

Access to Information Manual

We respect your right of access to information. This manual will help you (the requester of information) to exercise that right and help you know how you may get access to our records. The Promotion to Access of Information Act 2 of 2000 (as amended) from time to time (known as PAIA¹) requires us to draft and make this manual available to you.

- Know what types of information we have.
- Know how to request access to it.

Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.

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¹ To read PAIA go to <https://accesstoinformation.co.za/>. For a plain language summary go to <https://www.michalsons.com/focus-areas/information-technology-law/access-to-information-paia/promotion-of-access-to-information-act>

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Date we last revised it: 10 November 2022

1. Introduction

The Cape Bar is a society of advocates of the High Court of South Africa. Its members, each a specialist in litigation, practise independently. The Cape Bar is governed by a Bar Council, which is elected annually by members in accordance with the [Cape Bar's Constitution](#)².

You can read more about who we are and what we do on our [website](#)³.

PAIA⁴ requires the information officer of a private body to compile a manual that contains information on the records it holds. A “private body” means a natural person, company or other type of juristic entity that carries on any trade, business or profession and includes a political party. The Cape Bar is a private body.

This manual exists to tell you what information we have and help you get access to it.

2. Our details

Organisation name	Cape Bar Society of Advocates, also known as the Cape Bar Council
Website	https://capebar.co.za/
Physical address	Ground Floor Huguenot Chambers 40 Queen Victoria Street (entrance at 67 Keerom Street) Cape Town 8001
Phone number	021 424 2777
Fax number	086 415 3747
Default information officer⁵	Johan de Waal SC
Deputy information officer (if applicable)	Henda Beyers
Information officer email	io@capebar.co.za
Information officer phone number	021 424 2777

² <https://capebar.co.za/wp-content/uploads/2021/04/1.-Cape-Bar-Constitution-2021-04-15.pdf>

³ <https://capebar.co.za/>

⁴ Section 51(1) of PAIA

⁵ This would be the current chairperson of the Cape Bar Council. For more about the information officer see <https://www.michalsons.com/focus-areas/privacy-and-data-protection/information-officer-popi-paia>

Objectives

We have listed our objectives in our [Constitution](#)⁶ which is available on our website.

Structure

Our organisation consists of the Bar Council as the executive structure with various committees. Members volunteer to be on these committees and we elect the Bar Council members annually at the Annual General Meeting.

The list of the Cape Bar Council Committees is available on our [website](#)⁷.

Powers and duties of the Bar Council

We have listed our powers and duties in our [Constitution](#)⁸ which is available on our website.

These are all our details, but please rather contact us by email whenever possible.

3. Further guidance from the Information Regulator

For further guidance, contact the Information Regulator. They have compiled a [PAIA guide](#)⁹ in each official language of South Africa on how to exercise your rights under PAIA.

Visit their website	www.inforegulator.org.za
Postal address	P.O Box 3153, Braamfontein, Johannesburg, 2017
Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Phone number	010 023 5200
Ask a general enquiry by email	enquiries@inforegulator.org.za
Lodge a complaint by email	PAIAComplaints@inforegulator.org.za

For further guidance on how you can get access to information, please visit the Information Regulator [website](#)¹⁰.

⁶ <https://capebar.co.za/wp-content/uploads/2021/04/1.-Cape-Bar-Constitution-2021-04-15.pdf>

⁷ <https://capebar.co.za/wp-content/uploads/2021/06/CBC-Committees-2021-2022-28.05.2021.pdf>

⁸ <https://capebar.co.za/wp-content/uploads/2021/04/1.-Cape-Bar-Constitution-2021-04-15.pdf>

⁹ <https://inforegulator.org.za/paia-guidelines/>

¹⁰ <https://inforegulator.org.za/>

4. Records which we make automatically available

We make some records automatically available¹¹ to you without you needing to request access to them.

Type of record	How you can access it
Cape Bar Constitution	Cape Bar website ¹²
Bar Council members' names	Bar Council ¹³
Members of the Cape Bar	Cape Bar website
Cape Bar Council's Banking details	Request by email
Information on our website	Visit our website

5. Records we hold to function

We hold the following subjects and categories of records in electronic or physical format, which we do not make automatically available. You may request access to them.

Bar Council records

Our records relate to the way that the Bar Council and its committees are constituted and function, and how we fulfil our responsibilities towards our members and as constituent member of the General Council of the Bar of South Africa.

- Agenda for the monthly Bar Council meetings
- Agenda for the Annual General Meeting
- Minutes of Bar Council meetings
- Minutes of the Annual General Meeting
- Records relating to appointment of members to the Bar Council, advocates, and permanent staff members

Business records

Documents that have economic value to the business.

- Operational records
- Databases
- Internal correspondence
- Membership records

Financial records

Our records related to our finances.

¹¹ Section 52

¹² <https://capebar.co.za/wp-content/uploads/2021/04/1.-Cape-Bar-Constitution-2021-04-15.pdf>

¹³ <https://capebar.co.za/cape-bar/bar-council/>

- Accounting records
- Auditor reports
- Banking records
- Bank statements
- Electronic banking records
- Asset register
- Invoices
- Financial agreements

Financial records include our banking details.

Insurance records

Our records related to our insurable assets.

- Insurance policies we hold
- Records of insurance claims
- Register of all immovable property owned by the Bar Council

Income tax records

Our records related to our income tax obligations.

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- VAT records
- Regional Services Levies
- Skills Development Levies
- UIF
- Workmen's Compensation

Personnel records

Our records about anyone who works for us, provides services to us, or provides services on our behalf and who we remunerate. This includes our employees, contractors, and other personnel.

- List of employees
- Employee personal information
- Employee employment contracts
- Employment applications and appointment letters
- Employment policies and procedures
- Health and safety records
- Medical aid records
- Pension and provident fund records
- Salaries or wages of employees
- Leave records
- Internal evaluations and performance records
- Disciplinary records

- Disciplinary codes
- Training records
- Operating manuals
- Personal records provided by personnel
- Other statutory records
- Related correspondence

Personnel records include records about our employees and contractors.

Policies and directives

Both internal and external documents.

- Internal: relating to employees and the organisation
- External: relating to service providers and other third parties
- Information technology systems and documents

Agreements or contracts

Both the documents themselves and all related documents.

- Standard agreements
- Office management contracts
- Rental agreements
- Supplier or service contracts

Regulatory documents

Any documents we need to comply with any laws.

- Licences
- Authorities

Published information

Any document that we prepare and produce.

- Internal newsletters and circulars
- Information on the company published by third parties

Members' information

Information of our members.

- Names of members
- Contact details of members
- Communications with members
- Transactional information

Reference materials

Any sources of information that we contribute to.

- Newsletters and journal articles
- Magazines
- Newspaper articles

6. Records we hold to comply with the law

We hold records that all organisations are [required by law to hold](#)¹⁴. We also hold records that the law specifically requires organisations like ours to retain, including the [Legal Practice Act 28 of 2014](#)¹⁵.

7. How you can request access

We have appointed our information officer to deal with all matters relating to PAIA so we can comply with our PAIA obligations. To request access to a record, please complete [Form 2](#)¹⁶.

Please submit the completed form (together with the relevant request fee we explain below) to our information officer's email address, our physical address, or by fax using the details we provide. Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and the form of access you require,
- specifies your email address, postal address, or fax number,
- describes the right that you seek to exercise or protect,
- explains why you need the requested record to exercise or protect that right,
- provides any other way you would like to be informed of our decision other than in writing, and
- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form, we may:

- reject the request due to lack of procedural compliance,
- refuse it if you do not provide sufficient information, or
- delay it.

You may request information by completing a request for access form and submitting it to our information officer together with a request fee.

¹⁴ <https://www.michalsons.com/focus-areas/information-technology-law/access-to-information-paia/paia-manual-your-organisation/laws-that-require-bodies-to-hold-records>

¹⁵ <https://www.lssa.org.za/wp-content/uploads/2020/01/Legal-Practice-Act-GG-38022-of-22-September-2014.pdf>

¹⁶ <https://infoeregulator.org.za/paia-forms/>

8. How we will give you access

We will evaluate and consider all requests we receive. If we approve your request, we will decide how to provide access to you – unless you have asked for access in a specific form. The publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

9. How much it will cost you

Request fees

When submitting your request, you must pay us a [request fee](#)¹⁷ as the law prescribes. You must pay us the prescribed fees before we grant you access. You will receive a notice from our information officer upon your request¹⁸, setting out the application procedure¹⁹.

Access fees

If we grant the request, you will have to pay us a further [access fee](#)²⁰ the law prescribes that includes a fee for the time it takes us to handle your request, or if the time has exceeded the prescribed hours to search and prepare the record for disclosure. Our information officer will notify you if you need to pay a deposit for the access fee. The deposit may be up to one third of the prescribed access fee²¹. The access fee will provide for:

- the costs of making the record, or transcribing the record,
- a postal fee (if applicable), and
- the reasonable time we need to search for the record and prepare the record for you²².

If you paid the deposit and we refused your request, we will refund you the deposit amount. Until you have paid the fees, we may withhold the record you requested.

10. Grounds for us to refuse access

We may refuse you access to certain records in terms of PAIA in order to protect:

- someone's privacy²³,
- another company's commercial information²⁴,
- someone's confidential information²⁵,

¹⁷<https://www.michalsons.com/focus-areas/information-technology-law/access-to-information-paia/paia-manual-your-organisation/access-to-information-fees-for-private-bodies>

¹⁸ Section 54(1)

¹⁹ Section 54(3)(c)

²⁰ <https://www.michalsons.com/focus-areas/information-technology-law/access-to-information-paia/paia-manual-your-organisation/access-to-information-fees-for-private-bodies>

²¹ Section 54(2)

²² Section 54(7)

²³ Section 63

²⁴ Section 64

²⁵ Section 65

- research information²⁶,
- the safety of individuals and property²⁷, or
- records that are privileged from production in legal proceedings²⁸.

Some of these grounds are explained in further detail below.

Protection of someone's privacy (a natural person)

We may refuse you access to a record if access would unreasonably disclose a natural person's personal information, including a deceased person.

We will grant access in certain circumstances:

- The person who the information pertains to, has given consent.
- The information is publicly available.
- The information belongs to a class of information, and the private body notified the individual upfront that the specific class of information might be made public.
- The record is physical or mental health information or information about someone's well-being who is incapable of understanding the nature of the request and giving access would be in the individual's best interests.
- The information is about a deceased person and:
 - you are the next of kin, or
 - the request is made with the written consent of the individual's next of kin.
- The information is about a person who is, or was an executive at your organisation, and the information relates to their position or functions, for example:
 - that the person was an official at our organisation,
 - the title, work address, work phone number and other similar details,
 - the classification, salary scale or remuneration and responsibilities of the position or services, and
 - the name of the person on a record prepared by them while employed.

Protection of another organisation's commercial information

We may refuse you access to a record if the record contains another organisation's:

- trade secrets,
- financial, commercial, scientific, or technical information and the disclosure could cause harm to the financial or commercial interests of that company,
- information and the disclosure could put that company at a disadvantage in negotiations or commercial competition, or
- information on a computer programme owned by us, protected by copyright.

²⁶ Section 68

²⁷ Section 66

²⁸ Section 67

Protection of the safety of individuals and property

We may refuse you access if it could reasonably be expected to endanger someone's life or physical safety. We may refuse you access to a record if disclosing it 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,
- any other property,
- methods, systems, plans or procedures for the protection of someone in a witness protection scheme,
- the public, or a part of the public, or
- the property contemplated above.

Protection of research information

We may refuse you access to a record that contains research done by us or someone else, if disclosing it would disclose our identity, the researcher's or the subject matter of the research and would place the research at a serious disadvantage.

Our decision on giving you access

We will notify you in writing whether your request has been approved or denied within 30 calendar days after receipt of your request. If we cannot find the record you asked for or it does not exist, we will notify you by way of an affidavit that it is not possible to grant you access to that requested record.

We may have to refuse you access to a record to protect others.

11. Remedies available if we refuse to grant you access

If we deny your request for access, you may:

- apply to a court²⁹ with appropriate jurisdiction, or
- [complain](mailto:PAIAComplaints@inforegulator.org.za)³⁰ to the Information Regulator,

for the necessary relief within 180 calendar days of us notifying you of our decision.

12. How we process and protect personal information

We process the personal information of various categories of people for various purposes.

Categories of people

We process the personal information of the following categories of people:

²⁹ Section 78

³⁰ PAIAComplaints@inforegulator.org.za

- prospective members,
- members,
- prospective pupil members,
- pupil members,
- contractors, vendors, or suppliers, and
- staff (permanently employed).

Purposes

We process the personal information to:

- provide or supply our services,
- keep our data subject records up to date,
- manage staff in general,
- manage members in general,
- manage pupils in general
- manage supplier contracts in general,
- process complaints against members,
- comment on judicial vacancies (where applicable),
- process requests for letters of good standing, and
- process pro bono requests.

Categories of personal information

We process many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses,
- personal details, such as names and ages,
- demographic details, such as races and age groups,
- health information, such as disabilities or history of substance abuse,
- account numbers,
- identification numbers,
- background information, and
- contract information.

Third-party disclosures

In order to fulfil our obligations to our members, we give personal information that we process in the ordinary course of business to the following people:

- Contractors, vendors, or suppliers.
- Operators, other responsible parties, or co-responsible parties.
- Third party vendors (such as software developers) to help us maintain our services.

Cross-border transfers

Currently, we do not send personal information outside of South Africa. Our cloud service provider's server sits in a data centre in South Africa. If we send personal information outside of South Africa to various countries in future, we will update this manual appropriately.

Security

We secure data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. We also take reasonable steps to keep personal information accurate, current, complete, confidential, and reliable for its intended use.

We do our best to keep all data in our possession secure and up to date.

13. Availability of this Manual

This manual is available in English in electronic format on our website and in physical format at the reception of our offices.

14. Updates to this Manual

We will update this manual whenever we make material changes to it.