



LOMAS-WALKER

ATTORNEYS

A Guide to

ACCESSING OUR INFORMATION

Our Manual in terms of Section 51 of the
Promotion of Access to Information Act

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SIVESHNA PADAYACHEE, [B.PROC; LL.B.]

LOMAS-WALKER ATTORNEYS IS A BEE LEVEL 1 CONTRIBUTOR

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Preamble

The Promotion of Access to Information Act No. 2 of 2000, (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction to this private body

LOMAS-WALKER ATTORNEYS was founded in 2001 and is a professional legal firm, the proprietor and/or partners of which are subject to the provisions of the Legal Practice Act 28 of 2014, the Rules, Regulations and Code of Conduct, and any amendments thereto.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on our website: <http://www.lomas.co.za>

Section A – Our details

Full Name : **LOMAS-WALKER ATTORNEYS**

Registration Number : Not Applicable-Sole Proprietor

Registered Address : Suite 4, The Summit
2 Derby Place,
Derby Downs Office Park,
Westville, 3629

Postal Address : P O Box 2089
WESTVILLE
3630

Telephone Number : (031) 266 7330

Fax Number : (031) 266 7354

Proprietor : SIVESHNA PADAYACHEE

Designated Information Officer : SHERENA THAVER

Deputy Information Officer : MENOKA SURUJPAL

Email Address of Information Officer : mail@lomas.co.za
accounts@lomas.co.za

Website : <http://www.lomas.co.za>

Section B – The official guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (011) 484-8300

Fax: (011) 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Section C – Information available in terms of the Act

1. Categories of information

We hold the following categories of information:

- (a) STATUTORY COMPANY INFORMATION
Not Applicable
- (b) STATUTORY CLOSE CORPORATION INFORMATION
Not Applicable
- (c) ACCOUNTING RECORDS
 - (i) Books of Account including journals and ledgers;
 - (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.
- (d) STATUTORY EMPLOYEE RECORDS
 - (i) Employees' names;
 - (ii) Remuneration paid to each employee;
 - (iii) Date of birth of each employee.
- (e) OTHER EMPLOYEE RECORDS
 - (i) Employee contracts.
- (f) PENSION AND RETIREMENT FUNDING RECORDS
Not Applicable
- (g) ENVIRONMENTAL HEALTH AND SAFETY
Not Applicable
- (h) FIXED PROPERTY
 - (i) Leases.
- (i) MOVABLE PROPERTY
 - (i) Asset register;
 - (ii) Finance and Lease Agreements.
- (j) INTELLECTUAL PROPERTY
Not Applicable
- (k) AGREEMENTS AND CONTRACTS
 - (i) Material agreements concerning provision of services or materials;
 - (ii) Agreements with contractors and suppliers;

- (iii) Agreements with customers;
- (iv) Warranty agreements;
- (v) Sale agreements;
- (vi) Distributor, dealer or agency agreements;
- (vii) Restraint agreements;
- (viii) Agreements with governmental agencies;
- (ix) Purchase or lease agreements.

(l) TAXATION

- (i) Not Applicable.

(m) LEGAL

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- (ii) Settlement agreements;
- (iii) Material licences, permits and authorisations;
- (iv) Client's files and documentation.

(n) INSURANCE

- (i) Insurance policies;
- (ii) Claim records;
- (iii) Details of insurance coverages, limits and insurers.

(o) TRANSPORTATION

Not Applicable

(p) INFORMATION TECHNOLOGY

- (i) Hardware;
- (ii) Operating Systems;
- (iii) Telephone Exchange Equipment;
- (iv) Telephone Lines, Leased Lines and Data Lines;
- (v) LAN Installations;
- (vi) Software Packages;
- (vii) Agreements;
- (viii) Licenses;
- (ix) Audits.

(q) SALES AND MARKETING

Not Applicable

2. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure “A” hereto. These forms are available from:

- Our information officer (whose contact details are in section A of this manual);
- The SAHRC website (www.sahrc.org.za)
- The Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

Section D – Information available in terms of other legislation

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes and the regulations:

- Administration of Estates Act No. 66 of 1965
- Attorneys Act No. 53 of 1979
- Banks Act No. 94 of 1990
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Credit Agreements Act No. 75 of 1980
- Debt Collectors Act No. 114 of 1998
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Markets Control Act No. 55 of 1989
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Legal Deposit Act No. 54 of 1997
- Long-term Insurance Act No. 52 of 1998
- Magistrates' Court Act No. 32 of 1944
- Matrimonial Properties Act No. 88 of 1984
- Occupational Health and Safety Act No. 85 of 1993
- Prevention of Organised Crime Act No. 121 of 1998
- Sectional Titles Act No. 95 of 1986
- Share Blocks Control Act No. 59 of 1980
- Short-term Insurance Act No. 53 of 1998
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act No. 63 of 2001
- Unit Trusts Control Act No. 54 of 1981
- Witness Protection Act No. 112 of 1998
- Wills Act No. 7 of 1953

