

# **B LUBBE & ASSOCIATE ATTORNEYS**

## **INFORMATION PAIA MANUAL OF B LUBBE & ASSOCIATE ATTORNEYS**

(PAIA MANUAL")

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, Number 2 of 2000 ("the Act")

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## **1 BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT**

- 1.1 The promotion of Access to Information Act, No 2 of 2000 ("the act") was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of rights contained in the constitution of the Republic of South Africa 108 of 1996 ("the Constitution") of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2 In terms of Section 51 of the act, all Private Bodies are required to compile an Information Manual ("PAIA Manual").
- 1.3 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/ or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a Public or a Private Body.

## **2 B LUBBE & ASSOCIATE ATTORNEYS**

- 2.1 B Lubbe & Associate Attorneys is a firm of Attorneys practicing law in terms of the Legal Practice Act of 2014 practicing as a Sole Practitioner. This PAIA Manual is relevant and has application for the said firm and all its Associate Attorneys.

## **3 PURPOSE OF THE PAIA MANUAL**

- 3.1 This PAIA Manual is intended to ensure that B Lubbe & Associate Attorneys complies with the Act and to foster a culture of transparency and accountability within B Lubbe & Associate Attorneys by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
- 3.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.
- 3.3 Section 9 of the act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
  - 3.3.1 Limitations aimed at the reasonable protection of privacy;
  - 3.3.2 Commercial confidentiality; and
  - 3.3.3 Effective, efficient and good governance;

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

- 3.4 This PAIA Manual has been drafted and submitted to the Human Rights Commission.
- 3.5 In addition, this PAIA Manual complies with the requirements of Section 10 of the Act and recognizes that upon commencement of the Protection of Personal Information act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its Regulations by Public and Private Bodies.

#### 4. CONTACT DETAILS OF THE SENIOR PARTNER (SECTION 51(1)(a))

<b>SENIOR PARTNER:</b>	Mrs B Lubbe
<b>ADDRESS:</b>	9E Sandown Road, Blouberg Sands, Cape Town, 7441
<b>POSTAL ADDRESS:</b>	P O Box 11476, Blouberggrant, 7443
<b>TELEPHONE NUMBER:</b>	(021) 554 4882
<b>FAX NUMBER:</b>	(021) 554 0991
<b>WEBSITE:</b>	<a href="http://www.lublaw.co.za">www.lublaw.co.za</a>
<b>Email:</b>	berna@lublaw.co.za

#### 5. THE INFORMATION OFFICER (SECTION 51(1)(B))

- 5.1 The Act prescribes the appointment of an Information Officer for Public Bodies where such Information Officer is responsible for, *inter alia*, assess requests for access to information. The Head of a Private Body fulfils such a function in terms of section 51. B Lubbe & Associate Attorneys has opted to appoint an Information Officer to assess requests for access to information. The Head of Private Body fulfils such a function in terms of section 51. B Lubbe & Associate Attorneys has opted to appoint an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of the Act.
- 5.2 The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.
- 5.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render B Lubbe & Associate Attorneys as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All requests for information in terms of the act must be addressed to the Information Officer.

#### CONTACT DETAILS OF THE INFORMATION OFFICER

<b>INFORMATION OFFICER:</b>	B Lubbe
<b>PHYSICAL ADDRESS:</b>	9E Sandown Road, Blouberg Sands, 7441
<b>TELEPHONE:</b>	(021) 554 4882
<b>EMAIL:</b>	berna@lublaw.co.za
<b>ALTERNATIVE EMAIL:</b>	legal@lublaw.co.za

## **6. GUIDE OF SA HUMAN RIGHTS COMMISSION**

### **6.1 ENQUIRY DETAILS**

6.2 The South African Human Rights Commission has compiled the Guide as required in terms of section 10 of the Act. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act and accordingly it:

6.2.1 Contains information on understanding and how to use the Act;

6.2.2 Includes: The objectives of the Act; Particulars of every Public and Private Body; The manner and form for requests; Contents of the Regulations promulgated under the Act;

6.2.3 Will be updated and published every two years.

6.3 The Guide is available in all the official languages of the Republic of South Africa.

6.4 Any enquiries regarding this Guide should be directed to:

The South African Human Rights Commission, at:

PAIA Unit (The Research and Documentation Department),

Private Bag X2700, Houghton, 2041

Telephone number; (011) 877-3803

Facsimile Number: (011) 403-0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail Address: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)

6.5 The Guide is available for inspection, inter alia, at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner your k and ST. Andrews Street, Parktown and on its website at [www.sarhc.org.za](http://www.sarhc.org.za).

## **7. AVAILABILITY OF THIS MANUAL**

You, the requester, can access this Manual on our website or by requesting a copy by e-mail from the Information Officer.

### **7.1 STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST**

The following steps must be considered before submitting a request:

7.1.1 Step 1: Are you requesting your own information?

All clients of the Firm are allowed access to their own information without having to use the request for access to information procedures as set out in the Promotion of Access to Information Act, including, but not limited to:

- Wills and other Legal Documentation
- Account information
- Personal Records
- Voice recordings

7.1.2 Step 2: Are you entitled to use the act to request access?

Please take note of section 7(1) of the Act which states:

“This Act does not apply to a record of a public body or a private body if:

- a) That record is requested for the purpose of criminal or civil proceedings;
- b) So requested after the commencement of such criminal or civil proceedings, as the case may be; and
- c) The production of or access to that record for the purpose referred to in paragraph (a) is provided for any other law.”

If section 7(1) applies, you may not bring a request in terms of this act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. B Lubbe & Associate Attorneys reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

#### 7.1.3 Step 3: Does the information requested exist in the form of a record?

Please note that the act only applies to record that are in existence at the time of us receiving your request. The Act does not compel anyone to create record which is not yet in existence at the time the request is made. For instance, the act cannot be used to obtain reasons for a decision taken by B Lubbe & Associate Attorneys if such reasons are not in the form of a record.

#### 7.1.4 Step 4: Is the record in the possession or under the control of B Lubbe & Associate Attorneys?

The act provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by B Lubbe & Associate Attorneys or at some point in B Lubbe & Associate Attorneys’ possession (but not in B Lubbe & Associate Attorneys’ control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

### **8. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT (SECTION 51(1)(D))**

#### **8.1 RECORDS HELD BY B LUBBE & ASSOCIATE ATTORNEYS**

8.1.1 This clause serves as a reference to the categories of information that B Lubbe & Associate Attorneys holds. The information is classified and grouped according to records relating to the following subjects and categories:

##### 8.1.1.1 Personnel Records

8.1.1.1.1 Personal records provided by personnel.

8.1.1.1.2 Records provided by a third party relating to personnel.

8.1.1.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records.

8.1.1.1.4 Internal evaluation records and other internal records.

8.1.1.1.5 Correspondence relating to personnel.

8.1.1.1.6 Training schedules and material.

“Personnel” refers to any person who works for, or provides services to or on behalf of B Lubbe & Associate Attorneys, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of B Lubbe & Associate Attorneys. This includes, without limitation, directors, all permanent, temporary and part-time staff, as well as contract workers.

#### 8.1.1.2 Customer Related Records

8.1.1.2.1 Records provided by a customer to a third party acting for or on behalf of B Lubbe & Associate Attorneys.

8.1.1.2.2 Records provided by a third party.

8.1.1.2.3 Records generated by or within B Lubbe & Associate Attorneys relating to its customers.

A “customer” refers to any natural person and juristic entity that receives services from B Lubbe & Associate Attorneys.

#### 8.1.1.3 Private Body Records

8.1.1.3.1 Financial records

8.1.1.3.2 Operational records

8.1.1.3.3 Databases

8.1.1.3.4 Information Technology

8.1.1.3.5 Marketing records

#### 8.1.1.4 Internal Correspondence

8.1.1.4.1 Product records

8.1.1.4.2 Statutory records

8.1.1.4.3 Internal Policies and Procedures

8.1.1.4.4 Records held by officials of the institution

These records include but are not limited to, the records which pertain to B Lubbe & Associate Attorneys’ own affairs.

