



# **Cognia**

## **PAIA MANUAL**

**Manual prepared in accordance with section 51 of the Promotion of Access to Information Act No. 2 of 2000 in respect of Cognia Law (Pty) Ltd**

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## 1. Definitions

- 1.1. **“CEO”** means Chief Executive Officer;
- 1.2. **“Cognia Law”** means Cognia Law (Pty) Ltd (registration number: 2010/019157/07) and includes the entities associated with it;
- 1.3. **“DIO”** means Deputy Information Officer;
- 1.4. **“IO”** means Information Officer;
- 1.5. **“Manual”** means this manual for access to information as required by section 51 of PAIA;
- 1.6. **“PAIA”** means the Promotion of Access to Information Act, 2000 and the regulations promulgated in terms of that act;
- 1.7. **“POPIA”** means the Protection of Personal Information Act, 2013 and the regulations promulgated;
- 1.8. **“Regulator”** Information Regulator (South Africa);
- 1.9. **“Republic”** Republic of South Africa;
- 1.10. **“SAHRC”** means the South African Human Rights Commission.

## 2. Purpose of PAIA Manual

The purpose of this Manual is to ensure compliance with:

- 2.1. Section 51 of PAIA to facilitate access to, and requests in respect of, information and records held by Cognia Law; and
- 2.2. POPIA in respect of the processing of personal information.

### 3. Contact Details

#### 3.1. The Information Officer

Name:	Justin Ridl
Telephone:	+27 (0) 21 100 3140
Email:	<a href="mailto:Justin.ridl@cognialaw.com">Justin.ridl@cognialaw.com</a> or <a href="mailto:privacy@cognialaw.com">privacy@cognialaw.com</a>
Postal Address:	2nd Floor, RedPanda Place, Golf Park, 44 Raapenberg Road, Mowbray, 7700, Cape Town, South Africa.
Physical Address:	2nd Floor, RedPanda Place, Golf Park, 44 Raapenberg Road, Mowbray, 7700, Cape Town, South Africa.

#### 3.2. The Deputy Information Officer

Name:	Alia Kotwal
Telephone:	+27 (0) 21 100 3140
Email:	<a href="mailto:Alia.kotwal@cognialaw.com">Alia.kotwal@cognialaw.com</a> or <a href="mailto:privacy@cognialaw.com">privacy@cognialaw.com</a>
Postal Address:	2nd Floor, RedPanda Place, Golf Park, 44 Raapenberg Road, Mowbray, 7700, Cape Town, South Africa.
Physical Address:	2nd Floor, RedPanda Place, Golf Park, 44 Raapenberg Road, Mowbray, 7700, Cape Town, South Africa.

#### 3.3. General Information

Company:	Cognia Law (Pty) Ltd
Registration Number:	2010/019157/07

Postal Address:	2nd Floor, RedPanda Place, Golf Park, 44 Raapenberg Road, Mowbray, 7700, Cape Town, South Africa.
Physical Address:	2nd Floor, RedPanda Place, Golf Park, 44 Raapenberg Road, Mowbray, 7700, Cape Town, South Africa.
Phone Number:	+27 (0) 21 100 3140
Website:	<a href="http://www.cognialaw.com">www.cognialaw.com</a>

#### 4. Further Guidance

- 4.1. PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights, specifically around access to personal information rights as described in POPIA. If a public body lodges a request, the public body must be acting in the public interest.
- 4.2. Requests in terms of PAIA or POPIA must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of PAIA and may be amended from time to time.
- 4.3. The Regulator published the guide on how to use PAIA. This guide is available on the Information Regulator (SA) website: [www.justice.gov.za/inforeg](http://www.justice.gov.za/inforeg).
- 4.4. For more information, please contact the below:

<b>Regulatory Body:</b>	The Information Regulator (SA)
<b>Physical Address:</b>	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
<b>Postal Address:</b>	P.O. Box 31533, Braamfontein, Johannesburg 2017
<b>Email:</b>	General enquiries: <a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a> Complaints: <a href="mailto:PAIAComplaints@inforegulator.org.za">PAIAComplaints@inforegulator.org.za</a>
<b>Tel:</b>	+27(0) 12 406 4818
<b>Website:</b>	<a href="http://www.justice.gov.za/inforeg">www.justice.gov.za/inforeg</a>

## 5. Records of Cognia Law

This section includes references to the records that may be accessed by request from Cognia Law.

