



MS Van Zyl, Sole Proprietor B(Com) Law LL.B, Attorney

PAIA MANUAL



PREPARED IN TERMS OF
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
AND
THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

COMPILED ON: 2026/04/26

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1. DEFINITIONS

Unless the context indicates otherwise, the words as defined below shall have those definitions as assigned to them in this clause 1, being: -

- 1.1 “ACCESS FEE” shall mean the fee payable after a request for access has been granted in terms of PAIA.
- 1.2 “CLIENT” shall mean any natural or juristic person who has mandated the Firm to provide legal services.
- 1.3 “DATA SUBJECT” shall mean the natural or juristic person to whom personal information related, as defined in POPIA.
- 1.4 “FICA” shall mean the Financial Intelligence Centre Act 38 of 2001, as amended.
- 1.5 “FIRM” shall mean MS VAN ZYL ATTORNEYS, a sole proprietorship, as defined in PAIA.
- 1.6 “INFORMATION OFFICER” shall mean Mercy Summer van Zyl, the sole proprietor of MS van Zyl Attorneys.
- 1.7 “INFORMATION REGULATOR” shall mean the Information Regulator of South Africa as established in terms of POPIA.
- 1.8 “MANUAL” shall mean this document, compiled in terms of Section 51 of PAIA, read with any amendments, additions, and annexures.
- 1.9 “MINISTER” shall mean the Minister of Justice and Correctional Services.
- 1.10 “PAIA” shall mean the PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000, as amended.

- 1.11 “PERSONAL INFORMATION” shall mean information relating to an identifiable, living natural person and, where applicable, an identifiable juristic person, as defined in POPIA.
- 1.12 “PERSONNEL” shall mean any person who works for or provides services to and/or on behalf of the Firm, including consultants and service providers, if applicable.
- 1.13 “POPIA” shall mean the PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013, as amended.
- 1.14 “PROCESSING” shall mean any operation or activity concerning personal information, including collection, storage, use, dissemination, or destruction as defined in POPIA.
- 1.15 “RECORD” shall mean any recorded information, regardless of form or medium, in the possession or under the control of the Firm, as defined in PAIA.
- 1.16 “REQUEST” shall mean a request for access to a record of the Firm made in terms of PAIA.
- 1.17. “REQUESTER” shall mean any person, natural or juristic, making a request for access to a record of the Firm.
- 1.18 “RESPONSIBLE PARTY” shall mean the Firm, being the private body which determines the purpose of and means for processing personal information, as defined in POPIA.
- 1.19 “THIRD PARTY” shall mean any person other than the requester of the Firm, including counsel, correspondents, service providers and opposing parties.

2. INTRODUCTION

This Manual is prepared in accordance with Section 51 of PAIA, which requires every private body, including a sole proprietor carrying on a profession, to compile a Manual to facilitate access to records.

This Manual also incorporates the provisions of POPIA, particularly Section 17, which requires a responsible party to maintain a record of its processing activities.

3. PURPOSE

The purpose of this Manual is to inform requesters of the nature of the records held by the Firm, the procedure to request access to such records, and the details of how personal information is processed and protected.

4. DETAILS OF THE FIRM

Name of Firm: MS van Zyl Attorneys
Type of Entity: Sole Proprietor Legal Practice
Information Officer: Mercy Summer van Zyl
Physical Address: 13 Hamerkop Road
Randpark Ridge Ext 5, 2156
Postal Address: P.O. Box 108, Cresta, 2118
Telephone: 071 48 9161

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5. GUIDE IN TERMS OF SECTION 10 OF PAIA

A guide has been compiled by the Information Regulator in terms of Section 10 of PAIA, containing information required by a person wishing to exercise any right contemplated in PAIA.

The guide is available from <https://inforegulator.org.za/paia/> or upon request to the Information Officer. The guide is also available from the offices of the Information Regulator upon request.

Members of the Public may inspect or make copies of the Guide from the offices of the public and private bodies, including the offices of the Information Regulator, during normal working hours.

5.1 CONTACT INFORMATION OF THE REGULATOR

Website: <https://inforegulator.org.za/>

Email: enquiries@inforegulator.org.za

Tel: 010 023 5200

080 001 7160

Address: Woodmead North Office Park,
54 Maxwell Drive
Woodmead, Johannesburg, 2191

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6. RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52 OF PAIA

In terms of Section 52 of PAIA, the Firm may make certain records automatically available without requiring a formal request.

CATEGORY OF RECORDS	TYPES OF RECORDS	ON WEBSITE	UPON REQUEST
Public Information	Information and Templates posted on the Firm's website and Social Media pages, including service offerings and legal articles	X	X
Public Records	CIPC and Deeds Office Records		X
Marketing Material	Newsletters, legal insights, and general information content	X	X
Administrative Information	Contact details, office hours, and general operational information	X	X
Compliance Documents	This PAIA MANUAL and any published privacy notices	X	X

Note:

The availability of the above records is subject to confidentiality obligations, legal privilege, and applicable legislation. The Firm reserves the right to refuse access where required in terms of PAIA.

The automatic availability of records does not override any legal duty of confidentiality, privilege, or statutory restriction.

7. RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

CATEGORY OF RECORDS	APPLICABLE LEGISLATION
PAIA Manual	Promotion of Access to Information Act 2 of 2000
FICA Risk Management and compliance Programme	Financial Intelligence Centre Act 38 of 2001
Financial Information of MS van Zyl Attorneys	Income Tax Act 58 of 1962
Information of Founder, Attorneys, including Fidelity Fund Certificates Professional Indemnity, Tertiary qualifications and Correspondence with the LPC	Legal Practice Act 28 of 2014
Deceased Estate Records	Administration of Deceased Estates Act 66 of 1965
Client's Personal Information	Protection of Personal Information Act 4 of 2013

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE FIRM HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

DATA SUBJECTS	CATEGORIES OF RECORDS
Client Records	<ul style="list-style-type: none"> • Client mandates and engagement letters; • Client identification and FICA documentation • Correspondence and legal opinions • Pleadings, Notices, Affidavits, and Court documents

DATA SUBJECTS	CATEGORIES OF RECORDS
	<ul style="list-style-type: none"> • Agreements, settlement documents, and instructions
Financial Records	<ul style="list-style-type: none"> • Invoices and Statements of creditors and debtors • Trust Account Records • Banking Records • Payment confirmations • Annual Financial statements • Tax Returns • Audit Reports • Fidelity Fund Certificates • Bank facilities and account details • Details of accounting officer or auditors • Formal books of account and other financial statements • Source documents
Strategic Documents, Plans and Proposals	<ul style="list-style-type: none"> • Annual Reports • Strategic Plan • Annual Performance Plan
Operational Records	<ul style="list-style-type: none"> • Internal correspondence • Case management records • Electronic communications
Statutory and Compliance Records	<ul style="list-style-type: none"> • FICA Compliance documentation • LPC compliance records • Tax and accounting records • Trust Account Interest Reports • Professional Indemnity Insurance
Intellectual Property	<ul style="list-style-type: none"> • Trademarks, copyrights and designs • Software licences • Records relating to domain names
Immovable and movable property records	<ul style="list-style-type: none"> • Lease Agreements of immovable property leased by the Firm

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DATA SUBJECTS	CATEGORIES OF RECORDS
	<ul style="list-style-type: none"> • Agreements for lease of movable property by the Firm • Records regarding insurance • Asset register • Credit sale agreements and/or hire purchase agreements
Information technology	<ul style="list-style-type: none"> • Records regarding computer systems and programmes held by the Firm • Computer software, support and maintenance agreements • Cloud-based file architecture, licence audits and digital activity logs
Library information	<ul style="list-style-type: none"> • Electronic and hard copy publications of books • Precedent agreements and opinions
Marketing	<ul style="list-style-type: none"> • Marketing materials and client communications

9. PROCESSING OF PERSONAL INFORMATION

The Firm processes personal information in accordance with the eight conditions for lawful processing as set out in POPIA, including accountability, processing limitation, purpose specification, further processing limitation, information quality, openness, security safeguards, and data subject participation.

The Firm will retain personal information only for as long as necessary to fulfil the purpose for which it was collected, or as required by applicable law.

The Firm undertakes to implement appropriate data retention and destruction policies to ensure that personal information is not retained longer than necessary.

9.1 PURPOSE OF PROCESSING PERSONAL INFORMATION

- 9.1.1 The Firm is a law firm offering a wide range of legal services, including but not limited to litigation, corporate debt collection, administration of deceased estates, company law, trust law and the like.
- 9.1.2 The Firm's client base includes local individuals, public and private companies, as well as international clients.
- 9.1.3 The Firm will only process a Data Subject's personal information for a specific lawful and clear purpose and will ensure that it makes the Data Subject aware of such purpose as far as possible.
- 9.1.4 The Firm will ensure that there is a legal basis for the processing of any personal information and will ensure that processing will relate only to the purpose for and of which the Data Subject has been made aware and consented to, where applicable, or where another lawful basis for the processing exists in terms of POPIA, and will not process any personal information for any other purpose.
- 9.1.5 The Firm is obliged in terms of FICA, to conduct client due diligence and to process personal information to "Know Your Client" (KYC).

9.2 DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION THAT MAY BE PROCESSED
Clients	Names, addresses, registration numbers, identity numbers, employment status, marital status and bank details
Service Providers	Names, registration numbers, VAT numbers, addresses, trade secrets and bank details
Debtors/Creditors	Names, addresses, registration numbers, identity numbers, statements, invoices, bank details

9.3 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	South African Police Services
Qualifications for qualification verifications	South African Qualifications Authority
Identity Number, addresses and name (individuals)	Tracing Companies, Statutory Bodies
Registration Numbers, addresses and name (juristic persons)	Tracing Companies; Statutory Bodies
Income Tax Records, VAT	SARS
Property details, addresses, municipal values	Municipalities

CATEGORY OF PERSONAL INFORMATION	RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED
Personal Information and transactions of natural and juristic persons	Financial Intelligence Centre

Personal information is only shared to the extent necessary for the purpose for which it is collected and in compliance with applicable laws, including POPIA and FICA.

9.4 PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

The Firm does not intentionally transfer personal information outside the Republic of South Africa. However, use of cloud-based services may result in incidental storage on international servers, subject to appropriate safeguards.

9.5 INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY THE FIRM TO ENSURE THE CONFIDENTIALITY, INTEGRITY AND AVAILABILITY OF THE INFORMATION

In the processing of personal information, the Firm shall comply with the following minimal technical and organisational security requirements: -

9.5.1 Physical Access: Access to the physical premises is restricted and the office is locked. Any physical client files or original documents are stored in a secured,

locked cabinet with access only to those persons who require same to exercise their professional duty.

9.5.2 Training: all persons with access to personal information are kept up to date on the Firm's security and privacy practices. Following the implementation of any new policy, all relevant persons are notified and trained on their responsibilities in terms of POPIA and FICA, including the importance of protecting personal information.

9.5.3 Passwords: all users have passwords for their laptops, software profiles and printers, which are not to be shared with anybody else.

9.5.4 Multifactor Authentication: all profiles have multifactor authentication enabled where possible, and all users must authenticate their identity prior to access.

9.5.5 Cloud security and encryption: all records are stored within a secure cloud environment which is compliant with POPIA and international security standards. Data is encrypted both at rest and in transit

9.5.6 Back-ups: all records are backed up regularly, based on operational or legal requirements, and back up testing is conducted regularly in order to ensure that personal information can be recovered in the event that such personal information is lost, damaged or destroyed.

9.5.7 Malware protection: the Firm has comprehensive malware protection software employed, which software is specifically designed and updated to protect from the most recent malware infections.

9.5.8 Vulnerability scanning: the Firm conducts vulnerability scanning regularly in order to assess whether personal information is adequately protected from external threats.

9.5.9 System review: The Firm regularly conducts reviews of its technical and organisational security measure systems in order to ensure that all of the above security measures are functioning effectively and applied consistently.

In the event of a security compromise, the Firm will notify affected Data Subjects and the Information Regulator in accordance with POPIA.

9.6 DATA SUBJECT RIGHTS

Data Subjects have the right to:

- 9.6.1 access their personal information;
- 9.6.2 request correction or deletion of personal information;
- 9.6.3 object to the processing of personal information; and
- 9.6.4 lodge a complaint with the Information Regulator.

10. REQUEST PROCEDURE

10.1 SUBMISSION OF REQUESTS

A requester, wishing to request access to records or personal information from the Firm must:

- 10.1.1 Complete the prescribed PAIA request form, Form 2, as prescribed by the Information Regulator, found [here](#)
- 10.1.2 Submit the completed Form 2 to the Information Officer at the contact details above.
- 10.1.3 Ensure that the request provides sufficient detail to identify the record, and specify the right being exercised or protected.

The Information Officer may request proof of identity from the requester prior to processing any request.

10.2 FEES

The fees for a copy or reproduction will be charged as prescribed in terms of PAIA Regulations. The fee schedule is found [here](#).

10.3 TIMEFRAMES

The Firm will respond within 30 days of receipt of a complete request. The 30-day period may be extended for a further period as permitted in terms of PAIA, in which event the requester will be notified accordingly.

11 GROUNDS FOR REFUSAL

The Firm may refuse access to records on lawful grounds as contemplated in Chapter 4 of PAIA, including but not limited to:

- 11.1 protection of personal privacy;
- 11.2 protection of commercial information;
- 11.3 protection of legally privileged records, including attorney-client privilege and litigation privilege;
- 11.4 Protection of confidential information; and

In assessing any request, the Firm will balance the requester's right of access to information against the duty to protect confidential, privileged, and personal information. Where applicable, the Firm will consider whether partial access to a record can be granted, subject to the redaction of protected information.

The Firm places particular emphasis on the protection of legally privileged information, including attorney-client communications.

12 REMEDIES AVAILABLE UPON REFUSAL

Should the Firm refuse a request, the requester may:-

- 12.1 lodge a complaint in terms of Section 74 of PAIA with the Information Regulator;
- or

12.2 Apply to a court for the appropriate relief.

Complaints relating to personal information may be submitted in terms of POPIA, found [here](#).

Submitted: PAIAComplaints@inforegulator.org.za
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13. AVAILABILITY OF THE MANUAL

13.1 A copy of this Manual is available:

- 13.1.1 on www.msvanzylattorneys.co.za;
- 13.1.2 at the physical address of the Firm for public inspection during normal business hours;
- 13.1.3 to any person upon request and upon payment of a reasonable prescribed fee; and
- 13.1.4 to the Information Regulator upon request.

13.2 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.

14. UPDATING THE MANUAL

The head of the Firm will on a regular basis update this Manual.



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Issued by

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