

**ADAMS & ADAMS**

Realise African Enterprise

**PROMOTION OF ACCESS TO  
INFORMATION ACT MANUAL**

Compiled in accordance with the requirements of  
the Promotion of Access to Information Act No. 2 of 2000

# CONTENTS

1. INTERPRETATION TO THIS MANUAL
2. INTRODUCTION
3. CONTACT DETAILS IN TERMS OF SECTION 51 (1) (a)
4. SECTION 10 GUIDE TO THE ACT IN TERMS OF SECTION 51 (1) (b)
5. SECTION 51(1)(c) NOTICE(S) IN TERMS OF SECTION 52 (2)
6. RECORDS OF THE FIRM WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(d)
7. PROTECTION OF PERSONAL INFORMATION ACT, 2013
8. SECTION 51(1)(e) REQUEST PROCEDURE FOR ACCESS TO RECORDS OF THE FIRM
9. GROUNDS FOR REFUSAL
10. FEE SCHEDULE IN TERMS OF SECTION 54
11. OTHER INFORMATION AS MAY BE PRESCRIBED IN TERMS OF THE ACT
10. ANNEXURES

## 1. INTERPRETATION TO THIS MANUAL

Adams & Adams is defined as a private body in terms of the Act.

In this manual, unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them hereunder and cognate words and expressions shall bear corresponding meanings:

<b>Information officer</b>	The head of the Firm and the Information Officer for the purposes of the Act;
<b>Constitution</b>	Act 108 of 1996;
<b>Requester</b>	Any person or entity requesting access to a record held by Adams & Adams;
<b>SAHRC</b>	the South African Human Rights Commission;
<b>Section 10 Guide</b>	the guide compiled by the South African Human Right Commission in terms of section 10 of the Promotion of Access to Information Act No 2 of 2000;
<b>The Act</b>	The Promotion of Access to Information Act No 2 of 2000, as amended and its accompanying regulations;
<b>The Firm</b>	Adams & Adams Attorneys;

Reference to any information in this manual in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement to receive such information, other than in terms of the Act.

## 2. INTRODUCTION

Adams & Adams is an internationally recognised and leading African law firm that specialises in providing intellectual property, corporate and commercial services.

With primary office locations in South Africa and branches and associate offices in a number of African countries, our firm's leadership position as the largest intellectual property law practice in Africa, and one of South Africa's foremost corporate, property and commercial law firms is reflected in the ground-breaking work we do and the valuable client relationships we have with many of the world's largest corporations and organisations, as well as small to medium-sized companies.

Our Intellectual Property law practices work with clients around the globe and across many industries to protect, enforce and commercialise their intellectual property. The group offers clients a full range of legal services relating to the acquisition, enforcement and commercialisation of intellectual property rights. These services include counsel and handling of transactions in cases involving patents, copyrights, trade marks, designs, licensing, and data security. The partners and associates in our Intellectual Property Group also litigate these issues in courts across Africa. Adams & Adams is the largest IP firm in Africa and is ranked among the leading firms in Intellectual Property in the world.

Likewise, the Adams & Adams general commercial legal services practices boast competent and powerful teams that are purposed to represent clients in expertise areas such as commercial and contract law, commercial litigation, property services, public procurement, banking and finance, mergers and acquisitions, tax, exchange control, franchising, competition, labour, personal injury, arbitration and dispute resolution, among

**OFFICES:** Pretoria | Johannesburg | Cape Town | Durban **ASSOCIATE OFFICES:** Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

**Partners** Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Flandeiro Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajidha Gamielien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabiní Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagisho Manyashi Udi Pillay Thapelo Mmatong

**Consultants** Sophia Smallbones

**Associates** Deborah Marsicano Therése Davis Dakalo Luvhimbil Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schröner Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matshela Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Aliza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Aniaqa Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs

**Africa Practice Manager** Menzi Maboyi  
**Chief Operating Officer** Dave Forbes

others. As a leader among law firms involved in commercial services and other corporate transactions, the

transactional and litigation experience of our attorneys, the breadth of our practice and the geographical reach of our offices in Africa have allowed us to maintain a competitive leadership position, representing a broad array of public and private companies, private equity firms and financial institutions, governmental entities, and other institutions and individuals in almost every type of commercial law situation.

Adams & Adams is firmly rooted in Africa – with a tenacious belief in the economic growth potential and spirit of the continent. Our head office in Pretoria, the capital of South Africa, provides the perfect gateway through which our partners, supported by some 500 professionals and staff, render a broad range of legal services to clients in Africa and the rest of the world.

Through our associate offices and long-established networks, we serve our global client base throughout the African continent - in matters of intellectual property, commercial law, property and litigation. Adams & Adams regularly hosts a meeting of partners from associate offices throughout the continent– a network meeting designed to maintain relationships, build capacity and share information about updates on intellectual property and corporate & commercial developments across the continent.

This manual has been compiled in fulfilment of the requirements of section 51(1) of the Act.

### 3. CONTACT DETAILS IN TERMS OF SECTION 51 (1) (a)

<b>Information Officer:</b>	Kelly Thompson
<b>Deputy:</b>	Dave Forbes
<b>Postal Address:</b>	P O Box 1014 Pretoria 0001 South Africa
<b>Physical Address:</b>	Lynnwood Bridge Office Park 4 Daventry Street, Lynnwood Manor, Pretoria South Africa 0081
<b>Telephone:</b>	+27 (12) 432-6000
<b>Fax:</b>	+27 (12) 432 6599
<b>E-mail:</b>	<a href="mailto:Kelly.Thompson@adams.africa">Kelly.Thompson@adams.africa</a> / <a href="mailto:Dave.Forbes@adams.africa">Dave.Forbes@adams.africa</a>
<b>Website:</b>	<a href="http://www.adams.africa">www.adams.africa</a>

**OFFICES:** Pretoria | Johannesburg | Cape Town | Durban **ASSOCIATE OFFICES:** Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe  
**Partners** Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Fiancetto Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grovè Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajida Gamielien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagisho Manyashi Udi Pillay Thapelo Mmotong  
**Consultants** Sophia Smallbones  
**Associates** Deborah Marsicano Thérèse Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schröner Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matshela Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Aliza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Anika Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs  
**Africa Practice Manager** Menzi Maboyi  
**Chief Operating Officer** Dave Forbes

## 4. SECTION 10 GUIDE TO THE ACT IN TERMS OF SECTION 51 (1) (b)

The Act 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 for access to information with the Firm, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided and gazetted by the Minister from time to time. The applicable forms and tariffs are specified in the Act.

The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated the PAIA Guide, as initially compiled by the SAHRC. The purpose of the Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in PAIA and POPIA.

This Guide will specifically assist a person, also called a data subject, on how to access his/her or its personal information in terms of section 23 of POPIA.

Requesters are referred to the Section 10 Guide which will contain information which will be of assistance to the requester for the purposes of exercising their Constitutional Rights.

The Section 10 Guide is available in each of the official languages from the office of the Information Regulator whose contact details are listed out below:

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

**Physical Address:** The Information Regulator (South Africa)  
JD House 27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

**Telephone:** +27 (0) 10 023 5200

**Email:** [enquiries@infoeregulator.org.za](mailto:enquiries@infoeregulator.org.za)

**Website:** <https://www.infoeregulator.org.za>

## 5. SECTION 51(1)(c) NOTICE(S) IN TERMS OF SECTION 52 (2)

The Firm has not yet issued any notices in terms of the provisions of section 52 (2) of the Act and all requests for access to information should be made in accordance with the procedure set out in section 8 of this manual.

Save for marketing and publicity material, all records held by the Firm are deemed to be confidential and any request for access to information will be balanced against, inter alia, the principles of legal professional privilege, attorney-client confidentiality, and the limitations to the the right of access of information set out in section 36 of the Constitution and sections 5 and 62 of the Act.

## 6. RECORDS OF THE FIRM WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(d)

### 6.1. To the extent applicable, the Firm maintains such information and documents as may be required in accordance with, inter alia, the following legislation:

Administration of Estates Act 66 of 1965  
 Attorneys Act 53 of 1979  
 Basic Conditions of Employment Act 75 of 1997  
 Broad-Based Black Economic Empowerment Act 53 of 2003  
 Companies Act 71 of 2008  
 Compensation for Occupational Injuries and Diseases Act 130 of 1993  
 Consumer Protection Act 68 of 2008  
 Copyright Act 98 of 1978  
 Counterfeit Goods Act 37 of 1997  
 Currency and Exchanges Act 9 of 1933  
 Designs Act 195 of 1993  
 Employment Equity Act 55 of 1998  
 Electronic Communications and Transactions Act 25 of 2002  
 Financial Intelligence Centre Act 38 of 2001  
 Income Tax Act 58 of 1962  
 Information Act 70 of 2002  
 Intellectual Property Amendment Act 28 of 2013  
 Insolvency Act 24 of 1936  
 Labour Relations Act 66 of 1995  
 Medical Schemes Act 131 of 1998  
 Merchandise Marks Act 17 of 1941  
 National Credit Act 34 of 2005  
 Occupational Health and Safety Act 85 of 1993  
 Patents Act 57 of 1978  
 Pension Funds Act 24 of 1956  
 Plant Breeders' Rights Act 15 of 1976  
 Promotion of Access of Information Act 2 of 2000  
 Registration of Copyright in Cinematograph Films Act 62 of 1977  
 Skills Development Act 97 of 1998  
 Skills Development Levies Act 9 of 1999  
 Stamp Duties Act 77 of 1968  
 Tax on Retirement Funds Act 38 of 1996  
 Trade Marks Act 194 of 1993  
 Trust Property Control Act 57 of 1988  
 Unemployment Insurance Act 63 of 2001  
 Unemployment Insurance Contributions Act 4 of 2002  
 Value Added Tax Act 89 of 1991

### 6.2. Schedule of records held by the Firm

The following is a list of the subjects on which the Firm holds records and the categories into which the stated subjects fall.

**OFFICES:** Pretoria | Johannesburg | Cape Town | Durban **ASSOCIATE OFFICES:** Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe  
**Partners** Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Fiandeiro Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nhabisheng Phaswana Nishan Singh Pieter Visagie Sajida Gamielidien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagiso Manyashi Udi Pillay Thapelo Mmatong  
**Consultants** Sophia Smallbones  
**Associates** Deborah Marsicano Thérése Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schröner Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matshela Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Alza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Anliqa Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs  
**Africa Practice Manager** Menzi Maboyi  
**Chief Operating Officer** Dave Forbes

DEPARTMENT	DESCRIPTION OF RECORDS HELD
<b>MANAGEMENT</b>	Documents pertaining to the Partnership and the Partners of Adams & Adams
	Resolutions of the Partners of Adams & Adams
	Minutes of meetings of the Partners of Adams & Adams
	Minutes of meetings of committees and sub-committees of Adams & Adams
<b>FINANCE</b>	Financial Records and Tax Records
	Insurance records
	Auditors' reports
	Banking records for business and trust accounts
<b>MARKETING</b>	Firm publications
	Marketing brochures
	Firm and Attorney Profiles
<b>HUMAN RESOURCES</b>	Staff training material
	List of employees
	Correspondence relating to personnel
	Employment contracts
	Personnel records including personal details, disciplinary records, performance and internal evaluation records
	Unemployment Insurance Fund contribution records
	Payroll records
	Health and safety records
	Internal policies and procedures
	Codes of conduct
Fidelity Fund certificates	
<b>ADMINISTRATION</b>	Supplier lists, Agreements and details of suppliers
	Asset registers
<b>LEGAL SERVICES</b>	Operational documents
	Opinions/Advice to clients
	Correspondence with clients
	Records regarding legal matters
<b>LIBRARY</b>	Correspondence with third parties and legal practitioners
	Publications including books, journals, periodicals and circulars
	Government and Provincial Gazettes
	Precedents of case law and legal documents

OFFICES: Pretoria | Johannesburg | Cape Town | Durban ASSOCIATE OFFICES: Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

Partners Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Fiandeiro Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajidha Gamielien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagisho Manyashi Udi Pillay Thapelo Mmotong

Consultants Sophia Smallboones

Associates Deborah Marsicano Thérèse Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schröner Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matshela Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Aliza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Anika Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs

Africa Practice Manager Menzi Maboyi  
Chief Operating Officer Dave Forbes

	Other legal resources, including domestic and international sources
<b>INFORMATION TECHNOLOGY</b>	Records relating to computer software used by Adams & Adams, including software, licence, support and maintenance agreements.
<b>MISCELLANEOUS</b>	Various types of correspondence

## 7. PROTECTION OF PERSONAL INFORMATION ACT, 2013

Insofar as the Protection of Personal Information Act, 2013, is concerned—

### BASIS AND PURPOSE FOR PROCESSING PERSONAL INFORMATION

The Firm may process personal information:

- to provide services to clients;
- to comply with legal or regulatory obligations;
- if a data subject has provided their consent; or
- if the processing is allowed by law.

The purposes for which the Firm processes personal information include, but are not limited to:

- marketing and promotion of the Firm's services;
- providing and improving services to clients;
- improving users' experience when using the Firm's websites;
- communicating with persons for the Firm's internal purposes;
- enabling the Firm's internal operations;
- exercising and defending legal rights.

Personal information will only be processed in accordance with the following POPIA conditions:

- "Accountability", as referred to in section 8;
- "Processing limitation", as referred to in sections 9 to 12;
- "Purpose specification", as referred to in sections 13 and 14;
- "Further processing limitation", as referred to in section 15;
- "Information quality", as referred to in section 16;
- "Openness", as referred to in sections 17 and 18;
- "Security safeguards", as referred to in sections 19 to 22; and
- "Data subject participation", as referred to in sections 23 to 25.

### CATEGORIES OF DATA SUBJECTS AND INFORMATION

The Firm collects personal information in various instances, including when:

- data subjects contact the Firm or request information or services;
- the Firm provides services to data subjects;
- persons apply for employment at the Firm;
- when persons use the Firm's websites or engage with the Firm through social media.

The Firm may collect the information directly from a data subject or from third parties (such as



regulators, government authorities and registries, or attorneys representing our clients' counterparties).

The interaction with the Firm on the Firm's website will result in the collection of information regarding the person's activities on the website. Similarly, when anyone engages with the Firm via any one of the Firm's social media platforms. This information includes, but is not limited to, the person's name, contact details and information regarding the matter with which they need assistance.

In the course of engaging with clients on matters, the Firm will naturally be exposed to and collect personal information which includes the data subject's name, contact details, financial information as well as information regarding the matters that the firm assists them with.

As part of its recruitment processes, the Firm collects information from graduates and employment applicants. This information includes educational information as well as employment history. By enquiring regarding employment opportunities at the Firm or applying for employment, applicants are deemed to provide their consent to the Firm's processing of their personal information for recruitment purposes, which may include screening as well as background and reference checks.

## SUPPLY OF PERSONAL INFORMATION

The Firm may release personal information or disclose it to third parties in certain circumstances. These include, but are not limited to:

- if the Firm is required or authorised to do so by law or a court order;
- in order for the Firm to enforce its rights;
- in order for the Firm to provide services to its clients.

The third parties/recipients or categories of recipients to whom the personal information may be supplied include, but are not limited to:

- advocates and other parties involved in legal services;
- third party service providers to the Firm or its clients;
- third parties who provide research services to the Firm or its clients;
- government authorities and registries, organs of state, regulators, courts, tribunals and law enforcement agencies.

## TRANSFER OF PERSONAL INFORMATION

Personal information collected by the Firm may be transferred to persons in other countries. Those countries' laws might not protect personal information in the same way or on the same level as the law in the data subject's country. However, the Firm will take reasonable steps to ensure that recipients in other countries have appropriate privacy measures in place such as ensuring the necessary data transfer and protection agreements are in place.

## SECURITY

The Firm takes all reasonable steps to protect and avoid unauthorised access to personal information. It has implemented various policies, procedures and software to safeguard personal information and routinely reviews its operations in order to ensure that personal information is adequately protected.

Security controls have been implemented to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction of personal information.

**OFFICES:** Pretoria | Johannesburg | Cape Town | Durban **ASSOCIATE OFFICES:** Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

**Partners** Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Fiancetto Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajidha Gamielidien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagiso Manyashi Udi Pillay Thapelo Mmatong

**Consultants** Sophia Smallbones  
**Associates** Deborah Marsicano Thérèse Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schrönen Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matshela Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Aliza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Aniaqa Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs

**Africa Practice Manager** Menzi Maboyi  
**Chief Operating Officer** Dave Forbes

Further the Firm employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information. These information security measures include but are not limited to firewalls; virus protection software and update protocols; access control and others.

The IT Department continuously reviews and tests the security controls to mitigate the risk of cyber-attacks.

## DATA SUBJECT RIGHTS

The law might provide data subjects with rights to access, amend or delete personal information that is in the possession of the Firm. However, the Firm may, in certain instances, legally refuse or decline such requests. If applicable, a data subject may also have the right to object to the Firm's processing of their personal information or to file a complaint with a regulator. If a data subject wishes to exercise their rights, they can contact the Firm at the details provided below. The Firm may charge data subjects a fee for accessing, amending or deleting their personal information.

Data subjects are encouraged to contact the Firm in order to update their personal information as and when necessary.

## REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a data subject may request for their personal information to be corrected/deleted.

The data subject may use of **Annexure A: Form 2 –Request for Correction or Deletion of Personal Information** to request for the correction or deletion of their personal information. Once completed, the data subject is to follow the Request Procedure set out on section 8 this Manual.

## OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA SUBJECT

Section 11 (3) of POPIA and Regulation 2 of the POPIA Regulations provides that a data subject may, at any time object to the processing of his/her/its personal Information subject to exceptions contained in POPIA.

The data subject may use of **Annexure B: Form 1 - Objection to the Processing of Personal Information** to request this. Once completed, the data subject is to follow the Request Procedure set out on section 8 of this Manual.

