



**RGH ATTORNEYS
+ CONVEYANCERS**

**Prepared in terms of section 51 of the
Promotion of Access to Information
Act
2 of 2000 (as amended)**

**DATE OF COMPILATION: 01/10/2025
DATE OF REVISION: 01/10/2025**

1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1. "CEO" Chief Executive Officer
- 1.2. "DIO" Deputy Information Officer;
- 1.3. "IO" Information Officer;
- 1.4. "Minister" Minister of Justice and Correctional Services;
- 1.5. "PAIA" Promotion of Access to Information Act No. 2 of 2000(as Amended;
- 1.6. "POPIA" Protection of Personal Information Act No.4 of 2013;
- 1.7. "Regulator" Information Regulator; and
- 1.8. "Republic" Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3. know the description of the records of the body which are available in accordance with any other legislation;
- 2.4. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;

- 2.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9. know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF RGH ATTORNEYS & CONVEYANCERS

- 3.1. Information Officer and contact information.

Name: Richard Higgs

Tel: +27 74 133 9191

Email: rhiggslaw1@gmail.com

Website: www.rghattorneys.com

Mistletoe Crescent, Jeffreys Bay

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of
 - 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

- 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50;
 - 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
 - 4.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a
 - 4.3.8. manual;
 - 4.3.9. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.10. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
 - 4.3.11. the regulations made in terms of section 92.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer;
 - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6. A copy of the Guide is also available in two official languages, for public inspection during normal office hours-

5. CATEGORIES OF RECORDS OF RGH ATTORNEYS & CONVEYANCERS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS- AUTOMATICALLY AVAILABLE RECORDS

Category of records	Types of the Record	Available on the Website	Available upon request
Brochures	Marketing and promotional material	yes	no
Press releases	informative	yes	no
Publications	informative	yes	no
Other marketing and promotional material	Marketing and promotional material	yes	no

6. DESCRIPTION OF THE RECORDS OF (INSERT THE NAME OF THE BODY) WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

NB: Please specify all the records which are created and available in accordance with any

of the South African legislation. Below is an example of the table that can be used in

describing the records and applicable legislation.

Category of records	Applicable Legislation
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○ Identification and verification records; ○ Client due-diligence records; ○ Risk management and compliance programme.	Financial Intelligence Centre Act, 2001
○ IT3; ○ IRP6; ○ Ledgers; ○ Cash books; ○ Journals; ○ Bank statements; ○ Deposit slips; ○ Invoices; ○ Other books of accounts; ○ Electronic representations of information.	Income Tax Act, 1962
○ Contracts with the client, third party, and between the client and other persons; ○ Details of contracts, clients, third party enter into with RGH Attorneys & Conveyancers; ○ Details of transactions carried out with RGH Attorneys & Conveyancers; ○ Engagement letters	Insolvency Act, 1936
○ ABC Policy; ○ Corrupt or fraudulent employee, client or merchant activities; ○ Reports on corrupt and fraudulent activities to law enforcement agencies;	Prevention and Combating of Corrupt Activities Act, 2004

○ Policies; and ○ records	Protection of Personal Information Act, 2013
○ Invoices; ○ Tax invoices; ○ Credit note; ○ Debit notes; ○ Bank statements; ○ Deposit slips; and ○ Stock lists.	Value Added Tax Act, 1991
○ PAIA Manual	Promotion of Access to Information Act 2 of 2000

7. DESCRIPTION OF THE SUBJECTS ON WHICH RGH ATTORNEYS & CONVEYANCERS HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY RGH ATTORNEYS & CONVEYANCERS

Access to these documents may be protected by professional privilege or privacy laws or the grounds of refusal detailed in the Act.

