



**MALHERBE RIGG AND RANWELL  
INCORPORATED**

(Registration Number: 1996/000936/21)

Manual in terms of section 51 of the Promotion of  
Access to Information Act, 2 of 2000 ("**the ACT**")  
as supplemented with additional requirements imposed by  
the Protection of Personal Information Act, 4 of 2013

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information held by MRR, in terms of sections 23 and 24 of the Protection of Personal Information Act 4 of 2013 (the “**POPI Act**”), this Manual also explains how to submit requests for access to these records in terms of the ACT.

2.3 The objective of the ACT is to give effect to the constitutional right to access to information, which information is held by a public or private body and which information is required for the exercise or protection of any rights. The ACT recognises the right entrenched in section 32 of the Constitution of the Republic of South Africa and aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information.

2.4 Accordingly, requests for access to information held by MRR shall be made in accordance with the prescribed procedures and at the rates provided, as advised below in this Manual.

### **3 AVAILABILITY OF THIS MANUAL**

A copy of this Manual is available for inspection, upon request to the Information Officer (at contact details in paragraph 1 above), free of charge, at the offices of MRR and on MRR's website at: [www.mrr.co.za](http://www.mrr.co.za) (“**Website**”)

### **4 GUIDE IN TERMS OF SECTION 10 OF THE ACT**

4.1 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.

4.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The prescribed forms and tariffs are dealt with in sections 53 and 54 of the ACT.

4.3 Requesters are referred to the Guide in terms of section 10 of the ACT which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. The contact details of the Commission are:

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- 4.3.1 Physical Address: Braampark Forum 3, 33 Hoofd Street, Braamfontein, Johannesburg, Gauteng
- 4.3.2 Postal Address: Private Bag 2700, Houghton, 2041
- 4.3.3 Telephone Number: (+27)11 877 3600
- 4.3.4 Fax Number: (+27)11 403 0625
- 4.3.5 Website: [www.sahrc.org.za](http://www.sahrc.org.za)

4.4 The Information Regulator must update and make available the existing guide that has been compiled by the SAHRC containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the ACT and the POPI Act. The contact details of the Information Regulator are:

- 4.4.1 Physical Address: SALU Building, 316 Thabo Sehume Street, Sunnyside, Pretoria, Gauteng
- 4.4.2 Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017
- 4.4.3 Telephone Number: (+27) 12 406 4818
- 4.4.4 Fax: 086 500 3351
- 4.4.5 Website: [www.justice.gov.za/infoereg/](http://www.justice.gov.za/infoereg/)

## 5 FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

Information which is not readily available as indicated in this Manual, may be requested in accordance with the procedure prescribed in terms of the ACT. Copies of the prescribed forms to be completed for submitting a request are available by request from MRR by contacting the Information Officer (see contact details at paragraph 1 above) or on the Website (see Privacy Policy on the Website for prescribed forms).

## 6 INFORMATION AVAILABLE IN TERMS OF OTHER APPLICABLE LEGISLATION

- 6.1 MRR keeps records, from time to time, in accordance with all such legislation as is applicable to it pursuant to undertaking its day-to-day operations, which includes but is not limited to:
- 6.1.1 Administration of Estates Act, 66 of 1965
  - 6.1.2 Income Tax Act 58 of 1962
  - 6.1.3 The Unemployment Insurance Act 30 of 1966
  - 6.1.4 Income Tax Act 95 of 1967
  - 6.1.5 Legal Practice Act 28 of 2014
  - 6.1.6 Value Added Tax Act 89 of 1991
  - 6.1.7 Occupational Health and Safety Act 85 of 1993
  - 6.1.8 Compensation for Occupational Injuries and Diseases Act 130 of 1993
  - 6.1.9 Labour Relations Act 66 of 1995
  - 6.1.10 Basic Conditions of Employment Act 75 of 1997
  - 6.1.11 The Employment Equity Act 55 of 1998
  - 6.1.12 The Skills and Development Act 97 of 1998
  - 6.1.13 Promotion of Access of Information Act 2 of 2000
  - 6.1.14 Electronic Communications and Transactions Act 25 of 2002
  - 6.1.15 The Protection of Personal Information Act 4 of 2013
  - 6.1.16 Rules for the Attorneys' Profession
- 6.2 Where records are kept in terms of any of the above legislation and same is of a public nature, these may, in certain circumstances, be available without the requirement of a request in terms of the ACT.

## 7 INFORMATION AUTOMATICALLY AVAILABLE

7.1 Information which is automatically available, without having to complete the prescribed form and paying the requester's fee, will be made available at the offices of MRR (the particulars of which appear in paragraph 1 above) or in the manner requested, should this be reasonable and possible. The manner of access will include:

- 7.1.1 perusal with copying of material if needed and at the prescribed fee for copies;
- 7.1.2 access to visual, audio visual material with a transcription, dubbing, copying or both, if required.

## 8 INFORMATION WHICH ARE NOT AUTOMATICALLY AVAILABLE WITHOUT A REQUEST IN TERMS OF THE ACT

### 8.1 ***Statutory Business Records***

- 8.1.1 Certificate of Incorporation
- 8.1.2 Memorandum of Incorporation
- 8.1.3 Register of Directors and Officers
- 8.1.4 Client and supplier statements and invoices
- 8.1.5 Tax returns and assessments
- 8.1.6 Auditor's reports
- 8.1.7 Systems security documentation

### 8.2 ***Fixed Property***

- 8.2.1 Leases

### 8.3 ***Information Technology***

- 8.3.1 Agreements
- 8.3.2 Client database



8.3.3 Licenses

8.3.4 Software packages

8.4 ***Insurance***

8.4.1 Claim records

8.4.2 Details of coverage, limits and insurers

8.4.3 Insurance policies

8.5 ***Intellectual Property***

8.5.1 Agreements relating to intellectual property

8.5.2 Copyrights – whether registered or unregistered

8.5.3 Designs, trademarks, trade names and protected names

8.6 ***Legal, Agreements and Contracts***

8.6.1 Acquisition or disposal documentation

8.6.2 Agreements with contractors, suppliers and clients

8.6.3 Complaints, pleadings and other documents pertaining to actual, pending or threatened litigation, arbitration or investigation

8.6.4 Contracts, including lease agreements and finance agreements

8.7 ***Personnel Records***

8.7.1 Attendance register

8.7.2 Disciplinary records

8.7.3 Employee information records

8.7.4 Employee loans

8.7.5 Employment contracts

- 8.7.6 IRP 5 and IT 3 certificates
- 8.7.7 Leave applications
- 8.7.8 Payroll
- 8.7.9 Pension fund information
- 8.7.10 Personnel File
- 8.7.11 Policies and procedures
- 8.7.12 Provident fund information
- 8.7.13 UIF, PAYE and SDL returns

**9 INFORMATION SUBJECT TO ACCESS RESTRICTIONS**

<b>Access</b>	<b>Classification [ACT section]</b>
9.1 May be Disclosed	Public Access Document
9.2 May not be Disclosed	Request after commencement of criminal or civil proceedings
9.3 May be Disclosed	Subject to copyright
9.4 Limited Disclosure	Personal Information of natural persons that belongs to the requester of that information, or personal information of juristic persons represented by the requestor of that information
9.5 May not be Disclosed	Unreasonable disclosure of personal information or of natural person

9.6	May not be Disclosed	Likely to harm the commercial or financial interests of a third party
9.7	May not be Disclosed	Likely to harm MRR or third party in contract or other negotiations
9.8	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement
9.9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property
9.10	May not be Disclosed	Legally privileged document
9.11	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks
9.12	May not be Disclosed	Commercial information of Private Body
9.13	May not be Disclosed	Likely to prejudice research and development information of MRR or a third party
9.14	May not be Refused	Disclosure in public interest

## 10 REQUESTING PROCEDURES

10.1 A person who wants access to the records of information not automatically available (as detailed above in paragraph 7) must complete the necessary prescribed form that is available at the offices of MRR or can be accessed on [www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/). The completed prescribed request form must be sent to the address or fax number provided in this Manual and marked for the attention of the Information Officer.

- 10.2 Please provide sufficient details to enable MRR to identify:
- 10.2.1 the record(s) requested;
  - 10.2.2 the requester (and if an agent is lodging the request, proof of capacity);
  - 10.2.3 the form of access required;
  - 10.2.4 the postal address or fax number of the requester in the Republic of South Africa;
  - 10.2.5 if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
  - 10.2.6 the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## 11 **PRESCRIBED FEES**

- 11.1 A requestor is required to pay the prescribed fees, in terms of the ACT, before a request will be processed.
- 11.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 11.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 11.4 Records may be withheld until the fees have been paid.
- 11.5 The fee structure is available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za).

## 12 **REMEDIES**

- 12.1 MRR does not have an internal appeal procedure regarding the ACT and POPI Act requests for access to information. As such, the decision made by the duly authorised person whose particulars appear in paragraph 1, is final.



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12.2 If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

### 13 PROTECTION OF PERSONAL INFORMATION PROCESSED

13.1 Pursuant to promoting responsible information processing practices within its organisation, as well as in its capacity as a responsible party contemplated in terms of the provisions of the POPI Act, MRR takes any activities relating to the protection and processing of personal information (as defined in terms of the provisions of section 1 of the POPI Act) very seriously. To promote the constitutional right to privacy, as well as to play its part in promoting the rights protected in terms of the POPI Act, MRR undertakes to, in so far as is required of it, observe the requirements and conditions for the lawful processing of personal information.

13.2 MRR has dedicated policies and procedures in place to protect all personal information collected and processed by it. Kindly refer to MRR's Privacy Policy, available on its Website, for more information on, among others, how MRR collects, processes, uses and discloses personal information ("**Privacy Policy**").

### 14 DISCLOSURES IN TERMS OF POPIA

14.1 POPIA requires that a data subject be notified or made aware of the following when MRR collects personal information of such data subject. MRR undertakes to notify a data subject of the following when collecting such data subject's personal information, unless POPI Act or any other law provides otherwise:

14.1.1 the information being collected and where the information is not collected from the data subject, the source from which it is collected;

14.1.2 the name and address of MRR;

14.1.3 the purpose for which the information is being collected;

14.1.4 whether or not the supply of the information by that data subject is voluntary or mandatory;

14.1.5 the consequences of failure to provide the information;

- 14.1.6 any particular law authorising or requiring the collection of the information;
- 14.1.7 any further information such as the:
  - 14.1.7.1 recipient or category of recipients of the information;
  - 14.1.7.2 nature or category of the information;
  - 14.1.7.3 existence of the right of access to and the right to rectify the information collected;
  - 14.1.7.4 the existence of the right to object to the processing of personal information as referred to in section 11 (3) of POPI Act; and
  - 14.1.7.5 right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator, which is necessary, having regard to the specific circumstances in which the information is or is not to be processed, to enable processing in respect of the data subject to be reasonable.
- 14.2 If MRR has previously taken the steps referred to in paragraph 14.1 (including its sub-paragraphs), complies with such paragraph in relation to the subsequent collection from the data subject of the same information or information of the same kind if the purpose of collection of the information remains the same.
- 14.3 It is not necessary for MRR to comply with paragraph 14.1 (including its sub-paragraphs) if:
  - 14.3.1 the data subject or a competent person where the data subject is a child has provided consent for the noncompliance;
  - 14.3.2 noncompliance would not prejudice the legitimate interests of the data subject as set out in terms of POPI Act;
  - 14.3.3 noncompliance is necessary:
    - 14.3.3.1 to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;

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- 14.3.3.2 to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997);
- 14.3.3.3 for the conduct of proceedings in any court or tribunal that have been commenced or are reasonably contemplated; or
- 14.3.3.4 in the interests of national security;
- 14.3.3.5 compliance would prejudice a lawful purpose of the collection;
- 14.3.3.6 compliance is not reasonably practicable in the circumstances of the particular case; or
- 14.3.3.7 the information will:
- 14.3.3.7.1 not be used in a form in which the data subject may be identified; or
- 14.3.3.7.2 be used for historical, statistical or research purposes.
- 14.4 **MRR has developed and published the Privacy Policy on its Website, in compliance, among others, with its obligations in terms of this clause 14 and all data subjects are required to make themselves aware of the contents of the Privacy Policy.**

## 15 THE PURPOSES OF PROCESSING OF PERSONAL INFORMATION

- 15.1 MRR processes personal information for various purposes, including but not limited to the following:
- 15.1.1 to provide or manage information, goods and/or services requested by data subjects;
- 15.1.2 to help us identify data subjects when they contact us;
- 15.1.3 to facilitate the delivery of services to our clients;
- 15.1.4 the institution and carrying on of legal proceedings for and on behalf of our clients;
- 15.1.5 to help us administer client matters;
- 15.1.6 the preparation and drafting of documents;



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- 15.1.7 manage clients;
  - 15.1.8 to maintain client records;
  - 15.1.9 to maintain supplier records;
  - 15.1.10 recruitment purposes;
  - 15.1.11 employment purposes;
  - 15.1.12 training purposes;
  - 15.1.13 travel purposes;
  - 15.1.14 general administration;
  - 15.1.15 financial and tax purposes;
  - 15.1.16 legal or contractual purposes;
  - 15.1.17 health and safety purposes;
  - 15.1.18 to render advice to our employees and clients;
  - 15.1.19 to retain records in compliance with any applicable legislation;
  - 15.1.20 to comply with legislation applicable to us;
  - 15.1.21 to monitor access, secure and manage our premises and facilities;
  - 15.1.22 to improve the quality of our services;
  - 15.1.23 to help us detect and prevent fraud and money laundering under FICA;
  - 15.1.24 to help us recover debts;
  - 15.1.25 marketing purposes;
  - 15.1.26 engaging with the public.





**16 DATA SUBJECT CATEGORIES AND PERSONAL INFORMATION PROCESSED**

16.1 MRR may possess records relating to suppliers, shareholders, contractors/service providers, staff and clients:

<b>Entity/Type</b>	<b>Personal Information Processed</b>
Clients – Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence
Clients – Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Clients – Foreign Persons / Entities	Names; contact details; physical and postal addresses; date of birth; Passport number Tax related information; nationality; gender; confidential correspondence
Intermediary / Advisor	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information;

	authorised signatories, beneficiaries, ultimate beneficial owners
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees / Directors	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being;

**17 RECIPIENTS OR CATEGORIES OF RECIPIENTS WITH WHOM PERSONAL INFORMATION IS SHARED**

17.1 Subject to any relevant terms and conditions of engagement or mandate which may be applicable when a data subject engages with MRR, we may share the personal information of any data subject we process for any of the purposes outlined in paragraph 15 above, with the following third parties, whether such third parties qualify as “responsible parties” in terms of section 1 of the POPI Act or not:. These include but are not limited to:

17.1.1 Statutory authorities;

17.1.2 Law enforcement agencies;

17.1.3 Tax authorities;



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- 17.1.4 Medical schemes;
  - 17.1.5 Employee pension and provident funds;
  - 17.1.6 Industry bodies;
  - 17.1.7 Contractors, consultants, advisors, vendors, or suppliers, with whom MRR has an agreement;
  - 17.1.8 Payment processors;
  - 17.1.9 Email management and distribution tools;
  - 17.1.10 Data storage providers;
  - 17.1.11 Server hosts;
  - 17.1.12 Group companies;
  - 17.1.13 Any approved service providers or authorised agents who perform services on MRR's behalf.

## **18 SECURITY MEASURES IMPLEMENTED TO PROTECT PERSONAL INFORMATION**

- 18.1 We have identified our security risks over the personal information we process in line with POPI Act, and we have implemented reasonable technical and organisational measures for the security and protection of personal information processed by us. We at all times take reasonable and appropriate security measures to secure the integrity and confidentiality of personal information in our possession in order to guard against:
  - 18.1.1 the risk of loss or misuse of personal information;
  - 18.1.2 unlawful access, processing and disclosure;
  - 18.1.3 unauthorised alteration or destruction of personal information.
- 18.2 We will take steps to ensure that any third-party process operators (as defined in terms of section 1 of the POPI Act) who process personal information on behalf of MRR, apply adequate safeguards as outlined above.

## **19 TRANS-BORDER FLOWS OF PERSONAL INFORMATION**

19.1 MRR will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing and will do so only in accordance with South African legislative requirements or if the relevant data subject consents to the transfer of their personal information to third parties in any foreign jurisdictions.

19.2 We will take reasonable steps to ensure that any third-party process operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold the principles for reasonable and lawful processing of personal information as contemplated in terms of the POPI Act.

## **20 PERSONAL INFORMATION RECEIVED FROM THIRD PARTIES**

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject; that they are aware of the contents of this Manual and the Privacy Policy, and do not have any objection to our processing their information in accordance with this Manual and/or the Privacy Policy.

## **21 CONDITIONS OF LAWFUL PROCESSING**

MRR has provided for its disclosures in respect of the POPI Act on the conditions for lawful processing of personal information, in its Privacy Policy.

## **22 UPDATING OF THIS MANUAL**

MRR undertakes to update this Manual at regular intervals, or whenever it is deemed necessary to do so.