

and its associated RSA registered companies:

**Bayspace Properties (Pty) Ltd**

**Permanent Nominees (Pty) Ltd**

**Champion Contacts (Pty) Ltd**

**International Transport, Trade and Energy (Pty) Ltd**

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**MANUAL PREPARED IN TERMS OF SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT 2000  
(ACT 2 OF 2000)**

**I N D E X**

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## 1. **INTRODUCTION:**

Shepstone & Wylie is a partnership which conducts business as a South African law firm, with over 30 partners practising from offices in Durban, Cape Town, Johannesburg, Richards Bay, Pietermaritzburg and London.

Shepstone & Wylie and its associated companies are private bodies as defined in the Promotion of Access to Information Act, Act No 2 of 2000 ("the Act").

Bayspace Properties (Pty) Ltd is a company owning a sectional title unit in Richards Bay.

Permanent Nominees (Pty) Ltd is a company formed for the purpose of holding shares and other investments.

Champion Contacts (Pty) Ltd is a dormant agency company.

International Transport, Trade and Energy (Pty) Ltd is a company formed for the purpose of customs related work.

The manual has been compiled in accordance with the requirements of the Act. The Manual may be amended from time to time in accordance with the requirements of section 51(2) of the Act.

## **PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

### 2. **CONTACT DETAILS**

*[Section 51(1)(a)]*

- 2.1 Name of private body: *Shepstone & Wylie Attorneys*
- 2.2 Head of private body: *Mr Nigel Woodroffe (Managing Partner of the partnership)*
- 2.3 Postal address of private body: *P O Box 305, La Lucia, 4153*
- 2.4 Street address of private body: *24 Richefond Circle, Ridgeside Office Park, Umhlanga Rocks, 4319*
- 2.5 Telephone number of private body: *+27 31 575 7000*
- 2.6 Fax number of private body: *+27 31 575 7040*
- 2.7 Person designated to deal with requests: *Mr Nigel Woodroffe ("the designated head")*
- 2.8 Electronic mail address of the designated head : [info@wylie.co.za](mailto:info@wylie.co.za)

3. **THE SECTION 10 GUIDE ON HOW TO USE THE ACT**

*[Section 51(1)(b)]*

The South African Human Rights Commission ("SAHRC") has, in terms of section 10 of the Act, published a Guide to assist persons wishing to exercise any rights in terms of the Act. The Guide may be obtained from the SAHRC.

Please direct any queries regarding the Guide to:

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 11 484-0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: PAIA@sahrc.org.za

4. **RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

*[Section 51(1)(d)]*

The following records are available in accordance with the following legislation other than the Act. The specific records which are available in terms of such legislation are set out therein and these records may in certain circumstances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

- 4.1 Income Tax Act 58 of 1962;
- 4.2 Companies Act, Act No. 71 of 2008;
- 4.3 Unemployment Insurance Act 63 of 2001;
- 4.4 Unemployment Insurance Contributions Act, Act No. 4 of 2002;
- 4.5 Value Added Tax 89 of 1991;
- 4.6 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 4.7 Occupational Health and Safety Act 85 of 1993 and Occupational Health and Safety Regulations;
- 4.8 Labour Relations Act 66 of 1995;

- 4.9 Basic Conditions of Employment Act 75 of 1997;
- 4.10 Employment Equity Act 55 of 1998;
- 4.11 Skills Development Levies Act 9 of 1999;
- 4.12 Pension Funds Act 24 of 1956;
- 4.13 Attorneys Act 53 of 1979;
- 4.14 Medical Schemes Act, Act No. 131 of 1998;
- 4.15 the records required in terms of the Insolvency Act 24 of 1936.

5. **ACCESS TO THE RECORDS HELD BY SHEPSTONE & WYLIE ATTORNEYS**

*[Sections 51(1)(c) and 51(1)(e)]*

5.1 No notices relating to Shepstone & Wylie have been published by the Minister in terms of section 52(2) of the Act.

5.2 In the absence of the section 52(2) notice, the following records available without request are:

*published press announcements;*

*marketing brochures;*

*publications.*

5.3 The subjects on which the private body holds records and the categories on each subject in terms of section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with sections 62 to 69 of the Act:

5.3.1 **Administration Information:**

5.3.1.1 Administration policies and procedures of Shepstone & Wylie

5.3.1.2 IT systems and user manuals

5.3.1.3 Address lists and internal telephone lists

5.3.2 **Property Records, Certificates and Licences:**

5.3.2.1 Software licences

5.3.2.2 Lease agreements

5.3.3 **Human Resources:**

5.3.3.1 Employee records and information

- 5.3.3.2 Recruitment records
- 5.3.3.3 Training records, manuals, materials and reports
- 5.3.3.4 Employment equity records and reports
- 5.3.3.5 Disciplinary records
- 5.3.3.6 Payroll records
- 5.3.3.7 UIF returns
- 5.3.3.8 Leave, sick leave, maternity and special leave records
- 5.3.3.9 CCMA records
- 5.3.4 Financial Records:
- 5.3.4.1 VAT returns
- 5.3.4.2 PAYE Returns
- 5.3.4.3 Annual financial statements
- 5.3.4.4 Insurance policies
- 5.3.4.5 Investment information
- 5.3.4.6 Tax files and related records
- 5.3.4.7 Accounting records
- 5.3.4.8 Debtors information
- 5.3.4.9 Creditors information
- 5.3.5 Marketing Material:
- 5.3.5.1 Newsletters
- 5.3.5.2 Email flyers
- 5.3.5.3 Marketing pamphlets and brochures
- 5.3.6 Professional Records:
- 5.3.6.1 Client details
- 5.3.6.2 Details of legal work undertaken for clients
- 5.3.6.3 Information and records provided by a third party.

- 5.3.7 General information on the private body can be accessed via the internet on: [www.wylie.co.za](http://www.wylie.co.za), which is available to all persons who have access to the internet.

## 6. **THE REQUEST PROCEDURES**

- 6.1 Form of request:
- 6.1.1 The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- 6.1.2 The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.
- 6.1.3 The requester should indicate which form of access is required.
- 6.1.4 The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- 6.1.5 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- 6.1.6 If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].
- 6.2 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- 6.3 Every other requester, who is not a personal requester, must pay the required request fee.
- 6.4 The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- 6.5 The fee that the requester must pay to a private body is currently R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].

- 6.6 After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- 6.7 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

## 7 **OTHER INFORMATION AS MAY BE PRESCRIBED**

*[Section 51(1)(f)]*

As at the date of this manual, the Minister of Justice and Constitutional Development has not prescribed that any further information must be contained in this manual.

## 8 **AVAILABILITY OF THE MANUAL**

*[Section 51(3)]*

This manual is available:

- 8.1 on Shepstone & Wylie Attorneys' website – [www.wylie.co.za](http://www.wylie.co.za);
- 8.2 for inspection at the offices of Shepstone & Wylie Attorneys, free of charge; and
- 8.3 from the SAHRC.

## 9 **FEES IN RESPECT OF PRIVATE BODIES**

- 9.1 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.
- 9.2 The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	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	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00

(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii)	For a copy of visual images	60,00
(e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii)	For a copy of an audio record	30,00

9.3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

9.4 The access fees payable by a requester referred to in regulation 11(3) are as follows:

		R	
(1)	(a)	For every photocopy of an A4-size page or part thereof	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	0,75
	(c)	For a copy in a computer-readable form on -	
	(i)	stiffy disc	7,50
	(ii)	compact disc	70,00
	(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
		(ii) For a copy of visual images	60,00
	(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
		(ii) For a copy of an audio record	30,00
	(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

(2) For purposes of section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

**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 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 you, 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 below 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
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**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*
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**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)
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**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)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
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**Postage is payable.**

**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