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Transfer of Properties
Registration of Bonds
Antenuptial Contracts
Commercial Contracts

**MANUAL PREPARED IN TERMS OF
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
(HEREINAFTER REFERRED TO AS THE "ACT")
FOR ASSISTANCE IN REQUESTING INFORMATION FROM:**



INTRODUCTION

We are a boutique property firm based in Benoni. We specialize in intricate conveyancing work, including the opening of township registers, establishing sectional title schemes, consolidations and, of course, transfer and bond registrations.

Jeannine Elaine Coetzee was admitted as an Attorney in 1997 and Conveyancer in 2001. She has more than 20 years of experience in Conveyancing. The firm was established in 2011.

PURPOSE OF PAIA MANUAL

This Manual is published pursuant to section 51 of PAIA which requires organisations to compile a manual as a guide to requesters of information.

This Manual also serves to –

indicate the types of records held by JA Coetzee Attorneys and the availability of such records from JA Coetzee Attorneys.

provide the public with a sufficient understanding of how to make a request for access to a record of JA Coetzee Attorneys, by providing a description of the subjects on which JA Coetzee Attorneys holds records and the categories of records held on each subject;

provide a description of the records of JA Coetzee Attorneys which are available in accordance with any other legislation;

provide access to all relevant contact details of the Information Officer who will assist the public with the records they intend to access;

provide a description of the guide on how to use PAIA, as updated by the Regulator;

inform the public as to the personal information JA Coetzee Attorneys processes, the purposes thereof, the categories of data subjects relating thereto, the recipients or categories of recipients to whom the personal information may be supplied, and whether or not JA Coetzee Attorneys plans to conduct transborder flows of personal information; and the confidentiality, integrity and availability of the personal information which is to be processed.



ORGANISATION DETAILS

Name:	JA Coetzee Attorneys
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ANNEXURES

AVAILABLE ON JA COETZEE ATTORNEYS WEBSITE: Jeannine@jaclaw.co.za

INTERPRETATION

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention:

an expression which denotes -

any gender includes the other genders;

a natural person includes a juristic person and vice versa;

the singular includes the plural and vice versa;

the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -

"Information Officer" - the designated Information Officer as described in this Manual;

"Manual" - this document together with all its annexures, as amended from time to time, and published in terms of section 51 of PAIA;

"PAIA" - Promotion of Access to Information Act 2 of 2000, as amended from time to time including the regulations promulgated in terms of PAIA;

"POPIA" - Protection of Personal Information Act 4 of 2013, as amended from time to time including the regulations promulgated in terms of POPIA;

"POPIA Regulations" - the regulations relating to the protection of personal information, GG 42110, GNR.1383 of 2018;

"Regulator" - the Information Regulator of South Africa established in terms of section 39 of POPIA; and

" JA Coetzee Attorneys a conveyancing firm"



GUIDANCE IN TERMS OF SECTION 10 OF THE ACT

The Regulator has, in terms of section 10(1) of PAIA updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may be reasonably 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 -

the objects of PAIA and POPIA;

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 POPIA;

the manner and form of a request for -

access to a record of a public body contemplated in section 11;3 and

access to a record of a private body contemplated in section 50;4

the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

the assistance available from the Regulator in terms of PAIA and POPIA 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 -

an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or decision by the Regulator or a decision of the head of a private body;

the provisions of sections 14 and 51 requiring a public body and a private body, respectively, to compile a manual, and how to obtain access to a manual;

the provisions of sections 155 and 526 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

the notices issued in terms of sections 227 and 548 regarding fees to be paid in relation to requests for access; and

the regulations made in terms of section 92.9



Members of the public can inspect or make copies of the Guide from the offices of JA Coetzee Attorneys and the Regulator during normal working hours. The Guide is available in English and Afrikaans.

The Guide can also be obtained -

upon request to the Information Officer; or

from the website of the Regulator (<https://info regulator.org.za/>).

