



HILDEBRAND ATTORNEYS:

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT

Background

The Promotion of Access to Information Act 2 of 2000 (“the Act”) came into operation on 23 November 2001. Section 51(1) of this Act requires that **Hildebrand Attorneys**, as a private body, compiles a manual giving information to the public regarding the subjects and categories of records in its possession and the procedure to be followed by any member of the public in requesting information from **Hildebrand Attorneys** for the purpose of exercising or protecting his or her constitutional right of access to any information that is held by another person and that is required for the exercise or protection of rights of the member of the public.

Introduction

Hildebrand Attorneys is a law firm which conducts a general legal practice providing legal services to its clients in most areas of South African Law (“the firm”). The firm, as a private body, has compiled this manual in compliance with the provisions of the Act and also as a means to foster a culture of transparency and accountability and to ensure that members of the public have effective access to information in the firm’s possession which will assist them in the exercise and protection of their rights.

South African Human Rights Commission – Guide on the Act

In terms of section 10 of the Promotion of Access to Information Act 2 of 2000, the SA Human Rights Commission has compiled a guide on the use of this Act. It is available from the Human Rights Commission on their website, <http://www.sahrc.org.za>. Any enquires relating to this guide should be directed to the Chief Executive Officer of the South African Human Rights Commission, Private Bag 2700, Houghton, 2041. Telephone (011) 484 8300, Fax (011) 484 1360, email PAIA@sahrc.org.za.

Availability of manual and content of requests

This manual will enable you to view the categories of information in the possession of **Hildebrand Attorneys** and to follow the correct procedure when requiring access to any of the information in the firm’s possession. All requests for access to information should be addressed to the contact person referred to below.

The manual will be available for inspection at the offices of **Hildebrand Attorneys** and at the South African Human Rights Commission and is also available via the website of the firm. Copies can be obtained at the prescribed fee at the offices of **Hildebrand Attorneys**.

Requests for access to records must be made on the request form, the prescribed form C, which is annexed hereto and can also be downloaded from the South African Human Rights Commission (SAHRC) web site <http://www.sahrc.org.za>. All requests will only be processed once payment of the prescribed fee has been made, unless the requester is a personal requester as defined in the Act.

The requester must provide sufficient detail on the request form to enable **Hildebrand Attorneys** to identify the record and the requester. The requester should also indicate which form of access is required and indicate whether he or she in addition wishes to be informed in any other manner other than in writing of the decision on his or her request and state the necessary particulars to be so informed, in addition to a postal address and/or fax number in the Republic of South Africa.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of a third party, the requester must then submit proof of the capacity in which the requester is making the request, to the satisfaction of **Hildebrand Attorneys**.

Kindly note that all requests to **Hildebrand Attorneys** will be evaluated and considered in accordance with the Act. Publication of this manual and the description of the categories and subject matter of the information held by **Hildebrand Attorneys** does not give rise to any rights to access such information or records except in terms of the Act.

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

Contact Details

All requests for access to records relating to **Hildebrand Attorneys** should be addressed to:

Name of body:	Hildebrand Attorneys
Sole proprietor:	Hendrik Jan Willem Hildebrand
Physical address:	The Penthouse Suite, 10 th Floor Valuta Trust Building 74 Shortmarket Street Cape Town 8001
Postal address:	PO Box 119 Cape Town 8000
Telephone number:	+27 87 802 5239
Fax number:	+27 86 617 9521
Contact Person:	Mr J Hildebrand
Email address	jan@hildebrandattorneys.co.za
Website:	http://www.hildebrandattorneys.co.za

Information available in terms of the Act

Hildebrand Attorneys holds the following categories of information:

Employment records

- Personal records provided by employees
- Records provided by individuals and other employees
- Employment contracts and conditions of employment
- Disciplinary and performance appraisal records
- Correspondence relating to personnel
- Training material
- Leave requests
- Leave and sick days records
- Personnel file

Client records

- Records provided by clients, including FICA documents
- Records provided by a client to a third party acting for or on behalf of **Hildebrand Attorneys**
- Records provided by third parties
- Records generated by or within **Hildebrand Attorneys**
- Fee agreements, quotations and mandates

General records

- Financial and accounting records (electronic and hard copies)
- Insurance records
- Asset register
- Client, Supplier and Document Databases
- Law Society Records, including Fidelity Fund Certificate
- Marketing Records
- Internal Correspondence
- External Correspondence
- Securities
- Commercial Agreements
- Tax compliance documents

All information requested will only be made available subject to the provisions of the Act, in particular Sections 62 to 69 of the Act and subject to Attorney-Client Privilege.

Information available in terms of other legislation

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

- Administration of Estates Act 66 of 1965
- Attorneys Act, No 53 of 1979
- Basic Conditions of Employment Act 75 of 1997
- Close Corporations Act 69 of 1984
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Credit Agreements Act 75 of 1980
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Immigration Act 13 of 2002
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- National Road Traffic Act 93 of 1996
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prescription Act 68 of 1969
- Sectional Titles Act 95 of 1986
- Short-term Insurance Act 53 of 1998
- Skills Development Act, No 97 of 1998
- Stamp Duties Act 77 of 1968
- Transfer Duty Act 40 of 1949
- Value-added Tax Act 89 of 1991
- Unemployment Insurance Act 63 of 2001

Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester must pay the required request fee of R50.00. The fee structure can be obtained on the website of the South African Human Rights Commission (SAHRC) at <http://www.sahrc.org.za>.

If the request is granted, the requester must pay a further access fee for the search, reproduction and preparation of the record, as well as for any time that has exceeded the prescribed hours to search and prepare the record requested to be accessed. Information on the structure of access fees is available at <http://www.sahrc.org.za>, or Government Notice Number R187 of 15 February 2002, which is available at <http://www.doj.gov.za>.

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)

[Regulation 10]

A. Particulars of private body

The Head:

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 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 <i>ONLY</i> if a request for information is made on behalf of <i>another</i> 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

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
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Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
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Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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)
<p>*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.</p>			<p>YES NO</p>

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 of20....

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE