



LOPES ATTORNEYS INC.

**MANUAL IN TERMS OF SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000**

**Lopes Attorneys Inc.**

(Registration Number: 2020/881737/21)

Implementation Date: **08 January 2021**

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### ATTACHMENTS

### ANNEXURE A

## MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000

### 1. INTERPRETATION:

- 1.1 In this document, clause headings are utilised for convenience only and shall not be utilised in the interpretation hereof, unless clearly inconsistent with or otherwise indicated by the context.
- 1.2 An expression which denotes:
  - 1.2.1 Any gender, includes all other genders;
  - 1.2.2 A natural person, includes a juristic person and *vice versa*; and
  - 1.2.3 The singular, includes the plural and *vice versa*.
- 1.3 The following expressions shall bear the meanings assigned to them below and cognate expressions shall bear corresponding meanings:
  - 1.3.1 **“this document”** means this document together with all of its annexures, as may be amended from time to time;
  - 1.3.2 **“the Firm”** means Lopes Attorneys Incorporated a personal liability company incorporated in accordance with the laws of the Republic, having registration number 2020/881737/21, and duly registered with the Legal Practice Council with firm number 66859, in accordance with the provisions of the Legal Practice Act, 28 of 2014;
  - 1.3.3 **“PAIA”** means the Promotion of Access to Information Act, 2 of 2000;
  - 1.3.4 **“POPI”** means the Protection of Personal Information Act, 4 of 2013; and
  - 1.3.5 **“the Republic”** means the Republic of South Africa.
- 1.4 Any reference to any statute, regulation or legislation shall be a reference to that statute, regulation or other legislation as at the implementation date of this document, and as amended or substituted from time to time.
- 1.5 Where any term is defined within a particular clause other than this clause, that term so defined shall be the meaning ascribed to that term as contemplated within the clause, wherever it is then used within the content of this document.

- 1.6 Where any number of days is to be calculated from a particular day, this number shall be calculated as excluding that particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.
- 1.7 Any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be.
- 1.8 The use of the word “including” followed by a specific example(s) shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall no be applied in the interpretation of such.
- 1.9 Where there is a conflict between this document and either POPI or PAIA, as the case may be, then the provisions of POPI or PAIA, as the case may be, will prevail.
- 1.10 It should be noted that this document is not intended to be exhaustive of all procedures provided for in both POPI and PAIA and the requester should familiarise himself/herself/themselves/itself with the provisions of POPI an PAIA prior to lodging a request to the Firm.

## **2. PURPOSE AND AIM OF THIS DOCUMENT:**

This document aims to facilitate requests for access to records of the Firm, as contemplated in PAIA and in accordance with the provisions of POPI.

## **3. THE FIRM'S CONTACT DETAILS:**

Full name: Lopes Attorneys Incorporated

Registration number: 2020/881737/21

Postal Address: 5 Kitson Street

East Town

Johannesburg

2195

Physical Address: 5 Kitson Street  
East Town  
Johannesburg  
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Telephone: +27 (0) 11 568 6837

Website: [www.lopesattorneys.com](http://www.lopesattorneys.com)

Email: [info@lopesattorneys.com](mailto:info@lopesattorneys.com)

**4. HEAD OF THE FIRM AND THE INFORMATION OFFICER:**

The Head of the Firm and Information Officer of the Firm is Mr. Rui J.C. Lopes, whose contact details are:

Telephone: +27 (0) 11 568 6837

Email: [Rui.Lopes@lopesattorneys.com](mailto:Rui.Lopes@lopesattorneys.com)

Postal Address: 5 Kitson Street,  
East Town,  
Johannesburg,  
South Africa  
2195

Physical Address: 5 Kitson Street  
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Johannesburg  
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## **5. THE GUIDE:**

5.1 PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

5.2 Requests for access to information, in terms of PAIA, shall be made in accordance with the prescribed procedures, at the rates provided.

