

PAIA MANUAL

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

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1. Preamble

The Promotion of Access to Information Act No. 2 of 2000 (the Act) came into operation on 23 November 2001. Section 51 of this Act requires that we, as a Private Body (the Firm), compile a manual giving information to the public regarding the procedure to be followed by requesting information from us for the purpose of exercising or protecting rights. We as a Private Body (the Firm) have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

2. Particulars in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

CONTACT DETAILS	
Name of Business	A Sansom Attorneys Inc.
Designated contact person	Alechia Sansom (Information Officer)
Physical address	26 Plataan Street, Vredeloof, Brackenfell, 7560
Contact number	074 507 0786
Email address	alechia@asansomattorneys.co.za

3. Information Regulators Guide

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator. Copies of the updated Guide are available from the Information Regulator free of charge. Members of the public can inspect or make copies of the Guide from the offices of the private body (the Firm), including the office of the Information Regulator during normal business hours. The Guide can be obtained upon request to the Information Officer or from the website of the Information Regulator (<https://info regulator.org.za/>).

4. Who May Request Information in Terms of the Act

Any person, who requires information for the exercise or protection of any rights, may request information from a Private Body.

Section 50 of the Act states that:

- That record is required for the exercise or protection of any rights.

- That person complies with the procedural requirements in this Act relating to a request for access to that record, and
- Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the PAIA Act.

The subject on which Private Body (the Firm) holds records, and the categories of records are listed below.

CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF SECTION 52(1) OF THE PAIA ACT [SECTION 51(1)(b)(ii)]

The following categories of records are automatically available to any person without that person having to request access in terms of PAIA. These records may be accessed, inspected, or downloaded directly from the Firm's website or requested via email from the Information Officer:

Category of Record	Types of Records	Manner of Access
Public Information	Brochures, Service Descriptions and Price Lists.	Website
Legal Documents	PAIA Manual, Privacy Policy (POPIA), Website, Terms and Conditions.	Website / Email Request
Profile	Firm History and name of director / founder.	Website / Email Request
Media	Press Releases, newsletters and advertisements.	Website
Statutory Records	Records lodged with the CIPC and that are already on a public domain.	CIPC / Website

Records Available in terms of any other Legislation

The Firm maintains records in accordance with the following legislation where applicable. Such records may be available for inspection or access in accordance with the relevant legislation and applicable restrictions.

Legal Practice Act 28 of 2014
Legal Practice Council Rules
Legal Practitioners Fidelity Fund Provisions
Deeds Registries Act 47 of 1937
Sectional Titles Act 95 of 1986
Sectional Titles Schemes Management Act 8 of 2011
Property Time-Sharing Control Act 75 of 1983
Alienation of Land Act 68 of 1981
Property Practitioners Act 22 of 2019
Expropriation Act 63 of 1975
Administration of Estates Act 66 of 1965
Wills Act 7 of 1953
Trust Property Control Act 57 of 1988
Intestate Succession Act 81 of 1987

Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009
Matrimonial Property Act 88 of 1984
Civil Union Act 17 of 2006
Marriage Act 25 of 1961
Recognition of Customary Marriages Act 120 of 1998
Immigration Act 13 of 2002
Financial Intelligence Centre Act 38 of 2001
Transfer Duty Act 40 of 1949
Value-Added Tax Act 89 of 1991
Estate Duty Act 45 of 1955
Income Tax Act 58 of 1962
Basic Conditions of Employment Act 97 of 1997
Companies Act 71 of 2008
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Consumer Protection Act 68 of 2008
Electronic Communications and Transactions Act 25 of 2002

Employment Equity Act 55 of 1998
Insurance Act 18 of 2017
Insurance Laws Amendment Act 27 of 2008
Labour Relations Act 66 of 1995
Occupational Health and Safety Act 85 of 1993
Promotion of Access to Information Act 2 of 2000
Protection of Personal Information Act 4 of 2013
Protected Disclosure Act 26 of 2000
Short-Term Insurance Act 53 of 1998
Skills Development Act 97 of 1998
Unemployment Contributions Act 4 of 2002
Unemployment Insurance Act 63 of 2001

Categories of records and subjects in respect of which records are held

Administration:	
Incorporation documents	Not available automatically

Minutes of general meetings	Not available automatically
Any other records required to be kept in terms of the Companies Act or other legislation	Not available automatically

Regulatory:	
Permits, Licenses or Authorities	Not available automatically

Legal Practitioner's Specific Records:	
Client mandates and engagement letters	Not available automatically
Client correspondence	Not available automatically
Legal opinions and legal advice	Not available automatically
Litigation and dispute resolution files	Not available automatically
Contracts and agreements drafted for clients	Not available automatically
Consultation notes	Not available automatically
Due diligence reports	Not available automatically

Financial Intelligence Centre Act (FICA) Records	
Client identification records	Not available automatically
Proof of address records	Not available automatically
Source of funds information	Not available automatically
Client due diligence records	Not available automatically
Risk assessment records	Not available automatically
Beneficial ownership records	Not available automatically

Trust Account Records:	
Trust account ledgers	Not available automatically
Trust account reconciliations	Not available automatically
Trust payment instructions	Not available automatically
Trust account statements	Not available automatically

Human Resources:	
Employment contracts	Not available automatically
Policy and Procedures	Not available automatically
Training	Not available automatically
Safety and Security Documents	Not available automatically
Disciplinary Records	Not available automatically
Leave Records	Not available automatically

Finances:	
Accounting and audit records	Not available automatically
Financial statements	Not available automatically
Assets Inventory	Not available automatically

Operations:	
Service Level Agreements	Not available automatically

5. The Request Procedure

- The prescribed form must be used to make the request for access to a record.
- A request may be made to the Information Officer.
- Sufficient details of the request made must be provided on the request form to enable the Information Officer to clearly identify the record as well as the requester's specific identity and proof of identification must be provided to the Information Officer.
- A requester must indicate which form of access they require.
- A requester must indicate if they wish to be informed in any manner and if so, they must state the necessary particulars required to be so informed.
- A requester must identify the right that they are seeking to protect or that they wish to exercise, and they must provide an explanation as to why the requested record is required for the protection or exercise of that right.
- If a requester is making the request on behalf of another person, the requester must provide proof, to the satisfaction of the Information Officer, of the authority to make the request on behalf of that person.

6. Prescribed Fees

The prescribed request fee payable by a requester (other than a personal requester) shall be the fee prescribed from time to time in terms of the PAIA Regulations. There is no payment of a request fee if the request is a request for the requester's personal information. The Information Officer will then decide in respect of the request and will notify the requester of its decision. Should the request be refused, the requester may lodge an application with a court against the fee or decision. If a request is granted then the requester will have to pay a further access fee for the search, reproduction, and preparation of the record as well as for any time, which has exceeded the prescribed hours to search and to prepare the record(s) for disclosure. Records will be withheld until all relevant fees have been paid. Access fees are charged in accordance with the tariffs prescribed in the PAIA Regulations.

7. Grounds to refuse access to Information

There are various grounds under which access to information request may or must be refused by an Information Officer, these grounds are as follows:

7.1 *Protection of privacy of the third party*

An Information Officer must not allow access to personal information of a natural person, including a deceased individual. PAIA states that to protect the right to privacy of a third party who is a natural person, the Information Officer must assess whether releasing the information in question to the requester would involve the unreasonable disclosure of personal information. The Information Officer must also consider whether the personal information in question falls into the following categories of personal information which may be disclosed:

- Personal information of an individual who has given consent for this information to be released.
- Personal information which has already been made public.
- Personal information about a child under the age of 18 where the disclosure of such information is in the best interest of the child, and the requester is the child's carer (i.e., parent or guardian).
- Personal information of a deceased person to a requester who is the individual's next of kin, or who has been authorised (written consent) by the next of kin.
- Personal information of an individual who is or was an official of a public or private body and where the information relates to their position as an official.

7.2 *Protection of commercial information of a third party*

The Information Officer must refuse access to information if releasing such information would cause harm to the commercial or financial interests of the business. The following commercial information cannot be disclosed by an Information Officer:

- Trade secrets.
- Financial, commercial, scientific, research or technical information about a third party which, if released, would cause harm to the third party.

- Information which has been supplied in confidence by the third party.

7.3 *Protection of confidential information*

An Information Officer must refuse access to a record if the release of the record will amount to a breach of a duty of confidence owing to a third party in terms of an agreement or contract.

7.4 *Protection of Privileged and Confidential Legal Information*

The Private Body (the Firm) must refuse access to any record that is protected by legal professional privilege, attorney-client privilege, litigation privilege, or any duty of confidentiality imposed by law, contract, the *Legal Practice Act 28 of 2014*, the Rules of the Legal Practice Council, or any other applicable legal obligation.

This includes but is not limited to:

- Legal advice provided to clients.
- Counsel opinions.
- Litigation files.
- Consultation notes.
- Settlement negotiations.
- Internal legal assessments.
- Documents prepared for contemplated or pending litigation.

This includes attorney-client privileged communications, without prejudice communications, trust account records relating to clients, and communications with advocates and other legal representatives.

7.5 *Protection of safety of individuals and property*

An Information Officer must refuse access to a record if the disclosure of the record could reasonably be expected to compromise the safety of an individual or property.

7.6 *Protection of information in legal proceedings*

This refers to the protection of information required in legal and law enforcement processes.

7.7 *Protection of research information*

An Information Officer must refuse access to records which contain information relating to research which is or will be undertaken by the Firm or a third party. This refusal of access to information is in circumstances where the disclosure of the record will expose the research of

the third party or Firm, the individual or institution carrying out the research, or the subject matter of the research to a serious disadvantage.

7.8 *Manifestly frivolous or vexatious request, or substantial and unreasonable diversion of resources*

An Information Officer may refuse a request for information if it is of the opinion that processing requests will be unreasonably time-consuming and lead to waste of resources. In addition, an Information Officer may refuse access to a record if the request is seen to be made by a requester to unnecessarily annoy or provoke.

8 Processing personal information

8.1 Purpose of Processing

The Private Body (the Firm) processes personal information for the following purposes:

- Provision of legal and consulting services.
- Establishment and management of client relationships.
- Compliance with the Financial Intelligence Centre Act.
- Conducting conflict-of-interest checks.
- Litigation and dispute resolution.
- Contract drafting and legal advisory services.
- Employment administration.
- Financial and accounting administration.
- Compliance with statutory and regulatory obligations.
- Marketing of services where lawful consent has been obtained.

8.2 Categories of Data Subjects and Personal Information

The Private Body (the Firm) processes the following types of information:

- Clients: Names, contact details, registration numbers, VAT numbers, and financial data.
- Employees: IDs, addresses, qualifications, banking details, and tax information.
- Suppliers/Service Providers: Contact names, business details, and banking information for payments.

8.3 Recipients of Personal Information

The Private Body (the Firm) may disclose personal information where necessary to:

- Courts and tribunals.
- Advocates and correspondent attorneys.
- Sheriffs.
- Regulatory authorities.
- The Legal Practice Council.
- Expert witnesses and consultants engaged on client matters.
- Auditors.
- Banks and payment service providers.
- Information Technology and cloud storage service providers.
- Professional Indemnity Insurers.

8.4 Transborder Flows of Personal Information

The Private Body (the Firm) may transfer personal information to service providers in foreign countries (e.g., cloud storage). We ensure these countries have data protection laws like POPIA or that a data transfer agreement is in place.

8.5 General Description of Information Security Measures

The Private Body (the Firm) implements the following measures to protect personal information:

- Digital Security: Firewalls, anti-virus software, and password-protected systems.
- Physical Security: Locked cabinets and access-controlled office.
- Policy: Regular staff training and confidentiality agreements with all third parties.

8.6 Rights of Data Subjects

Data subjects have the right to:

- Access their personal information.
- Request correction or deletion of personal information.
- Object to processing in certain circumstances.
- Lodge a complaint with the Information Regulator.
- Institute civil proceedings where appropriate.

Requests relating to personal information may be directed to the Information Officer.

9. Decision making process

The Information Officer will take all the reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requester in writing that the record cannot be found or does not exist. This is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the requester has otherwise been granted. The Information Officer must, within 30 days of receipt of a correctly completed request, notify the requester of the decision as to whether to grant the request. The Information Officer may extend this period once for a further period not exceeding 30 days in accordance with PAIA.

If the request is:

- **Granted:** The notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.
- **Declined:** The notification must include adequate reasons for the decisions, together with the relevant provisions of the Act relied upon and provide the procedure to be followed should the requester wish to apply to court against the decision.

10. Availability of PAIA Manual

A copy of this manual is available at Private Body's (the Firm) registered business premises as confirmed under section 2 of this manual. The manual may also be requested directly from the Information Officer via email.

11. Request for access to records

Access to records held by the Private Body (the Firm) is requested by completing Form 2 as prescribed by the Information Regulator. This form must be submitted to the Information Officer at the email address provided in Section 2 of this manual.

12. Outcome of request and fees payable

The Information Officer will notify the requester of the decision using Form 3 (Outcome of Request and of Fees Payable). This notice will include the amount of the access fee (if any) and the right to lodge a complaint with the Information Regulator or an application with a court against the access fee or the form of access granted.

Issued by

**Alechia Sansom – Information Officer
Director**