



Mabhelandile [Ntuli Attorneys](#) - *Tax, Law, with certainty*

Tax | Labour | Corporate Commercial | Litigation

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# PAIA MANUAL

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

DATE OF COMPILATION: 27/06/2023  
DATE OF REVISION: 27/06/2024





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### 1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	<b>“CEO”</b>	Chief Executive Officer
1.2	<b>“DIO”</b>	Deputy Information Officer;
1.3	<b>“IO“</b>	Information Officer;
1.4	<b>“Minister”</b>	Minister of Justice and Correctional Services;
1.5	<b>“PAIA”</b>	Promotion of Access to Information Act No. 2 of 2000( as Amended);
1.6	<b>“POPIA”</b>	Protection of Personal Information Act No.4 of 2013;
1.7	<b>“Regulator”</b>	Information Regulator; and
1.8	<b>“Republic”</b>	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;





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- 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





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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 THE

#### 3.1. Chief Information Officer

Name: Mabhelandile Bhaqa Bhekezakhe Ntuli  
Tel: 010 824 7021  
Email: [andile@mabhelandilentuliattorneys.com](mailto:andile@mabhelandilentuliattorneys.com)  
Fax number: 086 4883 884

#### 3.3 Access to information general contacts

Email: [info@mabhelandilentuliattorneys.com](mailto:info@mabhelandilentuliattorneys.com).

#### 3.4 National or Head Office

Postal Address: Sandton, Nelson Mandela Square West Tower, 2nd Floor  
Physical Address: Sandton, Nelson Mandela Square West Tower, 2nd Floor  
Telephone: 010 824 7021  
Email: [info@mabhelandilentuliattorneys.com](mailto:info@mabhelandilentuliattorneys.com)





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#### 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 PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;

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<sup>1</sup> 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.*

<sup>2</sup> 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.*





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- 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 11<sup>3</sup>;  
and
  - 4.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 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;

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<sup>3</sup> 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.

<sup>4</sup> 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.





- 4.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> 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 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - 4.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
  - 4.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 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.

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<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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

<sup>8</sup> 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

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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.”





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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/inforeg/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

**5. CATEGORIES OF RECORDS OF MABHELANDILE NTULI ATTORNEYS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

NB: Please request the following information by sending an email from your official email or a letter on your official letterhead.

Category of records	Types of the Record
Personal information	ID number, residential address, and contact information
Personal company information	Registration number of company, residential address, and contact information

**6. DESCRIPTION OF THE RECORDS OF MABHELANDILE NTULI ATTORNEYS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008







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PAIA Manual	Promotion of Access to Information Act 2 of 2000

**7. DESCRIPTION OF THE SUBJECTS ON WHICH MABHELANDILE NTULI ATTORNEYS HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY MABHELANDILE NTULI ATTORNEYS**

NB: Unless you are the owner of the information, the following information must be requested in terms of PAIA by filling out Form C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]. Mabhelandile Ntuli Attorneys will then consider your request and notify you of the result of the application. In accordance with PAIA, Mabhelandile Ntuli Attorneys reserves the right to grant access to/deny access to the information requested. Should you be dissatisfied with the result of your request, you may challenge the decision in accordance with the applicable law(s)

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	- HR policies and procedures - Advertised posts - Employees records
Succession documents	- Wills of individuals drafted or perused by Mabhelandile Ntuli attorneys





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Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"><li>- Trust documents</li><li>- Identity documents</li><li>- Marriage documents</li></ul>
Commercial documents	- All types of contracts between entities that have been advised by Mabhelandile Ntuli Attorneys
Tax information of clients	- All documents submitted to SARS by clients of Mabhelandile Ntuli Attorneys, including but not limited to returns, letters, court documents and financial information.
Documents	- All court documents relating to clients including but not limited to letters, pleadings, and affidavits.

## 8. PROCESSING OF PERSONAL INFORMATION

### 8.1 Purpose of Processing Personal Information

Mabhelandile Ntuli Attorneys is a legal practice, registered with the Legal Practice Council in terms Legal Practice Act of 2014. We provide legal services to members of the public for a fee. Any information held by us is held solely for the purpose of providing legal services.

### 8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto





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<b>ories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details, financial records
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race

### 8.3 The recipients or categories of recipients to whom the personal information may be supplied

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Taxpayer information	South African Revenue Service





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#### **8.4 Planned transborder flows of personal information**

From time to time, Mabhelandile Ntuli Attorneys may have to disseminate information to service providers and or authorities outside the Republic of South Africa in order to execute on the mandate received from the client. This may, for example, include tax and financial information regarding an offshore structure. Mabhelandile Ntuli Attorneys will always confirm in its letter of engagement the involvement of offshore parties to a mandate and the need to disseminate certain information to the relevant bodies in that jurisdiction.

#### **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**

Mabhelandile Ntuli Attorneys uses Anti-virus and Anti-malware Solutions to ensure the safety of your personal information.

### **9. AVAILABILITY OF THE MANUAL**

9.1 A copy of the Manual is available-

9.1.1 Upon request via the email: [info@mabhelandilentuliattorneys.com](mailto:info@mabhelandilentuliattorneys.com);

9.1.2 at the office of Mabhelandile Ntuli Attorneys 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.





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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 a Mabhelandile Ntuli Attorneys will on a regular basis update this manual.

*Issued by*

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**Mabhelandile Ntuli**

**Founding Director**

