

**SECTION 51 MANUAL IN TERMS OF
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2002
FOR HOGAN LOVELLS (SOUTH AFRICA) INC**

- A. CONTENTS
- B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

A. CONTENTS

Introduction to Hogan Lovells (South Africa) Inc (“Hogan Lovells SA”)

1.	Contact details	2
1.1	General	2
1.2	Head of Hogan Lovells SA	2
1.3	Request Officer	3
2.	The Section 10 Guide on how to use the act	3
3.	Records held by Hogan Lovells SA in terms of any other legislation as indicated in section 51(1)(d) of the act	3
4.	Access to the records held by Hogan Lovells SA	4
4.1	The latest notice in terms of section 51(2) of the act regarding the categories of records of the body, which are available without a person having to request access	4
4.2	Records which are in the possession or under the control of Hogan Lovells SA. <i>These records are not automatically available without a request in terms of the act.</i>	4
4.2.2	Finance	4
4.2.2	Contracts	4
4.2.3	Human Resources	5
4.2.4	IT	5
4.2.5	Law Society	5
4.2.6	Marketing	6
4.2.7	Support Services	6
4.2.8	Companies Office	6
4.3	Request procedures	7
4.3.1	Form of request	7
4.3.2	Fees	7
5.	Other information as may be prescribed	8
6.	Availability of the manual	8

7.	Fees in respect of private bodies	8
8.	Prescribed forms	9

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

Introduction to Hogan Lovells SA

Established in 1892, Hogan Lovells SA ("the company") is one of the leading and most respected law firms in the Republic of South Africa. The firm has an extensive blue-chip client base of major domestic and international corporations, banks, financial institutions and state authorities.

Hogan Lovells SA is not only a highly reputable law firm, but also a very approachable one. We consider our relationships with our clients to be the key to our success. We have expertise and experience in all the major areas of law. We are also actively involved in the community in which we practice by contributing time and resource to one community association.

Our mission statement

It is our mission at Hogan Lovells SA to be dedicated legal advisors of choice for our local and global clients, consistently delivery sophisticated and forward-thinking legal solutions for their businesses. We believe in and strive to continuously offer in-depth industry insight that allows us to constantly provide innovative legal solutions to all clients without exception.

We value our employees and assist them in attaining their professional goals. In important matters impacting the firm as a whole, we engage with our employees to determine a resolution that takes the needs and views of all who work for us into account.

As a firm we value the diversity of our country and look to reflect such diversity as we continue to build the firm and add value to our clients.

Aim

To facilitate requests for access to records of the company as provided for in the Promotion of Access to Information Act 2 of 2000 hereinafter referred to as "the act".

1. Contact details

1.1 General

Postal address:	PO Box 78333, Sandton City, 2146
Street address:	140 West Street, Sandton, Johannesburg, 2146
Telephone number:	+27 (0)11 286 6900
Facsimile number:	+27 (0)11 286 6901
Email:	info@hoganlovells.com
Website:	www.hoganlovells.com
Date of registration:	20 October 1992 (Established 1892)
Company registration number:	1992/006150/21
VAT registration number:	4430134611

1.2 **Head of Hogan Lovells SA**

The head of Hogan Lovells SA is Mr Lavery Modise
Telephone number: +27 (0)11 523 6011
Fax number: +27 (0)86 673 6940
Email address: lavery.modise@hoganlovells.com

1.3 **Request Officer**

The request liaison officer is Mrs May-Elaine Thomson
Telephone number: +27 (0)11 523 6055
Fax number: +27 (0)86 673 6900
Email address: may-elaine.thomson@hoganlovells.com

2. **The Section 10 Guide on how to use the act**

In terms of section 10 of the act the Human Rights Commission was required to compile simple and easily comprehensible guidelines on how to use the act ("the guide").

The guide is available in each of the official languages from the South African Human Rights Commission. Please direct any queries to:

**The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department**

Postal address: Private Bag 2700
Houghton 2041
Telephone: +27 (0)11 484 8300
Fax: +27 (0)11 484 0582
Website: www.sahrc.co.za
Email: PAIA@sahrc.co.za

3. **Records held by Hogan Lovells SA in terms of any other legislation as indicated in section 51(1)(d) of the act**

Hogan Lovells SA is required by statute to retain certain records and hold certain information in terms of the acts listed hereunder. The records and/or information held are not automatically available and a request for access to these records must be made in terms of the provisions of the act.

The relevant acts referred to are:

- The Administration of Deceased Estates Act 66 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Companies Act
- Compensation for Occupational Injuries and Deceases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Finance Act 35 of 2000
- Income Tax Act of 95 of 1967
- Occupational Health and Safety Act 85 of 1993

- Skills Development Levies of Act 9 of 1999
- Skills Development Act 97 of 1998
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Attorneys Act 53 of 1979

4. **Access to the records held by Hogan Lovells SA**

- 4.1 The latest notice in terms in section 52(2) of the act regarding the categories of records of the body, which are available without a person having to request access in terms of the act.

There are currently no such notices published in the *Government Gazette* as applicable to this private body. Hogan Lovells SA records that the following documentation is available without a person having to request access in terms of the act:

- Hogan Lovells SA newsletters
- Hogan Lovells SA brochures
- Website
- Employment equity plan
- Skills development plan

- 4.2 Records which are in possession of or under the control of Hogan Lovells SA. These records are not automatically available without a request in terms of the act.

4.2.1 **Finance**

- Tax returns
- Financial statements
- Share allocation
- VAT returns
- Fixed asset register
- List of creditors and debtors
- Bank account information

4.2.2 **Contracts**

- Leases – properties
- Leases/contracts – suppliers
- Leases – financial institutions
- Insurance policies

4.2.3 **Human Resources**

- Employee records – including *inter alia*:
 - Letters of appointment
 - Performance appraisals
 - Remuneration
 - Leave register
 - Disciplinary warnings
- Policy document
- Performance appraisals
- Criteria for promotions
- Recruitment policy
- Profit sharing criteria
- Directorship criteria
- Pension fund rules
- Medical aid records
- Travel allowance records/claim records
- Shareholders' agreement
- Training and development manual
- Employment equity plan
- Skills development plan
- UIF registration
- PAYE registration
- WCA registration
- Registration as an employer

4.2.4 **IT**

- Disaster recovery plan
- EMSYS usage statistics

4.2.5 **Law Society**

- Annual Auditors Certificate ito Rule 70.4.1 of the Law Society
- Rule 78(3) read with Regulation 8 (Interest and bank charges on Trust Accounts)
- List of Trust investments ito S78(2)(a) and (A)
- Fidelity Fund Certificates
- Professional indemnity insurance certificates

4.2.6 **Marketing**

- Media releases

4.2.7 **Support Services**

- Delivery and collection records

4.2.8 **Companies Office**

- Articles of association
- CM2-Memorandum of association
- CM1-Certificate of incorporation
- CM27-Consent to act as a director
- CM29-Consent of register of directors, auditor and officers
- CM46-Certificate to commence business

Grounds of refusal for access to records

It should be noted that in terms of Chapter 4 of the act, there are certain grounds upon which Hogan Lovells SA may refuse to grant a requester access to its records as certain categories of information may be subject to protection in the interest of privacy. Such records, which may be protected, would include but would not be limited to:

1. Records that contain private information of a third party who is a natural person.
2. Records that contain commercial information of a third party.
3. Records that contain information that if disclosed would be likely to prejudice or impair the security of property or systems for the protection of the security of property, the safety of the public or a part thereof, or persons in a witness protection.
4. Records that contain commercial information relating to Hogan Lovells SA, 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 company or the disclosure of which could reasonably be expected to put the company at a disadvantage in contractual or other negotiations or to prejudice the company in commercial competition.
5. Records that contain information relating to the research information of a third party.
6. It should further be noted that access to records must be refused where:
 - 6.1 there exists an attorney-client privilege, which has not been waived;

- 6.2 the record contains information of a third party in respect of which a contractual duty of confidentiality exists;
- 6.3 disclosure could reasonably be expected to endanger the life or safety of an individual.

4.3 **Request procedures**

4.3.1 **Form of request**

- The requester must use the prescribed form to make the request for access to a record. The request must be made to the request officer of Hogan Lovells SA at the address, fax number or electronic mail address of the company.
- The requester must provide sufficient detail on the request form to enable the request officer of Hogan Lovells SA to identify the record requested and the requester. The requester should also indicate which form of access is required. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made of behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the request officer of Hogan Lovells SA.

4.3.2 **Fees**

- A requester who seeks access to a record containing personal information about that requester ("a personal requester") is not required to pay the prescribed request fee. Every other requester, who is not a personal requester, must pay the required request fee.
- The request officer of Hogan Lovells SA must notify such requester and require the requester to pay the prescribed request fee before further processing the request.
- Prescribed fees payable by the requester must be notified in the prescribed form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time spent that has exceeded the prescribed hours to search and prepare the record for disclosure.

5. **Other information as may be prescribed**

The Minister of Justice and Constitutional Development has not made any regulation in this regards.

6. **Availability of the manual**

The manual will be available at the offices of Hogan Lovells SA situated at 140 West Street, Sandton.

7. **Fees for records of private bodies**

7.1 The fee of a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.

7.2 The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1.10
(b) For every printed copy of an A4-sized page or part thereof held on computer or in electronic or machine-readable form	0.75
(c) For a copy in a computer-readable form on –	
(i) stiffy disc	7.50
(ii) compact disc	70.00
(d) (i) For a transcription of visual images, for an A4 sized page or part thereof	40.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4-sized page or part thereof	20.00
(ii) For a copy of an audio record	30.00

7.3 The request fee payable by a requester, other than a personal requester referred to in regulation 11(2) is R50.00.

7.4 The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1.10
(b) For every printed copy of an A4-sized page or part thereof held on computer or in electronic or machine-readable form	0.75
(c) For a copy in a computer-readable form on –	
(i) stiffy disc	7.50
(ii) compact disc	70.00
(d) (i) For a transcription of visual images, for an A4 sized page or part thereof	40.00

- (ii) For a copy of visual images 60.00
- (e) (i) For a transcription of an audio record, for an A4-sized page or part thereof 20.00
- (ii) For a copy of an audio record 30.00
- (f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

7.5 For purposes of section 54(2) of the act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

7.6 The actual postage is payable when a copy of a record must be posted to a requester.

8. **Prescribed forms**

REQUEST FOR ACCESS TO RECORD OF HOGAN LOVELLS SA

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No 2 or 2000))

[Regulation 10 – Form C of Annexure B]

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 send 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: _____

Fax number: _____ Telephone number: _____

Email address: _____

Capacity in which request is made, if 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.***

i. Description of record or relevant part of the record:

ii. Reference number, if available:

iii. Any further particulars of record

d. 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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
<p>Mark the appropriate box with an X</p> <p>NOTES:</p> <ul style="list-style-type: none"> (a) Compliance with your request 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 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:	
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
2. If record consists of visual images (this includes photographs, slides, video recording, computer generated images, sketches, etc.)	
<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images* <input type="checkbox"/> transcription of images*
3. If record consists of recorded words or information which can be reproduced in sound:	
<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/> 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 of the transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.		<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Yes</td> <td style="width: 50%; text-align: center;">No</td> </tr> </table>	Yes	No
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 as _____ this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE