

# ACCESS TO INFORMATION MANUAL 2018

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## **BOWES LOON AND CONNELLAN INCORPORATED**

### **REGISTRATION NUMBER 1992/007434/21**

Manual prepared in accordance with section 51 of the Promotion of  
Access to Information Act No. 2 of 2000 in respect of Bowes Loon and Connellan Incorporated

#### **1. INTRODUCTION**

- 1.1. BLC Attorneys is a private company incorporated in accordance with the laws of South Africa and conducts business as a legal practice. Since inception, our firm has provided multi-disciplinary legal services to a diverse number of sectors.
- 1.2. Our services include, but are not limited to commercial and corporate law, conveyancing and property law, estate planning, wills and trusts, labour and family law, dispute resolution, litigation and municipal law.
- 1.3. This Manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act No. 2 of 2000 ("PAIA"), for the purpose of facilitating the procedure to request access to records held in the possession of or under the control of the Company as provided in terms of the PAIA.
- 1.4. A copy of this Manual may be accessed electronically on our website at [www.blcattorneys.co.za](http://www.blcattorneys.co.za). You are advised to review this Manual periodically as we may make amendments to it from time to time and we will indicate the "Last Update" date on the amended Manual.
- 1.5. The prescribed form attached hereto and marked Annexure "A" must be completed by a Requester who wishes to request access to a record pursuant to the PAIA.

## 2. DEFINITIONS

<b>“the Act”</b>	means the Promotion of Access to Information Act No.2 of 2000 (PAIA);
<b>“the Company”</b>	means Bowes Loon and Connellan (Registration Number 1992/007434/21) (“BLC Attorneys”), duly incorporated as a private company in terms of the Companies Act No. 71 of 2008;
<b>“Client”</b>	means a natural or juristic person who receives services from the Company;
<b>“Correspondence”</b>	written or any digital communication exchange by two or more parties;
<b>“Employee”</b>	means any person who works for, or provides services to, or on behalf of the Company and receives or is entitled to received remuneration;
<b>“Information Officer”</b>	means the person appointed to act on behalf of the Company to perform its duties in terms of this Manual;
<b>“Manual”</b>	means this manual, together with all annexures thereto as amended and made available at the offices of the Company;
<b>“Requester”</b>	means any person or entity requesting access to a record that is under the control of the Company; and

**“SAHRC”** means South African Human Rights Commission.

### 3. INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(a) OF THE ACT

Name of private body	Bowes Loon and Connellan Incorporated (Registration Number 1992/007434/21) t/a BLC Attorneys
Physical address	4 Cape Road Centrahil Port Elizabeth 6001
Postal address	PO Box 12328 Centralhil 6006
Docex	16 Port Elizabeth
Telephone	(041) 506 3700
Facsimile	(041) 582 1429
<b>Head of Private Body</b>	John Guy Daikin (Managing Director)
Telephone	(041) 506 3705
E-mail	<a href="mailto:gdakin@blclaw.co.za">gdakin@blclaw.co.za</a>
<b>Designated Information Officer</b>	Karen Lee
Telephone	(041) 506 3732
E-mail	<a href="mailto:klee@blclaw.co.za">klee@blclaw.co.za</a>

### 4. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

- 4.1. The SAHRC has compiled a guide which contains information as may be reasonably required by a Requester who wishes to exercise any rights contemplated in the Act.

4.2. Any queries may be addressed to:

THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Postal address	Private Bag 2700 Houghton 2041 South Africa
Telephone	(011) 484 3600
Facsimile	(011) 484 0625
E-mail	<a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a>
Website	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

**5. RECORDS AUTOMATICALLY AVAILABLE FORM THE COMPANY**

5.1. There are currently no notices published in the Government Gazette which are applicable to this private body. The following records are automatically available without a Requester being obliged to request access to the Record in terms of the PAIA:

- 5.1.1. brochures;
- 5.1.2. special publications and newsletters;
- 5.1.3. annual reports;
- 5.1.4. company profile;
- 5.1.5. records available on the website;

**6. RECORDS HELD UNDER THE COMPANY'S CONTROL IN ACCORDANCE WITH OTHER LEGISLATION**

6.1. Apart from public records held by the Company, the following records are held in possession or under the control of the Company in accordance with other legislation and those records must be requested in terms of section 51(1)(c) of the Act:

- 6.1.1. Administration of Estates Act No.66 of 1965;
- 6.1.2. Attorneys Act No. 53 of 1976;

- 6.1.3. Basic Conditions of Employment Act No. 75 of 1997;
- 6.1.4. Companies Act No. 71 of 2008;
- 6.1.5. Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
- 6.1.6. Competition Act No.89 of 1998;
- 6.1.7. Consumer Protection Act No. 68 of 2008;
- 6.1.8. Copyright Act No. 98 of 1978;
- 6.1.9. Currency and Exchanges Act No.9 of 1933;
- 6.1.10. Credit Agreements Act no. 75 of 1980 (repealed);
- 6.1.11. Debt Collectors Act No. 114 of 1998;
- 6.1.12. Electronic Communications and Transactions Act No. 25 of 2002;
- 6.1.13. Employment Equity Act No. 55 of 1998;
- 6.1.14. Finance Act No. 35 of 2000;
- 6.1.15. Financial Intelligence Centre Act No. 38 of 2001;
- 6.1.16. Income Tax Act No 58 of 1962;
- 6.1.17. Labour Relations Act No.66 of 1995;
- 6.1.18. Medical Schemes Act No. 131 of 1998;
- 6.1.19. National Credit Act No.34 of 2005;
- 6.1.20. Occupational Health and Safety Act, No 85 of 1993;
- 6.1.21. Pension Funds Act No. 24 of 1956;
- 6.1.22. Protection of Personal Information Act No. 4 of 2013;
- 6.1.23. Promotion of Access to Information Act No. 2 of 2000;
- 6.1.24. Regulation of Interception of Communications and Provision of Communication-Related Information Act, No. 70 of 2002;
- 6.1.25. Skills and Development Act No. 97 of 1998;
- 6.1.26. Skills and Development Levies Act No. 9 of 1999;
- 6.1.27. South African Reserve Bank Act No.90 of 1989;
- 6.1.28. Tax on Retirement Funds Act No. 38 of 1996;
- 6.1.29. Trade Marks Act No. 194 of 1993;
- 6.1.30. Trust Property Control Act No.57 of 1988;
- 6.1.31. Unemployment Insurance Act No. 63 of 2001;
- 6.1.32. Unemployment Insurance Contributions Act No. 4 of 2002;
- 6.1.33. Value Added Tax Act No. 89 of 1991;

## **7. THE CATEGORIES AND DESCRIPTION OF INFORMATION HELD BY THE COMPANY IN TERMS OF SECTION 51(1)(E) OF THE ACT**

### **7.1. BLC Attorneys client records**

- 7.1.1. Documentation held in terms of Financial Intelligence Centre Act No. 38 of 2001;
- 7.1.2. Paper-based, electronically or digital correspondence with clients and/or third parties;
- 7.1.3. Records relating to legal proceedings, intellectual property rights and/or domain names;
- 7.1.4. Any other information relating to or held on behalf of clients.

### **7.2. Company records**

- 7.2.1. Documents of Incorporation of the Company;
- 7.2.2. Memorandum of Incorporation;
- 7.2.3. Shareholders Agreement;
- 7.2.4. Share Register and other statutory registers;
- 7.2.5. Employee contracts of current and previously employed employees of the Company;
- 7.2.6. Minutes of internal meeting held by the Company;

### **7.3. Financial Records**

- 7.3.1. Financial transactions;
- 7.3.2. Annual financial Statements;
- 7.3.3. Tax returns of the Company and the Employees;
- 7.3.4. Budgetary information;
- 7.3.5. Banking and accounting records;
- 7.3.6. Audited reports;
- 7.3.7. Invoices relating to creditors and debtors of the Company;
- 7.3.8. Fidelity Fund Certificates;
- 7.3.9. Bank facilities and account details.



**7.4. Human Resource**

- 7.4.1. Personnel records of employees of the Company;
- 7.4.2. Disciplinary records;
- 7.4.3. Performance appraisals;
- 7.4.4. Compensation or redundancy payments;
- 7.4.5. Records relating to conditions of employment;
- 7.4.6. Employment equity plan;
- 7.4.7. Pension and provident fund information;
- 7.4.8. Employee tax information;
- 7.4.9. Training schedules and manuals;
- 7.4.10. Payroll and leave records;
- 7.4.11. Internal policies, regulations and procedures.

**7.5. Immovable Property and Movable Property**

- 7.5.1. Agreements of lease contracted by the Company;
- 7.5.2. Agreements of lease or sale of the Company's movable property;
- 7.5.3. Information regarding insurance policies of immovable and movable property;
- 7.5.4. The Company's asset register.

**7.6. Information Technology**

- 7.6.1. Records regarding the Company's information technology service providers, computer systems, software and security instalments and any other information technology equipment used by the Company;
- 7.6.2. Information relating to the Company's knowledge managements system;
- 7.6.3. Information Technology policies and procedures;
- 7.6.4. Information Technology user manuals.

**7.7. Intellectual Property**

- 7.7.1. Trademarks, copyrights and designs held by the Company;
- 7.7.2. Software licences.

**7.8. Miscellaneous**

- 7.8.1. Security and or suretyship agreements, guarantees and indemnities related to the Company;
- 7.8.2. Marketing agreements concluded by the Company;
- 7.8.3. Internal correspondence between the employees of the Company;
- 7.8.4. Agreements between the Company and its suppliers;

**8. HOW TO REQUEST ACCESS TO INFORMATION**

- 8.1. The Requester must complete and submit the prescribed form, annexed hereto and marked Annexure "A", to the Company's Information Officer at the physical or postal address. Alternatively, the Requester may submit the prescribed form via the e-mail addressed to the Company's Information Officer.
- 8.2. The Requester must provide adequate information on the prescribed form to enable the Information Officer to identify the following:
  - 8.2.1. the reference or title of the requested records;
  - 8.2.2. the identity of the Requester;
  - 8.2.3. which form of access to the records is required;
  - 8.2.4. the postal address and other contact details of the Requester.
- 8.3. The Requester is obliged to disclose which other right is sought to be exercised or protected in addition to provide an explanation stating why the requested record is required to exercise or protect the mentioned right.
- 8.4. Within 30 (Thirty) Business Days following the receipt of the request, the Information Officer will advise the Requester on whether access will be granted to the record.

**9. FEES**

9.1. The Company will advise the Requester of the access fee, if any, for the reproduction of the Record, the format in which the record will be made available and inform the Requester of his/her right to lodge an appeal, with a court of competent jurisdiction, against the access fee levied or the format in which the record is made available.

9.2. The Requester who seeks access to a record containing personal information, about that Requester, is not required to pay an access fee. Every other Requester requiring access to records which does not contain personal information about that Requester must pay an access fee.

9.3. Fees tariff:

Access fee (if applicable)	R50,00
For each photocopy of an A4 size a page or part thereof	R1,10 per page
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75 per page
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R70,00
For a transcription of visual images for an A4-size page or part thereof	R40,00
a copy of visual images	R60,00
For a transcription of an audio record	R30,00
To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R30,00 per hour excluding the first hour
Postal fee or courier charger	The actual postal fee or courier charged incurred by the Company

## **10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

- 10.1. The Information Officer may refuse access to the record if the basis for the refusal includes either one or any of the following:
- 10.1.1. Professional privilege;
  - 10.1.2. the record constitutes privileged information for the purpose of legal proceedings;
  - 10.1.3. the necessity to protect the commercial or confidential information of the Company or a third party;
  - 10.1.4. to protect the safety of individuals or property;
  - 10.1.5. to protect the research information of a third party of the Company; and
  - 10.1.6. granting access to the records would result in unreasonable disclosure of personal information of a third party.

## **11. RECORDS OR INFORMATION NOT FOUND**

- 11.1. If the record cannot be retrieved, the Information Officer will notify the Requester, in terms of an affidavit or affirmation, advising and that the record cannot be located as well as provide an account of all the reasonable steps taken to locate the record.
- 11.2. Should the record be found at a later stage, the Information Officer shall provide the Requester access to such record.

## REQUEST FOR ACCESS TO RECORD OR PRIVATE BODY

SECTION 53(1) OF THE PROMOTION OF  
ACCESS TO INFORMATION ACT NO. 2 OF 2000  
[REGULATION 10]

### A. PARTICULARS OF THE PRIVATE BODY

- a) *The particulars of the person who requests access to the record must be given below.*
- b) *The address and/or fax number provide to which information is to be sent must be provided must be an addressed located in of the Republic of South Africa or a fax number used in the Republic of South Africa.*
- c) *Proof of the capacity in which the request is made, if applicable, must be attached to this prescribed form.*

Company	<input type="text"/>
Information Officer	<input type="text"/>
Physical address	<input type="text"/>
Suburb	<input type="text"/>
City	<input type="text"/>
Province	<input type="text"/>

### B. PARTICULARS OF THE PERSON REQUESTING ACCESS TO THE RECORD

Full names and surnames	<input type="text"/>
Identity number	<input type="text"/>
Postal Address	<input type="text"/>
Suburb	<input type="text"/>
City	<input type="text"/>
Postal code	<input type="text"/>
Telephone number	<input type="text"/>
Fax number	<input type="text"/>
E-mail address	<input type="text"/>

**C. PARTICULARS OF THE PERSON ON WHOSE BEHALF THE REQUEST IS MADE**

*This section must only be completed if a request for a record is made on behalf of another person.*

Full names and surname

Identity number

Capacity in which request is made

**D. PARTICULARS OF THE 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.*

**E. REFERENCE NUMBER (IF AVAILABLE)**

**F. FEES**

- a) *A request for access to the record other than a record containing personal information about yourself, will be processed only after the 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 the record depends on the form in which access is required and the reasonable time required to search for the record.*
- d) *If you qualify for the exemption of the payment of any fee, please state the reason for the exemption hereinbelow.*

Reason for exemption of fees:

## G. FORM OF ACCESS TO RECORD

*If you are prevented by disability to read, view or listen to the record in the form of access provided, state your disability and indicate in which form the record is required.*

- 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 case access is requested.*
- d) *If the record is not available in the language you prefer, access may be granted in the language in which the record is available.*

Disability	
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1. Form in which record is required:

--

2. In which language do you prefer the record?

--

3. If the record is written or printed form:

Copy of record	
----------------	--

Inspection of record	
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4. If the record consists of visual images:

View the images	
-----------------	--

Copy of images	
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Transcription of images	
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5. If the record consists of recorded words or information which can be reproduce in sound:

Listen to the soundtrack	
--------------------------	--

Transcription of the soundtrack (written or printed document)	
---	--

6. If the record is held on a computer or in an electronic or machine-readable form:

Print copy of the record	
--------------------------	--

Print information derived from the record	
---	--

Copy computer readable form	
-----------------------------	--

7. If you request 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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#### H. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

Indicate which right is to be exercised or protected:

--

Explain why the record requested is required for the exercise or protection of the aforementioned right:

--

#### I. NOTICE OF THE DECISION REGARDING REQUEST FOR ACCESS

How would you prefer to be informed of the decision regarding your request for access to the record?

--

\_\_\_\_\_  
Signature of Requester/Person on  
whose behalf the request is made

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Place: