



PAIA Manual

This PAIA manual (“Manual”) is prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000, as amended (“PAIA”)

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1. Introduction

- 1.1 Carides Benjamin Inc. is an incorporated personal liability company, practising as a law firm in South Africa.
- 1.2 PAIA gives effect to Section 32 of the Constitution, which provides that everyone has the right to access information held by another person (private body) when such privately – held information is required for the protection of rights.
- 1.3 This manual may be amended from time to time, and any new versions of the manual will be made public.

2. Purpose of PAIA Manual

- 2.1 This manual is to assist potential requesters as to the procedure to be followed when requesting access to information from Carides Benjamin in terms of PAIA.
- 2.2 This PAIA Manual is useful for the public to:
 - 2.2.1 check the categories of records held by Carides Benjamin which are available without a person having to submit a formal PAIA request;
 - 2.2.2 have a sufficient understanding of how to make a request for access to a record of Carides Benjamin, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
 - 2.2.3 know the description of the records of Carides Benjamin which are available in accordance with any other legislation;
 - 2.2.4 access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access;
 - 2.2.5 know the description of the guide on how to use PAIA, as updated by the South African Human Rights Commission and how to obtain access to it;
 - 2.2.6 know if Carides Benjamin will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
 - 2.2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
 - 2.2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
 - 2.2.9 know if Carides Benjamin has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
 - 2.2.10 know whether Carides Benjamin has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Key Contact Details for Access to Information of Carides Benjamin

3.1 Chief and Deputy Information Officers

	Chief Information Officer	Deputy Information Officer
Name	Telis Carides	N/A
Tel	010 825 5692	N/A
Email	accounts@caridesbenjamin.com	N/A

3.2 General Contacts

Firm Name	Carides Benjamin Inc.
Email	accounts@caridesbenjamin.com
Directors	Telis Carides

	Micaela Benjamin
Physical Address (and Postal)	2 nd Floor, 1 Sturdee Avenue Rosebank Johannesburg 2196
Contact Number	010 825 5692
Website	www.caridesbenjamin.com

4. How to use PAIA and How to Gain Access to the Guide

- 4.1 The South African Human Rights Commission has, in terms of Section 10 of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (the “Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA as well as the Protection of Personal Information Act 4 of 2013 (“POPIA”).
- 4.2 The Guide is available in each of the official languages from the Human Rights Commission at the following offices or on their website: <https://www.sahrc.org.za/index.php/understanding-paia>.

South African Human Rights Commission

Physical Address	29 Princess of Wales Terrace Corner York and St Andrews Street Parktown Johannesburg
Poston Address	Private Bag 2700, Houghton, Johannesburg
Tel	011 484 8300
Email	paia@sahrc.org.za
Website	www.sahrc.org.za

- 4.3 The Guide is also available on the website of the Regulator: <https://www.justice.gov.za/inforeg/>.
- 4.4 The Guide contains the description of:
- 4.4.1 the objects of PAIA and POPIA;
- 4.4.2 the postal and street address, telephone and, if available, electronic mail address of:
- 4.4.2.1 the Information Officer of every public body; and
- 4.4.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- 4.4.3 the manner and form of a request for:
- 4.4.3.1 access to a record of a public body contemplated in section 11; and
- 4.4.3.2 access to a record of a private body contemplated in section 50;
- 4.4.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA:
- 4.4.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.4.6 all 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:
- 4.4.6.1 an internal appeal;
- 4.4.6.2 a complaint to the Regulator; and
- 4.4.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.4.7 the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.4.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

- 4.4.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 4.4.10 the regulations made in terms of section 92.
- 4.5. Members of the public can inspect or make copies of the Guide from the offices of Carides Benjamin, including the office of the Regulator, during normal working hours.

5. Categories of Records Available Without Having to Request Access

Category of records	Types of the Record	Available on Website	Available on request
About the Firm	Electronic – Website	X	X
About the Team	Electronic – Website	X	X
Firm Services	Electronic – Website	X	X
Firm Contact Details	Electronic – Website	X	X
Firm Resources (Articles; Editorials; Downloads)	Electronic – Website	X	X

6. Records Which are Available in Accordance with Any Another Legislation

- 6.1 Carides Benjamin, where applicable, holds information in terms of the following legislation:

Category of Records	Applicable Legislation
Memorandum of Incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Employment	Basic Condition of Employment Act 75 of 1977
Employment	Compensation for Occupation Injuries and Diseases Act 130 of 1993
Employment	Employment Equality Act 55 of 1998
Finance	Income Tax Act 68 of 1962
Employment	Labour Relations Act 66 of 1978
Employment	Occupational Health and Safety Act 85 of 1993
Employment	Skills Development Act 97 of 1988
Employment	Skills Development Levies Act 9 of 1999
Employment	Unemployment Contribution Act 4 of 2002
Communication	Electronic Communications and Transactions Act 25 of 2002
Employment	Unemployment Insurance Act 30 of 1966
Finance	Value Added Tax Act 89 of 1991
Professional Services	Legal Practice Act 28 of 2014
Professional Services	National Credit Act 34 of 2005
Professional Services	Consumer Protection Act 68 of 2008
Professional Services	Financial Intelligence Centre Act 38 of 2001
Professional Services	Prescription Act 68 of 1969

7. Subjects and Categories of Subjects of Records Held

- 7.1 Carides Benjamin, where applicable, holds information in terms of the following records:

Subjects on which the body holds records	Categories of records
General Records	<ul style="list-style-type: none"> - Financial and accounting records - Insurance and professional indemnity records - Law society and Fidelity Fund records - Banking records, statements and invoices

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> - Client agreements - Commercial agreements - Internal and external correspondence
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures - Employment advertisements - Employees records
Employment Records	<ul style="list-style-type: none"> - Employment contracts - Salary and wage records - Disciplinary records - Leave records - Banking details - PAYE and UIF records - Employee income tax payment records - Employee income tax document
Client Records	<ul style="list-style-type: none"> - Client FICA documents - Client provided records - Records provided by third parties - Firm generated records - Client files - Client mandates and fee agreements

Kindly take note that the above information will be made available only subject to the provisions of PAIA and may be refused under attorney and client privilege.

8. Processing of Personal Information

8.1 Purpose of Processing Personal Information

Carides Benjamin processes personal information in order to carry out its lawful instruction of its clients.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, VAT numbers, address, employment status and banking details
Service Providers	names, registration number, vat numbers, address, trade secrets and banking details
Employees	address, qualifications, banking details, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Credit and payment history, for credit information	Credit Bureaus
Identity number, names, employment status and addresses	Legal and other adjudicative forums in carrying out legal proceedings
Identity number, names, employment status and addresses	Master and Deeds Registries

8.4 **Planned transborder flows of personal information**

8.4.1 Carides Benjamin has no planned transborder flows of personal information, unless otherwise under the lawful instruction of a client in carrying out its mandate.

8.5 **General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

8.5.1 Carides Benjamin safeguards personal information on internal servers, which are backup in soft form, and are protected by anti-virus and anti-malware software.

9. **Availability of Manual**

9.1 A copy of the Manual is available-

9.1.1 on www.caridesbenjamin.com

9.1.2 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.3 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy/print made.

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 <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<p><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></p>			
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
(Mark the applicable box with an "X")

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
(Mark the applicable box with an "X")

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

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.

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:	

FEEES	
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 <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer