



Davel • De Klerk • Kgatla Incorporated
(Registration Number : 1993/006539/21)

Access to information manual (Private Body)

**Prepared in terms of Section 51 of the promotion of access to
information Act 2 of 2000**

A handwritten signature in black ink, consisting of a stylized 'D' followed by a flourish.

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1. Introduction

The Promotion of Access to Information Act 2 of 2000 (the "Act") was enacted on the 3rd of February and came into operation on the 9th of March 2001. The main purpose of the Act is to give effect to the constitutional right 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; and to provide for matters connected therewith. Upon request a body is obliged to release information that has been requested, unless the Act expressly provides that such information may or must not be released.

1.2 Purpose of the Manual in terms of the Act

The purpose of this Manual is to assist people wishing to access information in terms of the Act from Davel • De Klerk • Kgatla Attorneys, by indicating the information and/or documents that may be requested and the procedure to be followed when requesting such information or documents, as contemplated in the Act.

The manual may be amended from time to time and if and when any such amendments have been effected, the latest version of the manual will be made publically available.

A requester may contact the Information Officer should he or she require any assistance in respect of the use or content of this manual and/or the requesting of information or documents from Davel • De Klerk • Kgatla Attorneys.



1.3 Terms used in this manual

- Terms defined in the act shall have the meaning set out therein;
- Reference to sections shall be a reference to sections in the Act

The following words or expressions will bear the following meanings in this Manual:

"the Act" means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;

"Davel • De Klerk • Kgatla" means Davel • De Klerk Kgatla • Incorporated, structured as an incorporated professional partnership an attorneys firm which renders legal services including legal advice and legal representation to individual clients, businesses and organisations;

"Information Officer" means the head of the body or any of the designated information officers described in this Manual;

"Manual" means this Manual, together with all annexures thereto as amended and made available at the offices of Davel • De Klerk • Kgatla from time to time;

"SAHRC" means the South African Human Rights Commission.

1.4 Background of Davel • De Klerk • Kgatla

Davel • De Klerk • Kgatla is a law firm (deemed a private body in terms of section 1 of the Act) providing legal services, advice and legal representation to individual and corporate clients in the most areas of the law, including Family law, Commercial law, Labour law and other areas of specialisation.



Davel • De Klerk • Kgatla has received PMR Africa's Diamond Arrow Award, (1st overall of all legal firms in Limpopo), in 2009, 2010 and 2011.

2. Organisation Details (Section 51(1)(a))

2.2 Name: Davel • De Klerk • Kgatla Incorporated

2.3 Information Officer: Mr Benno Jacques de Klerk

2.4 Physical address: 19 Watermelon Street
Platinum Park
Bendor
Polokwane
0699
South Africa

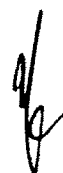
2.5 Postal address: 55
Polokwane
0700
South Africa

2.6 Telephone: (015) 297 3310

2.7 Facsimile: (015) 297 3422

2.8 E-mail: bdk@ddkk.co.za

2.9 Website: www.phfirms.co.za/ddkk



3. Details of the South African Human Rights Commission (Section 51(1)(b))

In terms of Section 10 of the Act, a guide has to be compiled by the South African Human Rights Commission (SAHRC) containing such information as may be required by a person who wishes to exercise any right contemplated in the Act. The guide will be made available in all official languages by the SAHRC and will be obtainable from the SAHRC.

Any queries with regard to this manual should be directed to:

The South African Human Rights Commission; PAIA Unit

Research and Documentation Department

Private Bag 2700

Houghton

2041

Phone: (011) 484 8300

Fax: (011) 484 0582

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

4. Notice(s) in terms of section 52(2) of the Act (section 51(1)(c))

In terms of section 52(1) of the Act, a private body may, on a voluntary basis, provide the Minister (of Justice) with information regarding categories of records that are automatically available without a person having to request access in terms of the Act. This includes records which are available:

- for inspection



- for purchase or copying from the private body; and
- from the private body free of charge

In terms of section 52(2), the Minister must, by notice in the Gazette, publish such information.

To date, no such notice(s) has/have been published.

5. Information available in terms of other Legislation (Section 51(1) (d))

- Administration of Estates Act 66 of 1965
- Arbitration Act 42 of 1965
- Attorneys Act 53 of 1979
- Basic Conditions of Employment Act 75 of 1997
- Black Economic Empowerment Act 53 of 2003
- Closed Corporation Act 69 of 1984
- Close Corporations amendment Act 25 of 2005
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 61 of 1978
- Credit Agreements Act 75 of 1980
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act no 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Insurance Act 27 of 1943
- Intellectual Property Laws Amendments Act 38 of 1997
- Interception and Monitoring Prohibition Act 127 of 1992



- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Medical Schemes Act 131 of 1998
- National Building Regulations and Building Standards Act 103 of 1977
- Non-profit Organisations Act 71 of 1997.
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prevention of Organised Crime Act 121 of 1998
- Protection of Businesses Act 99 of 1978
- Regional Services Councils Act 109 of 1985
- Road Accident Fund Act 56 of 1996
- SA Schools Act 84 of 1996
- Sectional Titles Act 95 of 1986
- Short Term Insurance Act 53 of 1998
- Short-term Insurance Act no. 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stamp Duties Act 77 of 1968
- The Co-operatives Act 14 of 2005
- The Fund-Raising Act 107 of 1978
- The National Credit Act 34 of 2005
- Trade Marks Act 194 of 1993
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

The above records (please note that this is not an exhaustive list), in so far as there are of a public nature, are available automatically without a person having to request access thereto in term of the Act, as envisaged in section 52.



6. Information forming part of records in terms of the Act, that may be requested (Section 51(1) (e))

Davel • De Klerk • Kgatla holds records of the following information:

- Accounting and Finance records: Financial statements, management accounts, tax returns, bank records and invoices.
- Commercial: Agreements. For example, purchase and sale and lease agreements.
- Information Technology: Hardware, software, telephone equipment, telephone lines and data lines.
- Personnel Records: all records relating to employees.
- Sales and Marketing
- Statutory Company records: certificate of incorporation, certificate to commence business, memorandum and articles of association and minute books, practices and directives.
- Other: Client Databases, internal Phone lists, administrative information.

7. Requesting Procedure

- 7.1 A person who wants access to the records in the categories mentioned above, must complete the necessary request form, as set out in the attached Form C, and the completed form must be sent to the address or fax number provided in this manual, and marked for the attention of the information officer.
- 7.2 A request may be made orally if a requester is unable to complete the form due to illiteracy or disability.
- 7.3 The form must be filled out in such a manner that the Information Officer is able to identify:
- The information and/ or record(s) requested;
 - which form of access is required, if the request is granted;



- Identify the right that is sought to be exercised or protected, and provide an explanation of which record is required for the exercise or protection of that right.
- The identity of the requester (should a request be made on behalf of another person, the requester needs to submit proof of the capacity in which the requester is requesting the information);
- The postal address of fax number of the requester.

7.4 The request will be processed within 30 days, unless the requester has indicated special reasons justifying earlier processing.

7.5 The requester will be informed whether access is denied or granted. If the requester requires reasons for refusal, he or she must state the particulars so required.

7.6 It must be noted that recorded information, records, copies, documents and other data forming part or pertaining to the abovementioned records will be made available to the requester in accordance with the provisions of the Act, but subject to the rules and principles entrenched in the Act in respect of the protection of certain commercial and confidential information and the grounds for refusal of access thereto.

7.7 Further it must be noted that due to the fact that Davel • De Klerk • Kgatla is a firm of Attorneys, they are bound to adhere to the principles and rules relating to attorney-client privilege and confidentiality.

7.8 Davel • De Klerk • Kgatla is obliged, in terms of sections 52-70 of the Act, to refuse access to the above mentioned records in the following circumstances:

- To protect personal information that the firm holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;



- To protect commercial information that the firm holds about a third party or the firm itself (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- If the record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- If disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the firm;
- If disclosure of the record would put the firm at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- If the record is a computer program.

7. Other information as may be prescribed (Section 51(1)(f))

The minister of Justice and Constitutional Development has as of yet not made any regulations in this regard.

8. Availability of the Manual (Section 51(3))

- 9.1.1 This manual is available for inspection by the general public upon request during office hours and there is no charge for viewing the

manual at our offices situated at 19 Watermelon Street, Platinum Park, Bendor, Polokwane. Copies of the manual may be made available subject to the prescribed fees.

- 9.1.2 Copies may also be requested from the South African Human Rights Commission at the address indicated above.

9.2. Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fees, subject to an attorney's lien over documents if fees are outstanding from the requester. Any other requester who is not a personal requester must pay the required fee:

- 9.2.1 A fee will be required by the head before further processing of the request in terms of S54 of the Act;
- 9.2.2 A requester fee of R50 should be paid, this amount will be refunded should the request for access be refused;
- 9.2.3 A portion of the access fee (not more than one third) may be required before the request is considered;
- 9.2.4 The requester may lodge an application with a court against the payment of the request fee in terms of S54(3)(b) of the Act;
- 9.2.5 The head may withhold a record until the requester has paid the applicable fees.

Signed at Polokwane on this 20th day of December 2011.



B.J de Klerk : CEO and Information Officer