



NEIL KAPLAN LAW
PAIA MANUAL

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

**DATE OF COMPILATION: 13/12/2024
DATE OF REVISION: 13/12/2024**

TABLE OF CONTENTS

-	INTRODUCTION	3
1.	LIST OF ACRONYMS, ABBREVIATIONS & DEFINITIONS	4
2.	PURPOSE OF PAIA MANUAL	4
3.	KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF NEIL KAPLAN LAW	5
4.	GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE	6
5.	CATEGORIES OF RECORDS OF NEIL KAPLAN LAW WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS	9
6.	DESCRIPTION OF THE RECORDS OF NEIL KAPLAN LAW 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 NEIL KAPLAN LAW	10
8.	PROCESSING OF PERSONAL INFORMATION	12
8.1	Purpose of Processing Personal Information	12
8.2	Description of the categories of Data Subjects and of the information or categories of information relating thereto.	13
8.3	The recipients or categories of recipients to whom the personal information may be supplied 14	
8.4	Planned transborder flows of personal information	14
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	14
9.	AVAILABILITY OF THE MANUAL	15
10.	UPDATING OF THE MANUAL	15

- INTRODUCTION

- Neil Kaplan Law is a sole practitioner law firm in the name of attorney Neil Kaplan, based in Cape Town, South Africa, which provides a range of legal services.
- This Manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act, Act No. 2 of 2000 (PAIA), read with the relevant sections of the Protection of Personal Information Act, Act No. 4 of 2013 (POPIA). Neil Kaplan Law is a private body as defined in PAIA, and this manual contains the information specified in section 51 (1) of PAIA, which is applicable to such a private body.
- A copy of the Manual will be made available to the Information Regulator, upon request, and any controlling body of which the Firm is a member, if required, and will be published on the Firm's website.
- This Manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA.

1. LIST OF ACRONYMS, ABBREVIATIONS & DEFINITIONS

- | | | |
|------|--------------------|--|
| 1.1 | “The Firm” | Means Neil Kaplan Law or Neil Kaplan Attorney; |
| 1.2 | “Guide” | The PAIA guide originally published by the SAHRC and updated by the Information Regulator in terms of section 10 of the Act; |
| 1.3 | “IO“ | Information Officer; |
| 1.4 | Manual | Means this manual which is published in accordance with section 51 of PAIA |
| 1.5 | “Minister” | Minister of Justice and Correctional Services; |
| 1.6 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (and as Amended); |
| 1.7 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.8 | “Regulator” | Information Regulator; |
| 1.9 | “Republic” | Republic of South Africa |
| 1.10 | “Requester” | Means any person or entity requesting access to a record that |
| 1.11 | “SAHRC” | Means the South African Human Rights Commission |

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 NEIL KAPLAN LAW

3.1. Information Officer

Name: Neil Kaplan
Tel: 0845721115
Email: neil@neilkaplanlaw.co.za

3.2. Access to Information General Contact

Email: neil@neilkaplanlaw.co.za

3.3 Neil Kaplan Law Office Address, Contact Details and Website

Postal Address:

Neil Kaplan, 7th Floor, 38 Wale Street, Cape Town, Western Cape South Africa 8000

Physical Address:

Neil Kaplan, 7th Floor, 38 Wale Street, Cape Town, Western Cape South Africa 8000

Telephone: 0845721115

Email: neil@neilkaplanlaw.co.za

Website: <https://www.neilkaplanlaw.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

- 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;
- 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;

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.*

- 4.3.7. 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;
- (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.”

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://info regulator.org.za>).

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

4.6.1. English

4.6.2. Afrikaans

5. CATEGORIES OF RECORDS OF NEIL KAPLAN LAW WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
Information in the public domain	Public statements and communications	X	X
	General information pertaining to the Firm, contact details and information regarding the services rendered	X	X

6. DESCRIPTION OF THE RECORDS OF NEIL KAPLAN LAW WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
POPIA Manual	Protection of Personal Information Act No.4 of 2013
PAIA Manual	Promotion of Access to Information Act 2 of 2000

The Firm holds information pertaining to its clients	Legal Practice Act, 2014
The Firm holds information pertaining to its clients	Financial Intelligence Centre Act, 2001

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

The records listed below, which need to be requested in terms of PAIA and/or POPIA, will not in all instances be provided to a requester. In other words, the records held under the various subjects are not automatically available and access to them is subject to the nature of the information contained in the record, as well as the grounds of refusal as set out in PAIA that may be applicable to a request for such records.

Subjects on which the body holds records	Categories of records
Finance and administration	<ul style="list-style-type: none"> - Bank account records - Books and records of account and financial statements - Tax records - Details of auditors - Auditor reports - Business Assets - Information pertaining to clients as required in terms of the Financial Intelligence Centre Act - Lease Agreements - Quotations and Invoices - Business Agreements - Contract and Subscriptions with Suppliers
Human Resources <i>(Neil Kaplan is a Sole Proprietor with no employees currently, therefore many of these records will only exist if employees are hired and if required)</i>	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Recruitment records - Statutory employee records - Personnel files - Contracts, conditions of service and other agreements - Correspondence with or about employees - Employee payments and benefits (statutory and

	<ul style="list-style-type: none"> contractual) - Contact Details - Qualifications - Gender - Race
Management	<ul style="list-style-type: none"> - Policies, procedures, and codes
Relationships with third parties	<ul style="list-style-type: none"> - Agreements and contracts with stakeholders and suppliers - Payments received or made - Contact details of suppliers - Tender and bid documentation - Details of customers / clients including contact details, details pertaining to transactions or services rendered, loyalty programmes, etc. - Licences and general conditions for conducting business.
Information technology	<ul style="list-style-type: none"> - Computer software - Support and maintenance agreements - Licensing agreements - Records regarding computer systems and programmes
Property	<ul style="list-style-type: none"> - Asset records - Lease agreements in respect of immovable property - Records regarding insurance in respect of movable or immovable property
Legal	<ul style="list-style-type: none"> - Litigation - Appeals - Contracts, agreements and memoranda of understanding - Regulatory permissions, licenses, and/or exemptions - PAIA and POPIA related requests - Certification as an admitted attorney

- a) A request for access to records held by the Firm in terms of section 53 of PAIA must be made on the form that corresponds substantially with Form 2 of Annexure A to the Regulations Relating to the Promotion of Access to Information, 2021. A copy of the form is attached as Annexure B to the Manual. The request must be made to the Information Officer of the Firm at the address, telefax number or e-mail address specified in clause 4 above.

- b) The requester must provide enough detail on the prescribed form to enable the Information Officer of the Firm to identify the record and the identity of the requester. The requester must submit details of the capacity in which the requester is making the request and indicate whether the request is made in their own name or on behalf of another person. Proof of identity of the requester must be attached to the request if it is in their own name. If a request is made on behalf of another person or entity, the requester must attach proof of authorisation to make the request.
- c) The requester is also required to indicate what type of record s/he/it is requesting and what form of access to the relevant records is required. Additionally, the requester must provide her/his/its contact details and indicate what manner of access is requested.
- d) The requester must provide particulars of the right to be exercised or protected and explain why the record requested is required for the exercise and protection of the aforementioned right.
- e) For the purposes of Form 2, the requester must comply with all the procedural requirements in PAIA relating to a request for access to the relevant records.
- f) The Firm may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. These grounds include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or the Firm itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for legal proceedings, that it is necessary to protect the research information of a third party or the Firm itself.
- g) If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Firm's possession but cannot be found, or it does not exist, then the Information Officer will, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.
- h) The Information Officer must, if a request for access to a record is granted or refused, inform a requester of her/his decision and the fees payable. This must be done on a form that corresponds substantially with Form 3 of Annexure A to the Regulations.
- i) A request for a copy of the Guide may not be refused. If the requester wishes to be informed of the Firm's decision in another manner as well, this must be set out in the request and the relevant details included in order to allow the Firm to inform the requester in the preferred manner.
- j) The Firm will make a decision in relation to a request for records within 30 days of receiving it, unless a third party notification and intervention, as contemplated in Chapter 5 of PAIA, applies. This period may be extended in appropriate circumstances, in accordance with section 57 of PAIA.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	<p>To carry out actions necessary for the performance of the services contract;</p> <p>To ensure compliance with an obligation imposed by law on the Firm;</p>

	To pursue the legitimate interests of the company or a third party to whom the information is supplied.
Service Providers	To carry out actions necessary for the performance of the services contract; To ensure compliance with an obligation imposed by law on the Firm; To pursue the legitimate interests of the company or a third party to whom the information is supplied.
Proprietor/Directors/ Employees	To carry out actions necessary for the performance of the employment contract; To ensure compliance with an obligation imposed by law on the Firm; To pursue the legitimate interests of the Firm or a third party to whom the information is supplied.

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

A reasonable attempt has been made to list all the categories of data subjects and categories of personal information that are applicable, but there may be instances not covered in this list:

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Name, contact details, registration numbers or identity numbers Take-on information in terms of the Financial Intelligence Centre Act, 2001 Details of services provided and fees charged Demographic information
Service Providers	Company registration details Contact details Banking details Details of services rendered Service agreements Fees paid Demographic information
Proprietor/Directors/ Employees	Human resources information (see above)

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

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	Information Officer South African Police Services
Qualifications, for qualification verifications	Information Officer South African Qualifications Authority Legal Practice Council or Law Society
Credit and payment history, for credit information	Credit Bureaus
Identity number, names, contact details and other data that personally identifies Clients	Information Officer Lawyers / Employees/Service Providers working on client mandates Regulatory bodies
Registration numbers, names, contact details and other data that personally identifies Service providers	Information Officer Regulatory bodies Lawyers / Employees/Other Service Providers working on client mandates
Proprietor/Directors/ Employees <i>(Neil Kaplan is a Sole Proprietor with no employees currently)</i>	Verification agencies Regulatory bodies Benefit providers

8.4 Planned transborder flows of personal information

Documents and data pertaining to clients, directors/employee and suppliers may be stored in a secured cloud server In the USA or the UK or stored in South Africa, but hosted by a company headquartered in the USA or UK, and may include any category of personal information reasonably required to assist in rendering services to clients. There is no other planned transborder flow of information, however this may occur if reasonably required to assist in rendering services to clients.

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

- Malware and anti-virus protection systems

- Password-secured databases to store personal data that may be required to render services to clients
- Firewalls
- Updating the software as relevant
- Password controlled access to data and documents
- Strong Passwords
- Transmission control and data encryption (SSL certificate for website)
- Physical security
- Managing and restricting access rights to those who are designated and mandated to manage personal data of clients, suppliers and any other entities
- Backups

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 On <https://www.neilkaplanlaw.co.za>

9.1.2 office of Neil Kaplan for public inspection, by appointment with the IO, 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 relating to private bodies, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The Information Officer of Neil Kaplan Law will, on a regular basis, update this manual.

Issued by

Neil Kaplan
Attorney and Sole Practitioner of Neil Kaplan Law