<i>Subjects on which the body holds records</i>	<i>Categories of records</i>
<i>Accounting</i>	<i>— Accounts, invoices, reconciliations, credit/debit notes, journals, ledgers, balance sheets, income statements, trial balances, payment schedules, cheque runs, cash flow statements.</i>
<i>Publications</i>	<i>— Updates prepared by various departments within the firm. Information booklets on areas of the law in which the firm specialises.</i>
<i>Marketing</i>	<i>— Client Proposals, Copies of seminar papers, Copies of</i>

	various PowerPoint presentations for prospective clients, in-house training, seminars, Copies of advertisements placed by firm, Copies of directory listings placed by firm, Copies of articles written by professional staff, Content for firm's website, Invitation lists for seminars and other formal company functions, internal newsletter, Business card details for professional staff, Marketing database containing details of people who are on our mailing list for Publications, General correspondence.
Stationery/Mail	— Order books, Waybills, Invoices, Statements, Record cards of electronic recording, transcribing or printing machines.
Administration	— Minutes of meetings of various committees within the firm; General correspondence; Lease and sale agreements; Copies and correspondence relating to various insurance policies; General correspondence; Workpapers; Operating manuals of mechanical and electrical systems; Architects drawings; Salary workpapers; Copies of

	<i>and correspondence with regard to office building leases; Correspondence with Law Society; Documentation relating to PABX, Voicemail and security systems, Candidate Attorneys' Board Exams, Candidate Attorneys' Practical Training.</i>
<i>Library material</i>	<i>— Law reports, books, publications, reference books, Government Gazettes, precedents, journals.</i>
<i>IT</i>	<i>— The network and the systems on it, CDs, IT literature, instruction manuals.</i>

8. PROCESSING OF PERSONAL INFORMATION

[See Privacy Policy for further information on this aspect]

9. Grounds for refusal of access and protection of information:

- 9.1. There are various grounds upon which a request for access to a Record may be refused. These grounds include:
 - 9.1.1. the protection of Personal Information of a third party from unreasonable disclosure;
 - 9.1.2. the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
 - 9.1.3. If it is client-attorney privileged or confidential information. For example, any record subject to the relationship between an attorney and their client is protected under PAIA;

- 9.1.4. if disclosure would result in the breach of a duty of confidence owed to a third party;
 - 9.1.5. if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
 - 9.1.6. if disclosure could reasonably be expected to endanger the life or physical safety of an individual
 - 9.1.7. the disclosure would be likely to prejudice or impair the security of a building structure or system (including a computer or communication system), a means of transport or any other property or methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public, or any part of the public or property mentioned in this paragraph.
 - 9.1.8. if the Record was produced during legal proceedings, unless that legal privilege has been waived;
 - 9.1.9. if the Record contains trade secrets, financial or sensitive information or any information that could disadvantage RGH Attorneys & Conveyancers or its clients in negotiations or prejudice it in commercial competition; and/or
 - 9.1.10. if the Record contains information about research being carried out or about to be carried out on behalf of a third party or by RGH Attorneys & Conveyancers.
 - 9.1.11. Such other grounds which are provided for in PAIA or in applicable laws from time to time.
- 9.2. Section 70 of PAIA contains an overriding provision. Disclosure of a Record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.
- 9.3. If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further

21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

10. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

10.1. If the IO decides to grant access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision unless that Record is held by a third party, in which case such access must be granted within 60 (sixty) days of the request being made. The decision made by the IO after a request to access of information is final. Where a third party is affected by the request for access and the IO has decided to grant access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, access to the record must be granted.

11. AVAILABILITY OF THE MANUAL

- 11.1. A copy of the manual is available-
- 11.1.1. on www.rghattorneys.com if any;
 - 11.1.2. head office of RGH Attorneys & Conveyancers for public inspection during normal business hours;
 - 11.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and
 - 11.1.4. to the Information Regulator upon request.
- 11.2. A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

12. UPDATING OF THE MANUAL

12.1. The head of RGH Attorneys & Conveyancers will on a regular basis update this manual to reflect changes in its practices or legal requirements. The updated policy will be posted on the website with the effective date. We encourage you to review this policy periodically.

