-imburse L&M Inc. for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees as set out in Part III of Annexure A of the Regulations to the Act.
- Deposit: A deposit of one third (1/3) of the amount of the applicable access fee, is payable if L&M Inc. receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

9.3 Notification

L&M Inc. shall within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The thirty (30) day period within which L&M Inc. has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of L&M Inc. and the information cannot be reasonably be obtained within the original thirty (30) day period. L&M Inc. will notify the requester in writing should an extension be sought.

If the request for access to a record is successful, the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record;
- An indication of the form in which the access will be granted; and

- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is not successful, the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal); and
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

10 **Records that cannot be found or do not exist**

If, after all reasonable steps to locate a record have been taken, and no record is found, the Information Officer will notify the Requester by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

Should a record be found at a later stage, the Information Officer shall provide the requester access to such record, unless access to the record is refused on the grounds permitted by Chapter 4 of PAIA.

11 **Grounds for refusal of access to records and remedies**

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of commercial information of a third party or L&M Inc., if the record contains:
 - Trade secrets of the third party or L&M Inc.;
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or L&M Inc.; and
 - Information disclosed in confidence by a third party to L&M Inc. if the disclosure could put that third party to a disadvantage or commercial competition.
- Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- Mandatory protection of research information of a third party and of L&M Inc..

12 **Remedies**

L&M Inc. does not have internal appeal procedures regarding PAIA and POPIA requests. As such, the decision made by the duly authorised persons in this manual, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

13 **Updating of the manual**

The head of L&M Inc. will on a regular basis update this manual.

Issued by

Information Officer (CEO)