

**MANUAL IN TERMS OF SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT,  
ACT 2 OF 2000**

**LÜNEBURG & JANSE VAN VUUREN INC.  
2004/016582/21**



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## 1. INTERPRETATION TO THIS MANUAL

This manual has been compiled in fulfilment of the requirements of section 51(1) of the Promotion of Access to Information Act C2 of 2000, as amended and its accompanying regulations.

Unless the context indicates a contrary intention an expression which denotes any gender includes the other genders, a natural person, a juristic person and vice versa, the singular includes the plural and vice versa.

Unless inconsistent with the context, the expressions set forth below shall bear the meanings assigned to them hereunder:

<b>The Act</b>	The Promotion of Access to Information Act 2 of 2000, as amended and its accompanying regulations
<b>Constitution</b>	Act 108 of 1996
<b>POPIA</b>	Protection of Personal Information Act 4 of 2013
<b>SAHRC</b>	the South African Human Rights Commission
<b>Requester</b>	The natural or juristic person requesting access to information held by Lüneburg & Janse van Vuuren Inc. A requester also refers to the person making a request on behalf of somebody else.
<b>Request fee</b>	The cost to be paid for making a request for access to information.
<b>Information Regulator</b>	Means the Information Regulator established in terms of section 39 of POPIA.
<b>Data subject</b>	means the person to whom personal information relates.
<b>Information officer</b>	means the head of a private body as contemplated in section 1 of the Promotion of Access to Information Act.
<b>Responsible Party</b>	means Lüneburg & Janse van Vuuren Inc.
<b>Operator</b>	means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;
<b>Mandate</b>	the written mandate given by the data subject to the Firm in terms whereof the data subject authorises the Firm to process its personal information.
<b>Consent</b>	means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.



## Processing

means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including —

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or
- c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

## Personal Information

means information relating to a person, including, but not limited to:

- a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person.
- b) Information relating to the education or the medical, financial, criminal or employment history of the person.
- c) Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignment to the person.
- d) The biometric information of the person.
- e) The individual opinions, views, or preferences of the person.
- f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- g) The views or opinions of another individual about the person, and
- h) The name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person.

## Record

means any recorded information, regardless of form or medium or when it came into existence, in the possession of the Responsible Party, whether it was created by the Responsible Party or not, including any of the following-

- a) Writing on any material;
- b) Information produced, recorded, or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded, or stored;
- c) Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
- d) Book, map, plan, graph, or drawing;
- e) Photograph, film, negative, tape or other device in which one or more visual images are embodied to be capable, with or without the aid of some other equipment, of being reproduced.

## 2. INTRODUCTION



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#### **4. DESCRIPTION OF THE GUIDE IN TERMS OF SECTION 10 OF THE ACT AS REQUIRED IN TERMS OF SECTION 51(1)(b)(i) OF 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, on the prescribed forms and at the rates provided and gazetted by the Minister from time to time.

Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. The contact details of the Commission are:

##### *South African Human Rights Commission*

Private Bag X2700  
Houghton  
2041

Telephone: +27 (11) 877-3600  
Fax: +27 (11) 403-0625  
Email: PAIA@sahrc.org.za  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

The Information Regulator must update and make available aforementioned guide, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act and POPIA. The contact details of the Information Regulator are:

##### *Information Regulator of South Africa*

JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg, 2001  
Email: Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

P.O Box 31533  
Braamfontein  
Johannesburg  
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General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za).

Website: <https://www.justice.gov.za/infoereg/index.html>

## **5. RECORDS HELD BY LÜNEBURG & JANSE VAN VUUREN INC.**

In terms of Section 51(1)(b)(iii), the Firm maintains such information and documents as may be required in accordance with, *inter alia*, the following legislation:

1. Administration of Estates Act 66 of 1965
2. Attorneys Act 53 of 1979
3. Basic Conditions of Employment Act 75 of 1997
4. Companies Act 61 of 1973
5. Companies Act 71 of 2008
6. Consumer Protection Act 68 of 2008
7. Employment Equity Act 55 of 1998
8. Financial Intelligence Centre Act 38 of 2001
9. Income Tax Act 58 of 1962
10. Insolvency Act 24 of 1936
11. Labour Relations Act 66 of 1995
12. Legal Practice Act 28 of 2014
13. National Credit Act 34 of 2005
14. Occupational Health and Safety Act 85 of 1993
15. Pension Funds Act 24 of 1956
16. Promotion of Access of Information Act 2 of 2000
17. Protection of Personal Information Act 4 of 2013
18. Skills Development Act 97 of 1998
19. Skills Development Levies Act 9 of 1999
20. Trust Property Control Act 57 of 1988
21. Unemployment Insurance Act 63 of 2001
22. Unemployment Insurance Contributions Act 4 of 2002
23. Value Added Tax Act 89 of 1991

The following is a list of the subjects on which the Firm holds records and the categories into which the stated subjects fall in terms of Section 51(1)(b)(iv):



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<b>DEPARTMENT</b>	<b>DESCRIPTION OF RECORDS HELD</b>
<b>ADMINISTRATION &amp; MANAGEMENT</b>	Documents pertaining to the Incorporation and Directors
	Supplier lists, Agreements and details of suppliers
	Asset registers
	Operational documents
	Records relating to computer software used including software, licence, support and maintenance agreements.
<b>FINANCE</b>	Financial Records and Tax Records
	Insurance records
	Auditors' reports
	Banking records for business and trust accounts
<b>MARKETING</b>	Firm and Attorney Profiles on the website and social media accounts
<b>HUMAN RESOURCES</b>	List of employees
	Personnel records including personal details, disciplinary records, performance and internal evaluation records
	Unemployment Insurance Fund contribution records
	Payroll records
	Internal policies and procedures
	Fidelity Fund certificates
<b>LEGAL SERVICES</b>	Opinions/Advice to clients
	Correspondence with clients
	Records regarding legal matters
	Correspondence with third parties and legal practitioners
<b>LIBRARY</b>	Publications including books, journals, periodicals and circulars
	Government and Provincial Gazettes
	Precedents of case law and legal documents
	Other legal resources

## 6. REQUESTS FOR ACCESS TO INFORMATION

All requests for access to information may be requested in accordance with the procedure prescribed in terms of The Act. Copies of the prescribed forms to be completed for submitting a request are attached hereto in the list of Annexures. The completed request form must be sent to the physical/postal address or e-mail address provided in this manual and marked for the attention of the Information Officer.

Please provide sufficient details to enable the Firm to identify:



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- a) The record(s) requested;
- b) The identity of the requester (If the requester is represented by an agent, sufficient proof showing authority to represent the requester and the identity of the agent);
- c) The form of access required;
- d) The physical/postal address or e-mail address of the requester in the Republic;
- e) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- f) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## 7. PRESCRIBED FEES

The request fee payable by a requester, other than a personal requester, referred to in Section 54(1) of the Act is currently R50.00.

The fees for reproduction of a record as referred to in section 52(3) and "access fees" payable by a requester referred to in Section 54(7), unless exempted under Section 54(8) of the Act, are as follows -

	<b>Reproduction</b>	<b>Fee (Rand)</b>
1	Photocopy of an A4-size page or part thereof	R1.10 / page
2	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75 / page
3	A copy of, in a computer readable form on- Stiffy disc Compact disc	R7.50 R70.00
4	Transcription of visual images on an A4-size page or part thereof	R40.00 / page
5	Copy of visual images	R60.00
6	Transcription of an audio record on an A4-size page or part thereof	R20.00
7	Copy of an audio record	R30.00

If the search for record of a request for access by a requester has been made and the preparation of the record for disclosure would, in the opinion of the Information Officer, require more than the hours prescribed for this purpose for requesters, the Information Officer must by notice require 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.

## **8. POPIA IN TERMS OF SECTION 51(1)(c) OF THE ACT**

### **i. The purpose of processing of Personal Information**

The Firm is committed to process all personal information obtained in accordance to the eight lawful conditions mentioned in POPIA. The Firm will not use the Personal Information for any other purpose, save for the purpose to complete said instruction or mandate and will only disclose, transfer and/or hand over the personal information to those authorised persons(s) to enable the business to complete its mandate.

The Firm will not retain the data subject's Personal Information for longer than is necessary to achieve the purpose for which it was collected, unless required to do so by any act, regulation or bylaw or by an order from a judicial or regulating body such as a court or tribunal.

The Firm processes personal information for various reasons, including but not limited to the following:

1. To maintain client records;
2. General administration;
3. Financial and tax purposes;
4. Legal or contractual purposes;
5. To improve the quality of our services to clients;
6. To help detect and prevent fraud and money laundering under FICA;
7. To help recover debts;
8. Engaging with the public;
9. To provide services to clients;
10. To comply with legal or regulatory obligations;
11. If a data subject has provided their consent; or
12. If the processing is allowed by law.

As prescribed in section 26 of POPIA, the Firm will not process personal information concerning –



- a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- b) the criminal behaviour of a data subject.

As prescribed in Section 35 the Firm will only process personal information of children, if a competent person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child –

- a) carried out with the prior consent of a competent person; and
- b) is necessary for the establishment, exercise or defence of a right or obligation in law.

## **ii. Data subject categories and Personal Information processed**

The Firm collects Personal Information in various instances, including but not limited to:

1. Collecting information from a data subject directly;
2. Collecting information from third parties (such as regulators, government authorities and registries, or attorneys representing our clients' counterparties);
3. Collecting information as a result of interaction on our social media and the Firm's website

This information includes, but is not limited to, the person's name, contact details and information regarding the matter with which they need assistance.

## **iii. Recipients with whom Personal Information is shared**

In processing Personal Information, the Firm may share it within the group of companies or with other third parties. These include but are not limited to:

1. Statutory authorities;
2. Law enforcement agencies;
3. Tax authorities;
4. Medical schemes;
5. Employee pension and provident funds;
6. Contractors, vendors, or suppliers;
7. Payment processors
8. Email management and distribution tools
9. Data storage providers



10. Server hosts
11. Group companies
12. Agents
13. Service providers

#### **iv. Trans-border flows of personal information**

Personal Information collected by the Firm may be transferred to persons in other countries. Those countries' laws might not protect personal information in the same way or on the same level as prescribed by POPIA. The Firm will take reasonable steps to ensure that recipients in other countries have appropriate privacy measures in place.

#### **v. Security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.**

The Firm has identified its security risks and have taken all reasonable steps to protect and avoid unauthorised access to Personal Information. The Firm has implemented various procedures and software to safeguard Personal Information and routinely reviews its operations in order to ensure that Personal Information is adequately protected.

In order to give effect to the safeguarding of Personal Information, has the Firm put the following measures in place :

1. Managing the security of its filing system to ensure that personal information is adequately protected by limiting access to any records and by locking archived files in dedicated areas for safe keeping.
2. To ensure that operators who process Personal Information on behalf of the Firm apply adequate safeguards as outlined above, by entering into written Service Agreements with the operators to pledge their commitment of the lawful processing of Personal information as required by POPIA.
3. All employees will be required to sign a Confidentiality Undertaking in terms POPIA.
4. The Firm will ensure that where Personal Information is stored on removable storage medias such as external drives, CDs or DVDs, that these are kept locked away securely when not being used.



5. The Firm will ensure that all computers, laptops and devices such as tablets, flash drives and smartphones that store Personal Information are password protected and never left unattended. Passwords will be changed regularly and may not be shared with unauthorized persons.

## **9. AVAILABILITY OF THE MANUAL**

Copies of the manual are available for inspection, free of charge, at the offices of Lüneburg Janse van Vuuren Inc and at [www.ljattorneys.co.za](http://www.ljattorneys.co.za).

## **10. LIST OF ANNEXURES**

FORM C - Request for Access to Record of Private Body



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