#### 8.1.1.5 Other Party Records

8.1.1.5.1 Personnel, customer, or private body records which are held by another party, as opposed to the records held by B Lubbe & Associate Attorneys itself.

8.1.1.5.2 Records held by B Lubbe & Associate Attorneys pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

8.1.1.5.3 B Lubbe & Associate Attorneys may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to B Lubbe & Associate Attorneys.

8.2 Note that the accessibility of the records may be subject to the grounds of refusal set out in the PAIA Manual. Amongst others, records deemed confidential on the part of a third party will necessitate permission from the third party concerned, in addition to normal requirements, B Lubbe & Associate Attorneys will consider access.

## **9. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT**

- 9.1 Records of a public nature, typically those disclosed on B Lubbe & Associate Attorneys' website and in its various annual reports, may be accessed without the need to submit a formal application.
- 9.2 Other non-confidential records, such a statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

## **10. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

10.1 Where applicable to its operations, B Lubbe & Associate Attorneys also retains records and documents in terms of the legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement, or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below-mentioned legislation, and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

- 10.1.1 Attorneys Act no.53 of 1979;
- 10.1.2 Auditing Professions Act No. 26 of 2005;
- 10.1.3 Basic Conditions of Employment Act No. 75 of 1997;
- 10.1.4 Broad-Based Black Economic Empowerment Act, 2003;
- 10.1.5 Business Act No 71 of 1991;
- 10.1.6 Companies Act No. 71 of 2008;
- 10.1.7 Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
- 10.1.8 Competition Act. No. 71 of 2008;
- 10.1.9 Constitution Act. No. 7 of 2008;
- 10.1.10 Copyright Act No. 98 of 1978;
- 10.1.11 Custom and Exercise act No. 91 of 1964;
- 10.1.12 Debt Collectors' Act No. 91 of 1964;
- 10.1.13 Design Act No. 195 of 1993;
- 10.1.14 Electronic Communications Act No. 36 of 2005;
- 10.1.15 Electronic Communications and transaction Act No. 25 of 2002;
- 10.1.16 Employment Equity Act No. 55 of 1998;
- 10.1.17 Financial advisory and Intermediary Services Act of 2002;
- 10.1.18 Financial Intelligence center Act No 38 of 2001;
- 10.1.19 Identification Act No. 68 of 1997;



10.1.20 Income Tax Act No. 58 of 1962;

10.1.21 Insider Trading Act No. 135 of 1998;

10.1.22 Insolvency Act No. 24 of 1936;

10.1.23 Inspection of Financials Institutions Act No. 18 of 1998;

10.1.24 Intellectual Property Laws Amendment Act 38 of 1997;

10.1.25 Labour Relations Act No. 66 of 1995;

10.1.26 Leases of Land Act no. 18 of 1969;

10.1.27 Long Term Insurance Act 52 of 1998;

10.1.28 Machinery and Occupational Safety Act No. 6 of 1983;

10.1.29 National Credit Act No. 34 of 2005;

10.1.30 National Road Traffic Act 93 of 1996;

10.1.31 National Environmental Management Act No 107 of 1998;

10.1.32 Occupational Health and Safety act No. 85 of 1993;

10.1.33 Patents Act No. 57 of 1978;

10.1.34 Pension Funds Act No. 24 of 1956;

10.1.35 Prescription Act No. 68 of 1969;

10.1.36 Prevention of Organised crime Act No. 121 of 1998;

10.1.37 Promotion of access to Information Act No. 2 of 2000;

10.1.38 Protection of Personal;

10.1.39 Revenue laws Second Amendment Act No. 61 of 2008;

10.1.40 Road Transportation Act No. 74 of 1977;

10.1.41 Skills Development Levies Act No. 9 of 1999;

10.1.42 Short-term Insurance act No. 53 of 1998;

10.1.43 Stock Exchanges Control Act No. 1 of 1985;

10.1.44 Taxation Laws Amendment Act No. 7 of 2010;

10.1.45 Trademarks Act No. 194 of 1993;

10.1.46 Transfer Duty Act No. 40 of 1949;

10.1.47 Uncertificated Securities Tax Act No. 31 of 1998;

10.1.48 Unemployment Contributions Act 63 of 2001;

10.1.49 Unemployment Insurance Act No. 30 of 1966;

10.1.50 Value Added Tax Act 89 of 1991.

10.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in the PAIA Manual.

## **11 REQUEST PROCEDURE**

### **11.1 PROCEDURAL REQUIREMENTS**

11.1.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

11.1.2 The requester must complete the prescribed form enclosed herewith, and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as noted in clause 5 above.

11.1.3 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

11.1.3.1 the record or records requested; and

11.1.3.2 the identity of the requester.

11.1.4 The requester should indicate which form of access is required and specify a postal address or fax number of the requester in the Republic;

11.1.5 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).

11.1.6 B Lubbe & Associate Attorneys will process the request within 30 (thirty) days unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.

11.1.7 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

11.1.8 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 (section 53(2)(f)).

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

11.1.10 The requester must pay the prescribed fee before any further processing can take place.

11.1.11 All information is listed in clause 11 herein should be provided in failing which the process will be delayed until the required information is provided. The prescribed periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

## **12 REFUSAL OF ACCESS TO RECORDS**

### **12.1 GROUNDS TO REFUSE ACCESS**

A Private Body such as B Lubbe & Associate Attorneys is entitled to refuse a request for information.

12.1.1 The main grounds for B Lubbe & Associate Attorneys to refuse a request for information relates to the:

12.1.1.1 mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

12.1.1.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;

12.1.1.3.1 mandatory protection of the commercial information of a third party (section 64), if the record contains:

12.1.1.3.1 trade secrets of the third party;

12.1.1.3.1 trade secrets of the third party;

12.1.1.3.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

12.1.1.3.3 information disclosed in confidence by a third party to B Lubbe & Associate Attorneys, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

12.1.1.4 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;

12.1.1.5 mandatory protection of the safety of individuals and the protection of property (section 66);

12.1.1.6 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

12.1.2 The commercial activities (section 68) of a Private Body, such as B Lubbe & Associate Attorneys, which may include:

12.1.2.1 trade secrets of B Lubbe & Associate Attorneys;

12.1.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of B Lubbe & Associate Attorneys;

12.1.2.3 information which, if disclosed could put B Lubbe & Associate Attorneys at a disadvantage in negotiations or commercial competition;

12.1.2.4 a computer program which is owned by B Lubbe & Associate Attorneys, and which is protected by copyright;

- 12.1.2.5 the research information (section 69) of B Lubbe & Associate Attorneys a or a third party, if its disclosure would disclose the identity of B Lubbe & Associate Attorneys, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 12.1.3 Requests for information that are frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 12.1.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 12.1.5 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

### **13. REMEDIES AVAILABLE WHEN B LUBBE & ASSOCIATE ATTORNEYS REFUSES A REQUEST**

#### **13.1 INTERNAL REMEDIES**

B Lubbe & Associate Attorneys does not have an internal appeal procedure. The decision made by the Information Officer is final. Requesters 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.

#### **13.2 EXTERNAL REMEDIES**

- 13.2.1 A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.
- 13.2.2 A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

For purposes of the Act, the Court that has jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status, and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

### **14. ACCESS TO RECORDS HELD BY B LUBBE & ASSOCIATE ATTORNEYS**

#### **14.1 PREREQUISITES FOR ACCESS BY PERSONAL/OTHER REQUESTER**

- 14.1.1 Records held by B Lubbe & Associate Attorneys may be accessed by requests only once the prerequisite requirements for access have been met.
- 14.1.2 A requester is any person requesting access to a record of B Lubbe & Associate Attorneys. There are two types of requesters:

##### **14.1.3 PERSONAL REQUESTER**

- 14.1.3.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

- 14.1.3.2 B Lubbe & Associate Attorneys will voluntarily provide the requested information, or give access to any record concerning the requester's personal information. The prescribed fee for the reproduction of the information requested will be charged.

#### **14.1.4 OTHER REQUESTER**

- 14.1.4.1 This requester (other than a personal requester) is entitled to request access to information on third parties.
- 14.1.4.2 In considering such a request, B Lubbe & Associate Attorneys will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform the third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.

