

MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2002 AND THE PROTECTION OF PERSONAL INFORMATION ACT NO. 4 of 2013, IN RESPECT OF THE COMPANY.

THIS IS AN IMPORTANT LEGAL DOCUMENT. PLEASE READ IT CAREFULLY.

- (a) The Company is a private body as contemplated in terms of PAIA and conducts the business of a commercial law firm and provides legal advice, and services, to clients;
- (b) This manual (“**Manual**”) has been prepared in accordance with section 51 of PAIA and POPIA, in respect of the Company, and is published on the Website (a copy can also be requested from the Company);
- (c) In terms of POPIA, this Manual is also subject to certain provisions and requirements in respect of Personal Information, and should therefore be construed together with the Privacy Policy; and
- (d) The effective date of this Manual is: 1 July 2021.

1. INTERPRETATION

1.1 In this Manual, the words and expressions set out hereunder will, unless otherwise stated or clearly inconsistent with the context in which they appear, bear the meanings specified hereunder, and other cognate words and expressions will bear corresponding meanings:

- 1.1.1 “**Company**” - Schalkwys Attorneys Inc. (Registration Number: 2019/354867/21);
- 1.1.2 “**Information Regulator**” - the information regulator established in terms of section 39 of POPIA;
- 1.1.3 “**Manual**” - has the meaning specified in paragraph (b) above;
- 1.1.4 “**PAIA**” - the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- 1.1.5 “**Personal Information**” - information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
 - 1.1.5.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

- 1.1.5.2 information relating to the education or the medical, financial, criminal or employment history of the person;
- 1.1.5.3 any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 1.1.5.4 the biometric information of the person;
- 1.1.5.5 the personal opinions, views or preferences of the person;
- 1.1.5.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 1.1.5.7 the views or opinions of another individual about the person; and
- 1.1.5.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 1.1.6 **“POPIA”** - the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);
- 1.1.7 **“Privacy Policy”** - the Company’s privacy policy from time to time, as published on the Website;
- 1.1.8 **“SAHRC”** - the South African Human Rights Commission;
- 1.1.9 **“South Africa”** - the Republic of South Africa; and
- 1.1.10 **“Website”** - the website of the Company from time to time, accessible at: www.schalkwyks.com.

2. AIM

- 2.1 The aim of this Manual is to facilitate, and deal with, requests for access to the records of the Company, as provided for in PAIA and POPIA.

3. CONTACT INFORMATION

Information pursuant to section 51(1)(a) of PAIA:

- 3.1.1 The contact information of the Company, and the person who is deemed to be the head of the body (namely, the Company) for purposes of this Manual, is as follows:

Name of body:	Schalkwyks Attorneys Inc.
Registration Number:	2019/354867/21
Head of Body:	Mr. Johann Schalkwyk
Physical Address:	Capri Building, Delmondo Office Park, 169 Garsfontein Road, Pretoria, 0081
Postal Address:	P.O. Box 2002, Garsfontein East, 0060
Telephone Number:	012 003 0803
Fax Number:	N/A
Email Address:	johann@schalkwyks.com

- 3.2 For any request in respect of Personal Information, a copy of such request must also be sent to the Company's appointed information officer (Mr. Johann Schalkwyk), in terms of the Privacy Policy and POPIA, to: info@schalkwyks.com.

4. GUIDES

Information pursuant to section 51(1)(b)(i) of PAIA:

- 4.1 **SAHRC:** In terms of section 10 of PAIA, a guide on PAIA and POPIA, which provides a detailed overview of such legislation and guidance on requests for access to records pursuant thereto, is available from the SAHRC and can be accessed at: <https://www.sahrc.org.za/>.
- 4.2 **Information Regulator:** From 1 July 2021, the Information Regulator will assume the functions of the SAHRC in respect of PAIA, and any queries or complaints relating to PAIA and/or POPIA should therefore be directed to the Information Regulator at: info@justice.gov.za. Further information and guidance in respect of POPIA can be obtained from the Information Regulator at: <https://www.justice.gov.za/info@justice.gov.za/>.

5. AUTOMATIC AVAILABILITY OF RECORDS

Information pursuant to section 51(1)(b)(ii) and 52 of PAIA:

- 5.1 As at the date of this Manual, no notice has been published in terms of section 52(2) of PAIA, in respect of records which are automatically available without request in terms of PAIA.

6. RECORDS HELD IN TERMS OF OTHER LEGISLATION

Information pursuant to section 51(1)(b)(iii) of PAIA:

- 6.1 Certain records are held by the Company in terms of other legislation, this includes, but is not limited to, the following:

- 6.1.1 Basic Conditions of Employment Act, No. 75 of 1997;
- 6.1.2 Companies Act, No. 71 of 2008;
- 6.1.3 Consumer Protection Act, No. 68 of 2008;
- 6.1.4 Copyright Act, No. 98 of 1978;
- 6.1.5 Electronic Communications and Transactions Act, No. 25 of 2002;
- 6.1.6 Employment Equity Act, No. 55 of 1998;
- 6.1.7 Financial Intelligence Centre Act, No. 38 of 2001 (“**FICA**”);
- 6.1.8 Income Tax Act, No.58 of 1962;
- 6.1.9 Labour Relations Act, No. 66 of 1995;
- 6.1.10 Legal Practice Act, No. 28 of 2014;
- 6.1.11 Occupational Health and Safety Act, No. 85 of 1993;
- 6.1.12 Promotion of Access of Information Act, No. 2 of 2000;

- 6.1.13 Protection of Personal Information Act, No. 4 of 2013;
- 6.1.14 Regulation of Interception of Communications and Provision of Communication-Related Information Act, No. 70 of 2002;
- 6.1.15 Skills Development Act, No. 97 of 1998;
- 6.1.16 Skills Development Levies Act, No. 9 of 1999;
- 6.1.17 Unemployment Insurance Act, No. 63 of 2001;
- 6.1.18 Unemployment Insurance Contributions Act, No. 4 of 2002;
- 6.1.19 Value Added Tax Act, No. 89 of 1991.

7. SUBJECTS AND CATEGORIES OF INFORMATION HELD BY THE COMPANY

Information pursuant to section 51(1)(b)(iv) of PAIA:

- 7.1 The following subjects and categories of records are held by the Company:
 - 7.1.1 **Company Records:** Incorporation documentation, memorandum of incorporation, share register and other secretarial documentation, directors and shareholders resolutions, and directors, shareholders, and committee minutes;
 - 7.1.2 **Client Records:** Correspondence, mandates, engagement letters, consents and instructions and FICA documentation, and documentation relating to products and services provided to clients;
 - 7.1.3 **Financial Records:** Accounting records, financial statements, bank statements and documentation, tax records, invoice records, payment records, audit reports, and asset registers;
 - 7.1.4 **Human Resources Records:** List of employees, employee records, employment agreements, remuneration records, disciplinary records, pension and provident fund records, training records, and employment policies;

- 7.1.5 **Property:** Intellectual property records, fixed and movable asset records, agreements, and insurance records;
- 7.1.6 **Supplier Records:** List of suppliers, related agreements, and information technology records; and
- 7.1.7 **Other:** Marketing, advertising and other publications, and regulatory records.
- 7.2 These records are not necessarily available to a requester in terms of PAIA, and certain grounds for refusal in terms of PAIA may be applicable thereto, which may also provide for compulsory request refusal.

8. REQUEST PROCEDURE

Information pursuant to section 51(1)(b)(iv) and 53 of PAIA:

- 8.1 A request for access to records of the Company must be made in the prescribed manner, and by completing the prescribed form (Form C), a copy of which is attached hereto as **Annexure “A”** and is also accessible at: <https://www.justice.gov.za/>.
- 8.2 The requester must provide sufficient information regarding the request, specify the right which it seeks to exercise or protect, and explain why the requested records are required, pursuant to PAIA.
- 8.3 Any decision in respect of a request shall be communicated to the requester in the prescribed manner and form. A request may (and in some instances must) be refused on the grounds specified in PAIA.

9. PROCESSING OF PERSONAL INFORMATION

Information pursuant to section 51(c) of PAIA:

- 9.1 The Company processes Personal Information in accordance with its Privacy Policy, which concerns:
- 9.1.1 the purpose of processing;
- 9.1.2 categories of data subjects and the information relating thereto;
- 9.1.3 recipients or categories of recipients of Personal Information;
- 9.1.4 planned transborder flows of Personal Information; and

9.1.5 information security measures.

10. APPLICABLE FEES

Information pursuant to section 54 of PAIA:

- 10.1 Save where a requester seeks to access a record containing Personal Information about such requester, a requester must pay a request fee of R50.00 in respect of the request to access records.
- 10.2 If a request for access to records is granted by the Company, then the requester shall also be required to pay an access fee in respect of the search, preparation and/or reproduction of the records, and the Company may withhold any records until such fees have been. The access fees, are subject to amendment, and include the following:

	Item	Fee
1.	Photocopy of an A4-size page or part thereof	R1.10 per page
2.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75 per page
3.	A copy in a computer readable form on – (a) Stiffy disc (b) Compact disc	R7.50 R70.00
4.	Transcription of visual images on an A4-size page or part thereof	R40.00 per page
5.	Copy of visual images	R60.00
6.	Transcription of an audio record on an A4-size page or part thereof	R20.00
7.	Copy of an audio record	R30.00

- 10.3 If the time spent in respect of the search, preparation and/or reproduction exceeds the prescribed number of hours, then the requester shall be required to pay an additional access fee.

11. INFORMATION OR RECORDS NOT FOUND

- 11.1 If after all reasonable steps to locate a record, such record cannot be found or does not exist, then the head of the Company will notify the requester to access to the requested record cannot be provided and shall also provide details of all reasonable steps taken to locate the record.
- 11.2 If any such record is found at a later stage, then the requester shall be notified thereof and be given access thereto, unless access is refused on any of the grounds provided for in PAIA.

12. THIRD PARTY INFORMATION

- 12.1 If access relating to records of a third party is requested, the Company will take reasonable steps to notify such third party, and give effect to, the procedure provided for in terms of PAIA. The third party may make representations as to why access should be withheld or give consent, and such third party may approach the courts for a determination as to whether the Company should provide access to the records or not.

13. ACCESS TO MANUAL

- 13.1 This Manual may be accessed, or copied, during office hours and without charge at the physical address of the Company as specified herein above. The Manual is also accessible on the Website.

14. UPDATING THE MANUAL

- 14.1 The Company shall update the Manual every 12 months or at such other intervals as deemed necessary.

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 below, state your disability and indicate in which form the record is required.

Disability: <input style="width: 80%;" type="text"/>	Form in which record is required: <input style="width: 80%;" type="text"/>
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request for access 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:				
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record	
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):				
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>
				transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:				
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable form:				
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>
				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? Postage is payable.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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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:

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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?

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Signed at this day of year

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SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE