

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

In terms of Section 51 of The Promotion of Access to Information Act 2 of 2000

GOËRTZ ATTORNEYS INCORPORATED
REGISTRATION NUMBER: 2016/036727/21

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1. **Information of Goërtz Attorneys Inc. as required under S51(1)(a) of the Act**

Physical Address: 13 San Marco
50 Kelly Avenue
Bromhof
Randburg

Postal Address: Postnet Suite 710
Private Bag X10030
Randburg
2125

Telephone Number: 011 792 6408

Fax Number: 086 551 4013

Website: www.goertzattorneys.com

Contact Person: Gavin Goërtz
gavin@goertzattorneys.com

2. **The Act and Section 10 Guide: Section 51(1)(b)**

- 2.1 The Act grants a requester access to records of a private body, if the record is 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.
- 2.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 2.3 Requesters 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 SAHRC.

The contact 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

3. **The latest notice in terms of Section 52(2)**

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

4. **Records available in terms of other legislation: Section 51(1)(d):**

- 4.1 Attorneys Act 53 of 1979
- 4.2 The Administration of Estates Act 66 of 1965
- 4.3 Basic Conditions of Employment Act 75 of 1997
- 4.4 Companies Act 61 of 1973 / 71 of 2008
- 4.5 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 4.6 Employment Equity Act 55 of 1998
- 4.7 Finance Act 42 of 2008
- 4.8 Financial Intelligence Centre Act 38 of 2001
- 4.9 Income Tax Act 58 of 1962
- 4.10 Labour Relations Act 66 of 1995
- 4.11 Occupational Health and Safety Act 85 of 1993
- 4.12 Promotion of Access of Information Act 2 of 2000
- 4.13 Skills Development Levies Act 9 of 1999
- 4.14 Tax Administration Act 28 of 2011
- 4.15 Unemployment Insurance Act 63 of 2001
- 4.16 Value Added Tax Act 89 of 1991

5. **Subjects and categories of records held by Goertz Attorneys Inc: Section 51(1)(d)**

Records which are in the possession or subject to the control of Goertz Attorneys Inc. which are not automatically available without a request in terms of the Act.

a) Companies Act records:

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Directors meetings
- Records relating to the appointment of directors/auditors/secretary/public officer and other offices
- Statutory registers

b) Financial records:

- Annual Financial Statements
- Tax returns
- Accounting records
- Banking records
- Bank statements
- Paid cheques
- Electronic banking records
- Asset register
- Rental Agreements
- Invoices

c) Income Tax 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
 - Workmen's compensation

d) Personal documents and records:

- Employment contracts
- Salary records
- SETA records
- Disciplinary records
- Leave records

e) Legal Practice Council:

- Annual auditors certificate
- List of Trust Investments
- Fidelity Fund certificates
- Professional indemnity insurance certificates

6. **Details on how to make a request for access: Section 51(e)**

The requester must complete Form C (Annexure A) and submit this form together with a request fee to the contact person listed in paragraph 1 above.

This form must be submitted to the contact person at the address, fax number or electronic mail address as provided in paragraph 1.

The form must:

- Provide sufficient particulars to enable the contact person to identify the records requested and to identify the requester;
- indicate which form of access is required;
- specify the postal address or fax number of the requester in the Republic;
- identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right;
- If in addition to a written reply the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner;
- If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the contact person provided for in paragraph 1.

7. **Prescribed Fees: Section 51(1)(f)**

The following applies to requests (other than personal requests):

- A requestor is required to pay the prescribed fees (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.org.za.

