

## **INFORMATION MANUAL**

*Prepared in accordance with Section 51 of the Promotion of Access to Justice Act,  
Act 2 of 2000, as amended*

First compiled: 10.04.2018  
Revised on: 10.04.2018

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## 1. INTRODUCTION

### 1.1 Abbreviations:

- i. Act: the Promotion of Access to Information Act, Act 2 of 2000, as amended, with Regulations promulgated in terms thereof;
- ii. Firm: Saunders & Co. Inc.;
- iii. HRC the South African Human Rights Commission;
- iv. IO Information Officer of the Firm;
- v. Republic: the Democratic Republic of South Africa;
- vi. Requester the person making the request to access information from the Firm in terms of the Act.

### 1.2 Background to the Act:

- 1.2.1 The Act gives effect to section 32 of the Constitution of the Republic, which reads that *everyone has the right of access to any information held by the State or another person, and that is required for the exercise or protection of any rights.*
- 1.2.2 As part of its objective to foster a culture of transparency and accountability in public and private entities, the Act requires a Manual of information to be compiled by every entity, which informs the public of the records held by that entity and procedure for obtaining access to those records or other information in terms of the Act.
- 1.2.3 This Manual has been compiled in accordance with section 51 of the Act.

### 1.3 The Firm:

- 1.3.1 The Firm is a private entity that conducts business as an incorporated legal practice, registered according to the company laws of the Republic. The Firm is also registered to practice under the Law Society of the Northern Provinces.
- 1.3.2 The Firm's professional staff is required to comprise of attorneys, notaries public and conveyancers, who are admitted to practice as such in the High Court of the Republic.

## 2. CONTACT DETAILS

2.1 The contact details of the Firm are:

- vii. Practice Name: Saunders Incorporated t/a Saunders & Co. Inc.
- viii. Registration Number: 2018/204965/21
- ix. Physical address: 23 Kambro Crescent, Meyersdal, Alberton, Gauteng
- x. Postal address: PO Box 2855 Alberton, 1450
- xi. Docex Number: 30 Alberton

- xii. Telephone number: 011 867 5181
- xiii. Fax number: 011 907 3909
- xiv. Website: [www.saunderslaw.co.za](http://www.saunderslaw.co.za)
- xv. E-mail addresses: [info@saunderslaw.co.za](mailto:info@saunderslaw.co.za); [robs@saunderslaw.co.za](mailto:robs@saunderslaw.co.za)
- xvi. Information Officer: Mr. Robert W. Saunders (Managing Director)

### **3. GUIDE TO THE ACT**

- 3.1 The HRC has, in accordance with section 10 of the Act, prepared a Guide to assist persons on how to exercise any rights under the Act, including *inter alia* how to make a request for access to information and when access to information may be refused.
- 3.2 The Guide is available in all official languages from the HRC – PAIA Unit (Research and Documentation Department), whose contact details are:
  - i. Physical address: Braampark Forum 3, 33 Hoofd Street, Braamfontein (Head Office);
  - ii. Postal address: Private Bag X2700 Houghton, 2041;
  - iii. Telephone number: 011 877 3803;
  - iv. Fax number: 011 403 0625;
  - v. Website: [www.sahrc.co.za](http://www.sahrc.co.za)
  - vi. E-mail addresses: [paia@sahrc.org.za](mailto:paia@sahrc.org.za); [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za); [info@sahrc.org.za](mailto:info@sahrc.org.za)

### **4. RECORDS AUTOMATICALLY AVAILABLE**

- 4.1 Unless mentioned hereunder, no notices have been published in terms of section 52 of the Act on the categories of records that are available to any person without having to make a request in terms of the Act.
- 4.2 Employees of the Firm may access, without request in terms the Act, the Firm's documented policies and procedures, and the contents of the personnel file of that employee.
- 4.3 If applicable in the future, the Firm's employment equity and economic empowerment records will be available without request in terms the Act.
- 4.4 Records of a public nature without conditions attached, typically disclosed on the Firm's website, may be accessed without request in terms of the Act.

### **5. RECORDS AVAILABLE IN TERMS OF THE ACT**

#### **5.1 General:**

- 5.1.1 The Firm retains a schedule of records pertaining to its business affairs, and holds information in terms of relevant legislations. These records are not available without a request in terms of the Act.

## **5.2 Records held in accordance with legislation:**

5.2.1 The Firm retains information and documents in accordance with the following legislation (as amended), which list is not exhaustive:

- i. Administration of Estates Act, Act 66 of 1965;
- ii. Attorneys Act, Act 53 of 1979;
- iii. Basic Conditions of Employment Act 75 of 1997;
- iv. Companies Act, Act 71 of 2008
- v. Electronic Communications and Transactions Act, Act 25 of 2002;
- vi. Employment Equity Act, Act 55 of 1998;
- vii. Financial Intelligence Centre Act, Act 38 of 2001;
- viii. Income Tax Act, Act 58 of 1962
- ix. Insolvency Act, Act 24 of 1936;
- x. Labour Relations Act, Act 66 of 1995
- xi. National Credit Act, Act 34 of 2005;
- xii. Occupational Health and Safety Act, Act 85 of 1983;
- xiii. Promotion of Access to Information Act, Act 2 of 2000;
- xiv. Skills Development Act, Act 97 of 1998;
- xv. Trust Property Control Act, Act 57 of 1988;
- xvi. Unemployment Insurance Fund Act, Act 63 of 2001;
- xvii. Value Added Tax Act, Act 89 of 1991.

