
MOONEY FORD

A T T O R N E Y S

&

M.F.P ADMINISTRATION (PTY) LTD

MANUAL

In terms PAIA read with POPI

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1 PURPOSE OF MANUAL

- 1.1 To comply with the provisions of the Promotion of Access to Information Act No. 2 of 2000, as amended [hereinafter **PAIA**] and the Protection of Personal Information Act No. 4 of 2013, as amended [hereinafter **POPI**].
- 1.2 **PAIA** gives effect to the constitutional right of access to any information required for the exercise and protection of any rights. **POPI** promotes the protection of personal information processed by public and private bodies introducing conditions to establish minimum requirements for the processing of personal information.
- 1.3 This manual aims to comply with the provisions of section 51 of **PAIA** read with the amending provisions introduced by **POPI**.

2 ABOUT MOONEY FORD

- 2.1 Mooney Ford Attorneys is a partnership which conducts business as a law firm with offices situated at Hillcrest and Umhlanga. Information relating to the firm's practice areas is available on our website at www@mfp.co.za.
- 2.2 M.F.P. Administration (Pty) Ltd provides administrative support services to Mooney Ford Attorneys. This manual applies to Mooney Ford Attorneys and M.F.P. Administration (Pty) Ltd, for ease of reference, both operating entities shall hereinafter be referred to as Mooney Ford.

3 CONTACT DETAILS [SECTION 51(1)(a)]

Company Name:	Mooney Ford Attorneys
Practice Managing Partner:	Ian King
Information Officer:	K Padayachee (Rita)
Telephone No:	031 3049881
Email:	rita@mfp.co.za
Docex:	Docex 30 Durban
Postal address:	Po Box 442, Durban, 4000
Web address:	www.mfp.co.za
Head Office:	3rd Floor The Boulevard. 19 Park Lane, Parkside, Umhlanga 4319
Hillcrest:	3 Bristol House, cnr Old Main & Shongweni Road, Hillcrest, 3610

4 GUIDE ON HOW TO USE PAIA [SECTION 51(1)(b)(i)]

4.1 The Information Regulator must update and make available the existing guide that has been compiled by the South African Human Rights Commission (as contemplated in Section 10 of **PAIA**) containing such information, as may reasonably be required by any person who wishes to exercise any right contemplated in **PAIA** and **POPI**.

4.2 The contact details of the Information Regulator are:

Postal address: P O Box 31533, Braamfontein, Johannesburg, 2017

Street address: JD House, 27 Stiemens Street, Braamfontein, 2001

Website: www.justice.gov.za

Email: inforeg@justice.gov.za

5 LATEST NOTICE IN TERMS OF SECTION 52(2) REGARDING CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE [SECTION 51(1)(b)(ii)]

At this stage, no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of **PAIA**.

6 CATEGORIES OF RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [SECTION 51(1)(b)(iii)]

Information is available in terms of the following legislation, if and where applicable:

6.1 Basic Conditions of Employment Act No. 75 of 1997

6.2 Companies Act No. 71 of 2008

6.3 Compensation of Occupational Injuries and Diseases Act No. 13 of 1993

6.4 Administration of Estates Act No. 66 of 1965

6.5 Electronic Communications and Transactions Act No. 25 of 2002

6.6 Employment Equity Act No. 55 of 1998

6.7 Financial Intelligence Centre Act No. 38 of 2001

- 6.8 Income Tax Act No. 58 of 1962
- 6.9 Insolvency Act No. 24 of 1936
- 6.10 Labour Relations Act No. 66 of 1995
- 6.11 Legal Practice Act No. 28 of 2014
- 6.12 Occupational Health and Safety Act No. 85 of 1993
- 6.13 Pension Funds Act No. 24 of 1956
- 6.14 Promotion of Access to Information Act No. 2 of 2000
- 6.15 Protection of Personal Information Act No. 4 of 2013
- 6.16 Trademarks Act No. 194 of 1993
- 6.17 Unemployment Insurance Act No. 30 of 1966
- 6.18 Value Added Tax Act No. 89 of 1991

7 DESCRIPTION OF SUBJECTS ON WHICH WE HOLD RECORD [SECTION 51(1)(b)(iv)]

7.1 The subjects and categories of records held are:

7.1.1 Company information

- Memorandum of Incorporation
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/auditor/secretary/public officer and other officers

7.1.2 Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records (trust account and business)

- Bank Statements
- Asset Register
- Rental Agreements
- Invoices
- Payments received

7.1.3 Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees

7.1.4 All other statutory compliances

- VAT
- Skills Development Levies
- Skills Development Plans
- UIF
- Workmen's Compensation
- Employment Equity Report

7.1.5 Personnel Documents and Records

- Employment contracts
- Employment Equity Plan
- Medical Aid records
- Pension Fund records
- Disciplinary procedures and records
- Salary records
- SETA records
- Leave records
- Training records
- Training Manuals
- Policy Manual

7.1.6 Client records

7.1.7 Commercial contracts and Insurance contracts

8 THE PURPOSE OF PROCESSING [SECTION 51(1)(c)(i)]

We process personal information for the purpose of:

- 8.1 **Recruitment:** to enable us to process applications for employment submitted via email alternatively via our online recruitment portal.
- 8.2 **Legal obligation:** where we need to use your information to comply with our legal obligations.
- 8.3 **To provide our legal and other services to you and to conduct our business:** to administer and perform our services, including to carry out our obligations arising from any agreements entered into between you and us (in terms of our written agreed Mandate)
- 8.4 **Legal claims:** where your information is necessary for us to defend, prosecute or make a claim against you, us or a third party.
- 8.5 **Consent:** where you have consented to our use of your information for the purposes mandated by you.
- 8.6 **To facilitate use of our websites and to ensure content is relevant:** to respond to requests for information or enquiries from visitors to our websites and to ensure that content from our websites is presented in the most effective manner.
- 8.7 **For marketing and business development purposes** –to provide you with details of new services, legal updates and invites to seminars and events where you have chosen to receive these. We will provide an option to unsubscribe or opt-out of further communication on any electronic marketing communication sent to you or you may opt out by contacting us.
- 8.8 **For research and development purposes** analysis to better understand your needs for the purpose of us rendering services to you.
- 8.9 **To fulfil our legal, regulatory, or risk management obligations:** to comply with our legal obligations, to identify conflicts of interests; to comply with our legal or regulatory reporting obligations and/or to protect the rights of third parties.
- 8.10 **Recoveries:** to recover any payments due to us and where necessary to enforce such recovery through the engagement of collection agencies or Attorneys (including the institution and defending of legal proceedings).

- 8.11 **To inform you of changes:** to notify you about changes to our services or our standard terms and conditions of mandate or service level agreement

9 DESCRIPTION OF CATEGORIES OF DATA SUBJECTS AND INFORMATION OR CATEGORIES OF INFORMATION [SECTION 51(1)(c)(ii) of PAIA and SECTION 1 of POPI]

- 9.1 Basic personal details such as your name and job title.
- 9.2 Contact data such as your telephone number and postal or email address.
- 9.3 Financial data such as payment related information or bank account details.
- 9.4 Demographic data such as your address, preferences, or interests.
- 9.5 Website usage and other technical data such as details of your visits to our websites or information collected through cookies and other tracking technologies.
- 9.6 Personal data provided to us by or on behalf of our clients or generated by us in the course of providing our services, which may, where relevant, include special personal data.
- 9.7 Identification and other background verification data such as a copy of passports or utility bills.
- 9.8 Recruitment related data such as your curriculum vitae, your educational qualifications, professional memberships, credit record and criminal record.
- 9.9 Any other personal data relating to you that you consent to provide to us for the purpose of fulfilling our mandate or contractual obligations/mandate to you.

10 RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED [SECTION 51(1)(c)(iii)]

- 10.1 Any firm, organisation or person that the Mooney Ford uses to collect payments and recover debts or to provide a service on its behalf.
- 10.2 Any firm, organisation or person that/who provides the Mooney Ford with products or services;
- 10.3 Any payment system that Mooney Ford uses.
- 10.4 Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Mooney Ford has a duty to share information.

- 10.5 Third parties to whom payments are made on behalf of employees.
- 10.6 Financial institutions from whom payments are received on behalf of data subjects.
- 10.7 Any other operator not specified.
- 10.8 Employees, contractors and temporary staff.
- 10.9 Agents.

11 PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION [SECTION 51(1)(c)(iv)]

The Company shall comply with the provisions of section 72 of **POPI** which regulates the conditions for transborder flows of personal information.

12 DESCRIPTION OF SECURITY MEASURES [SECTION 51(1)(c)(v)]

- 12.1 We understand that upholding the duty of confidentiality to our clients and the integrity of our information technology systems is key to maintaining effective security measures to protect your personal information.
- 12.2 Our Information technology systems are securely protected by an external service provider. We have implemented minimum requirements for our IT security with the built in systems.
- 12.3 The steps we take include physical and electronic access control, encryption, appropriate firewalls and malware, virus protection, frequent mandatory user password changes and password protection on confidential documents.
- 12.4 Furthermore, we have rules and procedures implemented which restricts unauthorized access to personal information and security controlled access of entry and exit to premises where information is stored.

