



**Watson Law Incorporated**

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## PAIA and POPI Manual

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This manual was prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to

**WATSON LAW INCORPORATED**  
**Registration number: 2013/042910/21**

And its branches and/or subsidiaries  
(hereinafter Watson Law)

## 1. Background to the Promotion of Access to Information Act (PAIA)

- 1.1. The Promotion of Access to Information Act, No. 2 of 2000 (hereinafter the “Act”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of Section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (hereinafter the “Constitution”) of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2. In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”).
- 1.3. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.

## 2. Watson Law Incorporated

- 2.1. Watson Law delivers flexible and personalised business-defining legal services through a highly experienced and qualified support team. We have built a reputation for providing legal services with specialised expertise, tailored to provide our Clients with sustainable value and an ongoing competitive advantage. Watson Law Incorporated is a leader in the South African legal industry and a professional resource to all our commercial Clients.
- 2.2. This PAIA Manual of Watson Law is available at its premises: 13 Stamvrug Street, HB Forum Building, Val-De-Grace, Pretoria South Africa, as well as on its website, <https://www.watsonlaw.co.za>.

## 3. Purpose of a PAIA Manual

- 3.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within Watson Law by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their own personal rights.
- 3.2. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.
- 3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
  - 3.3.1. Limitations aimed at the reasonable protection of personal privacy and data protection;
  - 3.3.2. Commercial confidentiality; and
  - 3.3.3. Effective, efficient and good governance;
  - 3.3.4. and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution and other secondary legislation.
- 3.4. This PAIA Manual complies with the requirements of guide mentioned in Section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

## 4. Contact Details of the Managing Director [Section 51(1)(a)]

Managing Director:	Howard Wesley Watson
Registered Address:	No 13 Stamvrug Street, HB Forum Building, Val-De-Grace, Pretoria South Africa
Telephone Number:	+27 12 804 0748
Website:	<a href="https://www.watsonlaw.co.za">https://www.watsonlaw.co.za</a>

## 5. The Information Officer [Section 51(1)(b)]

- 5.1. The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of Section 51. Watson Law has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.
- 5.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of Section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.
- 5.3. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of Section 17 of the Act as well as Section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render Watson Law as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of Section 55 of the Protection of Personal Information Act 4 of 2013. All request for information in terms of this Act must be addressed to the Information Officer.

## 6. Contact Details of the Information Officer

Information Officer:	Howard Wesley Watson
Registered Address:	No 13 Stamvrug Street, HB Forum Building, Val-De-Grace, Pretoria South Africa
Telephone Number:	+27 12 804 0748
Website:	<a href="https://www.watsonlaw.co.za">https://www.watsonlaw.co.za</a>

## 7. Guide of SA Human Rights Commission (Section 51(1) (b))

- 7.1. The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 7.2. Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 7.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 7.4. The contact details of the Commission are:

<b>Contact body:</b>	<b>The South African Human Rights Commission</b>
<b>Physical Address:</b>	PAIA Unit, No 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
<b>Postal Address:</b>	Private Bag 2700, Houghton 2041
<b>Telephone Number:</b>	+27 11 877 3600
<b>E-Mail:</b>	PAIA@sahrc.org.za
<b>Web Site:</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

## 8. The Latest Notice in Terms of Section 52(2) (if any)[Section 51(1)(c)]

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

## 9. Subjects and Categories of Records Available only on Request to Access in Terms of the Act (Section 51(1) (e))

### 9.1. Records held by Watson Law

- 9.1.1. For the purposes of this Clause, "Personnel" refers to any person who works for, or provides services to, on behalf of Watson Law and receives or is entitled to receive

remuneration and any other person who assist in carrying out or conducting the business of Watson Law.

- 9.1.2. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.
- 9.1.3. This clause serves as a reference to the categories of information that Watson Law may hold from time to time.
- 9.1.4. The information is classified and grouped according to the types of records relating to the following subjects and/or categories of information and/or data:

Subject	Category
Companies Act Records	All trust deeds; Documents of Incorporation; Index of names of Directors; Memorandum of Incorporation; Minutes of meetings of the Board of Directors; Minutes of meetings of Shareholders; Proxy forms; Register of debenture-holders; Register of directors' shareholdings; Share certificates; Share Register and other statutory registers and/or records and/or documents; Special resolutions/Resolutions passed at General and Class meetings; Records relating to the appointment of: Auditors; Directors; Prescribed Officer. Public Officer; and Secretary
Financial Records	Accounting Records; Annual Financial Reports; Annual Financial Statements Asset Registers; Bank Statements; Banking details and bank accounts; Banking Records; Debtors / Creditors statements and invoices; General ledgers and subsidiary ledgers; General reconciliation; Invoices; Paid Cheques; Policies and procedures; Rental Agreements; and Tax Returns
Income Tax Records	PAYE Records; Documents issued to employees for income tax purposes; Records of payments made to SARS on behalf of employees; All other statutory compliances: VAT, Regional Services Levies Skills Development Levies, UIF Workmen's Compensation
Personnel Documents And Records	Accident books and records; Address Lists; Disciplinary Code and Records; Employee benefits arrangements rules and records; Employment Contracts; Employment Equity Plan Forms and Applications; Grievance Procedures; Leave Records; Medical Aid Records; Payroll reports/ Wage register; Pension Fund Records; Safety, Health and Environmental records; Salary Records; SETA records Standard letters and notices Training Manuals; Training Records; Workplace and Union agreements and records.
Procurement Department	Standard Terms and Conditions for supply of services and products; Contractor, client and supplier agreements; Lists of suppliers, products, services and distribution; and Policies and Procedures.
Sales Department	Customer details; Credit application information; Information and records provided by a third party
Marketing Department	Advertising and promotional material
Risk Management and Audit	Audit reports; Risk management frameworks; and Risk management plans.
Safety, Health and Environment	Complete Safety, Health and Environment Risk Assessment Environmental Managements Plans; Inquiries, inspections, examinations by environmental authorities
IT Department	Computer / mobile device usage policy documentation; Disaster recovery plans; Hardware asset registers; Information security policies/standards/procedures; Information technology systems and user manuals Information usage policy documentation; Project implementation plans; Software licensing; and System documentation and manuals.
Corporate Social Responsibility (CSR)	CSR schedule of projects/record of organisations that receive funding; Reports, books, publications and general information related to CSR spend; Records and contracts of agreement with funded organisations.

- 9.1.5. Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst other, records deemed confidential in nature, on the part of any third party, will necessitate consent from that third party, in addition to compliance with the normal requirements, before Watson Law will consider granting access.

## **10. Records Available without a Request to Access in terms of the Act**

- 10.1. Records of a public nature, typically those disclosed on the Watson Law website and in its various annual reports, may be accessed without the need to submit a formal application or request.
- 10.2. Other non-confidential records, such as statutory records maintained at CIPC or the Department of Trade and Industry, may also be accessed without the need to submit a formal application request, however, please note that an appointment to view such records at the company head office will still

have to be made with the Information Officer.

## **11. Description of the Records of the Body Which are Available in Accordance with any other Legislation (Section 51(1) (d))**

11.1. Where applicable to its operations, Watson Law also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

- 11.1.1. Auditing Professions Act, No 26 of 2005;
- 11.1.2. Basic Conditions of Employment Act, No 75 of 1997;
- 11.1.3. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
- 11.1.4. Business Act, No 71 of 1991;
- 11.1.5. Companies Act, No 71 of 2008;
- 11.1.6. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- 11.1.7. Competition Act, No 89 of 1998;
- 11.1.8. Constitution of the Republic of South Africa 2008;
- 11.1.9. Copyright Act, No 98 of 1978;
- 11.1.10. Customs & Excise Act, 91 of 1964;
- 11.1.11. Electronic Communications Act, No 36 of 2005;
- 11.1.12. Electronic Communications and Transactions Act, No 25 of 2002;
- 11.1.13. Employment Equity Act, No 55 of 1998;
- 11.1.14. Financial Intelligence Centre Act, No 38 of 2001;
- 11.1.15. Identification Act, No. 68 of 1997;
- 11.1.16. Income Tax Act, No 58 of 1962;
- 11.1.17. Intellectual Property Laws Amendment Act, No 38 of 1997;
- 11.1.18. Labour Relations Act, No 66 of 1995;
- 11.1.19. Long Term Insurance Act, No 52 of 1998;
- 11.1.20. Occupational Health & Safety Act, No 85 of 1993;
- 11.1.21. Pension Funds Act, No 24 of 1956;
- 11.1.22. Prescription Act, No 68 of 1969;
- 11.1.23. Prevention of Organised Crime Act, No 121 of 1998;
- 11.1.24. Promotion of Access to Information Act, No 2 of 2000;
- 11.1.25. Protection of Personal Information Act, No. 4 of 2013 (POPI);
- 11.1.26. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- 11.1.27. Revenue laws Second Amendment Act. No 61 of 2008; bb. Skills Development Levies Act No. 9 of 1999;
- 11.1.28. Short-term Insurance Act No. 53 of 1998; dd. Trust Property Control Act 57 of 1988
- 11.1.29. Unemployment Insurance Contributions Act 4 of 2002;
- 11.1.30. Unemployment Insurance Act No. 30 of 1966;
- 11.1.31. Value Added Tax Act 89 of 1991.

\*\*Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

11.2. It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

## **12. Detail to Facilitate a Request for Access to a Record of Watson Law (Section 51(1) (e))**

12.1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

12.2. The requester must complete the prescribed form enclosed herewith, and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as noted herein above.

12.3. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

- 12.3.1. the record or records requested; and
- 12.3.2. the identity of the requester.

12.4. The requester should indicate which form of access is required and specify a postal address of fax

- number of the requester in the Republic;
- 12.5. The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (Section 53(2)(d)).
  - 12.6. Watson Law will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
  - 12.7. The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
  - 12.8. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (Section 53(2)(f)).
  - 12.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
  - 12.10. The requester must pay the prescribed fee, before any further processing can take place.
  - 12.11. All information as listed herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

### **13. Refusal of Access to Records**

- 13.1. Grounds to Refuse Access: As a private body/entity such as Watson Law Incorporated, we are lawfully entitled to refuse any request for information, and may be applicable to the respective lawful grounds as stipulated in the above legislation, and/or as dictated by applicable regulation.
- 13.2. The main grounds for Watson Law to refuse a request for information relates to the:
  - 13.2.1.1. any mandatory protection of the personal privacy of a third party who is a natural person or a deceased person (Section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal private information of that natural or juristic person;
  - 13.2.1.2. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
  - 13.2.1.3. mandatory protection of the commercial information of any third party (Section 64) if the record contains:
    - 13.2.1.3.1. trade or commercial secrets of the third party;
    - 13.2.1.3.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
    - 13.2.1.3.3. information disclosed in confidence (privileged information) by a third party to Watson Law, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition or legal proceedings
    - 13.2.1.3.4. mandatory protection of confidential information of third parties (Section 65) if it is protected in terms of any agreement;
  - 13.2.1.4. mandatory protection of the personal safety of individuals and the protection of property (Section 66);
  - 13.2.1.5. mandatory protection of records which would be regarded as privileged in legal proceedings (Section 67), as the case maybe.
  - 13.2.1.6. The commercial activities (Section 68) of a private body, such as Watson Law, which may include:
    - 13.2.1.6.1. trade, commercial and operational secrets of Watson Law;
    - 13.2.1.6.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Watson Law;
    - 13.2.1.6.3. information which, if disclosed could put Watson Law at a disadvantage in negotiations or commercial competition;
    - 13.2.1.6.4. a computer program/s which is owned by Watson Law, and which is protected by copyright;
    - 13.2.1.6.5. the research information (Section 69) of Watson Law or a third party, if its

disclosure would disclose the identity of Watson Law, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

- 13.2.1.7. Requests for information that are clearly frivolous, vexatious, or is requested for other purposes than information/data protection, or which involve an unreasonable diversion of resources shall be refused.
- 13.2.1.8. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 13.2.1.9. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or formal affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

#### **14. Remedies Available When a Request is Refused**

##### **14.1. Internal Remedies:**

Watson Law does not have internal appeal procedures. The decision made by the Information Officer is final and can not be Reviewed. The Requester/s will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer for such refusal.

##### **14.2. External Remedies:**

- 14.2.1. A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of being notified of the decision, may apply to a Court, with competent jurisdiction, for relief.
- 14.2.2. Should a third party be dissatisfied with the Information Officer's decision to grant a request for information, such third party may within 30 (thirty) days of being notified of the decision, apply to a Court, with competent jurisdiction, for relief.
- 14.2.3. For the purposes of the Act, the Courts that has jurisdiction over these applications are the Constitutional Court, the High Court and/or any another court of similar status and/or a Magistrate's Court.

#### **15. Access to Records Held by the Data Processor**

Prerequisites for the Access by Personal/Other Requester, as the case may be.

##### **15.1. Records held by Watson Law may be accessed by requests only once the prerequisite requirements for such access have been complied with and met.**

15.1.1. A requester is any person making a request for access to data/record held by or processed by Watson Law. There are two types of requesters:

##### **15.1.1.1. Personal Requester / Data Subject Access Request:**

- 15.1.1.1.1. A personal requester or data subject is a requester who is seeking access to a record/data containing personal information about the requester, Data Subject Access Request (DSAR);
- 15.1.1.1.2. Watson Law will voluntarily provide the requested data/information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged, together with a security review to ensure the identity of the Data Subject who is personally accessing the information;

##### **15.1.1.2. Other Requester / Third Party Requester:**

- 15.1.1.2.1. This requester (other than a Data Subject / Personal Requester) makes a request for information/data on a third party.
- 15.1.1.2.2. In considering such a request, Watson Law will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.
- 15.1.1.2.3. Watson Law is not obliged to voluntarily grant access to any such records. The requester must fulfil the prerequisite requirements, in

accordance with the requirements of the Act and as are stipulated in Chapter 5, Part 3, including the payment of any and all access fees.

**16. Prescribed Fees (Section 51 (1) (f))**

Access fees as provided by the Act, as stipulated hereunder, adjusted for inflation.

**16.1. The Act provides for two types of fees, namely:**

16.1.1. A request fee, which is a form of administration fee to be paid by all requesters, except personal requesters, before a request is considered and therefore the fee is not refundable; and

16.1.2. An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record / data for delivery to the requester.

16.2. When a request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request will be attended to (Section 54(1)).

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

16.4. The Information Officer shall withhold a record, for 30 (Thirty) days, or until the requester has paid the fees as indicated below, at the lapse of such period, the requester will be required to submit a new request form.

16.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and 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.

16.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester, as the case may be.

**17. Reproduction Fee**

17.1. Watson Law has a list of categories of records/data that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

<b>Reproduction of Information Fees</b>	<b>Fees to be Charged</b>
Information in an A-4 size page photocopy or part thereof	R 4.50
A printed copy of an A4-size page or part thereof	R 1.50
A copy in computer-readable format, for example: Compact disc	R 140.00
A transcription of visual images, in an A4-size page or part thereof	R 80,00
A copy of visual images	R 120,00
A transcription of an audio record for an A4-size page or part thereof	R 40,00
A copy of an audio record, per 30 mins or part thereof	R 60,00

**17.2. Request Fees**

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R 450,00 is payable up-front before the institution will further process the request received.

**17.3. Access Fees**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).



The applicable access fees which will be payable are:

<b>Access of Information Fees</b>	<b>Fees to be Charged</b>
Information in an A-4 size page photocopy or part thereof	R 4,50
A printed copy of an A4-size page or part thereof	R 1.40
A copy in computer-readable format, for example: Compact disc / USB	R 140.00
A transcription of visual images, in an A4-size page or part thereof	R 80,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4-size page or part thereof	R 40,00
A copy of an audio record *Per 30 Mins or part of an hour reasonably required for such search.	R 120,00*
Drawing of a Closed File from Archive	R 150.00

#### **17.4. Deposits**

- 17.4.1. Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.
- 17.4.2. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

#### **17.5. Collection Fees**

- 17.5.1. The initial "request fee" of R 150,00 should be deposited into the bank account below and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via email.
- 17.5.2. The officer will collect the initial "request fee" of applications received directly by the Information Officer via email.
- 17.5.3. All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the required fees prior to making the payment.

#### **18. Time Allowed to Institution for Decision**

- 18.1. Watson Law will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 18.2. The 30 (thirty) day period within which Watson Law has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large amount information, or the request requires a search for information held at another office of Watson Law and the information cannot reasonably be obtained within the original 30 (thirty) day period, or the information is related to a closed file (archived file).
- 18.3. Any closed files that needs to be retrieved from the file archive will result in an additional fee being charged of R 150.00, per file.
- 18.4. Watson Law will notify the requester in writing should an extension be required, as the case may be.

#### **19. Protection of Personal Information where Watson Law is the Data Processor**

- 19.1. Chapter 3 of POPI provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPI.
- 19.2. Watson Law needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions.
- 19.3. The manner in which this information is Processed and the purpose for which it is Processed is determined by Watson Law, and in some instances as required by Law or Legal Obligation.
- 19.4. Watson Law is accordingly a Responsible Party for the purposes of POPI and will ensure that the Personal Information of a Data Subject is:
- 19.4.1. processed lawfully, fairly and transparently. This includes the provision of appropriate

- information to Data Subjects when their data is collected by Watson Law, in the form of privacy or data collection notices, or retention from third party data processors, or from public databases. Watson Law must also have a legal basis (for example, consent) to process Personal Information, which consent is tacitly expressed when a Data Subject wilfully interacts with Watson Law, with the intention of doing business with Watson Law;
- 19.4.2. processed only for the purposes for which it was collected;
  - 19.4.3. not processed for a secondary purpose unless that processing is compatible with the original purpose.
  - 19.4.4. adequate, relevant and not excessive for the purposes for which it was collected;
  - 19.4.5. accurate and kept up to date;
  - 19.4.6. not kept for longer than necessary;
  - 19.4.7. processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by Watson Law, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
  - 19.4.8. processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
    - 19.4.8.1. be notified that their Personal Information is being collected by Watson Law, other than third party data that is obtained from a Client, in terms of the obligations and services being rendered by Watson Law to the Client. The Data Subject also has the right to be notified in the event of a data breach;
    - 19.4.8.2. know whether Watson Law holds Personal Information about them, and to access that information by way of a Data Subject Access Request (DSAR). Any request for information must be handled in accordance with the provisions of this Manual;
    - 19.4.8.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
    - 19.4.8.4. object to Watson Law's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to Watson Law's record keeping requirements);
    - 19.4.8.5. object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
    - 19.4.8.6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged non- compliance with the protection of his, her or its personal information.
- 19.5. Purpose of the Processing of Personal Information by the Company: As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which Watson Law processes or will process Personal Information is set out in Part 1 of Appendix 2.
- 19.6. Categories of Data Subjects and Personal Information/special Personal Information relating thereto: As per Section 1 of POPI, a Data Subject may either be a natural or a juristic person. Part 2 of Appendix 2 sets out the various categories of Data Subjects that Watson Law Processes Personal Information on and the types of Personal Information relating thereto.
- 19.7. Recipients of Personal Information: Part 3 of Appendix 2 outlines the recipients to whom Watson Law may provide a Data Subjects Personal Information too.
- 19.8. Cross-border flows of Personal Information:
- 19.8.1. Section 72 of POPI provides that Personal Information may only be transferred out of the Republic of South Africa if the:
    - 19.8.1.1. recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI; or
    - 19.8.1.2. Data Subject consents to the transfer of their Personal Information; or
    - 19.8.1.3. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
    - 19.8.1.4. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
    - 19.8.1.5. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

- 19.9. Part 4 of Appendix 2 sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.
  - 19.10. Description of information security measures to be implemented by Watson Law: Part 5 of Appendix 2 sets out the types of security measures to implemented by Watson Law in order to ensure that Personal Information is respected and protected. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by Watson Law may be conducted in order to ensure that the Personal Information that is processed by Watson Law is safeguarded and Processed in accordance with the Conditions for Lawful Processing.
  - 19.11. Objection to the Processing of Personal Information by a Data Subject: Section 11 (3) of POPI and regulation 2 of the POPI Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 3 subject to exceptions contained in POPI.
  - 19.12. Request for correction or deletion of Personal Information: Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 4 to this Manual.
- 20. Availability and Updating of the PAIA Manual**
- 20.1. Regulation Number R.187 of 15 February 2002:
    - 20.1.1. This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. Watson Law will update this PAIA Manual at such intervals as may be deemed necessary.
    - 20.1.2. This PAIA Manual of Watson Law Incorporated is available to view at our registered business address and on our website.
-

FORM J752

**REPUBLIC OF SOUTH AFRICA****FORM C****REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]

A. Particulars of private body The Head:

--

B. Particulars of person requesting access to the record

- |  |
|--|
| <p>(a) The particulars of the person who requests access to the record must be given below.</p> <p>(b) The address and/or fax number in the Republic to which the information is to be sent must be given.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
|--|

## Appendix 1: Data Subject Access Request Form

Full names and surname:													
Identity number:													
Postal address:													
Telephone number:	(	)						Fax number:	(	)			
E-mail address:													

Capacity in which request is made, when made on behalf of another person:

--

C. Particulars of person on whose behalf request is made

This Section must be completed ONLY if a request for information is made on behalf of another person

Full names and surname:													
Identity number:													

D. Particulars of record

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

--

2. Reference number, if available:

--

3. Any further particulars of record:

--

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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 from payment of fees:

--

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:  Mark the appropriate box with an X.		Form in which record is required:  	
--	--	---	--

**NOTES:**

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.  
 (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.  
 (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:				
	copy of record*		inspection of record	
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):				
	view the images		copy of the images*	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:				
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable form:				
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				Yes No

**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

**1. Indicate which right is to be exercised or protected:**

--

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

--

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

--

Signed at ..... this day ..... of ..... year.....

.....  
 Signature of Requester /  
 Person on Whose Behalf Request is Made

## **Appendix 2: Part 1**

### **Processing of Personal Information in Accordance with POPI**

#### **For consumers:**

- a. Performing duties in terms of any agreement / mandate with Customers / Consumers.
- b. Make, or assist in making credit and risk assessments with Customers / Consumers.
- c. Operate and manage consumers' accounts, matters and manage any application, agreement or correspondence consumers may have with Watson Law Incorporated, and/or with third parties as may be instructed from time to time.
- d. Communicating (including direct marketing) with consumers by email, SMS, letter, telephone or in any other way about Watson Law's products and services, unless consumers indicate otherwise, and/or instruct us otherwise.
- e. To form a view of consumers as individuals and to identify, develop or improve products / services, that may be of interest to Customers / Consumers.
- f. Carrying out market research, business and statistical analysis.
- g. Performing other administrative and operational purposes including the testing of systems / processes and the like of the Customers / Consumers.
- h. Recovering any debt consumers may owe to Watson Law, and/or which is owed to a Customers / Consumers.
- i. Complying with the Watson Law's regulatory and other obligations.
- j. Any other reasonably required purpose relating to the Watson Law business and/or the instructions of so being appointed by the Customers / Consumers.

#### **For prospective Customers / Consumers:**

- a. Verifying and updating information
- b. Pre-scoring / risk assessed processing of data
- c. Direct marketing / as may be applicable
- d. Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the Customers / Consumer's business objectives, as instructed to be attended to by Watson Law Incorporated.
- e. Information gained and privileged.

#### **For employees:**

- a. The same purposes as for our Customers / Consumers (above).
- b. Verification of applicant employees' information during recruitment process
- c. General matters relating to employees:
  - i. Pension
  - ii. Medical aid
  - iii. Payroll
  - iv. Disciplinary action
  - v. Training

- d. Any other reasonably required purpose relating to the employment or possible employment relationship.

**For vendors / suppliers / other businesses:**

- a. Verifying information and performing checks, including the retention of banking and other payment processing information.
- b. Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties.
- c. Payment of invoices;
- d. Complying with the Watson Law's regulatory and other obligations (including but not limited to the compliance with the Code of Best Practice of the Legal Practice Counsel (LPC), as may be amended from time to time; and
- e. Any other reasonably required purpose relating to the Watson Law Incorporated business process.



## **Appendix 2: Part 2**

### **Categories of Data Subjects and Categories of Personal Information relating thereto**

#### **Employees**

- a. Name and contact details
- b. Identity number and identity documents including passports
- c. Employment history and references
- d. Banking and financial details
- e. Details of payments to third parties (deductions from salary)
- f. Employment contracts
- g. Employment equity plans
- h. Medical aid records
- i. Pension Fund records
- j. Remuneration/salary records
- k. Performance appraisals
- l. Disciplinary records
- m. Leave records
- n. Training records

#### **Consumers and prospective consumers (which may include employees)**

- a. Postal and/or street address
- b. title and name
- c. contact numbers and/or e-mail address
- d. ethnic group
- e. employment history
- f. age
- g. gender
- h. marital status
- i. nationality
- j. language
- k. financial information
- l. identity or passport number
- m. browsing habits and click patterns on Watson Law websites.

#### **Vendors / suppliers / other businesses:**

- a. Name and contact details
- b. Identity and/or company information and directors' information<sup>17</sup>
- c. Banking and financial information
- d. Information about products or services
- e. Other information not specified, reasonably required to be processed for business operations

### **Appendix 2: Part 3**

#### **Recipients of Personal Information (of the Data Subject)**

- a. Any firm, organisation or person that the Watson Law uses to collect payments and recover debts or to provide a service on its behalf;
- b. Any firm, organisation or person that/who provides the Watson Law with products or services;
- c. Any payment system the Watson Law uses;
- d. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Watson Law has a duty to share information;
- e. Third parties to whom payments are made on behalf of employees;
- f. Financial institutions from whom payments are received on behalf of data subjects;
- g. Any other operator not specified;
- h. Employees, contractors and temporary staff; and
- i. its Agents as the case may be.

### **Appendix 2: Part 4**

#### **Cross border transfers of Personal Information**

Personal Information may be transmitted transborder to Watson Law's suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. Watson Law will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

### **Appendix 2: Part 5**

#### **Description of information security measures**

Watson Law undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Watson Law may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

**1. Access Control of Persons**

Watson Law shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

**2. Data Media Control**

Watson Law undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by Watson Law and containing personal data of Customers.

**3. Data Memory Control**

Watson Law undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorized reading, alteration or deletion of stored data.

**4. User Control**

Watson Law shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.

**5. Access Control to Data**

Watson Law represents that the persons entitled to use Watson Law's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

**6. Transmission Control**

Watson Law shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of Watson Law's data communication equipment / devices.

**7. Transport Control**

Watson Law shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

**8. Organisation Control**

Watson Law shall maintain its internal organisation in a manner that meets the requirements of this Manual.

Appendix 3: Objection to the Processing of Personal Information in terms of Section 11(3) of the Protection of Personal Information Act, 2013

**Note**  
: Regulations Relating to The Protection of Personal Information, 2018

- 1 Affidavits or other documentary evidence as applicable in support of the objection may 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.
- 3 Complete as is applicable

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)</b>

Signed at ..... this ..... day of.....20...

.....

**Signature of data subject/designated person**

Appendix 4: Request for Correction / Deletion of Personal Information / Destroying or Deletion of Record of Personal Information in terms of Section 24(1) of the Protection of Personal Information Act, 2013

**Regulations Relating to the Protection of Personal Information, 2018**

[Regulation 3]

**Note:**

1. Affidavits or other documentary evidence as applicable in support of the request may 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.
3. Complete as is applicable.

Mark the appropriate box with an "x". Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information

<b>A</b>	<b>Details of Data Subject</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
<b>C</b>	<b>Reasons for Objection in Terms of Section 11(1)(D) to (F) (Please Provide Detailed Reasons for The Objection)</b>
<b>D</b>	<b>Reasons for *Correction or Deletion of the Personal Information about the Data Subject in Terms of Section 24(1)(a) which is in Possession or Under the Control of the Responsible Party; and or Reasons for *Destruction or Deletion of a Record of Personal Information about the Data Subject in Terms of Section 24(1)(b) which the Responsible Party is no longer Authorised to Retain. (Please Provide Detailed Reasons for the Request)</b>