### 5.1. Information freely available from Cognia Law

No notice has been published in terms of section 52 of PAIA.

### 5.2. Records relating to Cognia Law

This section of the Manual sets out the categories and descriptions of records held by Cognia Law. These records are not automatically available without a request in terms of the PAIA. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under PAIA. Access to these documents may be protected by professional privilege or privacy laws or the grounds of refusal detailed in PAIA.

The categories and descriptions of the records are:

- 5.2.1. records relating to our services and our performance of those services including documents we prepare such as contracts, and related correspondence;
- 5.2.2. property and lease-related records;
- 5.2.3. asset registers and other records relating to our assets;
- 5.2.4. software licences;
- 5.2.5. records of and relating to our clients and potential clients including instructions, evidence, contracts, reports and correspondence;
- 5.2.6. records relating to our suppliers and potential suppliers including quotes, proposals, contracts, invoices and correspondence;
- 5.2.7. financial and tax records including audited and other annual financial statements, management accounts, tax returns, invoices;

5.2.8. compliance records including records obtained in terms of the Financial Intelligence Centre Act, 2001, applications for and copies of licences, registrations and authorisations and records of correspondence with regulators and others relating to compliance.

5.2.9. records relating to our employees, their dependants and beneficiaries and job applicants including recruitment records, employment contracts, payroll records, records relating to employment benefits, disciplinary and performance records, training and assessment records, occupational health and safety, unemployment insurance and skills development records;

5.2.10. records relating to transformation;

5.2.11. correspondence and other records relating to interaction with regulators;

5.2.12. records relating to claims against, by or involving us including correspondence, advice and records relating to legal proceedings, pleadings and similar documents in any forum;

5.2.13. documents relating to assessment of risk and insurance cover;

5.2.14. marketing records including product and service brochures.

### 5.3. **Other Records**

Cognia Law may possess records pertaining to other parties, including without limitation clients, contractors, suppliers, subsidiary or holding or sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Cognia Law. Records held by Cognia Law pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

#### 5.4. **Records kept by Cognia Law in accordance with other Legislation**

5.4.1. Cognia Law keeps records in terms of the legislation listed in paragraph 5.4.2 below and Cognia Law may make these records available for inspection to a requester if:

5.4.1.1. the requester is entitled to such access in terms of PAIA or POPIA and such access is not prohibited by any other applicable law, codes of conduct, rules or regulations; and

5.4.1.2. a request for access to such information is made in terms of PAIA.

5.4.2. Cognia Law keeps records in terms of the following legislation:

Basic Conditions of Employment Act No. 75 of 1997
Companies Act No. 61 of 1973 (repealed, save for Chapter 14)
Companies Act No. 71 of 2008
Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
Currency and Exchanges Act No. 9 of 1933
Electronic Communications and Transaction Act No. 25 of 2002
Employment Equity Act 55 of 1998
Finance Act 35 of 2000
Income Tax Act 58 of 1962 (Section 75) (repealed)
Income Tax Act 95 of 1967
Labour Relations Act No. 66 of 1995
Occupational Health and Safety Act No. 85 of 1993
Pension Funds Act No. 24 of 1956
Promotion of Access to information Act No. 2 of 2000
Protection of Personal Information Act No. 4 of 2013
Regulation of Interception of Communications and Provision of Communication-Related Information Act No. 70 of 2002
Skills Development Levies Act No. 9 of 1999
Skills Development Act No. 97 of 1998
Tax on Retirement Funds Act No. 38 of 1996



Unemployment Insurance Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

## 6. Information required to be included in this Manual in terms of POPIA and Section 51(1)(c) of PAIA

Please see our privacy policy (available on our website at [www.cognialaw.com](http://www.cognialaw.com) or on request to [privacy@cognialaw.com](mailto:privacy@cognialaw.com) describes:

- 6.1. what personal information or categories of personal information we process;
- 6.2. the purposes for which we process that personal information;
- 6.3. the categories of data subjects whose personal information we process;
- 6.4. the recipients or categories of recipients to whom the personal information may be supplied;
- 6.5. planned transborder flows of personal information; and
- 6.6. a general description of the information security measures we implement as a responsible party to ensure the confidentiality, integrity and availability of the personal information we process.

## 7. Access to Records and Procedure

Records held by Cognia Law may be accessed by the requester only once the prerequisite requirements for access have been met.

### 7.1. Who may request information?

Any person who requires information for the exercise or protection of any rights may request information from a private body. Section 50 of PAIA states that a requester must be given access to any record of a private body if:

- that record is required for the exercise or protection of any rights;
- that person complies with 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, Part 3 of PAIA.

## 7.2. Requesting information that is not automatically available

7.2.1. To facilitate the processing of your request, kindly:

7.2.1.1. use the prescribed form, available on the HRC's website at [www.sahrc.org.za](http://www.sahrc.org.za);

7.2.1.2. address your request to the Information Officer at Cognia Law as described in paragraph 3.1 above;

7.2.1.3. provide sufficient details to enable Cognia Law to identify:

- The record or records requested from Cognia Law
- The identity of the requester and such person acting on behalf of the requester where applicable
- The form of access required
- The telephone number, postal address or fax number or email address of the requester in the Republic of South Africa
- Whether the requester wishes to be informed of the decision in any other manner (in addition to a written reply), in which case the requester should state that manner and the particulars thereof
- 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

7.2.2. Cognia Law will process the request within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessitated.

7.2.3. Where an extension of the 30-day time limit is required, the requester will be notified, together with reasons explaining why such extension is necessitated.

7.2.4. The requester will be informed whether access is granted or denied. If,

in addition, a requester who requires the reasons for the decision in any other manner must state the manner and the particulars so required.

7.2.5. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

7.2.6. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

7.2.7. The requester must pay the prescribed fee before any further processing can take place.

### 7.3. **Third Parties**

If the request pertains to a third party, the Information Officer must take all reasonable steps to inform that third party of the request within 21 days of receipt of the request. The third party may within 21 days thereafter either make representation as to why the request should be refused or grant written consent to disclosure. The third party must be advised of both the decision taken and of their right to appeal against the decision by way of application to court within 30 days after the notice.

## 8. **Prescribed fees**

8.1. A requester must pay the prescribed fees before a request will be processed.

8.2. If searching for and preparing the record requested will, in Cognia Law's opinion, take more than 6 hours (the prescribed number of hours), Cognia Law must notify the requester to pay as a deposit, the prescribed portion (being not more than one third) of the access fee payable if the request is granted. Cognia will refund this deposit if the request for access is refused.

8.3. A requester may lodge a complaint to the Regulator or an application with a court against the tender or payment of the request fee in terms of section 54 (1) of PAIA or the tender or payment of a deposit in terms of section 54 (2) of PAIA.

- 8.4. Records may be withheld until the prescribed fees have been paid.
- 8.5. The prescribed fees are available on the website of the HRC at [www.sahrc.org.za](http://www.sahrc.org.za).

**9. Updating and Availability of Manual**

- 9.1. Cognia Law will update this Manual from time to time.
- 9.2. The Manual is also posted on the Cognia Law website at [www.cognialaw.com](http://www.cognialaw.com).
- 9.3. This Manual is available for inspection, during office hours and free of charge, at the offices of Cognia Law.
- 9.4. Copies of the Manual may be made, subject to the prescribed fees.
- 9.5. Copies may also be requested from the Regulator.

Issued by

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**(Insert the Name of the Information Officer)**

**(Title)**

## For more information contact:

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