

ALLEN & OVERY



PAIA Manual

prepared in accordance with the Promotion of Access to Information Act, 2000 and the Protection of Personal Information Act, 2013 for Allen & Overy (South Africa) LLP

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Introduction

Allen & Overy (South Africa) LLP means collectively (i) Allen & Overy (South Africa) LLP, a limited liability partnership incorporated under the laws of England and Wales and registered as an external company in accordance with the laws of South Africa and (ii) Allen & Overy, an unincorporated partnership established in accordance with the laws of South Africa and in compliance with section 34(7) of the Legal Practice Act, 2014.

This manual has been produced by Allen & Overy (South Africa) LLP in compliance with:

- Section 51 of the Promotion of Access to Information Act, 2000 (**PAIA**); and
- Regulation 4(c) made under Section 112(2) of the Protection of Personal Information Act (**POPIA**).

The purpose of this manual is to:

- provide information to those who wish to request records from Allen & Overy (South Africa) LLP in terms of PAIA; and
- provide information on what personal information Allen & Overy (South Africa) LLP collects, how the information is used, who it is being shared with and how the information is being protected in terms of POPIA.

Contact details

General contact details

Name:	Allen & Overy (South Africa) LLP
Registration number:	2005/000199/10
Physical address:	Sixth Floor, 90 Grayston, 90 Grayston Drive, Sandton, 2196
Postal address:	Postnet Suite 1018, Private Bag X9, Benmore, 2010
Telephone number:	(+27)10 597 9850
Fax number:	(+27)10 597 9999
Email address:	information.officer@AllenOvery.com
Website:	www.allenoverly.com

Information officer contact details

Name:	Gerhard Rudolph
Physical address:	Sixth Floor, 90 Grayston, 90 Grayston Drive, Sandton, 2196
Postal address:	Postnet Suite 1018, Private Bag X9, Benmore, 2010
Telephone number:	(+27)10 597 9888
Fax number:	(+27)10 597 9999
Email address:	Gerhard.Rudolph@AllenOvery.com Copy to information.officer@AllenOvery.com

Deputy information officer contact details

Name:	Nikita Shaw
Physical address:	Sixth Floor, 90 Grayston, 90 Grayston Drive, Sandton, 2196
Postal address:	Postnet Suite 1018, Private Bag X9, Benmore, 2010
Telephone number:	(+27)10 597 9863
Fax number:	(+27)10 597 9999
Email address:	Nikita.Shaw@AllenOvery.com Copy to information.officer@AllenOvery.com

The guide published by the South African Human Rights Commission

PAIA 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 PAIA must be made in accordance with the prescribed procedures, at the rates provided.

From 1 July 2021, all power and responsibilities previously performed by the South African Human Rights Commission (**SAHRC**) in terms of PAIA have been taken over by the Information Regulator established in accordance with POPIA.

The Information Regulator has published guides on how to use PAIA. This guide is published in all official languages of South Africa.

The [guides](#) are available on the Information Regulator's website at www.inforegulator.org.za.

The Information Regulator can be contacted at

Name:	The Chief Executive Officer
Physical address:	JD House, 27 Stiemens Street, Braamfontein, 2001
Postal address:	P.O Box 31533, Braamfontein, 2017
Telephone number:	(+27)(01) 023 5207
Email address:	enquiries@inforegulator.org.za
Website:	www.inforegulator.org.za

Records

Records automatically available

No notice has been published in terms of section 52 of PAIA. However, records and information published on Allen & Overy LLP's website are automatically available.

Records held in accordance with other legislation

Allen & Overy (South Africa) LLP holds records and information in accordance with legislation applicable to it, which includes but are not limited to, the following:

- Basic Conditions of Employment Act, 1997
- Broad-based Black Economic Empowerment Act, 2003
- Companies Act, 2008
- Consumer Protection Act, 2008
- Copyright Act, 1978
- Employment Equity Act, 1998
- Financial Intelligence Centre Act, 2001
- Income Tax Act, 1962
- Insolvency Act, 1936
- Labour Relations Act, 1995
- Legal Practice Act, 2014
- Occupational Health and Safety Act, 1993
- Protection of Personal Information Act, 2013
- Pension Funds Act, 1956
- Skills Development Act, 1998
- Unemployment Insurance Act, 2001; and
- Value-Added Tax Act, 1991

Records held by Allen & Overy (South Africa) LLP

- *Company and partnership records*: Records relating to the establishment and incorporation of Allen & Overy (South Africa) LLP, including its memorandum of incorporation, share register, partnership agreement and other statutory documents, information relating to its shareholders, directors and partners, as applicable.
- *Human resources records*: Records relating to members of staff and ex-members of staff, including policies and procedures, details of employment, employee files, remuneration, pension and benefits data.
- *Financial records*: Financial and administrative records and policies, including annual financial statements, tax returns, accounting records, audit reports, banking records, invoices and statements in respect of creditors and debtors, fidelity fund certificates, banking facilities and account details.

- *Client records*: Records relating to clients and services rendered to clients, including FICA documentation, correspondence with clients and third parties, legal proceedings, contracts and other information and documents received in relation to instructions from clients.
- *Intellectual property records*: Records relating to trademarks, copyright and design held by Allen & Overy (South Africa) LLP and software licences.
- *Insurance records*: Records relating to insurances held by or procured by or on behalf of Allen & Overy (South Africa) LLP including professional indemnity insurance, group life and disability income protection insurance.
- *Information technology records*: Records relating to Allen & Overy (South Africa) LLP's computer systems, programmes and databases.
- *Property records*: Records relating to property owned or leased by Allen & Overy (South Africa) LLP, including lease agreements, asset registers and insurances relating to the property.
- *Library records*: Electronic and hard copy publications including books and legislation.
- *Operational records*: Records relating to the operations of Allen & Overy (South Africa) LLP including service agreements, list of suppliers and other service providers.

Note that these records are not necessarily available to requesters in terms of PAIA and certain grounds of refusal (as referred to in Grounds for refusal of access below) may apply.

Procedure to request records

Form of Request and Fees

Records held by Allen & Overy (South Africa) LLP will be made available to a requester in accordance with the provisions of PAIA.

A request for access to records held by Allen & Overy (South Africa) LLP must be made by:

- completing the prescribed request form (Form 2 (Request for Access to Record) attached hereto as Annexure A); and
- delivering, posting or submitting it to Allen & Overy (South Africa) LLP's information officer at the addresses referred to in Contact details above.

The prescribed request fee will be charged. No fee will be charged or payable if the request relates to records containing personal information of the requester.

The request form as well as details of the fees to be charged are also available on the Information Regulator's website (www.inforegulator.org.za) or that of the Department of Justice and Constitutional Development (www.doj.gov.za).

A request must contain sufficient details to enable Allen & Overy (South Africa) LLP to identify:

- the requester;
- the requested record(s);
- the form of access required;
- the postal address or fax number of the requester which must be in South Africa and if the requester wishes to be informed of the decision in any specific manner (other than in writing), the manner and particulars thereof; and
- the right which the requester is seeking to exercise or protect and an explanation of the reason why the requested record is required to exercise or protect the right.

If the request is made on behalf of someone else, the requester must submit proof of the capacity in which the requester is making the request and the proof must be to the satisfaction of the information officer.

Decision on Request

The information officer will, as soon as reasonably possible and in any event within 30 days after the request has been received (or such extended period as provided for in PAIA), notify the requester of the decision to grant access to the records or not.

If the request is granted, the prescribed access fee will be charged and once paid, actual access to the records will be granted. Refer to the Information Regulator's website (www.inforegulator.org.za) for details on the access fee. Refer also to Form 3 (Outcome of Request and of Fees Payable) attached hereto as Annexure B.

If the request is refused, the information officer will notify the requester in writing and provide adequate reasons for the refusal and advise the requester of the right to appeal. If the requester paid a deposit, such deposit will be refunded.

Grounds for refusal of access

Allen & Overy (South Africa) LLP may refuse, and in certain instances must refuse, access to records. These grounds include:

- protection of the privacy of a third party individual, including a deceased individual, where disclosure of such personal information would be unreasonable;
- protection of commercial information, certain confidential information and research information of a third party;
- protection of commercial information and research information of Allen & Overy (South Africa) LLP;
- protection of safety of individuals and protection of property; and
- protection of records that constitute privileged information.

