

STEGMANN'S ATTORNEYS

MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NR 2 OF 2000

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1. INTRODUCTION & INTERPRETATION

This manual has been prepared in accordance with Section 51 of Act No 2 of 2000, Promotion of Access.

1.1 In this document clause headings are for convenience and shall not be used in its interpretation unless the content clearly indicates a contrary intention.

1.2 The following words shall bear the following meaning assigned to them in this manual:

"the Act"	Promotion Of Access to Information Act No 2 Of 2000, as amended from time to time including the Regulations promulgated in terms of the Act;
"request liaison officer"	the person duly authorised by the head of the private body and appointed by the private body to facilitate or assist the head of the private body with any request in terms of the Act
"head of private body"	i) the Chief Executive Officer or equivalent officer of the juristic person or any person duly authorised by that officer; or ii) the person who is acting as such or any person duly authorised by such acting person
"this document"	this document together with all of its annexures, as mended from time to time;
"the private body"	Stegmanns Attorneys
"record"	any recorded information i) regardless of form or medium

- ii) in the possession or under the control of the [private body], respectively and
- iii) whether or not it was created by that [private body] respectively

1.3

- 1.3.1 In this document insofar as there is a conflict in its interpretation or application and that of the Act, the Act shall prevail;
- 1.3.2 Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 1.3.3 This document does not exhaustively or comprehensively deal with every procedure provided for in the Act;
- 1.3.4 Requesters are advised to familiarize themselves with the relevant provisions of the Act before the requesting of any information.

2. PRIVATE BODY CONTACT DETAILS [Section 51(1)(a)]

STEGMANN'S ATTORNEYS

PO Box 344
PRETORIA
0001

Situated at:

1st Floor, South Block
Celtis Plaza
1085, Schoeman Street
Hatfield
Pretoria

Telephone: 012 – 342 6430
Fax: 012 – 342 5330 / 5160

CONTACT DETAILS OF THE HEAD OF THE PRIVATE BODY:

The head of the private body is MR IAN MILLER

MR IAN MILLER

Telephone: 012 – 342 6430
Fax: 086 679 2540
E-mail: imiller@stegmanns.co.za

CONTACT DETAILS OF THE REQUEST LIAISON OFFICERS:

The request liaison officers are MR ROY BILLSON / MS LYNETTE BRUMMER

MR ROY BILLSON / MS LYNETTE BRUMMER

Telephone: 012 – 342 6430
 Fax: 012 – 342 5330 / 5160
 E-mail: law@stegmanns.co.za / lynetteb@stegmanns.co.za

3. GUIDE [Section 51(1)(b)]

The Human Rights Commission is to compile a Guide in terms of Section 10 of the Act containing such information as may be required by a person who wishes to exercise any rights contemplated in the Act. The Guide will be made available in each official language.

CONTACT DETAILS OF THE HUMAN RIGHTS COMMISSION:

The South African Human Rights Commission
 PAIA Unit
 The Research & Documentation Department

Postal Address: PRIVATE BAG X2700
 HOUGHTON
 2041

Telephone: +27 11 484 8300
 Fax: +27 11 484 0582

Website: www.sahrc.org.za
 E-mail: PAIA@sahrc.org.za

4. INFORMATION (RECORDS) AUTOMATICALLY AVAILABLE [Section 51(1)(c)]

The following information is automatically available, subject to the relevant prescribed fees for reproduction, to the following persons and need not be requested in accordance with the request procedure.

(i) To all employees:

- Personnel records to the employee whose file it is;
- Records relating to disciplinary hearings of the employee concerned;
- Other personal matters relating to the employee concerned;
- The Company's policies and procedures manual;
- The Company's disciplinary procedures.

(ii) To the general public and all employees:

- Company brochures/pamphlets
- Company's Employment Equity Plan
- Company's Skills Development Plan

- All information on the company website

5. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION [Section 51(1)(d)]

The following information is not automatically available without a request in terms of the Act, except for information / documents being of public nature as envisaged in Section 52 of the Act.

A request for information should be in the prescribed form, addressed to the Information Liaison Officer and submitted against payment of the prescribed fee.

The private body keeps information / documents in accordance with the following legislation, where applicable (please note that this is not an exhaustive list):

- Attorneys Act, Nr. 53 of 1979
- Basic Conditions of Employment Act, Nr. 75 of 1997 (Section 31)
- Companies Act, Nr. 61 of 1973
- Closed Corporation Act No. 69 of 1984
- Compensation for Occupational Injuries and Diseases Act, Nr. 130 of 1993 (Section 97)
- Customs and Excise Act No. 91 of 1964
- Copyright Act, Nr. 98 of 1978
- Employment Equity Act, Nr. 55 of 1998 (Section 26)
- Electronic Communications and Transactions Act No. 25 of 2002
- Income Tax Act, Nr. 58 of 1962 (Section 75)
- Insolvency Act, Nr. 24 of 1936 (Sections 134 and 155)
- Labour Relations Act, Nr. 66 of 1995
- Medical Schemes Act, Nr. 131 of 1998
- Occupational Health and Safety Act, Nr. 85 of 1993
- Pension Funds Act, Nr. 24 of 1956
- Promotion of Access to Information Act No. 2 of 2000
- Patents Act No. 57 of 1978
- Regional Services Councils Act, Nr. 109 of 1985
- Trademarks Act No. 194 of 1993
- Skills Development Act, Nr. 97 of 1998
- Skills Development Levies Act, Nr. 9 of 1999
- Unemployment Insurance Act, Nr. 63 of 2001
- Value Added Tax Act, Nr. 89 of 1991 (Section 65)
- Administration of Estates Act, No. 66 of 1965
- Arbitration Act No. 42 of 1965
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Credit Agreements Act No. 75 of 1980
- Currency and Exchanges Act No. 9 of 1933
- Debtor Collectors Act No. 114 of 1998
- Finance Act No. 35 of 2000
- Financial Services Board Act No. 97 of 1990
- Financial Relations Act No. 65 of 1976
- Harmful Business Practices Act No. 23 of 1999
- Insurance Act No 27 of 1943
- Intellectual Property Laws Amendments Act No. 38 of 1997

- Long Term Insurance Act No. 52 of 1998
- Post Office Act No. 44 of 1958
- Protection of Businesses Act No. 99 of 1978
- SA Reserve Bank Act No. 90 of 1989
- Short Term Insurance Act No. 53 of 1998
- Stamp Duties Act No. 77 of 1968
- Stock Exchange Control Act No. 1 of 1985
- Tax on Retirement Funds Act No. 38 of 1996
- Unemployment Contributions Act No. 4 of 2002
- Usury Act No 73 of 1968

6. OTHER TYPES OF RECORDS HELD BY THE PRIVATE BODY [Section 51(1)(e)]

These records are not automatically available and shall only be made available to a requester requesting access in terms of and subject to the provisions of the Act.

Requests for information should be in the prescribed form, addressed to the information Liaison officer and submitted against payment of the prescribed fee.

The private body keeps the following information / documents (please note that this is not an exhaustive list):

- Details relating to the operational, commercial and financial interests of the company
- Commercial contracts
- Client data base
Personal information of clients, commercial and financial information, information on contemplated, existing and past litigation, information on agreements, proposals and intellectual property of such clients.
- Standard Employment Contracts
- Employment Equity Report
- Skills Development Report
- Company Personnel Reports
- Administration
Licences, Minutes of Meetings, Correspondence, etc.
- Human Resources
Personal information of past, present and prospective employees and partners / directors, personnel information and records, employment contracts, etc.
- List of trademarks and pending applications
- Insurance policies
- Any Departments with their relevant information
- Project Management
Building plans, information generally related to projects conducted by the company from time to time.

7. REQUEST PROCEDURES AND RELEVANT FEES.

Form of Request:

- 7.1 The requester must use the prescribed form to make the request for access to a record. A copy of the prescribed form is attached.
- 7.2 This request must be made to the address, fax number or electronic mail address of the request liaison officer of the private body concerned who will hand it to the head of the private body or the relevant request liaison officer. [s 53(1)].
- 7.3 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 [s 53(2)(a) and (b) and (c)].
- 7.4 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 [s 53(2)(d)].
- 7.5 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 [s 53(2)(f)].
- 7.6 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:
 - 7.6.1 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 [s 54(1)].
 - 7.6.2 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 [s 54(3)(b)].
 - 7.6.3 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 [s 54(6)].
- 7.7 The head of the private body as soon as reasonably possible and within 30 days after the request has been received, shall decide whether or not to grant the requests.
- 7.8 The head of the private body or liaison officer will notify the requester.

- 7.9 Granting Or Refusal Of Requests:
- 7.9.1 If the request is granted, the head of the private body will notify the requester in the manner stipulated in the prescribed form of:
 - 7.9.1.1 the applicable access fee required to be paid,
 - 7.9.1.2 the form in which access will be given,
 - 7.9.1.3 the procedure to be followed should the requester wish to apply to Court against such a fee.
 - 7.9.2 If the request is declined, the head of the private body shall notify the requester in writing in a Notice of Refusal, which shall include adequate reasons for the decision and state that the requester may apply to Court against the decision.
- 7.10 If a deposit has been paid in respect of a request that has been denied, the head of the private body concerned must repay the deposit to the requester. The head of the private body may extend the period of 30 days by a further period not exceeding 30 days if:
- 7.10.1 the request is for a large number of records or requires a search through a large number of records;
 - 7.10.2 the request requires a search for records located in different offices of the private body not situated in the same city;
 - 7.10.3 consultations between divisions of the private body, or with another private body is required;
 - 7.10.4 the requester consents to the extension.
- 7.11 Should the private body require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 7.12 The information liaison officer's failure to respond to the requester within 30 days period will be deemed refusal of the request.
- 7.13 Records not found:
- 7.13.1 The information liaison officer in terms of the Act will take all reasonable steps to find a record that has been requested.
 - 7.13.2 The head of the private body or request liaison officer must, by way of an affidavit or affirmation notify the requester that the records cannot be found or do not exist, and that it is not possible to give access to the requested record. This shall be deemed a refusal of the request.

7.13.3 If however, the record is later found, the requester must be given access if the request would otherwise have been granted.

7.14 Third Parties

7.14.1 Chapter 5 of the Act makes provision for third party notification and intervention where information or records are requested about a third party.

7.14.2 If the request is for a record pertaining to a third party the information liaison officer must take all reasonable steps to inform that third party of the request.

7.14.3 This must be done within 21 days of receipt of the request and if the third party is informed orally, written notice stating the matters referred to in section 71(3) of the Act.

7.14.4 The third party may within 21 days thereafter either make representation to the private body as to why the request should be refused or alternatively grant written consent to the disclosure of the record.

7.14.5 The third party must be notified of the decision taken by the information officer on whether to grant or deny the request, and must also be advised of their right to appeal against the decision by way of application to Court within 30 days after the notice as described in section 73 of the Act.

7.15 Refusal Of Requests

The requester is advised that the private body in terms of the provisions of the Act, may refuse on certain specified grounds to provide information to a requester.

8. OTHER INFORMATION AS MAY BE PRESCRIBED [Section 51(1)(f)]

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

9. AVAILABILITY OF THE MANUAL [Section 51(3)]

9.1 This manual is available for inspection at the offices of the private body, free of charge, and will also be made available on the private body's website www.stegmanns.co.za

9.2 Copies of the manual may be obtained, subject to the prescribed fees, at the offices of the private body, and the South African Human Rights Commission, and will also be published in the *Government Gazette*.

9.3 Please note that the manual obtainable from the South African Human Rights Commission and published in the *Government Gazette*, does not include the request forms or fee structure. The request forms and fee structure can be obtained on the SAHRC website or the website of the Department of Justice and Constitutional Development.

10. UPDATING OF MANUAL

The private body will update this manual at such intervals as may be necessary.