

ASHLEY SLAMAT

ATTORNEYS AT LAW

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THIS PAIA MANUAL PREPARED IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION (PAIA) ACT 2 OF 2000 ("THE ACT") FOR ASSISTANCE IN REQUESTING INFORMATION IN TERMS OF THE ACT

BACKGROUND

Every private body specified in the Act, is required to compile a manual which includes information on a business including a description of records held in its possession and make a copy of this manual available to the public upon request for the purpose of creating a right to access information enshrined in section 32 of the Constitution of the Republic of South Africa (Act 108 of 1996), subject to the limitation clause and/or other legal restrictions such as national security, privacy, confidentiality, attorney-client privilege, and to promote a culture of transparency, accountability and good governance both in the private and public sectors.

INTRODUCTION

Ashley Slammat Attorneys ("the Practice") was founded in 2007 practicing civil, commercial and criminal litigation in addition to general legal services which include inter alia Mercantile Law, Credit Law, Family and Matrimonial Law, Civil, Commercial & Criminal Litigation, Labour Law.

MANUAL PURPOSE

The manual has been prepared to assist persons requesting information and provides procedures to be followed to possibly gain access to information and documentation as provided in the Act.

THE PRACTICE DETAILS

Name:	ASHLEY SLAMAT ATTORNEYS
Designated Person (Head of the body):	Ashley Slammat
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Postal Address:	Postnet Suite X153, Private Bag 304, Bryanston, 2021
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DEFINITIONS

"The Act" or "PAIA" means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;

"SAHRC" means the South African Human Rights Commission.

GUIDE IN TERMS OF SECTION 10 OF THE ACT

In terms of Section 10 of PAIA by the SAHRC, a guide has been compiled that contains information required by a person wishing to exercise their rights, contemplated by PAIA. This guide is available from the SAHRC at any of their offices or on their website.

Enquiries regarding the guide can be addressed to the SAHRC:

Address: PAIA Unit, The Research and Documentation Department,
Private Bag X2700, Houghton, 2041

Telephone: (011) 877 3803

Fax: (011) 403 0625

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION - SECTION 51(1)(d)

The Practice where applicable, holds information in terms of the following legislation, but is not limited to:

- Administration of Estates Act, No 66 of 1995
- Attorneys Act, No. 53 of 1979
- Basic Conditions of Employment Act, No. 75 of 1977
- Companies Act, No. 71 of 2008
- Divorce Act, 70 of 1979
- Labour Relations Act, No. 66 of 1978
- National Credit Act, No. 34 of 2005

SUBJECTS AND CATEGORIES OF RECORDS HELD (SECTION 51(1)(e))

GENERAL RECORDS

- Financial and accounting records
- Client, suppliers and document databases
- Law Society records, including Fidelity Fund Certificate
- Internal and external correspondence
- Commercial agreements
- Tax compliance documents
- Accounting records
- Bank statements
- Invoices

INCOME TAX RECORDS

- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances

CLIENT RECORDS

- Records provided by clients, including FICA documents
- Records provided by a client to a third party acting for and on behalf of the Practice
- Records provided by third parties
- Records generated by or within the Practice
- Client files
- Fee agreements, quotations.

PERSONNEL DOCUMENTS AND EMPLOYMENT RECORDS

- Applicable Employment contracts, Disciplinary records, Disciplinary code, Salaries and wages records, Leave records, Banking details.

The above information will only be made available subject to the provisions of the Act and access to records may be refused due to the aforementioned grounds.

REQUESTING PROCEDURE (SECTION 51(1)(e); SECTION 53(1)-(2))

The Practice's manual is available for inspection at the registered address of the firm, or this manual can also be accessed on the website.

In terms of the Act, all requests must be completed on the prescribed form, "Form C", annexed hereto. This form, together with a request fee, must be submitted by the requester to the head of the body. All requests for access to information and documentation should be addressed to the head of the private body at his/her address or electronic mail address, as mentioned above.

The requester must:

- Provide sufficient details on the form to enable the head of the Practice to identify the requester and the record/s requested,
- Indicate clearly which form of access is required,
- Specify an email address of the requester in the Republic,
- Identify the right that the requester 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,
- State the manner in which, if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner. The necessary particulars for this must be provided,
- Submit proof of the capacity in which the request is made, in the case of a request being made on behalf of a third person. The proof of capacity must be to the reasonable satisfaction of the head of the body.

The head of the Practice must notify the requester by written notice, requiring the requester to pay the prescribed fee (if applicable) before the request is processed. All of the prescribed fees are set out in the Regulations of the Act. See Annexure "A".

The head of the body will then, in accordance with the provisions of the Act, make a decision whether to grant the request or not and notify the requester of the decision thereof.

Note that if you require access to records of your personal information, you do not have to pay a request fee.

REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF ACCESS

The Practice does not have any internal appeal procedures that may be followed after a request for access to information has been refused. The decision of the Head of the Body is final. If the requester is not satisfied with the outcome of his/ her request, the requester is entitled to apply to a court of competent jurisdiction to take the matter further (See section 78 of PAIA).

ANNEXURES

- Prescribed Form C
- Annexure A- Prescribed fees in terms of PAIA

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 /Designated Person: Ashley Slammat
Email: info@slamatlaw.co.za
Tel: 011 568 6099

B. Particulars of person requesting access to the record

The particulars of the person who requests access to the record must be given below.
The address and/or fax number in the Republic to which the information is to be sent must be given.
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.

- a) Description of record or relevant part of the record: _____
- b) Reference number, if available: _____
- c) 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.			<input type="checkbox"/> YES <input type="checkbox"/> 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_____

WITNESSESS:

1. _____

2. _____

**SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF THE REQUEST IS MADE**

ANNEXURE A – Prescribed fees in terms of the Promotion of Access to Information Act

The following applies to requests (other than personal requests):

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- If the 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 were granted);
- A requestor may lodge an application with a court against the payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.
- Payments should be made to Ashley Slamatt Attorneys.

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:

a)	For every photocopy of an A4-size page or part thereof	R 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	R 0.75
c)	For a copy in a computer-readable form on	
	(i) stiffy disc	R 7.50
	(ii) compact disc	R 70.00
d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R 40.00
	(ii) For a copy of visual images	R 60.00
e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
	(ii) For a copy of an audio record	R 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:

1.	a)	For every photocopy of an A4-size page or part thereof		R 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		R 0.75
	c)	For a copy in a computer-readable form on -		
		(i)	stiffy disc	R 7.50
		(ii)	compact disc	R 70.00
	d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	R 40.00
		(ii)	For a copy of visual images	R 60.00
	e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
		(ii)	For a copy of an audio record	R 30.00
	f)	To search for and prepare the record for disclosure.	R 30.00 for each hour or part of an hour reasonably required for such search and preparation.	
2.	a)	Six hours as the hours to be exceeded before a deposit is payable;		
	b)	one third of the access fee is payable as a deposit by the requester		
3.	a)	The actual postage fee is payable when a copy of a record must be posted to a requester.		

- 5) All of the above fees exclude VAT. Private bodies registered under the Value Added Tax Act, 1991, may add VAT to all the above-mentioned fees.

FEES FOR ACCESS TO INFORMATION ACT 2 OF 2000 REQUESTS

REQUESTER DETAILS:

Name: _____

Address: _____

Ref No: _____

PREPARED BY:

Name: _____

Date: _____

Signature: _____

	Description	Amount	Payable
ACCESS FEES FOR REPRODUCTION as per Regulation 11(1)			
a)	For every photocopy of an A4-size page or part thereof	R 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.	R 0.75	
c) (i)	For a copy in a computer-readable form on stiffy disc	R 7.50	
c) (ii)	For a copy in a computer-readable form on compact disc	R 70.00	
d) (i)	For a transcription of visual images for an A4-size page or part thereof	R 40.00	
d) (ii)	For a copy of visual images	R 60.00	
e) (i)	For a transcription of an audio record for an A4-size page or part thereof	R 20.00	
e) (ii)	For a copy of an audio record	R 30.00	
REQUEST FEE as per Regulation 11(2)			
	For a request for access to a record by a person other than a personal requester.	R 50.00	
ACCESS FEE FOR TIME SPENT as per Regulation 11(3)			
f)	The time reasonably spent required to search and prepare the record for disclosure.	R30.00/hr or part thereof	
DEPOSIT as per Section 54(2) of the Act			
	Six hours as the hours to be exceeded before a deposit is payable		
	One third of the access fee is payable as a deposit by the requester		
POSTAL FEE			
	When a copy of a record must be posted to the requestor		
	(the actual cost thereof)		
VAT			
	Added VAT to all fees		
	TOTAL		