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POLICY STATEMENT AND MANUAL OF:

PAIA (PROMOTION OF ACCESS TO INFORMATION ACT)

POPI (PROTECTION OF PERSONAL INFORMATION)

FOR

BENTLEY INCORPORATED T/A

BENTLEY ATTORNEYS

COMPANY REGISTRATION NUMBER

1998/017806/21

REGISTERED OFFICE:

First Floor, Block B,1 Montgomery Drive, Mount Edgecombe

Prepared in accordance with S51 of the Promotion of Access to Information Act, No. 2000 and to address the requirements of the Protection of Personal Information Act, 2013

A copy of the manual is available for inspection at the Company and is available on the Company website at www.bentleylaw.co.za

A: PROTECTION OF PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

1 PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

BENTLEY ATTORNEYS POPIA POLICY 2021

1.1 INTRODUCTION

The aim of the manual is to assist potential requestors in requesting access to information which includes documents or records from Bentley Incorporated (hereinafter referred to as Bentley Attorneys) as contemplated under the Act.

Bentley Attorneys is a specialist credit and debt recovery law firm whose aim is to provide clients with a specialist credit management solution, and it is a company that functions within the debt collection field. The law firm started as Bentley Warne Attorneys in April 1994 and then in September 1998 became Bentley Attorneys. It is therefore obligated to comply with The Protection of Personal Information Act 4 of 2013.

POPIA requires that Bentley Attorneys inform their clients as well as the debtors as to the manner in which their personal information is used, disclosed and destroyed.

Bentley Attorneys guarantees its commitment to protecting its client's privacy as well as the debtor's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

The Policy sets out the manner in which Bentley Attorneys deals with their client's personal information as well as the debtor's information and stipulates

the purpose for which said information is used. The Policy is made available on the Bentley Attorneys website www.bentleylaw.co.za and by request from Bentley Attorney's Director. Copies of the Policy may be made subject to the prescribed fees. Copies may also be requested from the South African Human Rights Commission. Should you have any queries or need guidance on how to use the manual kindly contact the Information Officer whose details appear below.

1.2. DETAILS AND CONTACT PERSON

Requests pursuant to the provisions of the Act should be directed as follows:

Full Name	:	Bentley Attorneys
Registration Number	:	1998/017806/21
Registered Address	:	Block B, 1 st Floor 1 Montgomery Drive Mount Edgecombe
Postal Address	:	P. O Box 3809, DURBAN 4000
Telephone Number	:	031 502 4889
Managing Director	:	Brett Bentley
Email Address	:	brett@bentleylaw.co.za
Information Officer	:	Kimeshree Moonsamy
Email Address	:	kimeshree@bentleylaw.co.za
Website	:	www.bentleylaw.co.za

The person responsible for the administration of, and compliance with the Act has been delegated to the Information Officer by the Managing Director (MD) of Bentley Attorneys.

1.3 THE OFFICIAL PAIA GUIDE IN TERMS OF SECTION 10 OF THE ACT

The Human Rights Commission has compiled a guide in terms of Section 10 of PAIA. Enquiries regarding the guide can be addressed to the South African Human Rights Commission. The details can be found below:

Postal Address : South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag X2700
Houghton, 2041

Telephone : 011 877 3600

Fax : 011 403 0625

Website : www.sahrc.org.za

E-mail : lidlamini@sahrc.org.za

2. PERSONAL INFORMATION COLLECTED

Section 9 of POPI states that “Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.”

Bentley Attorneys collects and processes client’s, debtors and employees personal information. This type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, Bentley Attorneys will inform the client,debtor and employee’s as to the information required and information deemed optional.

Examples of personal information we collect include, but is not limited to:

- Client’s name, address, postal code

- Description of client's banking details, business information, income tax number, registration number
- Debtor's I.D number, name, surname, date of birth, citizenship, age, gender, race, home and business address, telephone number(s), cell numbers, postal code, email address(es), marital status, dependents, employment details and history, Job title; disability information, background check
- Debtor's business details, assets, financial information, banking details, registration number, tax information
- Any other information required by Bentley Attorneys in order to provide client with accurate legal services.
- Employee's I.D number, name, surname, date of birth, citizenship, age, gender, race, address, telephone number(s), postal code, email address(es), marital status, dependents, employment details and history, disability information, background check, CVs, education history, remuneration and benefit information, details related to employee performance and disciplinary procedures

With the client's, debtor's and employee's consent Bentley Attorneys may also supplement the information provided with the information it receives from other providers in order to offer a more consistent service.

For purposes of this Policy, clients, debtors and employee's include potential and existing clients, debtors and employees.

Consent to process debtor information is obtained from clients (or person who has been given authorisation from the client to provide the personal information) during the introductory, appointment and need analysis stage of the relationship.

2.1 CATEGORIES OF DATA SUBJECTS

- a. Debtors
- b. Clients
- c. Employees
- d. Service providers

2.2 THE USAGE AND PROCESSING OF PERSONAL INFORMATION

The Client's, Debtor's and employee's Personal Information will only be used for the purpose for which it is was collected and agreed.

This may include:

- Providing a service to the client to carry out instructions to recover outstanding debt and/or in accordance with the agreement between client and Bentley Attorneys.
- Collect and recover money owed
- Carry out necessary credit checks to proceed with legal action
- To proceed with legal action against debtors for outstanding debt.
- Confirming, verifying and updating clients and debtors details;
- For audit and record keeping purposes
- In connection with legal proceedings
- Providing Bentley Attorneys services to clients, to render the services requested and to maintain and constantly improve the relationship between clients
- Staff administration

2.3 RECIPIENTS TO WHOM BENTLEY ATTORNEYS MAY SUPPLY THE PERSONAL INFORMATION TO

Depending on the information, personal information may be supplied to the following persons:

- Court
- Clients in respect of information received from third parties about debtors relating to the collection process
- Bentley Attorneys service providers
- Any other persons deemed necessary

2.4 GENERAL DESCRIPTION OF SECURITY MEASURES

- Firewalls
- Virus Protection Software
- Password protected computers and only accessible to Bentley Attorney staff members
- Any outsourced service providers who process personal information on behalf of Bentley Attorneys are contracted to implement security controls.
- Physical records (files) are stored in a locked-up office that is secured by an alarm. Only Bentley Attorneys staff members have access to the physical records.
- Service level agreements in place
- Training has been/will be made available to all employees of Bentley Attorneys on the Policy and other provisions of POPIA.

3. INFORMATION AVAILABLE IN TERMS OF THE ACT

3.1 Policy regarding confidentiality and access to information

Bentley Attorneys will protect the confidentiality of information provided to it by third parties, subject to its obligations to disclose the information in terms of any applicable law or

regulation or a court order requiring disclosure of the information. Bentley Attorneys have records of information in the categories below however request must be made to the Information Officer for access to such information. All requests will then be evaluated within the provisions of POPI and PAIA.

3.2 Records automatically available (Section 51(1)(c))

No notice has been published in terms of Section 52 of the PAIA on which categories of records need to be automatically available without a person having to request access in terms of PAIA. However, the Manual in terms of POPI and PAIA will be automatically available on Bentley Attorneys website. Certain other information is freely available on the Bentley Attorneys website. These include articles published and any other information freely available on the website.

3.3 Information available in accordance with other legislation (Section 51(1)(d))

Bentley Attorneys keeps the following records in accordance with other legislation in terms of Section 51(1)(1)(d). The records kept in terms of the following legislation (in certain instances) will be available for inspection without a person having to request access thereto in terms of the Act.

The list is as follows and is not an exhaustive list:

- Legal Practice Act 28 of 2014
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Debt Collectors Act 114 of 1998
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Electronic Communications and Transactions Act 25 of 2002
- National Credit Act 34 of 2005
- Companies Act 71 of 2008

- Consumer Protection Act 68 of 2008
- South African Schools Act 84 of 1996
- Income Tax Act 58 of 1962
- Value added Tax Act 89 of 1991
- Financial Advisory and Intermediary Services Act
- Financial Intelligence Centre Act 38 of 2001

3.3 Records that need to be requested (Section 51(1)(e))

The list below depicts records of information which Bentley Attorneys have available, and which is collected in the normal course of business. Some of the information and access to it may be restricted to protect the Privacy and Private Information of Data Subjects:

3.3.1 Statutory Company Information

- Certificate of Incorporation
- Registration Certificate
- Memorandum of Incorporation
- Minutes of Directors meeting
- Resolutions passed
- Share registers and Certificates
- Records relating to appointment of directors and auditors
- Company registration documents
- Annual Financial Statements
- Management Accounts
- Director reports
- Auditors' reports
- Financial/Accounting and Tax Records
- Banking Records relating to business and trust accounts held
- Invoices
- Statutory registers and records
- Contracts and agreements

3.3.2 Statutory Employee Records

- Employees Names and Occupations
- Salary and Wages
- Attendance Register
- Employment Equity plan
- Staff records
- Expense Account
- IRP5 for employee returns
- PAYE records and returns
- Returns to UIF
- Payroll records

3.3.3 Other employee Records

- Incentive Schemes
- Study Assistance Schemes
- Maternity leave policy

3.3.4 Human Resources

- BEE statistics
- Employee records
- Personnel Information
- General terms of Employment
- Career Development Records
- Letter of Employment
- Leave Records
- Health Records
- Performance Management Records
- Retirement Benefits and Medical Aid Records
- Policies and Procedures
- CVS
- Disciplinary Code and Records
- Training Records

- Contracts
- Records relating to Information Technology (hardware, software, data collection, storage)

3.3.5 Client records

- Agreements with clients
- Client database

3.3.6 Legal Services

- Opinions and advice to clients
- Correspondence with clients
- Records regarding legal matters
- Correspondence with third parties and legal practitioners

3.4 Records that are not automatically available

Records that are not automatically available must be requested in terms of the procedure set out in Section 8 of PAIA manual or the Regulations as set out in terms of POPIA. No request shall be accepted telephonically, nor will any information be supplied telephonically. Only the Information Officer appointed, or the Managing Director shall have the mandate to disclose information in terms of this manual.

3.5 Procedure to request access to the above information

The records held by Bentley Attorneys may only be accessed on request and once the requirements for access have been met.

To make a request for information from Bentley Attorneys you must:

1. Obtain and complete the prescribed form attached hereto marked annexure "A".

You may obtain the forms from

- Our Information officer

- The SAHRC website
 - The Department of Justice and Constitutional Development website.
- a. All sections on the form must be completed. The prescribed period in which to process the information will only commence once the form has been fully completed.
 - b. You must submit the completed form to the Information Officer by email.
 - c. You must provide your telephone number, postal address and email address if available.
 - d. The requester must state that the information is required in order to exercise or protect a right. The nature of such right must be set out clearly and an explanation must be provided of why the requested record is required.
 - e. If you are unable to request the information in writing because of illiteracy or disability, the request may be made orally to the Information Officer.
 - f. You must indicate how you would like the outcome of the decision to be sent to you. Due to the fact that the decision will be communicated in writing you may elect email, fax or post.
 - g. If you are making a request on behalf of someone else, proof needs to be submitted providing the capacity of the person making the request.
 - h. There is a prescribed fee (payable in advance) for requesting and accessing the information. The fees are contained in the form attached hereto marked Annexure "B".
 - i. The request will be processed within 30 days after receipt of the request. A decision will then be made on whether to grant or decline the request. If the request has been declined, notice with reasons will be provided to the requester.

- j. The 30-day period may be extended for a period of not more than 30 days, if the request is for a large volume of information or if the information cannot be reasonably obtained within the original 30 days period. Should an extension be made, it will be communicated to the requester.

3.6 REFUSAL OF ACCESS TO RECORDS

The Information Officer must refuse a request made for access to a record if disclosure of the information by Bentley Attorneys would:

- Involve the unreasonable disclosure of personal information;
- Be likely to cause harm to the commercial or financial interests of a third party;
- Constitute an action for breach of duty of confidence owed to a third party in terms of the law or in terms of the agreement; and would put the third party at a disadvantage in negotiations and commercial competition;
- Reveal trade secrets about the third party
- Breach the protection of a record that is regarded as privileged in legal proceedings;

Access to the record must be granted if:

- It would reveal a substantial contravention of, or failure to comply with the law;
- The public interest in the disclosure outweighs the harm contemplated by the disclosure.

Access to a record may not be refused if consent has been granted to you in writing.

3.7 REMEDIES WHEN ACCESS HAS BEEN REFUSED

- If access has been refused by Bentley Attorneys or not responded to, the requestor may appeal to the MD of Bentley Attorneys at the firms address.
- The requestor may apply to the relevant Court for the appropriate relief.

4 COMPLIANCE WITH THE PROTECTION OF PERSONAL INFORMATION ACT

4.1 Clients, debtors and employees have the following rights

- Objection to the use of their personal information
- Notification if their information is to be used for something other than what was consented to.
- To establish whether Bentley Attorneys holds information about them
- Request that the information either be corrected, destroyed or deleted.
- To lodge a dispute with the Information Regulator
- To institute Civil Proceedings

5 DISCLOSURE OF PERSONAL INFORMATION

Bentley Attorneys may disclose a client's or debtor's personal information to any of the Bentley group companies. Bentley Attorneys have agreements in place to ensure compliance with confidentiality and privacy conditions.

Bentley Attorneys may also share debtor's personal information with, and obtain information about debtors from third parties for the reasons already discussed above.

Bentley Attorneys may also disclose a debtor's information where it has a duty or a right to disclose in terms of applicable legislation, the law or where it may be deemed necessary in order to protect the rights of Bentley Attorneys or its clients.

If a third party feels that it will be affected by the disclosure of the information, that third party must be informed within 21 days in writing that such a request has been made. The third party then has 21 days to make representations as to why the request should be refused or granted.

6 ACCESS TO CORRECTION OF PERSONAL INFORMATION

Client's and Consumers have the right to access the personal information that Bentley Attorneys holds about them. Client's and Consumer's also have a right to ask Bentley Attorneys to update, correct or delete their personal information on reasonable grounds.

7. AMENDMENTS TO THE POLICY

Amendments to, or a review of this Policy, will take place on an *ad hoc* basis or at least once a year. Clients are advised to access Bentley Attorneys website periodically to keep abreast of any changes. Where material changes take place, clients will be notified directly, or changes will be stipulated on the Bentley Attorneys website.

8. RECORDS THAT CANNOT BE FOUND

If Bentley Attorney searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken the attempt to locate the record.

9. ACCESS TO DOCUMENTS

9.1 All Company, client and consumer information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress in the following circumstances:

9.1.1 where disclosure is under compulsion of law;

9.1.2 where there is a duty to the public to disclose;

9.1.3 where the interests of the Company require disclosure;

9.1.4 where disclosure is made with the express or implied consent of the client or consumer .

10 DESTRUCTION OF DOCUMENTS

10.1 Documents must be destroyed after the termination of the contract by the client.

10.2 Each department is responsible for attending to the destruction of its documents, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be retained by the Company or returned to the client.

10.3 The Manager of the Department shall, in writing authorise the removal and destruction of the documents.

11.4 Documents may also be stored off-site in storage facilities approved by the Company.