

DE BROGLIO ATTORNEYS INC.
REG NO. 2014/256723/21
MANUAL IN TERMS OF
SECTION 51 OF
THE PROMOTION OF ACCESS
TO INFORMATION ACT, NO. 2 OF 2002



Johannesburg Office: 127 Jan Smuts Avenue, Parkwood, Johannesburg
Pretoria Office: Brooklyn Bridge Office Park, Parkdev Building, 2nd Floor, 570 Fehrsen Street, Brooklyn, Pretoria, 0181

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1. INTRODUCTION

This manual provides the contact information of de Broglio Attorneys Inc. and sets out the procedure to be followed when access to information held by the firm is sought. The manual is prepared in accordance with the provisions of The Promotion of Access to Information Act, 2 of 2002 (hereinafter referred to as “PAIA”).

All references to:

- Sections in this manual shall be the relevant sections of PAIA, unless the context specifically indicates otherwise;
- “de Broglio Attorneys” and/or “the firm” shall mean de Broglio Attorneys Incorporated;
- “SAHRC” shall mean the South Africa Human Rights Commission.
- “Manual” shall mean this manual in terms of Section 51 of PAIA.

de Broglio Attorneys is an incorporated legal practice specialising in personal injury claims and is registered as such in terms of the Company laws of the Republic of South Africa.

The firm has two directors, namely Michael de Broglio and Masilo Patrick Sedutla and employs various other professional and non-professional staff. Further information on the firm is also available on their website as referred to hereunder.

The Information Officer at the firm is Lourien Malan and she may be contacted at the address below.

2. INFORMATION REQUIRED UNDER SECTION 51(1)(a): CONTACT DETAILS

2.1 Postal Address:

PO Box 2013
Parklands
Johannesburg
2121

2.2 Street Address:

127 Jan Smuts Avenue
Parkwood
Johannesburg
2196

2.3 Registered Address:

127 Jan Smuts Avenue
Parkwood
Johannesburg
2196

2.4 Telephone Number:

(011) 446 4200

2.5 Fax Number:

(011) 788 7274

2.6 Email Address:

lourien@onlinelaw.co.za

2.7 Website:

www.onlinelaw.co.za

**3. DESCRIPTION OF SAHRC GUIDE REFERRED TO IN SECTION 10:
SECTION 51(1)(b)**

A guide has been compiled by the SAHRC containing such information as may be required by any person who wishes to exercise any right contemplated in terms of PAIA. The guide is available in all official languages and is accessible from the SAHRC on their website <http://www.sahrc.org.za> and from their offices situated at Braampark Forum 3, 33 Hoofd St, Johannesburg, 2017.

Tel: 011 887 3600.

4. NOTICE IN TERMS OF SECTION 51(1)(c) and 52(2), IF ANY

To date no notices have been published on the category of records automatically available to a person without having to request same in terms of PAIA.

**5. INFORMATION/RECORDS AVAILABLE IN ACCORDANCE WITH
OTHER LEGISLATION: SECTION 51(1)(d)**

Documents/Records held by de Broglio Attorneys in terms of other legislation, insofar as it may be applicable, are as follows:

- 5.1 Attorneys Act, No. 53 of 1979;
- 5.2 Basic Conditions of Employment Act, No. 75 of 1997;
- 5.3 Labour Relations Act, No. 66 of 1995;
- 5.4 Employment Equity Act, No. 55 of 1998;

- 5.5 Occupational Health and Safety Act, No. 85 of 1993;
- 5.6 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- 5.7 Companies Act, No. 61 of 1973;
- 5.8 Companies Act, No. 70 of 2008;
- 5.9 Value Added Tax Act, No 89 of 1991;
- 5.10 Income Tax Act, No. 58 of 1962;
- 5.11 Skills Development Act, No. 9 of 1999;
- 5.12 Financial Intelligence Centre Act, No. 38 of 2001.

6. SUBJECT AND CATEGORIES OF RECORDS HELD BY DE BROGLIO

ATTORNEYS: SECTION 51(1)(e)

- 6.1 Financial records:
 - Annual financial returns;
 - Asset register;
 - Tax returns;
 - Accounting records;
 - Bank statements;
 - Cheques paid;
 - Electronic banking records;
 - Invoices.
- 6.2 Income Tax records:
 - PAYE records;
 - IRP5 records;
 - VAT records;

- UIF contribution records;
- Records of payments to SARS on behalf of employees.

6.3 Employee records:

- Employment contracts;
- Disciplinary records;
- Disciplinary Code;
- Salary records;
- Leave Records;
- Further records as may be required to be kept in terms of applicable legislation.

6.4 Compliance records:

- Attorneys Act, No. 53 of 1979;
- Rules of the Law Society of the Northern Provinces;
- National Credit Act, No. 34 of 2005;
- Consumer Protection Act, No. 68 of 2008;
- Trust Property Control Act, No. 57 of 1988.

6.5 Records of the firm:

- Documents of Incorporation;
- Insurance contracts;
- Records pertaining to fixed and movable property;
- Further records required to be kept in terms of the Companies Act, No 61 of 1973 and No. 70 of 2008 or other applicable legislation.

6.6 Records held on behalf of clients of the firm:

- All records forming part of the client file, including *inter alia* agreements, statements, documentary evidential material, pleadings, notices, correspondence, expert reports and memoranda from counsel.

7. FORM OF REQUEST: SECTION 51(1)(f)

Any requester who requires access to information held by the firm must complete the prescribed PAIA **Form C**, annexed hereto. A written request, attaching the completed Form C, must then be directed to the Information Officer of the firm at the address, fax number or email address provided for in paragraph 2 above.

8. PRESCRIBED FEES: SECTION 51(1)(f)

In addition to the above, the requester must pay the non-refundable, prescribed request fee of R50.00 (Fifty Rand) to be submitted together with the completed Form C to the firm. Should the request for access to information be approved, further fees will be payable as per the provisions of PAIA and these will be made known to the requester by the Information Officer. An itemised fee structure can be obtained on the SAHRC website, <http://www.sahrc.org.za> and a copy thereof is annexed hereto. Access to information, if approved, will only be provided once all prescribed fees have been paid.

9. GROUNDS FOR REFUSAL OF ACCESS

All requests properly submitted as provided for in PAIA are considered, but may be refused, *inter alia*, on the following grounds:

- 9.1 Privacy;
- 9.2 Privilege;
- 9.3 Confidentiality of client records;
- 9.4 Trade secrets;
- 9.5 Copyright;
- 9.6 Protected Information Technology;
- 9.7 Unreasonable nature of request;
- 9.8 Vexatious or frivolous request.

10. DESCRIPTION OF REMEDIES AVAILABLE IN RESPECT OF AN ACT OR FAILURE TO ACT BY THE FIRM

If a request for information in terms of PAIA has been refused by the firm, the requester may, within 60 days, and in the prescribed form and against payment of the prescribed appeal fee, lodge an internal appeal against the decision of the Information Officer in accordance with the provisions of Section 75 of PAIA. If an internal appeal is lodged after expiry of the prescribed period, the firm may, on good cause shown, allow such late lodging.

11. AVAILABILITY OF THIS MANUAL

This Manual is available for inspection at the offices of the firm at no cost. Copies of the Manual may be obtained subject to the prescribed fees. Copies are also available from the offices of the SAHRC by submitting a written request to:

SAHRC

PRIVATE BAG 2700

HOUGHTON

2041



Johannesburg Office: 127 Jan Smuts Avenue, Parkwood, Johannesburg
Pretoria Office: Brooklyn Bridge Office Park, Parkdev Building, 2nd Floor, 570 Fetsen Street, Brooklyn, Pretoria, 0181

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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.....

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: 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.	Form in which record is required:
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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 the images*
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)		
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)

*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	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 this day..... ofyear

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

PART III
FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	

-
- | | | | |
|-----|------|--|-------|
| | (i) | stiffy disc | 7,50 |
| | (ii) | compact disc | 70,00 |
| (d) | (i) | For a transcription of visual images,
for an A4-size page or part thereof | 40,00 |
| | (ii) | For a copy of visual images | 60,00 |
| (e) | (i) | For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) | For a copy of an audio record | 30,00 |
| (f) | | To search for and prepare the record for disclosure, R30,00 for each hour
or part of an hour reasonably required for such search and preparation. | |
- (2) For purposes of section 54(2) of the Act, the following applies:
- (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.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.