

**SHEPSTONE & WYLIE ATTORNEYS' MANUAL**  
**IN TERMS OF SECTION 51 OF**  
**THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000**

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## 1. DEFINITIONS AND INTERPRETATION

- 1.1 In this Manual, unless the context requires otherwise:
- 1.1.1 **HRC** means the South African Human Rights Commission;
  - 1.1.2 **Manual** means this manual for access to information as required by section 51 of PAIA;
  - 1.1.3 **PAIA** means the Promotion of Access to Information Act, 2000 and the regulations promulgated in terms of that act;
  - 1.1.4 **POPIA** means the Protection of Personal Information Act, 2013 and the regulations promulgated in terms of that act;
  - 1.1.5 **S&W, we, us or our** means Shepstone & Wylie Attorneys.
- 1.2 Where this Manual uses words and phrases defined in PAIA and POPIA, unless otherwise indicated in this Manual those words and phrases have the same meaning as in PAIA and POPIA.
- 1.3 This Manual shall not be interpreted in a way that conflicts with rights and obligations provided for in PAIA and/or POPIA or prejudices the fundamental rights or freedoms of persons or entities.
- 1.4 In this Manual, unless the context requires otherwise:
- 1.4.1 headings are for convenience only and do not affect the interpretation of this Manual;
  - 1.4.2 references to one gender include all other genders and references to the singular include the plural and *vice versa*;
  - 1.4.3 a reference to:
    - 1.4.3.1 a **business day** means any day other than a Saturday, Sunday or statutory public holiday;
    - 1.4.3.2 a **day** means a calendar day;
    - 1.4.3.3 **law/s** means all applicable laws including the common law, primary and subordinate, national, provincial and local statutes, regulations, by laws, directives, guidelines, practice notes, instructions, policies, rules, court orders, permission, consent or decisions by any regulatory authority and any other document which has the force of law;

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- 1.4.3.4 a **person** includes an individual, firm, company, partnership, body corporate, organisation, trust, an unincorporated association and any governmental authority, in each case whether or not having separate legal personality;
- 1.4.3.5 **requester** in relation to a private body, means any person, including a public body or an official thereof, who requests access to a record of a private body or a person acting on behalf of someone who requests access to a record of a private body;
- 1.4.3.6 **South Africa** means the Republic of South Africa;
- 1.4.4 any reference to this Manual means this Manual as it has been, or may from time to time be, amended, varied, novated, supplemented, restated or replaced (in whole or in part).
- 1.5 The *eiusdem generis* rule does not apply to this Manual. This means that whenever specific words of a particular class are used in conjunction with general words, the specific words do not limit the meaning of the general words and, except where the contrary is expressly provided, specifying anything in this Manual after the words 'including', 'includes' or 'for example' or similar expressions does not limit what is included.
- 1.6 If a definition contains a substantive provision which confers rights or imposes obligations on a party, that provision is still a substantive provision of this Manual, even if only appearing in the definition.
- 1.7 Unless it is clear from a paragraph that a term defined in that paragraph only has that meaning in that paragraph, that term has the meaning ascribed to it for all purposes in this Manual, even if that term has not been defined in this definitions and interpretation paragraph.
- 1.8 A reference to any legislation (including statutes, ordinances, regulations and by laws) means that legislation on the date that this Manual is first published and as amended or re-enacted or substituted from time to time.

## 2. **PURPOSE OF THIS MANUAL**

The purpose of this Manual is to ensure compliance with:

- 2.1 section 51 of PAIA to facilitate access to, and requests in respect of, information and records held by the Firm;
- 2.2 POPIA in respect of the processing of personal information.

### 3. **S&W'S CONTACT DETAILS**

Postal Address	P O Box 305, La Lucia, 4153
Street Address	24 Richefond Circle, Ridgeside Office Park, Umhlanga Rocks, 4319
Landline Number	031 5757000
Fax Number	031 5757200
Email	<a href="mailto:info.officer@wylie.co.za">info.officer@wylie.co.za</a>

### 4. **GUIDE BY THE HRC**

4.1 In terms of section 10 of PAIA, the HRC has compiled a guide to understanding and using PAIA to assist anyone who intends to exercise any right contemplated in PAIA.

4.2 The guide is available in all of South Africa's official languages and can be viewed online at [www.sahrc.org.za](http://www.sahrc.org.za), and is further available for inspection at the HRC Head Office.

4.3 The HRC can be contacted as follows:

Postal address:	Private Bag 2700, Houghton, 2041
Telephone:	011 484 8300
Telefax:	011 484 0582
Website:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

### 5. **NOTICE IN TERMS OF SECTION 52 (2) OF PAIA (IF ANY)**

No notice has been published in terms of section 52 (2) of PAIA.

### 6. **RECORDS WE HOLD IN TERMS OF LEGISLATION OTHER THAN PAIA (SECTION 51 (1) (b) (iii) OF PAIA)**

6.1 We keep records in terms of the legislation listed in paragraph 6.2 and we may make these records available for inspection to a requester if:

6.1.1 the requester is entitled to such access in terms of PAIA or POPIA and such access is not prohibited by any other applicable law, codes of conduct, rules or regulations; and

6.1.2 a request for access to such information is made in terms of PAIA.

6.2 We keep records in terms of the following legislation:

<b>Ref</b>	<b>Act</b>
28 of 2014	Legal Practice Act
98 of 1978	Copyright Act
95 of 1967	Income Tax Act
28 of 2011	Tax Administration Act
89 of 1991	Value Added Tax Act
9 of 1933	Currency and Exchanges Act
66 of 1995	Labour Relations Act
75 of 1997	Basic Conditions of Employment Act
55 of 1998	Employment Equity Act
97 of 1998	Skills Development Act
130 of 1993	Compensation for Occupational Injuries and Diseases Act
30 of 1996	Unemployment Insurance Act
85 of 1993	Occupational Health and Safety Act
25 of 2002	Electronic Communications and Transactions Act
38 of 2001	Financial Intelligence Centre Act
2 of 2000	Promotion of Access of Information Act
4 of 2013	Protection of Personal Information Act
53 of 2003	Broad-Based Black Economic Empowerment Act
24 of 1956	Pension Funds Act
18 of 2017	Insurance Act
131 of 1998	Medical Schemes Act

**7. THE SUBJECTS ON WHICH WE KEEP RECORDS AND CATEGORIES OF RECORDS WE HOLD AS CONTEMPLATED IN SECTION 51 (1) (b) (iv) OF PAIA**

The subjects on and categories of records we keep are:

- 7.1 records relating to our services and our performance of those services including our advice, documents we prepare such as contracts, pleadings and other court documents, applications to various registries and regulatory authorities and related correspondence;
- 7.2 property and lease related records;
- 7.3 asset registers and other records relating to our assets;
- 7.4 software licences;
- 7.5 records of and relating to our clients and potential clients including instructions, evidence, contracts, reports and correspondence;

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- 7.6 records relating to our suppliers and potential suppliers including quotes, proposals, contracts, invoices and correspondence;
  - 7.7 financial and tax records including audited and other annual financial statements, management accounts, tax returns, invoices;
  - 7.8 compliance records including records obtained in terms of the Financial Intelligence Centre Act, 2001, applications for and copies of licences, registrations and authorisations and records of correspondence with regulators and others relating to compliance;
  - 7.9 records relating to our employees, their dependants and beneficiaries and job applicants including recruitment records, employment contracts, payroll records, records relating to employment benefits, disciplinary and performance records, training and assessment records, occupational health and safety, unemployment insurance and skills development records;
  - 7.10 records relating to transformation;
  - 7.11 correspondence and other records relating to interaction with regulators;
  - 7.12 records relating to claims against, by or involving us including correspondence, advice and records relating to legal proceedings, pleadings and similar documents in any forum;
  - 7.13 documents relating to assessment of risk and insurance cover;
  - 7.14 marketing records including product and service brochures.

**8. DESCRIPTION OF THE INFORMATION REQUIRED TO BE INCLUDED IN THIS MANUAL IN TERMS OF POPIA AND SECTION 51 (1) (c) OF PAIA**

Please see our privacy policy (available on our website at [www.wylie.co.za](http://www.wylie.co.za) or on request to [info.officer@wylie.co.za](mailto:info.officer@wylie.co.za)) describes:

- 8.1 what personal information or categories of personal information we process;
- 8.2 the purposes for which we process that personal information;
- 8.3 the categories of data subjects whose personal information we process;
- 8.4 the recipients or categories of recipients to whom the personal information may be supplied;
- 8.5 planned transborder flows of personal information;
- 8.6 a general description of the information security measures we implement as a responsible party to ensure the confidentiality, integrity and availability of the personal information we process.

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## 9. REQUESTING INFORMATION THAT IS NOT AUTOMATICALLY AVAILABLE

To facilitate the processing of your request, kindly:

- 9.1 use the prescribed form, available on the HRC's website at [www.sahrc.org.za](http://www.sahrc.org.za);
- 9.2 address your request to the Information Officer, Shepstone & Wylie Attorneys;
- 9.3 provide sufficient details to enable S&W to identify:
  - 9.3.1 the record(s) requested;
  - 9.3.2 the requester (and if an agent is lodging the request, proof of authority);
  - 9.3.3 the form of access required;
  - 9.3.4 the requester's postal address or fax number in South Africa;
- 9.4 if the requester wishes to be informed of S&W's decision about your request in any manner in addition to in writing, please advise the manner and particulars thereof; and
- 9.5 please advise the right which the requester is seeking to exercise or protect including an explanation of the reason the record is required to exercise or protect the right.

## 10. PRESCRIBED FEES

- 10.1 A requester must pay the prescribed fees before a request will be processed.
- 10.2 If searching for and preparing the record requested will, in S&W's opinion, take more than 6 hours (the prescribed number of hours), S&W must notify the requester to pay as a deposit, the prescribed portion (being not more than one third) of the access fee payable if the request is granted. S&W will refund this deposit if the request for access is refused.
- 10.3 A requestor may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee in terms of section 54 (1) of PAIA or the tender or payment of a deposit in terms of section 54 (2) of PAIA.
- 10.4 Records may be withheld until the prescribed fees have been paid.
- 10.5 The prescribed fees are available on the website of the HRC at [www.sahrc.org.za](http://www.sahrc.org.za).

## 11. UPDATING AND AVAILABILITY OF MANUAL

- 11.1 S&W will update this Manual from time to time.



- 11.2 This Manual is available:
- 11.2.1 on S&W's website at [www.wylie.co.za](http://www.wylie.co.za);
  - 11.2.2 at our principal place of business set out in paragraph 3;
  - 11.2.3 upon request and payment of a reasonable amount;
  - 11.2.4 to the Information Regulator on request.