



LEGACY
PLANNING
INSTITUTE

PAIA MANUAL



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

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1. List of acronyms and abbreviations

| | | |
|-----|-------------|--|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “IO” | Information Officer; |
| 1.3 | “Minister” | Minister of Justice and Correctional Services; |
| 1.4 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.5 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.6 | “Regulator” | Information Regulator; and |
| 1.7 | “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 The Legacy Planning Institute (Pty) Ltd (LPI)

3.1 Chief Information Officer

Name: Greg Farrell
Tel: 010 036 4315
Email: gregf@lpi.co.za

3.2 Access to information general contacts

Email: info@lpi.co.za

3.3 National or Head Office

Postal: 57 Sloane Street, The Campus, 2nd Floor, The Gabba, Bryanston, Sandton, 2191
Physical: 57 Sloane Street, The Campus, 2nd Floor, The Gabba, Bryanston, Sandton, 2191
Telephone: 010 036 4315
Email: info@lpi.co.za
Website: www.lpi.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;
 - 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 –

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.

- 4.3.6.1 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.
- 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
 - 4.6.2 Afrikaans

5. Categories of records of The LPI which are available without a person having to request access

Information described on The LPI website is available to download or on request within the constraints of the Protection of Personal Information Act.

6. Description of the records of The LPI which are available in accordance with any other legislation

NB: Please specify all the records which are created and available in accordance with any of the South African legislation. Below is an example of the table that can be used in describing the records and applicable legislation.

| Category of records | Applicable legislation |
|--|--|
| Memorandum of incorporation | Companies Act 71 of 2008 |
| PAIA Manual | Promotion of Access to Information Act 2 of 2000 |
| Administration of Estates | Administration of Estates Act 66 of 1965 |
| Employment records | Basic Conditions of Employment 75 of 1997 |
| Employment records | Compensation of Occupational Injuries and Diseases Act 130 of 1993 |
| Treating Customers Fairly | Consumer Protection Act 68 of 2008 |
| Electronic communications | Electronic Communications and Transactions Act 25 of 2002 |
| Employment records | Employment Equity Act 55 of 1998 |
| Financial services | Financial Advisory and Intermediary Services Act 37 of 2002 |
| Financial services | Financial Intelligence Centre Act 38 of 2001 |
| Income Tax | Income Tax Act 58 of 1991 |
| Administration of Estates | Insolvency Act 24 of 1936 |
| Financial Services | Inspection of Financial Institutions Act 80 of 1998 |
| Employment Records | Labour Relations Act 66 of 1995 |
| Employment Records | Occupational Health & Safety Act 85 of 1993 |
| Employment Records and Customer protection | Protection of Personal Information Act 4 of 2013 |
| Employment Records | Skills Development Levies Act 9 of 1999 |
| Employment Records | Skills Development Act 97 of 1998 |
| Employment Records | Unemployment Contributions Act 4 of 2002 |
| Employment Records | Unemployment Insurance Act 63 of 2001 |
| Financial Services | Value Added Tax Act 89 of 1991 |

5 Section 14(l) 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(l) 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(l) 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(l) 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(l) 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(l) 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(l) 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.”

7. Description of the subjects on which The LPI holds records and categories of records held on each subject by The LPI.

| Subjects on which the The LPI holds records | Categories of records |
|---|--|
| Strategic Documents, Plans, Proposals | Annual Reports, Strategic Plan, Annual Performance Plan. |
| Human Resources | - HR policies and procedures - Advertised posts - Employees records |
| Operational Information | - Client personal details - Beneficiary personal details - Financial Information - Client wills |

8. Processing of personal information

8.1 Purpose of Processing Personal Information

Personal Information obtained and retained by The LPI is for the express purposes of providing fiduciary services and to promote and market The LPI offerings.

8.2 Description of the categories of data subjects and of the information or categories of information relating thereto

| Data subjects categories | 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 | Address, qualifications, gender and race |

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 | South African Police Services |
| Qualifications, for qualification verifications | South African Qualifications Authority |
| Credit and payment history, for credit information | Credit bureaus |
| Customer contact details | Distribution partners |
| Identity number/names, residential addresses, financial information | Master of the High Court, other applicable Regulatory Authorities |

8.4 Planned transborder flows of personal information
No planned transborder flows of personal information.

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

The LPI employs a rigorous access mechanism to the data via a complex arrangement of encrypted private networks, firewalls, and strict password policies. From a physical point of view, the data is stored in South Africa, off-site, in highly secured data centres. We also use multi-factor authentication and RSA keys wherever applicable.

9. Availability of the manual

- 9.1 A copy of the manual is available –
 - 9.1.1 head office of The LPI for public inspection during normal business hours;
 - 9.1.2 to any person upon request and upon the payment of a reasonable prescribed fee; and
 - 9.1.3 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 Key Individual of The LPI will on a regular basis update this manual.

Issued by

Greg Farrell
Key Individual