

Kirchmanns Incorporated

Registration number: 2018/210060/21



Kirchmanns Inc
ATTORNEYS & LABOUR LAW SPECIALISTS

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

TABLE OF CONTENTS

1.	LIST OF ACRONYMS AND ABBREVIATIONS	3
2.	PURPOSE OF PAIA MANUAL	3
3.	KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF KIRCHMANNS INCORPORATED	4
4.	GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE	5
5.	CATEGORIES OF RECORDS OF THE COMPANY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS	8
6.	DESCRIPTION OF THE RECORDS OF COMPANY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION	9
7.	DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE COMPANY	10
8.	PROCESSING OF PERSONAL INFORMATION	12
9.	AVAILABILITY OF MANUAL.....	16
10.	UPDATING OF THE MANUAL	17

1. LIST OF ACRONYMS AND ABBREVIATIONS

NB: please insert relevant applicable acronyms and abbreviations

- | | | |
|-----|--------------------|--|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO“ | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000(as Amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;

- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF KIRCHMANN'S INCORPORATED

3.1. Chief Information Officer

Name: Grant Wilkinson
Tel: 082 570 8595
Email: gwilkinson@kirchmannsinc.co.za
Fax number: 011 483 2658

3.2. Deputy Information Officer *(NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA.*

Name: René Carstens
Tel: 011 483 2658
Email: cn@kirchmannsinc.co.za
Fax Number: 011 388 0246

3.3 Access to information general contacts

Email: cn@kirchmannsinc.co.za

3.4 National or Head Office

Physical Address: Global House
3 Pearce Street
Berea,
East London
5201

Telephone: 043 721 0963

Email: el@kirchmannsinc.co.za

Website: www.kirchmannsinc.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

- 4.3. The aforesaid Guide contains the description of-
- 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
 - 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

4.6.1 English; and

4.6.2 Afrikaans

5. CATEGORIES OF RECORDS OF THE COMPANY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
Public Affairs	Public Product information	X	
Public Affairs	Public Corporate records	X	
Public Affairs	Media Releases	X	
Marketing	Market information	X - limited	
Leadership and staff details	Staff profiles, email addresses, contact info	X	
e-library		X	
Client feedback	Comments & reviews	X	

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Social Media Platforms	Content posts and engagement		X
Company Information	Company registration information Contact details of the business General services offered Qualifications and certifications of key personnel Office hours and location	X	
Human Resources Policy	QMS policies		X

6. DESCRIPTION OF THE RECORDS OF COMPANY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Marketing – performance records	PAIA
Memorandum of Incorporation	Companies Act 71 of 2008
Employment-related records	Labour Relations Act Skills Development Act Basic Conditions of Employment Act Operational Health and Safety Act (and regulations) Covid-19
Financial and related records	Companies Act VAT Act Income Tax Act
POPI (incl. related documents)	POPI Act PAIA Cybercrimes Act
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Field Records	Promotion of Access to Information Act 2 of 2000

Product Sales Records	Promotion of Access to Information Act 2 of 2000
Marketing Strategies	Promotion of Access to Information Act 2 of 2000
Customer database	Promotion of Access to Information Act 2 of 2000
Employment Equity Compliance documents	Employment Equity Act
Skills Development compliance documents	Skills Development Act / Levies Act
BBBEE compliance documents	BBBEE Codes
Tax Compliance documents	ITA
Company compliance documents	Companies Act
Labour Law Compliance documents	Unemployment Insurance Fund (UIF) Compensation for Occupational Injuries and Diseases Act (COIDA) Skills Development Levy (SDL), etc
Registrations with Professional and industry bodies	SA Board for People Practices (SABPP) Sector Education and Training Authority (SETA), etc

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE COMPANY

NB: Describe the subjects (i.e. Finance, SCM or HR), in respect of which the body holds records and the categories of records held on each subject. Below is an example of the table that can be used. .

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports Strategic Plan Annual Performance Plan
Financial Records	Annual financial statements

Subjects on which the body holds records	Categories of records
	Tax returns / records (Company and Employees) Bank Records / statements Asset register Management Accounts Invoices and receipts (incl. supplier) Financial policies and procedures
Marketing and Sales records	Marketing and sales collateral
Human Resources	HR policies and procedures Advertised posts Employees contracts and records Payroll information Leave records Performance evaluations Disciplinary records Training records Employment equity plans and reports Workplace skills plans
Quality Assurance	QA Manual regulating all primary aspects of the business (IT, HR, Marketing, Accreditation, etc.)
Legal Documents	Legally privileged and legal-related information and documents (includes litigation records, policies, legal opinions, etc.)
IT Systems	Software licenses IT policies and procedures System backups Security systems User manuals
Payroll	Identity documents Payroll reports Payslips
Corporate Governance	Company registration documents Memorandum of Incorporation Minutes of board meetings Shareholder agreements