## **5.3 Schedule of records pertaining to business affairs:**

5.3.1 The Firm retains a schedule of records pertaining to its business affairs and operations in respect of the following categories:

A. Human resources:

- i. Personnel files containing all employee information, employment history, employment contract, health and leave records, compensations, records of disciplinary hearings or related matters;
- ii. Files on recruitment and selection; training and development information;
- iii. Firm's policies and procedures, including disciplinary codes;
- iv. Employee benefits including provident funds and medical aid contributions;

B. Financial:

- i. Financial statements and books of account;
- ii. Salary and benefits information;
- iii. Asset registers;
- iv. Invoices;
- v. Rental information;
- vi. Banking records;

C. Tax records:

- i. PAYE and income tax records;
- ii. VAT records if applicable;
- iii. Documents issued to employees for income tax purposes;
- iv. Statutory compliances including VAT, UIF, regional services levies, skills development levies, if applicable;

- D. Secretarial and Administrative:
- i. Documents of Incorporation;
  - ii. Minutes books and Statutory registers;
  - iii. Law Society records;
  - iv. Insurance information;
  - v. Commercial agreements and correspondence;
  - vi. Client information;
  - vii. List of company creditors, debtors, suppliers;
  - viii. Information technology statistics and costs.

## **6. PROCEDURE FOR REQUESTING INFORMATION**

- 6.1 The requester is required to use the prescribed request form, annexed hereto. The form may also be obtained from the IO, or the websites of the HRC ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)).
- 6.2 The request must be submitted to the IO by means of one of the Firm's addresses provided above.
- 6.3 The requester should clearly indicate the following:
- i. detail on the request form to enable the IO to identify the record and the requester, including sufficient proof of capacity of the requester;
  - ii. which form of access is required;
  - iii. in addition to written reply, which manner the requester is to be informed and the necessary particulars to be so informed;
  - iv. the right that the requester is seeking to exercise or protect, with explanation of why the requested record is necessary for this purpose;
- 6.4 The requester shall be informed as to whether the request is granted or refused within 30 (thirty) days from the date of receipt of the request by the IO. If the IO fails to respond within the 30 days, it is deemed under section 58 read with section 56(1) of the Act that such request was refused. If access is granted, actual access to the record requested will be given as soon as reasonably possible. Should the Firm require an extension of time, the requester shall be informed of the reasons there for.

## **7. REFUSAL OF A REQUEST FOR INFORMATION**

- 7.1 Submission of the request does not automatically allow the requester to access the information record. Access to a record may be subject to justifiable limitations under the Act, which are aimed at the reasonable protection of privacy, commercial confidentiality and effective governance.
- 7.2 Pursuant to the provisions of Chapter 4 (sections 62 to 70) of the Act, access to information may be refused on one or more of the following grounds, as more fully set out in the relevant section of that Chapter, namely to protect:
- 7.2.1 the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information about that party, including a deceased individual;

- 7.2.2 commercial and/or research information, and certain confidential information of a third party;
  - 7.2.3 the safety of individuals and the protection of property;
  - 7.2.4 records privileged from production in legal proceedings;
  - 7.2.5 commercial and/or research information of the Firm.
- 7.3 Access to information will be granted on the grounds of public interest in accordance with section 70 of the Act.
- 7.4 If it is discovered or reasonably suspected that the requester obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.
- 7.5 A requester whose request to access information is refused by the IO may, subject to the provisions of the Act, apply to a competent court for relief, within 30 days from the date of receipt of the refusal.

## **8. FEES**

- 8.1 A requester who seeks access to a record containing personal information about that requester is not required to pay a request fee. Every other requester, who is not a personal requester, must pay the prescribed request fee.
- 8.2 A requester will be required to pay the prescribed fee before the request is processed. If the request is granted, a further access fee is required to be paid for the search, reproduction and preparation of the record, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 8.3 Records may be withheld until the prescribed fees have been paid.
- 8.4 The prescribed fees are available from the IO or the HRC website.

## **9. AVAILABILITY AND UPDATE OF MANUAL**

- 9.1 This Manual is available for inspection at the Firm's offices during business hours, or from the websites of the Firm and the HRC. A Copy will also be published in the Government Gazette.
- 9.2 This Manual will be revised whenever material changes are effected at the Firm.

## **10. ANNEXURE – REQUEST FORM**

- 10.1 A copy of the prescribed request form is included hereunder. An e-form copy for electronic completion is also available at: [http://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf).



REPUBLIC OF SOUTH AFRICA

**FORM C**  
**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**  
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 10]

**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 sent 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: 

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Postal address:

Telephone number: (.....)  Fax number: (.....)

E-mail address:

Capacity in which request is made, when 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: 

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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**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:

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.....

2. Reference number, if available:

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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:

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**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: <input style="width: 90%;" type="text"/>	Form in which record is required: <input style="width: 90%;" type="text"/>
Mark the appropriate box with an <b>X</b> .	
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.	

<b>1. If the record is in written or printed form:</b>					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record	<input type="checkbox"/>	
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)	<input type="checkbox"/>	
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	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 <input type="checkbox"/>	NO <input type="checkbox"/>
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**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:

**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**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