

KWA-ZULU NATAL LAW SOCIETY (KZNLS)

PROMOTION OF ACCESS TO INFORMATION MANUAL

COMPILED IN TERMS OF SECTION 51 OF THE

PROMOTION OF ACCESS TO

INFORMATION ACT 2/2000 (THE ACT)

COMPILED:

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1. INTRODUCTION

This manual has been compiled in accordance with the Promotion of Access to Information Act of 2000 which creates a framework to the right to access information as stated in Section 32 of the Constitution of the Republic of South Africa, Act 108. Its purpose is therefore to promote transparency, accountability and good governance however Section 9 of the Act recognises that such a right to access information cannot be unlimited and is subject to justifiable limitations. This manual is to serve as a guide on how potential requesters can access information held by the KZNLS.

The KZNLS is a statutory body established in terms of the Attorneys' Act 53 of 1979 to administer and regulate the attorney profession in the Kwa-Zulu Natal province.

Some of the objectives of KZNLS are to uphold the integrity of attorneys, to uphold and improve the standards of professional conduct and to provide for the effective control of the professional conduct of attorneys.

2. AVAILABILITY OF THIS MANUAL

This manual is available for inspection at the offices of the KZNLS free of charge.

Hard Copies of the manual may be obtained from KZNLS on request and at the prescribed fees, see schedule annexure as FORM B.

The manual can also be accessed on the KZNLS website, being www.lawsoc.co.za and will in due course also be made available on The South African Human Rights Commission website being www.sahrc.org.za

A copy will also in due course be published in the Government Gazette.

3. CONTACT DETAILS – KZNLS

- 3.1 Information Officer: The Director
- 3.2 Postal Address: P O Box 1454
Pietermaritzburg
3200
- 3.3 Physical Address: Kwa- Zulu Natal Law Society
First Floor
200 Hoosen Haffejee Street
Pietermaritzburg
3201
- 3.4 Telephone: (033) 345 1304
- 3.5 Fax: (033) 345 3028
- 3.6 Email: paia@lawsoc.co.za

4. SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC) (Guide on the Act)

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, 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 and at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

In terms of Section 10 of the Act, The SAHRC has compiled a guide on the use of the Act. This guide is available online from the SAHRC at <https://www.sahrc.org.za/index.php/understanding-paia>

and from their Head office:

Physical address: Braampark Form 3

33 Hoofd Street

Braamfontein

2017

Postal address: Private Bag X 2700

Houghton

2041

Telephone: (011) 877 3600

Fax: (011) 403 0625

5. SCHEDULE OF RECORDS

KZNLS records can be classified as follows:

Classification no:	Type of Access:	Classification :
1.	May be disclosed	Public Access Document
2.	May be disclosed	Subject to copyright
3.	Limited disclosure	Requestor's request for own personal information
4.	May not be disclosed	Unreasonable disclosure of personal information
5.	May not be disclosed	Request after commencement of criminal proceedings
6.	May not be disclosed	Would breach duty of confidence owed to third party
7.	May not be disclosed	Could harm the commercial or financial interests of third party
8.	May not be disclosed	Could harm the organisation or third party in contract or negotiations
9.	May not be disclosed	Could compromise the safety of individuals or protection of property
10.	May not be disclosed	Legally privileged document
11.	May not be disclosed	Commercial information of organisation

Type of records:	Subject	Classification:
Website	Organisation Structure and Divisional Profiles	2
	News and Media Publications	2
	Promotion of Access to Information Manual	2
	Practitioner Information	2
	Practitioner Guidelines and Directives	2
	Relevant Practitioner Legislation	2
Human Resources	Employment contracts	3; 4; 10
	Employment Equity Plan	3; 4; 10
	Medical Aid records	3; 4;10
	Provident Fund records	3; 4;10
	Salary records	3; 4; 10
	Disciplinary codes and records of staff	3; 4; 10
	Leave records	3; 4;10
	Policies and procedures	3; 11
Financial Records	Annual Financial Statements	3; 7; 11
	Tax returns	3; 7; 6; 11
	Accounting records	3; 7; 11
	Banking records	7; 9; 11
	Bank statements	7; 9; 11

	Paid cheques	7; 9;11
	Electronic banking records	7; 9; 11
	Assets register	11
	Rental / Leasing Agreements	11
	Invoices	3; 7; 11
	Tax records	3; 10;11
Operational records	Minutes and Agendas of meeting	4; 6; 10
	Attorney admission records	4; 6; 10
	Attorney disciplinary records	4; 6; 10
	Attorney complaint records	4; 6; 10
	Voice recordings / other recording of meeting	4; 6; 10
	Internal communication records	4; 6; 10
Library	Electronic and hard copy information	Limited to Law Society members only

6. REQUEST PROCEDURE

To facilitate the processing of a request, kindly:

- 6.1 Use the prescribed form available on the KZNLS website (www.lawsoc.co.za) or the form which is attached to this manual marked as **FORM A** (*Click to access this form*)
- 6.2 Email the request to the Information Officer: paia@lawsoc.co.za or post it to Information Officer, KwaZulu-Natal Law Society, P.O. Box 1454, Pietermaritzburg, 3200 or deliver it by hand to the Society's offices at First Floor, 200 Hoosen Haffejee Street, Pietermaritzburg, 3201, marked for the attention of the Information Officer.

- 6.3 Provide sufficient details to the Information Officer which should at least include inter alia the following:
- (a) Sufficient particulars of the record(s) requested
 - (b) The form of access required
 - (c) Sufficient particulars to identify the requester and or agent (proof of capacity required)
 - (d) The requester's postal address / fax number / email address
 - (e) Properly identify the right which the requester is seeking to exercise or protect and provide an explanation of why the requested record (s) is required for the exercise or protection of that right

7. PRESCRIBED FEE

On request of access to information, the Information Officer will by notice request that the requester pay the prescribed fee as set out in the fee structure found on KZNLS website (www.lawsoc.co.za) or the form which is attached to this manual marked as **FORM B** (*Click to access this form*).

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

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

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

Records may be withheld until fees have been paid.

8. REMEDIES AVAILABLE UPON REFUSAL OF ACCESS

KZNLS does not have any internal appeal procedures in the event that a request for access to information has been refused. All decisions made by the Information Officer are final, and any dissatisfied requesters will have no other option but to exercise their civil remedies.

A requester or an agent (with proper authority and capacity) that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a competent Court for relief. Such Courts include Constitutional Court, High Court or another Court with similar status of hearing such applications.

Form A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
([Section 18 \(1\)](#)) of the Promotion of Access to Information Act, 2000
(Act [No. 2 of 2000](#))
[\[Regulation 6\]](#)

FOR DEPARTMENTAL USE	
Request received by (state rank, name and surname of information officer/deputy information officer) on	Reference number: (date) at (place).
Request fee (if any):	R
Deposit (if any):	R
Access fee:	R
SIGNATURE OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER	

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number:

D. Particulars of record

(a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*

(b) *If the provided space is inadequate, please continue on a separate 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:

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 **X**.

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.

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images— (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	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?		<input type="checkbox"/>	YES
		<input type="checkbox"/>	NO
Postage is payable.			
<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>			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

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

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

Signed at

this

day of

20

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

Form B
FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in [regulation 5 \(c\)](#) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in [regulation 7 \(1\)](#) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. **The request fee payable by every requester, other than a personal requester, referred to in [regulation 7 \(2\)](#) is R35,00.**

4. The access fees payable by a requester referred to in [regulation 7 \(3\)](#) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of section 22 (2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	