5.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission ("**Commission**"), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

5.4 The contact details of the Commission are:

5.4.1 Postal Address: Private Bag 2700, Houghton, 2041

5.4.2 Telephone Number: +27 (0)11 877 3600

5.4.3 Fax Number: +27 (0)11 403 0625

5.4.4 Website: [www.sahrc.org.za](http://www.sahrc.org.za)

5.5 The Firm is aware that the Information Regulator, as contemplated under the provisions of POPI, will be updating the Guide referred to above as compiled by the Commission.

5.6 The Guide will be made available by the Information Regulator.

5.7 The contact details of the Information Regulator are:

5.7.1 Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

5.7.2 Email address: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za) / [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

5.7.3 Website: <https://www.justice.gov.za/infoereg/docs.html>

## **6. RECORDS THAT ARE AUTOMATICALLY AVAILABLE:**

6.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 9 of this document:

- 6.1.1 Personnel records are available to the employee whose file it is;
  - 6.1.2 Records of disciplinary hearings and related matters are available to the employee concerned;
  - 6.1.3 The Firm's policies and procedures; and
  - 6.1.4 The Firm's style guide.
- 6.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in paragraph 9:
- 6.2.1 Proof of the Firm's registration with the Legal Practice Council;
  - 6.2.2 Proof of each legal practitioner within the Firm's admission as a legal practitioner/registration with the Legal Practice Council; and
  - 6.2.3 Proof of the Firm's Fidelity Fund Certificate.

**7. RECORDS HELD BY THE COMPANY IN TERMS OF APPLICABLE LEGISLATION:**

The following records are not automatically available without a request in terms of PAIA:

- 7.1.1 all statutory returns:
  - 7.1.2 VAT;
  - 7.1.3 workmen's compensation;
  - 7.1.4 UIF;
  - 7.1.5 regional services levies; and
  - 7.1.6 skills development levies.
- 7.2 Documents concerning compliance by the Firm, insofar as it may be necessary, with legal obligations in terms of the Legal Practice Act, 28 of 2014 apart from those mentioned in 6.2 above, the Occupational Health and Safety Act, 85 of 1993 and any other applicable environmental legislation.

## **8. SCHEDULE OF RECORDS AS ENVISAGED IN SECTION 51(1)(C) OF PAIA:**

8.1 These records are not automatically available without a request in terms of PAIA.

8.2 A request in terms of this section is subject to section 63(1) of PAIA, which provides that the head of a company must refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

### **8.3 Human Resources Department**

8.3.1 Personnel information including personal information, employment history and health records that the company may hold from time to time.

8.3.2 Training and development information.

8.3.3 General files containing information on employee benefits and employee recruitment and selection information.

### **8.4 Project Management**

8.4.1 Building plans.

8.4.2 Information generally related to projects conducted by the Firm from time to time.

### **8.5 Information Technology**

8.5.1 Usage statistics.

8.5.2 Equipment details.

8.5.3 Costings of hardware and software.

### **8.6 Catering**

8.6.1 Function records and related costings.

8.6.2 Stock sheets.

8.6.3 List of suppliers.

### **8.7 Companies' Department**



8.7.1 Company secretarial records.

**8.8 Finance/Accounts department**

8.8.1 Financial records.

8.8.2 A list of the company's creditors and debtors.

8.8.3 Salary information.

8.8.4 Bank account information.

8.8.5 Fixed assets register.

**8.9 Marketing Department**

8.9.1 Company brochures and publications.

8.9.2 Documents relating to public relation events.

8.9.3 Company media releases.

**8.10 Support Services**

8.10.1 Delivery and collection sheets.

8.10.2 List of suppliers.

**9. PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE:**

9.1 A request shall be made on the prescribed form, which is attached hereto marked "A". The form is also available on the website of the Information Regulator's website, at <https://www.justice.gov.za/infoereg/docs.html>.

9.2 The prescribed form shall be submitted to the Information Officer at his address or email address.

9.3 The same procedures set out in 9.1 and 9.2 above apply if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the Firm, accompanied by the requisite proof of authority evidencing the capacity within which such requester is seeking access to the records on behalf of the person so concerned.

- 9.4 The Head of the Firm, as soon as reasonably possible and within 30 (thirty) days after the request has been received, shall decide whether or not to grant the request.
- 9.5 If the request is granted, the requester shall be informed by the Head of the Firm in the manner indicated by the requester in the prescribed form.
- 9.6 Notwithstanding the foregoing, the Firm will advise the requester in the manner stipulated by the requester in the prescribed form of:
  - 9.6.1 The access fee to be paid for the information;
  - 9.6.2 The format in which access will be given; and
  - 9.6.3 The fact that the requester may lodge a review with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 9.7 After access is granted, actual access to the record so requested will be given as soon as reasonably possible.
- 9.8 If the request for access is refused, the Head of the Firm shall advise the requester in writing of the refusal, which shall state:
  - 9.8.1 Adequate reasons for the refusal; and
  - 9.8.2 That the requester may lodge a review with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such a review.
- 9.9 Upon the refusal by the Head of the Firm, the deposit paid by the requester (if any) will be refunded.
- 9.10 If the Head of the Firm fails to respond within 30 (thirty) days after a request has been received, it is deemed, in terms of section 58 read with section 56(1) of PAIA, that the Head of the Firm has refused the request.
- 9.11 The Head of the Firm may decide to extend the period of 30 (thirty) days for another period of 30 (thirty) days if:
  - 9.11.1 The request is for a large number of records;
  - 9.11.2 The search for the records is to be conducted at premises not situated in the same town or city as the Head of the Firm;

- 9.11.3 Consultation among divisions or departments, as the case may be, of the Firm is required; and
- 9.11.4 The requester consents to such an extension in writing.
- 9.12 Should the Firm require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 9.13 The requester may lodge a review with a court of competent jurisdiction against any extension or any procedure undertaken by the Firm regarding the request for access to information.
- 9.14 For the sake of clarity, requester are required to provide sufficient details to enable the Firm to identify:
  - 9.14.1 the record(s) requested;
  - 9.14.2 the requester (and if an agent is lodging the request, proof of capacity);
  - 9.14.3 the form of access required;
  - 9.14.4 the postal address or fax number of the requester in the Republic of South Africa;
  - 9.14.5 if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and
  - 9.14.6 the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.\

## **10. PRESCRIBED FEES:**

- 10.1 The following applies to requests (other than personal requests):
  - 10.1.1 A requestor is required to pay the prescribed fees before a request will be processed.
  - 10.1.2 The fees for reproduction of a record as referred to in section 52(3) of the Act are as follows:
    - 10.1.2.1 for every photocopy of an A4 size page or part thereof R1,10

- 10.1.2.2 for every printed copy of an A4-size page or part thereof R0,75
- 10.1.2.3 for a copy of a compact disc R70,00
- 10.1.2.4 for a transcript of visual images for an A4 size page or part thereof R40,00
- 10.1.2.5 for a copy of visual images R60,00
- 10.1.2.6 for a transcript of an audio record, for an A4-size page or part thereof R20,00
- 10.1.2.7 for a copy of an audio record R30,00
- 10.1.3 The request fee payable by a requester, other than a personal requester is R50,00.
- 10.1.4 If the Head of the Firm is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30,00 for each hour or part thereof, exceeding the six hours.
- 10.1.5 Records may be withheld until the fees have been paid.

## **11. INFORMATION OR RECORDS NOT FOUND:**

- 11.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the Head of the Firm shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 11.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications with every person who conducted the search.
- 11.3 The notice, as set out in 11.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of PAIA.
- 11.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by Head of the Firm.

11.5 The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of PAIA in terms of which the Firm may refuse, on certain specified grounds, to provide information to a requester.

## **12. INFORMATION REQUESTED ABOUT A THIRD PARTY:**

12.1 Section 71 of PAIA makes provision for a request for information or records about a third party.

12.2 In considering such a request, the Firm will adhere to the provisions of sections 71 to 74 of PAIA.

12.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of PAIA in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the head of the company by referring the matter to the High Court.

## **13. THE PROTECTION OF PERSONAL INFORMATION ACT, 2013:**

13.1 Nothing contained herein detracts or derogates from a requester's right to refer a complaint to the Information Regulator, whose details are contained in 5.7 above. The attention of the requester is drawn to the provisions of section 74 of POPI, dealing with complaints.

13.2 In accordance with the amendment to the provisions of section 50 of PAIA, pursuant to POPI, the Firm confirms the following:

### **13.2.1 The purpose of data processing:**

13.2.1.1 The Firm collects Personal Information (as contemplated in PAIA) from its clients, for reasons contemplated in, *inter alia*, the Financial Intelligence Centre Act, 2002, in order to perform the functions of the Firm.

13.2.1.2 All persons from whom Personal Information is collected, are informed of this and are aware of the purpose of the collection of the Personal Information.

13.2.1.3 Any other Personal Information collected from data subjects, not being clients of the Firm, are collected purely for the purposes of undertaking the day to day activities of the Firm. Such persons are similarly informed of and are aware of the purpose of the collection of such Personal Information.

13.2.2 **Categories of data subjects and of the information or categories of information relating thereto:**

13.2.2.1 Clients: (For purposes of ensuring FICA compliance and performing the services of legal representation):

13.2.2.1.1 Information relating to the race, gender, sex, marital status, national origin, age of the person;

13.2.2.1.2 Information relating to the education or the medical, financial, criminal or employment history of the person;

13.2.2.1.3 Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier; and

13.2.2.1.4 Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.

13.2.2.2 Employees (For purposes of recruiting/employing):

13.2.2.2.1 Information relating to the race, gender, sex, marital status, national origin, age of the person;

13.2.2.2.2 Information relating to the education or the medical, financial, criminal or employment history of the person;

13.2.2.2.3 Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier; and

13.2.2.2.4 Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further

correspondence that would reveal the contents of the original correspondence.

13.2.3 **Recipients:**

13.2.3.1 DocFox (for Client's FICA documentation); and

13.2.3.2 AJS (the Firm's legal practice management software).

13.2.4 **Planned transborder flows of personal information: N/A**

13.2.5 **Information Security Measures of the Firm:**

13.2.5.1 The Firm utilises various information security measures, namely:

13.2.5.1.1 Mimecast for the protection of email messages coming into and out of the Firm's email servers;

13.2.5.1.2 Anti-virus software installed on each of the Firm's computers;

13.2.5.1.3 All legal practice software is currently through AJS, which has its own information security measures;

13.2.5.1.4 The Firm utilises DocFox to ensure FICA compliance, which has its own information security measures;

13.2.5.1.5 The use of Windows Security; and

13.2.5.1.6 Microsoft offers robust, multi-layered protection for data security in SharePoint Online, which is utilised by the Firm.

**14. UPDATING OF MANUAL:**

14.1 As required by section 51(2) of PAIA, the Head of the Firm will update this manual on a regular basis.





**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 folio and attach it to this form. The requester must sign all the additional folios.

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

.....

.....

.....

.....

2. Reference number, if available:

.....

.....

.....

.....

3. Any further particulars of record:

.....

.....

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.....

**E. Fees**

- (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.
- (c) The fee payable for access to a record depends on the form 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 below, 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 <b>X</b> .	
NOTES:	
(a) Compliance with your request for access 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 a case 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.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the 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 folio and attach it to this form. <b>The requester must sign all the additional folios.</b>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------

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 .....year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE