



**KRÜGEL HEINSEN
INCORPORATED**

PAIA MANUAL

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

and

**To address the requirements of the Protection of
Personal Information Act 4 of 2013**

**DATE OF COMPILATION: January 2023
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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|-----|--------------------|--|
| 1.1 | "DIO" | Deputy Information Officer; |
| 1.2 | "IO" | Information Officer; |
| 1.3 | "Minister" | Minister of Justice and Correctional Services; |
| 1.4 | "PAIA" | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.5 | "POPIA" | Protection of Personal Information Act No.4 of 2013; |
| 1.6 | "Regulator" | Information Regulator; and |
| 1.7 | "Republic" | 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;
- 2.2 Have 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
- 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 KRÜGEL HEINSEN INCORPORATED

3.1. Information Officer

Name : Maryke Poultney
Tel : (013) 001 3690
Email : maryke@krugels.co.za

3.2. Deputy Information Officer

Name : Alandi van Wyk
Tel : (013) 001 3690
Email : alandi@krugels.co.za

3.3. Access to information **general contacts**

Email : krugels@krugels.co.za

3.4. National or Head Office

Postal Address : Postnet Suite 184
Private Bag X7260
Witbank
1035

Physical Address : Proffice Building, Route N4 Business Park,
23 Corridor Crescent
Witbank
1035

Telephone : (013) 001 3690

Email : krugels@krugels.co.za

Website : www.krugelheinsen.co.za

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 PAIA¹ and section 56 of POPIA²;
 - 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

- 11³; and
- 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 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;

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.*

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.*

- 4.3.7. 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;
 - 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92¹¹.
- 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.
- 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/>).

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.”

5. CATEGORIES OF RECORDS OF KRÜGEL HEINSEN INCORPORATED WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The following categories of records are held by us:

CATEGORY OF RECORDS	TYPES OF RECORD	AVAILABLE ON WEBSITE	AVAILABLE UPON REQUEST
Records available on the company website	• PAIA and POPI Manual • BBEEE Certificate	x	x
Company registration documents available from CIPC	• Company Registration documents	x	x

6. DESCRIPTION OF THE RECORDS OF KRÜGEL HEINSEN INCORPORATED WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

APPLICABLE LEGISLATION	CATEGORY OF RECORDS
The Companies Act 71 of 2008	• Memorandum of Incorporation
Administration of Estates Act 66 of 1965	• Deceased Estates files
Basic Conditions of Employment Act 75 of 1997	• Employee service agreements
Broad Based Black Economic Empowerment Act 53 of 2003	• BBEEE certificate
Compensation for Occupational Injuries and Diseases Act 130 of 1993	• Certificate of good standing
Financial Intelligence Centre Act 38 of 2001	• RMCP manual • FIC documents on files
Income Tax Act 95 of 1967	• Tax clearance certificate, IRP 5, VAT registration, Employees PAYE records
Labour Relations Act 66 of 1995	• Employee personal information (Names, ID/Passport, registration numbers, address, contact details)
Legal Practice Act 28 of 2014	• Letter of good standing

	• Fidelity fund certificate
Promotion of Access of Information Act 2 of 2000	• PAIA manual
Protection of Personal Information Act 4 of 2013	• POPI policy
Short-Term Insurance Act 532 of 1998	• Professional indemnity cover
Skills Development Levies Act 9 of 1999	• Training and webinar certificates
Transfer Duty Act 40 of 1949	• Transfer duty payments
Unemployment Contributions Act 4 of 2002	• UIF contributions
Unemployment Insurance Act 63 of 2001	• UIF contributions
Value-Added Tax Act 89 of 1991	• VAT registrations

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY KRÜGEL HEINSEN INCORPORATED

Subjects on which the body holds records	Categories of records
Administration and Management	Statutory records, Administration and Operational records, Minutes of Meetings, Risk, Security and Insurance records, Commercial Contracts and General correspondence.
Human Resource records	Personnel records, Employee relations, training and development, Employee contracts, Membership records, Staff Regulations and Policies
Financial Records	Accounting records, Salaries and Wages records, Creditors and Debtors records, Taxes and Levies records, Operational Expenditure records, Financial Statements and Asset inventories
Client Records	Client and Correspondents database, Client and Correspondent Professional Services records, Client and Correspondent accounts, Client files
Records relating to fixed and movable property	Client files (Bond Registrations / Transfers / Bond Cancellations and Consents)
Commercial Contracts	Commercial contracts
Insurance Contracts	Insurance contracts

Information Technology	Infrastructure and Systems, Service Delivery systems and Business Intelligence
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8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

- 8.1.1 **To provide legal advice and legal representation** to clients in accordance with mandates received.
- 8.1.2 **To assess, accept, and manage client engagements**, including conflict of interest checks and compliance with professional obligations.
- 8.1.3 **To comply with statutory and regulatory requirements**, including obligations under:
 - Legal Practice Act
 - Financial Intelligence Centre Act
 - Protection of Personal Information Act
 - Applicable tax and company legislation
- 8.1.4 **To conduct due diligence and verification processes**, including identity verification and anti-money laundering compliance.
- 8.1.5 **To draft, review, and manage legal documents**, contracts, pleadings, agreements, opinions, and related correspondence.
- 8.1.6 **To administer and manage legal matters**, including litigation, dispute resolution, conveyancing, commercial transactions, and other legal services.
- 8.1.7 **To maintain client records, billing records, trust account records, and financial administration.**
- 8.1.8 **To communicate with clients, counsel, experts, courts, regulatory authorities, and other third parties** where necessary for the performance of a mandate.
- 8.1.9 **To manage employment, recruitment, and internal operations** of the firm.
- 8.1.10 **To protect the legitimate interests of the Firm and its clients**, including exercising or defending legal rights.

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
Customers / Clients	• Full names, ID numbers, passport numbers • Contact details (telephone, email, physical address) • Marital status and family information (where relevant to a mandate) • Financial information (banking details, income, assets, liabilities) • Tax numbers and company registration details • Employment information • Legal records and case-related information • Special personal information (where relevant to legal matters), including criminal records or health information • FICA documentation (proof of address, identity verification documents)
Service Providers	• Contact details • Identification details • Banking and payment information • Professional qualifications • Contractual information
Employees	• Identification and contact details • CVs and employment history • Qualifications and professional memberships • Payroll information and banking details • Tax numbers and UIF information • Performance records • Disciplinary records • Medical information (where required by law)
Prospective Client	• Name and contact details • Information disclosed during initial consultations • Conflict-check information
Opposing Parties	• Identification details • Contact information • Case-related information • Court documents

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

8.3.1 Personal information may be supplied to courts, tribunals, regulatory authorities, opposing parties and their legal representatives, service providers acting on behalf of the Firm, financial institutions, law enforcement agencies, professional advisors, and other authorised third parties where such disclosure is necessary for the rendering of legal services, compliance with legal or regulatory obligations, the protection of legitimate interests, or where authorised or consented to by the data

subject.

8.3.2 Specific disclosures may include, but are not limited to:

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
Qualifications, for qualification verifications	South African Qualifications Authority

8.4 Planned transborder flows of personal information

8.4.1. Personal information may be transferred outside of the Republic of South Africa in accordance with Section 72 of the Protection of Personal Information Act 4 of 2013, where:

- 8.4.1.1 The recipient is subject to a law, binding corporate rules or agreement that provides an adequate level of protection; or
- 8.4.1.2 The data subject consents to the transfer; or
- 8.4.1.3 The transfer is necessary for the performance of a contract; or
- 8.4.1.4 The transfer is necessary for the conclusion or performance of a contract in the interest of the data subject; or
- 8.4.1.5 The transfer is for the benefit of the data subject and it is not reasonably practicable to obtain consent.

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

We implement appropriate, reasonable technical and organizational security measures to protect personal information that is in our possession against accidental or unlawful destruction, damage, loss, alteration, unauthorised disclosure, unauthorized access, in accordance with applicable law. Access to personal information is restricted to employees which have the necessary unique usernames, passwords and login credentials. Sharing of this information between employees are

prohibited. No external storage devices are allowed. We use electronic and computer safeguards like firewalls and comprehensive anti-virus programs, as well as physical and electronic access control to our building and offices, and regular updates of software and programs are done.

Where there are reasonable grounds to believe that personal information that is in our possession has been access or acquired by any unauthorised person, we will notify the relevant regulator and the client, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator informs us that notifying the client will impede a criminal investigation. We have minimum operating standards in place, as well as a Disaster Recovery Plan, which will also direct our response to a data breach.

As the internet is an open system, the transmission of information via the internet is not completely secure, however, we will implement all reasonable measures to protect personal information that is in our possession. While no system can guarantee absolute security, Krügel Heinsen Incorporated continually reviews and enhances its safeguards to ensure compliance with applicable data protection legislation.

Full and incremental backups to preserve information assets are performed on a regular basis for audit logs and files that are irreplaceable, have a high replacement cost, or are considered critical. Backup media are stored in a secure, geographically separate location from the original and are isolated from environmental hazards and tested for accuracy on a regular basis.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 On www.krugelheinsen.co.za ;

- 9.1.2 head office of Krügel Heinsen Incorporated 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.
- 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 Krügel Heinsen Incorporated – Compliance Department will on a regular basis update this manual.

Issued by



MARYKE POULTNEY

DIRECTOR & INFORMATION OFFICER

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

(Address)

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 (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
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 (Mark the applicable box with an "X")			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
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 (Mark the applicable box with an "X")	
Printed copy of record (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 record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS (Mark the applicable box with an "X")	
Personal inspection of record 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)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
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.	
Indicate which right is to be exercised or protected	

FORM OF ACCESS (Mark the applicable box with an "X")	
Printed copy of record (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 record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS (Mark the applicable box with an "X")	
Personal inspection of record 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)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
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.	
Indicate which right is to be exercised or protected	