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**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013**

This manual applies to:

**RÖHRS ANDREWS AND ASSOCIATES INCORPORATED T/A POWER LAW**

registration number 2020/457855/21

(the **Company**)



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## 1 INTRODUCTION

The Promotion of Access to Information Act, 2000 and its Regulations (**PAIA**) provides third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. Upon request, the private body or government is obliged to release such information, unless PAIA expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by PAIA.

In addition, this manual explains how to access, or object to, or request correction or deletion of, personal information held by the Company, under the provisions of the Protection of Personal Information Act, 2014 and the Regulations issued under it (**POPIA**).

### **Nature of business**

The Company provides legal services to its clients as an incorporated juristic entity in terms of the Legal Practice Act, 2014.

### **Contact details**

Name of body: Röhrs Andrews and Associates Inc t/a power law  
Head of body: Sue Röhrs and Lionel Andrews  
Information Officer: Lionel Andrews  
Registered address: 3 4th Street, Parkhurst, Gauteng, 2193  
Telephone number: +27 87 701 6721  
Email address: info@powerlaw.co za

## 2 GUIDE OF HUMAN RIGHTS COMMISSION / INFORMATION REGULATOR

A guide to PAIA, as contemplated in section 10 of PAIA, is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA.

Any enquiries regarding this guide and its contents should be directed to:

### **The South African Human Rights Commission (SAHRC)**

Attention: PAIA Unit (Research and Documentation Department)  
Postal address: Private Bag 2700, Houghton, 2041  
Telephone number: +27 11 484-8300  
Fax: +27 11 484-7146  
Website: www.sahrc.org.za  
Email address: PAIA@sahrc.org.za

Alternatively, its successor,



## **The Information Regulator (South Africa)**

Postal address: SALU Building, 316 Thabo Sehume Street, Pretoria  
Attention: Ms Mmamoroke Mphelo  
Telephone number: +27 12 406 4818  
Fax number: 086 500 3351  
Email address: infoereg@justice.gov.za

### **3 ACCESS TO RECORDS HELD BY THE COMPANY**

Records held by the Company may be accessed on request and only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company and, in this regard, PAIA distinguishes between two types of requesters:

#### **Personal requester**

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of PAIA and applicable law, the Company will provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by the Company.

#### **Other requester**

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of PAIA. The prescribed fee for reproduction of the information requested will be charged by the Company.

#### **Request Procedure**

A requester must comply with all the procedural requirements contained in PAIA relating to a request for access to a record. The prescribed procedure and the prescribed form is available for download on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za).

The completed form, together with proof of payment of a request fee and a deposit, if applicable, must be sent to the information officer at the registered or email address stated herein. The prescribed form must be filled in with enough particularity to at least enable the information officer to identify:

- The record or records requested;
- The identity of the requester;
- What form of access is required; and
- The postal address or fax number of the requester

A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.



The Company will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this time period not be complied with.

The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the information officer.

## **Decision**

The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original 30-day period. The information officer will notify the requester in writing should an extension be necessary.

## **4 FEES**

The Act provides for two types of fees:

A **request fee** (which will be a standard fee) and an **access fee**, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs where applicable. When a request is received by the information officer of the Company, the information officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request. If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

The information officer shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form. If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

## **5 RECORDS AUTOMATICALLY HELD BY THE COMPANY: SECTION 51(1)(C)**

No notices have been published by the Information Regulator on categories of records that are automatically available without a person having to request access in terms of PAIA.

## **6 RECORDS HELD IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(D)**

The Company is required by law to retain certain records. The Company holds records for the purposes of PAIA in accordance with the following legislation, among others:

- Basic Conditions of Employment Act 57 of 1997



- Broad-based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Copyright Act 98 of 1978
- Currencies and Exchanges Act 9 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Services Board Act 97 of 1990
- Income Tax Act 58 of 1962
- Inspection of Financial Institutions Act 80 of 1998
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act 2 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Protection of Personal Information Act No. 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levy Act 9 of 1999
- Securities Transfer Tax Act 25 of 2007
- Securities Transfer Tax Administration Act 26 of 2007
- Trade Marks Act 194 of 1993
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002



- Value Added Tax Act 89 of 1991

## **7 CATEGORIES OF RECORDS HELD BY THE COMPANY: SECTION 51(1)(E)**

### **Companies Act records**

- Certificate of registration
- Memorandum of incorporation
- Minutes of board of directors meetings
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers
- Securities register

### **Financial records**

- Annual financial statements
- Tax returns
- Accounting records
- Banking records
- Bank statements
- Electronic banking records
- Asset register
- Invoices

### **Tax records**

- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances

### **Labour relations records**

- Employment contracts
- Disciplinary records
- Salary records
- Disciplinary code
- Leave records
- Training records



- Training manuals

## 8 PROCESSING OF PERSONAL INFORMATION

POPIA provides for the minimum conditions for lawful processing of personal information (as defined in POPIA). The Company processes personal information in accordance with POPIA and its Privacy Policy, as updated from time to time. The Privacy Policy may be accessed on the Company's website and will be provided upon written request to the information officer.

### Purpose of processing

The Company uses the personal information under its care in the following ways:

- Rendering services according to instructions given by clients
- Managing supplier relations
- Staff administration
- Keeping of accounts and records
- Complying with tax, labour and other applicable laws

### Categories of data subjects and their personal information

The Company may possess records relating to suppliers, shareholders, contractors service providers, staff and clients:

Entity Type	Personal Information Processed
Clients - Juristic Persons / Entities	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
Clients - Intermediary / Advisor	Names; registration number; contact details; physical and postal addresses; tax related information; confidential correspondence.
Contracted Service Providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
Employees / Directors	Gender, pregnancy; marital status; colour, age, language, education information; financial information; employment history; ID number; physical and postal address; contact details; opinions, criminal behaviour; well-being.

### Categories of recipients for processing the personal information

The Company may supply the personal information to service providers who render the following services:





- Capturing and organising of data
- Storing of data
- Sending of emails and other correspondence to clients
- Conducting due diligence checks

### **Actual or planned transborder flows of personal information**

The Company may transfer data transborder in order to store data with third party cloud storage providers

### **General description of information security measures**

The Company employs up to date technology to ensure the confidentiality, integrity and availability of the personal information under its care measures, including:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up the IT infrastructure
- Outsourced service providers who process personal information on behalf of the Company are contracted to implement security controls

## **9 REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED**

### **Internal remedies**

The Company does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

### **External remedies**

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of PAIA, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **10 INFORMATION OR RECORDS NOT FOUND**

If all reasonable steps have been taken to locate a record, and such a record cannot be found or is not found to exist, the Company shall notify the requester, by way of an affidavit or affirmation, that it is not possible to provide access to the requested record. The affidavit or affirmation shall contain a full account of all the steps taken by the Company to locate the record or to determine the existence thereof. If the record in question is found at a later stage, the requester concerned shall be given access to the record, unless access is refused on a ground for refusal under PAIA.



## **11 AVAILABILITY OF THE MANUAL**

A signed copy of this manual is available for inspection, on reasonable prior notice, at the Company's registered office, free of charge. Copies of the manual are also available from the SAHRC.

## **12 UPDATING OF THE MANUAL**

The Company will update this manual every 24 months, or whenever it is legally required necessary to do so.

## **13 APPROVAL**

SIGNED ON BEHALF OF THE COMPANY ON THIS 30<sup>th</sup> DAY OF JUNE 2021.

Name: LJ Andrews  
Designation: Director