8. **Grounds for refusal of access to records as per Section 62 to Section 69 of the Act**

Apart from Section 7 of the Act and subject to Section 70 of the Act, the main grounds for refusal of access to information as contemplated in the act are as follows:

- a) Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person, including a deceased individual.
- b) Protection of commercial information of a third party as defined by the Act, if the record contains:
 - i. trade secrets of that third party
 - ii. financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party.
 - iii. Information disclosed in confidence to Goërtz Attorneys Inc by a third party, the disclosure of which could put that third party at a disadvantage in a contractual or other negotiations or would prejudice that third party in commercial competition.
- c) Protection of confidential information if the disclosure would constitute a breach of duty or confidence to a third party in terms of an agreement.
- d) Protection of safety of individuals and protection of property.
- e) Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege.
- f) Protection of commercial activities of Goërtz Attorneys Inc, may include:
 - i. trade secrets of Goërtz Attorneys Inc
 - ii. financial or commercial, information, disclosure of which could cause harm to the financial or commercial interests of Goërtz Attorneys Inc.
 - iii. information which, if disclosed, could put Goërtz Attorneys Inc at a disadvantage in negotiations or commercial competition.

9. **Remedies in respect of a refusal to provide information**

a) Internal Remedies

Goertz Attorneys Inc does not have any internal appeal procedures. The decision made by the relevant contact person/information officer at Goertz Attorneys Inc is final. Should the requester be unsatisfied with the answer or information provided by the contact person/information officer, the requester will have to exercise the external remedies which are available.

b) External Remedies

A requester that is dissatisfied with the contact person/information officer's refusal to disclose information may within 30 days of notice of decision apply to the relevant court for relief.

For purposes of this Act the courts which have jurisdiction over these matters are the Constitutional Court, High Court or court with a similar status.

A requester that is dissatisfied with an information officer's refusal to disclose information may within 30 days apply to the relevant court for relief.

10. **Access to Manual under Section 51(3):**

- A copy of this manual may be requested from the South African Human Rights Commission subject to the prescribed fees.
- The manual is also available at the offices of Goertz Attorneys Inc at the address provided above. Viewing of the manual may be done free of charge during normal office hours.
- The manual is also to be posted on the website of Goertz Attorneys Inc.

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:

Postal address:

Fax number:

Telephone 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:

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:

E. Fees

- | | |
|-----|--|
| (a) | A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) | You will be <i>notified of</i> the amount required to be paid as the request fee. |
| (c) | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) | If you qualify for exemption <i>of</i> the payment <i>of</i> 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 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) Compliance with your request 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 for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images

this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
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4. If record is held on computer or in an electronic or machine-readable form:

<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)
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'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
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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:

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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

**FEES IN RESPECT OF ACCESSING INFORMATION OF PRIVATE BODIES AS PER REGULATION 11 OF
THE ACT**

1) The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4 size page or part thereof.

2) The fees for reproduction referred to in regulation 11(1) are as follows:

		R
a)	For every photocopy of an A4size page or part thereof	1.10
b)	For every printed copy of an A4-site page or part thereof held on a computer or in electronic or machine - readable form	0.75
c)	For a copy in a computer-readable form on –	
	ii) stiffy disc	7.50
	iii) compact disc	70.00
d)		
	i) For a transcription of visual images, for an A4-size page or part thereof	40.00
	ii) For a copy of visual images	60.00
e)		
	i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
	ii) For a copy of an audio record	30.00

3) The request fee payable by every requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4) The access fees payable by a requester referred to in regulation 11(3) are as follows:

		R
(1)		
a)	For every photocopy of an A4-size page or part	1.10
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable	0.75
c)	For a copy in a computer-readable form on –	
	i) stiffy disc	7.50
	ii) compact disc	70.00

<p>d)</p> <p>i) For a transcription of visual images, for an A4-size page or part thereof</p> <p>iii) For a copy of</p>	<p>40.00</p> <p>60.00</p>
<p>e)</p> <p>i) For a transcription of an audio record, for an A4-size page or part thereof</p> <p>ii) For a copy of an audio record</p>	<p>20.00</p> <p>30.00</p>
<p>f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.</p>	

- (1) For purposes of section 22(2) of the Act, the following applies:
- a) Six hours as the hours to be exceeded before a deposit is payable; and
 - b) one third of the access fee is payable as a deposit by the requester.
- (2) The actual postage is payable when a copy of a record must be posted to a requester.