



DYKES, VAN HEERDEN (“DvH”) GROUP OF FIRMS PAIA MANUAL

**Prepared in terms of section 51 of the Promotion of Access to
Information Act 2 of 2000**

(hereinafter referred to as “the Act”)

TABLE OF CONTENTS

1. LIST OF ACRONYMS AND ABBREVIATIONS

“DIO”	means the Deputy Information Officer of each separate respective entity within the DvH Group nominated to represent that entity;
“the DvH Group”	means, as at the date of this PAIA Manual being revised and adopted as set out on the date on page 1, Dykes van Heerden Incorporated (reg no: 1995/003913/21), Dykes van Heerden (Gauteng) Incorporated (reg no: 2017/432748/21), Dykes van Heerden (Cape) Incorporated, Dykes van Heerden Slabbert Hopkins Incorporated and Dykes van Heerden (KZN) Incorporated;
“IO”	means the Information Officer of each respective separate entity forming part of the DvH Group;
“Minister”	means the Minister of Justice and Correctional Services;
“PAIA”	means the Promotion of Access to Information Act No. 2 of 2000 (as Amended from time to time);
“POPI”	means the Protection of Personal Information Act No 4 of 2013 (as Amended from time to time);
“Regulator”	means the Information Regulator;
“Republic”	means the Republic of South Africa.

2. INTRODUCTION AND PURPOSE OF THIS MANUAL

2.1 The DVH Group specialises in conveyancing and other aspects of law. Every firm within the Group is required to compile a PAIA Manual, which includes information on the business including a description of records held by it. This Manual has been adopted by every Director of each firm in

the Group and thus this document is applicable to all the DvH entities in the Group. A copy of this Manual is available to the public upon request, at the relevant office.

- 2.2 Section 32 of the Constitution of the Republic of South Africa, Act 108 of 1996, creates a right to access information and promotes a culture of transparency, accountability and good governance both in the private and public sectors. The Act grants a *requester* access to records of a private body (being DvH), *if the record is required for the exercise or protection of any rights*. This promotes a culture of transparency, accountability and good governance in our country.

3. CONTENTS IN TERMS OF SECTION 51 OF PAIA AND THE SECTION 10 GUIDE

- 3.1 Contact details of the Head office of the DvH Group - section 51(1)(a)
- 3.2 Description of guide referred to in section 10 - section 51(1)(b)
- 3.3 Schedule of Records - Section 51(1) (d)
- 3.4 Subjects and categories of records held and form of request - section 51(1)(e)
- 3.5 Prescribed Forms and any other Information (such as prescribed fees) - section 51 (1)(f)

4. CONTACT DETAILS OF THE DVH BRANCHES AND THEIR OFFICERS – SECTION 51(1)(a)

Website: <https://dvh.law.za/>

ENTITY	ADDRESS	IO NAME	TELEPHONE	E-MAIL
DvH (Gauteng) Inc	19 Ontdekkers Road Roodepoort 1740	James David Robertson (Director)	011 279 5000	jd@dvh.za.net
DvH Inc	19 Ontdekkers Road Roodepoort 1740	James David Robertson (Director)	011 279 5000	jd@dvh.za.net or
Dykes van Heerden (Cape) Inc	120 122 EdwardRoad	Elana Hopkins (Director)	0861 110 210	elanah@dvh.law.za

	Cape Town			
Dykes van Heerden Slabbert Hopkins Incorporated	121 122 Edward Road Cape Town	Elena Hopkins (Director)	0861 110 210	elanah@dvh.law.za
Dykes van Heerden (KZN) Inc	34 Seadone Road, Block 1 Amanzimtoti	Lisa Boniface	031 903-1851	lisa@kzndvh.za.net

5. Description of guide referred to in section 10 - section 51(1)(b)

As from 30 June 2021 the Information Regulator has taken over the regulatory mandate functions relating to the Promotion of Access to Information Act (PAIA). This follows a proclamation, which was made by the President, in terms of sections 110 and 114(4) of Protection of Personal Information Act (POPIA) 2013, which provide for amendment of PAIA and the effective transfer of functions performed by the South African Human Rights Commission (SAHRC) to the Information Regulator on 30 June 2021.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in the Act. Requesters are referred to the Guide in terms of section 10 which has been compiled by the Information Regulator, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the Information Regulator.

The contact details of the Information Regulator:

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

P.O Box 31533, Braamfontein, Johannesburg, 2017

General enquiries: enquiries@info regulator.org.za

The Information Regulator (South Africa) is an independent body established in terms of section 39 of the Protection of Personal Information Act 4 of 2013. It is subject only to the law and the Constitution and it is accountable to the national assembly.

PAIAComplaints@info regulator.org.za – should your PAIA request be denied or there is no response from a public or private bodies for access to records you may use this email address to lodge a complaint.

POPIAComplaints@info regulator.org.za – should you feel that your personal information has been violated you may use this e-mail address to lodge a complaint.

All forms can be found by clicking on the following link: <https://inforegulator.org.za/popia-forms/> or can be downloaded separately from the DvH website – see Form 2 (Request for Access to Records) and/or Form 3 (Outcome and Fees Payable).

or can be downloaded separately from the DvH website – see Form 2 (Request for Access to Records) or Form 3 (Outcome and Fees Payable).

