

INFORMATION MANUAL

OF

Barnard Labuschagne Inc. trading as



ETTIENNE BARNARD ATTORNEYS

INTRODUCTION

When information is required for the exercise or protection of any rights, section 32(1)(b) of the Constitution of the Republic of South Africa provides for the horizontal application of the right of access to information. This manual makes available information of our business in furtherance of this and other objectives of the Constitution and the Protection of Access to Information Act, 2 of 2000 ("PAIA").

References to

- sections are to the latter (PAIA) act unless the context indicates differently.

- records and legislation are made only in as much as they may apply to the practice.
- CIPC are to the Companies and Intellectual Properties Commission of South Africa
- The private body are references to the firm.

COMPANY OVERVIEW

Barnard Labuschagne Inc. (with CIPC registration number 1999/015298/21) trading as Etienne Barnard Attorneys is a Legal Practice with two director attorneys, Sonja Labuschagne and Etienne Barnard.

The firm consists of various staff members and provides general legal services which include dealing with Litigation, Conveyancing, Commercial, Family and Estate related matters on behalf of a wide variety of clients.

The head of the practice is the **Managing Director**, Etienne Barnard, who can be contacted at the addresses of the firm set out below or at cell phone 0827745995. Further information on the firm is also available on our website as referred to.

INFORMATION REQUIRED UNDER SECTION 51(1) (a)

Postal Address:

PO Box 3346, Somerset West, 7129

Street Address:

Ebrose Chambers, 5 Audas Street, Audas Estate, Somerset West, 7130

Tel. No:

(021) 852 7780

Fax. No:

(021) 852 4194 (please also fax a copy to 0866206902)

E- Mail address:

ebattorneys@barnards.co.za (please also cc to eb@tiscali.co.za)

Website address:

<http://www.barnards.co.za>

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

3

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 offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner of York and St. Andrews Streets, Parktown and on its website at <http://www.sahrc.org.za>.

THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):

At this stage no notice has been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION:

SECTION 51(1)(d)

Records available in terms of other legislation (in as much as they apply) 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
- Companies Act 71 of 2008

4

- 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

SUBJECTS AND CATEGORIES OF RECORDS HELD:

SECTION 51(1)(e)

1. 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
- Share Register and other statutory registers

2. FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements

- Invoices

3. 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:
- VAT
- Regional Services Levies
- Skills Development Levies
- UIF
- Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

5. CLIENT AND COMPLIANCE RELATED RECORDS

Attorneys Act 53 of 1979 (and if and when it becomes applicable, the Legal Practice Act)

Rules of the Cape Law Society

Financial Intelligence Centre Act 38 of 2001

National Credit Act 34 of 2005

Consumer Protection Act 68 of 2008

Trust Property Control Act 57 of 1988 and other entity and estate and property related legislation

GROUNDS FOR REFUSAL OF ACCESS

All proper requests for access to information are received and considered but may be refused on valid grounds which include

- Privacy
- Privilege
- Confidentiality of client records
- Trade secrets
- Copyright
- Protected Information Technology
- Unreasonable nature of request
- Vexatious or frivolous request

REMEDIES WHEN ACCESS HAS BEEN REFUSED

If access has been in any way refused or not replied to, the internal remedy is to make an appeal to the Board of Directors at the firms address. The

external remedies are to comply with the act and the procedures provided for and ultimately, the relevant court.

Notice of internal appeal, must be lodged in the form of Form C of the Annexure.

FEES PAYABLE

Fees for records

The fee includes those provided for in the act and regulations, being:

For reproduction:

RAND

- | | |
|--|-------|
| • For every photocopy of an A4-size page or part thereof | 1,10 |
| • 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 |
| • For a copy in a computer-readable form on: | |
| • stifty disc | 7,50 |
| • compact disc | 70,00 |
| • For a transcription of visual images, | |
| • for an A4-size page or part thereof | 40,00 |
| • For a copy of visual images | 60,00 |
| • For a transcription of an audio record, | |
| • for an A4-size page or part thereof | 20,00 |
| • For a copy of an audio record | 30,00 |

- The request fee payable by a requester, other than a personal requester (seeking access to a record containing personal information about the requester), referred to in section 54(1) of the Act 50,00
- The access fees payable by a requester referred to:
- For every photocopy of an A4-size page or part thereof 1,10
- 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
- For a copy in a computer-readable form on -
 - stiffy disc 7,50
 - compact disc 70,00
 - For a transcription of visual images, for an A4-size page or part thereof 40,00
 - For a copy of visual images 60,00
- For a transcription of an audio record,
 - for an A4-size page or part thereof 20,00
 - For a copy of an audio record 30,00
- To search for the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search.

- The actual postal fee is payable when a copy of a record must be posted to a requester.
- For purposes of section 54(2) of the Act the following applies:
 - Six hours as the hours to be exceeded before a deposit is payable; and
 - one third of the access fee is payable as a deposit by the requester.

- Appeal fees

The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access is R 50,00 .

- Value -added tax

The private body is registered under the Value Added Tax Act, 89 of 1991 and may add value added tax at the rate applicable to all fees prescribed in terms of these regulations.

DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

- The requester must tender payment of all allowable fees (and make payment when requested to do so) and complete Form C and submit this form together with a request fee, to the head of the private body.
- The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address (which is also that of the firm)

- 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 fax number 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.

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: The Managing Director
Etienne Barnard Attorneys
ebattorneys@barnards.co.za and
eb@tiscali.co.za

[Using the above addresses together will facilitate speedy reply but you may insert any other address of the firm that is contained in the manual]

Other address:

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 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.

13

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:

copy of record*	inspection of record
-----------------	----------------------

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*
-----------------	---------------------	------------------------------

3. If record consists of recorded words or information which can be reproduced in sound:

listen to the soundtrack	transcription of soundtrack*
audio cassette	written or printed document

4. If record is held on computer or in an electronic or machine-readable form:

14

	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 of20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE