

MANUAL PREPARED IN TERMS OF SECTION 51

OF

THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
(HEREINAFTER REFERRED TO AS THE "ACT")

FOR ASSISTANCE IN REQUESTING INFORMATION FROM:



WALDECK ATTORNEYS & NOTARIES

BACKGROUND

Every private body specified in the Act, is required to compile a manual which includes information on the business including a description of all/any records held in its possession and make a copy of this manual available to the public upon request for the purpose of creating a right to access information enshrined in section 32 of the Constitution of the Republic of South Africa, Act 108 of 1996 and to promote a culture of transparency, accountability and good governance both in the private and public sectors.

INTRODUCTION

Waldeck Attorneys & Notaries is a small law firm which provides general legal services which includes litigation, notarial, company, labour, commercial, family and intellectual property law to our clients.

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PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

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Form C and Annexure "1" – Prescribed Forms

A. CONTACT DETAILS OF THE FIRM - SECTION 51(1)(a)

| | |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Name of private body | Waldeck Attorneys & Notaries |
| Name of head of private body | Claire Waldeck |
| Registered street address | 12 Baker Street Bryanston East 2191 Johannesburg South Africa 2191 |
| Postal address | PO Box 2722 Cresta 2118 |
| Telephone number | +27 11 431 4371 |
| Fax number | +27 86 672 3477 |
| E-mail address | waldeck@waldeckattorneys.co.za |
| Website | www.waldeckattorneys.co.za |
| Person duly authorized to assist in all requests for access to information | Claire Waldeck |

B. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 - SECTION 51(1)(b)

The South African Human Rights Commission ("SAHRC"), in terms of section 10 is required to compile a guide to assist people in exercising their rights under the Act. For further assistance, contact the SAHRC at:

Address: PAIA Unit, The Research and Documentation Department, Private Bag X2700, Houghton, 2041
Telephone: (011) 877 3803
Fax: (011) 403 0625
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

C. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION - SECTION 51(1)(d)

Waldeck Attorneys & Notaries, where applicable, holds information in terms of the following Legislation, but is not limited to:

- Basic Conditions of Employment Act, No. 75 of 1977
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 68 of 1962
- Labour Relations Act, No. 66 of 1978
- Occupational Health and Safety Act, No. 85 of 1993
- Skills Development Act, No. 97 of 1988
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Contribution Act, No. 4 of 2002
- Unemployment Insurance Act, No. 30 of 1966
- Value Added Tax Act, No. 89 of 1991
- Attorneys Act, No. 53 of 1979
- National Credit Act, No. 34 of 2005
- Consumer Protection Act, No 68 of 2008
- Financial Intelligence Centre Act, No. 38 of 2001
- Trade Marks Act, No. 194 of 1993
- Copyright Act, No. 98 of 1978
- Prescription Act, No. 68 of 1969

D. SUBJECTS AND CATEGORIES OF RECORD HELD - SECTION 51(1)(e)

Employment Records

- Employment contracts
- Disciplinary records
- Salaries and wages records
- Disciplinary code
- Leave records
- Banking details
- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- UIF records

Client records

- Records provided by clients, including FICA documents
- Records provided by a client to a third party acting for and on behalf of Waldeck Attorneys & Notaries
- Records provided by third parties
- Records generated by or within Waldeck Attorneys & Notaries
- Client files
- Fee agreements, quotations and mandates

General records

- Financial and accounting records
- Insurance records
- Asset register
- Client, supplier and document databases
- Law Society records, including Fidelity Fund Certificate
- Internal and external correspondence
- Commercial agreements
- Tax compliance documents
- Accounting records
- Bank statements
- Invoices

The above information will only be made available subject to the provisions of the Act and access to records may be refused due to attorney-client privilege.

E. AVAILABILITY OF THE MANUAL AND REQUESTS FOR ACCESS

Waldeck Attorney's & Notaries' manual is available for inspection free of charge at the registered address of the firm. Copies of the manual may be obtained, subject to the prescribed fees. The manual may also be accessed on the firm's website or alternatively a copy is available upon request directly from the SAHRC.

All requests for access to information should be addressed to the head of the private body at her address, fax number or email. In terms of the Act, all requests must be completed on the prescribed request form, annexed hereto marked "Form C".

The requester must provide sufficient detail on the request form to enable the head of Waldeck Attorneys & Notaries to identify the record and the requester. The requester should also indicate what form of access is required and specify a postal address or fax number of the requester.

The requester must identify the right that he or she 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 a

request is made on behalf of a third person, the requester must then submit proof of the capacity in which the request is being made.

The head of Waldeck Attorneys & Notaries must notify the requester by notice, requiring the requester to pay the prescribed fee (if any) before processing the request. The prescribed fee is in the Regulations of the Act. The head will then make a decision in accordance with the provisions of the Act, whether to grant the request or not and notify the requester of the decision.

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

Legal remedies are available to a requester who believes that there has been a failure to comply with the Act. The requester may lodge an appeal or an application to court.

Section 54 of the Act provides for a private body to require a request fee to be paid by a requester before processing a request. Information in regard to the fees payable is set out in Annexure "1".

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/Designated Person: Claire Waldeck
(e) waldeck@waldeckattorneys.co.za
(c) +27 83 727 0863
(t) +27 11 431 4371
(f) +27 86 672 3477

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 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: _____

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 to 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: | | | | | |
| | 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 record consists of recorded words or information which can be reproduced in sound: | | | | | |
| | Listen to the soundtrack (audio cassette) | | Transcription of soundtrack* (written or printed document) | | |
| 4. If 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 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 | 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 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 the ____ day of _____ 20____.

WITNESS:

1. _____

2. _____

**SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE**

ANNEXURE "1"

CHARGE SHEET FOR ACCESS TO INFORMATION ACT 2 OF 2000 REQUESTS

| | |
|----------------------------|---------------------|
| REQUESTER'S DETAILS | PREPARED BY: |
| Name: | Name: |
| Address: | Date: |
| | |
| | Signature |
| Ref No: | Approved |

| ACCESS FESS FOR REPRODUCTION | | |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1. | For every photocopy of an A4-size page or part thereof | R1.10 |
| 2. | For every photocopy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | R0.75 |
| 3. | For a copy in a computer-readable form on stiffy disc | R7.50 |
| 4. | For a copy in a computer-readable form on compact disc | R70.00 |
| 5. | For a transcription of visual images for an A4-size page or part thereof | R40.00 |
| 6. | For a copy of visual images | R60.00 |
| 7. | For a transcription of an audio record for an A4-size page or part thereof | R20.00 |
| 8. | For a copy of an audio record | R30.00 |
| | | |
| ACCESS FEE FOR TIME SPENT | | |
| 1. | The time reasonably spent required to search for the record for disclosure and preparation | R30.00/hr or part thereof |
| | | |
| REQUEST FEE | | |
| 1. | For a request for access to a record by a person other than a personal requester | R50.00 |
| | | |
| DEPOSIT | | |

| | | |
|--------------------|-------------------------------------------------------------------------------------------------------------|--------|
| 1. | One third of the access fee is payable as a deposit by the requester | |
| 2. | Six hours as the hours to be exceeded before a deposit is payable | |
| | | |
| POSTAL FEE | | |
| 1. | When a copy of a record must be posted to the requestor | |
| | (the actual cost thereof) | |
| APPEAL FEES | | |
| 1. | For lodging an internal appeal by a requester against the refusal of his/her request for access to a record | R50.00 |
| | | |
| VAT | | |
| 1. | Private bodies registered under the Value Added Tax Act, 1991, may add VAT to all the above-mentioned fees | |
| | TOTAL | |