



**TIM DU TOIT & CO INCORPORATED**

# **Manual on the Promotion of Access to Information Act 2 of 2000**

Prepared in accordance with Section 14 of the  
Promotion of Access Information Act 2000, (Act 2 of 2000)

27 May 2026

**VERSION CONTROL FORM**

Version	Date	Name	Title
Original Version	04/07/2023	Robyn Stevens	Director
1.0	14/06/2024	Robyn Stevens	Director
2.0	31/10/2025	Robyn Stevens	Director
3.0		Quinton van Schalkwyk	

**DEFINITIONS**

<b>Access Fee</b>	Means a fee prescribed for the purposes of section 22 (6) or 54 (6), as the case may be.
<b>Data Subject</b>	Refers to the person whom the personal information relates to. <i>Also see Requester.</i>
<b>Day</b>	Refers to a calendar day, unless the last day of a specified period happens to fall on a Sunday or on any public holiday, in which case the time shall be calculated exclusive of that Sunday or public holiday in accordance with section 4 of the Interpretation Act, 1957 (Act No. 33 of 1957);
<b>DIO</b>	Deputy Information Officer
<b>IO</b>	Information Officer
<b>Complainant</b>	Refers to any person who lodges a complaint with the Information Regulator or <ul style="list-style-type: none"> <li>(a) a matter reported to the Information Regulator in terms of Chapter 1A of the Act;</li> <li>(b) As outlined in Section 77A of the act.</li> <li>(c) a complainant referred to in section 74 of the Act; and</li> <li>(d) a matter reported or referred to the Information regulator in terms of other legislation that regulates the mandate of the Information Regulator.</li> </ul>
<b>Guide</b>	means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (PAIA) and the protection of Personal Information Act 4 of 2013, as contemplated in section 10 of PAIA
<b>Manual</b>	Refers to this manual for access to information as required by section 51 of PAIA
<b>PAIA</b>	Refers to the Promotion of Access to Information Act No. 2 of 2000 ( <i>as amended</i> )
<b>Person</b>	Means a natural person or juristic person;
<b>POPIA/ POPI</b>	Protection of Personal Information Act No.4 of 2013
<b>Regulator</b>	Refers to the Information Regulator
<b>Republic</b>	Refers to the Republic of South Africa
<b>Requester</b>	Refers to any person, including a public body or an official thereof, who requests access to a record of a private body or a person acting on behalf of someone who requests access to a record of a private body

## INTRODUCTION

- 1.1. Tim du Toit & Co Incorporated (“TDT”) Promotion of Access to Information Manual (“Manual”) is published in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) and section 23-25 of the Protection of Personal Information Act No.4 of 2014 (“POPIA”).
- 1.2. PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information which is held by the State but also information held by any another person. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access that information, subject to certain restraints.
- 1.3. Section 51 of PAIA creates a legal right to access records (as defined in section 1 of PAIA) of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA. In addition, in compliance with POPIA a responsible party who processes personal information must notify the person to whom personal information relates (“Data Subject”) of the manner in which the Data Subject can access their personal information held by the responsible.

## 2. PURPOSE

- 2.1. The purpose of this manual is to facilitate requests for access to records (including records containing Personal Information as defined in terms of the TDT Privacy Policy) of TDT.
- 2.2. Should this Manual not deal with a procedure provided for in PAIA, the Data Subject/ Requester or any other interested party is to look at the Act for guidance in relation thereto. Same is to be included as part of the Manual.
- 2.3. A person requesting access to records from TDT (“the Data Subject/ Requester”) is advised to familiarise themselves with the provisions of PAIA before making any requests to TDT in terms of PAIA.
- 2.4. TDT makes no representation and gives no undertaking or warranty that any record(s) provided by it to a Requester and/or a Data Subject is complete or accurate, or that such record is fit for any purpose. All users of such records shall use such records entirely at their own risk, and TDT shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this Manual or of any record provided by TDT or any error therein.
- 2.5. All users, Requester’s and Data Subjects irrevocably agree to submit to the laws of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by TDT.

## 3. COMPANY OVERVIEW

TDT is a registered legal practice operating under the terms and conditions of the Legal Practice Act 28 of 2014. The Firm specialises in Dispute Resolution, Litigation, Conveyancing, Corporate & Commercial Law, Banking & Financial Law as well as additional services such as Family Law, Personal Injury Law, Insolvency Law and Risk & Debt Management.

This manual serves to inform members of the public of the categories of information TDT holds, and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application being made in terms of the Act.

#### 4. INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF PAIA

<b>Name of Private Body</b>	Tim du Toit & Co Incorporated
<b>Head of Private Body</b>	Mr. Quinton van Schalkwyk
<b>Designated Information Officer</b>	Mr. Quinton van Schalkwyk
<b>Deputy Information Officers</b>	Ms. Raheel Aboo Mrs. Tracy Van Der Spuy
<b>Email address for Information Officer</b>	<a href="mailto:Quinton@timdutoit.co.za">Quinton@timdutoit.co.za</a> <a href="mailto:Tracy@timdutoit.co.za">Tracy@timdutoit.co.za</a> <a href="mailto:Raheel@timdutoit.co.za">Raheel@timdutoit.co.za</a>
<b>Postal address</b>	PO Box 36257 Menlo Park 0102
<b>Street address</b>	433 Rodericks Road, c/o Rodericks Road & Sussex Avenue, Lynnwood, Pretoria, 0081
<b>Phone number</b>	(012) 470 7777
<b>Fax number</b>	(012) 470 7561
<b>Website</b>	<a href="http://www.timdutoit.co.za">www.timdutoit.co.za</a>

#### 5. REQUIREMENTS IN TERMS OF PAIA

##### 5.1. Description of guide referred to in section 10: section 51(1)(b)

The South African Human Rights Commission (as provided for in Section 10 of PAIA) has compiled and published a "Guide on How to Use the Promotion of Access to Information Act 2 of 200". This Guide will assist persons in using and understanding PAIA. The Guide can be accessed via the South African Human Rights website ([www.sahrc.org.za](http://www.sahrc.org.za)).

##### 5.2. Notice in terms of section 52(2) of the PAIA:

At this stage TDT does not have any categories of records which are automatically available without a person having to request access in terms of PAIA, and as such no notice has been published. All categories of records of TDT require a formal request to access such records. Please direct any queries to:

The South African Human Rights Commission: PAIA Unit  
The Research and Documentation Department  
Private Bag 2700  
Houghton, 2041  
Telephone: 011-877 3600  
Fax: 011-403 0668  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org](mailto:PAIA@sahrc.org)

### 5.3. **Records available in terms of other legislation: section 51(1)(b)**

The following legislation and amendments thereto creates the obligation for TDT to retain certain records:

1. Administration of Estates Act, No. 66 of 1965
2. Arbitration Act No. 42 of 1965
3. Basic conditions of Employment No. 75 of 1997
4. Broad Based Black Economic Empowerment Act No. 53 of 2003
5. Companies Act No. 71 of 2008
6. Compensation for Occupational Injuries and Diseases Act No. 61 1997
7. Consumer Protection Act No. 68 of 2008
8. Copyright Act No.98 of 1978
9. Criminal Procedure Act 51 of 1977
10. Criminal Law Amendment Act 105 of 1977
11. Deeds Registries Act 47 of 1937
12. Electronic Communication and Transaction Act No. 25 of 2002
13. Employment Equity Act No. 55 of 1998
14. Finance Act No. 35 of 2000
15. Financial Intelligence Centre Act, No. 38 of 2001
16. General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act 22 of 2022
17. Income Tax Act No. 95 of 1967
18. Insolvency Act No. 24 of 1936
19. Insurance Act No. 18 of 2017
20. Labour Relations Act No. 66 of 1995
21. Legal Practice Act 28 of 2014
22. Long Term Insurance Act No. 52 of 1998
23. Medical Schemes Act No. 131 of 1998
24. The National Credit Act 34 of 2005
25. Nonprofit Organisations Act 71 of 1997
26. Occupational Health & Safety Act No. 85 of 1993
27. Pension Funds Act No. 24 of 1956
28. Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004 (POCDATARA)
29. Prevention and Combating of Corrupt Activities Act No. 12 of 2004
30. Promotion of Access to Information Act 2 of 2000
31. Prevention of Organised Crime Act 121 of 1998
32. Protection of Personal Information Act No. 4 of 2013
33. SA Reserve Bank Act No. 90 of 1989
34. Short Term Insurance Act No. 53 of 1998
35. Skills Development Act No. 97 of 1998
36. Tax Administration Act 28 of 2011
37. Unemployment Insurance Act No. 63 of 2001
38. Trust Property Control Act 57 of 1988
39. Value Added Tax Act No. 89 of 1991

Such records will be made available only to Data Subjects and authorised representatives thereof, who must be authorised to request access to such records in terms of the particular legislation. Any other persons must follow the request for access of records procedure as outlined in this Manual.

#### 5.4. Subjects and categories of records held by TDT: section 51(1)

PAIA requires that sufficient detail be provided to facilitate a request for access to a record of TDT. A description of the data/information with regard to which TDT holds records and the categories of the records held by each subject can be found in **Annexure “A”** of this Manual, which forms an integral part of this Manual. In addition, reference can be made to TDT’s Privacy Statement for the categories of personal information held.

## 6. THE PROCESS

### Introduction

- 6.1. Access to records held by TDT is not automatic and can be refused by TDT on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of PAIA.
- 6.2. In order to request access to records held by TDT, the Requester/Data Subject must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in PAIA.
- 6.3. If the Requester/Data Subject requests information on behalf of a public body (i.e. state), the Requester/Data Subject must identify that the request for information is in the public’s interest by stipulating adequate reasons.
- 6.4. If the Requester is making a request on behalf of another person, sufficient proof (to the satisfaction of TDT) of the capacity in which the Requester is making the request/acting must be submitted. The type of proof required will be advised by TDT upon receipt of request.

### Procedural Requirements

- 6.5. In order to facilitate such a request for access to records, the Requester/Data Subject needs to complete the prescribed access form. Please note that the prescribed access form must be completed in full. If not, the process may be delayed until such additional information has been provided. **The links to the prescribed PAIA forms from the Information Regulator are available on Annexure “B” attached hereto.**
- 6.6. In terms of section 23(1) of the POPI Act, adequate proof of identity is required from the Requester/Data Subject. Therefore, in addition to the prescribed access form, the Requester/Data Subject will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- 6.7. The request form and proof of identity must be provided to the Information Officer of TDT at the physical address or e-mail set out above. TDT may, in its sole discretion request that original certified copies be provided in certain circumstances such as if the electronic copies provided are not clear or are questionable.

- 6.8. The Requester/Data Subject must provide sufficient detail on the prescribed access form to enable the Information Officer to identify the record requested. When completing the prescribed access form, the Requester/Data Subject should also indicate:
- ✓ which form of access is required;
  - ✓ the right the Requester/Data Subject is seeking to exercise or protect and explain why the requested record is required for the exercise or protection of that right;
  - ✓ whether the Requester/Data Subject wishes to be informed of the decision in any other manner, in addition to a written reply, to state the manner and necessary particulars to be so informed; and
  - ✓ an email address, telephonic contact numbers and postal address in the Republic of South Africa.
- 6.9. If a request is made on behalf of another person, the Requester/Data Subject must show, to the reasonable satisfaction of the Information Officer, that he or she is duly authorised to make such request. A copy of the mandate, board resolution or letter of authority authorising the Requester to act on behalf of another person is to be submitted with the request.
- 6.10. If an individual is unable to complete the prescribed access form because of illiteracy or disability, such an individual may make the request verbally.
- 6.11. The prescribed access form must be adequately completed, with sufficient information particularly so that the Information Officer of TDT can identify and determine what the access fee will be, should access be granted.
- 6.12. A request will not be processed until the request fee has been paid.

### **Refusal in terms of PAIA**

- 6.13. TDT may refuse access to the requested record or parts thereof as allowed in terms of Chapter 4, namely sections 62 to 70 (inclusive), of PAIA.
- 6.14. In such instances whereby a third party needs to be notified of request in order to authorise or decline access – TDT undertakes to request same from the third party within 21 (twenty-one) days of receipt of the request and to include the required information provided for in terms of section 71(3) of PAIA.
- 6.15. In the event that the third party declines the request – TDT cannot be held responsible for such decision.

### **Notification of refusal or granting of access to information**

- 6.16. The Requester/Data Subjects will be informed within 30 (thirty) days of receipt of the prescribed access form if TDT's decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the PAIA. Take note that the 30 (thirty) day period may be extended for a further 30 (thirty) day period should more time be required to gather the requested information. The Requester/Data Subject will, however, be notified if the initial 30 (thirty) day notice period is to be extended for a further 30 (thirty) days. The 30 (thirty) day period excludes the time frame stipulated in 6.14 above, should a third party need to be notified.

### **Refusal since the record cannot be found**

- 6.17. If all reasonable steps have been taken by TDT to find the record requested by the Requester/Data Subject and same cannot be found for reasons justifiable as per section 55 of PAIA, the Information Officer shall provide an affidavit or affirmation to the Requester/Data Subject advising that it is not possible to give access to the record requested.
- 6.18. The affidavit or affirmation will comply with all the requirements provided for in terms of section 55(2) of the Act.
- 6.19. In the event the record is found subsequently, TDT undertakes to contact the Requester/Data Subject in order to gain access to same, subsequent to the payment of the applicable access fee.

### **How will a Requester/Data Subject be informed of the outcome of the request?**

- 6.20 The Requester/Data Subject will be notified of the Information Officer's decision in the manner specified in the request form.

### **Under which circumstances will the request for access to information be refused?**

Access to a record is refused on one or more grounds of refusal specified in PAIA, which fall into the following categories: –

- 6.21 Mandatory protection of privacy of a third party who is a natural person;
- 6.22 Mandatory protection of certain records of TDT;
- 6.23 Mandatory protection of commercial information of a third party;
- 6.24 Mandatory protection of certain confidential information and protection of certain other confidential information of a third party;
- 6.25 Mandatory protection of safety of individuals and protection of property;
- 6.26 Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
- 6.27 Mandatory protection of records privileged from production in legal proceedings;
- 6.28 Mandatory protection of research information of a third party and protection of research information of a public body;

### **What is deemed refusal of a request?**

If the Information Officer does not give the decision on a request for access to the Requester/Data Subject within the 30-day period or within any extended period, then the Information Officer/ Deputy Information Officer will be regarded as having refused the request.

## **7. FEES**

- 7.1. There are two basic types of fees applicable in terms of PAIA – “request” and “access” fees.

### **7.2 Request Fee**

- 7.2.1 The request fee is an administration fee that is payable on submission of the request for access to a record and must be paid before the request is considered (unless the request is to access the Data Subject/ Requester's personal information in which event there is no applicable fee). The

request fee is not refundable if the request for access has been granted however, it is refundable if the request for access has been denied by TDT.

7.2.2 The request fee is currently statutorily set at R50-00 (fifty rand) for a private body.

7.2.3 In line with section 23(1)(a) of POPIA, a Data Subject (i.e. personal Requester) has a right to request TDT to confirm, free of charge, whether or not TDT holds personal information about the Data Subject.

### **7.3 Access Fee**

7.3.1 The access fee is payable prior to the Requester/Data Subject actually gaining of access to the records in the required form.

7.3.2 The access fee is intended to reimburse TDT for the costs involved in reproduction of documents, searching and preparing the record requested and for any time reasonably required (in excess of the prescribed hours) to search and prepare the record.

7.3.3 Should the preparation of the required record take more than 6 (six) hours, a deposit (which is 1/3 (one third)) of the access fee is payable before the request will be processed by TDT as a deposit.

7.3.4 TDT may withhold a record until the Requester/Data Subject has paid the applicable fees (if any).

7.3.5 In accordance with Section 23(3) of the POPIA, TDT may charge an access fee to the Data Subject to enable TDT to respond to the request. In such instances TDT must provide the Data Subject with a written estimate of the fee before providing the services.

### **7.4 Notices**

7.4.1 The Information Officer shall provide the Requester/Data Subject with a Notice in terms of section 54(3) of PAIA on initial receipt and consideration of the request for access.

7.4.2 Once the request fee has been paid in full, the Information Officer will consider the request for access and will provide the Requester/Data Subject with its decision to the request.

## **8. PROCESSING OF PERSONAL INFORMATION**

### **8.1 POPIA**

**POPIA or the POPI Act**” means the Protection of Personal information Act of 2013. All terms referred to under this section shall bear the meanings as referenced in the POPI Act.

TDT shall process personal information in accordance with POPIA regulations. In terms of our privacy policy, TDT will ensure that when processing personal information, it complies with the requirements of POPIA for individual and juristic clients, contractors, employees and third-party service providers. **The links to the prescribed POPI forms from the Information Regulator are available on Annexure “C” attached hereto.**

### **8.2 What personal information does TDT collect about the Data Subject?**

Personal information is information that can be used to identify the Data Subject, or any other individual to whom the information may relate.

The personal information that TDT collects and/or processes includes the following categories:

- Identity Information (includes name, identity/registration number, nationality, tax reference number, marital status, title, occupation, date of birth, gender);
- Contact information (includes address, phone number, email, fax);
- Financial Information (includes bank account details and information related to funds which TDT invests and holds on behalf of the Data Subject for a matter);
- Transactional Information, which includes details about payments made to or received from the Data Subject or information related to a financial activity;
- Education and work experience information (such as the contact details for the Data Subject, current/former employer, information about the Data Subject, educational background, work experience and other experience such as the Data Subject qualifications);
- Other application data, such as the information included in the Data Subject's application form/CV and current compensation details;
- Information collected as part of the interview process, such as notes taken from the Data Subject's interview or information provided from recruitment agencies;
- Special Personal Information, in certain circumstances, by engaging with TDT, TDT may collect certain Special Personal Information about the Data Subject.
- Personal information of children, in limited instances, TDT may process Personal Information of children including in the course of providing legal services to the Data Subject. In such instances, it is conducted with the consent of a legal guardian to comply with an obligation in law.

### **8.3 What are the sources of the personal information collected by TDT?**

The personal information is collected in the following ways:

- directly from Data Subject's;
- through automated or passive interactions with the Data Subject's;
- Third parties such as our clients in circumstances where TDT handles Personal information on their behalf, credit reference agencies, other companies providing services to TDT;
- Public sources such as publicly available sources of information.

### **8.4 Why does TDT collect the Data Subjects personal information?**

Subject to the terms of this Privacy Statement, TDT uses the above-mentioned categories of personal information in several ways. Unless otherwise stated specifically, the above information may be used for any of the following purposes:

- to act on the Data Subject's instructions;
- to provide legal services to the Data Subject;
- to respond to the Data Subject's requests;
- to communicate with the Data Subject and retain a record of our communications with the Data Subject and the Data Subject's communications with us;
- in relation to supplier information - to create, maintain and update our supplier database on our systems, pay suppliers, and for general supplier administration;
- to grant the Data Subject access to our premises;

- to process employment applications;
- Respond to and/or comply with our regulatory or statutory requests and/or obligations;
- Other purposes, after subsequent notice is provided to the Data Subject and/or the Data Subject's consent is obtained, if necessary.

### **8.5 How does TDT share the Data Subjects Personal Information with third parties?**

Third Parties of TDT, including data storage and processing providers, may from time to time also have access to a Data Subject's personal information in connection with purposes for which the personal information was initially collected to be processed.

Except as provided herein, TDT does not share personal information with third parties unless the person who has submitted the information has authorised us to do so or if TDT is required to by law.

### **8.6 How does TDT retain the Data Subject's personal data?**

TDT retains the Data Subject's Personal Information:

- at our premises in the form of hard copies;
- at the premises of third-party service providers such as document storage service providers;
- on our servers;
- on the servers of our third-party service providers, such as IT systems or hosting service providers.

### **8.7 How long will TDT retain the Data Subject's personal data for?**

TDT shall, as required by law, be required to maintain the copies in a secured location and in terms of legal, statutory and regulatory requirements, to resolve disputes and enforce our legal agreements and policy requirements and as outlined in its Data Privacy & Information Security policy for a period of 7 (seven) years.

TDT shall only retain records as required by law and shall not retain Personal Information for any period, longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.

TDT may alter the retention period of records if it has been authorised to do so by law or for a legal purpose, in terms of a Service Level Agreement monitoring of an account or when a Data Subject has requested such retention

### **8.8 What rights does the Data Subject have in respect of his/her personal data?**

#### **• Right of Access**

The Data Subject has the right to access any personal information TDT holds about the Data Subject. The Data Subject can request a copy of the Data Subject's personal information at a fee as well as the reasons why TDT holds such information.

#### **• Right to Rectification**

TDT has an obligation to process accurate personal information. The Data Subject thus has the right to request an update to any of the Data Subject's personal information that is outdated or incorrect.

TDT encourages the Data Subject to review the Data Subject's personal data regularly to ensure that it is accurate and current.

- **Right to Deletion**

The Data Subject has the right to request TDT to delete the Data Subject's information, to the extent permitted by law. Information may be removed from the electronic database or file access but will need to remain in a closed file for the retention period as specified by law.

The consents provided by the Data Subject in terms of this clause are subject at all times to the Data Subject's right to withdraw its consent at any time. Application for withdrawals must be sent to TDT in writing and must be requested by the Data Subject or its authorised representative. The Requester shall be required to submit supporting documents relating to their appointment.

- **Right to restriction of processing**

In certain circumstances, the Data Subject may have the right to request that TDT restrict processing of the Data Subject's personal information.

## **8.9 Consent provided by the Data Subject in terms of the POPI Act**

- The Data Subject acknowledges that all Personal Information provided by it to TDT shall be, to the best of its knowledge, accurate and correct.
- The Data Subject hereby consents to the processing of its Personal Information by TDT for the limited purpose of enabling TDT to perform its obligations and to exercise its rights in terms of its engagement with TDT.
- The above consents provided by the Data Subject, and/or its duly authorised representative are strictly subject to the lawful processing of the Personal Information by TDT, and/or third-party service providers, and/or Suppliers, in accordance with the POPI Act, which include but are not limited to TDT's compliance with the provisions contained herein below.
- TDT shall secure the integrity and confidentiality of Data Subject's Personal Information in its possession by implementing appropriate and reasonable measures to protect such information from any loss, damage to or unauthorised disclosure or use of the Personal Information.

## **8.10 Reasonable Measures**

TDT shall, to the best of its ability and depending on external and internal resources implement reasonable measures to:

- Identify internal and external risks to the Personal Information in its possession or under its control;
- Establish and maintain appropriate measures against any risks identified and regularly verify that the measures implemented are effectively working to the best of TDT's knowledge and ability; and,
- Ensure that TDT or any external service provider continually updates measures and strategies in response to new risks or deficiencies in previously implemented safeguards.

### **8.11 Transfer of Personal Information outside the Republic of South Africa**

The Data Subject acknowledges that TDT may store the Personal Information of the Data Subject electronically via an online/ cloud service provider which could be located either in South Africa, or via a third-party based in a foreign country or through such other third-party performing the same function, and that the aforesaid Personal Information shall be transferred by TDT to such third-party.

TDT is entitled to transfer the Personal Information to the third-party mentioned above subject thereto that:

- TDT shall ensure that the third-party receiving the Personal Information is subject to legal, binding corporate rules or a binding agreement which provides an adequate level of protection that is considerably comparable to Section 72 of the POPI Act, which relates to the transfer of Personal Information from the Data Subject to the recipient and to third parties who are situated in a foreign country.
- The third-party has and abides by similar principles relating to the lawful processing and storage of the Personal Information relating to a data subject who is a natural person and, where applicable, to the lawful processing and storage of Personal Information relating to a juristic person; and
- The Data Subject hereby consents to the transfer of the Data Subject's Personal Information and of the Data Subjects' Personal Information to the third-party concerned and warrants that the Data Subject shall obtain the Data Subjects' consent in this regard.
- The Data Subject is aware and accepts that TDT may, in the course and scope of rendering legal services and in exercising its rights and performing its obligations in terms of the engagement, transfer Personal Information of the Data Subject and its Data Subjects to third-parties who may be based in a foreign country. The Data Subject and representatives thereof, further accepts TDT's undertaking in this regard that the aforesaid transfer of Personal Information will be done in accordance to the POPI Act and in consideration of the legal requirements governing the transfer of Personal Information.
- TDT shall only transfer data if it is in line with this policy, in order to be compliant with legal and statutory retention requirements, in terms of an engagement with a Data Subject or in terms of an agreement such as a Service Level Agreement. The Data Subject hereby agrees and accepts that the transfer of Personal Information shall be necessary for the performance of legal services provided by TDT to the Data Subject or for the conclusion or performance of a contract concluded by TDT and the Data Subject or, in the interest of the Data Subject, between TDT and third-party; and
- Shall be for the benefit of the Data Subject as the case may be, that it shall not be reasonably practicable to obtain an additional/ separate consent of the Data Subject, for each and every transfer and that if it were reasonably practicable for TDT to obtain such consent, the Data Subject as the case may be, would be likely to give their consent.

### **9. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF REGULATION 2 OF THE ACT**

- A data subject who wishes to object to the processing of personal information in terms of section 11 (3) of the POPI Act must submit the objection to a responsible party at any time during office hours.
- A data subject who wishes to object to the processing of personal information in terms of section 11 (3) (a) of the POPI Act must submit the objection to a responsible party at any time during office hours of a responsible party and free of charge.
- A data subject who wishes to object to the processing of personal information in terms of section 11 (3) (b) of the POPI Act must submit the objection to a responsible party at any time during office hours of the party responsible and free of charge.
- A data subject who wishes to object to the processing of personal information must do so on a form substantially similar to **Form 1** (*refer to the link for Form 1 in Annexure "C"*), free of charge and reasonably accessible to a data subject by hand, fax, post, email and or in any manner expedient to a data subject in terms of section 11 (3)(a) of the POPI Act.
- A responsible party must, when collecting personal information of a data subject, notify the data subject, in terms of Section 18 (1)(h)(iv) of the POPI Act of their right to object, as referred to in Section 11 (3) of the POPI Act.
- If an objection to the processing of personal information of a data subject is made telephonically, such an objection shall be electronically recorded by a responsible party and upon request, be made available to the data subject in any manner, including the transcription thereof.

#### **10. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTRUCTION OR DELETION OF RECORD OF PERSONAL INFORMATION**

- A data subject has the right, in terms of section 24 of the POPI Act to request, where necessary, the correction, destruction, or deletion of their personal information.
- A data subject, who wishes to request a correction or deletion of their personal information, as provided for in section 24 (1) (a) of the POPI Act has the right to request for correction or deletion of personal information at any time and free of charge, if the personal information is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.
- A data subject who wishes to request the destruction or deletion of a record of their personal information, in terms of section 24 (1)(b) of the POPI Act has the right to request the destruction or deletion of a record of his, her or its personal information at any time and free of charge, if a responsible party is no longer authorized to retain in terms of section 14 of the POPI Act.
- A request for a correction or deletion of personal information, as referred to in sub regulation 3.2 or a request for the destruction or deletion of a record of personal information, as referred to sub regulation 3.3 must be submitted to a responsible party on a form which is substantially similar to **Form 2** (*refer to the link for Form 2 in Annexure "C"*), free of charge and reasonably accessible to a data subject by hand, fax, post, email or in any manner expedient to a data subject;

- A request for a correction or deletion of personal information by telephonic means shall be recorded by a responsible party and such recording must, upon request, be made available to a data subject in any manner, including the transcription thereof which shall be free of charge.
- TDT must, within thirty (30) days of receipt of the outcome of the request referred to in sub regulation 3.2 or 3.3 of the POPI Act, notify a data subject, in writing, of the action taken as a result of the request.

#### **11. REQUEST FOR A DATA SUBJECT'S CONSENT TO PROCESS PERSONAL INFORMATION FOR DIRECT MARKETING THROUGH UNSOLICITED ELECTRONIC COMMUNICATION**

- A responsible party who wishes to process the personal information of a data subject for the purposes of direct marketing through unsolicited electronic communication must in terms of section 69 (2) of the POPI Act obtain written consent from a data subject on a form substantially similar to Form 4 (*refer to the link for Form 4 in Annexure "C"*), or in any manner that may be expedient, free of charge and reasonably accessible to a data subject, including: email; telephonically; SMS or WhatsApp; facsimile; automated calling machine. TDT is a legal service provider and does not provide any direct marketing in its service.
- A request for a data subject's consent to the processing of the data subject personal information as referred to in sub-regulation 6.1 above by telephonic means must be electronically recorded by TDT in a follow up email and such email must, upon request, be made available to a data subject in any manner, including the transcription thereof which must be free of charge.
- A request for a data subject's consent to the processing of their personal information as referred to in sub regulation 6.1 of the POPI Act by an automated calling machine must be electronically recorded by the responsible party and such recording must, upon request, must be made available to a data subject in any manner, including the transcription thereof which must be free of charge.
- Should the firm make use of call recording facilities, then such discussion may be recorded, and such recording must, upon request, be made available to a data subject in any manner, including the transcription thereof which must be free of charge

#### **12. AMENDMENT IN TERMS OF REGULATION 7: THE COMPLAINTS PROCESS**

- Regulation 7 of the POPI Act Regulations is hereby amended by insertion of the following information:

The following persons may lodge a complaint-

- A data subject whose personal information has been interfered with in terms of section 73 of the POPI Act.
- Any person acting on behalf of a data subject whose personal information has been interfered with, as referred to in section 73 of the POPI Act.

- Any person with a sufficient personal interest in the subject matter of the complaint referred to in section 73 of the POPI Act.
- A responsible party or data subject who is aggrieved by the determination of an adjudicator in terms of section 63 (3) of the POPI Act.
- Any person acting in the public interest subject to Regulation 7.10 a complaint submitted to the Regulator must be in writing by completing-
  - an online complaint **Form 5** (*refer to the link for Form 5 in Annexure "B"*), available on the website of the Regulator; or
  - the complaint form, **Form 5** (*refer to the link for Form 5 in Annexure "B"*), which shall be made available at the offices of the Regulator during office hours and any office designated by the Regulator.
- The Regulator will assist any person who wishes to make a complaint, to reduce that complaint to writing.
- Should a complainant require assistance in a language other than English, the Regulator will strive to provide a person competent in the language of the complainant to assist to reduce the complaint to writing.
- A complaint may be submitted at-
  - The offices of the Regulator during office hours,
  - any other office designated by the Regulator as a place where complaints may be lodged.
  - The office designated by the Regulator in terms of sub-regulation 7.3.1.1.3 shall transfer the complaint to the Regulator within 14 days of receipt of the complaint.
- A complaint may also be submitted to the Regulator in the following manner:
  - by fax;
  - by post;
  - by courier, at the Regulator's physical address; or
  - by email to a designated email address.
- The Regulator shall acknowledge receipt of the complaint and provide the complainant with the reference number within fourteen (14) days after receipt thereof.
- A complaint form referred to in sections 74(1) and (2) of the POPI Act shall contain the following information-
  - name(s) and surname/ registered name of a complainant;
  - unique identifier/identity number/ company registration number of a complainant, if required;
  - address of a complainant;
  - the telephone and facsimile numbers of a complainant and e-mail address, if available;
  - reasons for a complaint;
  - name(s) and surname of a responsible party/ registered name of a responsible party;

- address of a responsible party;
  - the telephone and facsimile numbers of a responsible party and e-mail address, if available.
- A complaint form referred to in section 74 (2) of the POPI Act shall contain the following information:
    - If a complaint is regarding the determination of an adjudicator, the names (s) and surname of the adjudicator; and any other information that identifies the adjudicator.
    - A complaint may also contain any other relevant additional information about the incident or matter concerned, which may include:-
      - the place and date of the occurrence;
      - particulars of the Information Officer concerned, if known;
      - the names and addresses of any person who could provide information relevant to the complaint, if known; and
      - any other relevant information or documents that may be used during the investigation.
  - If a complaint lodged with the Regulator contains any personal information which is protected in terms of the Protected Disclosures Act, 2000 (Act No. 26 of 2000) (“PDA”), the identity of the complainant will be protected.
  - In the event the complainant wishes that their identity not to be disclosed, valid reasons must be submitted together with the complaint. The Regulator will consider the reasons and inform the complainant of its decision as to whether it accepts or rejects the request for non-disclosure of the complainant’s identity. The complainant will then be able to either withdraw or proceed with the complaint on this basis.

### **13. AVAILABILITY OF THE MANUAL**

The Manual is available for inspection, free of charge, at the offices of TDT, as set out in page 5 of this manual, as well as on TDT’s website at [www.timdutoit.co.za](http://www.timdutoit.co.za)

### **14. REVISION OF THE POLICY**

The policy will be reviewed on an annual basis, or to address any changes in the applicable legislation or if requested to do so by the board of directors.

**ANNEXURE LIST**

<b>ANNEXURE</b>	<b>ANNEXURE DESCRIPTION</b>
<b>ANNEXURE A</b>	<b>SUBJECTS &amp; CATEGORIES OF RECORDS HELD BY THE COMPANY: SECTION 51 OF THE PAIA ACT</b>
<b>ANNEXURE B</b>	<b>LINKS TO PAIA FORMS</b>
<b>ANNEXURE C</b>	<b>LINKS TO POPI FORMS</b>

**ANNEXURE "A"****SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE COMPANY: SECTION 51(1)(E)****1. Companies Act Records**

- Broad-Based Black Economic Empowerment Verification Certificate
- Codes of Conduct
- Incorporation document
- Legal Compliance Records
- Licenses of Copyrights
- Memorandum of Incorporation
- Minutes of Board of Directors Meetings
- Policies
- Records relating to the appointment of directors/ auditors/ secretary/ public officer and other officers.

**2. Financial Records**

- Accounting Records
- Annual Financial Statements
- Asset Register
- Auditors' Report
- Bank Statements
- Banking Records
- Detail of Auditors
- Electronic Banking Records
- Invoices
- Paid Cheques
- Rental Agreements
- Tax Returns

**3. Income Tax Records**

- Documents issued to employees for income tax purposes.
- PAYE Records
- Records of payments made to SARS on behalf of employees.
- Value Added Tax Clearance Certificate
- All other statutory compliances:
  - Value Added Tax
  - Skills Development Levies
  - Unemployment Insurance Fund

**4. Personnel Documents and Records**

- Attendance Registers

- Disciplinary Code
- Disciplinary Records
- Employment Contracts
- Employment Equity Plan
- Leave Records
- Personal Information and Special Personal Information
- Records containing all employees' names and occupation.
- Salary Records
- Sector Education and Training Authority Records
- Training Manuals
- Training Records

## **5. Client Records**

- FICA documents
- Financial Records
- Service Level Agreements
- Advisory reports/memorandums
- Annual Financial Statements
- Asset Register
- Auditors' Report
- Bank Details
- Bank Statements
- Banking Records
- Biometric Information: Fingerprints or Images
- Client documentations
- Company and contact details of relevant individuals.
- Contract with Clients
- Contracts between Clients and third-parties
- Correspondences and instructions
- Auditor's details
- Documents issued to clients for income tax purposes
- Intellectual Property
- Invoices and statements
- Lease Agreements
- Minor Children Details (Received from Clients with Consent)
- Minutes of Meetings
- Receipts of payments from clients
- Records of payments made to SARS on behalf of clients
- Rental Agreements
- Sale Agreements
- Tax Returns
- Transactions records
- Transcripts
- Trust Information

- Value Added Tax
- Value Added Tax Clearance Certificate
- Last Will and Testament
- Shareholding
- Beneficial Ownership

## **6. Supplier Records**

- A description of the goods
- Details of persons in a decision-making capacity and/or ownership
- Documents relating to the registration of the legal entity
- Proof of date of payment
- The address of the supplier
- The name of the supplier
- The quantity or volume of the goods

## **7. Electronic Communication and Transactions Records**

Record of the personal information and the specific purpose for which the personal information was collected.

## **8. Insurance Records**

- Directors and Officers Insurance
- Fidelity Fund Certificates
- Professional Indemnity Insurance

## **9. Immovable and Movable Property Records**

- Agreements for the lease of movable property
- Agreements for the lease or sale of land and/or other immovable property
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets

## **10. Miscellaneous Records**

- Agency, management and distribution agreements
- Agreements for the trading activities of the business

***Refer to TDT Privacy Policy for general categories of personal information collected by TDT together with the purposes for such collection.***

## ANNEXURE "B"

## PAIA FORMS

FORM NUMBER	FORM DESCRIPTION	LINK
Form 01	Request for a Guide from the Regulator [Regulation 2]	<a href="#">InfoRegSA-PAIA-Form01-Reg2.pdf</a>
Form 01	Request for a Copy of the Guide from an Information Officer [Regulations 3]	<a href="#">InfoRegSA-PAIA-Form01-Reg3.pdf</a>
Form 02	Request for Access to Record [Regulation 7]	<a href="#">InfoRegSA-PAIA-Form02-Reg7.pdf</a>
Form 03	Outcome of request and of fees payable [Regulation 8]	<a href="#">Form-3-PAIA.pdf</a>
Form 04	Internal Appeal Form [Regulation 9]	<a href="#">InfoRegSA-PAIA-Form04-Reg9.pdf</a>
Form 05	Complaint Form [Regulation 10]	<a href="#">InfoRegSA-PAIA-Form05-Reg10-1.pdf</a>
Form 13	PAIA Request for Compliance Assessment Form [Regulation 14(1)]	<a href="#">PAIA-Request-for-Compliance-Assessment-Form-13.pdf</a>

## ANNEXURE "C"

## POPI FORMS

FORM NUMBER	FORM DESCRIPTION	LINK
Form 01	Objection to the Processing of Personal Information	<a href="#">FORM-1-OBJECTION-TO-THE-PROCESSING-OF-PERSONAL-INFORMATION.pdf</a>
Form 02	Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information	<a href="#">FORM-2-REQUEST-FOR-CORRECTION-OR-DELETION-OF-PERSONAL-INFORMATION-OR.pdf</a>
Form 03	Application for the Issue of a Code of Conduct	<a href="#">FORM-3-APPLICATION-FOR-THE-ISSUE-OF-A-CODE-OF-CONDUCT.pdf</a>
Form 04	Application for the Consent of a Data Subject for the Processing of Personal Information for the Purpose of Direct Marketing	<a href="#">FORM-4-APPLICATION-FOR-THE-CONSENT-OF-A-DATA-SUBJECT-FOR-THE-PROCESSING-OF.pdf</a>
Form 05	Complaint Regarding Interference with the Protection of Personal Information/Complaint Regarding Determination of an Adjudicator	<a href="#">FORM-5-COMPLAINT-REGARDING-INTERFERENCE-WITH-THE-PROTECTION-OF-AN-ADJUDICATOR.pdf</a>
Form 20	Request for an Internal Review s in the rules of procedure relating to the manner in which a complaint must be submitted and handled by the Information Regulator	<a href="#">Rules of Procedure: POPIA Complaints</a>
Form	Application form for authorisation to process Special Personal Information	<a href="#">InfoRegSA-Form-Application-form-for-authorisation-to-process-Special-Personal-Information-eForm-2021-1.pdf</a>
Form	Application form for authorisation to process Personal Information of Children	<a href="#">InfoRegSA-Form-Application-form-for-authorisation-to-process-Personal-Information-of-Children-eForm-2021-1.pdf</a>
Form	Exemption Application Form submitted in terms of section 37(1)	<a href="#">InfoRegSA-GuidanceNote-PPI-LawfulProcessing-ExemptionApplication-eForm-202106-1.pdf</a>