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MANUAL

[as required by Section 51 of Act No. 2 of 2000, Promotion of Access to Information Act,
("the Act")]

1. INTERPRETATION

In this document, clause headings are for convenience and shall not be used in its interpretation, unless the context clearly indicates a contrary intention:

1.1 An expression which denotes:

1.1.1 Any gender includes the other genders;

1.1.2 A natural person includes an artificial or juristic person and *visa versa*; and

1.1.3 The singular includes the plural and *visa versa*.

1.2 The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

1.2.1 "**the Act**" means the Promotion of Access to Information Act, No. 2 of 2000, as amended from time to time, including the regulations promulgated in terms of the Act;

1.2.2 "**Business Day**" means any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;

1.2.3 "**this Document**" means this Document together with all of its annexures, as amended from time to time; and

- 1.2.4 "**the Company**" means Goldman Judin Inc, being a firm of attorneys, carrying on business from 2nd Floor North Block, Thrupps Illovo Centre, 204 Oxford Road, Illovo;
- 1.2.5 "**Request Liaison Officer**" means the person duly authorised by the head of the private body and appointed by the Company to facilitate or assist the head of the private body with any request in terms of the Act.
- 1.3 Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date and as amended or substituted from time to time.
- 1.4 If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this Document.
- 1.5 Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this Document.
- 1.6 Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day that is not a Business Day, the last day shall be deemed to be the next succeeding day which is a Business Day.
- 1.7 Any reference to days other than a reference to Business Days, months or years, shall be a reference to calendar days, months or years, as the case may be.
- 1.8 The use of the word "including" followed by specific example(s) shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generic* rule shall not be applied in the interpretation of such general wording or such specific example(s).
- 1.9 Insofar as there is a conflict in the interpretation of or application of this Document and the Act, the Act shall prevail.

1.10 This Document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. The Requestor is advised to familiarise his, her or itself with the provisions of the Act before lodging any request with the Company.

2. **AIM**

To facilitate the requests for access to records of the Company as provided for in the Act.

3. **DETAILS**

Goldman Judin Inc
(Registration No: 1998/011368/21)

PO Box 78662
Sandton
2146

situated at:

2nd Floor, North Block
Thrupps Illovo Centre
204 Oxford Road
Illovo
2196

Docex 264, Randburg

Tel: (011) 268-0287
Fax: (011) 268-0282

4. **CONTACT DETAILS OF THE HEAD OF THE PRIVATE BODY AND REQUEST LIAISON OFFICER**

4.1 The head of the private body is Mr Michael Judin.

4.2 Contact details of the head of the private body:

Tel: (011) 268-0287
Fax: (011) 268-0282
E-mail: law@elawnet.co.za

4.3 The Request Liaison Officer is Ms Ria Schutte.

4.4 Contact details of the Request Liaison Officer:

Tel: (011) 268-0287
Fax: (011) 268-0282
E-mail: ria@elawnet.co.za

5. **HUMAN RIGHTS COMMISSION ("HRC") GUIDE**

5.1 The HRC will compile a guide as contemplated in Section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

5.2 This guide was not available at the time that this Document was prepared.

6. **RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EITHER EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES**

6.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 10:

6.1.1 Personal records are available to the employee whose file it is;

6.1.2 Records of disciplinary hearings and related matters are available to the employee concerned;

6.1.3 The Company's Policies and Procedures Manual;

6.1.4 The Company's Document Format Manual.

6.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in paragraph 10:

6.2.1 The Company's Employment Equity Plan;

6.2.2 The Company's Skill Development Plan.

6.3 The costs to access, reproduce, search for and/or prepare any of the abovementioned records unless otherwise agreed is:

6.3.1 For every A4 size photocopy - R 1.10

6.3.2 For every printed A4 size page - R 0.75

6.3.3 For a copy on a stiffer disk - R 7.50

6.3.4 For a copy on a compact disk - R70.00

6.3.5 For a transcript of an audio record, for an A4 size page or part thereof - R20.00

6.3.6 For a copy of an audio record - R30.00

7. **RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN TERMS OF SECTION 51(1)(b) OF THE ACT**

The following records are not automatically available without a request in terms of the Act:

7.1 All statutory returns;

7.2 VAT;

7.3 Workmans Compensation;

7.4 UIF;

7.5 Regional Services Levies;

7.6 Skills Development Levies.

8. **OTHER TYPES OF RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN TERMS OF SECTION 51(1)(c) OF THE ACT**

8.1 These records are not automatically available with other requests in terms of the Act. A request in terms of this Section is subject to Section 63(1) of the Act, which provides that the head of a private body must refuse a request for access to a record of the Company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

8.1.1 **Human Resources Department**

8.1.1.1 Personnel information, including personal information, employment history and health records that the Company may hold from time to time;

8.1.1.2 Training and development information;

8.1.1.3 General files containing information on employee benefits and employee recruitment and selection information.

8.1.2 **Project Management**

8.1.2.1 Building plans;

8.1.2.2 Information generally related to projects conducted by the Company from time to time.

8.1.3 **Information Technology**

8.1.3.1 Usage statistics;

8.1.3.2 Equipment details;

8.1.3.3 Costings of hardware and software.

8.1.4 **Catering**

8.1.4.1 Function records and related costings;

8.1.4.2 Stock sheets;

8.1.4.3 List of suppliers.

8.1.5 **Company's Department**

Company Agreement records.

8.1.6 **Accounts Department**

8.1.6.1 Financial records;

8.1.6.2 A list of the Company's creditors and debtors;

8.1.6.3 Salary information;

8.1.6.4 Bank account information;

8.1.6.5 Fixed assets register.

8.1.7 **Marketing Department**

8.1.7.1 Company brochures and publications;

8.1.7.2 Documents relating to public relation events;

8.1.7.3 Company media releases.

8.1.8 **Support Services**

- 8.1.8.1 Delivery and collection sheets;
- 8.1.8.2 List of suppliers;
- 8.1.8.3 Documents concerning compliance by the Company, insofar as it may be necessary, with legal obligations in terms of the Attorneys Act, No. 53 of 1979, the Occupational Health and Safety Act, No. 85 of 1993 and any other applicable environmental legislation.

9. **PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE**

- 9.1 A request must be made on the prescribed form. A copy of the form is attached hereto marked annexure "A" ("the Prescribed Form").
- 9.2 The Prescribed Form should be submitted to the Request Liaison Officer who will hand it to the head of the private body or the Request Liaison Officer.
- 9.3 The same procedure as set out in 9.1 and 9.2 applies if the requestor is requesting information on behalf of another person or on behalf of the permanent employee of the Company.
- 9.4 The following fees should accompany the Prescribed Form:
 - 9.4.1 R50.00;
 - 9.4.2 If the head of the private body or the Request Liaison Officer is of the opinion that 6 hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to 1/3 (One Third) at an amount of R30.00 for each hour or part thereof exceeding the 6 hours.
- 9.5 The head of the private body, as soon as reasonably possible and within 30 (Thirty) days after the request has been received, shall decide whether or not to grant the request.

- 9.6 The requestor will be notified of the decision of the head of the private body or the Request Liaison Officer in the manner indicated by the requestor.
- 9.7 If the request is granted, the requestor shall be informed by the head of the private body or the Request Liaison Officer in the manner indicated by the requestor in the Prescribed Form.
- 9.8 Notwithstanding the foregoing, the Company will advise the requestor in the manner stipulated by the requestor in the Prescribed Form of:
- 9.8.1 The access fee to be paid for the information (in accordance with paragraph 6.3);
- 9.8.2 The format in which access will be given;
- 9.8.3 The fact that the requestor may lodge an appeal with the High Court against the access fee charged or the format in which access it is to be granted.
- 9.9 After access is granted, actual access to the records requested will be given as soon as reasonably possible.
- 9.10 If the request for access is refused, the head of the private body or the Request Liaison Officer shall advise the requestor in writing in a Notice of Refusal. The Notice of Refusal shall state:
- 9.10.1 Adequate reasons for the refusal;
- 9.10.2 That the requestor may lodge an appeal with the High Court against the refusal of the request (including the period) for lodging such an appeal.
- 9.11 Upon the refusal by the head of the private body or the Request Liaison Officer, the deposit paid by the requestor will be refunded.
- 9.12 If the head of the private body or the Request Liaison Officer fails to respond within 30 (Thirty) days after a request has been received, it is deemed, in terms of Section 58, read together with Section 56(1) of the Act, that the head of the private body or the Request Liaison Officer has refused the request.

9.13 The head of the private body may decide to extend the period of 30 (Thirty) days ("Original Period") for another period of not more than 30 (Thirty) days if:

9.13.1 The request is for a large number of records;

9.13.2 The search for the records is to be conducted at premises not situated in the same town or city as the head office of the Company;

9.13.3 Consultation among divisions or departments as the case may be, of the Company as required;

9.13.4 The requestor consents to such an extension in writing;

9.13.5 The parties agree in any other manner to such an extension.

9.14 Should the Company require an extension of time, the requestor shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

9.15 The requestor may lodge an appeal with the High Court against any extension or against any procedure set out in this Section.

10. **INFORMATION OR RECORDS NOT FOUND**

10.1 If a requested record cannot be found or if the records do not exist, the head of the private body or the Request Liaison Officer must, by way of an Affidavit or Affirmation, notify the requestor that it is not possible to give access to the requested record.

10.2 The Affidavit or Affirmation must provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the private body or the Request Liaison Officer with every person who conducted the search.

10.3 This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

10.4 If the record should later be found, the requestor must be given access to the record in the manner stipulated by the requestor in the Prescribed Form, unless access is refused by the head of the private body or the Request Liaison Officer.

10.5 The attention of the requestor is drawn to the provisions of Chapter 4 of the Act in terms of which the Company may refuse on certain specified grounds to provide information to a requestor.

11. **INFORMATION REQUESTED ABOUT A THIRD PARTY**

11.1 Section 71 of the Act makes provision for a request for information or records about a third party.

11.2 In considering such a request, the Company will adhere to the provisions of Section 71 to 74 of the Act.

11.3 The attention of the requestor is drawn to the provisions of Chapter 5, Part 3 of the Act, in terms of which the Company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act, entitle third parties to dispute the decisions of the head of the private body or the Request Liaison Officer by referring the matter to the High Court.

12. **UPDATING OF MANUAL**

The Company will update this Manual every 6 (Six) months or at such intervals as may be necessary.