B Lubbe & Associate Attorneys is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in chapter 5; Part 3, including the payment of a request and access fee.

### **15 FEES**

#### **15.1 FEES PROVIDED BY THE ACT**

- 15.1.1 The Act provides for two types of fees, namely:
- 15.1.1.1 A request fee, which is a form of an administration fee to be paid by all requesters except personal requesters, before the request is considered. The request fee is not refundable; and
- 15.1.1.2 An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the Private Body in obtaining and preparing a record for delivery to the requester.
- 15.1.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).
- 15.1.3 If the search for the record has been made and the preparation of the record for disclosure, including an arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.
- 15.1.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
- 15.1.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the processing fee for reproduction and search and preparation, and for any time reasonably required over the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

15.1.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

## 16 REPRODUCTION FEES

16.1 Where B Lubbe & Associate Attorneys has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

<b>REPRODUCTION OF INFORMATION FEES</b>	<b>FEES TO BE CHARGED</b>
Information in an A-4 size page photocopy or part thereof	R1,10
A printed copy of an A4-size page or part thereof	R0,75
A copy in a computer-readable format, for example:	
Stiffy disc	R7,50
Compact disc	R70,00
A transcription of visual images, in an A4-size page or part thereof	R40,00
A copy of visual images	R60,00
A transcription of an audio record for an A4-size page or part thereof	R20,00
A copy of an audio record	R30,00

## 16.2 REQUEST FEES

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.

## 16.3 ACCESS FEES

16.3.1 An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or exclusion is determined by the Minister in terms of section 54(8).

16.3.2 The applicable access fees which will be payable are:

<b>ACCESS OF INFORMATION FEES</b>	<b>FEES TO BE CHARGED</b>
Information in an A-4 size page photocopy or part thereof	R1,10
A printed copy of an A4-size page or part thereof	R0,75
<b>ACCESS OF INFORMATION FEES</b>	<b>FEES TO BE CHARGED</b>
A copy in a computer-readable format, for example:	
Stiffy disc	R7,50
Compact disc	R70,00
A transcription of visual images, in an A4-size page or part thereof	R40,00
A copy of visual images	R60,00

A search for a record that must be disclosed *Per hour or part of an hour reasonably required for such search.	R30,00
Where a copy of a record needs to be posted the actual postal fee is payable	

#### 16.4 DEPOSITS

16.4.1 Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of the disclosure will take more than 6(six) hours, a deposit is payable by the requester.

16.4.2 The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

#### 16.5 COLLECTION FEES

16.5.1 The initial “request fee” of R50.00 should be deposited into the bank account below and a copy of the deposit slip, application form, and other correspondence/documents, forwarded to the Information Officer via fax.

16.5.2 B Lubbe & Associate Attorneys will collect the initial “request fee” of applications received directly by the Information Officer via email.

16.5.3 All fees must be deposited into the following bank account:

**Bank Institution:** Nedbank  
**Account Name:** B Lubbe & Associate Trust Account  
**Account Number:** 1232124516  
**Branch Code:** 123209

16.5.4 All fees are subject to change as allowed for in the Act and as a consequence, such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

#### 17. DECISION

17.1 B Lubbe & Associate Attorneys will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

17.1.2 The 30(thirty) day period within which B Lubbe & Associate Attorneys has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a great deal of information, or the request requires a search for information held at another office of B Lubbe & Associate Attorneys and the information cannot reasonably be obtained within the original 30(thirty) day period.

17.1.3 B Lubbe & Associate Attorneys will notify the requester in writing should an extension be sought.

## **18 AVAILABILITY AND UPDATING OF THE PAIA MANUAL**

### **18.1 REGULATION NUMBER R.187 OF 15 FEBRUARY 2002**

18.1.1 This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. B Lubbe & Associate Attorneys will update this PAIA Manual at such intervals as may be deemed necessary.

18.1.2 This PAIA Manual of B Lubbe & Associate Attorneys is available to view at its premises: 9E Sandown Road, Blouberg Sands, 7441.