



LAW SOCIETY OF SOUTH AFRICA (LSSA)

MANUAL PREPARED IN ACCORDANCE WITH

**The Promotion of Access to Information Act (PAIA)
No. 2 of 2000**

1. Introduction

- 1.1 This Manual, prepared and published per Section 51 of PAIA, guides data subjects and third parties who may request access to records processed by the LSSA.
- 1.2 The Constitution provides that everyone has the right of access to information:
 - 1.2.1 held by the State; and
 - 1.2.2 held by another person (not being public or state institution) that is required for the exercise or protection of any right.
- 1.3 PAIA provides, among its primary objects, giving effect to the constitutional right of access to information and providing the limitations of the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance.
- 1.4 PoPIA provides, among its primary purposes, giving effect to the constitutional right of privacy and balancing the right of privacy against other rights, particularly the constitutional right of access to information as governed by PAIA.
- 1.5 The LSSA is a private body as defined in PAIA, and this Manual complies with the stipulations of PAIA and PoPIA as they apply to private bodies.
- 1.6 PoPIA establishes the Information Regulator, stipulating that the Information Regulator exercises its powers and performs its function in accordance with both PoPIA and PAIA.
- 1.7 The Information Regulator is an independent juristic person required to perform its functions as per PAIA and PoPIA. The Information Regulator is required to act impartially and exercise its powers without fear, favour or prejudice. Should you be dissatisfied with a decision relating to your request for access to a record, you may refer your dissatisfaction with the Information Regulator.
- 1.8 This Manual also deals with your right in terms of PoPIA to access and correct your personal information that the LSSA may process.
- 1.9 PoPIA defines “Information Officer” in relation to a private body as “Head of the Private Body” (in the case of the LSSA, its Chief Executive Officer

(CEO)). The CEO may delegate the duties and responsibilities of the Information Officer to another person. The LSSA CEO has exercised this power of delegation and appointed an Information Officer and Deputy Information Officers, the contact details of which are recorded in this Manual.

- 1.10 The Information Officer or Deputy Information Officers, as may be appropriate, will deal with requests for access to records and related communications that you may address to the LSSA.

2. Definitions

- These definitions are provided for your convenience to assist you in understanding this Manual. These definitions are not the definitions that are necessarily contained in PAIA and PoPIA, respectively. Should you wish to read those definitions, you are referred to Sections 1 of PAIA and PoPIA, which can be accessed at:
- PAIA: <https://www.justice.gov.za/legislation/acts/2000-002.pdf>
- PoPIA: <https://www.justice.gov.za/infoereg/legal/InfoRegSA-act-2013-004.pdf>

TERM	DEFINITION	ABBREVIATION
Data Subject	The person to whom the personal information relates	
Information Officer	Persons delegated by the CEO of the Law Society of South Africa required to discharge the duties and responsibilities stipulated in the Promotion of Access to Information Act and the Protection of Personal Information Act. Deputy Information Officers are included in the definition of "Information Officer"	IO
Information Regulator	A juristic person established in terms of the Protection of Personal Information Act as an independent body required to exercise powers, duties and functions aimed at the protection of personal information	IR
Law Society of South Africa	A non-statutory body representing the attorneys' profession in South Africa and having the following constituent members, being: • The Black Lawyers Association • The National Association of Democratic Lawyers • Nine provincial attorneys' [legal practitioners] associations	LSSA
Personal Information	Information relating to identifiable living natural persons and identifiable existing juristic persons includes all information that may be linked to a person, whether directly or by inference.	PI
Processing	Any set of operations concerning personal information that may be carried out by the Law Society of South Africa [LSSA] from the time of its creation or receipt by the SLISA to its	

	communication, modification, and storage up to the time of its ultimate destruction or de-identification.	
Promotion of Access to Information Act	The Promotion of Access to Information Act No. 2 of 2002	PAIA
Protection of Personal Information Act	The Protection of Personal Information Act No. 4 of 2013	PoPIA
South African Human Rights Commission	The national institution established to support constitutional democracy, including the rights of access to information and privacy	SAHRC

3. Purpose

- 3.1 This Manual, prepared in accordance with Section 51 of PoPIA, is to provide guidance to data subjects and third parties who may request access to information that is processed by the LSSA.
- 3.2 Should you have any difficulty in using this Manual, do not hesitate to contact the Information Officer, whose contact details are provided in 5.4.

4. Scope

- 4.1 This Manual applies to the LSSA and its various sub-divisions and are known by the descriptions set out below:
- Legal Education and Development (LEAD)
 - De Rebus
 - Professional Affairs
 - PVT Schools

5. Information Officer

- 5.1 The LSSA is governed by the House of Constituents (HOC) that determines the LSSA's policy and is responsible for the LSSA complying with relevant law.
- 5.2 The HOC appoints an Executive Director [ED] responsible for the execution of its directives. The ED is the Executive head of the LSSA and responsible for the LSSA's compliance with PoPIA and PAIA.
- 5.3 The ED has appointed an Information Officer and Deputy Information Officers, delegating the appropriate authority to fulfil their responsibilities in terms of PAIA and PoPIA.
- 5.4 The contact details of the Information Officer and Deputy Information Officers are:

Information Officer Tony Pillay	Telephone:	+27 (012) 366 8800
	Telefax:	+27 (012) 362 0969
	eMail Address:	tony@LSSA.org.za

Deputy Information Officer Ogilvie Ramoshaba (for any legal education matter)	Telephone:	+27 (012) 366 8800
	Telefax:	+27 (012) 362 0969
	eMail Address:	Ogilvie@LSSALEAD.org.za

Deputy Information Officer Ricardo Wyngaard (for any legal profession matter)	Telephone:	+27 (012) 366 8800
	Telefax:	+27 (012) 362 0969
	eMail Address:	Ricardo@LSSA.org.za

Deputy Information Officer Ms Nkhensane Nthane (for any staff matter)	Telephone:	+27 (012) 366 8800
	Telefax:	+27 (012) 362 0969
	eMail Address:	Nkhensane@LSSALEAD.org.za

- 5.5 Communications on physical media may be addressed to the Information Officer at the following addresses:

Postal address:	Information Officer Law Society of South Africa Box 36626 Menlo Park Pretoria 0102
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Physical address:	Information Officer Law Society of South Africa 304 Brooks Street Menlo Park Pretoria 0102
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6. Human Rights Commission and Information Regulator

- 6.1 In terms of PAIA, enacted in 2002, the responsibility for governance and administration of PAIA vests in the South African Human Rights Commission ("SAHRC").
- 6.2 PoPIA, enacted in 2013, amends PAIA and the Information Regulator appointed in terms of PoPIA must exercise its powers and functions in terms of both PoPIA and PAIA. The Information Regulator replaces the SAHRC.
- 6.3 The contact details for the Information Regulator are:

Information Regulator	Telephone:	
	Telefax:	(086) 500 3351

	eMail Address:	infoereg@justice.gov.za
	Website:	www.justice.gov.za/infoereg
	Physical Address:	The Information Regulator JD House 27 Stiemens Street, Braamfontein, Johannesburg

6.4 In terms of Section 10 of PAIA, the SAHRC is required to publish a guide to assist persons exercising their rights in terms of PAIA. This is available on the SAHRC website at <http://www.sahrc.org.za>.

6.5 The guide is also available at any of the following SAHRC offices:

Johannesburg	Postal Address:	Private Bag 2700, Houghton, 2041
	Telephone:	+27 (011) 484 8300
	Fax:	+27 (011) 484 1360

Bloemfontein	Postal Address:	PO Box 4245, Bloemfontein, 9300
	Telephone:	+27 (051) 447 1130
	Fax:	+27 (051) 447 1128

Port Elizabeth	Postal Address:	PO Box 1854, Port Elizabeth, 6001
	Telephone:	+27 (041) 582 2611
	Fax:	+27 (041) 582 2204

Polokwane	Postal Address:	PO Box 55796, Polokwane, 0700
	Telephone:	+27 (015) 291 3500
	Fax:	+27 (015) 291 3505

Durban	Postal Address:	PO Box 1456, Durban, 4000
	Telephone:	+27 (031) 304 7323/4/5
	Fax:	+27 (031) 304 7323/4/5

Cape Town	Postal Address:	PO Box 3563, Cape Town, 8000
	Telephone:	+27 (021) 426 2277
	Fax:	+27 (021) 426 2875

7. Records held by the LSSA

7.1 You have the right to request the LSSA to confirm, free of charge, whether it holds personal information about you.

7.2 The LSSA will, if necessary, assist you in requesting access to any record that may be processed by it.

- 7.3 You may also request the LSSA to provide the records containing your personal information and details of third parties who have had access to these records: Provided you have complied with the LSSA's procedures and paid any fees that may be applicable.
- 7.4 The tables below indicate the categories of records processed by the LSSA that may be available to you or a third party.
- 7.5 In certain instances, particularly relating to your personal information, records may be provided without compliance with the formal processes or completion of the stipulated forms.

8. LSSA Categorisation of Records

LSSA Organisation Records

The LSSA hold records pursuant to, amongst others, the following key laws:	
1	Basic Conditions of Employment Act 75 of 1997
2	Broad-Based Black Economic Empowerment [BBBEE] Act 53 of 2003
3	Compensation for Occupational Injuries and Disease Act 130 of 1993
4	Consumer Protection Act 68 of 2008
5	Copyright Act 98 of 1978
6	Disaster Management Act 57 of 2002
7	Employment Equity Act 55 of 1998
8	Income Tax Act 58 of 1962
9	Labour Relations Act 66 of 1995
10	Occupational Health and Safety Act 85 of 1993
11	Promotion of Access to Information Act No 2 of 2000
12	Protection of Personal Information Act 4 of 2013
13	Skills Development Act 97 of 1998
14	Skills Development Levies Act 9 of 1999
15	Unemployment Insurance Act 63 of 2001
16	Unemployment Insurance Contributions Act 4 of 2002

17	Value Added Tax Act 89 of 1991
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9. Requirements in terms of the Protection of Personal Information Act [PoPIA]

The **purpose** of this inclusion is for general description allowing preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed

Users of this Manual can refer to the LSSA's privacy policy which covers the following information, including records containing Personal Information (as defined in the [LSSA Privacy policy](#) -PoPIA] of the IoDSA.

- 9.1 The purpose of processing
- 9.2 A description of the categories of data subjects and of the information relating thereto;
- 9.3 The recipients or categories of recipients to whom the personal information may be supplied
- 9.4 Planned transborder flows of personal information; and

10. Procedure for Access to Records held by the LSSA

10.1 Prescribed access form

- 10.1.1 To enable the LSSA to facilitate access to a record processed by it, you must complete the prescribed Request for Access Form attached to this Manual marked Annexure 1. The form is available from the LSSA office, alternatively on its website, by clicking or paste the following link in your web browser:

<https://www.lssa.org.za/wp-content/uploads/2019/11/LSSA-Manual-on-Access-to-information-Act-revised-September-2017.pdf>

- 10.1.2 You must ensure that the Request for Access Form is completed in full. Failure to do so may result in granting access to the record/s requested by you is delayed until the incomplete information is provided to or obtained by the LSSA.

10.2 Proof of identity

10.2.1 As the identity of a requester may determine whether the requester has a right to access the record/s requested, the identity of the requester must be authenticated. If third-party acts on behalf of or as an agent for a requester, proof of the third party's identity, the third party's authority to make the request and the identity of the requester will all be required and must be authenticated to the satisfaction of the Information Officer, before the access request may be processed.

10.2.2 To authenticate the identity of requesters or third parties acting on behalf of the requester as described in 12.2.1 the LSSA will require in addition to the information that must be completed in the Request for Access form:

- The sight of the original or a certified copy of the requester's Identity document
- A contact telephone number for the requester
- An eMail address for the requester (if available)

If a third party makes the request on behalf of the requester:

- The requester's information referred to immediately above
- The same information as required above for the third party
- The original or a certified copy of the written mandate granting the third party the authority to request on behalf of the requester

10.2.3 The LSSA Information Officer must not process any request for access to a record until he/she is satisfied:

10.2.3.1 that the requester's identity has been authenticated; and

10.2.3.2 where applicable, a third party acting on behalf of the requester's identity is authenticated, and the third party's mandate is verified.

11. Prescribed fees

11.1 The LSSA Information Officer has discretion on the payment of fees and may not process a request until all applicable fees are paid.

11.2 To assist you in establishing the fees payable, there are four types of fees provided in terms of PAIA that will also apply to requests made in terms of PoPIA.

- **Reproduction fee:** this fee is payable concerning all automatically available records;

- **Request fee:** this fee is an administration fee that must be paid by all requesters, except personal requesters (a personal requester is a requester seeking access containing information about the requester him/herself), before the request is considered and is not refundable;
- **Access fee:** which is payable once access to a record is granted, this fee is intended to reimburse the LSSA for the costs involved in searching and preparing the record for delivery;
- **Deposit:** which is payable if the LSSA receives a request for access to information held on a person other than the requester himself/herself, and the preparation for the record will take more than six hours.

11.3 For the sale of convenience fees prescribed in the Regulations to PAIA are:

- Reproduction fees (excluding VAT)

Description	Rand
For every photocopy of an A4-size page or part thereof	0.75
For every printed of an A4-size page or part thereof held on a computer or in electronic form	1.10
For a copy in a computer readable form:	
-	
- Compact Disc	70.00
A transcription of visual images for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

11.4 Request fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requester him/herself.

11.5 Access fees

The applicable fees (excluding VAT) which will be payable are:

Description	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form:	
- Stiffy	7.50
- Compact disc	70.00
A transcription of visual images for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
To search a record that must be disclosed, per hour of part of the hour	30.00
Where a copy of the record needs to be posted, the actual postal fee is payable	

11.6 Deposit

Where the LSSA receives a request for access to information held on a person other than the requester himself/herself, and the information officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee.

12. The Grant or Refusal for Requests for Access to Information

16.1	Upon receipt, the Information Officer has 30 [thirty] days to assess the request and determine if it should be granted or refused.
16.2	Requests may be refused on the following grounds:
	16.2.1 Mandatory protection of privacy of a third party who is a natural person
	16.2.2 Mandatory protection of commercial information of a third party
	16.2.3 Mandatory protection of the safety of individuals and the protection of property
	16.2.4 Mandatory protection of records privileged from production in legal proceedings
	16.2.5 The records requested contain Commercial information of the LSSA
	12.1.6 Mandatory protection of research information of a third party and or the LSSA

16.3 If additional information is necessary to determine whether a request for access to a record should be granted the Information Officer may request additional information from the requestor.

16.4 The Information Officer may require that the 30 (thirty) day period referred to in **Error! Reference source not found.** be extended for a further 30 (thirty) day period should the LSSA Information Officer need more time to gather the information necessary to assess the request. If an extension is required the Information Officer shall notify you accordingly.

13. Confirmation of Grant or Refusal of the Request for access to a Record

The decision of the Information Officer to grant or refuse a request for access to a record/s will be communicated to you in the manner that you have stipulated in the Request for Access form.

14. Remedies Available to Requestor upon Refusal of Access to a Record

14.1 A decision made by the LSSA Information Officer is final.

- 14.2 The LSSA does not have any internal appeal procedures that may be followed after a request to access information has been refused. Requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the information officer.
- 14.3 If you are dissatisfied with the decision of the LSSA Information Officer, you may submit a complaint to the Information Regulator. The form that must be used in submitting a complaint as required by the Information Regulator may be accessed on the Information Regulators Website at:
- <https://www.justice.gov.za/infoereg/>
- 14.4 The LSSA Information Officers will provide all reasonable assistance that you may require in addressing a complaint to the Information Regulator.

ANNEXURE 1

FORM B

REQUEST 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 the private body: **LAW SOCIETY OF SOUTH AFRICA**
(Registration number 021 – 221 – NPO)

Authorised Person: A Pillay

Postal Address: Box 36626 Menlo Park
 Pretoria
 0102

Physical Address: Law Society of South Africa (LSSA)
 304 Brooks street
 Menlo Park
 Pretoria
 0102

Telephone: +27 (012) 366 8800

Fax: +27 (012) 362 0969

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

B. Particulars of the person requesting access to the record

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

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 PAIA or an exclusion is determined by the Minister in terms of Section 54(8).

- (a) A request for access to a record, other than a 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).
- (a) 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.
- (b) 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 a 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		
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*
3. If record consists of recorded words or information which can be reproduced in sound:					

	listen to the soundtrack		transcription of soundtrack*			
4. If a record is held on computer or in an electronic or machine-readable form:						
	a printed copy of record*		a printed copy of information derived from record*		copy in computer-readable form* (compact disc) or from Cloud storage [if applicable]	
*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 a 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