



KIRKCALDY PEREIRA INC
attorneys | prokureurs

PROMOTION OF ACCESS TO INFORMATION MANUAL

Manual in terms of Section 51 of the Promotion of Access to Information Act 2 of 200 (the "Act").

This Manual serves to comply with the Promotion of Access to Information Act 2 of 2000 and the Protection of Personal Information Act 4 of 2013.

This Manual applies to the law Firm Kirkcaldy Pereira Inc. Reg: 2002/002724/21.

Date of Compilation:

6th of May 2021

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28th of November 2025

Incorporated/Ingelyf Reg No/nr 2002/002724/21

Directors: Michael Robert Kirkcaldy BLC LLB (UP), Lee Van der Westhuizen BA (Law) LLB (UP)

Associate Attorney: Garth Cullen Kirkcaldy BCom (Law) LLB (UP)

Office Manager: Gorete Conceição Monteiro

Financial Manager: Angelique Gomes Pretorius BCom Accounting (UNISA), Professional Accountant (SA)

Practicing in Association with: Kirkcaldy and Associates Inc (Reg No: 2025/058295/21)

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PURPOSE OF THIS MANUAL

This Manual:

- 1.1. for the purposes of the Promotion of Access to Information Act 2 of 2000, details the procedure to be followed by a Requestor and how a request for access shall be facilitated; and
- 1.2. serves to promote transparency and accountability in the processing of and access to information within the legal industry in which Kirkcaldy Pereira Inc. operates.
- 1.3. serves the purpose of promoting access to information while protecting personal information. This protection forms part of the Constitutional right to privacy. These rights may be limited in terms of Section 36 of the Constitution and the attorney's legal responsibility to maintain confidentiality and attorney-client privilege.

INTRODUCTION

Established in 1996, Kirkcaldy Pereira' Inc is a Firm that prides itself on giving high quality and personal legal services to our clients.

The Firm has a well-established client base in various industries and specialises in Property Law, specifically Conveyancing, Notarial work.

Kirkcaldy Pereira Inc. strives to provide the highest quality of legal service and will continue to do so while giving effect to and complying with the provisions of the Constitution of the Republic of South Africa, the Protection of Personal Information Act and the Promotion of Access to Information Act.

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COMPANY DETAILS

DIRECTORS

Mr. Michael Robert Kirkcaldy BLC LLB (UP)

Mrs. Lee Van der Westhuizen BA (Law) LLB (UP)

PHYSICAL ADDRESS

First Floor

Old Farm Office Forum

823 Old Farm Road

Faerie Glen Ext 8

0081

Pretoria

South Africa

POSTAL AND DOCEX ADDRESS

PO Box 90571

Garsfontein 0042

Docex 1: Faerie Glen

ELECTRONIC CONTACT DETAILS

Telephone: +27 12 991 6180 / 012 991 6180

Email: info@kpinc.co.za

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INFORMATION OFFICER(S)

INFORMATION OFFICER

Mr. Garth Cullen Kirkcaldy

Designation: Attorney, Notary, Conveyancer

Email: garth@kpinc.co.za

Phone: 012 991 6180

Cell: 074 431 6222

DEPUTY INFORMATION OFFICER

Mr. Michael Robert Kirkcaldy

Designation: Director (Attorney & Conveyancer)

Email: mike@kpinc.co.za

Phone: 012 991 6180

Cell: 082 900 4437

Mrs. Lee Van der Westhuizen

Designation: Director (Attorney)

Email: lee@kpinc.co.za

Phone: 012 991 6180

Cell: 079 791 2725

Mrs. Angelique Pretorius

Designation: Financial Manager

Email: angelique@kpinc.co.za

Phone: 012 991 6180

Cell: 078 263 3005

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DEFINITIONS

Company	means: Kirkcaldy Pereira Inc. (registration number 2002/002724/21), an incorporated company duly incorporated and registered in terms of the Company Laws of the Republic of South Africa having its principal place of business at 1 st Floor Old Farm Office Forum, 823 Old Farm Road, Faerie Glen Ext 8, Pretoria, South Africa. Kirkcaldy Pereira Inc is a registered VAT vendor with VAT Registration Number 4170224069.
Conditions of Lawful Processing	means: The conditions for lawful processing of personal information as contained in chapter three of the Protection of Personal Information Act 4 of 2013.
Constitution	means: The Constitution of the Republic of South Africa, 1996.
Data Subject	means: The person to whom the personal information relates in terms of section 1 of the Protection of Personal Information Act 4 of 2013.
Deputy Information Officer	means: The duly appointed individual acting ancillary to the Information Officer in terms of section 56 of the Protection of Personal Information Act 4 of 2013. Such deputy is appointed hereunder.
Information Officer	means: The duly appointed individual acting in terms of section 55 of the Protection of Personal Information Act 4 of 2013. Such information officer is appointed hereunder.
Manual	means: The Protection of Personal Information and Promotion of Access to Information compliance manual of Kirkcaldy Pereira Inc. drafted in accordance with section 51 of the Protection of Access to Information Act and Regulation 4(1)(d) of the Protection of Personal Information Act Regulations.
PAIA	means: Promotion of Access to Information Act 2 of 2000.
Personal Information	means: The information defined and described in section 1 of the Protection of Personal Information Act 4 of 2013.
POPI	means: Protection of Personal Information Act 4 of 2013.
Processing	means: As defined in section 1 of the Protection of Personal Information Act 4 of 2013.
Requestor	means: The individual or entity lodging a request to access personal information.
SAHRC	means: The South African Human Rights Commission.

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THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

The Promotion of Access to Information Act 2 of 2000 ("PAIA") grants the requestor access to records of a private body if the requested records are 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 shall be made following the prescribed procedures at will be provided at the applicable rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of this PAIA.

Requestors are referred to the guide in terms of Section 10, 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 South African Human Rights Commission.

The details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27 11 877 3600

Fax Number: +27 11 403 0625

Website: www.sahrc.org.za

Email Address: section51.paia@sahrc.org.za

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CLASSES OF RECORDS

AUTOMATIC DISCLOSURE OF INFORMATION

In terms of section 51(1)(c) read with section 52(2) of the Promotion of Access to Information Act 2 of 2000: Within six months after the commencement of section 51 of PAIA or the coming into existence of a private body concerned, the head of the private body must compile a manual containing the latest notice in terms of section 52(2), if any, regarding the categories of record of the body which are available without a person having to request access in terms of PAIA.

As of the date of publication of this PAIA Manual, no notice or regulation has been published or issued by the Minister of Justice and Constitutional Development on the categories of records automatically available to a requestor of personal information in terms of section 52(2) of PAIA.

RECORDS AVAILABLE UNDER OTHER LEGISLATION

Where applicable to our operations, and while acting in our mandate as a Law Firm, records are kept under the list of Legislation in schedule 1 of this Manual.

Unless disclosure in terms of such Legislation is prohibited by mandate, contract, common law, other Legislation, or any other restrictions applicable to the legal profession, such disclosure of information will only be made available to the party seeking such disclosure in terms of the requirements and conditions as set out in PAIA.

A requestor of access to information will be required to comply with PAIA provisions and lodge the application in the prescribed manner and with the payment of the prescribed fee.

The Legislation applicable to and under which information is kept is listed in Schedule 1 and attached hereto.

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RELEVANT REGISTRATION NUMBERS IN TERMS OF LEGISLATION

Document	Legislation	Registration Number
Income Tax Number	Income Tax Act 58 of 1962	9344271144
Legal Practice Council Registration Numbers	Legal Practice Act 28 of 2014	Mr. Michael Robert Kirkcaldy <ul style="list-style-type: none"> • LPCM 11604 Mrs. Lee van der Westhuizen <ul style="list-style-type: none"> • LPCM 47365 Mr. Garth Cullen Kirkcaldy <ul style="list-style-type: none"> • LPCM 101457
PAYE Registration	Income Tax Act 58 of 1962 Employment Tax Incentive Act 26 of 2013	7240759201
SDL	Skills Development Levies Act 9 of 1996 Skills Development Act 97 of 1998	L240759201
Registration Number	Companies Act 71 of 2008	2002/002724/21
UIF Number	Unemployment Insurance Act 63 of 2001 Unemployment Insurance Fund Contributions Act 4 of 2002	U240759201
UIF Number (SARS)	Unemployment Insurance Act 63 of 2001 Unemployment Insurance Fund Contributions Act 4 of 2002	1696355/0
VAT Registration Certificate	Value Added Tax Act 69 of 1991	4170224069
FIC Registration Number	Financial Intelligence Centre Act 38 of 2001	1141

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FURTHER REQUIREMENTS AND ACCOUNTABILITY IN TERMS OF OTHER LEGISLATION AND COMMON LAW

In terms of the South African Common Law, South African Substantive Law and the Law of Evidence in South Africa, the legal practitioner in South Africa is bound by attorney-client privilege and is legally obliged to keep the affairs and information of a client confidential. This professional privilege has a greater scope than the application of the Protection of Personal Information Act.

Professional privilege does not apply to:

- Documents or information were given to the legal practitioner for legal advice or representation or documents that were not otherwise privileged.
- Documents or information provided for the purpose of committing or facilitating a crime.
- The name of the client.
- Where a statute specifically excludes professional privilege.

As previously stated, professional privilege does not apply to the above, however, these exclusions may still fall within the scope and ambit of the Protection of Personal Information Act and a requestor would have to follow the correct procedures to gain access to such information.

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REQUESTING PROCEDURE AND FORM OF REQUEST

Any interested party requesting information from Kirkcaldy Pereira Inc. shall lodge the request in the prescribed form and manner with the payment of the prescribed fee. Such form and fee are found in Schedules 2 and 3 of this Manual. Electronic copies are available per the link below each schedule.

It is imperative to reiterate the legal position of a law Firm in granting a requestor information. As comprehensively explained in the sections above, Kirkcaldy Pereira Inc. is bound by attorney-client confidentiality, professional privilege, and dutiful execution of our clients' mandates. It is not possible nor is it legal to grant a requestor access to information which may breach any such confidentiality and privilege. It is for this reason that requests for access to certain information will be inspected with the utmost scrutiny in order to maintain fair and high-quality legal representation for our clients.

To facilitate the processing of your request, kindly:

- Use the prescribed form, available on the website of the South African Human Rights Commission at www.sahrc.org.za. This form has been attached hereto for your convenience.
- Address your request to the Head of the Company. In this case, to either of our two directors.
- Provide sufficient details to enable Kirkcaldy Pereira. Inc to identify
 - a) The record(s) as requested
 - b) The requestor (and if an agent is lodging the request, proof of capacity)
 - c) The form of access required.
 - d) The postal address or fax number of the requestor in the Republic of South Africa.
 - e) If the requestor wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
 - f) The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

A requestor is required to pay the prescribed fee (R50.00) before a request will be processed. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted). A requestor may lodge an application with a court against the tender / payment of the request fee and/or deposit. Records may be withheld until the fees have been paid.

The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.or.za. It is attached in this Manual as Schedule 3.

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SUBJECTS AND CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(e)

The documents and items listed and categorised below are held by Kirkcaldy Pereira Inc. Access to such documents may be protected by professional privilege, attorney-client confidentiality, privacy laws and/or grounds of refusal in terms of PAIA.

Accounting and Financial Records	Accounts, invoices, statements, reconciliations, credit notes, debit notes, journals, ledgers, statements of profit or loss and other comprehensive income, statements of financial position, trial balances, payment schedules, cash flow statements, asset registers, cheques, tax returns, banking records and cheque books
Administration	General correspondence, insurance policies, operating manuals, compliance manuals, contact information of clients and contractors, schedules, contracts and certificates incidental to attorney's work, lease agreements, operating manuals for assets held by the Firm, attorney indemnity insurance documents, attorney's fidelity fund documents
Company Records	Memorandum of Incorporation, Articles of Association, Records relating to Directors, Partners, and other positions of office.
Human Resources	Agreements, contracts and proposals regarding employment, documents relating to financing and remuneration, employee mandates, policy documents, law society complaints and the responses thereto, Employment Equity and Basic Conditions of Employment documents, disciplinary records, leave records, degrees, certificates, right of appearance documents, right of admission documents (as attorneys, candidate attorneys and conveyancers and contracts for Candidate's Practical Training Contracts.
Library Material	Law reports, legal commentary, legal textbooks, printed copies of Legislation and commentary, attorney's admission past-papers, course notes from various institutions of legal training and education, journals, seven years' worth of records for cases handled by the Firm.
Marketing	Advertising campaigns, promotional material, webinar and/or informative videos and the records thereof, PowerPoint Presentations, copies of media involvement, copies of professional reports and/or published articles, employee business cards, electronic records of the Firm's online presence (Website, LinkedIn)
Salaries	Remuneration schedules, records of Unemployment Insurance Fund payments and contributions, records of Temporary Employer/Employee Relief Scheme payments and contributions, Pay-As-You-Earn records and contributions, Skills Development Levy records and contributions

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Stationary Documents regarding the lease and maintenance of printers, order books, receipts, physical stationary, tracking bills and statements.

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SCHEDULE 1 – LIST OF LEGISLATION

1. Attorneys Act 53 of 1979
2. Banks Act 94 of 1990
3. Basic Conditions of Employment Act 75 of 1997
 - Section 29
 - Section 78
4. Broad-Based Black Economic Empowerment Act 75 of 1997
5. Business Act 71 of 1991
6. Companies Act 71 of 2008
 - Section 26(1)
 - Section 26(2)
 - Section 26(4)
 - Section 26(6)
 - Section 31(1)
 - Section 31(2)
 - Section 31(3)
 - Section 93(1)
7. Compensation for Occupational Injuries and Diseases Act 130 of 1993
8. Competition Act 89 of 1998
9. Constitution of the Republic of South Africa, 1996
10. Consumer Protection Act 68 of 2008
11. Copyright Act 68 of 1987
12. Credit Agreements Act 75 of 1980
13. Customs and Excise Act 91 of 1964
14. Debt Collectors Act 114 of 1998
15. Deed's Registries Act 47 of 1937
16. Electronic Communications and Transactions Act 25 of 2002
17. Employment Equity Act 55 of 1998
 - Section 18
 - Section 41
18. Financial Advisory and Intermediary Services Act 37 of 2002
19. Financial Intelligence Centre Act 38 of 2001
20. General Law Amendment Act 132 of 1993
21. Income Tax Act 58 of 1962
22. Labour Relations Act 66 of 1995
 - Section 16
 - Section 25
 - Section 83
 - Section 89
 - Section 90
 - Section 189
 - Section 204
 - Section 205

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23. Legal Practice Act 28 of 2014
24. National Credit Act 34 of 2005
25. Occupational Health and Safety Act 85 of 1993
26. Pension Funds Act 24 of 1956
27. Promotion of Access to Information Act 2 of 2000
28. Protection of Personal Information Act 4 of 2013
29. Sectional Title Schemes Management Act 8 of 2011
30. Skills Development Act 97 of 1997
31. Skills Development Levies Act 9 of 1999
32. Superior Courts Act 10 of 2013
33. Transfer Duty Act 40 of 1949
34. Unemployment Insurance Act 63 of 2001
35. Unemployment Insurance Fund Contributions Act 4 of 2002
36. Value Added Tax Act 69 of 1991

In terms of section 51(1)(d) of the Promotion of Access to Information Act 2 of 2000, within six months after the commencement of this section or the coming into existence of the private body concerned, the head of the private body must compile a manual containing a description of the records of the body which are available in accordance with any other legislation.

It is possible that the above list of Legislation is not exhaustive, however, Kirkcaldy Pereira Inc. has endeavoured to include every piece of Legislation containing a description of records of Kirkcaldy Pereira Inc. which is available in accordance with other Legislation.

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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.

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

.....
.....
.....
.....

2. Reference number, if available:

.....
.....
.....
.....

3. Any further particulars of record:

.....
.....
.....

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E. 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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access 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 the record, if any, will be determined partly by the form in which access is requested.	

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1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		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 or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	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:

.....

.....

.....

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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 at this day of year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

An electronically editable version of this form is available at the following address:

https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

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Associate Attorney: Garth Cullen Kirkcaldy BCom (Law) LLB (UP)

Office Manager: Gorete Conceição Monteiro

Financial Manager: Angeliqne Gomes Pretorius BCom Accounting (UNISA), Professional Accountant (SA)

Practicing in Association with: Kirkcaldy and Associates Inc (Reg No: 2025/058295/21)

SCHEDULE 3 - FEE SCHEDULE

Public Bodies:

Copy per A4 page	60c
Printing per A4 page	40c
Copy on a CD	R40
Transcription of visual images per A4 page	R22
Copy of a visual image	R60
Transcription of an audio recording per A4 page	R12
Copy of an audio recording	R17
Search and preparation of the record for disclosure	R15 per hour or part thereof, excluding the first hour required for the search and preparation
Actual posting fee	

Private Bodies

Copy per A4 page	R1.10
Printing per A4 page	75c
Copy on a CD	R70
Transcription of visual images per A4 page	R40
Copy of a visual image	R60
Transcription of an audio recording per A4 page	R20
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour required for the search and preparation
Actual posting fee	

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Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors. as required under section 23 of the Value Added Tax Act of 1991. Kirkcaldy Pereira Inc. is a registered VAT vendor.

A copy of the South African Human Rights Commission Fee Schedule for PAIA Requests is available at the following address:

<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>

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