

LAW SOCIETY OF SOUTH AFRICA (LSSA)

Manual

prepared in accordance with Section 51 of

The Promotion of Access to Information Act

2/2000
("the Act")

1. Introduction

The Promotion of Access to Information Act No 2 of 2000 was enacted to give effect to the constitutional right of access to any information that is held by another person and that is required for the exercise or protection of any rights as well as to provide for matters connected therewith.

This manual is to assist potential requesters as to the procedure to be followed when requesting access to information from the Law Society of South Africa (LSSA) in terms of the Act.

This manual may be amended from time to time and any new versions of the manual will be made public.

2. Purpose of the Manual

This manual is intended to foster and proclaim the LSSA's commitment to fostering a culture of transparency and accountability within the organisation as a whole, by giving effect to the right to access information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

In order to promote the effective governance of all private institutions the LSSA recognises the fundamental requirement that all the people of South Africa be empowered and educated to understand their rights in terms of this Act in order for them to exercise their rights in relation to all institutions, whether those institutions are of a private or public nature.

In following the example set out in terms of Section 36 of the Constitution of South Africa (Act 108 of 1996), Section 9 of the Act recognises that such right to access information cannot be unlimited and should be subject to justifiable limitations.

3. DEFINITIONS

"Client" refers to any natural or juristic entity that receives services from LSSA, and "customer" has a similar meaning;

"Employees" refer to any person who works for or provides services to or on behalf of the organisation, and receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting the business of the organisation, and who has a written contract of employment with the LSSA.

"Information Officer" means a person or persons acting on behalf of the LSSA who is responsible for discharging the duties and responsibilities assigned to the "head" of the LSSA, as prescribed in terms of this Act, and may include a deputy information officer.

“Law Society of South Africa (LSSA)” Refers to all and or any of the divisions that forms part of the LSSA.

“Organisation” refers to the Law Society of South Africa (LSSA)

“Other Requester” means any requester other than a personal requester.

“Personal Requester” means a requester who is seeking to access a record containing personal information about that requester.

“Requester” means any person making a request for access to a record that is under the control of LSSA.

“Third Party” means any natural or juristic person other than the requester or such party acting on behalf of the requester, or LSSA itself.

A: Law Society of South Africa (LSSA) Contact Information

A.1.1 Chief Executive Officer: Raj Daya

A.1.2 Information Officer: A Pillay

A.1.3 Deputy Information Officer:

Postal Address: P O Box 36626, Menlo Park
Pretoria
0102

Physical Address: Law Society of South Africa
304 Brooks street
Menlo Park
Pretoria

Telephone: +27 (012) 366 8800

Fax: +27 (012) 362 0969

E-mail Address: LSSA@LSSA.org.za

South African Human Rights Commission - Guide on the Act

In terms of section 10 of the Promotion of Access to Information Act 2 of 2000, the SA Human Rights Commission has compiled a guide on the use of this Act. It is available from the Human Rights Commission at any of the following offices or on their website: <http://www.sahrc.org.za>

Johannesburg: Private Bag 2700, Houghton, 2041
Tel: 011 484 8300
Fax: 011 484 1360

Bloemfontein: PO Box 4245, Bloemfontein, 9300
Tel: 051 447 1130
Fax: 051 447 1128

Port Elizabeth: PO Box 1854, Port Elizabeth, 6001
Tel: 041 582 2611
Fax: 041 582 2204

Polokwane: PO Box 55796, Polokwane, 0700
Tel: 015 291 3500
Fax: 015 291 3505

Durban: PO Box 1456, Durban, 4000
Tel/Fax: 031 304 7323/4/5

Cape Town: PO Box 3563, Cape Town, 8000
Tel: 021 426 2277
Fax: 021 426 2875

B: Records held by the Law Society of South Africa (LSSA)

Organisation Record Classification Key

Classification No	Access	Classification
1	May be disclosed	Public Access Document
2	May be disclosed	Subject to Copyright
3	Limited disclosure	Personal information own to requester of information
4	May not be disclosed	Unreasonable disclosure of personal information
5	May not be disclosed	Request after commencement of criminal proceedings
6	May not be disclosed	Would breach duty of confidence owed to a third party
7	May not be disclosed	Could harm the commercial or financial interests of third party
8	May not be disclosed	Could harm the organisation or third party in contract or other negotiations
9	May not be disclosed	Could compromise the safety of individuals or protection of property
10	May not be disclosed	Legally privileged document
11	May not be disclosed	Commercial information of organisation

Organisation Records

<u>Area</u>	<u>Subject</u>	<u>Classification</u>
Websites	Organisation and divisional profiles	2
	News and Publications	2
	Organisational Structure	2
Communication	Public Product Information	2
	Media Releases	2
	Promotion of Access to Information Act Manual	2
Human Resources	Staff Records	3, 4, 9
	Employment Contracts	3, 4, 10
	Policies and Procedures	3, 11
	Information Pertaining to Provident Fund	3

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	Information Pertaining to Staff Benefits	3, 4
	Financial Statements	11
Financial Records	Financial and Tax Records (Organisation & Employee)	11
	Management Accounts	11
	Asset Register	11
	Trade Marks	2
Legal Records	Statutory Records (including Income Tax)	11
	Records kept in Terms of GAAP	11
	Agreements and Contracts	6, 7, 8, 11
	Policy Records	3, 11
Operational Records	Minutes of meetings	3, 11
	Voice Recording/other electronic recording of meetings	3, 11
	Policy Documents	2
	Sales Records	3, 11
	Customer / Subscriber Records	11
	Security Records	9
	Internal Communication Records	3, 11
	Supplier Records	6, 7, 8, 11
	Student records	6, 7, 8, 11
	Member records	6, 7, 8, 11

C. Access to records held by the Law Society of South Africa (LSSA)

To facilitate the processing of a request, the requester must:-

- Use the prescribed form attached to this manual or on the Law Society of South Africa (LSSA) website <http://www.lssa.org.za>
- Address the request to the information officer or authorised person supplied within this manual, and fax or e-mail the request form as per provided details;
- Provide sufficient particulars to enable the Information Officer of the organisation to identify the record/s requested;
- The requester must indicate in which form (medium/method) access is required;
- Specify a postal address or fax number of the requester;
- Identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
- If the requester, in addition to a written reply, intends to be informed of the decision on the request in any other manner, state that manner and the necessary particulars to be so informed;
- If the request is made on behalf of another person, submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the organisation.

D. Prescribed Fees

On request of access to information, the Information Officer, or duly authorised person, will by notice require the requester, other than a personal requester, to pay the prescribed fee as set out below in paragraph C1.1 before processing the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the authorised person shall notify the requester to pay as a deposit the prescribed portion of the access fee.

A requester, whose request for access has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangement to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, the deposit will be repaid to the requester.

D.1.1 Prescribed Fees

If you require access to records of your personal information, you do not have to pay a request fee.

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body as per Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

	<u>R</u>
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is 50,00
4. The access fees payable by a requester referred to in Regulation 11(3) are as follows: **R**
- | | |
|---|-------|
| (1) (a) For every photocopy of an A4-size page or part thereof | 1,10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,75 |
| (c) For a copy in a computer-readable form on - | |
| (i) stiffer disc | 7,50 |
| (ii) compact disc | 70,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | 40,00 |
| (ii) For a copy of visual images | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| (ii) For a copy of an audio record | 30,00 |
| (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |
- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

*All fees exclude VAT

E. Availability of the Manual

- This manual is available for inspection at the offices of the Law Society of South Africa (LSSA) free of charge;
- Copies of the manual may be obtained by request at the prescribed fees from the Law Society of South Africa (LSSA);
- The manual can also be accessed on the Law Society of South Africa (LSSA) website (<http://www.lssa.org.za>),
- The South African Human Rights Commission website (www.sahrc.org.za) and will be published in the Government Gazette.

F. Divisions of the Law Society of South Africa (LSSA)

- ❖ National directorate (includes Office of the CEO, Professional Affairs, Communication, Human Resources and Finance);

- ❖ Legal Education and Development division (includes: Continuing Legal Education for attorneys and Practical Legal Training for candidate attorneys); and
- ❖ De Rebus, the South African Attorneys' Journal.

G. REMEDIES AVAILABLE TO A REQUESTER UPON REFUSAL OF ACCESS

a) Internal remedies:

The LSSA does not have any internal appeal procedures that may be followed after a request for access information has been refused. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the information officer.

b) External remedies:

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to an competent court for relief.

Likewise, a third party that is dissatisfied with an Information Officer's decision not to grant a request for information, may within 30 days of notification of the decision, apply to a competent court for relief.

For purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.

H. REQUEST PROCEDURE

- The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requester must complete the prescribed form enclosed herewith in **ANNEXURE 1** and submit same as well as payment of a request fee (if applicable) and a deposit, where a request is made for access to information relating to a third party, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in paragraphs A.1.2 above.
- The prescribed form must be completed with enough particularity at least to enable the Information Officer to identify the following:
 - The record or records required by the requester;
 - The identity of the requester and such person acting on behalf of the requester where applicable;
 - What form of access is required, if the request is granted;
 - The telephone number, postal address or fax number of the requester (within the Republic of South Africa).

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ANNEXURE 1

REQUEST FORM FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000))

[Regulation 10]

A. Particulars of private body: LAW SOCIETY OF SOUTH AFRICA
Registration number : 021 - 221 - NPO

Authorised Person: Raj Daya

Postal Address: P O Box 36626
Menlo Park, Pretoria
0102

Physical Address: Law Society of South Africa
304 Brooks street
Menlo Park
Pretoria

Telephone: +27 (012) 366 8800

Fax: +27 (012) 362 0969

E-mail address: LSSA@LSSA.org.za

B. Particulars of person requesting access to the record

- | |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate annexure and attach it to this form. **The requester must sign all the additional annexures.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

Request fee:

Where a requester submits a request for access to information held by an organisation on a person other than the requester himself/herself/itself. A request fee in the amount of R 50,00 is payable up-front before the institution will further process the request received.

Access fee:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

- (a) *A request for access to a record, other than record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee (currently R 50.00).*

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- (c) *The fee payable for access to a record depends on the form (mode) in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

Mark the appropriate box with an X

NOTES:

- (a) *Compliance with your request in the specified form may depend on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such instances you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

1. If the record is in written or printed form:

	copy of record*		Inspection of record
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2. If record consists of visual images:

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

	view the images		copy of the images*		transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

	listen to the soundtrack		transcription of soundtrack*
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4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from record*	copy in computer readable form* (stiffy or compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				YES	NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate annexure and attach it to this form. The requester must sign all the additional annexures.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20 ____

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE