

PROMOTION OF ACCESS TO INFORMATION ACT  
SECTION 51 MANUAL

2021

## **SECTION 51 MANUAL FOR DU PLESSIS HOFMEYR MALAN INCORPORATED**

### **1. INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT**

**Name of entity:**

Du Plessis Hofmeyr Malan Incorporated

**Registration number:**

2011 / 134862 / 21

**Main business of entity:**

Attorneys

**Postal Address of DU PLESSIS HOFMEYR MALAN INCORPORATED:**

P O Box 1488, Somerset West, 7129

**Street Address of DU PLESSIS HOFMEYR MALAN INCORPORATED:**

Building No. 10, Fairways, Niblick Way, Somerset Mall, Somerset West, 7130

**Tel. No of DU PLESSIS HOFMEYR MALAN INCORPORATED:**

(021) 851 0359

**Fax. No of DU PLESSIS HOFMEYR MALAN INCORPORATED:**

(021) 851 4852

**E- Mail addressess of DU PLESSIS HOFMEYR MALAN INCORPORATED:**

info@dhmlaw.co.za

nikki@dhmlaw.co.za

jp@dhmlaw.co.za

### **2. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)**

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the Human Rights Commission at

The South African Human Rights Commission: PAIA Unit  
The Research and Documentation Department  
Postal address: Private Bag 2700  
Houghton  
2041  
Telephone: +27 11 484 8300  
Fax: +27 11 484 1360  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: PAIA@sahrc.org.za

### **3. THE LATEST NOTICE IN TERMS OF SECTION 52(2):**

Please contact our office at [info@dhmlaw.co.za](mailto:info@dhmlaw.co.za) for the most recent notices published on the categories of records that are automatically available without a person having to request access in terms of PAIA. At this stage no such notice(s) has/have been published.

### **4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)**

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 61 of 1973
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999

### **5. SUBJECTS AND CATEGORIES OF RECORDS HELD BY DU PLESSIS HOFMEYR MALAN INC: SECTION 51(1)(e)**

#### **a. COMPANIES ACT RECORDS**

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers

#### **b. FINANCIAL RECORDS**

- Annual Financial Statements (to be compiled)
- Tax Returns (to be compiled)
- Accounting Records
- Banking Records
- Bank Statements
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

#### **c. INCOME TAX RECORDS**

- PAYE Records

- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - o VAT
  - o Regional Services Levies
  - o Skills Development Levies
  - o UIF
  - o Workmen's Compensation

#### **d. PERSONNEL DOCUMENTS AND RECORDS**

- Employment contracts
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

#### **6. DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)**

- The requester must complete Form C (available online or from our office) and submit this form together with a request fee, to the information officer of our Company.
- The form must be submitted to the information officer at: [info@dhmlaw.co.za](mailto:info@dhmlaw.co.za).
- The form must:
  - provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
  - indicate which form of access is required,
  - specify a postal address or 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,
  - if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
  - if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body
- After the request has been delivered to the information officer, it will be processed within 30 days. If the information officer believes that the request should be refused, he/she must notify the requester accordingly and inform him/her of his/her right to approach the court to have the decision set aside. If the request is favourably

considered, the information officer must inform the requester of the applicable fees, if any, as well as the requester's right to approach the court if he/she is not satisfied with the fee levied.

- The requester must also indicate whether the request is for a copy of the information, or to inspect the record in the Company's office. If a person requests access in a particular format (such as in printed or electronic format), access should be granted in that format, unless it would unreasonably interfere with any Company activity, may damage the record, or may lead to a copyright infringement.
- If, for practical reasons, access cannot be granted in the required format, but in an alternative format, the fee must be calculated based on the format initially requested.
- If the requester has requested information and wishes to receive a written as well as a telephonic response, this should be adhered to.
- If a requester requests information on someone else's behalf, he/she must indicate in which capacity he/she is acting.
- The information officer must render free and reasonable assistance to a requester who indicates that he/she wishes to submit an application for information, in order to ensure that the requester complies with the prescribed procedures for such an application.
- If a requester cannot read or write or has another disability, he/she may request the record verbally. In such a case, the information officer or his/her deputy must complete the form and hand a copy to the requester, following which the request shall be dealt with like any other request in terms of PAIA.
- The information officer may extend the period of 30 days by up to another 30 days.
- If the request for access is refused, the information officer must furnish sufficient reasons for such refusal, although without referring to the content of the requested information in such reasons.
- There is no internal appeal against an information officer's decision to refuse a request. The requester must make use of the remedies provided for in Chapter 2 of Part 4 of PAIA by bringing a court application within 30 days after the requester has been notified of the information officer's decision.

## **7. Fees payable**

- Two types of fees are payable in terms of section 22 of PAIA, namely the request fee and the access fee.

- Some persons are exempt from paying a request fee based on their annual salary. To establish the fee payable, please contact our office on [info@dhmlaw.co.za](mailto:info@dhmlaw.co.za) or alternatively, phone 021 8510359.
- The information officer or his/her deputy must ask the non-personal requester by way of a notice to pay the prescribed request fee (if any) before the request will be processed.
- The prescribed request fee payable to the Company will be the amount stipulated in the relevant Government Gazette. The requester may bring a court application against the payment of a fee.
- If the request is granted, a further access fee becomes payable for the search for, preparation and reproduction of the information, as well as any time spent on searching for and preparing the record for disclosure in excess of the allocated time, in accordance with the tariffs in the relevant Government Gazette.
- Access to records will be withheld until all applicable fees have been paid.

*This document should be read with our Protection of Personal Information Policy*

**DATED: 1 JUNE 2021**

**PER: DU PLESSIS HOFMEYR MALAN INC.**