

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:**

B&A | **Attorneys Inc**
HJ Badenhorst & Associates Inc



B&A Attorneys (HJ Badenhorst & Associates Inc.)

Part 1 - Introduction to B&A Attorneys (HJ Badenhorst & Associates Inc.):

B&A Attorneys (HJ Badenhorst & Associates Inc.) ("the Company") is an incorporated entity which conducts business as a law firm. The Company has offices in Johannesburg, Roodepoort and Pretoria. Mr. HJ. Badenhorst has been duly appointed as Information Officer, to act as the person to whom requests for access to information must be made in terms of the Act.

Part 2 – Particulars of the Information Officer and Deputy Information Officers:

Information Officer: Mr. HJ. Badenhorst – Director

Deputy Information Officers: Mr. FS. du Toit – Director
Ms. T. Baloyi – Director
Mr. R. Hammond – Associate Attorney

Postal Address:

PostNet Suite#164, Private Bag X15, Menlo Park, 0102

Physical Addresses

Johannesburg: 33 Hoofd Street, Braam Park, Forum 5, Floor G-2, Braamfontein

Roodepoort: 40 Georginia street, Unilong House, 1st Floor, Horison, Roodepoort

Pretoria: 1166 Francis Baard Street, Block B, 10, Ground Floor, Hatfield

Telephone, Facsimile and E-mail:

Tel: +27 (011) 719 2940

Fax: 086 596 5680

Email: queries@lawinc.co.za

Part 3 – Information on The Access to Information Guide - (Section 51(1)(b)):

The South African Humans Rights Commission has compiled the guide contemplated in Section 10 of the Act, which guide must be updated and made available by the Information Regulator. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act, as well is in the Protection of Personal Information Act, 2013. Any enquiries regarding this guide should be directed to:

The Information Regulator Postal Address: P.O Box 31533, Braamfontein, 2017

Physical Address: 27 Siemens Street, Braamfontein, 2017

Telephone Number and Facsimile Number: Office - (010) 023 5200 Fax - (011) 403 0625

Website: <https://www.justice.gov.za/inforeg>

E-mail Address: inforeg@justice.gov.za

Alternatively, you can contact the Company's Information Officer, as set out above, to provide you with a copy of the Guide.

Part 4 – Notice in Terms of Section 52(2) - (Section 51(1)(b)(iii)):

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

Part 5 – Description of Records that are Available - (Section 51(1)(b)(iii)):

The Company maintains records in terms of the following legislation, as far as required:

- Income Tax Act 58 of 1962
- The Unemployment Insurance Act 30 of 1966
- Income Tax Act 95 of 1967
- The Attorneys Act 53 of 1979
- The Legal Practice Act 28 of 2014
- Value Added Tax Act 89 of 1991
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- The Employment Equity Act 55 of 1998
- The Skills and Development Act 97 of 1998
- Promotion of Access of Information Act 2 of 2000
- Electronic Communications and Transactions Act 25 of 2002
- The Protection of Personal Information Act 4 of 2013
- Legal Practice Act 28 of 2014

Part 6 – Description of Available Records - (Section 51(1)(b)(iv)):

The Company has the following records:

Communication

- Promotion of Access to Information Act Manual
- Internal and external correspondence
- Financial Information

Financial Statements

- Financial and Tax Records (Company & Employees)
- Asset Register & Insurance information
- Banking details
- Human Resources

Employee Records

- Employment Contracts
- Personnel Guidelines, Policies and Procedures

Operational Information

- Director information
- Client Information
- General Contract Documentation
- Company Guidelines, Policies and Procedures
- General Operational Information

Website

- Organisational structure

Part 7 – Process to Apply for Access to Information - (Section 51(1)(b)(iv)):

A requester must complete the application form and submit same to the Company's Information Officer, at the particulars indicated above.

The prescribed form must be completed with enough detail to at least enable the Information Officer to identify the record, the identity of the requester; which form of access is required and the postal address or fax number of the requester.

The requester must identify the right that needs to be exercised or protected and specify why the record is necessary to exercise or protect such a right.

The Information Officer will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

The requester will be informed in writing whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The application form is attached hereunder as Form C.

The completed form must be accompanied by proof of payment of the prescribed application fee, as described below.

Upon receipt of the application form and proof of payment, as aforesaid, the Information Officer will consider the request. If the request is approved, the Information Officer will provide the applicant with a summary of fees payable in respect of the application. Upon receipt of payment the requested information will be supplied.

