

**Shapiro and Haasbroek Incorporated**

**Registration number: 2013/190398/21**

**Manual in terms of the Promotion of Access to  
Information Act 2 of 2000**

- 1 -



**KILGETTY**  
STATUTORY SERVICES (PTY) LTD



Shapiro & Haasbroek Inc.  
Attorneys

## CONTENTS

1.	Introduction	3
2.	Contact details	3
3.	The Guide published by the South African Human Rights Commission	4
4.	Records held in terms of applicable legislation	5
5.	Records held as a matter of standard practice	6
6.	Records which are automatically available without having to make a request in the prescribed form	6
7.	Procedure to be followed when submitting a request	7
8.	Prescribed fees	9
9.	Prescribed forms	10

- 2 -



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**SH**  
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Attorneys

## INTRODUCTION

Shapiro and Haasbroek Incorporated ("the Company") is a Law Firm which is registered as a Personal Liability Company.

Registration number: 2013/190398/21

Date of incorporation: 14 October 2013

Registered address: Block D Ground Floor  
Brooklyn Office Park  
105 Nicolson Street  
Brooklyn  
0181

Postal address: P O Box 2112  
Brooklyn Square  
0075

Directors: Leon Haasbroek  
Selwyn Shapiro

## CONTACT DETAILS

Name of business: Shapiro and Haasbroek Incorporated

Head of Private Body: Selwyn Shapiro

Information Officer: Chris Wilson

Street address: 6<sup>th</sup> Floor Grant Thornton House  
119 Hertzog Boulevard  
Foreshore  
Cape Town  
8001

- 3 -

Postal address: P O Box 2275  
Cape Town  
8000

Telephone: +27 21 417 8734

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Email: [chris.wilson@kilgetty.co.za](mailto:chris.wilson@kilgetty.co.za) / [paia@kilgetty.co.za](mailto:paia@kilgetty.co.za)

Website: <http://kilgetty.co.za>

## **THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE TO THE ACT**

### **1. Introduction**

The Promotion of Access to Information Act was promulgated in March 2001. The Act was put in place to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently not available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700  
Houghton  
2041

Phone: (011) 484 8300

- 4 -

Fax: (011) 484 0582  
E-mail: PAIA@zahrc.org.za  
Website: www.sahrc.org.za

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfil this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information should be addressed to our designated Information Officer.

A copy of the manual will be available for inspection at:

- The registered address of the Company (refer address above); and
- The South African Human Rights Commission.

## RECORDS HELD IN TERMS OF APPLICABLE LEGISLATION

The records of the Company are required by law to keep certain records. These records are enumerated in various Acts of Parliament.

Our records are in paper and electronic form only. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

To facilitate the easy identification of the records we hold, we have **categorised** our records per **subject** area. The table below provides an indication of the categories of information held:

Administration	<ul style="list-style-type: none"><li>• Financial Statements</li><li>• Tax Records</li><li>• General Correspondence</li><li>• Information relating to transactions of a financial nature (e.g. invoices and payments)</li></ul>
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- 5 -

	<ul style="list-style-type: none"> <li>• Banking Records</li> <li>• Marketing Information</li> <li>• Customer Information</li> <li>• Employee Records</li> <li>• Personnel guidelines, policies and procedures</li> <li>• Employment Equity Records</li> <li>• Labour Relations Records</li> <li>• Statutory HR Records</li> </ul>
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**RECORDS KEPT AS A MATTER OF GENERAL PRACTICE**

Shapiro and Haasbroek Incorporated keep certain records in the conduct of their day to day business and as a matter of standard practice and good governance. The following records are held:

Statutory	<ul style="list-style-type: none"> <li>• Company documents and legal records</li> <li>• Share registration documents</li> <li>• Employment records</li> </ul>
Customer, supplier and marketing	<ul style="list-style-type: none"> <li>• Customer records</li> <li>• Supplier records</li> <li>• Product records</li> <li>• Communication</li> <li>• Marketing material</li> </ul>

**RECORDS THAT CAN BE ACCESSED WITHOUT A FORMAL REQUEST**

Certain information can be accessed without a formal request. This information relates to the services that we provide to clients, in-house brochures, newsletters and marketing material.

In terms of the following Acts, we are required to ensure that certain categories of records are available for access as prescribed by each Act:

- The Occupational Health and Safety Act No. 85 of 1993;

- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;
- The Companies Act, No 71 of 2008;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- The Constitution of the Republic of South Africa No.3 of 1994;
- South African Revenue Services Act, 34 of 1997; and
- The Legal Practice Act, 28 of 2014.

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact the Information Officer of the Company.

**PROCEDURE TO FOLLOW WHEN SUBMITTING A FORMAL REQUEST OF ACCESS TO A RECORD**

A request for access to a record that does not fall within the categories identified above must be done formally either via conventional mail, e-mail or fax.

This request should be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A request form is also available from our offices. The prescribed request fee should be attached (refer to Section 7 of this manual for more details on the fees).

Our Information Officer will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted.

Please note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

The request form must be completed **CLEARLY** and **COMPLETELY** in block letters. If there is insufficient space on the printed request form in which to answer a question,

- 7 -

additional information must be provided on a separate page that is clearly marked and referenced.

If access to a record/information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.

If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.

Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the access fee has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

- 8 -



## **PRESCRIBED FEES IN RESPECT OF REQUESTS FOR INFORMATION**

There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee (currently R 57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is personal in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

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**SELWYN SHAPIRO** for  
**SHAPIRO AND HAASBROEK INCORPORATED**

Date of issue: 9 December 2015

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:

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**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: \_\_\_\_\_

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**C. Particulars of person on whose behalf request is made**

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
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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 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 for 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:

- 11 -

	copy of record*		inspection of record
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy of the images"
			transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	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.

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**

- 12 -