



PAIA MANUAL

**PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (AS AMENDED)**

THIS MANUAL AIMS TO FACILITATE EFFECTIVE ACCESS TO RECORDS HELD BY GSR LAW,
OUTLINING THE TYPES OF INFORMATION AVAILABLE, HOW TO REQUEST ACCESS, AND
CONTACT DETAILS FOR THE INFORMATION OFFICER.

1. INTERPRETATION

- 1.1. In this document, clause headings are for convenience and shall not be used in its interpretation unless the contrary is clearly indicated by its context.
- 1.2. An expression which refers to –
- 1.2.1. Any gender includes the other genders;
- 1.2.2. A natural person includes juristic persons and *vice versa*;
- 1.2.3. The singular includes references to the plural and *vice versa*.
- 1.3. In this document, unless the context otherwise requires, the following expressions have the following meanings:

“Client”	means any potential, new or existing client of GSR Law;
“Data Subject”	means a natural or juristic person to whom Personal Information relates;
“Employee”	means any person who works for or provides services on behalf of GSR Law and receives or is entitled to receive any remuneration and any person who assists in carrying out the business of GSR Law;
“GSR Law”	means Gunston Strandvik Robertson Inc, a law firm incorporated in terms of the laws of South Africa;
“Information Officer”	means the Information Officer as described in this document and the individual who is responsible for processing requests for information under PAIA;
“PAIA”	means the Promotion of Access to Information Act No. 2 of 2000 (as amended from time to time);
“PAYE”	means Pay-as-you-earn;
“Personal Information”	means information relating to an identifiable living natural or existing juristic person (where applicable in terms of POPIA) as it is defined in terms of s 1 of POPIA;
“POPIA”	means the Protection of Personal Information Act No. 4 of 2013 (as amended from time to time);
“POPIA Regulations”	means the regulations relating to the protection of personal information, GG 42110, GNR. 1383 of 14 December 2018;

“Record”	means any recorded information held by GSR Law, as contemplated in PAIA;
“Regulator”	means the Information Regulator established in terms of section 39 of POPIA; and
“SARS”	means the South African Revenue Services; and
“Third Party”	means in relation to a request for access to a Record, a person other than the requester or GSAR Law as contemplated in PAIA.

2. PURPOSE

- 2.1. This document is published following s 51 of PAIA, which obliges private bodies to compile a manual that enables a person to obtain access to the information held by such private body.
- 2.2. This document is compiled in accordance with s 51 of PAIA as amended by POPIA.
- 2.3. This document serves as a manual which is intended to –
 - 2.3.1. indicate the types of records held by GSR Law;
 - 2.3.2. indicate the availability of the abovementioned records;
 - 2.3.3. explain sufficiently to the public how to request access to a Record held by GSR Law and set out requirements as to who may request information in terms of PAIA as well as the grounds on which such requests may be denied;
 - 2.3.4. provide all relevant contact details and information of the Information Officer who will assist the public with records they intend to access;
 - 2.3.5. provide guidance on how to use PAIA, as updated by the Regulator;
 - 2.3.6. provide information on GSR Law’s information processes and purposes therein including categories of data subjects, recipients, and/or categories of recipients to whom personal information may be supplied;
 - 2.3.7. comply with additional requirements as per POPIA; and
 - 2.3.8. demonstrate GSR Law’s commitment to transparency and accountability.

3. CONTACT DETAILS

- 3.1. Information Officer:

Name: Ulrik Bernhard Strandvik
 Telephone: 021 702 7763
 Email: ulrik@gsrlaw.co.za and hello@gsrlaw.co.za

Position: Chief Executive Officer
Working Hours: 08h30 to 17h00

3.2. GSR Law Offices:

Physical Address: 155 Campground Road, Newlands, Cape Town, 7700
Telephone: (021) 702 7763
Email: hello@gsrlaw.co.za
Website: <https://gsrlaw.co.za/>

4. GUIDANCE ON PAIA

- 4.1. In terms of s 10(1) of PAIA, an updated and revised “How to Use PAIA” guide (“the Guide”) has been made available by the Regulator.
- 4.2. The Guide is available in an easily understandable form and in each of the official languages as well as in braille.
- 4.3. The Guide contains the objects of PAIA and POPIA, contact details for the Information Officer of every public body, the manner and form of a request for access to a record of a public body (in terms of s 11 of PAIA) and a request for access to a record of a private body (in terms of s 50 of PAIA), among other things.
- 4.4. The Guide is available from the website of the Regulator (<https://info regulator.org.za/paia-guidelines/>).

5. RECORDS

- 5.1. Other than the information and records currently available on the GSR Law website, no other records are automatically available without a person having to make a request to access in terms of PAIA.
- 5.2. No notice has been published by the Regulator with a category or categories of records which must automatically be publicly available.
- 5.3. GSR Law is required to, in accordance with certain legislative instruments, retain certain records. GSR Law holds records in terms of the following legislation, among others, for the purposes of PAIA:
 - 5.3.1. Basic Conditions of Employment Act No. 75 of 1997;
 - 5.3.2. Broad-Based Black Economic Empowerment Act No. 53 of 2003;
 - 5.3.3. Companies Act No. 71 of 2008;

- 5.3.4. Electronic Communications and Transaction Act No. 25 of 2002;
- 5.3.5. Employment Equity Act No. 55 of 1998;
- 5.3.6. Financial Intelligence Centre Act No. 38 of 2001;
- 5.3.7. Income Tax Act No. 58 of 1962;
- 5.3.8. Labour Relations Act No. 66 of 1995;
- 5.3.9. Legal Practice Act No. 28 of 2014;
- 5.3.10. Unemployment Insurance Act No. 63 of 2001; and
- 5.3.11. Value Added Tax Act No. 89 of 1991.
- 5.4. GSR Law holds other types of records. Below is a table that contains a description of the types of records GSR Law holds and the possible records held under each type. These records are not automatically available without a request being made in terms of PAIA. Such a request may be refused if in accordance with any of the grounds of refusal as per PAIA.
- 5.5. Please note that many of the records held by GSR Law are those of third parties, and the protection of third-party personal information is something which GSR Law takes very seriously. Requests for Records will be considered very carefully and should be motivated accordingly.

TYPE OF RECORD	DESCRIPTION OF RECORD
Statutory	- Company Incorporation Documents - Memorandum of Incorporation - Minutes of Meetings of the Board of Directors - Records relating to the appointment of Directors and other officials - Share Register
Income Tax	- All or any statutory compliance - Value Added Tax Records - Employee-issued documents for Income Tax purposes - PAYE Records - Records of Payments made to SARS - Skills Development Levies - Unemployment Insurance Fund
Labour Relations	- Address Records - Code of Conduct - Disciplinary Code and Procedures - Disciplinary Records - Employment Contracts - Human Resources Manuals - Internal Telephone Lists - Leave Records - Salary Records - Training Records

Finance	- A list of the Company's Debtors and Creditors - Bank Statements - Budgets - Invoices - Receipts and Payments - Salaries
Risk and Compliance	- Compliance Records - Contracts - Policies and Procedures - Risk Assessment
Officers	- Equipment Details - IT Usage Statistics - Secretarial Records - Supplier Lists
Client Related Records	- Client Files - Contracts - Correspondence - Engagement Letters - MOIs - Personal Information - Trust Deeds - Wills

6. PERSONAL INFORMATION

- 6.1. The minimum conditions for the lawful processing of Personal Information are prescribed by POPIA. GSR Law processes all Personal Information in accordance with these applicable conditions and ensures all such conditions are complied with at the time of processing the Personal Information.
- 6.2. In terms of POPIA, Personal Information must be processed for a specific purpose. At GSR Law, this purpose will depend on the nature of the Personal Information and the particular Data Subject. This purpose will ordinarily be disclosed, either implicitly or explicitly, at the time at which the Personal Information is collected. In general, Personal Information will be processed for the onboarding process, service delivery, record management, employment, security, and/or giving effect to professional instructions received.
- 6.3. Categories of Personal Information which may be collected by GSR Law include, but are not limited to –
- 6.3.1. name, address (and/or proof of address), contact details, gender, marital status, nationality, employer, financial records, job details, employment history, familial relationships;
 - 6.3.2. identification information such as identity documents, identity number, passport number, tax identification number, and company registration number;
 - 6.3.3. information which is relevant to the provision of our services;
 - 6.3.4. information relevant to the procurement of products and services from suppliers;

- 6.3.5. bank account details and other financial information;
 - 6.3.6. information that is provided to GSR Law through the provision of our services and which will likely depend on the nature of the instruction to GSR Law;
 - 6.3.7. relevant information as is required by applicable laws, including anti-money laundering legislation and what is required in GSR Law's onboarding process;
 - 6.3.8. information related to the scheduling of meetings; and
 - 6.3.9. other information sourced from publicly available sources and/or third parties.
- 6.4. The categories of Data Subjects are generally –
- 6.4.1. Directors and shareholders of GSR Law;
 - 6.4.2. Employees and prospective employees of GSR Law;
 - 6.4.3. Clients of GSR Law and their representatives; and
 - 6.4.4. Third-party suppliers, service providers, and other counterparties who conduct business with or supply services to GSR Law.

7. REQUEST PROCEDURE

- 7.1. For access to a Record –
- 7.1.1. If you are entitled to request access to a Record for certain information under PAIA, the request procedure outlined below must be utilised.
 - 7.1.2. If you are a Data Subject, you may request GSR Law to confirm, free of charge, all the information it holds on the Data Subject and you may request access to that information including information about the identity of third parties who may have or have had access to the information. Note: you may only do so upon proof of identity as the relevant Data Subject.
 - 7.1.3. A Data Subject may, at any time, object to the processing of their personal information by GSR Law if the objection is based on reasonable grounds unless legislation provides for such processing. The relevant forms can be found at: <https://inforegulator.org.za/paia-forms/>
 - 7.1.4. A Data Subject may also request for the Personal Information held by GSR Law to be deleted or corrected if that information is inaccurate, irrelevant, out of date, incomplete, misleading or obtained unlawfully. A Data Subject may, in addition, request GSR Law to destroy a Record of Personal Information if GSR Law is no longer authorised to retain the information in terms of POPIA, subject to any overriding statutory or professional obligation to retain such information. The relevant forms can be found at: <https://inforegulator.org.za/paia-forms/>
- 7.2. To request access to a Record, in terms of PAIA, the request must conform to Form 2 as prescribed by Regulation 7 of PAIA ("Form 2") and should be specific in terms of the Record requested.

- 7.3. All requests must be made to the Information Officer.
- 7.4. A request which is not compliant with the formalities as prescribed by PAIA will be returned to the requester, at which time the requester will be informed of their non-compliance with the formalities.
- 7.5. Proof of Identity:
- 7.5.1. Proof of Identity is required to authenticate the identity of the Data Subject and the request being made. Thus, any request should be accompanied by acceptable proof of identity (such as a certified copy of an identity document, where applicable).
- 7.6. Payment of Prescribed Fees:
- 7.6.1. Request fee: the request fee is a fixed R140 (one hundred and forty Rand), or such other amount as may be prescribed from time to time; and
- 7.6.2. The Access Fee: which will be calculated in accordance with the prescribed fee schedule as set out in GNR. 757 of 2021 (as amended from time to time), based on the reproduction and search-and-preparation costs involved.
- 7.7. GSR Law is entitled to charge a levy or request a fee under PAIA to recover the costs of processing a request or providing access to the Record requested.
- 7.8. Please note that where a Record is requested and that request has been granted, GSR Law will only provide access to the Record when the fee has been settled.
- 7.9. The Information Officer shall process requests within 30 (thirty) days of receipt, subject to clause 8, unless the request contains considerations which are of such a nature that it is reasonably necessary to extend the time taken to process the request. If such an extension is required, the requester shall be notified, and an explanation of the same shall be provided.
- 7.10. Grounds for refusal:
- 7.10.1. There are several grounds upon which a request may be refused, which include –
- 7.10.1.1. the protection of the Personal Information of a third party from an unreasonable disclosure;
- 7.10.1.2. the protection of commercial information of a third party (such as trade secrets);
- 7.10.1.3. legal professional privilege (as contemplated in section 67 of PAIA), unless such privilege has been waived by the person entitled to it, and/or confidential information;
- 7.10.1.4. if the disclosure would result in a breach of confidence which is owed to a third party;
- 7.10.1.5. if the disclosure would result in the safety of an individual being jeopardised or the rights of a third party could be prejudiced or impaired by the disclosure; and
- 7.10.1.6. any other grounds for refusal as set out in Chapter 4 of Part 3 of PAIA.

- 7.11. Where a request affects a Third Party, the Information Officer must take all reasonable steps to inform such Third Party of the request within 21 (twenty-one) days of receiving it. The Third Party shall then have 21 (twenty-one) days from the date of being informed to make submissions to the Information Officer regarding whether the request should be granted.

8. GRANTING

- 8.1. The Information Officer must notify the requester of the decision to grant or refuse access to the Record requested within 30 (thirty) days of receipt of the request.
- 8.2. If the Record or information which is the subject of a request involves a Third Party, the 30 (thirty) day period referred to above may be extended by a further period of not more than 30 (thirty) days in accordance with section 57 of PAIA.

9. REFUSAL

- 9.1. The decision made by the Information Officer may be challenged as set out below.
- 9.2. Should a person be dissatisfied with the decision made by the Information Officer, the person may, within 30 (thirty) days after notification, lodge a complaint with the Information Regulator in the prescribed manner and form. Thereafter, a person who is dissatisfied with the findings of the Information Regulator may apply to a Court for the appropriate relief.

10. ACCESS TO THE MANUAL

- 10.1. This manual is available on the GSR Law website and available in hard copy at our offices upon request.

11. UPDATES TO THE MANUAL

- 11.1. This manual may be reviewed and/or updated periodically if so required. The date of the last review will be recorded on the manual.