In the event of the application being denied, the Information Officer will inform the applicant and provide reasons for the decision.

Part 8 – Protection of Personal Information Act, 2013 - (section 51(1)(c)(i-iv)):

In terms of the Protection of Personal Information Act, 2013, the Company is required to detail how and what personal information it processes. The details of this is available on the Company's website under the Privacy Policy Statement.

The Company does not plan to transfer personal information across borders out of SA, but it may do so to secure or backup the data, or for operational or technical reasons. The nature of cloud computing means that some data may be transferred across borders. Where it is within the Company's control, it will only transfer data to other countries who have similar privacy and data protection laws as our own.

Part 9 – Information Security - (Section 51(1)(c)(v)):

The Company is committed to ensuring that your personal information is secure. In order to prevent unauthorised access or disclosure to such information, the Company has put in place appropriate physical, electronic and managerial procedures to safeguard and secure the information we collect.

The Company secures its data by maintaining reasonable measures to protect personal information from loss or misuse and unauthorised access, disclosure, alteration, and destruction.

The Company also takes reasonable steps to keep personal information accurate, current, complete, and reliable for its intended use.

Part 10 – Fees (Section 54):

The fees applicable to an application for information shall be as per the prescribed fees. A schedule of these fees is attached hereto. The schedule attached is subject to change in accordance with changes to the prescribed fees.

An application fee of R50.00 is payable in respect of each application for information. Proof of payment of the said fee must accompany the completed application form.

No fees are payable by persons who request information pertaining to their own affairs.

Part 11 – Grounds for Refusal (Section 55 and Chapter 4):

- The main grounds for the Company to refuse a request for information relates to the -
- records that cannot be found or that do not exist
- 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;
 - mandatory protection of the commercial information of a third party, if the record contains
 - trade secrets of that third party;
 - financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - mandatory protection of the safety of individuals and the protection of property;
 - mandatory protection of records which would be regarded as privileged in legal proceedings;
- the commercial activities of the Company, which may include –
 - trade secrets of the Company;
 - financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company;
 - information which, if disclosed could put the Company at a disadvantage in negotiations or commercial competition;
 - a computer program which is owned by the Company, and which is protected by copyright.

- the research information of the Company or a third party, if its disclosure would disclose the identity of the Company, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

Part 12 – Remedies Available when the Company Refuses a Request for Information - (Section 77A):

Internal Remedies - (Section 77A(1)):

The Company does not have internal appeal procedures. 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.

External Remedies - (Section 77A(2)):

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 180 days of the decision, submit a complaint to the Information Regulator, or apply to a Court for relief, after exhausting the complaints procedure submitted to the Information Regulator.

Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 180 days of notification of the decision, submit a complaint to the Information Regulator, or apply to a Court for relief, after exhausting the complaints procedure submitted to the Information Regulator. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

Part 13 – Availability of Manual - (Section 51(3)):

This manual is available on <http://baattorneys.co.za/>, as well as at the principal place of business of the Company for public inspection during normal business hours.

This manual is available to any person and upon payment of a reasonable amount.

This manual is available to the Information Regulator upon request.

Part 14 – Validity and Document Management:

This document is valid as of 21 June 2021.

The owner of this document is the Information Officer, who must check and, if necessary, arrange for the update of the document at least once a year.

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/Designated Person:

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:

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
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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*
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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)
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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)
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* 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 the record? _____

Signed at _____ this the ____ day of _____ 20 ____.

WITNESS:

1. _____

2. _____

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

CHARGE SHEET FOR ACCESS TO INFORMATION ACT 2 OF 2000 REQUESTS

REQUESTER'S DETAILS	PREPARED BY:
Name:	Name:
Address:	Date:
	Signature
Ref No:	Approved

ACCESS FESS FOR REPRODUCTION		
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
ACCESS FEE FOR TIME SPENT		
1.	The time reasonably spent required to search for the record for disclosure and preparation	R30.00/hr or part thereof
REQUEST FEE		
1.	For a request for access to a record by a person other than a personal requester	R50.00

DEPOSIT

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	
POSTAL FEE		
1.	When a copy of a record must be posted to the requestor	
	(the actual cost thereof)	
APPEAL FEES		
1.	For lodging an internal appeal by a requester against the refusal of his/her request for access to a record	R50.00
VAT		
1.	Private bodies registered under the Value Added Tax Act, 1991, may add VAT to all the above-mentioned fees	
	TOTAL	

