



## SCHREUDER ATTORNEYS' PROMOTION OF ACCESS TO INFORMATION ACT

as prescribed in terms of the

### PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

#### 1. INTRODUCTION

At Schreuder Attorneys ("The Firm") we respect and value data privacy rights, and we are committed to ensuring that all personal data collected from you is processed properly, lawfully and transparently.

The Firm confirms its status as a private body in accordance with the definition in Promotion of Access to Information Act, 2 of 2000 (PAIA) and as a responsible party according to the definition in the Protection of Personal Information Act, 4 of 2013 (POPIA).

The Firm reserves the right to amend this PAIA manual or add provisions to it at any time by publishing an updated version on its website.

#### 2. DEFINITIONS

2.1 **"Consent"**- shall mean any voluntary, specific and informed expression of will in terms of which permission is given for the processing personal information;

2.2 **"Client"**- shall mean any natural or juristic person that received or receives services from the Firm;

2.3 **"Data Subject"**- shall mean the natural or juristic person to whom personal information relates, such as an individual member, employee or an entity that provides the Firm with products or services;

2.4 **"Head"**- shall mean the "head" as defined in section 1 of PAIA, in relation to, a private body means-

- a) in the case of a natural person, that natural person or any person duly authorised by that natural person;
- b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- c) in the case of a juristic person:
  - (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;

2.5 **“Information Officer”**- shall mean the head of a private body. Once appointed the Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties which include handling requests for information amongst others. Deputy Information Officers can also be appointed to assist the Information Officer;

2.6 **“Information Regulator”**- shall mean the Regulator established in terms of section 39 of POPIA;

2.7 **“Manual”**- shall mean this Information and Privacy Standard prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations;

2.8 **“Person”**- shall mean a natural person or a juristic person;

2.9 **“Personal Information”**- shall mean information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to

a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;

b) information relating to the education or the medical, financial, criminal or employment history of the person;

c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other assignment to the person;

d) the biometric information of the person;

e) the personal opinions, views or preferences of the person;

f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

2.10 **“Requester”**- shall mean the natural or juristic person making an access to information request. A requester also refers to the person who is making the information request on behalf of somebody else;

2.11 **“Third Party”**- shall refer to any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.

2.12 **“Personnel”**- shall refer to any person who works for or provides services on behalf of the Firm and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the Firm.

2.13 **“POPIA Regulations”** – shall mean the regulations promulgated in terms of section 112(2) of POPIA;

2.14 **“Processing”**- shall mean any operation or activity or any set of operations, whether by automatic means or not, concerning personal information, including

a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

b) dissemination by means of transmission, distribution or making available in any other form; or products and legal matters relating to those products; or

c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

2.15 **“Responsible Party”** – shall mean a public or private body or any other person which, alone or in conjunction with others determines the purpose of and means for processing personal information;

2.16 **“Record”**- shall mean any recorded information regardless of the form, including, for example, written documents, video materials etc. A record requested from a public or private body would refer to a record that was in that body’s possession regardless of whether that body created the record;

2.17 **“Request Fee”**- shall mean the cost to be paid for making an access to information request;

2.18 **“Request for Access”** -shall in relation to a private body, means a request for access to a record of a private body in terms of section 50 of PAIA; and

### **3. AIM OF THIS MANUAL**

The main aim of this Manual is to serve as a guide in promoting the right of access to information in terms of the Act and to facilitate the requests for access to records under the control of the Firm as per the Act.

### **4. CONTACT DETAILS**

In order to contact Schreuder Attorneys for purposes relating to this Manual, kindly contact our Information Officer using these contact details:

Kim Schreuder-Horn  
Schreuder Attorneys  
Coral House  
20 Peter Place  
Lyme Park  
Sandton  
Johannesburg  
Telephone: (010) 592 2321  
E-mail: [admin@schreuderattorneys.co.za](mailto:admin@schreuderattorneys.co.za)

### **5. ACCESS TO INFORMATION IN TERMS OF PAIA**

The South African Human Rights Commission (SAHRC) provided a guideline on how to access information, in terms of section 10 of the South African Human Rights Commission Act, 2013. This guide has been made available to the public free of charge and contains information on the following:

- 5.1 understanding and how to use the Act,
- 5.2 the objectives of the Act,
- 5.3 particulars of every public and private body,
- 5.4 the manner and form for requests and,
- 5.5 contents of the Regulations promulgated under the Act.

Any queries in relation to this guide should be directed to:

The South African Information Regulator:

Postal Address: P.O Box 31533,  
Braamfontein,  
Johannesburg,  
2017

Website: [www.justice.gov.za/infoereg/](http://www.justice.gov.za/infoereg/)  
Complaints Email Address: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)  
General Enquiries: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za).

## 6. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Where applicable to its operations, the Firm also retains records and documents in terms of the legislation listed below. The granting of access to information in terms of such other legislation will be provided if the manner of request is not more onerous than a request under PAIA and POPIA.

This would include the following legislation, amongst others:

Administration of Estates Act 66 of 1965  
 Attorneys Act 53 of 1979  
 Basic Conditions of Employment Act 75 of 1997  
 Broad-Based Black Economic Empowerment Act 53 of 2003  
 Companies Act 71 of 2008  
 Compensation for Occupational Injuries and Diseases Act 130 of 1993  
 Consumer Protection Act 68 of 2008  
 Copyright Act 98 of 1978  
 Employment Equity Act 55 of 1998  
 Electronic Communications and Transactions Act 25 of 2002  
 Financial Intelligence Centre Act 38 of 2001  
 Income Tax Act 58 of 1962  
 Information Act 70 of 2002  
 Intellectual Property Amendment Act 28 of 2013 Insolvency Act 24 of 1936  
 Labour Relations Act 66 of 1995  
 National Credit Act 34 of 2005  
 Occupational Health and Safety Act 85 of 1993  
 Pension Funds Act 24 of 1956  
 Promotion of Access of Information Act 2 of 2000  
 Unemployment Insurance Act 63 of 2001  
 Value Added Tax Act 89 of 1991

## 7. SCHEDULE OF RECORDS HELD BY THE FIRM

Below is a list of subjects on which records are under the control of the Firm as well as the categories into which the said subjects fall. Information in the following categories is not available without a formal request as per the instructions of the request procedure, and may be declined by the Firm to protect its interests.

DEPARTMENT	DESCRIPTION OF RECORDS HELD
<b>MANAGEMENT</b>	Documents pertaining to the Sole Proprietor
<b>FINANCE</b>	Financial Records and Tax Records
	Insurance records
	Auditors' reports
	Banking records for business and trust accounts
<b>MARKETING</b>	Firm publications
	Marketing brochures
	Firm and Attorney Profiles
<b>HUMAN RESOURCES</b>	Staff training material
	List of employees

	Correspondence relating to personnel
	Employment contracts
	Personnel records including personal details, disciplinary records, performance and internal evaluation records
	Unemployment Insurance Fund contribution records
	Payroll records
	Health and safety records
	Internal policies and procedures
	Codes of conduct
	Fidelity Fund certificates
<b>ADMINISTRATION</b>	Supplier lists, Agreements and details of suppliers
	Asset registers
	Operational documents
<b>LEGAL SERVICES</b>	Opinions/Advice to clients
	Correspondence with clients
	Records regarding legal matters
	Correspondence with third parties and legal practitioners
<b>LIBRARY</b>	Publications including books, journals, periodicals and circulars
	Government and Provincial Gazettes
	Precedents of case law and legal documents
	Other legal resources, including domestic and international sources
<b>INFORMATION TECHNOLOGY</b>	Records relating to computer software used by the Firm, including software, licence, support and maintenance agreements.
<b>MISCELLANEOUS</b>	Various types of correspondence

## 8. SECTION 51(1)(e) REQUEST PROCEDURE FOR ACCESS TO RECORDS OF THE FIRM

In order for the Firm to process a request for access to information, please complete the prescribed form C marked as “Annexure A”, which is made available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za)

We request that when completing the prescribed form C, you provide the Firm with clear, sufficient and unambiguous details to enable the Firm to ascertain:

8.1 When submitting the prescribed form (Form C), it must be addressed to the Information Officer to the address, electronic mail address provided in this Manual;

8.2 Provide a full description of the right you wish to protect or exercise;

8.3 In the event that a request is made on behalf of another person, the requester will have to provide proof of the capacity in which the requester is making the request;

8.4 The request will be assessed by the Information Officer and advise within a period of 30 calendar days of the decision made;

8.5 Once the information has been granted, it will be provided to the requester in a form applicable to the request. However, if it has been declined the requestor will be supplied with written reasons for the decision.

## **9. ACCESS TO RECORDS HELD BY THE FIRM**

Records/information which are automatically available to a person without the requirement of a formal request or the person having to request access in terms of PAIA:

- 9.1 Address and telephone details of the Firm;
- 9.2 Website and company e-mail address;
- 9.3 Attorney names and the Firm details (e-mail address, tel. & fax no);
- 9.4 Contents in Firm brochures;

## **10. GRANTING OR DECLINING OF INFORMATION**

Within 30 (thirty) days (normal calendar days) after receipt of a request, the Firm will advise the requester whether the request has been granted or declined. In the event that it is declined, written reasons will be given. In addition, if the record pertains to a third party, the Act requires the Firm to notify the third party of the request, and be given an opportunity to either consent to the release of such information, or make representations in favour of or declining the request. A requester or third party who is not satisfied with the outcome is entitled to an appeal process by way of application to court.

## **11. REQUEST FEES**

11.1 A requester is required to pay the prescribed fees in the amount of R50-00 (fifty rand) before a request is processed.

11.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be payable (of not more than one third of the access fee which would be payable if the request were granted).

11.3 Records may be withheld until the fees have been paid.

11.4 The aforesaid fees that the requester must pay to the Firm will depend on the format of the information being requested;

11.5 An internal appeal or an application to the court against the tender or payment of the request fee in terms of section 54(3)(b) may be lodged by the requester. For a complete fee schedule please visit the Information Regulator at [www.justice.gov.za/infoereg/](http://www.justice.gov.za/infoereg/)

11.6 After the head of the private body has decided on the request, the requester must be notified in the required form.

11.7 In the event that the request is granted, a further access fee will be required in respect to search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure in terms of section 54(6).

**ANNEXURE**

**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:

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**B. Particulars of person requesting access to the record**

- |   |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be recorded below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which information must be sent.</i></p> <p>(c) <i>Proof of the capacity in which the request has been made, if applicable, must be attached.</i></p> |
|---|

Full names and surname: \_\_\_\_\_

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Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

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\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person:

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**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 the record or relevant part of the record: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2 Reference number, if available: \_\_\_\_\_

3 Any further particulars of the record:  
\_\_\_\_\_

**E. Fees**



- (a) A request for access to a record other than 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 the 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 the exemption of the payment of any fee, please state the reason for exemption.

Reason for the exemption from payment of fees: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**F. Form of access to record**

*If you are prevented by disability to read, view of 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 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 the 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>				
	copy of record*		inspection of record	
<b>2. If the record consists of visual images-</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):				
	view the images		copy of the images*	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>				
	listen to the soundtrack(audio cassette)		transcription of soundtrack* (written or printed document)	
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>				
	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? <b>Postage is payable.</b>	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?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

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SIGNATURE OF REQUESTER / PERSON ON WHO'S BEHALF REQUEST IS MADE

