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M A N U A L

IN ACCORDANCE WITH

**THE PROMOTION OF ACCESS TO
INFORMATION ACT (NO. 2 OF 2000)**

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PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 51 MANUAL

(For Private Bodies)



Sanet Ras Prokureurs / Attorneys

Prepared for: Sanet Ras Attorneys

By EZ Comply Compliance Consulting

(082 4448 735)

29 April 2013



Sanet Ras Prokureurs /Attorneys

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Signed: _____

Head/Information Officer of Body



Sanet Ras Prokureurs /Attorneys

PARTICULARS: SECTION 51 MANUAL

1 Introduction:

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000. The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

This manual applies in respect of ***Sanet Ras Attorneys (hereinafter referred to as the "Company")*** with its core business as Attorneys in the Legal sector.

The Information Officer named in section 4 below is duly appointed in respect of the Company

2 Availability of this manual:

A copy of this manual is available on our website (***not applicable***) or by sending a request for a copy to the Information Officer by email. The Manual may also be inspected at our offices and the SAHRC at the respective addresses set out below. This manual will be updated from time to time as and when required.

3 How to request access to records held by the Company

Requests for access to records held by the Company must be made on the request forms that are available from the SAHRC website



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(www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under "**regulations**").

For the convenience of requestors, copies of such forms are included in the version of this manual available at our offices and on our website. Please note that requestors are also required to make payment of the prescribed fees where applicable.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided below.

The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if 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 on 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 head of the private body.

4 Contact detail:

| Details required in terms of section 51(1)(a): | |
|---|---|
| Name of Private Body: | Sanet Ras Attorneys |
| Head of the Body: | S.T Ras |
| Email address of the head of the Body: | sanetras1@lantic.net |
| Designated Information Officer: | Sanet Ras |
| Email address of Information Officer: | sanetras1@lantic.net |
| Postal Address: | Private Bag X1268, Potchefstroom, 2520 |



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| | |
|-------------------|--|
| Street address: | 101 Peter Mokaba Avenue, Potchefstroom,2531 |
| Phone Number: | 27 (0)18 294 8953 |
| Facsimile number: | 27 (0)18 294 8958 |
| Website: | (Not applicable) |

5 How to access the guide as described in section 10 of the Act:

The Guide will be available 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 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

6 Voluntary disclosure:

The Company has not published a notice in terms of Section 52(2) of the Act. Certain information relating to the Company is freely available on the website (**not applicable**)

7 Records available in terms of any other legislation:

Information is retained in terms of the following legislation and is usually available only to the persons or entities specified in such legislation:

1. Administration of Estates Act, No. 66 of 1965
2. Arbitration Act No. 42 of 1965



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3. Basic Conditions of Employment No. 75 of 1997
4. Companies Act No. 61 of 1973
5. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
6. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
7. Copyright Act No. 98 of 1978
8. Credit Agreements Act No. 75 of 1980
9. Currency and Exchanges Act No. 9 of 1933
10. Debtor Collectors Act No. 114 of 1998
11. Employment Equity Act No. 55 of 1998
12. Finance Act No. 35 of 2000
13. Financial Services Board Act No. 97 of 1990
14. Financial Relations Act No. 65 of 1976
15. Harmful Business Practices Act No. 23 of 1999
16. Income Tax Act No. 95 of 1967
17. Insolvency Act No. 24 of 1936
18. Insurance Act No. 27 of 1943
19. Intellectual Property Laws Amendments Act No. 38 of 1997
20. Labour Relations Act No. 66 of 1995
21. Long Term Insurance Act No. 52 of 1998
22. Medical Schemes Act No. 131 of 1998
23. Occupational Health & Safety Act No. 85 of 1993
24. Pension Funds Act No. 24 of 1956
25. Post Office Act No. 44 of 1958
26. Protection of Businesses Act No. 99 of 1978
27. Regional Services Councils Act No. 109 of 1985
28. SA Reserve Bank Act No. 90 of 1989
29. Short Term Insurance Act No. 53 of 1998
30. Skills Development Levies Act No. 9 of 1999
31. Skills Development Act No. 97 of 1998
32. Stamp Duties Act No. 77 of 1968
33. Stock Exchange Control Act No. 1 of 1985
34. Tax on Retirement Funds Act No. 38 of 1996
35. Trade Marks Act No. 194 of 1993
36. Unemployment Contributions Act No. 4 of 2002
37. Unemployment Insurance Act No. 63 of 2001
38. Usury Act No. 73 of 1968
39. Value Added Tax Act No. 89 of 1991
40. Promotion of Access to Information Act 2 of 2000



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41. Financial Intelligence Centre Act, no. 38 of 2001
42. Financial Advisory and Intermediary Services Act, no. 37 of 2002
43. Protection of Personal Information Act (pending)

8 Records held by the Company

Generic records:

8.1 Internal records

- Documents of Incorporation;
- Memorandum and Articles of Association;
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers;
- Share Register and other statutory registers;
- Annual Financial Statements;
- Tax Returns;
- Accounting Records;
- Banking Records, statements, paid cheques, electronic banking records;
- Asset register;
- Rental agreements;
- Invoices;
- Third party service level and protection of information/confidentiality agreements.

8.2 Personnel records

These include, but are not limited to the following: Any personal records provided to the company by its personnel;

- Employment contracts;
- Disciplinary records;
- Salary records;
- Leave records;
- Training records;



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Any records a third party has provided to the Company about any of their personnel; conditions of employment and other personnel-related contractual and quasi-legal records, internal evaluation records and other related internal records and correspondence.

8.3 Other records:

- PAYE records;
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees;
- All other statutory compliances:
 - VAT;
 - Regional Services Levies;
 - Skills Development Levies;
 - UIF.

Other parties:

The Company may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies and service providers.

Alternatively, such other parties may possess records which can be said to belong to the Company.

The following records fall under this category:

- Personnel, customer or Company records which are held by another party as opposed to being held by the Company;
- Records held by the Company pertaining to other parties, including without limitation financial records, correspondence contractual records, records provided by the other party and
- Records third parties have provided about the contractors/suppliers.

Customer related records:



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A customer includes any natural or juristic entity who receives services from the Company.

Customer-related information includes, but is not limited to the following:

- Any records a customer has provided to a third party acting for or on behalf of the Company;
- Any records a third party has provided to the Company;
- Records generated by or within the Company pertaining to the customer, including transactional records.

Operational records:

This includes, but is not limited to the following:

Operational records;

- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Product records.

9 Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request ;
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee;
- After the head of the private body has made a decision on the request, the requester must be notified in the required form;



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- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The standard form that must be used for the making of requests is attached as Annexure 2 to this manual. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

The list detailing the prescribed fees payable to the Company in respect of requests and the fees in respect of access to records (if the request is granted) is also attached as Annexure 3 to this manual.

Please note:-

The above annexures are included only in copies of this Manual available on the website and at the offices of the Company but need not and are not included in the copy of this Manual delivered to the SAHRC.

Kindly also note that all requests to the Company will only be considered in accordance with the Act and on no other basis. Publication of this Manual and describing the categories and subject matter of information held by the Company does not give rise to any rights (in contract or otherwise) to access such information or records except in strict terms of the Act.

10 Other information as may be prescribed [Sec 51(1)(f)]:

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

Annexure 1

Definitions:

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- **“Act”** means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- **“Information Officer”** means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the *“head”* of the Company by the Act; The Information Officer is duly authorized to act as such and such authorization has been confirmed by the *“head”* of the Company in writing;
- **“Manual”** means this manual published in compliance with Section 51 of the Act;
- **“Personnel”** means any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;
- **“Record”** means any recorded information, regardless of form or medium, which is in the possession or under the control of the Company, irrespective of whether it was created by the Company;
- **“Request”** means a request for access to a record of the Company;
- **“Requestor”** means any person, including a public body or an official thereof, making a request for access to a record of the Company and includes any person acting on behalf of that person;
- **“SAHRC”** means the South African Human Rights Commission.

Unless a contrary intention clearly appears, words signifying:-

- The singular includes the plural and vice versa;
- Any one gender includes the other genders and vice versa; and
- Natural persons include juristic persons.

Terms defined in the Act shall have the same meaning in this Manual

Annexure 2

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

REQUEST FOR ACCESS TO RECORDS OF A PRIVATE BODY

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

(Regulation 4)

A. Particulars of Private Body

The information Officer: **Sanet Ras Attorneys** in respect of _____

(Specify company, if applicable)

B. Particulars of Person requesting access to the record

- (a) *The Particulars of the person who requests access to the records must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name and Surname:

Identity Number:

Postal Address:

Telephone Number: _____

Fax Number _____

E-mail address _____

Capacity in which request is made, when made on behalf of another person:

Annexure 2**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 the record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of the record:

Annexure 2

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will processed only after a **request fee** has been paid.
- (b) You will be notified of the amount of the request fee.
- (c) The **fee payable for access** to a record depends on the form in which the 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 therefore

Reason for exemption of payment of the fee (if any)

F. Form of Access to the 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 |
|-------------------|---|
| | |
| | |
| | |

(Mark the appropriate box with an "X")

NOTES:

- (a) Your indication as to the required form of access depends 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.

Annexure 2

| | | | | | | |
|--|--|--|--|---|--|-----------|
| 1. If the record is in written or printed form: | | | | | | |
| | Copy of record* | | Inspection of record | | | |
| 2. If the 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 the record consists of recorded words or information which can be reproduced in sound: | | | | | | |
| | Listen to the soundtrack (Audio cassette or CD) | | | Transcription of Soundtrack* (Written or printed document) | | |
| 4. If the 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 (3.5" magnetic or optical 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? (A postal fee 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 requested record is required for the exercising or protection of the aforementioned right:

Annexure 2

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 thereof 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 you request for access to the record?

Signed at _____ this _____ day of _____ 20__

SIGNATURE OF RQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE

Annexure 3

REPRODUCTION FEES

Where an institution has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE IS:

| | R |
|--|-------|
| • For every photocopy of a a4-size page or part thereof | 1.10 |
| • For every printed copy of an A4-size page or part thereof held on a Computer or in electronic or machine readable form | 0.75 |
| • For a copy in computer-readable form on: | |
| - 3.5" magnetic disc | 7.50 |
| -Optical compact disc | 70.00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40.00 |
| • For a copy of visual images | 60.00 |
| • A transcription of an audio record, for an A4-size page or part thereof | 20.00 |
| • For a copy of an audio record | 30.00 |

Request Fees:

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50-00 is payable up-front before the institution will further process the request received.

Access Fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8)

Annexure 3

The applicable access fees which will be payable are:

| | R |
|--|-------|
| • For every photocopy of an A4-size page or part thereof | 1.10 |
| • For every printed copy of an a4-size page or part thereof held on a computer or in electronic or machine readable form | 0.75 |
| • For a company in a computer form on: | |
| -3.5" magnetic disc | 7.50 |
| -Optical compact disc | 70.00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40.00 |
| • For a copy of visual images | 60.00 |
| • A transcription of an audio record, for an A4-size page or part thereof | 20.00 |
| • For a copy of an audio record | 30.00 |
| • To search for a record that must be disclosed (-per hour or part of an hour reasonably required for such search.) | 30.00 |
| • Where a copy of a record needs to be posted the actual postal fee is payable. | |

Deposits:

Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.