13 PROCESS OF REQUESTING INFORMATION [SECTION 53 and SECTION 54]

- 13.1 A request shall be made on the prescribed form. This request must be made to Information Officer at the address, fax number or electronic mail address of the company. [Section 53(1)].

- 13.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester [Section 53(2)(a)(i) and (ii)]. The requester should indicate which form of access is required [Section 53(2)(b)]. The requester should specify a postal address or fax number of the requester in the Republic [Section 53(2)(c)]. The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed. [Section 53(2)(e)].
- 13.3 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right. [Section 53(2)(d)].
- 13.4 If a request is made on behalf of another person, the requester must then 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)].
- 13.5 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.
- 13.6 The Information Officer shall notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request. [Section 54(1)].
- 13.7 The fee that the requester must pay to the company is R50. The requester may lodge a complaint to the Information Regulator or an application with the court against the tender or payment of the request fee. [Section 54(3)(b)].
- 13.8 After the Information Officer has made a decision on the request, the requester shall be notified in the required form.
- 13.9 If the request is granted then a further prescribed access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. [Section 54(6)].
- 13.10 The fee structure is available on the website of the Information Regulator.
- 13.11 The Information Officer, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request. The requester will be notified of the decision of the Information Officer in the manner indicated by the requester. If the request is granted, the requester shall be informed by the Information Officer in the manner

indicated by the requester in the prescribed form. If the request for access is refused, adequate reasons for the refusal will be supplied and the requester shall be informed of the procedure to lodge a complaint to the Information Regulator. [Section 56(1)].

- 13.12 The requestor has the right to lodge a complaint against the refusal of the request with the Information Regulator or an application with a Court against the tender or payment of the request fee. [Section 56(2)(c)].
- 13.13 The Information Officer may refuse a request for access to a record if disclosure shall infringe mandatory protection of:
 - 13.13.1 commercial information about a third party.
 - 13.13.2 certain confidential information about a third party.
 - 13.13.3 safety of individuals, and protection of property.
 - 13.13.4 records privileged from production in legal proceedings.
 - 13.13.5 research information about a third party and research information about a private body.
- 13.14 The Information Officer may refuse a request if the record contains trade secrets, financial, commercial, scientific and technical information or the disclosure could harm the interests of the company.

14 KNOW YOUR RIGHTS

You have the right to:

- 14.1 know who is collecting and processing your personal information and processed and stored.
- 14.2 be notified if your personal information has been accessed or acquired by an unauthorised person.
- 14.3 request, where necessary, the correction, destruction or deletion of your personal information.
- 14.4 object, on reasonable grounds, to the processing of your personal information.
- 14.5 object to the processing of your personal information at any time for purposes of direct marketing.
- 14.6 not to have your personal information processed for purposes of direct marketing by means

of unsolicited electronic communications.

- 14.7 not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of your personal information intended to create a profile.
- 14.8 submit a complaint to the Information Regulator regarding the alleged interference with the protection of your personal information and to submit a complaint to the Information Regulator in respect of a determination of an adjudication.
- 14.9 institute civil proceedings regarding any alleged interference with the protection of your personal information.

15 HOW WE USE COOKIES AND SIMILAR TECHNOLOGIES

- 15.1 Cookies are pieces of information a website transfers to a user's hard drive for record-keeping purposes. Information from cookies and similar technologies may be used to collect information about your activities, which allows us to collect standard internet visitor usage information. The use of cookies and similar technologies are an industry standard.
- 15.2 We will only use your personal information for the purposes for which it was collected. In addition, where necessary your information may be retained for legal or research purposes.

16 AVAILABILITY OF THIS MANUAL [SECTION 51(3)]

- 16.1 This Manual is available for inspection, free of charge at our principal place of business for public inspection during business hours. A copy of this Manual is also available on our website: www.mfp.co.za.
- 16.2 The Act, forms and fee structures prescribed under the provisions of the **PAIA** and **POPI** Acts are available at the website of the Department of Justice and Constitutional Development, www.doj.gov.za under Legislation, Regulations.

17 HOW TO CONTACT US FOR QUERIES

For any queries or requests regarding this Manual or our Privacy Policy, please contact our Information Officer whose contact details are provided in paragraph 3 of this Manual.