




Policy Owner	Legal Practice Council		
Effective date	28 August 2021		
Revision Date	19 January 2024		
Approved by	Executive Officer	Signature	Date
			25 November 2023
Note	Legal Practice Council (the Council) reserves the right to amend this manual as and when required. The manual currently in effect will apply to all employees regardless of the manual and policy that applies at the time of employment.		

1. Scope and objective of the policy

- 1.1 Section 32(1) of the Constitution of the Republic of South Africa provides that everyone has the right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights. The Promotion of Access to Information Act (“PAIA”) is the national legislation which was enacted to give effect to the constitutional right of access to information.
- 1.2 The purpose of PAIA is to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.
- 1.3 PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information.
- 1.4 PAIA also sets limits on the types of information that can be accessed i.e., information requested might not be granted under various circumstances.
- 1.5 PAIA reinforces the confidentiality of this information by providing that it must not be disclosed in terms of PAIA, except to the person to whom it relates or that person’s authorised representative.



- 1.6 This manual informs requestors of procedural and other requirements which a request must meet as prescribed by PAIA, and further incorporates or addresses the requirements of the Protection of Personal Information Act (“POPI”).

2. Legal Principles

The following legislation is applicable to this policy:

- 2.1 Constitution of the Republic of South Africa, Act 108 of 1996;
- 2.2 The Promotion of Access to Information Act, Act 2 of 2000;
- 2.3 The Legal Practice Act, Act 28 of 2014; and
- 2.4 The Protection of Personal Information Act, Act 4 of 2013.

3. Mandate of the Council

- 3.1 The Council is mandated to set norms and standards, to provide for the admission and enrolment of legal practitioners and to regulate the professional conduct of legal practitioners to ensure accountability.

3.2 LPC Structure / Organogram

The LPC structure is shared on the website: www.lpc.org.za

4. Information Officer

- 4.1 The Legal Practice Council’s Chief Executive Officer: Ms Charity Nzuzo authorised **Thabo Lepheana** (Risk and Compliance-Senior Manager) as the Information Officer of the Council on the 11th of October 2022 for the purpose of exercising any of the powers, duties and responsibilities conferred or imposed by the Protection of Personal Information Act, 2013 and the Promotion of Access to Information Act, 2000(PAIA).

Physical Address: Thornhill Office Park, Building 20, 94 Bekker Road, Vorna Valley, Midrand

Postal Address: P.O. Box 537, Midrand, 1685

Telephone number: 010 001 8500

E-Mail Address: thabol@lpc.org.za



5. Guide for requesters on how to use PAIA

The South African Human Rights Commission (SAHRC) is responsible for compiling a guide that will facilitate ease of use of PAIA by requesters. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. This guide will be available from the SAHRC. Please direct any queries regarding this guide and its contents to:

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700, Houghton, 2041

Phone: +27 (11) 484 8300

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

6. Categories of records

5.1		RECORDS THAT ARE AUTOMATICALLY AVAILABLE
	5.1.1	Information regarding Council is accessible on the Council website (www.lpc.org.za) The following records are automatically available on the Council website: 5.1.1.1 Annual Reports 5.1.1.2 Annual Financial Statements The Council will submit the automatic records to the Information Regulator on annual basis.
5.2		RECORDS WHICH MAY BE MADE AVAILABLE ON REQUEST TO THE COUNCIL
	5.2.1	STATUTORY RECORDS
		5.2.1.1 Records of internal resolutions 5.2.1.2 Records relating to the appointment of councillors/provincial councillors/auditors/executive officer and other officers
	5.2.2	INTELLECTUAL PROPERTY RECORDS
		5.2.2.1 Licences and licensing agreements
	5.2.3	EMPLOYEE TAX RECORDS
		5.2.3.1 Records of payments made to SARS on behalf of employees
	5.2.4	FINANCIAL RECORDS
	5.2.5	MARKETING AND COMMUNICATION RECORDS
		5.2.5.1 Brochures, leaflets and advertising materials 5.2.5.2 Description of products and services



		5.2.5.3 Copies of internal publications
	5.2.6	HUMAN RESOURCES RECORDS
		5.2.6.1 Policies, manuals and procedures 5.2.6.2 Forms and applications 5.2.6.3 Standard letters and notices 5.2.6.4 Benefits arrangements rules and records 5.2.6.5 Returns to Unemployment Insurance Fund 5.2.6.6 Training schedules and materials 5.2.6.7 Occupational Safety and Health records 5.2.6.8 Disciplinary proceedings records 5.2.6.9 Remuneration and benefits records 5.2.6.10 Disciplinary Code 5.2.6.11 Leave records 5.2.6.12 Training records 5.2.6.13 Training Manuals 5.2.6.14 Recruitment and selection records

7. Access to records and request procedure

- 7.1 Requests to the Council for information can either be done online or alternatively in hard copy by:
- 7.1.1 completing the formal request form, attached as “Annexure 1” (Form A), which is also available on the Council’s website;
 - 7.1.2 filling in all fields in the request form;
 - 7.1.3 sending the request to the Council at info@lpc.org.za or thabol@lpc.org.za for the attention of the Senior Manager: Risk and Compliance.
- 7.2. The Council will acknowledge receipt of a request, in writing, within fourteen (14) days of receipt and will advise within 30 (thirty) days whether the information is accessible and how and where it may be collected. Should a requester not receive an acknowledgement of receipt in writing within fourteen (14) days, the requester should contact the Senior Manager – Risk and Compliance to ensure that the request has been received.
- 7.3. The 30 (thirty) day period within which the Council will decide on the request, may be extended once for a further period of not more than 60 (sixty) days, if:



- 7.3.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with activities of the Council;
- 7.3.2 consultation with another entity is necessary or desirable to decide upon the request and that consultation cannot reasonably be completed within the original period;
- 7.3.3 the requester consents in writing to the extension.
- 7.4. Should the Council extend the original period, the Council shall as soon as reasonably possible, but in any event within 60 days after the request is received, notify the requester of the extension, the reasons for the extension and the period of the extension.
- 7.5. The requester will be required to pay the fee to the Council, as provided for in PAIA and the regulations; before the Council will begin searching for the required information and before the record that has been requested is made available.
- 7.6. On receipt of the prescribed fee, Council may provide the record in the format that was requested on submission of the request form, or in the format in which the record exists, if the requested format is not available.

8. Notes on the Request Procedures

- 8.1 If the requester is requesting information on behalf of another individual, he or she must indicate the capacity in which he or she is related to the individual, and provide appropriate written authority to represent that person, with a view to avoiding the denial of access on the basis that the information is confidential to that individual.
- 8.2 The requester must mention the format of the record that has been requested when making the request, so that Council can be of maximum assistance to the requester.
- 8.3 If the requester has a disability or is unable to read or write, he or she should contact the Senior Manager – Risk and Compliance who will assist him or her in completing the request.

9. Factors to be taken into consideration when requesting access to records held by the Council.

- 9.1 Access to records requested will be given if:
 - 9.1.1 the request is properly made on the prescribed form A;
 - 9.1.2 proof of authority to act on behalf of another is provided, in cases where the request is made as such;



- 9.1.3 the record requested is sufficiently described to enable the Council to identify it;
 - 9.1.4 the required fees have been paid; and
 - 9.1.5 access to the record is not refused on one or more grounds of refusal stipulated in PAIA.
- 9.2 The grounds for refusal as set out in PAIA are categorised as follows:
- 9.2.1 Mandatory protection of privacy of a third party who is a natural person;
 - 9.2.2 Mandatory protection of commercial information of a third party;
 - 9.2.3 Mandatory protection of certain confidential information of a third party;
 - 9.2.4 Mandatory protection of safety of individuals and protection of property;
 - 9.2.5 Mandatory protection of records privileged from production in legal proceedings;
 - 9.2.6 Commercial information of the Council; and
 - 9.2.7 Mandatory protection of research information of a third party and protection of research information of the Council.

10. Prescribed fees

- 10.1** PAIA sets out two (2) types of fees, a request fee (which will be a standard fee) and an access fee (which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable), that are required to be paid prior to the Council accessing the request for information.
- 10.2** A personal requester, that is a requester who requests access to a record containing that person's personal information, is not required to pay the request fee. Any other requester will be required to pay such fee, as stipulated below.
- 10.3** The access fee in respect of the search, preparation time and disclosure of records does not apply to the personal record of a requester.
- 10.4** When a request is received by the Information Officer or the Deputy Information Officer, the Information Officer or Deputy Information Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request. If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer or her Deputy shall notify the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.



- 10.5 The Information Officer or the Deputy Information Officer shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.
- 10.6 A request fee of R50.00 (excluding VAT) is payable in advance where a requester submits a request for access to information other than personal information relating to the requester him or herself.
- 10.7 The applicable fees (excluding VAT) which will be payable are:

RECORD	FEE
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.

11. Introduction to POPI and processing of personal information

- 11.1 PAIA requires the Council to provide data subjects or requesters with certain information related to POPI. This information relates to how personal information that is processed by the Council, is amongst others, used, disclosed and destroyed. The Council is also required to provide you with information on your rights in relation to Personal Information that is collected, processed and stored.
- 11.2 The Council is committed to its data privacy obligations and the Council will be receptive to any queries or requests made by requesters or data subjects in relation to their personal information.



11.3 Purpose of Processing

The Council uses the personal information under its care in the following ways:

- 11.3.1 enrolment of all legal practitioners and management of the roll of registered legal practitioners;
- 11.3.2 practical vocational contracts enrolment in respect of candidate legal practitioners;
- 11.3.3 administering and managing various examinations undertaken by candidate legal practitioners and legal practitioners;
- 11.3.4 employee administration;
- 11.3.5 keeping of accounts and records;
- 11.3.6 complying with tax laws and other applicable laws; and
- 11.3.7 any other relevant administrative purposes in terms of any other law, code or standard.

11.4 Categories of Data Subjects and their Personal Information

The Council may possess or possesses records relating to legal practitioners, suppliers, employees, Council members and Provincial Council members and members of the public who lodged complaints against legal practitioners and Council employees. We have tried our best to list all the categories of data subjects and categories of personal information that the Council process but there may be instances not covered in this list:

Category of Data Subject	Category of Personal Information Processed
Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Passport number; Tax related information; nationality; gender; confidential correspondence
Juristic Persons or entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
Suppliers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
Employees & Council Members	Gender; Marital Status; Ethnicity; Age; Home Language, Education information; Financial Information; Employment History; ID number; Physical



	and Postal address; Contact details; Opinions, Criminal behaviour; Well-being.
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11.5 Categories of recipients for processing personal information

The Council may supply personal information to service providers who render the following services:

- 11.5.1 storing of data; and
- 11.5.2 conducting due diligence checks.

11.6 Actual or planned trans-border flows of personal information

- 11.6.1 The Council may share personal information with international associations or regulators on an ad hoc basis.
- 11.6.2 If the Council does transfer personal information to third parties outside of South Africa, the Council will ensure that the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection.

11.7 General description of information security measures

- 11.7.1 The Council is required to employ 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.
- 11.7.2 The Council employs up to date technology to ensure the confidentiality, integrity and availability of the personal information under its care, measures include firewalls, virus protection software and update protocols, secure access control, secure setup of hardware and software making up the IT infrastructure; outsourced service providers who process personal information on behalf of the Council are contracted to implement security controls.



12. Application to Court

- 12.1** A requester who is aggrieved by a decision of the Council may, by way of an application, within 30 days of the date of the decision, apply to a court for appropriate relief in terms of Section 82 of PAIA.
- 12.2** The court hearing the application may grant any order that is just and equitable, including an order:
- 12.2.1** confirming, amending or setting aside the decision which is the subject of the application concerned;
 - 12.2.2** requiring the Council to take such action or to refrain from taking such action as the court considers necessary within a period mentioned in the order;
 - 12.2.3** granting an interdict, interim or specific relief, a declaratory order or compensation; or
 - 12.2.4** as to costs.

13. Public Involvement

- 13.1** The Council will involve members of the public for inputs, when the founding legislation (Legal Practice Act) is amended.

14. Availability of the manual

- 14.1** The Council's PAIA manual will be available for inspection, on reasonable prior notice, free of charge, at the registered address stated above and further published on the Council's website. Further copies are also available from the South African Human Rights Commission as provided in PAIA.

15. Policy Implementation date

This policy comes into effect from the approval date of Council.

16. Policy Review date

This policy must be reviewed every five (5) years from the date of approval or as and when there are changes to organisational operations or changes in legislation.



ANNEXURE 1

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	
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Any further particulars of record	



TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
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 <i>(Mark the applicable box with an "X")</i>	
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 <i>(Mark the applicable box with an "X")</i>	
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	
<i>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.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>c) <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></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i></p>	
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

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

Signature of Information Officer

