

## **INTRODUCTION**

**The Cape Peninsula University of Technology Legal Services Department (Legal Services) renders legal advisory services to the University’s management, and academic- and support service departments and in certain instances, on written request by the Secretary to Council and Council Committees and other university governance structures<sup>1</sup>.**

**The request for legal advice must therefore relate to the business and / or interest of the University.**

**Legal advice is usually categorised as highly confidential and privileged, and any opinion or advice provided by Legal Services is thus restricted to duly authorised internal CPUT staff or in certain instance, members of the CPUT Council and Council Committees, only. Any communication received from the Legal Services Department should therefore be forwarded within CPUT to relevant authorised personnel only and strictly on a need-to-know basis.**

**Legal advice will be rendered by way of a formal written opinion on matters related but not limited to the substance or procedure of the law in relation to a particular factual situation; interpretation of contracts to which the University is a party; all aspects of law, policies, rules and regulations; dispute and claims.**

## **PURPOSE:**

The Legal Services Advice Request Form (LSAR1 Form) serves to guide the requestors by outlining the procedure that the Requestor (End User) must follow when requesting legal advice/ opinion from Legal Services.

The Requestor must complete the LSAR1 Form to ensure that clear and concise instructions on all the legal issues are given to Legal Services for purposes of rendering the requisite legal advice.

Requestor, as the duly authorised person within the relevant department/ faculty or business entity of CPUT is responsible for obtaining the necessary approval to initiate the request for legal advice/ opinion and must ensure that the LSAR1 form is signed by the duly authorised

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<sup>1</sup> No legal advice or opinion will be provided to any university employees and/ or students and / or members of a university governance structure on any personal matter.

person in accordance with level of authority contemplated in the Delegation of Authority Matrix.

**PROCEDURE:**

**Any request for legal advice must be made at the earliest opportunity. This is to ensure that Legal Advisor allocated the matter has sufficient time to consider the legal question, peruse the supporting documents, consult, conduct research and render appropriate legal advice timeously.**

1. The Requestor/ End User must submit to Legal Services the following:
  - a) Duly completed and signed Legal Services Advice Request Form (LSAR1)
  - b) The relevant background information and supporting documents.
  - c) Any other information relevant to the matter.
  - d) The legal question with a detailed description of the advice being sought.
2. The Request for Legal Advice will be assigned to a Legal Advisor only if a duly completed, approved and signed LSAR 1 form with all the requisite information have been received.
3. The Request for Legal Advice are dealt with in order of receipt and the Legal Adviser assigned will generally provide the legal advice within 15 (fifteen) working days from receipt of the request (bearing in mind the Legal Advisor’s workload and priorities).
4. Any request for urgent advice must be motivated and labelled as urgent with an indication of the date and details of any relevant deadline. The request will be considered on a case-by-case basis and prioritised only if good cause is shown, and the urgency is not self-created.
5. It remains the Requestor’s responsibility to communicate with third parties on matters that relate to the request for legal advice.
6. Only in instances where a matter may involve actual or potential litigation or where the third party is legally represented will the Legal Adviser assigned respond or engage the third party. However, the Legal Advisor assigned will only do so with the requisite and clear written instructions from the Requestor.

7. All requests for legal advice must be submitted to Legal Services, in accordance with this procedure and must be submitted in writing to the following email address: Legal Services email inbox [LegalServices@cput.ac.za](mailto:LegalServices@cput.ac.za) and Cc [dingiles@cput.ac.za](mailto:dingiles@cput.ac.za)

8. No oral request for legal advice/ opinion will be accepted or rendered by Legal Services or any Legal Advisor.

9. In certain circumstances, having regard to the complexity of the matter or the specific expertise required, a request for legal advice may be referred to an external service provider provided prior written authorisation has been obtained from the Senior Line Manager of the Requestor to do so.

**Upon receiving the legal advice request, Legal Services will:**

- Log and allocate your request to a Legal Advisor who will assist you.
- The Legal Advisor will then:
  - Peruse the legal question and background information.
  - Consider the supporting documents if any.
  - consult with the Requestor, if necessary.
  - conduct their research.
  - draft the advice.
  - send the advice to the Requestor using the LSAR 2 form.

**CONFIDENTIALITY**

- I. University information may be categorised under certain confidentiality and privacy classifications (which ranges from public to highly sensitive information) depending on the intended use and expected impact if disclosed.
- II. Legal Advice /Opinions are usually categorised as highly confidential and thus restricted to only authorised internal CPUT staff. Any communication received from the Legal Services Department should therefore be forwarded within CPUT to relevant authorised personnel only and strictly on a need-to-know basis.
- III. The University is bound by law and its own processes to protect the confidentiality of the information.

## CPUT LEGAL SERVICES ADVICE REQUEST FORM

"LSAR 1"

- IV. The University may be required to disclose Personal Information by any Regulator or otherwise under applicable law.
- V. No communication received from the Legal Services Department may be passed to any unauthorised person(s) or person(s) or entity(ies) outside the University without the prior written consent of the Legal Services Department.

LEGAL ADVICE REQUEST FORM

This form is for Legal Services **internal use** only.

Please complete all details below.

Upon completion, please forward the form to [LegalServices@cput.ac.za](mailto:LegalServices@cput.ac.za) and Cc [dingiles@cput.ac.za](mailto:dingiles@cput.ac.za) (together with all the relevant information)

1. Requester	
Date:	
Full names:	
Department/Faculty/Business Entity:	
Campus:	
Email:	
Contact details:	
2. Approval	
Full names:	
Department/Faculty/Business Entity:	
Email address:	
Contact details:	

INFORMATION RELEVANT TO THE REQUEST	
Matter type:	
Legal Question:	
<u>Summary/ Background of the request:</u>	
Supporting documents (list, if any):	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>

# CPUT LEGAL SERVICES ADVICE REQUEST FORM

“LSAR 1”

## LEGAL PRIVILEGE NOTICE:

Please note that legal advice provided by the CPUT Legal Adviser as part of the process is based in its totality upon information provided by the End user and shall not be shared, disclosed and forwarded to the other contracting party. The aforementioned legal advice is privileged communication and intended only for CPUT internal use and /or consideration by the duly authorised CPUT official/ staff member.

## SIGNATURES

End-user	
Full Names:	
Signature:	
Date:	Click or tap to enter a date.

## APPROVAL

Executive Management Member / Senior Director/ Dean	
Full Names:	
Signature:	
Date:	Click or tap to enter a date.

NB: Submit the completed and signed legal advice request form with the supporting documents to [LegalServices@cput.ac.za](mailto:LegalServices@cput.ac.za) and [dingiles@cput.ac.za](mailto:dingiles@cput.ac.za) .