

Clyde & Co Inc
Manual in terms of the
Promotion of Access to Information Act
("the Act")

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A. PURPOSE OF MANUAL

1. The purpose of this manual is to facilitate requests for access to information from Clyde & Co Inc.
2. This manual does not comprehensively deal with every procedure provided for in the Act.
3. Requesters of information are advised to familiarise themselves with the provisions of the Act before making any requests to Clyde & Co Inc in terms of the Act.
4. Clyde & Co Inc makes no representation and gives no undertaking or warranty that the information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of such information shall use such information entirely at their own risk, and Clyde & Co Inc shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or any information provided by Clyde & Co Inc or any error therein.

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. **Contact details** [*Section 51(1)(a)*]

Clyde & Co Inc
The Head: The Managing Partner
Street Address: 6th Floor, Katherine & West Building, 114 West Street, Sandton, 2196
Postal Address: P O Box 786448, Sandton, 2148
Telephone: +27 10 286 0350
Facsimile: +27 10 286 0399
E-mail: thehead@clydeco.com
Website: www.clydeco.com

2. **Guide on how to use the Act** [*Section 51(1)(b)*]

- a. The Act grants a requester access to records of a private body if the record is required for the exercise or protection of any rights, the requester complies with the procedural requirements, regarding form and fees, in the Act relating to a request for access to the record and access to the record is not refused on permissible grounds. If a public body lodges a request, the public body must be acting in the public interest.
- b. A Guide on how to use the Act is available from the South African Human Rights Commission: PAIA unit, Research and Documentation Department, Postal Address: Private Bag 2700, Houghton, 2041; Telephone: +27 11 484 8300, Fax: +27 11 484 0582, Website: www.sahrc.org.za; e-mail: paia@sahrc.org.za.

3. **Records available in terms of any other legislation** [*Section 51(1)(d)*]

Records are kept and are available upon specified conditions in accordance with such other legislation as is applicable to Clyde & Co Inc, including:

a. **Company Secretarial and Legal**

- Companies Act, 71 of 2008
- Consumer Protection Act, 68 of 2008
- Attorneys Act, 53 of 1979 (and when it becomes applicable, the Legal Practice Act, 28 of 2014)

b. Accounting and Finance

- Income Tax Act, 58 of 1962
- Value Added Tax Act, 89 of 1991
- Financial Intelligence Centre Act, 38 of 2001
- South African Reserve Bank Act, 90 of 1989

c. Human Resources

- Labour Relations Act, 66 of 1995
- Basic Conditions of Employment Act, 75 of 1997
- Employment Equity Act, 55 of 1998
- Skills Development Levies Act, 9 of 1999
- Pension Funds Act, 24 of 1956
- Medical Schemes Act, 131 of 1998
- Compensation for Occupational Injuries and Health Diseases Act, 130 of 1993
- Unemployment Insurance Act, 63 of 2001
- Occupational Health and Safety Act, 85 of 1993

4. Access to the records held by Clyde & Co Inc [Sections 51(1)(c) and 51(1)(e)]

a. The categories of records which are available without a person having to request access in terms of the Act [Section 51(1)(c)]

Information already available in the public domain.

b. Records that may be requested [Section 51(1)(e)]

Kindly note that there are a number of grounds for refusal of access to records [Sections 7, 61 and 63 to 69].

- Companies Act Records
 - Documents of incorporation
 - Memorandum of incorporation
 - Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
 - Share Register and other statutory registers
- Financial Records
 - Annual Financial Statements
 - Tax Returns
 - Accounting Records
 - Banking Records
 - Bank Statements
 - Paid Cheques
 - Electronic banking records
 - Asset Register
 - Rental Agreements
 - Invoices

- Income Tax Records
 - PAYE Records
 - Documents issued to employees for income tax purposes
 - Records of payments made to SARS on behalf of employees
 - Documents generated in compliance with law, including:
 - VAT
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

- Personnel Documents and Records
 - Employment contracts
 - Employment Equity Plan (if applicable)
 - Medical Aid records
 - Pension Fund records
 - Disciplinary records
 - Salary records

- SETA Records
 - Disciplinary code
 - Leave records
 - Training records
 - Training Manuals

- Documents generated in accordance with and/or governed by:
 - Attorneys Act, 53 of 1979 (and when it becomes applicable, the Legal Practice Act, 28 of 2014)
 - Rules of the Law Society of the Cape of Good Hope
 - Rules of the Law Society of the Northern Provinces
 - Financial Intelligence Centre Act, 38 of 2001
 - National Credit Act, 34 of 2005
 - Consumer Protection Act, 68 of 2008
 - Trust Property Control Act, 57 of 1988, and other entity and estate and property related legislation

c. The request procedure

To facilitate the processing of your request, kindly:

- Use the prescribed form.
- Provide proof of identity to authenticate the request and the requester. Therefore in addition to the prescribed form, requesters will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- Address your request to the Managing Partner at the address, facsimile number or electronic mail address of Clyde & Co Inc.
- Provide sufficient details to enable Clyde & Co Inc to identify the following:
 - record(s) requested;
 - requester (and if an agent is lodging the request, proof of capacity);
 - the form of access required;
 - postal address or facsimile number of the requester in the Republic;
 - if the requester wishes to be informed of the decision on the request in any manner (in addition to written), the manner and particulars thereof;
 - the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

d. Notification

Requesters will be informed within 30 days if Clyde & Co Inc's decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Sections 7, 61 and 63 to 69 of the Act, failing which the request will be regarded as refused. Take note that the 30 day period may be extended for a further period of not more than 30 days if more time is required to gather the requested information. The requester will, however, be notified if the initial 30 day notice period is to be extended and, if so, by how long it will be extended, the reasons for the extension, the requester's right to lodge an application to court against the extension and the procedure for lodging this application.

e. Prescribed Fees

The following applies to requests (other than from a personal requester):

- A requester is required to pay the prescribed fees (prescribed in Part III of Annexure A of the Regulations regarding the Promotion of Access to Information) before a request will be processed;
- If the search for or preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request is granted);
- A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- If a deposit has been paid in respect of a request which is refused, the deposit will be repaid to the requester;
- Records may be withheld until the fees have been paid.

5. **Other information as may be prescribed** [*Section 51(1)(f)*]

The Minister of Justice and Constitutional Development has not made any Regulations in this regard.

6. **Availability of the manual** [*Section 51(3)*]

This Manual is also available for inspection at the offices of Clyde & Co Inc free of charge and copies are available with the SAHRC and on the Clyde & Co Inc website referred to above.

7. **Prescribed form**

REQUEST FOR ACCESS TO RECORDS OF CLYDE & CO INC

(Section 53(1) of the Promotion of Access to Information Act, 2000)

A. Particulars



6th Floor | Katherine & West Building | 114 West Street |
Sandton, 2196 | Johannesburg | South Africa
Main +27 10 286 0350 | **Fax** +27 10 286 0399 |
www.clydeco.com

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or facsimile 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 must be attached (proof of identity and/or proof of agency).*

Full names and surname: _____
 Identity number: _____
 Postal address: _____
 Facsimile 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 it 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.*

Description of record or relevant part of the record: _____

Reference number, if available: _____

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 payable 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 the 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:					
	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.***

Indicate which right is to be exercised or protected: _____

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**

PLEASE PRINT