**BEDER-FRIEDLAND ATTORNEYS INCORPORTAED**

 **(Registration number: 1990/06039/21)**

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, ACT NO 2 OF 2000**

**(“The Act”)**

**TABLE OF CONTENTS**

1. INTRODUCTION

2. COMPANY OVERVIEW

3. SCOPE OF MANUAL

4. AVAILIBILITY OF THE MANUAL

5. COMPANY CONTACT DETAILS (*SECTION 51(1) (a)*)

6. GUIDE (HUMAN RIGHTS COMMISSION (“HRC”) GUIDE) FOR REQUESTERS ON HOW TO USE THE ACT IN TERMS OF SECTION 10 – *SECTION 51(1) (b)*

7. VOLUNTARY DISCLOSURE

8. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC - *SECTION 51(1) (c)*)

8.1 APPLICABLE LEGISLATION

9. CATEGORIES AND TYPES OF RECORDS AND INFORMATION HELD IN TERMS OF THE ACT (*SECTION 51(1) (e))*

10. ACCESS REQUEST PROCEDURE – *SECTION 51(1) (e)*

11. GROUNDS FOR REFUSAL TO ACCESS TO RECORDS

12. PERSCRIBED FEES - *SECTION 51(1) (e)*

**MANUAL PREPARED IN ACORDANCE WITH**

**SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION**

**ACT 2 OF 2000 (“the Act”)**

**FOR BEDER-FRIEDLAND ATTORNEYS INCORPORATED**

**1. INTRODUCTION**

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

The manual may be amended from time to time and as soon as any amendments have been finalised the latest version of the manual will be made public.

**2. COMPANY OVERVIEW**

Beder-Friedland Attorneys Incorporated (Registration number 1990/06039/21) is a law firm and provides a legal service to its clients as provided for in the Attorneys Act 53 of 1979, as amended.

**3.** **SCOPE OF MANUAL**

This manual has been prepared to assist persons requesting information and provide procedures to be followed to gain access to information and documentation as provided for in the Act.

**4. AVAILABILITY OF THE MANUAL**

A copy of this Manual is available on our website ([www.bederfriedland](http://www.bederfriedland).co.za ) or by sending a request for a copy to the Information Officer by email (sb@bfinc.co.za ) The Manual may also be obtained from the South African Human Rights Commission (‘SAHRC”) at the addresses set out below.

**5. COMPANY CONTACT DETAILS**

(*Information required under section 51(1) (a) of the Act)*

The responsibility for administration of and compliance with this Act is that of the appointed Information Officer. Requests pursuant to the provisions of the Act should be directed as follows:

|  |  |
| --- | --- |
| Contact Person | S B Friedland |
| Postal Address | P O Box 46288, Orange Grove, 2119 |
| Physical Address | 204 Alteryn, 6 Corlett Drive, Illovo, Sandton, 2196 |
| Phone number | 0826039640 |
| Fax number | N/A |
| E-Mail | sb@bfinc.co.za |
| Website | [www.](http://www.)bederfriedland.co.za |

**6. GUIDE (“SAHRC”) FOR REQUESTERS ON HOW TO USE THE ACT IN TERMS OF SECTION 10**

*(Information required under section 51(1) (b) of the Act)*

6.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

6.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

6.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

|  |  |
| --- | --- |
| Postal Address: | Private Bag 2700, Houghton, 2041 |
| Telephone Number:  | +27-11-877 3600  |
| Fax Number:  | +27-11-403 0625  |
| Website:  | www.sahrc.org.za |

E-mail Address: PAIA@sahrc.org.za.

**7. VOLUNTARY DISCLOSURE**

No notice has been published in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Beder-Friedland Attorneys Incorporated and its services is freely available on their website. Certain other information relating to the law firm is also made available on such website from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

**8. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC**

*(Copy of notice, if any, required under section 51(1) (c) of the Act)*

The company does not produce any publications

**8.1 APPLICABLE LEGISLATION (as required by section 51(1) (c))**

Records are kept in accordance with such other legislation as is applicable to Beder-Friedland Attorneys Incorporated , which includes but is not limited to the following legislation:

• Companies Act 61 of 1973;

• Companies Act 71 f 2008;

• Income Tax Act 58 of 1962;

• Unemployment Insurance Act 63 of 2001;

• Value Added Tax Act 89 of 1991;

• Compensation for Occupational Injuries and Diseases Act 130 of 1993;

• Occupational Health and Safety Act 85 of 1993;

• Labour Relations Act 66 of 1995;

• Basic Conditions of Employment Act 75 of 1997;

• Employment Equity Act 55 of 1998;

• Skills Development Levies Act 9 of 1999;

• The Attorneys Act 53 of 1979;

• Electronic Communications and Transactions Act 25 of 2002;

• Promotion of Access of Information Act 2 of 2000;

• The Protection of Personal Information Act 4 of 2013;

• Copyright Act 98 of 1987;

• Financial Intelligence Centre Act 38 of 2001;

• Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002.

**9. CATEGORIES AND TYPES OF RECORDS AND INFORMATION HELD IN TERMS OF THE ACT**

 *(Information required under section 51(1) (e) of the Act)*

* Employment Contracts : Availability to be determined upon receipt of request;
* Domain Name Registrations: Availability to be determined upon receipt of request;
* Registration Documents : Availability to be determined upon receipt of request;
* Operational Records : Availability to be determined upon receipt of request;
* Company Documentation : Availability to be determined upon receipt of request;
* Agreements With Suppliers : Availability to be determined upon receipt of request;
* Corporate Sales Agreements: Availability to be determined upon receipt of request;
* Customer Agreements : Availability to be determined upon receipt of request;
* Data Bases Of Customers : Availability to be determined upon receipt of request;
* Client Services Records : Availability to be determined upon receipt of request;
* Corporate Governance : Availability to be determined upon receipt of request;
* Marketing & Communication : Availability to be determined upon receipt of request;
* Finance and Administration: Availability to be determined upon receipt of request.

**10. ACCESS REQUEST PROCEDURE**

*(As required by section 51(1) (e) of the Act)*

10.1 It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

10.2 If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

10.3 The requester must use the prescribed form to make the request for access to a record. This must be made to the appointed designated person This request must be made to the address, fax number or electronic mail address of the body concerned.

10.4 Request for access to records of private body – Form C has been appended to the manual.

10.5 The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

10.6 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

10.7 Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be “necessary “for the exercise or protection of the right so stated.

10.8 If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated person of the private body.

10.9 A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it is acting in the public interest.

**11. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for refusal of a request for information are:

11.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

11.2 Mandatory protection of the commercial information of a third party, if the record contains:

11.2.1 Trade secrets of that party;

11.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;

11.2.3 Information disclosed in confidence by a third party to Beder-Friedland Attorneys Incorporated if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.

11.2.4 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

11.2.5 Mandatory protection of the safety of individuals and the protection of property;

11.2.6 Mandatory protection of records which could be regarded as privileged in legal proceedings;

**12. PRESCRIBED FEES**

 *(As provided for in section 51(1) (f))*

12.1 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

12.2 The appointed designated person of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

12.3 The fee that the requester must pay to a private body is R50 exclusive of value added tax. The requester may lodge an application to the court against the tender or payment of the request fee.

12.4 After the designated person of the private body has made a decision on the request, the requester must be notified in the required form.

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

12.6 The prescribed fees relating to a request to access information are as per Section 54(7), Section 54(2) and Section 54(7) and Regulation 11(3).

12.7 The Fee structure and Form C are attached to this document.

***(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))***

***[Regulation 11 (3)]***

**PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)**

(a) For every photocopy of an A4-size page or part thereof R 1.25

(b) For every printed copy of an A4-size page or part thereof

 held on a computer or in an electronic or machine-readable

 form R 0.85

(c) For a copy in a computer-readable form on

 (i) stiffy disc R 8.55

 (ii) compact disc R 79.80

(d) (i) For a transcription of visual images, for an A4-size page

 or part thereof R 45.60

(ii) For a copy of visual images R 68.40

(e) (i) For a transcription of an audio record, for an A4-size

 page or part thereof R 22.80

(ii) For a copy of an audio record R 34.20

(f) To search for and prepare the record for disclosure - R34,20 for each hour or part thereof reasonably required for such search and preparation

***(Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))***

***[Regulation 11 (3)]***

**PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)**

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) One third of the access fee is payable as a deposit by the requester.

 ***(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))***

***[Regulation 11 (3)]***

**PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)**

The actual postage fee is payable when a copy of a record must be posted to a requester.

**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 Head: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

(a) **T**he 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Particulars of record**
2. 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.
3. 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: | Form in which record is required |
| Mark the appropriate box with an X. NOTES:1. Compliance with your request in the specified form may depend on the form in which the record is available.
2. 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 for 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 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 theimages\* |
| **3. If record consists of recorded words or information which can be reproduced in****sound:** |
|  | listen to the soundtrackaudio 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 informationderived 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 thecopy or transcription to be posted to you?Postage is payable. | YES | NO |

**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 the record? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SIGNED AT SANDTON ON THIS 23RD DAY OF OCTOBER 2015**

**SIGNATURE OF REQUESTER / PERSON ON WHO’S BEHALF REQUEST IS MADE**