



PAIA and POPIA Manual

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000 (AS AMENDED) AND TO ADDRESS
REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF
2013**

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1. INTRODUCTION

- 1.1. MVMT Attorneys Inc. ("**the Company**") is a professional legal services firm offering corporate and commercial legal services, including legal advice and legal representation to individuals and businesses.
- 1.2. As part of its operations and services, the Company holds certain records (information and documents), including personal information. The Promotion of Access to Information Act 2 of 2000 ("**PAIA**") and the Protection of Personal Information Act 4 of 2013 ("**POPIA**") provide for certain records and/or information to be accessed where certain circumstances are met and in accordance with certain procedures and at prescribed fees, giving effect to the right of access to information in terms of the Constitution of the Republic of South Africa.
- 1.3. This PAIA and POPIA Manual ("**the Manual**", which includes all annexures and amendments thereto as made available by the Company from time to time) has been prepared in accordance with section 51 of PAIA as read with POPIA. It provides an overview of the records (information and documents) held by the Company and details of how such records may be accessed, including in relation to giving effect to the rights granted under POPIA terms of which a data subject may access its personal information, object to processing and request the correction of any of its personal information held by the Company.
- 1.4. The Company may amend this manual from time to time. It is available on request to the Company's designated Information Officer (being the person duly authorised by and appointed by the Company to act in this capacity).
- 1.5. The Company has appointed an Information Officer in accordance with POPIA. In addition to its obligations prescribed under POPIA, the designated Information Officer is also responsible for assessing any requests to the Company for access to information in terms of PAIA as well as to oversee any other obligations which the Company may have under PAIA. The Information Officer may appoint Deputy Information Officers to assist it in the fulfilment of its obligations.

2. COMPANY DETAILS

Name: MVMT Attorneys Inc

Physical Address: 2nd Floor, Grosvenor Gate, Hyde Park Lane,
Johannesburg, South Africa, 2196

Information Officer: Heinrich William Valentine

Telephone Number: 011) 480 8687

E-mail: hein@mvmmtinc.co.za

3. REGULATORS AND GUIDE ON HOW TO USE PAIA

- 3.1. The Information Regulator is responsible for PAIA and POPIA respectively and can be contacted as follows:

Physical address: Woodmead North Office Park, 54 Maxwell Drive,
Woodmead, Johannesburg, 2191

Complaints: POPIAComplaints@infoeregulator.org.za

General enquiries: enquiries@infoeregulator.org.za

- 3.2. The Information Regulator has developed a PAIA Guide in fulfilment of its obligation under Section 10 of the PAIA to update the existing Guide that was compiled by the South African Human Rights Commission (SAHRC). This Guide is designed to be a guiding, user-friendly and accessible tool for any person who wishes to exercise any right contemplated in PAIA and POPIA and can be accessed at <https://mvmmtinc.co.za/>
The Information Regulator established under POPIA will be responsible for regulating compliance with PAIA, POPIA and their regulations.

4. RECORDS HELD BY THE COMPANY

- 4.1. The Company retains a number of records in accordance with legislation which applies to it, including but not limited to: -

- Engagement letters and mandates;
- Fee agreements;
- Statements of account;
- Trust account records;
- Litigation files;
- Arbitration files;
- Mediation files;
- Legal opinions;
- Pleadings and court documents;
- Contracts and commercial agreements;
- Settlement agreements;
- Counsel briefs;
- Expert reports;
- Due diligence reports;
- FICA and KYC documentation;
- Client correspondence;
- Internal file notes and working papers.

5. POPIA DATA SUBJECT RIGHTS

- Right of access;
- Right to correction and updating of personal information;
- Right to object to processing;
- Right to request deletion where applicable;

- Right to withdraw consent where processing is consent-based;
- Right to lodge a complaint with the Information Regulator.

6. PERSONAL INFORMATION PROCESSING CATEGORIES

Employees:

- Identity and contact information;
- Payroll information;
- Qualifications and employment records;
- Performance and disciplinary records.

Clients:

- Identity information;
- Contact details;
- Financial information;
- Litigation and transactional records;
- FICA documentation.

Suppliers and Service Providers:

- Banking information;
- Contractual information;
- Contact information.

Website Users:

- Cookies;
- IP addresses;
- Website analytics and usage information.

7. OPERATORS AND THIRD-PARTY SERVICE PROVIDERS

The firm utilises authorised third-party operators and service providers for the processing, storage and management of information, including cloud-based and technology service providers, subject to appropriate confidentiality and security obligations.

8. CROSS-BORDER DATA TRANSFERS

Certain personal information may be stored or processed using systems hosted outside South Africa and that any such transfers will be conducted in accordance with POPIA and applicable legal safeguards.

9. LEGAL PRACTICE-SPECIFIC RECORDS

The Legal Practice Act and professional compliance references include:

- Trust account records;
- Fidelity Fund compliance records;
- LPC compliance records;
- Risk management and compliance records; and
- Anti-money laundering and FICA compliance documentation.

10. LEGAL PROFESSIONAL PRIVILEGE

The firm may refuse access to records protected by:

- Legal professional privilege;
- Litigation privilege;
- Advocate-client privilege;
- Without prejudice privilege;
- Settlement privilege;
- Any other recognised basis of privilege under South African law.

11.RECORD RETENTION

Records are retained in accordance with:

- Applicable legislation;
- Regulatory requirements;
- Professional obligations;
- Operational requirements; and
- The firm's internal record retention policies.

12.REQUEST PROCESS

- 12.1. Any requests for access to records of the Company are subject to PAIA and, in respect of personal information, POPIA.
- 12.2. In terms of PAIA, a request for access is to be made on the prescribed form accessible at <https://inforegulator.org.za/paia-forms/> The request is to be made to the Information Officer addressed to the contact details set out above (section 53(1) of PAIA).
- 12.3. The requester must provide sufficient detail on the form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed (section 53(2)(a) and (b) and (c) and (e) of PAIA).
- 12.4. The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (section 53(2)(d) of PAIA).
- 12.5. In circumstances where the request for access is being made on behalf of another person, the requestor is obliged to prove the capacity in which the request is being made, with any submissions in support thereof being subject to the satisfaction of the Company (section 53(2)(f) of PAIA). Section 71 of the PAIA makes provision for a request for information or records about a third party. In considering such a request, the Company will adhere to the provisions of sections 71 to 74 of the Act. The requestor

is to note the provisions of Chapter 5 of Part 3 of PAIA in terms of which the Company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the Company by referring the matter to the High Court.

12.6. The Information Officer will decide on whether or not to grant the request as soon as is reasonably possible (but in any event within thirty days of the request having been submitted) and notify the requester accordingly.

12.7. The Information Officer may decide to extend the period of thirty days for another period of not more than thirty days if:-

12.7.1. the request is for a large number of records;

12.7.2. the search for the records is to be conducted at premises not situated in the same town or city as the head office of the Company;

12.7.3. consultation among divisions or departments; as the case may be, of the company is required;

12.7.4. the requester consents to such an extension in writing; and

12.7.5. the parties agree in any other manner to such an extension.

12.8. Should the Company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

12.9. If the Information Officer fails to respond (or extend the period within which the respond) within thirty days after a request has been received, it will, in terms of PAIA, be deemed to have refused the request (section 58 read together with section 56(1) of PAIA).

12.10. Where access is granted –

12.10.1. the Information Officer will by way of the prescribed form 3 accessible at <https://inforegulator.org.za/paia-forms/> advise the requester of:-

(a) the access fee to be paid for the information (in accordance with paragraph 6 of this Manual below) prior to the Company being able to process the request and grant the access (section 54(1) of PAIA).

- (b) the format in which access will be given; and
- (c) the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted (section 56(2) of PAIA); and

12.11. access to the record requested will be given as soon as reasonably possible.

12.12. The access and reproduction fees are detailed in prescribed form 3 accessible at <https://inforegulator.org.za/paia-forms/> The requester may lodge an application to the court against the tender or payment of the request fee (section 54(3)(b) of PAIA).

12.13. If the request for access is refused, the Information Officer shall advise the requester in writing of the refusal by way of the prescribed form 3 accessible at <https://inforegulator.org.za/paia-forms/>, including adequate reasons for the refusal and that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (section 56(3) of PAIA).

12.14. Upon the refusal by the Information Officer, any deposit paid by the requester will be refunded.

12.15. The requester may lodge an appeal with a court of competent jurisdiction against any process set out in this paragraph 5.

13. INFORMATION OR RECORDS NOT FOUND

13.1. If a record cannot be found or if the records do not exist, the Information Officer shall notify the requester (providing full details of steps taken to find the record or determine its existence) that it is not possible to give access to the requested record.

13.2. If the record in question should later be found, the requester shall be given access to the record unless access is refused by the Company.

14. GROUNDS OF REFUSAL OF ACCESS

14.1. The Company may refuse to grant access on certain grounds, including the following (Part 3, Chapter 4 of the PAIA):

14.1.1. that the record constitutes privileged information for the purposes of legal proceedings or is subject to professional privilege;

- 14.1.2. to protect the commercial information or the confidential information of a third party or the Company;
- 14.1.3. that it is necessary to protect the safety of individuals or property;
- 14.1.4. that it is necessary to protect the research information of a third party or the Company; and
- 14.1.5. that granting access would result in the unreasonable disclosure of personal information about a third party.

15 PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY

- 15.1. Chapter 3 of POPIA provides for the minimum conditions for lawful "processing" of "personal information" by a "responsible party" (as such terms are defined under POPIA). These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 15.2. The Company processes personal information in compliance with applicable laws, including POPIA and has implemented a number of measures to ensure that the security of your personal information is maintained. Security and the protection of personal information (and associated obligations) is very much embedded in the culture of the Company. This is achieved through on-going training and awareness, and augmented by robust and auditable logical and physical technical controls that the Company has invested in. The Company implements and maintains reasonable and appropriate technical and organisational measures to protect personal information, including by way of the implementation of policies, procedures and controls aimed at preventing any unauthorised access to, loss or destruction of personal information. This Company has a wide range of security measures designed to mitigate data security breaches, accidental loss or destruction of, or damage to, personal information.
- 15.3. The terms on which the Company processes personal information is set out in its Privacy Policy accessible at <https://mvmtinc.co.za/mvmt-attorneys-privacy-policy/>.

Issued by: **H W VALENTINE**
Managing Director and Information Officer
MVMT Attorneys Inc.



ANNEXURE A

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

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

TO: The Information Officer

(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

☐ Request is made in my own name

☐ Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			

Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED <i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
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 <i>(Mark the applicable box with an "X")</i>			

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

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

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES

a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

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: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer



ANNEXURE B

FORM 1

REQUEST FOR A COPY OF THE GUIDE

TO: The Information Officer

I,

Full names:				
In my capacity as (mark with "x"):	Information officer		Other	
Name of *public/private body (if applicable)				
Postal Address:				
Street Address:				
E-mail Address:				
Facsimile:				
Contact numbers:	Tel.(B):		Cellular:	

Hereby request the following copy (ies) of the Guide:

Language (mark with "X")		No of copies	Language(mark with "X")		No of copies
	Sepedi			Sesotho	
	Setswana			siSwati	
	Tshivenda			Xitsonga	
	Afrikaans			English	
	isiNdebele			isiXhosa	
	isiZulu				

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____



ANNEXURE C

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another person?		Yes	☐	No ☐
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	
GROUND FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: (state rank, name and surname of Information Officer)				
Date received:				
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:			Yes	☐
			No	☐
OUTCOME OF APPEAL				
Refusal of request for access. Confirmed?	Yes	☐	New decision (if not confirmed)	
	No	☐		
Fees (Sec 22). Confirmed?	Yes	☐	New decision (if not confirmed)	
	No	☐		
Extension (Sec 26(1)). Confirmed?	Yes	☐	New decision (if not confirmed)	
	No	☐		
Access (Sec 29(3)). Confirmed?	Yes	☐	New decision (if not confirmed)	
	No	☐		
Request for access granted. Confirmed?	Yes	☐	New decision (if not confirmed)	
	No	☐		

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority



ANNEXURE D

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017 [Regulation 2(1)]

Note:

1. Affidavits or other documentary evidence in support of the objection must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number....

A	DETAILS OF DATA SUBJECT	
Name and surname of data subject:		
Residential, postal or business address:		
	Code ()	
Contact number(s):		
Fax number:		
E-mail address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (if the responsible party is a natural):		
Residential, postal or business address:		

	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
Name of public or private body(<i>if the responsible party is not a natural person</i>):	
Business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
C	REASONS FOR OBJECTION (<i>Please provide detailed reasons for the objection</i>)

Signed at this day of20.....

.....
Signature of data subject (applicant)