6. RECORDS AVAILABLE – Section 51(1)(d)

6.1 The following records, **may not be disclosed** in the event that DvH advises as follows:

- 6.1.1 Unreasonable disclosure of personal information of Natural Person [Section 63(1)] or Juristic Person (POPIA)
- 6.1.2 Likely to harm the commercial or financial interests of third party [Section 64(1)(a) and (b)]
- 6.1.3 Likely to harm the Company or third party in contract or other negotiations [Section 64(1)(c)]
- 6.1.4 Would breach a duty of confidence owed to a third party in terms of an Agreement [Section 65]
- 6.1.5 Likely to compromise the safety of individuals or protection of property [Section 66];
- 6.1.6 Legally privileged document [Section 67]
- 6.1.7 Environmental testing / investigation which
- 6.1.8 Reveals public safety / environmental risks [Section 64(2); Section 68(2)]
- 6.1.9 Commercial information of Private Body [Section 68]
- 6.1.10 Likely to prejudice research and development information of the Company or a third party [Section 69].

6.2 DvH, where applicable, holds information in terms of the following Legislation, but is not limited to:

- Basic Conditions of Employment Act, No. 75 of 1977
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 68 of 1962
- Labour Relations Act, No. 66 of 1978
- Occupational Health and Safety Act, No. 85 of 1993
- Skills Development Act, No. 97 of 1988
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Contribution Act, No. 4 of 2002
- Unemployment Insurance Act, No. 30 of 1966
- Value Added Tax Act, No. 89 of 1991
- Attorneys Act, No. 53 of 1979

- National Credit Act, No. 34 of 2005
- Consumer Protection Act, No 68 of 2008
- Financial Intelligence Centre Act, No. 38 of 2001
- Trade Marks Act, No. 194 of 1993
- Copyright Act, No. 98 of 1978
- Prescription Act, No. 68 of 1969

7. Subjects and categories of records held and form of request - section 51(1)(e)

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.

Subjects on which the body holds records	Categories of records
Employment Records	Employment contracts and addenda Disciplinary records Salaries and wages records Disciplinary policies 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 Personal information as defined in the Protection of Personal Information Act
Clients	All FICA documentation and Personal Information as described in the POPI Act Records provided by clients pertaining to the instruction Records provided by a client to a third party acting for and on behalf of DvH Records provided by third parties Records generated by DvH Conveyancers & Notaries • Client files Fee agreements, quotations, pro-forma invoices and mandates
Suppliers	Personal information Personal information of representatives
General	Financial and accounting records Insurance records Asset register Client, supplier and document databases and warehoused docs Law Society records, including Fidelity Fund Certificates All correspondence Commercial and Conveyancing agreements Tax compliance documents Accounting records Bank statements Invoices

8. AVAILABILITY AND PRESCRIBED FORMS – REQUESTS FOR ACCESS

8.1 All requests for access to information should be addressed to that particular office of DvH at that office's address or email of the Officer. In terms of the Act, all requests must be completed on the prescribed request Form2 (Request for Access to Records), which can be downloaded from the DvH website.

Access Request

- i. Use the Prescribed PAIA Form on the Company website.
- ii. Address your request to the Information Officer.
- iii. Provide sufficient detail to enable the Company to identify:
 - a. The record(s) requested.
 - b. The requestor (and, if an agent is lodging the request, proof of capacity).
 - c. The South African postal address, e-mail address or fax number of the requestor.
 - d. The form of access required.
 - e. If the requestor wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
 - f. The right which the requestor is seeking to exercise or protect with an explanation of the reason, the record is required to exercise or protect the right.

8.2 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. The Guide is available in each of the official languages and in braille. The aforesaid Guide contains the description of-

8.2.1 the objects of PAIA and POPIA;

8.2.2 the postal and street address, phone and fax number and, if available, electronic mail address of the Information Officer of every public body, and every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

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.*

- 8.2.3 the manner and form of a request for access to a record of a public body contemplated in section 11³; and access to a record of a private body contemplated in section 50⁴;
- 8.2.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 8.2.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 8.2.6 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-
 - 8.2.6.1 an internal appeal;
 - 8.2.6.2 a complaint to the Regulator; and
 - 8.2.6.3 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/Director of a private body;
- 8.2.7 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;
- 8.2.8 the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 8.2.9 the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 8.2.10 the regulations made in terms of section 92¹¹.

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 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

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.”

8.3 Members of the public can inspect or make copies of the Guide from the offices of DvH, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

8.3.1 upon request to the Information Officer;

8.3.2 from the website of the Regulator.

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, the Financial Intelligence Centre, Deeds Office, Correspondent Attorneys, Credit Bureaus, IT service providers
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
To advise of matters concerning the Protection of Personal Information Act	Information Regulator
Depends on nature of the Transaction	Advocates and courts, other third-party court officials and correspondent attorneys if this is part of an instruction
Labour and tax matters of DvH	UIF and other Labour Department, SARS, Municipalities

8.4 Planned transborder flows of personal information

DvH may, from time to time, allow ***some personal information to be stored in the cloud outside the Republic, with the consent of the data subjects.***

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

- Passwords on laptops
- Data Encryption

- Anti-virus and
- Anti-malware Solutions
- Agreements with our IT service providers

9. UPDATING OF THE MANUAL

The Directors / Information Officer of each of the DvH offices within the Group may, from time to time, of an update this Manual, which will be available on the website.