## 8. SECTION 51(1)(e) REQUEST PROCEDURE FOR ACCESS TO RECORDS OF THE FIRM

To enable the Firm to process a request for access to information, kindly complete the prescribed **Annexure C: Form 02: Request for Access to Record [Regulation 7]**

The requester must comply with the guidelines set out below, which have been set out in line with requirements of the PAIA Act, relating to the request for records:

The request must be submitted in the format of Form 2 as required and submitted to the Firm at the contact details outlined in paragraph 3 above. All requests for records made by a

OFFICES: Pretoria | Johannesburg | Cape Town | Durban ASSOCIATE OFFICES: Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

Partners Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Flandeiro Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajidha Gamielidien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Jansse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagiso Manyashi Udi Pillay Thapelo Mmatong

Consultants Sophia Smallbones  
Associates Deborah Marsicano Thérèse Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schröner Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebene Dikotla Mpumelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matsheta Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Aliza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Aniaqa Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs

Africa Practice Manager Menzi Maboyi  
Chief Operating Officer Dave Forbes

requester will be assisted by the Information Officer or the Deputy Information Officer.

The prescribed form must be completed in detail to provide clear, sufficient and unambiguous details to enable the Firm to ascertain;

- The identity of the requester (If the requester is represented by an agent, sufficient proof showing authority to represent the requester and the identity of the agent);
- The record/s requested;
- 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;
- The form of access required;
- If the requester wishes to be informed of the decision in any manner (in addition to a written decision) the manner and particulars thereof;
- The postal address or fax number of the requester in the Republic.
- The request for access to information must be clearly identified as such and marked for the attention of the information officer; and
- The applicable Prescribed fee as set out in the regulations to the Act must accompany the request for access to information.

The request for access to records may be submitted orally under the circumstance of illiteracy or a disability of the requester. The completion of Form 2 will be done on behalf of the requester and provide a copy thereof to the requester.

Access to records will only be considered after the above checks are done, thereafter the Firm will respond to the requester within 30 days with a copy of the requested record or the reason/s of grounds of refusal.

The above 30 days timeline may be extended for a further 30 days, should such a circumstance arise that an extension is needed. The requester will be notified, together with reasons explaining why the extension is necessary before the original 30 days expires.

Upon due lodgement of a request for access to information lodged with the Firm, the Firm will consider the request and notify the requester of his decision by way of a written notice within the time periods stipulated in the Act, stating clearly whether the request is granted or refused and advising the requester of external remedies which the requester may pursue to dispute the Information officer's decision.

The result and amount payable will then be communicated in **Annexure D- FORM 3- outcome of request and of fees payable [Regulation 8]**

OFFICES: Pretoria | Johannesburg | Cape Town | Durban ASSOCIATE OFFICES: Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

Partners Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Flandeiro Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajida Gamielien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagiso Manyashi Udi Pillay Thapelo Mmatong

Consultants Sophia Smallbones

Associates Deborah Marsicano Thérèse Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schrönen Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matshela Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Aliza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Aniaqa Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs

Africa Practice Manager Menzi Maboyi

Chief Operating Officer Dave Forbes

## 9. GROUNDS FOR REFUSAL

The Firm has a right to refuse access to records which a requester has requested on the following grounds:

- Mandatory protection of privacy of a third party, who is natural person, if the disclosure of a record would involve the unreasonable disclosure of personal information about the third party, including a deceased individual;
- Mandatory protection of commercial information of a third party, if the request includes trade secrets, information supplied in confidence by the third party and financial, commercial, scientific or technical information of the third party, which the disclosure thereof would cause harm to the commercial or financial interest of that third party;
- Mandatory protection of certain confidential information of a third party, which if it is disclosed would constitute an action for breach of duty of confidence owed to the third party in terms of an agreement;
- Mandatory protection of safety of individuals, and protection of property where the disclosure could be reasonably expected to endanger the life or physical safety of an individual;
- Commercial information of the Firm;
- Mandatory protection of records privileged from production in legal proceedings; and
- Mandatory protection of research information of a third party, and protection of research information of the Firm.

Where the Firm was unable to disclose any certain part of information because of above Grounds of Refusal, any other information that is not part of the Ground of Refusal must be disclosed.

Section 70 of PAIA contains an overriding provision where disclosure of a record is deemed to be compulsory if it would reveal:

- a substantial contravention of, or failure to comply with the law; or
- there is an imminent and serious public safety or environmental risk; and
- the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

## 10. FEE SCHEDULE IN TERMS OF SECTION 54

The following fees will apply to all requests for access to information held by the Firm save for personal requests which will not be subject to a fee:

- 8.1. A requestor must pay the prescribed fees (currently R50.00) before a request will be processed;
- 8.2. Where the preparation of the record requested requires more than the prescribed hours (currently 6 hours), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 8.3. A requestor may lodge an application with a competent court against the tender/payment of the request fee and/or deposit;
- 8.4. The Firm may withhold access to a record under its control until the requisite fees have been paid;
- 8.5. If a request for access to information is granted, an access fee must be paid before such information is made available to the requester;

**OFFICES:** Pretoria | Johannesburg | Cape Town | Durban **ASSOCIATE OFFICES:** Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

**Partners** Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Fiandeiro Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajidha Gamielidien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagisho Manyashi Udi Pillay Thapelo Mmatong

**Consultants** Sophia Smallbones

**Associates** Deborah Mariscano Therése Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schrönen Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matshela Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Aliza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Aniaqa Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs

**Africa Practice Manager** Menzi Maboyi  
**Chief Operating Officer** Dave Forbes

- 8.6. The prescribed fee structure for request of access to the records of a private body is available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za) but also as **Annexure E: Prescribed Fee Schedule**.

## 11. OTHER INFORMATION AS MAY BE PRESCRIBED IN TERMS OF THE ACT

### 11.1. Information or records not found

Where the Firm has taken all reasonable steps to find a record but such record is not found, or is found not to exist, the Firm will provide notification of this to the requester in the form of a sworn affidavit.

The sworn affidavit will provide a full account of all steps taken by the Firm to find the record or to determine the existence thereof; and

If the requested record is later found by the Firm, the requester shall be notified and furnished with the requested document in the manner stipulated by the requester in the application for request for access to information previously lodged by the requester (This will apply to instances where the Firm does not object to disclosing the requested information).

Where the requested record is later found, but the Information officer objects to disclosing the record to the requester, the Firm shall notify the requester of the Firm's decision and advise the requester of external appeal remedies available to dispute the refusal of access to information.

### 11.2. Information requested about a third party

Where any information relating to a third party is requested from the Firm by a requester, the Firm will notify the third party of the request.

The third party will have an opportunity to grant his, her or its consent to the disclosure of the record or to make representations as to why the requested record should not be disclosed to the requester.

Where the Firm decides to grant access to the record, it will notify all affected third parties who will be entitled to approach a competent court by way of application in relation to such decision.

- 9.3. This manual is available for inspection at the offices of Adams & Adams; Copies of this manual may be obtained by request at the prescribed fees from Adams & Adams; This manual can also be accessed on the Firm's website [www.adams.africa](http://www.adams.africa) and The South African Human Rights Commission website [www.sahrc.org.za](http://www.sahrc.org.za)

### 9.4. Remedies available to a requester upon refusal of access

#### 9.4.1. Internal remedies

The Firm 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

OFFICES: Pretoria | Johannesburg | Cape Town | Durban ASSOCIATE OFFICES: Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

Partners Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Fiancetto Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nhabisheng Phaswana Nishan Singh Pieter Visagie Sajida Gamielien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagisho Manyashi Udi Pillay Thapelo Mmotong

Consultants Sophia Smallbones  
Associates Deborah Marsicano Thérèse Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thembi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schrönen Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matsheta Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Alza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Aniaqa Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs

Africa Practice Manager Menzi Maboyi  
Chief Operating Officer Dave Forbes

their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the Information officer.

#### 9.4.2. External remedies

A requester that is dissatisfied with the Information officer's decision may, within 30 days of notification of the decision, apply to a competent court for relief.

Likewise, a third party dissatisfied with the Information officer's decision 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.

## 10. ANNEXURES

- 10.1. **Annexure A: Form 2 –Request for Correction or Deletion of Personal Information**
- 10.2. **Annexure B: Form 1 - Objection to the Processing of Personal**
- 10.3. **Annexure C: Form 02- Request for Access to Record [Regulation 7]**
- 10.4. **Annexure D: Form 3- outcome of request and of fees payable [Regulation 8]**
- 10.5. **Annexure E: Prescribed Fee Schedule.**

This Manual may be updated and amended from time to time as necessary and the latest version will be publicised in the manner prescribed by the Act.

Version 3

Last updated: April 2024

OFFICES: Pretoria | Johannesburg | Cape Town | Durban ASSOCIATE OFFICES: Angola | Botswana | Burundi | Cameroon (OAPI) | Cape Verde | Egypt | Ethiopia | Ghana | Kenya | Lesotho | Liberia | Libya | Mauritius | Mozambique (ARIPO) | Namibia | Nigeria | Sierra Leone | São Tomé and Príncipe | Eswatini | Tanzania (including Zanzibar) | The Gambia | Zimbabwe

Partners Gérard du Plessis Phil Pla Russell Bagnall Simon Brown Grégor Walter Joseph Goedhals Blain de Villiers Eugene Honey Darren Olivier Nolwazi Gcoba David Scheepers Kelly Thompson Nolo Khechane Janice Galvad Nishi Chetty Lucy Signorelli Steven Yeates Johnny Fiandeiro Jenny Pienaar Danie Dohmen Alexis Apostolidis Bilkis Daby Debbie Marriot Lauren Ross Dale Healy Mandy Swanepoel Roelof Grové Nicolette Koch James Davies Nicky Garnett Vishen Pillay Godfrey Budeli Jac Marais Nthabisheng Phaswana Nishan Singh Pieter Visagie Sajida Gamielien Thando Manentsa Werina Griffiths Wilhelm Prozesky Jean-Paul Rudd Alicia van der Walt Jameel Hamid Joanne van Harmelen Somayya Khan Jani Cronjé Stephen Hollis Alicia Kabini Wynand Fourie Lita Miti-Qamata Jan-Harm Swanepoel Amina Suliman Kim Rampersadh Femke van Dyk Helgard Janse van Rensburg Nicole Smalberger Alissa Naran Donald Mokgehele Demi Pretorius Kagisho Manyashi Udi Pillay Thapelo Mmotong

Consultants Sophia Smallbones

Associates Deborah Marsicano Thérése Davis Dakalo Luvhimbini Richard Wiers Jean-Louis La Grange Nicole Haworth Lisa van Zuydam Misha van Niekerk Robyn Müller-Mabuza Shani van Niekerk Alicia Heyneke Lavashnee Mandry Ramon Pereira Thambi Zondo Mthokozisi Maphumulo Maureen Makoko Mia de Jager Daniëlle van Deventer Lethabo Mashishi Melissa Jade Morris Alison Levesley Esmé van Rooyen Cohen Grootboom Monique Schrönen Stephanus Gerber Thomas Schmidt Whitney Govender-Williams Thandiwe Seboletswe Mzwakhe Poswa Tsholofelo Maluleke Raznae Narayanasami Rebone Dikotla Mpumelo Nalela Kim Erasmus Thapelo Segodi Micaela da Silva Matome Matsheta Darshan Moodley Kelly Mzobe Tesslyn Francis Sikelela Masumpa Courtney Elson Chanel Tewary Chervaune Utermöhlen Jared de Canha Nontando Tusi Michelle-Lynn Langeveld Aliza Hay Lindokuhle Gwala Marilé Fouché Corbyn Setzer Magdalene Haripersad Tanya Dreyer Rutendo Chapwanya Linda Khumalo Simoné Engelbrecht Rachael Lee Aniaqa Bawa Fanele Mabaso Hashiem Logday Gizela Lombard Rudy Ren Klara du Preez Pierre Jacobs

Africa Practice Manager Menzi Maboyi

Chief Operating Officer Dave Forbes

## PRETORIA OFFICE

Lynnwood Bridge, 4 Davenry Street, Lynnwood Manor, Pretoria, South

Africa PO BOX 1014, Pretoria 0001, South Africa

PHONE +27 12 432 6000

FAX +27 12 432 6599

EMAIL [mail@adams.africa](mailto:mail@adams.africa)

## JOHANNESBURG OFFICE

2nd Floor, 34 Fredman Drive (Cnr. 5th Street), Sandton, South

Africa PO BOX 10155, Johannesburg 2000, South Africa

PHONE +27 11 895 1000

FAX +27 11 784 2888 (CPL)

+27 11 784 2872 (Patents)

+27 11 784 2889 (Trade

Marks) EMAIL [jhb@adams.africa](mailto:jhb@adams.africa)

## CAPE TOWN OFFICE

22nd Floor, 2 Long Street, Cnr Long Street & Hans Strijdom  
Avenue, Cape Town, South Africa

PO BOX 1513, Cape Town 8000, South

Africa PHONE +27 21 418 8560

FAX +27 21 418 9216 (Patents)

+27 21 419 5729 (Trade

Marks) EMAIL [cpt@adams.africa](mailto:cpt@adams.africa)

## DURBAN OFFICE

Suite 2, Level 3, Ridgeside Office Park, 21 Richefond Circle, Umhlanga  
Ridge, Durban, South Africa

PO BOX 237, Umhlanga Rocks 4320, South

Africa PHONE +27 31 536 3740

FAX +27 31 536 8254

EMAIL [dbn@adams.africa](mailto:dbn@adams.africa)

ANNEXURE A

# FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACTNO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017**  
[Regulation 3(2)]

Note:

1. *Affidavits or other documentary evidence in support of the request must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number....

Mark the appropriate box with an "x".

**Request for:**

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

<b>A</b>		<b>DETAILS OF THE DATA SUBJECT</b>	
Surname:			
Full names:			
Identity number:			
Residential, postal or business address:			
			Code (    )
Contact number(s):			
Fax number:			
E-mail address:			
<b>B</b>		<b>DETAILS OF RESPONSIBLE PARTY</b>	
Name and surname of responsible party ( <i>if the responsible party is a natural person</i> ):			
Residential, postal or business address:			
			Code (    )
Contact number(s):			
Fax number:			
E-mail address:			





**ANNEXURE B**

**FORM 1  
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS  
OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION  
ACT, 2013 (ACT NO.  
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL  
INFORMATION, 2017  
[Regulation 2(1)]**

Note:

1. *Affidavits or other documentary evidence in support of the objection must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number.....

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name and surname of data subject:	
Residential, postal, or business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name and surname of responsible party <i>(if the responsible party is a natural):</i>	
Residential, postal, or business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	

Name of public or private body (if the responsible party is not a natural person):	
Business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION</b> (Please provide detailed reasons for the objection)

Signed at ..... this ..... day of..... 20.....

.....  
**Signature of data subject (applicant)**

**FORM 2**

**REQUEST FOR ACCESS TO RECORD**

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer


(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

**PARTICULARS OF RECORD REQUESTED**

*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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)*

Description of record or relevant part of the record:	

Reference number, if available	
--------------------------------	--

Any further particulars of record	

**TYPE OF RECORD**  
*(Mark the applicable box with an "X")*

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

**FORM OF ACCESS**  
*(Mark the applicable box with an "X")*

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

**MANNER OF ACCESS**  
*(Mark the applicable box with an "X")*

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected	

Explain why the record requested is required for protection of the aforementioned	

<b>FEES</b>	
11.	<i>A request fee must be paid before the request will be considered.</i>
12.	<i>You will be notified of the amount of the access fee to be paid.</i>
13.	<i>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.</i>
14.	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs

relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**

-----  
**FOR OFFICIAL USE**

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

\_\_\_\_\_  
**Signature of Information Officer**

**ANNEXURE D**

**FORM 3**

**OUTCOME OF REQUEST AND OF FEES PAYABLE  
[Regulation 8]**

Note:

1. If your request is granted the—
  - (a) amount of the deposit, (if any), is payable before your request is processed; and
  - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: .....

TO: .....

Your request dated .....refers.

**1. You requested:**

Personal inspection of information at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i> is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
---	--

**OR**

**2. You requested:**

Printed copies of the information <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of information on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of information on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

**3. To be submitted:**

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

**Kindly note that your request has**

- been approved
- been denied, for the following reason



4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
7 Flash drive	R40.00		
7.1. To be provided by requestor			
8 Compact disc	R40.00		
8.1. If provided by requestor	R60.00		
8.2. If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
9 To be provided by requestor			
(ii) Compact disc	R40.00		
10 If provided by requestor	R60.00		
11 If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_  
 Name of account holder: \_\_\_\_\_  
 Type of account: \_\_\_\_\_  
 Account number: \_\_\_\_\_  
 Branch Code: \_\_\_\_\_  
 Reference Nr: \_\_\_\_\_  
 Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Information officer**

## ANNEXURE E

### NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000 RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is only the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

#### 1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, inexpensively and effortlessly as reasonably possible." [emphasis added]. Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

#### 2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

##### Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R 14.712 per annum (if single) and R27.192 per annum (if married or have a life partner), are also exempt from paying the request fees.

#### 3. Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

##### Public Bodies:

- Copy per A4 page - 60 cents
- Printing per A4 page - 40 cents
- Copy on a CD - R40
- Transcription of visual images per A4 page - R22
- Copy of a visual image - R60
- Transcription of an audio recording per A4 page- R12
- Copy of an audio recording - R17
- Search and preparation of the record for disclosure -- R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

##### Private Bodies:

- Copy per A4 page - R1.10
- Printing per A4 page - 75 cents
- Copy on a CD -- R70
- Transcription of visual images per A4 page - R40
- Copy of a visual image - R60
- Transcription of an audio recording per A4 page- R20
- Copy of an audio recording - R30
- Search and preparation of the record for disclosure - R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

#### 4. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value- Added Tax Act of 1991.