Records not found

The information officer will take reasonable steps to locate a record, however if such record cannot be found, then the information officer will notify the requester by way of an affirmation or affidavit that access to the requested record cannot be provided. The affirmation or affidavit will include details of the steps taken to locate the record. If the record is found at a later stage, the information officer will provide the requester access to such record, unless access to the record is refused on the grounds set out in Grounds for refusal of access above.

Personal information

Allen & Overy means Allen & Overy LLP, its subsidiaries and affiliates, and the other partnerships, corporations and undertakings which are authorised to practise using the name “Allen & Overy” as the context may require. For the avoidance of doubt this includes Allen & Overy (South Africa) LLP.

Allen & Overy may collect personal information of individuals and juristic entities (collectively **persons**) in the course of its business, including through use of its website, when a person contacts or requests information from Allen & Overy, when a person engages legal or other services from Allen & Overy or as a result of a person’s relationship with one or more of its staff and clients.

Please refer to the Allen & Overy Privacy Policy that can be found at www.allenoverly.com/en-gb/global/legal-notice/privacy-policy for details on:

- what personal information Allen & Overy processes;
- how Allen & Overy obtains personal information;
- how Allen & Overy uses personal information;
- on what basis Allen & Overy uses personal information;
- how long Allen & Overy keeps personal information;
- who Allen & Overy shares personal information with;
- how Allen & Overy protects personal information;
- which countries Allen & Overy transfers personal information to; and
- your rights regarding personal information.

To the extent that personal information may be requested under PAIA, Allen & Overy (South Africa) LLP reserves the right to conduct a preliminary assessment of the suitability of the information security measures to be implemented by the requester to ensure the confidentiality, integrity and availability of the personal information to be processed.

Availability of this manual

This manual is also available in Afrikaans.

The English and Afrikaans manuals are available for inspection during office hours at Allen & Overy (South Africa) LLP's physical address referred to in Contact details above. Copies of the manuals are available on request, subject to the prescribed fees.

This manual is also available on Allen & Overy's website at www.allenover.com.

Disclaimer

This manual is provided for general information purposes only and nothing in this manual or its contents is intended to provide legal or other professional advice. Allen & Overy does not accept any responsibility for any loss which may arise from reliance on information herein. Allen & Overy is not responsible or liable for any matter relating to a person accessing or using this manual or its contents. Allen & Overy does not endorse nor is it responsible for the contents of websites operated by others that are referred to in this manual. Nothing in this paragraph excludes or limits Allen & Overy's liability for fraud or for death or personal injury arising from its negligence or for any other matter in respect of which it would be unlawful or in breach of regulation to limit or exclude liability.



Gerhard Rudolph
Managing Partner

Annexure A

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 (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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.)</i>			
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 (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
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	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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	

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 (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

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

Signature of Information Officer

Annexure B

FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

Note:

- If your request is granted the—
 - amount of the deposit, (if any), is payable before your request is processed; and
 - requested record/portion of the record will only be released once proof of full payment is received.
- 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 (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) 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 (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
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 (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (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)	

Kindly note that your request has been:

☐

Approved

☐

Denied, for the following reasons:

--

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:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• 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		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

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

FOR MORE INFORMATION PLEASE CONTACT

Johannesburg

Allen & Overy (South Africa)
LLP
6th Floor, 90 Grayston
90 Grayston Drive, Sandton,
Johannesburg 2196
South Africa

Tel +27 (0) 10 597 9850
Fax +27 (0) 10 597 9999

GLOBAL PRESENCE

Allen & Overy is an international legal practice with approximately 5,800 people, including some 590 partners, working in more than 40 offices worldwide. A current list of Allen & Overy offices is available at https://www.allenoverly.com/global/global_coverage.

Allen & Overy means Allen & Overy LLP and/or its affiliated undertakings. Allen & Overy LLP is a limited liability partnership registered in England and Wales with registered number OC306763. Allen & Overy LLP is authorised and regulated by the Solicitors Regulation Authority of England and Wales.

The term **partner** is used to refer to a member of Allen & Overy LLP or an employee or consultant with equivalent standing and qualifications. A list of the members of Allen & Overy LLP and of the non-members who are designated as partners is open to inspection at our registered office at One Bishops Square, London E1 6AD.

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