



DENEYS ZEEDERBERG ATTORNEYS: PROMOTION OF ACCESS TO INFORMATION MANUAL

Dated at: 10 January 2022

This is the Policy and Guideline document for Deneys Zeederberg Attorneys and has been compiled in accordance with the requirements of the Promotion of Access to Information Act 2 of 2000.



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PREAMBLE

Deneys Zeederberg Attorneys is a law firm duly incorporated in terms of the laws of South Africa and registered with the Companies and Intellectual Property Commission (hereinafter referred to as “the CIPC”), with the main objective of rendering professional legal services.

Mr. Deneys Zeederberg has been appointed as the Information Officer, to act as the person to whom requests for access to information must be made in terms of the Promotion of Access to Information Act (hereinafter referred to as “PAIA”).

1. CONTACT DETAILS OF THE INFORMATION OFFICER IN TERMS OF SECTION 51(1)(a)

Information Officer: Deneys Zeederberg (Owner and Director)

Physical address: Office G01, Ground Floor
Ashford House, 7 Ashford Street
Midstream, Gauteng
South Africa

Telephone: +27 (12) 110 4245 / +27 (82) 800 1504

Email: deneys@dzalaw.co.za

Website: www.dzalaw.co.za

2. SECTION 10 GUIDE TO THE ACT IN TERMS OF SECTION 51(1)(b)

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

Requests in terms of PAIA must be made in accordance with the prescribed procedures, at the rates provided and gazetted by the Minister from time to time. Furthermore, the applicable forms and tariffs are specified in PAIA.

In this regard, requestors are referred to the Guide compiled by the South African Human Rights Commission (“SAHRC”), in terms of Section 10 of the Act, which is made available and updated by the Information Regulator. This Guide will be of assistance to requestors for the purposes of exercising their rights contemplated in the Act and those in terms of the Protection of Personal Information Act.

The

Section 10 Guide is available from the SAHRC and the Information Regulator, whose details are as follows:

South African Human Rights Commission	Information Regulator
Private Bag X2700 Houghton 2041	P.O Box 31533 Braamfontein 2017
Telephone: +27 (11) 877 3600	Telephone: +27 (10) 023 5200
Fax: +27 (11) 403 0625	Fax: N/A
Email: PAIA@sahrc.org.za	Email: enquiries@inforegulator.org.za
Website: www.sahrc.org.za	Website: www.inforegulator.org.za

Alternatively, you can contact the firms Information Officer, as set out above, to provide you with a copy of the guide.

3. SECTION 51(1)(c) NOTICE(S) IN TERMS OF SECTION 52(2)

The firm has not yet issued any notices in terms of the provisions of Section 52(2) of the Act and all requests for access to information must be made in accordance with the procedure set out in paragraph 5 of this manual.

4. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(d)

4.1. The firm maintains records in terms of the following legislation, as far as required:

- Administration of Estates Act 66 of 1965
- Attorneys Act 53 of 1979
- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002

Intelligence Centre Act 38 of 2001
Income Tax Act 58 of 1962

Insolvency Act 24 of 1936
Labour Relations Act 66 of 1995
Legal Practice Act 28 of 2014
National Credit Act 34 of 2005
Occupational Health and Safety Act 85 of 1993
Pension Funds Act 24 of 1956
Promotion of Access to Information Act 2 of 2000
Protection of Personal Information Act 4 of 2013
Skills Development Act 97 of 1998
Skills Development Levies Act 9 of 1999
Unemployment Insurance Act 63 of 2001
Unemployment Insurance Contribution Act 4 of 2002
Value Added Tax Act 89 of 1991

4.2. Schedule of records held by the firm:

Communication

- Public Product Information
- Media Releases
- Promotion of Access to Information Act Manual
- Internal & External Correspondence
- Financial Information

Employee Records

- Employment Contracts
- Personnel Guides, Policies & Procedures

Financial Statements

- Financial & Tax Records of the Company and Employees
- Asset Register & Insurance Information
- Banking Details
- Human Resources

Operational Information

- Director Information
- Client Information
- General Contract Documentation
- Company Guidelines, Policies & Procedures
- Trademarks
- Statutory Records
- General Operational Information

Website

- Organisational Structure
- Organisation & Personal Profiles
- News & Publications

5. SECTION 51(1)(e) REQUEST PROCEDURE FOR ACCESS TO RECORDS OF THE FIRM

To enable the firm to process a request for access to information, kindly complete the prescribed Form C, which is available on the SAHRC website at www.sahrc.org.za.

On the prescribed form C provide clear, sufficient and unambiguous details to enable the firm to ascertain:

- 1) The identity of the requester. (Where the requestor is represented by an agent, sufficient proof showing authority to represent the requestor & the identity of the agent);
- 2) The record(s) requested;
- 3) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right;
- 4) The form of access required;
- 5) If the requester wishes to be informed of the decision in any manner (in addition to a written decision) the manner and particulars thereof;
- 6) The postal address or fax number of the requester in the Republic;
- 7) The request for access to information must be clearly identified as such and marked for the attention of the Information Officer;
- 8) The applicable Prescribed fee as set out in the regulations to the Act must accompany the request for access to information; and
- 9) The duly completed prescribed Form C must be delivered to the firm. (The contact details of the firm are provided in paragraph 2 of this manual.)

Upon due lodgment of a request for access to information lodged with the firm, the Information Officer will consider the request and notify the requester of his decision by way of a sworn affidavit, within the time periods stipulated in the Act, stating clearly whether the request is granted or refused and advising the requester of external remedies which the requester may pursue to dispute the Information Officers decision.

6. FEE SCHEDULE IN TERMS OF SECTION 54

The following fees will apply to all request for access to information held by the firm, save for personal requests which will not be subject to a fee:

- 1) A requestor must pay the prescribed fees (currently R50.00) before a request will be processed;
- 2) Where the preparation of the record requested requires more than the prescribed hours (currently 6 hours), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 3) A requestor may lodge an application with a competent court against the tender/payment of the request fee and/or deposit;
- 4) The Firm may withhold access to a record under its control until the requisite fees have been paid;
- 5) If a request for access to information is granted, an access fee must be paid before such information is made available to the requester;
- 6) The prescribed fee structure for request of access to the records of a private body is available on the website of the SAHRC at www.sahrc.org.za.

7. OTHER INFORMATION AS MAY BE PRESCRIBED IN TERMS OF THE ACT

7.1. Information or records not found

Where the firm has taken all reasonable steps to find a record, but such record is not found, or is found not to exist, the firm will provide notification of this to the requester in the form of a sworn affidavit.

The sworn affidavit will provide a full account of all steps taken by the firm to find the record or to determine the existence thereof; and

If the requested record is later found by the Firm, the requester shall be notified and furnished with the requested document in the manner stipulated by the requester in the application for request for access to information previously lodged by the requester (This will apply to instances where the firm does not object to disclosing the requested information).

Where the requested record is later found, but the Information Officer objects to disclosing the record to the requester, the firm shall notify the requester of the firm's decision and advise the requester of external appeal remedies available to dispute the refusal of access to information.

7.2. Information requested by a third party

Where any information relating to a third party is requested from the firm by a requester, the firm will notify the third party of the request. The third party will have an opportunity to grant his, her or its consent to the disclosure of the record or to make representations as to why the requested record should not be disclosed to the requester. Where the firm decides to grant access to the record, it will notify all affected third parties who will be entitled to approach a competent court by way of application in relation to such decision.

This manual is available for inspection at the offices of Deneys Zeederberg Attorneys. Copies of this manual may be obtained by request at the prescribed fees from Deneys Zeederberg Attorneys. This manual can also be accessed on the Firm's website www.dzalaw.co.za.

7.3. Remedies available to a requestor upon refusal of access

7.3.1. Internal Remedies

The firm does not have any internal appeal procedures that may be followed after a request for access information has been refused. As such, the decision made by the Information Officer is final and requestors will have to exercise such external remedies at their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the Information Officer.

7.3.2. External Remedies

A requestor that is dissatisfied with the Information Officer's decision may, within 30 days of notification of the decision, apply to a competent court for relief. Likewise, a third party dissatisfied with the Information Officer's decision may, within 30 days of notification of the decision, apply to a competent court for relief. For purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.

This Manual was accepted by Deneys Zeederberg Attorneys on **18 January 2022** and comes into operation in the same date.

Deneys Zeederberg

Owner of Deneys Zeederberg Attorneys