# PAIA MANUAL

*Manual prepared in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000*

## BACKGROUND

Every private body specified in the Promotion of Access to Information Act, 2 of 2000 ('the Act'), is required to compile a manual which includes information on the business, including a description of all/any records held in its possession, and to make a copy of this manual available to the public, for the purpose of creating a right of access to information enshrined in section 32 of the Constitution of the Republic of South Africa, 1996, and to promote a culture of transparency, accountability and good governance in both the private and public sectors.

Section 51 of the Act was amended by the Protection of Personal Information Act, 4 of 2013 ('POPIA'). This manual has been prepared in accordance with the Act as amended and the Regulations relating to the Promotion of Access to Information, 2021 ('the Regulations').

## INTRODUCTION

Harmann J Potgieter Inc., trading as HJP Conveyancing & Attorneys, is a boutique conveyancing and attorneys practice based in Langebaan, on South Africa's West Coast.

HJP Conveyancing & Attorneys' attorneys share a common service ethos, providing precise, considered legal counsel across property, conveyancing and estate matters, delivered with the personal attention of a boutique practice.

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Particulars in terms of the Section 51 Manual

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D. Records available in terms of other legislation [section 51(1)(d)].
E. Subjects and categories of records held [section 51(1)(e)].
F. Availability of the manual and requests for access.

Form 2 and Annexure "1" – Prescribed form and fees.



Harmann J Potgieter Inc. · Reg. No. 2026/384030/21 · trading as HJP Conveyancing & Attorneys
Directors: Harmann J Potgieter, LLB (North-West University, Potchefstroom), LPC No. 97575 · Kobus Potgieter, BProc (University of Port Elizabeth), LPC No. 80452
7 Panorama Crescent, Langebaan, 7357 · 081 470 0901 · harmann@hjpconveyancing.co.za · www.hjpconveyancing.co.za

## A. CONTACT DETAILS OF THE FIRM — SECTION 51(1)(A)

| | |
|---|---|
| **Name of private body** | Harmann J Potgieter Inc., trading as HJP Conveyancing & Attorneys |
| **Registration number** | 2026/384030/21 |
| **Directors** | Harmann J Potgieter<br>Kobus Potgieter |
| **Registered street address** | 7 Panorama Crescent, Langebaan, 7357 |
| **Postal address** | 7 Panorama Crescent, Langebaan, 7357 |
| **Telephone number** | 081 470 0901 |
| **E-mail address** | harmann@hjpconveyancing.co.za |
| **Website** | www.hjpconveyancing.co.za |
| **Information Officer (person duly authorised to assist in all requests for access to information)** | Harmann J Potgieter |

## B. DESCRIPTION OF THE GUIDE REFERRED TO IN SECTION 10 — SECTION 51(1)(B)

With effect from 1 July 2021, the Information Regulator has taken over the functions previously performed by the South African Human Rights Commission under the Act. In terms of section 10 of the Act, the Information Regulator has made available a guide on how to use the Act ('the Guide'), which contains the information needed by any person who wishes to exercise any right contemplated in the Act and POPIA.

The Guide is available in the official languages on the Information Regulator's website. A copy of the Guide may also be inspected at our office during office hours, by prior appointment. For further assistance, contact the Information Regulator at:

| | |
|---|---|
| **Physical address** | Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191 |
| **General enquiries** | enquiries@inforegulator.org.za |
| **PAIA complaints** | PAIAComplaints@inforegulator.org.za |

| | |
|---|---|
| **Website** | https://inforegulator.org.za |

## C. PROCESSING OF PERSONAL INFORMATION — SECTION 51(1)(C)

### 1. Purpose of processing personal information

We process personal information to:

- render legal services to our clients, including property transfers and related conveyancing work, the drafting and review of lease agreements, the administration of deceased estates and the drafting of wills;
- identify and verify clients and other parties, and comply with our obligations under the Financial Intelligence Centre Act, 38 of 2001;
- comply with our obligations under the Legal Practice Act, 28 of 2014, tax legislation and other applicable laws;
- respond to enquiries, including enquiries submitted through our website, and prepare quotations;
- manage our practice, including accounting, invoicing, record keeping and audits;
- recruit and employ staff and engage service providers; and
- establish, exercise or defend legal rights.

### 2. Categories of data subjects and of personal information

| CATEGORIES OF DATA SUBJECTS | PERSONAL INFORMATION THAT MAY BE PROCESSED |
|---|---|
| **Clients who are natural persons** | Names, identity or passport numbers, contact details, residential and postal addresses, marital status and matrimonial property regime, income tax numbers, banking details, FICA documentation, property details and information contained in wills and related instructions. |
| **Clients who are juristic persons or trusts** | Names, registration numbers, tax and VAT numbers, addresses, banking details, resolutions, and the details of directors, members, trustees, beneficial owners and authorised representatives. |
| **Other parties to transactions (purchasers, sellers, estate agents, financial institutions, other attorneys, municipalities, bodies corporate and homeowners' associations)** | Names, contact details, identity or registration numbers, account and clearance information, and information relevant to the transaction. |



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| CATEGORIES OF DATA SUBJECTS | PERSONAL INFORMATION THAT MAY BE PROCESSED |
|---|---|
| **Executors, heirs and beneficiaries of deceased estates** | Names, identity numbers, contact details, addresses, banking details and information relevant to their entitlement in the estate. |
| **Landlords and tenants** | Names, identity or registration numbers, contact details, addresses, banking details and the terms of the lease. |
| **Website enquirers** | Names, telephone numbers, email addresses and the details of the enquiry, including property details and meeting addresses. |
| **Employees and job applicants** | Names, identity numbers, contact details, qualifications, employment history, remuneration, tax numbers, banking details, leave and disciplinary records and, with consent, criminal record checks. |
| **Service providers and suppliers** | Names, contact details, registration and VAT numbers, banking details and contract information. |

### 3. Recipients or categories of recipients

Personal information may be supplied, to the extent necessary, to:

- the Registrar of Deeds and the Master of the High Court;
- the South African Revenue Service;
- municipalities, bodies corporate and homeowners' associations, for rates and levy clearances;
- financial institutions, estate agents and other attorneys involved in a transaction;
- the Financial Intelligence Centre and other regulatory or law enforcement authorities, where required by law;
- the Legal Practice Council and the Legal Practitioners' Fidelity Fund;
- courts, advocates, auditors and insurers; and
- information technology, email and other service providers who process information on our behalf.

### 4. Planned transborder flows of personal information

Some of our information technology services, including our email service, are provided by service providers whose servers may be located outside South Africa. Personal information may therefore be stored or processed outside South Africa. Personal information may also be transferred to other countries where a matter requires it, for example where a client or party to a transaction is resident abroad. Any such transfer will take place only in accordance with section 72 of POPIA.



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### 5. General description of information security measures

We take reasonable, appropriate technical and organisational measures to protect personal information against loss, damage and unauthorised access or processing. These include:

- restricting access to client files to the directors and staff working on the matter;
- password-protected devices and accounts, with additional authentication where available;
- secure storage of physical files at our office;
- confidentiality obligations on employees and service providers;
- regular backups of electronic records; and
- secure destruction of records once the applicable retention period has expired.

## D. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION — SECTION 51(1)(D)

HJP Conveyancing & Attorneys, where applicable, holds information in terms of the following legislation, but is not limited to:

- Administration of Estates Act, No. 66 of 1965
- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Consumer Protection Act, No. 68 of 2008
- Copyright Act, No. 98 of 1978
- Deeds Registries Act, No. 47 of 1937
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Financial Intelligence Centre Act, No. 38 of 2001
- Income Tax Act, No. 58 of 1962
- Labour Relations Act, No. 66 of 1995
- Legal Practice Act, No. 28 of 2014
- National Credit Act, No. 34 of 2005
- Occupational Health and Safety Act, No. 85 of 1993
- Prescription Act, No. 68 of 1969
- Protection of Personal Information Act, No. 4 of 2013
- Rental Housing Act, No. 50 of 1999
- Sectional Titles Act, No. 95 of 1986
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Trade Marks Act, No. 194 of 1993
- Transfer Duty Act, No. 40 of 1949
- Unemployment Insurance Act, No. 63 of 2001
- Unemployment Insurance Contributions Act, No. 4 of 2002
- Value Added Tax Act, No. 89 of 1991
- Wills Act, No. 7 of 1953



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## E. SUBJECTS AND CATEGORIES OF RECORDS HELD — SECTION 51(1)(E)

### Employment records

- Employment contracts
- Disciplinary records and disciplinary code
- Salaries and wages records
- Leave records
- Banking details
- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- UIF records

### Client records

- Records provided by clients, including FICA documents
- Records provided by a client to a third party acting for and on behalf of HJP Conveyancing & Attorneys
- Records provided by third parties
- Records generated by or within HJP Conveyancing & Attorneys
- Client files
- Fee agreements, quotations and mandates
- Enquiries received through the firm's website

### General records

- Financial and accounting records
- Insurance records
- Asset register
- Client, supplier and document databases
- Legal Practice Council records, including Fidelity Fund Certificate
- Internal and external correspondence
- Commercial agreements
- Tax compliance documents
- Accounting records
- Bank statements
- Invoices



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The above information will only be made available subject to the provisions of the Act, and access to records may be refused on the grounds set out in the Act, including legal professional privilege.

## F. AVAILABILITY OF THE MANUAL AND REQUESTS FOR ACCESS

This manual is available free of charge on the firm's website, www.hjpconveyancing.co.za, and for inspection at the registered address of the firm during office hours, by prior appointment. Copies may be obtained on request, subject to the prescribed fees.

All requests for access to information must be addressed to the Information Officer at the address, telephone number or email address set out in section A. In terms of the Regulations, a request must be made on the prescribed form, Form 2 (Request for Access to Record), attached to this manual. Proof of identity must be attached to the request.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester must also indicate the form and manner of access required, and provide an address or email address to which correspondence may be sent.

The requester must identify the right that he or 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 a request is made on behalf of another person, the requester must submit proof of the capacity in which the request is made.

Section 54 of the Act provides for a private body to require a requester, other than a personal requester, to pay a request fee before the request is processed. The Information Officer will notify the requester of any request fee payable. The Information Officer will then decide, in accordance with the provisions of the Act and within the period prescribed by the Act, whether to grant the request, and will notify the requester of the decision.

If the request is granted, a further access fee may be payable for the search, reproduction and preparation of the record. The fees are set out in Annexure "1".

A requester who is dissatisfied with a decision of the Information Officer may lodge a complaint with the Information Regulator or apply to court, in accordance with the Act.



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# FORM 2 — REQUEST FOR ACCESS TO RECORD

*Regulation 7 of the Regulations relating to the Promotion of Access to Information, 2021*

**Note:**

1. Proof of identity must be attached by the requester.
2. If a request is made on behalf of another person, proof of such authorisation must be attached to this form.

**To: The Information Officer**

| | |
|---|---|
| **Name** | Harmann J Potgieter, HJP Conveyancing & Attorneys |
| **Address** | 7 Panorama Crescent, Langebaan, 7357 |
| **E-mail address** | harmann@hjpconveyancing.co.za |
| **Telephone** | 081 470 0901 |

**Particulars of person requesting access to the record**

| | |
|---|---|
| **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): Cellular: |

**Particulars of person on whose behalf request is made (if applicable)**

| | |
|---|---|
| **Full names** | |
| **Identity number** | |

**Postal address**

**Street address**

**E-mail address**

**Contact numbers**

### Particulars of record requested

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.)

**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
- ☐ 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 the 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 or 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)**

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**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 additional pages.

**Indicate which right is to be exercised or protected**

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**Explain why the record requested is required for the exercise or protection of the aforementioned right**

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**Fees**

a. A request fee must be paid before the request will be considered.

b. You will be notified of the amount of the access fee to be paid.

c. The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

d. If you qualify for exemption of the payment of any fee, please state the reason for exemption.

**Reason for exemption**

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**Notification of decision**

You will be notified in writing whether your request has been approved or denied, and if approved, the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

☐ Postal address ☐ Facsimile ☐ Electronic communication (please specify)

Signed at _____ this _____ day of _____ 20___

_____

Signature of requester / person on whose behalf request is made

**For official use**

**Reference number**

**Request received by (name and surname of Information Officer or deputy)**

**Date received**

**Access fees**

**Deposit (if any)**

**Signature of Information Officer or deputy**

# ANNEXURE "1" — FEES PAYABLE TO PRIVATE BODIES

*In terms of the Regulations relating to the Promotion of Access to Information, 2021*

| | |
|---|---|
| Request fee, payable by every requester other than a personal requester | R140.00 |
| Photocopy or printed black and white copy of an A4-size page | R2.00 per page or part thereof |
| Printed copy of an A4-size page | R2.00 per page or part thereof |
| Copy in a computer-readable form on a flash drive (to be provided by the requester) | R40.00 |
| Copy in a computer-readable form on a compact disc, if provided by the requester | R40.00 |
| Copy in a computer-readable form on a compact disc, if provided to the requester | R60.00 |
| Transcription of visual images per A4-size page | Service to be outsourced; fee depends on the quotation from the service provider |
| Copy of visual images | Service to be outsourced; fee depends on the quotation from the service provider |
| Transcription of an audio record, per A4-size page | R24.00 |
| Copy of an audio record on a flash drive (to be provided by the requester) | R40.00 |
| Copy of an audio record on a compact disc, if provided by the requester | R40.00 |
| Copy of an audio record on a compact disc, if provided to the requester | R60.00 |
| To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation | R145.00 |
| Maximum search and preparation fee | R435.00 |



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| | |
|---|---|
| Deposit, where the search and preparation will exceed six hours | One third of the amount per request calculated in terms of the items above |
| Postage, e-mail or any other electronic transfer | Actual expense, if any |

Private bodies registered under the Value Added Tax Act, 1991, may add VAT to all the above-mentioned fees.



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