Subjects on which the body holds records	Categories of records
	Company policies and procedures
Client Information	Client contracts and agreements Case files and consultations Client correspondences Billing records
Legal and Compliance	Licenses and permits PAIA manual POPIA compliance documentation B-BBEE certificates or affidavits Health and safety records Insurance policies
Operational Records	Service agreements with suppliers Marketing materials Internal reports and analysis Research documents Templates and standard documents used in consulting
Intellectual Property	Trademarks Copyrights on materials produced by the company Proprietary methodologies or frameworks
Property	Lease agreements Maintenance records
Labour Law Resources	Labour legislation reference materials Case law databases Industry reports and analysis Labour market trend studies

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

NB: Describe the purpose or reasons for processing personal information in your organisation.

Kirchmanns Incorporated processes PI for various purposes including for –

- Engaging in various forms of direct marketing;
- Facilitating transactions with data subjects;
- Collecting data for statistical purposes to improve its services;
- Fulfilling its contractual obligations to its clients and client contacts;
- Complying with the provisions of statute and regulations;
- Attending to the legitimate interests of data subjects;
- Identifying prospects for enhanced service delivery and business sustainability
- Tracking data subject activity on the website and its links as well as their transactions with Kirchmanns Incorporated;
- Providing data subject information to Kirchmanns Incorporated's partners, including Global Business Solutions, Kryptonite, Circle and Square, Chris Baker Attorneys as well as Joint Prosperity in order for Kirchmanns Incorporated's partners to use the information to market their services to data subjects who are current clients and/ or who have consented as envisaged in the POPI Act. These partners who are recipients of PI are business organizations who are permitted to use the information only for lawful sales, marketing, and engagement;
- Confirm and verify data subject identity or to verify that they are authorised users for security purposes;
- Conduct market or customer satisfaction research;
- Audit and record keeping purposes;
- In connection with legal proceedings.

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

NB: Specify the categories of data subjects in respect of whom the body processes personal information and the nature or categories of the personal information being processed.

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees & Job Applicants	address, qualifications, gender and race
Third parties	Recipients of donations, etc

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

NB: Specify the person or category of persons to whom the body may disseminate personal information. Below is an example of the category of personal information which may be disseminated and the recipient or category of recipients of the personal information.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Client personal information	Elula
Client & Staff personal information	OHS (Accounting / Auditing records)
	Commission for Conciliation, Mediation and Arbitration, Bargaining Councils and/or Courts (Labour Court, Labour Appeal Court, Constitutional Court, Magistrate Court, High Court)
Client personal information	IT Evaluation
Payroll and Finance	Global Business Solutions
Client personal information	Advocates (appointed by Kirchmanns to assist with client matters)

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Client personal information	Trade Unions, Other (witnesses)
Client personal information	Legal Suite
Client personal information	Ghostpractice (Dye and Durham)
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Demerits	AATRO (pending)

8.4 Planned transborder flows of personal information

There are no envisaged cross-border flows of information outside of cloud server storage in Europe.

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

Kirchmanns Incorporated is legally obliged to provide adequate systems, technical and operational protection for the PI that it holds and to prevent unauthorized access to as well as prohibited use of PI. Kirchmanns Incorporated will therefore on a regular basis review its security controls and related processes to ensure that the PI of data subjects remains secure.

Kirchmanns Incorporated has conducted an impact assessment across all of its functions and used the findings thereof to manage risk optimally as well as to provide iterative improvements on an ongoing basis.

Kirchmanns Incorporated's policies and procedures cover the following aspects -

- Physical security;
- Computer and network security;
- Access to personal information;
- Secure communications;
- Security in contracting out activities or functions;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Governance and regulatory issues;
- Monitoring access and usage of private information;
- Investigating and reacting to security incidents.

Kirchmanns Incorporated also ensures that it contracts with Operators as required by POPI and it requires appropriate security, privacy and confidentiality obligations of these operators in order to ensure that personal information is kept secure. The same protocols apply to any party to whom Kirchmanns Incorporated may pass PI on to for the purposes mentioned herein.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on (www.kirchmannsinc.co.za), if any;

9.1.2 head office of the company for public inspection during normal business hours;

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

9.1.4 to the Information Regulator upon request.

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

10. UPDATING OF THE MANUAL

The head of the company will on a regular basis update this manual.

Issued by



Grant Wilkinson

Director