
PROMOTION OF ACCESS TO INFORMATION MANUAL

COMPILED IN COMPLIANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT (2 OF 2000)

FOR

EVERSHEDS SUTHERLAND (SA) INC AND EVERSHEDS SUTHERLAND (KZN) INC
(collectively "**EVERSHEDS SUTHERLAND**")

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1. INTRODUCTION

- 1.1 Eversheds Sutherland conducts business as a global law firm with the Eversheds Sutherland (SA) Inc offices based in Johannesburg and Eversheds Sutherland (KZN) Inc offices based in Durban. Respectively, each of which is a separate legal entity, independent of Eversheds Sutherland (International) LLP ("**Eversheds Sutherland Global**"), operated under license by Eversheds Sutherland (SA) Inc. For a full list of Eversheds Sutherland International offices please visit eversheds-sutherland.com.
- 1.2 This Manual has been prepared in accordance with section 51 of PAIA.
- 1.3 The aim of this Manual is to facilitate requests for access to records and information held by Eversheds Sutherland, and to assist potential requesters as to the procedure to be followed when requesting access to such records and information.
- 1.4 Reference to any information in this Manual in addition to that specifically required in terms of section 51 of PAIA does not create any right or entitlement to receive such information, other than in terms of PAIA or POPI.
- 1.5 This Manual may be amended from time to time by Eversheds Sutherland, the latest version of the Manual will be made public as soon as it is finalised.
- 1.6 If any provision in a definition is a substantive provision, conferring rights or imposing obligations on any party, notwithstanding that such provision is only contained in the relevant definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual.
- 1.7 Where any term is defined within a particular clause other than clause 2, that term shall bear the meaning ascribed to it in that clause wherever it is used in this Manual.
- 1.8 This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in PAIA or POPI. A requester is advised to familiarise himself with the provisions of PAIA before lodging any request with Eversheds Sutherland.

2. INTERPRETATION

- 2.1 In this Manual, unless the context clearly indicates otherwise:
 - 2.1.1 "**Head of Eversheds Sutherland (SA) Inc**" means the managing partner or any partner duly authorized by Eversheds Sutherland (SA) Inc to carry out the duties set forth under PAIA;
 - 2.1.2 "**Head of Eversheds Sutherland (KZN) Inc**" means the managing partner or any partner duly authorized by Eversheds Sutherland (KZN) Inc to carry out the duties set forth under PAIA;
 - 2.1.3 "**Information Officer**" means the person duly authorised and appointed in clause 30 to facilitate or assist the Head of Eversheds Sutherland (SA) Inc or Eversheds Sutherland (KZN) Inc, as applicable, with any request in terms of PAIA and/or POPI;
 - 2.1.4 "**Manual**" means this document as issued by Eversheds Sutherland, as may be updated from time to time;
 - 2.1.5 "**PAIA**" means the Promotion of Access to Information Act (2 of 2000);
 - 2.1.6 "**POPI**" means the Protection of Personal Information Act (4 of 2013), including the Regulations relating to the Protection of Personal Information, 2018; and
 - 2.1.7 "**SAHRC**" means the South African Human Rights Commission.
- 2.2 For the purposes of this Manual, unless the context requires otherwise:
 - 2.2.1 the singular shall include the plural, and vice versa;

2.2.2 reference to one gender shall include the other gender; and

2.2.3 reference to a natural person shall include an artificial or juristic person, and vice versa.

2.3 Clause headings in this Manual are inserted for convenience only and shall not be taken into account for the purposes of interpreting it.

2.4 Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the release date of this Manual, and as amended or substituted from time to time.

3. **CONTACT DETAILS**

3.1 **Eversheds Sutherland (SA) Inc**

Registration number: 2012/097841/21

Postal address: PO BOX 782 244
Sandton City
2146

Physical address: 3rd Floor, 54 Melrose Boulevard
Melrose Arch
Melrose North
Johannesburg
2196

Website: <https://www.eversheds-sutherland.com/global/en/where/africa/south-africa/index.page>

Head of Eversheds Sutherland (SA) Inc: Peter van Niekerk

Information Officer: Grant Williams
Contact number: +27 10 003 1375
Email: informationofficer@eversheds-sutherland.co.za

3.2 **Eversheds Sutherland (KZN) Inc**

Registration number: 1997/001740/21

Postal address: PO BOX 5064
Torsvale
4019

Physical address: 3B & 5B The Ridge
8 Torsvale Crescent
La Lucia Ridge
Durban
4019

Website: www.eversheds-sutherland.com

Head of Eversheds Sutherland (KZN) Inc: Andrew Turner

Information Officer: Lara Wills
Contact number: +27(0) 31 940 0501
Email: informationofficer@eversheds-sutherland.co.za

4. **SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE**

4.1 The SAHRC has compiled a guide, as contemplated in section 10 of PAIA, containing information to assist any person who wishes to exercise any right as contemplated in PAIA.

- 4.2 This guide may be obtained by any person from the SAHRC website at www.sahrc.org.za, or under the '**Understanding PAIA**', tab at www.sahrc.org.za/index.php/understanding-paia, and any enquiries regarding the guide may be directed to:

SAHRC: Deputy Information Officer: PAIA
Dr Shanelle van der Berg
Contact: Mokgadi Nyuswa
Contact number: +27 11 877 3628
Email: mnyuswa@sahrc.org.za

Postal Address: Private Bag X2700
Houghton
2041
Telephone: +27 11 877 3600
Contact number: +27 11 403 0625
Website: www.sahrc.org.za

Email: section51.paia@sahrc.org.za

5. **RECORDS AVAILABLE IN TERMS OF SECTION 51(1)(D) OF PAIA**

- 5.1 To the extent applicable, Eversheds Sutherland keeps such information and documents as may be required in accordance with, inter alia, the following legislation:

- 5.1.1 Companies Act (71 of 2008)
- 5.1.2 Consumer Protection Act (68 of 2008)
- 5.1.3 Electronic Communications and Transactions Act (25 of 2002)
- 5.1.4 Financial Intelligence Centre Act (38 of 2001)
- 5.1.5 Income Tax Act (58 of 1962)
- 5.1.6 Labour Relations Act (66 of 1995)
- 5.1.7 Legal Practice Act (28 of 2014)
- 5.1.8 National Credit Act (34 of 2005)
- 5.1.9 Protection of Personal Information Act (4 of 2013)
- 5.1.10 Value Added Tax Act (89 of 1991)

6. **RECORDS HELD BY EVERSLED SUTHERLAND IN TERMS OF SECTION 51(1)(E) OF PAIA**

The following is a non-exclusive list of the subjects on which Eversheds Sutherland holds records and the categories into which these fall:

- 6.1 Company Secretarial:
- 6.1.1 Memorandum of Incorporation of Eversheds Sutherland;
 - 6.1.2 certificate of change of name;
 - 6.1.3 customer related records;
 - 6.1.4 minutes and resolutions;
 - 6.1.5 records in respect of trademarks;
 - 6.1.6 certificate of incorporation of Eversheds Sutherland; and

- 6.1.7 share registers.
- 6.2 Financial:
 - 6.2.1 asset register;
 - 6.2.2 audit reports;
 - 6.2.3 fidelity fund certificate;
 - 6.2.4 client investment mandates;
 - 6.2.5 financial records;
 - 6.2.6 financial statements;
 - 6.2.7 insurance records;
 - 6.2.8 management accounts;
 - 6.2.9 tax records; and
 - 6.2.10 VAT records.
- 6.3 Personnel/Human Resources:
 - 6.3.1 employment contracts;
 - 6.3.2 employment equity policy;
 - 6.3.3 health & safety records;
 - 6.3.4 internal policies and procedures;
 - 6.3.5 payroll; and
 - 6.3.6 staff records.
- 6.4 Legal:
 - 6.4.1 various contracts and agreements; and
 - 6.4.2 client letters of engagement.
- 6.5 Public relations:
 - 6.5.1 Eversheds Sutherland brochures, marketing materials, and publications; and
 - 6.5.2 media releases.

7. **INFORMATION AUTOMATICALLY AVAILABLE**

The following categories of records are automatically available for inspection, purchase or photocopying, and do not need to be requested in terms of PAIA:

- 7.1 newsletters;
- 7.2 booklets;
- 7.3 pamphlets/brochures;
- 7.4 marketing materials;

- 7.5 posters;
- 7.6 other literature intended for public viewing; and
- 7.7 any other information provided on the Eversheds Sutherland website located at www.eversheds-sutherland.com.

8. **PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPI**

- 8.1 Eversheds Sutherland uses a person's personal information to provide legal advice and related services (including marketing communications, where they have requested them), manage its business (including communications with suppliers), recruit new staff, comply with its legal obligations, and improve and monitor the performance of its digital platforms.
- 8.2 Eversheds Sutherland may add a person's personal information to our global contact database managed by Eversheds Sutherland Global, and used by the Eversheds Sutherland Global network of firms, especially if such person is a client or prospective client.
- 8.3 Eversheds Sutherland has measures in place to safeguard a person's personal information when it transfers it outside of the Republic, including data sharing agreements within the Eversheds Sutherland Global network of firms.
- 8.4 Eversheds Sutherland takes steps to minimise the amount of personal information it holds and to keep it secure.
- 8.5 Eversheds Sutherland deletes personal information when it no longer needs it, and it has policies in place governing this.
- 8.6 We are happy to answer your questions about any of the above – please send them to informationofficer@eversheds-sutherland.co.za.
- 8.7 For further details about how we process your personal data you can read the appropriate privacy notice available at [Data Protection and Privacy Statement](#).

9. **HOW TO REQUEST RECORDS HELD BY EVERSLEDHS SUTHERLAND IN TERMS OF SECTION 53(2) OF PAIA AND 23 OF POPI**

- 9.1 A data subject may request Eversheds Sutherland:
 - 9.1.1 to confirm whether or not Eversheds Sutherland is processing their personal information;
 - 9.1.2 for a copy of their personal information; and
 - 9.1.3 other supplementary information (for example, how are we using it, who are we sharing it with, and where did we get it from).
- 9.2 An individual is only entitled to their own personal information, and not to information relating to other people (unless the information is also about them, or they are acting on behalf of someone).
- 9.3 Requests for access to records:
 - 9.3.1 of personal information held by Eversheds Sutherland in terms of POPI must be made by the requester using the form attached hereto as **Annexure A**. Such request must be made by emailing the completed Annexure A to the Information Officer at informationofficer@eversheds-sutherland.co.za.
 - 9.3.2 held by Eversheds Sutherland in terms of PAIA must be made by the requester using the prescribed Form C: Request for Access to Record of Private Body, attached hereto as **Annexure B** or otherwise made available on the SAHRC website or the Department of Justice and Constitutional Development website (www.doj.gov.za). Such request must be made by emailing the completed Form C: Request for Access

to Record of Private Body to the Information Officer at informationofficer@eversheds-sutherland.co.za.

- 9.4 In lodging a request, the requester must:
- 9.4.1 provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester;
 - 9.4.2 indicate which form of access is required, and specify a postal address, fax number and/or email address within the Republic;
 - 9.4.3 indicate whether, in addition to a written response, the requester requests to be informed in any other manner and state the necessary particulars to be so informed; and
 - 9.4.4 identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of such right.
- 9.5 If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request, to the satisfaction of the Information Officer.
- 9.6 The Information Officer, as soon as reasonably possible, but in any event within 30 days, after the request has been received, shall decide whether or not to grant the request and notify the requester of its decision.
- 9.7 If the request for access is granted by the Information Officer, Eversheds Sutherland will specify, in the notice referred to in clause 9.6, the access fee payable and the form in which access will be given to the requester.
- 9.8 If the Information Officer refuses access, Eversheds Sutherland will provide adequate reasons for the refusal, based on the provisions of PAIA relied upon (and summarised in clause 10 below), in the notice referred to in clause 9.6.
- 9.9 The requester may lodge an application with a court to challenge Eversheds Sutherland's decision, or the contents of the notice referred to in clause 9.6, in accordance with the procedure and time period specified in such notice.

10. **GROUNDINGS FOR REFUSAL IN TERMS OF CHAPTER 4 OF THE PAIA**

- 10.1 In terms of PAIA, there are certain grounds upon which Eversheds Sutherland may refuse to grant a requester access to its records, as certain categories of information may be subject to protection in the interests of privacy. Such records which may be protected would include but would not be limited to records containing:
- 10.1.1 privileged information;
 - 10.1.2 private information of a third party who is a natural person;
 - 10.1.3 commercial information of a third party;
 - 10.1.4 confidential information of a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations, or to prejudice that third party in commercial competition;
 - 10.1.5 information that, if disclosed, could endanger the safety of an individual or could impair a party's protection of their property;
 - 10.1.6 commercial information relating to the private body in question which would include information regarding trade secrets, financial, commercial or technical information, the disclosure of which would cause harm to the commercial or financial interests of the body; and

10.1.7 research information of a third party or of the private body in question.

11. RECORDS NOT FOUND OR THAT DO NOT EXIST IN TERMS OF SECTION 55 OF PAIA

11.1 If all reasonable steps have been taken to find a record, and such record cannot be found or if the record does not exist, the Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

11.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Information Officer with every person who conducted the search.

11.3 The notice, as set out in 11.1, shall be regarded as a decision to refuse a request for access to the record concerned for purposes of PAIA.

11.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless access is refused by the Information Officer.

11.5 The attention of the requester is drawn to the provisions of Chapter 4 of PAIA, as set out in clause 10 above, in terms of which Eversheds Sutherland may refuse, on certain specified grounds, to provide information to a requester.

12. INFORMATION REQUESTED ABOUT A THIRD PARTY

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

12.2 In considering such a request, Eversheds Sutherland will adhere to the provisions of sections 71 to 73 of PAIA, as well as the relevant provisions of POPI.

12.3 The attention of the requester is drawn to the provisions of Chapter 5 of PAIA, in terms of which Eversheds Sutherland is required to notify the third party of the request lodged in respect of information applicable to or concerning such third party. Within 21 days of being informed, the third party has an opportunity to grant his, her or its consent to the disclosure of the record, or to make representations (written or oral) as to why the requested record should not be disclosed to the requester. If Eversheds Sutherland decides to grant access to the record, it will notify the affected third party of its decision to do so. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitles the third party to dispute the decision of the Information Officer by referring the matter to the High Court once all internal appeal procedures have been exhausted by the third party. The High Court will then determine whether or not the record should have been disclosed by Eversheds Sutherland.

13. UPDATING THE MANUAL

Eversheds Sutherland may update this Manual every six months or at such intervals as may be necessary.

14. AVAILABILITY OF THIS MANUAL IN TERMS OF SECTION 51(3) OF PAIA

14.1 This Manual is available for inspection, on prior arrangement with the Information Officer, at the offices of Eversheds Sutherland.

14.2 Copies of this Manual may be obtained, subject to the prescribed fees, at the offices of Eversheds Sutherland.

14.3 This Manual can also be accessed on the website of Eversheds Sutherland at <https://www.eversheds-sutherland.com/documents/global/south-africa/paia-manual.pdf>.

15. PRESCRIBED FEES

15.1 Eversheds Sutherland is entitled, under both POPI and PAIA, to require a requester to pay a prescribed fee in order to provide access to records. Upon receipt of a request for records, as

described in clause 9, the Information Officer will by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

- 15.2 Confirmation as to whether not Eversheds Sutherland is processing a data subject's personal information will be made free of charge.

Right of Access Request Form

Under section 23 of the Protection of Personal Information Act (4 of 2013) (“**POPI**”), you have a right to (i) request Eversheds Sutherland to confirm whether or not it holds personal information about you; and (ii) request a copy of the record or a description of the personal information Eversheds Sutherland holds about you, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

Eversheds Sutherland could hold personal information in a number of different areas. Completing this form will help us to locate the information you are seeking and deal with your request as quickly as possible.

1 Part 1 – About Yourself

SURNAME:	
FIRST NAME(S):	
ALTERNATIVE NAMES:	
IDENTITY NUMBER:	
DATE OF BIRTH:	
CURRENT ADDRESS:	
PHONE NUMBER:	
EMAIL ADDRESS:	
RELATIONSHIP TO DATA SUBJECT:	

2 Part 2 – Are You Requesting Information About Yourself?

IF YES:	Please go to Part 4
IF NO	If you are making the request on behalf of another person you must enclose with the request a signed authority from them to do so. If you are making the application because the data subject lacks capacity to make the application in their own right please outline your authority to make the application in their stead (for example, Power of Attorney). You should enclose a copy of any evidence that you may have of that authority. The Information Officer of Eversheds Sutherland will contact you if further evidence is required. (please complete Part 3)

3 **Part 3 – Details of the Data Subject (if requesting information on behalf of someone else)**

If requesting information about an individual:	
SURNAME:	
FIRST NAME(S):	
ALTERNATIVE NAMES:	
IDENTITY NUMBER:	
DATE OF BIRTH:	
CURRENT ADDRESS:	
PHONE NUMBER:	
EMAIL ADDRESS:	

If requesting information about a juristic person:	
NAME OF ENTITY:	
ALTERNATIVE NAMES:	For example, if the entity trades under a name different to its registered name or it has changed its name
REGISTRATION NUMBER:	
REGISTERED ADDRESS:	
PRINCIPAL PLACE OF BUSINESS:	

4 **Part 4 - Locating Your Personal Information**

In order for us to be able to locate the information you are seeking, please provide some details, if known, as to where you feel information is held about you. If you would like to provide any further information that you feel would be helpful in locating your personal information, please provide this in the box named Additional Information.

DESCRIBE THE INFORMATION YOU ARE REQUESTING:	If you are only seeking certain records, it would be helpful for us to know which types of record you are seeking, any time period to cover, and if you would like to see only specific document(s). Please describe these below with as much detail as you can.
---	--

DATES OF CONTACT: (approximately)	
ADDITIONAL INFORMATION:	

5 **Part 5 – Confirming Your Identity**

We may ask for identification to confirm who you are.

It would therefore be helpful if, at the outset, you could provide, for identification purposes, a copy of any one of the documents listed below. Your document will be returned once the search for your personal data is completed.

- Certified copy of current identity document
- Certified copy of current passport

6 **Part 6 - Declaration**

Please read the following declaration carefully and sign and date it.

I, _____, certify that the information provided on this application to Eversheds Sutherland is true and correct. I understand that it is necessary for Eversheds Sutherland to confirm the data subject's identity, and that it may be necessary for Eversheds Sutherland to request more details from me to be able to locate the correct information.

Signature: _____ Date: _____

Please return the completed form and supporting documents to the Information Officer by email at informationofficer@eversheds-sutherland.co.za



REPUBLIC OF SOUTH AFRICA

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to
Information Act, 2000 (Act No. 2 of 2000)) [Regulation
10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax 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:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				YES	NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

H. Notice of decision regarding request for access

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

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

.....

Signed at this day..... ofyear

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE