

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL
PUBLISHED IN TERMS OF SECTION 51
OF THE
PROMOTION OF ACCESS TO INFORMATION ACT,
NO 2 OF 2000
FOR

HAHN & HAHN ATTORNEYS

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INTRODUCTION TO HAHN & HAHN ATTORNEYS

HAHN & HAHN ATTORNEYS has since its inception established itself in the commercial and corporate fields of law and is a dynamic medium sized firm.

CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(A))

NAME OF MANAGING PERSON: MR TJAART NICOLAAS HAMMAN
PARTNER

POSTAL ADDRESS: P.O.BOX 55675
ARCADIA
0007

PHYSICAL ADDRESS: 862 STANZA BOPAPE STREET
LISDOGAN PARK
ARCADIA
0139

TELEPHONE: 012 431 2480

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WEBSITE: www.hahnlaw.co.za

MOBILE PHONE NO.: 082 353 1924

DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(B)

The South African Human Rights Commission (SAHRC) has, in terms of section 10 of the Act, compiled a guide which may be used by any person who wishes to exercise any right contemplated in the Act. This guide is available from the SAHRC.

The guide will be available from the South African human Rights Commission by not later than **31st December 2015**. Please direct any queries to

THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION:

Postal Address:

Private Bag 2700

Houghton

2041

Telephone: 011 484 8300

Facsimile: 011 484 0582

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

NOTICES IN TERMS OF SECTION 52(2) OF THE ACT

According to section 52(2) of the Act, the Minister must publish a description of the categories of records of the Private Body that are automatically available without a person having to request access in terms of the Act. To date, no notice has yet been published by the Minister

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(D))

- Basic Conditions of Employment Act No. 75 of 1997
- Pension Fund Act No. 24 of 1956
- Electronic Communications Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Occupational Health & Safety Act No. 85 of 1993
- Labour Relations Act No. 66 of 1995
- Compensation for Occupational Injuries and Disease Act No. 130 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Income tax Act No. 89 of 1991 and Amendments
- Value Added Tax Act No. 89 of 1991
- Skills Development Act No. 9 of 1999 and Amendments
- Promotion of Access of Information No 2 of 2000

ACCESS TO THE RECORDS HELD BY HAHN & HAHN ATTORNEYS IN TERMS OF SECTIONS 51(1)(C) AND 51(1)(E))

Records which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]

(i) INFORMATION THAT IS FREELY AVAILABLE:

All documents and Information found on the Website: www.hahnlaw.co.za

(ii) A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD AND THE CATEGORIES IN WHICH THESE SUBJECTS ARE CLASSIFIED (SECTION 51(1)(E))

Records, to which the right and manner of access will be provided in accordance with the Act (subject to the restrictions and right of refusal provided for in the act), are available in respect of the following aspects of the Partnerships business and operations.

PARTNERSHIP RECORDS:

- Partnership Agreement

FINANCIAL RECORDS:

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Electronic Banking Records
- Asset Register
- Rental Agreements
- Invoices

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
 - Skills development levies
 - UIF
 - Workmen's compensation

PERSONNEL DOCUMENTS AND RECORDS:

- Employment Contracts
- Provident Fund Records
- Salary Records
- Seta Records
- Policy Manual
- Leave Records
- Training Records

INTELLECTUAL PROPERTY AGREEMENTS RELATING TO INTELLECTUAL PROPERTY

- license agreements
- secrecy agreements
- research and development agreements
- consulting agreements

- joint venture agreements and joint development agreements.

THE REQUEST PROCEDURES

A request for access to information held by the **HAHN & HAHN ATTORNEYS** in terms of section 50 of the Act must be made in terms of Form C contained in Regulation 187 of 15 February 2002, published in terms of the Act, and attached hereto as Annexure "A".

The request must be made by the Requester to the Partners of the **HAHN & HAHN ATTORNEYS** at the contact details referred to in Part 2. In his/her request, the Requester must at least provide:

- (a) Sufficient particulars to enable the Partners of **HAHN & HAHN ATTORNEYS** to identify:
 - * The record or records requested; and
 - * The Requester;
- (b) An indication of the form of access required;
- (c) Particulars of the postal address or telefax number of the Requester in the Republic of South Africa;
- (d) Details of the right the Requester is seeking to exercise or protect and an explanation of why the requested record is required for the exercise or protection of that right;
- (e) 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 so informed; and
- (f) If the request is made on behalf of a person, to submit proof of the capacity in which the Requester is making the request, to the reasonable satisfaction of the Partners of **HAHN & HAHN ATTORNEYS**.

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 R 150. 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.

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.

OTHER INFORMATION AS MAY BE PRESCRIBED [SECTION 51(1)(F)]

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

AVAILABILITY OF THE MANUAL [SECTION 51(3)]

The manual is also available for inspection during office hours at the offices of **HAHN & HAHN ATTORNEYS** at the prescribed fee. Copies are available from the SAHRC.

SIGNED AT PRETORIA ON 24 NOVEMBER 2015



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Mr Tjaart Nicolaas Hamman
Partner

Annexure "A" Form C- Request for access to record of private body (Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act 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 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:

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. Form in which record is required: Mark the appropriate box with an X.

If the record is in written or printed form:

- copy of record
- inspection of record

If record consists of visual images (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

- View the images
- Copy the images
- Transcription of the images

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)

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 (memory stick 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? A postal fee is payable

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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 of _____ 2015

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B- FEES PAYABLE

The fees for preparation of records referred to in regulation 54(2)(b) are as follows:		RAND
1	(a) For every photocopy of an A4-size page or part thereof	R 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 form on:	R 0,75
	(c) For a copy in a computer-readable form on:	
	(i) Electronic media, i.e. diskette	R 7,50
	(ii) Compact disc	R 70,00
	(iii) For a transcription of visual images, for an A4-size page or part thereof	R 40,00
	(d) (i) For a copy of visual images	R 60,00
	(ii) For a transcription of an audio record, for an A4-size page or part thereof	R 20,00
	The request fee payable by a requester, other than a personal requester, referred to in regulation	R 50,00
	The access fees payable by a requester referred to in regulation 54(6) are as follows:	
2	(a) For every photocopy of an A4-size page or part thereof	R 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 form	R 0,75
	(c) For a copy in a computer-readable form on -	
	(i) Electronic media, i.e. diskette	R 7,50
	(ii) Compact disc	R 70,00
	(d) (i) For a transcription of visual images, for an A4-size page or part thereof	R 40,00
	(ii) For a copy of visual images	R 60,00
	(e) For a transcription of an audio record, for an A4-size page or part thereof	R 20,00
	(f) To search for and prepare the record for disclosure for each hour or part of an hour reasonably required for such	R 30,00
	For purposes of section 54(2) of the Act, the following applies:	
3	(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.	
4	The actual postage is payable when a copy of a record must be posted to a requester.	