Where applicable to our operations, we also retain records and documents in terms of the following statutes:

- Basic Conditions of Employment Act No. 75 of 1997
- Close Corporations Act No. 69 of 1984
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993

- Employment Equity Act No. 55 of 1998
- Estate Agency Affairs Act No. 112 of 1976
- Immigration Act No. 13 of 2002
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Liquor Act No. 27 of 1989
- Machinery and Occupational Safety Act No. 6 of 1983
- Occupational Health and Safety Act No. 85 of 1993
- Prescription Act No. 68 of 1969
- Sectional Titles Act No. 95 of 1986
- Stamp Duties Act No. 77 of 1968
- Transfer Duty Act No. 40 of 1949
- Value-added Tax Act No. 89 of 1991

LWMA

Section E – Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

Not Applicable

LWA

Section F – General

Not Applicable

LWA

ANNEXURE "A"

FORM C

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))

A. Particulars of private body

The Head:

.....
.....
.....

B. Particulars of person requesting access to the record

[Regulation 10]

- (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:					
<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"/>		<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"/>		<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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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:
.....
.....
.....

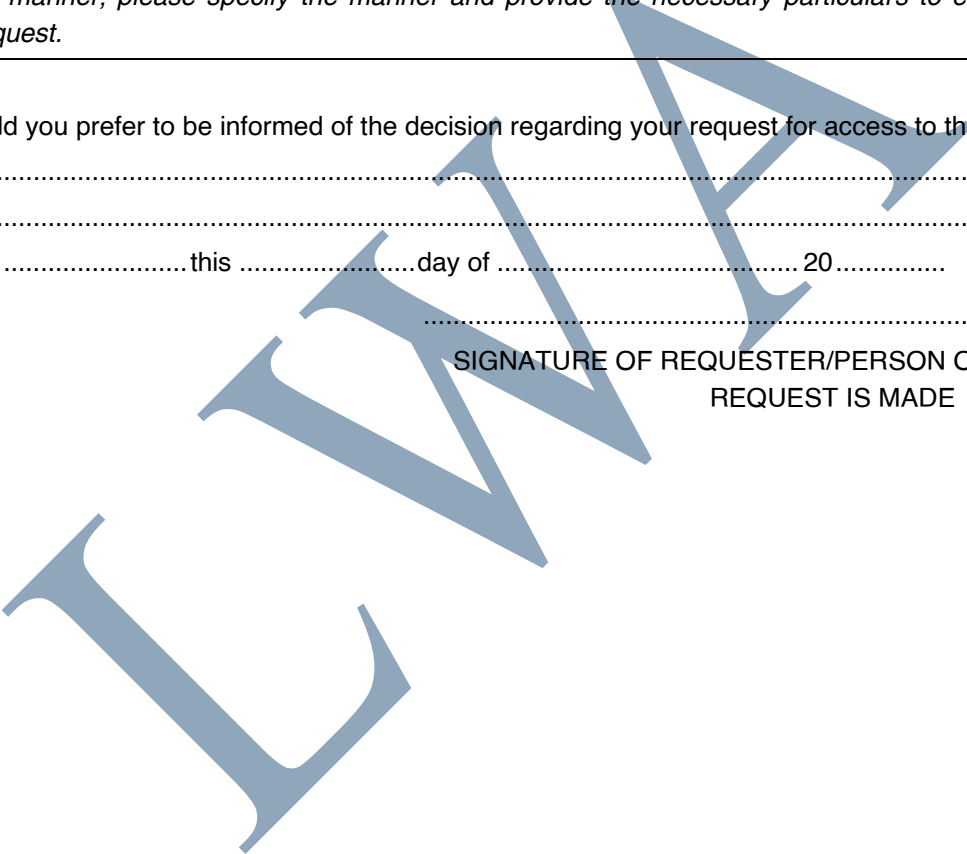
H. Notice of decision regarding request for access

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 of 20.....

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



ANNEXURE “B”

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body’s manual, a fee of R2.00 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

3. Access fees²

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

4. Other fees

- 4.1 A request fee³ of R100.00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee⁴ may be charged at a rate of R100.00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.⁵

¹ Section 52(3) and Regulation 1(1).

² Section 54(7) and Regulation 11(3).

³ Section 54(1) and Regulation 11(2).

⁴ Annexure “A”, Part III, Item 4(1)(f).

⁵ Section 54(2).

- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

**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 R2.00 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:

UNIT	DESCRIPTION	AMOUNT
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: <ol style="list-style-type: none"> 1. Flash drive (to be provided by requestor) 2. Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size image	R24.00
8.	Copy of an audio record on: <ol style="list-style-type: none"> 1. Flash drive (to be provided by the requestor) 2. Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
9.	To research for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: if search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any”