Any enquiries regarding the guide can be addressed to the SAHRC:

Address: PAIA Unit, The Research and Documentation Department, Private Bag X2700, Houghton, 2041

Telephone: (011) 877 3803

Fax: (011) 403 0625

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

RECORDS HELD BY JA COETZEE ATTORNEYS

Records that are automatically available

At this stage, no notices have been published by the Regulator on the categories of records automatically available without a person having to request access thereto in terms of PAIA. The records that are located on JA Coetzee website, however, are automatically available and are freely accessible to any person requesting this information. It is therefore not necessary to apply for access thereto in terms of PAIA. JA Coetzee Attorneys' website address is <https://www.jaclaw.co.za/>.

PROCESSING OF PERSONAL INFORMATION

POPIA

Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

JA Coetzee Attorneys processes personal information in accordance with POPIA. In terms of our privacy policy, JA Coetzee Attorneys will ensure that all processing conditions of POPIA are



complied with at the time of processing of personal information. JA Coetzee Attorneys processes personal information of both living and juristic persons.

Purpose for processing personal information by JA Coetzee Attorneys:

JA Coetzee Attorneys will process your information in the ordinary course of the business of providing legal and related services.

JA Coetzee Attorneys processes personal information for several reasons, including -

providing services requested;

managing the commercial and conveyancing relationship with clients;

managing dispute resolution;

managing contracts, invoices and accounting;

sending quotation estimates and invoices;

finance functions including those obligations imposed by legislation;

for safety and security reasons in respect of CCTV footage from cameras installed at the premises of Monte Pulciano

analysis, evaluation, review and collation of information to determine legal issues and potential disputes, provide legal advice and prepare or comment on opinions, memoranda, agreements, correspondence, reports, publications, documents relating to legal proceedings and other documents or records; and

to allow for proper functioning of the website which includes, amongst others, proper display of content, and ensuring that the website is safe and secure to protect against misuse.

DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

JA Coetzee Attorneys may disclose your personal information to third parties such as our associates and service providers, for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality.

Should JA Coetzee Attorneys disclose your information to third parties, the latter will be obliged to use that personal information for the reasons and purposes the information was disclosed for. To this end, we have agreements in place with the relevant third parties to ensure that an adequate level of security and confidentiality is adopted by the third parties to which your personal information is being transferred to.

JA Coetzee Attorneys may be obliged to disclose your personal information where we have a duty to disclose in terms of law or where we believe it is necessary to protect our rights. This includes where we are required to disclose your personal information as a result of litigation being instituted by or against us.



TRANS-BORDER FLOWS OF PERSONAL INFORMATION

JA Coetzee Attorneys may transfer your personal information to recipients outside of the Republic of South Africa. We will ensure compliance with POPIA in relation to any cross-border transfers of personal information. For example, we will ensure that the third party who is the recipient of the information is subject to a law or binding agreement which provides for an adequate level of protection similar to POPIA.

Data security

JA Coetzee Attorneys takes reasonable, appropriate, and adequate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure, or unauthorised access. We contractually mandate any third parties to which your personal information is transferred to do the same.

JA Coetzee Attorneys regularly reviews our security controls and related processes to ensure that your personal information is secure. However, where there are reasonable grounds to believe that your personal information has been accessed or acquired by any unauthorised person, we will notify the Regulator and you, unless the Regulator or a public body responsible for detection, prevention or investigation of offences, informs us that notifying you will impede a criminal investigation.

HOW TO REQUEST ACCESS TO A RECORD

To request a record in terms of PAIA, the requestor must complete the prescribed form available on our website. This request must be sent to the Information Officer at the addresses provided in the manual.

For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed Form 2 (request) or request for correction or deletion, available on our website.

The requestor must provide sufficient detail to enable the Information Officer to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, identify the right that he/she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer.

PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the Information Officer will decide whether to grant a request for access to information.



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.

Jeannine Coetzee will then, in accordance with the provisions of the Act, make a decision whether to grant the request or not and notify the requester of the decision thereof.

Note that if you require access to records of your personal information, you do not have to pay a request fee.

PAYMENT OF FEES

PAIA provides for two types of fees, namely –

a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and

an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost.

Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any) before further processing of the request.

If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, JA Coetzee Attorneys will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

JA Coetzee Attorneys may withhold a record until the requester has paid the fees as indicated in terms of Form 3.

A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

In terms of POPIA, a data subject has the right to request JA Coetzee Attorneys to confirm, free of charge, whether or it holds personal information about the data subject and request from JA Coetzee Attorneys the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

POPIA further provides that where the data subject is required to pay a fee for services provided to them, JA Coetzee Attorneys must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.



GROUND FOR REFUSAL OF ACCESS TO RECORDS

In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds –

- protection of privacy to a third party who is a natural person;
- protection of the commercial information of a third party;
- protection of certain confidential information of a third person;
- protection of the safety of individuals and the protection of property;
- protection of records privileged from production and legal proceedings;
- the commercial information and activities of JA Coetzee Attorneys ;
- the protection of research information of a third party; and
- any other ground legally available on which to refuse access to the information requested.

Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF ACCESS

I do not have any internal appeal procedures that may be followed a request for access to information has been refused. My decision is final. If the requester is not satisfied with the outcome of his/ her request, the requester is entitled to apply to a court of competent jurisdiction to take the matter further (See section 78 of PAIA).

AVAILABILITY OF THE MANUAL

This manual is available in electronic and hard copies in English. The hard copies are available at the head office of JA Coetzee Attorneys as provided for in the manual. The electronic version of this manual is available on JA Coetzee Attorneys ' website.



RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION - SECTION 51(1)(d)

JA Coetzee Attorneys is required in accordance with legislation to retain certain records. We hold records for the purposes of PAIA in accordance with the following legislation, among other but is not limited to:

- Administration of Estates Act, No 66 of 1995
- Attorneys Act, No. 53 of 1979 Companies Act, No. 71 of 2008
- Consumer Protection Act, No 68 of 2008
- Deeds Registries Act, No. 47 of 1937
- Electronic Communications and Transactions Act, No. 25 of 2002
- Financial Intelligence Centre Act, No. 38 of 2001
- Income Tax Act
- National Credit Act, No. 34 of 2005
- Prescription Act, No. 68 of 1969
- Prevention of Organised Crime Act, 121 of 1998
- Promotion of Access to Information Act, 2 of 2000
- Protection of Personal Information Act, No 4 of 2013
- Sectional Title Act, No 66 of 1971
- Sectional Tiles Scheme Management Act, No 8 of 2011
- Trust Property Control Act 57 of 1988
- Value Added Tax Act, No. 89 of 1991

SUBJECTS AND CATEGORIES OF RECORDS HELD SECTION 51(1)(e)

JA Coetzee Attorneys is required in accordance with legislation to retain certain records. We hold records for the purposes of PAIA in accordance with the following legislation, among others –

GENERAL RECORDS

- Financial and accounting records
- Insurance records
- Asset register



- Client, supplier, and document databases
- Law Society records, including Fidelity Fund Certificate
- External correspondence
- Commercial agreements
- Tax compliance documents
- Accounting records
- Bank statements
- Invoices

CLIENT RECORDS

- Records provided by clients, including FICA documents
- Records provided by a client to a third party acting for and on behalf of JA Coetzee Attorneys
- Records provided by third parties
- Records generated by or within JA Coetzee Attorneys
- Client files
- Fee agreements, quotations, and mandates

COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

FINANCIAL RECORDS



- Annual Financial Statements
- Accounting Records
- Banking Records
- Contracts

INCOME TAX RECORDS

- All other statutory compliances

UPDATING OF THE MANUAL

I, Jeannine Elaine Coetzee will on a regular basis update this manual.

Issued by

(Jeannine Elaine Coetzee)

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