



Conlon
AND ASSOCIATES

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51
OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000
(PRIVATE BODY)**

INTRODUCTION

This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000 ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

This document serves as the Conlon & Associates Inc. information manual and provides reference to the records held by Conlon & Associates Inc. and the process to request access to such records.

The manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- **"Act"** means the Promotion of Access to Information Act, Act 2 of 2000, as amended, together with all relevant regulations published from time to time;
- **"Client"** means any natural or juristic entity that receives services from Conlon & Associates Inc., and "customer" has a similar meaning;
- **"Conlon & Associates Inc."** shall mean Conlon and Associates Incorporated, or "the organisation", as the case may be, a company incorporated in accordance with the company laws of the Republic of South Africa, which renders legal services including legal advice and legal representation to individual clients and businesses/organisations
- **"Employees"** shall mean any person who works for or provides services to or on behalf of the organisation, and receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting the business of the

organisation, and who has a written contract of employment with Conlon & Associates Inc.;

- **“Information Officer”** shall mean Laila Conlon, being the person acting on behalf of Conlon & Associates Inc. and discharging the duties and responsibilities assigned as the “head” of Conlon & Associates Inc. by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed in writing;
- **“Manual”** shall mean this manual published in compliance with Section 51 of the Act;
- **“Personnel”** shall mean any person who works for or provides services to or on behalf of Conlon & Associates Inc. and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Conlon & Associates Inc. This includes without limitation, director(s) (both executive and non-executive), all permanent, temporary and part-time staff as well as consultants and contract workers;
- **“Record”** shall mean any recorded information, regardless of form of medium, which is in the possession or under the control of Conlon & Associates Inc., irrespective of whether it was created by Conlon & Associates Inc.;
- **“Request”** shall mean a request for access to a record of Conlon & Associates Inc.;
- **“Requestor”** shall mean any person, including a public body or an official thereof, making a request for access to a record of Conlon & Associates Inc. and includes any person acting on behalf of that person; and
- **“SAHRC”** shall mean the South African Human Rights Commission;

Unless a contrary intention clearly appears, words signifying:

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa;
- natural persons include juristic persons;
- terms of defined in the Act shall have the same meaning in this Manual.

CONTACT DETAILS

SECTION 51(1)(a)

Name of Private Body: CONLON AND ASSOCIATES INCORPORATED
Registration Number: 2011/137941/07
Information officer: LAILA CONLON
Physical Address: 13 Tecoma Street, Berea, East London, 5241
Postal Address: P. O. Box 19075, Tecoma, 5214
Telephone: (+27) 43 555 4000
Facsimile: 086 268 0105
Email: info@conlonlaw.co.za
Website: www.conlonlaw.co.za

GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

SECTION 51(1)(b)

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, *inter alia*, at:

The South African Human Rights Commission

PAIA Unit, 29 Princess of Wales Terrace, Cnr York and St. Andrews Street, Parktown.

Website: <http://www.sahrc.org.za>

Kindly direct queries to:

Private Bag 2700, Houghton, 2041

Tel: +27 (11) 484 8300

Fax: +27 (11) 484 0582

Email: paia@sahrc.org.za

NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT

SECTION 51(1)(c)

At this stage no notice(s) has / have been published.

RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

SECTION 51(1)(d)

CONLON & ASSOCIATES INC. keeps information / documents in accordance with the following legislation (please note that this is not an exhaustive list):-

- Insolvency Act, Nr. 24 of 1936 (Sections 134 and 155)
- Pension Funds Act, Nr. 24 of 1956
- Income Tax Act, Nr. 58 of 1962 (Section 75)
- Companies Act, Nr. 61 of 1973
- Copyright Act, Nr. 98 of 1978
- Attorneys Act, Nr. 53 of 1979
- Regional Services Councils Act, Nr. 109 of 1985
- Value Added Tax Act, Nr. 89 of 1991 (Section 65)
- Occupational Health and Safety Act, Nr. 85 of 1993
- Compensation for Occupational Injuries and Diseases Act, Nr. 130 of 1993 (Section 97)
- Labour Relations Act, Nr. 66 of 1995
- Basic Conditions of Employment Act, Nr. 75 of 1997 (Section 31)
- Employment Equity Act, Nr. 55 of 1998 (Section 26)
- Skills Development Act, Nr. 97 of 1998
- Medical Schemes Act, Nr. 131 of 1998
- Skills Development Levies Act, Nr. 9 of 1999
- Unemployment Insurance Act, Nr. 63 of 2001

The above records, in so far as it being of a public nature are available automatically without a person having to request access thereto in terms of the Act, as envisaged in Section 52.

DOCUMENTS / INFORMATION HELD BY CONLON & ASSOCIATES INC IN TERMS OF THE ACT

SECTION 51(1)(e)

CONLON & ASSOCIATES INC holds the information / documents listed herein below:

Client Service Records

- Client correspondence
- Client fee files
- Client contracts
- Client statutory and tax records
- Client business information
- Client personal information

- Commercial and financial information
- Investigative material
- Legal documentation
- Working papers
- Information on contemplated, existing and past litigation

Corporate Governance

- Codes of conduct
- Legal compliance records
- Policies
- Commercial contracts

Finance and Administration

- Accounting records
- Annual financial statements
- Banking records
- Correspondence
- Invoices and statements
- Management reports
- Tax records and returns

Human Resources

- Accounting and payroll records
- Personal information
- General terms of employment
- Letters of employment
- Leave records
- PAYE records and returns
- Policies and procedures
- UIF returns
- Employment contracts

Learning and education

- Training material
- Training records

Library and Information Centre

- External publications
- Internal publications

- Reference works
- Periodicals
- Research files

Operations

- Applicable statutory documents such as but not limited to certificate of incorporation
- Annual reports
- Corporate structure diagram
- Share certificate(s)

It is recorded that any and all documents / information requested pertaining to the aforesaid shall only be made available to a requestor subject to the provisions of the Act. None of the information held by CONLON & ASSOCIATES INC is automatically available without a person having to request access in terms of and subject to the provisions of the Act.

A request for information should be in the prescribed form, addressed to the Information Officer and submitted against payment of the prescribed fee.

ACCESS REQUEST PROCEDURE

SECTION 51(1)(e)

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

- The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requester must complete the prescribed form enclosed herewith in **form C** and submit same as well as payment of a request fee (if applicable) and a deposit, where a request is made for access to information relating to a third party, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in paragraph "CONTACT DETAILS" above.
- The prescribed form must be completed with enough particularity at least to enable the Information Officer to identify the following :-

- The record(s) required by the requester;
- The identity of the requester and/or such person acting on behalf of the requester, if applicable;
- What form of access is required, if the request is granted;
- The telephone number, postal address, facsimile or email details of the requester (within the Republic of South Africa);

OTHER INFORMATION

SECTION 51(1)(f)

The Minister of Justice and Constitutional Development has to date not published any regulations in terms of this Section.

AVAILABILITY OF THE MANUAL

SECTION 51(3)

A copy of this Manual is available on our website (www.conlonlaw.co.za) or by sending a request for a copy to the Information Officer by email (subject to the prescribed fees).

The Manual may also be inspected at the address set out above. In addition, this manual can be accessed through the website of the SAHRC at www.sahrc.org.za.

This Manual will be updated from time to time, as and when required.

REMEDIES AVAILABLE UPON REFUSAL OF ACCESS

CONLON & ASSOCIATES INC. does not have any internal appeal procedures that may be followed after a request for access information has been refused. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the information officer.

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may, within 30 days of notification of the decision, apply to a competent court for relief.

Likewise, a third party that is dissatisfied with an Information Officer's decision not to grant a request for information, may, within 30 days of notification of the decision, apply to a competent court for relief.

For purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.

PRESCRIBED FEES

On request of access to information, the Information Officer, or duly authorised person, will by notice require the requester, other than a personal requester, to pay the prescribed fee as set out below before processing the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the authorised person shall notify the requester to pay as a deposit the prescribed portion of the access fee.

A requester, whose request for access has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, the deposit will be repaid to the requester.

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

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body as per Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

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:

	<u>R</u>
(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
3.	The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is	50.00
4.	The access fees payable by a requester referred to in Regulation 11(3) are as follows:	
		<u>R</u>
(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.	

***All fees exclude VAT**

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:

B. Particulars of person requesting access to the record

- | |
|--|
| <p>(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.</p> |
|--|

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

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

Full names and surname:

Identity number:

D. Particulars of record

- | |
|---|
| <p>(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.</p> |
|---|

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
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Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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

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