



WALKERS INC.
Registration Number: 1997/011662/21
A PRIVATE BODY

Our Manual in terms of Section 51 of the Promotion of Access to Information Act No 2 of 2002

Preamble

Walkers' principal activities are that of attorneys, conveyances, and notaries.

This is a manual of a private body as described in section 51 of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**"), concerning the procedure to be followed in requesting information from Walkers for the purpose of exercising or protecting rights.

The purpose of PAIA is to give effect to the constitutional right 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.

This manual was updated in January 2024.

INFORMATION REQUIRED IN TERMS OF SECTION 51 (1)(a) OF PAIA

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INFORMATION REQUIRED IN TERMS OF SECTION 51(b)(i) OF PAIA

The Information Regulator has updated the previous guide that had been compiled by the South African Human Rights Commission. The Information Regulator must make available a guide 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 PAIA and the Protection of Personal Information Act 4 of 2013 ("**POPI**").

The guide must include a description of:

- the objects of PAIA and POPI;

- the manner and form of a request for access to a record of a public body and access to a record of a private body;

- the assistance available from the information officer of a public body in terms of PAIA and POPI;

- the assistance available from the Information Regulator in terms of PAIA and POPI;

- 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 POPI, including the manner of lodging:

 - an internal appeal;

 - a complaint to the Information Regulator; and

 - an application with a court against a decision by the information officer of a public body, a decision on internal appeal, a decision by the Information Regulator or a decision of the head of a private body;

- the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

- the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

- the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and

- the regulations made in terms of section 92 of PAIA.

The guide is accessible from the Information Regulator:

Physical Address: JD House, 27 Stiemens St, Braamfontein, Pretoria

Telephone: 010 023 5200

Email Address: enquiries@info regulator.org.za

Website: <https://www.justice.gov.za/info reg/docs.html>

INFORMATION REQUIRED IN TERMS OF SECTION 51(b)(iii) OF PAIA

The records of Walkers are also available in terms of POPI.

A data subject (as defined in POPI), having provided adequate proof of identity, has the right to:

request Walkers to confirm, free of charge, whether or not Walkers holds personal information (as defined in POPI) about the data subject; and

request from Walkers the record or a description of the personal information about the data subject held by Walkers, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information:

within a reasonable time;

at a prescribed fee, if any;

in a reasonable manner and format; and

in a form that is generally understandable.

The definitions in POPI:

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| "data subject" | means the person to whom personal information relates; |
| "personal information" | means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; |

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| | <p>the biometric information of the person;</p> <p>the personal opinions, views or preferences of the person;</p> <p>correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</p> <p>the views or opinions of another individual about the person; and</p> <p>the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;</p> |
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Where applicable to Walkers' operations, recorded information may also be available for access, in addition to in terms of PAIA, pursuant to all or some of the following statutes:

Administration of Estates Act 1965;

Basic Conditions of Employment Act 75 of 1997;

Companies Act No. 71 of 2008;

Compensation for Occupational Injuries and Diseases 130 of 1993;

Consumer Protection Act No. 68 of 2008;

Employment Equity Act 55 of 1998;

Financial Intelligence Centre Act 38 of 2001;

Income Tax Act of 1962;

Insolvency Act 24 of 1936;

Labour Relations Act 66 of 1995;

Legal Practice Act 28 of 2014;

Occupational Health and Safety 85 of 1993;

Trust Property Control Act No 57 of 1988;

Value-Added Tax Act 89 of 1991;

Regulation of Interception of Communications and Provision of
Communication-Related Information Act No. 70 of 2002; and

Tax Administration Act 28 of 2011.

INFORMATION REQUIRED IN TERMS OF SECTION 51(b)(iv) OF PAIA

Sufficient detail to facilitate a request for access to a record of Walkers

Walkers will only make records available in accordance with the provisions of POPI and other applicable legislation.

The requester must use "Annexure A" hereto to make the request addressed to the head of Walkers.

The requester must provide sufficient detail to enable the head of Walkers to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address or email address. The requester may also indicate if, in addition to a written reply, any other manner is to be used to inform the requester, and then to state the necessary particulars to be so informed.

The requester must identify the right that is sought to be exercised or protected, and the requester must provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of Walkers.

Requests for access by a requestor will be processed within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessary. Such considerations include:

Where the request is for a large number of records or requires a search through a large number of records (including where records that have been archived electronically need to be restored).

Consultation among divisions of Walkers, or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the 30-day period.

More than one of the circumstances contemplated in the paragraphs above, exist in respect of the request making compliance with the original period not reasonably possible; or the requester consents in writing to such extension.

If an extension is necessary, the requester will be notified with reasons for the extension.

The requester may also consent in writing to an extension.

Note that there will be delays and/or refusals in instances where the request is for a record concerning a person other than the requester.

Request fees:

The head of Walkers must, by notice require the requester to pay the prescribed request fee (if any) before further processing the request.

The prescribed fees are stated in "Annexure B" hereto.

Walkers can refuse access until such prescribed fees have been paid.

Walkers does not have any internal appeal procedure that may be followed once a request for access to information has been refused by the head of Walkers.

A requester may lodge a complaint to the Information Regulator or lodge an application with a court against the refusal of the request for access.

The procedure for lodging a complaint to the Information Regulator:

In terms of section 77A(1)(d)(i) of PAIA, if the requester is aggrieved by the decision of the head of Walkers to refuse the request for access, the requester may within 180 days of that decision submit a complaint, alleging that the decision was not in compliance with PAIA, to the Information Regulator in the prescribed manner and form for appropriate relief.

In terms of section 77B(1) of PAIA, a complaint to the Information Regulator must be made in writing. A complaint form must be completed, either manually or online. The form (Form 5) can be downloaded from the Information Regulator's website, <https://www.justice.gov.za/inforeg/>.

The requester must provide sufficient evidence to the Information Regulator to prove that the records requested are required for the exercise or protection of any other right(s). Access to the records of the private body can only be granted if the requester can prove that he intends exercising or protecting any other right(s) with the record requested.

The procedure for lodging an application with a court:

In terms of section 78(1)(b) of PAIA, the requester may only apply to a court for appropriate relief in terms of section 82 of PAIA after the requester has exhausted

the complaints procedure referred to in section 77A (a complaint to the Information Regulator).

In terms of section 78(2)(d) of PAIA, if the requester is aggrieved by the decision of the head of Walkers to refuse the request for access, the requester may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82 of PAIA. The court may condone non-compliance with the 180 day period within which to bring such application, where the interests of justice so require.

An application to a court must comply with the Rules on Procedure for Application to Court in terms of the Promotion of Access to Information Act 2 of 2000, dated 4 October 2019.

Description of the subjects on which Walkers holds records

Walkers holds recorded information on:

its business as of attorneys, conveyances, and notaries;

its past and present employees;

its past and present employees service providers;

its past and present clients; and

counterparties to its past and present clients.

The categories of records held on each subject

Walkers holds the following categories of records held on its business:

Recorded information filed with and emanating from the Companies and Intellectual Property Commission.

Recorded information required to be held in terms of the Companies Act 71 of 2008.

Recorded information required to be held in terms of tax laws.

Recorded information required to be held in terms of employment laws.

Recorded information required to be held in terms of health and safety laws.

Walkers holds the following categories of records held on its past and present employees:

list of employees;
contracts of employment;
personnel information, including addresses;
disciplinary records;
employee tax information;
remuneration; and
training.

Walkers holds the following categories of records held on its past and present employees service providers:

names;
addresses; and
tax registration.

Walkers holds the following categories of records held on its past and present clients:

recorded information required in terms of the Financial Intelligence Centre Act 38 of 2001; and
recorded information regarding legal services provided.

Walkers holds the following categories of records held on counterparties to its past and present clients:

names; and
recorded information regarding legal services provided to Walkers' relevant clients.

INFORMATION REQUIRED IN TERMS OF SECTION 51(c) OF PAIA

This section concerns POPI.

Walkers processes personal information for the purpose of providing legal services to its clients.

Walkers processes personal information of South African and foreign natural persons and juristic persons.

Walkers processes all categories of personal information for the purpose of providing legal services to its clients.

Walkers supplies personal information to all recipients as required for purposes of its business of attorneys, conveyances, and notaries, including government, its clients, and counterparties to its clients.

Walkers transfers personal information about data subjects to third parties who are in foreign countries in accordance with POPI and as required for purposes of its business of attorneys, conveyances, and notaries.

Walkers implements the following information security measures to ensure the confidentiality, integrity, and availability of the information which it processes:

Sophos Intercept X and Firewall;

Sophos Drive Encryption;

Azure Information Protection for email encryption; and

Veeam backups for data protection.

REQUEST FOR ACCESS TO RECORD OF WALKERS

A. Particulars of Walkers

The Head:

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B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:.....

Postal address:.....

..... Fax number:

Telephone 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:

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2. Reference number, if available:.....

3. Any further particulars of record:

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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:

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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 hereunder, state your disability and indicate in which form the record is required.

| | |
|------------------------------------|--|
| Disability:..... | Form in which record is required:..... |
|------------------------------------|--|

Mark the appropriate box with an **X**.

NOTES:

- (a) *Compliance with your request 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.*

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| 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) |

| | | |
|--|------------|-----------|
| <p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you (at the postal address provided in this Annexure A)?</p> <p>Postage is payable.</p> | <p>YES</p> | <p>NO</p> |
|--|------------|-----------|

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.....20

.....
SIGNATURE OF REQUESTER/PERSON ON WHOSE
BEHALF REQUEST IS MADE

Fees in Respect of Private Bodies

| Item | Description | Amount |
|-------------|---|---|
| 1 | The request fee payable by every requester | R140.00 |
| 2 | Photocopy/printed black & white copy of A4-size | R2.00 per page or part thereof |
| 3 | Printed copy of A4-size page | R2.00 per page or part thereof |
| 4 | For a copy in a computer-readable form on Flash drive (to be provided by requestor) | R40.00 |
| | For a copy in a computer-readable form on compact disc if provided by requester | R40.00 |
| | For a copy in a computer-readable form on compact disc if provided to requester | R60.00 |
| 5 | For a transcription of visual images per A4-size page | Service to be outsourced. Will depend on quotation from service provider. |
| 6 | Copy of visual images | Service to be outsourced. Will depend on quotation from service provider. |
| 7 | Transcription of an audio record, per A4-size page | R24.00 |
| 8 | Copy of an audio record on Flash drive (to be provided by requestor) | R40.00 |
| | Copy of an audio record on Compact disc if provided by requester | R40.00 |
| | Copy of an audio record on | R60.00 |

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| | Compact disc ff provided to requester | |
| 9 | To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. | R145.00 |
| 10 | Deposit: If search exceeds 6 hours | One third of amount per request calculated in terms of items 2 to 8. |
| 11 | Postage, email or any other electronic transfer | Actual expense, if any. |