

PAIA MANUAL OF BLC ATTORNEYS IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 ("PAIA MANUAL")

Prepared in accordance with Section 51 of the Promotion of Access to Information Act,
Number 2 of 2000 ("the Act")

1 BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right in terms section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 ("the Constitution") of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2 In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual ("PAIA Manual").
- 1.3 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a Public or a Private

Body.

2 **BLC ATTORNEYS**

2.1 BLC ATTORNEYS is the trading name of Bowes Loon and Connellan Inc an incorporated legal entity established in accordance with the laws of South Africa with Registration Number 1992/007434/21.

2.2 BLC ATTORNEYS is a legal firm providing legal services from offices in Port Elizabeth and East London.

This PAIA Manual is available to view at its premises at 4 Cape Road, Central, Port Elizabeth as well as on its website www.blcattorneys.co.za.

3 **PURPOSE OF THE PAIA MANUAL**

3.1 This PAIA Manual is intended to ensure that BLC ATTORNEYS complies with the Act and to foster a culture of transparency and accountability by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

3.2 To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

3.3 Section 9 of the Act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

3.3.1 limitations aimed at the reasonable protection of privacy;

3.3.2 commercial confidentiality; and

3.3.3 effective, efficient and good governance;


and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.


3.4 This PAIA Manual complies with the requirements of Section 10 of the Act and recognizes that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its Regulations by Public and Private Bodies.

4 **CONTACT DETAILS OF THE HEAD**

Mr John Guy Dakin

 gdakin@blclaw.co.za

 082 653 3350

 (041) 506 3705

5 **THE INFORMATION OFFICER (SECTION 51(1)(8))**

5.1 The Act prescribes the appointment of an Information Officer for Public Bodies where such Information Officer is responsible to, inter alia, assess requests for access to information. The Head of a Private Body fulfils such a function in terms of section 51. BLC ATTORNEYS has opted to appoint an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of the Act.

5.2 The Information Officer appointed in terms of the Act also refers to the

Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

- 5.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render BLC ATTORNEYS as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All requests for information in terms of the Act must be addressed to the Information Officer.

Contact Details of the Information Officer

Information Officer Mr. J.G. Dakin

Physical Address 4 Cape Road, Central, Port Elizabeth ☐

+27 (041) 5063700



gdakin@blclaw.co.za

6 GUIDE OF SA HUMAN RIGHTS COMMISSION

6.1 Enquiry Details

The South African Human Rights Commission has compiled a Guide as required in terms of Section 10 of the Act. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.


6.2 The Guide is available in all the official languages of the Republic of South Africa.

6.3 Any enquiries regarding this Guide should be directed to The South African Human Rights Commission, at:

PAIA Unit (The Research and Documentation Department)

Private Bag X2700, Houghton, 2041

☐ (011) 877-3600

 (011) 403-0625

 paia@sahrc.org.za

Website: www.sahrc.org.za

6.4 The Guide is available for inspection, *inter alia*, at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown and on its website at www.sarhc.org.za.

7 RECORDS MAINTAINED IN ACCORDANCE WITH FOLLOWING LEGISLATION

- Income Tax Act 58 of 1962
- The Unemployment Insurance Act 30 of 1966
- Income Tax Act 95 of 1967
- Legal Practice Act 28 of 2014
- Value Added Tax Act 89 of 1991
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- The Employment Equity Act 55 of 1998
- The Skills and Development Act 97 of 1998
- Promotion of Access of Information Act 2 of 2000
- Electronic Communications and Transactions Act 25 of 2002

- The Protection of Personal Information Act 4 of 2013
- Rules for the Attorneys' Profession

BLC ATTORNEYS HAS THE FOLLOWING RECORDS WHICH ARE NOT AVAILABLE WITHOUT A REQUEST IN TERMS OF THIS ACT

Communication

- Public Product Information
- Media Releases
- Promotion of Access to Information Act Manual
- Internal and external correspondence

Financial Information

- Financial Statements
- Financial and Tax Records (Company & Employees)
- Asset Register & Insurance information
- Banking details

Human Resources

- Employee Records
- Employment Contracts
- Personnel Guidelines, Policies and Procedures
- Operational Information

Operational Information

- Company information
- Client Information
- General Contract Documentation
- Company Guidelines, Policies and Procedures
- Statutory Records
- General Operational Information

Website

- Organisational structure
- Organisation and personal profiles
- News and Publications

FORM OF REQUEST

- The requester must use the prescribed form to make the request for access to a record. The form may be requested from the General Counsel and is available on the website of the South African Human Rights Commission at www.sahrc.org.za and the website of the Department of Justice and Constitutional Development at www.doj.gov.za. The completed form must be submitted to the General Counsel.
- The requester must provide sufficient detail on the request form to enable the General Counsel to identify the record and the requester.
- The requester should also indicate which form of access is required.
- The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the General Counsel.

4. FEES

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the relevant fee before further processing the request. A personal requester does not pay such fee.
- The requester may lodge an application to the court against the tender or payment of the request fee.

- The information officer will then make a decision on the request and notify the requester 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 had exceeded the prescribed hours to search and prepare the record for disclosure.

5. **AVAILABILITY OF THE MANUAL**

The manual is available for inspection during office hours at the Port Elizabeth offices of BLC ATTORNEYS free of charge. To arrange for an inspection of the manual, please contact the Information Officer. Copies are also available with the SAHRC and in the Government Gazette.

6. **PRESCRIBED FEES AND FORMS IN RESPECT OF PRIVATE BODIES**

The prescribed forms and fees for requests to private bodies are available on the website of the South African Human Rights Commission at www.sahrc.org.za and the website of the Department of Justice and Constitutional Development at www.doj.gov.za.