

**MANUAL PREPARED IN TERMS OF SECTION 51**

**OF**

**THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000**  
**(HEREINAFTER REFERRED TO AS THE "ACT")**

**FOR ASSISTANCE IN REQUESTING INFORMATION**  
**FROM:**



**BACKGROUND**

Every private body specified in the Act, is required to compile a manual which includes information on the business including a description of all/any records held in its possession and make a copy of this manual available to the public upon request for the purpose of creating a right to access information enshrined in section 32 of the Constitution of the Republic of South Africa, Act 108 of 1996 and to promote a culture of transparency, accountability and good governance both in the private and public sectors.

**INTRODUCTION**

PP Smit Attorneys was established in 2004 by Pieter Philip Smit, an attorney and conveyancer. The firm has since grown to a partnership of six attorneys with offices in Langebaan.

PP Smit Attorney's lawyers are an experienced team of independent-minded individuals who share a common service ethos to achieve the best legal outcome for clients.

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**PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

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- E. Availability of the manual and requests for access.

Form C and Annexure “1” – Prescribed Forms

**A. CONTACT DETAILS OF THE FIRM - SECTION 51(1)(a)**

Name of private body	PP Smit Attorneys
Partners	Pieter Philip Smit Jan Myburgh Fourie Johann Adrian Francois Maree Izak Rudolph Nel Richard De Wet Phillips Johannes Frederik Smith
Registered street address	Shop 1, Swanko Building, Oostewal Street, Langebaan 7357
Postal address	P O Box 23 Vredenburg 7380
Telephone number	022 772 2072
Fax number	022 772 2068
E-mail address	info@ppsmmit.co.za
Website	www.ppsmit.co.za
Person duly authorized to assist in all requests for access to information	Johannes Frederik Smith

**B. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 - SECTION 51(1)(b)**

The South African Human Rights Commission (“SAHRC”), in terms of section 10 is required to compile a guide to assist people in exercising their rights under the Act. For further assistance, contact the SAHRC at:

**Address:** PAIA Unit, The Research and Documentation Department, Private Bag  
X2700, Houghton, 2041  
**Telephone:** (011) 877 3803  
**Fax:** (011) 403 0625  
**Website:** www.sahrc.org.za  
**E-mail:** PAIA@sahrc.org.za

**C. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION - SECTION 51(1)(d)**

PP Smit Attorneys, where applicable, holds information in terms of the following Legislation, but is not limited to:

- Basic Conditions of Employment Act, No. 75 of 1977
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 68 of 1962
- Labour Relations Act, No. 66 of 1978
- Occupational Health and Safety Act, No. 85 of 1993
- Skills Development Act, No. 97 of 1988
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Contribution Act, No. 4 of 2002
- Unemployment Insurance Act, No. 30 of 1966
- Value Added Tax Act, No. 89 of 1991
- Attorneys Act, No. 53 of 1979
- National Credit Act, No. 34 of 2005
- Consumer Protection Act, No 68 of 2008
- Financial Intelligence Centre Act, No. 38 of 2001
- Trade Marks Act, No. 194 of 1993
- Copyright Act, No. 98 of 1978
- Prescription Act, No. 68 of 1969

**D. SUBJECTS AND CATEGORIES OF RECORD HELD - SECTION 51(1)(e)**

**Employment Records**

- Employment contracts
- Disciplinary records
- Salaries and wages records
- Disciplinary code

- Leave records
- Banking details
- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- UIF records

#### **Client records**

- Records provided by clients, including FICA documents
- Records provided by a client to a third party acting for and on behalf of PP Smit Attorneys
- Records provided by third parties
- Records generated by or within PP Smit Attorneys
- Client files
- Fee agreements, quotations and mandates

#### **General records**

- Financial and accounting records
- Insurance records
- Asset register
- Client, supplier and document databases
- Law Society records, including Fidelity Fund Certificate
- Internal and external correspondence
- Commercial agreements
- Tax compliance documents
- Accounting records
- Bank statements
- Invoices

The above information will only be made available subject to the provisions of the Act and access to records may be refused due to attorney-client privilege.

#### **E. AVAILABILITY OF THE MANUAL AND REQUESTS FOR ACCESS**

PP Smit Attorneys' manual is available for inspection free of charge at the registered address of the firm. Copies of the manual may be obtained, subject to the prescribed fees. The manual may also be accessed on the firm's website or alternatively a copy is available upon request from the SAHRC.

All requests for access to information should be addressed to the Information Officer of the private body at his address, fax number or email. In terms of the Act, all requests must be completed on the prescribed request form, annexed hereto marked "Form C".

The requester must provide sufficient detail on the request form to enable the Information Officer of PP Smit Attorneys to identify the record and the requester. The requester should also indicate what form of access is required and specify a postal address or fax number of the requester.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right. If a request is made on behalf of a third person, the requester must then submit proof of the capacity in which the request is being made.

The Information Officer of PP Smit Attorneys must notify the requester by notice, requiring the requester to pay the prescribed fee (if any) before processing the request. The prescribed fee is in the Regulations of the Act. The head will then make a decision in accordance with the provisions of the Act, whether to grant the request or not and notify the requester of the decision.

If the request is granted, a further fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Legal remedies are available to a requester who believes that there has been a failure to comply with the Act. The requester may lodge an appeal or an application to court.

Section 54 of the Act provides for a private body to require a request fee to be paid by a requester before processing a request. Information in regard to the fees payable is set out in Annexure "1".

**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 Information Officer: Johannes Frederik Smith  
(e) jandre@ppsmiit.co.za  
(t) 022 772 2072  
(f) 022 772 2068

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

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached*

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

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

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

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

E-mail address: \_\_\_\_\_

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

**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 record or relevant part of the record: \_\_\_\_\_
2. Reference number, if available: \_\_\_\_\_
3. Any further particulars of record: \_\_\_\_\_

**E. Fees**

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

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

**F. Form of access to record**

*If you are prevented by a disability to read, view 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: _____
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Mark the appropriate box with an **x**.

NOTES:

- (a) Compliance with your request 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 access is requested.*

**1. If the record is in written or printed form:**

Copy of record\*

Inspection of record

**2. If the record consists of visual images**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images

Copy of the images\*

Transcription of the images\*

**3. If record consists of recorded words or information which can be reproduced in sound:**

Listen to the soundtrack  
(audio cassette)

Transcription of soundtrack\* (written or printed document)

**4. If record is held on computer or in an electronic or machine-readable form:**

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?

YES NO

**Postage is payable**

**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 therecord? .

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Signed at \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

**WITNESS:**

1. \_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE**

**ANNEXURE "1"**

**CHARGE SHEET FOR ACCESS TO INFORMATION ACT 2 OF 2000 REQUESTS**

<b>REQUESTER'S DETAILS</b>	<b>PREPARED BY:</b>
<b>Name:</b>	<b>Name:</b>
<b>Address:</b>	<b>Date:</b>
	<b>Signature</b>
<b>Ref No:</b>	<b>Approved</b>

<b>ACCESS FESS FOR REPRODUCTION</b>		
1.	For every photocopy of an A4-size page or part thereof	R1.10
2.	For every photocopy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75
3.	For a copy in a computer-readable form on stifty disc	R7.50
4.	For a copy in a computer-readable form on compact disc	R70.00
5.	For a transcription of visual images for an A4-size page or part thereof	R40.00
6.	For a copy of visual images	R60.00
7.	For a transcription of an audio record for an A4-size page or part thereof	R20.00
8.	For a copy of an audio record	R30.00
<b>ACCESS FEE FOR TIME SPENT</b>		
1.	The time reasonably spent required to search for the record for disclosure and preparation	R30.00/hr or part thereof
<b>REQUEST FEE</b>		
1.	For a request for access to a record by a person other than a personal requester	R50.00
<b>DEPOSIT</b>		

1.	One third of the access fee is payable as a deposit by the requester	
2.	Six hours as the hours to be exceeded before a deposit is payable	
<b>POSTAL FEE</b>		
1.	When a copy of a record must be posted to the requestor	
	(the actual cost thereof)	
<b>APPEAL FEES</b>		
1.	For lodging an internal appeal by a requester against the refusal of his/her request for access to a record	R50.00
<b>VAT</b>		
1.	Private bodies registered under the Value Added Tax Act, 1991, may add VAT to all the above-mentioned fees	
	<b>TOTAL</b>	