

1 INTERPRETATION OF THIS MANUAL

Du Toit Drotsky Attorneys is defined as a private body in terms of the Act.

In this manual, unless the contrary intention is indicated in the context thereof, the following words and expressions shall bear the meanings assigned to them hereunder:

PAIA: The Promotion of Access to Information Act No 2 of 2000, as amended and its accompanying regulations;

POPIA: Protection of Personal Information Act No.4 of 2013;

Requester: Any person or entity requesting access to a record held by Adams & Adams; SAHRC the South African Human Rights Commission;

The Firm: Du Toit Drotsky Attorneys;

Reference to any information in this manual in addition to that specifically required in terms of Section 51 of PAIA does not create any right or entitlement to receive such information.

2 INTRODUCTION

Promotion of Access to Information Act

The Promotion of Access to Information Act 2 of 2000 (“PAIA”) makes provision for the right of access to information in records held by public or private bodies that are required for the exercise or protection of any rights as enshrined in the Bill of Rights forming part of The Constitution of The Republic of South Africa, 1996 (“the Constitution”). PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information. This is information held by the State but also information held by any other person. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access that information, subject to certain restraints. Section 51 of PAIA makes provision for the legal right to access records (as defined in section 1 of PAIA) of a private body (both natural and juristic), however, this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA. In addition, in compliance with POPIA a responsible party who processes personal information must notify the person to whom the personal information relates (“Data Subject”) of the manner in which the Data Subject can access their personal information held by the responsible party.

PARYS OFFICE

Anne-marie du Toit B.Proc. LL.B
email@dutoitdrotsky.co.za
056 811 4631 23
Kerk Street,
Parys
9585
P.O. Box 2402 - Docex 6 Parys

PRETORIA OFFICE

Monica Drotsky LL.B
monica@dutoitdrotsky.co.za
074 222 6189
165 Sakabuka Ave.
Derdepoort
Pretoria
0186

Du Toit Drotsky Attorneys

Du Toit Drotsky Attorneys is a partnership that conducts business as a law firm and has offices in Parys and Pretoria. Mrs Genevieve Vorster has been duly appointed by the partners of Du Toit Drotsky Attorneys, as the Information Officer for Du Toit Drotsky Attorneys and is the person to whom requests for access to information must be made in terms of PAIA and in terms of the Protection of Personal Information Act 4 of 2013 ("POPIA").

Du Toit Drotsky Attorneys provides knowledgeable, in-depth legal guidance and service. We strive to provide a different kind of law firm, putting culture first, with great people doing the best legal work for our clients, while actively seeking new opportunities for growth. The people of our firm are our chief resource and we strive to utilise them to the best of their ability, in the best interest of all our clients.

Our services inter alia include – Family Law Matters Civil Litigation Correspondent Attorney Matters Debt Review Applications Wills & Estates Third-party Matters Labour Law Matters Contracts Conveyancing Rental Property Management General legal advice.

3 CONTACT DETAILS

Physical address: Parys
23 Kerk Street
Parys
0585
South Africa

Pretoria
165 Sakabuka Avenue
Derdepoort
Pretoria
0186
South Africa

This contact person is responsible for the administration of and compliance with PAIA in a fair objective and unbiased manner:

Information Officer: Mrs Genevieve Vorster

Telephone: 079 896 4633

E-mail: genevieve@dutoitdrotsky.co.za

Website: www.dutoitdrotsky.co.za

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4 SECTION 10 GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1 The South African Human Rights Commission (SAHRC) published a guide as prescribed by Section 10 of PAIA. This guide was available from the SAHRC prior to 30 June 2021.
- 4.2 From 1 July 2021, the Information Regulator assumed the functions of the SAHRC. Accordingly, the above guide, as updated by the Information Regulator in accordance with POPIA, will be available at the offices of the Information Regulator and on its website. From 1 July 2021, please direct any queries regarding this guide to:

Information Regulator:

The Research and Documentation Department

Telephone Number: 010 023 5200

Website: www.justice.gov.za/inforeg/

Email (complaints): complaints.IR@justice.gov.za

Email (general enquiries): inforeg@justice.gov.za

5 RECORDS OF THE FIRM WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(d)

- 5.1. To the extent applicable, the Firm maintains such information and documents as may be required in accordance with, inter alia, the following legislation;

Administration of Adjudication of Road Traffic Offences Act 46 of 1998

Attorneys Act 53 of 1979

Basic Conditions of Employment Act 75 of 1997

Bills of Exchange Act 34 of 1964

Broad-Based Black Economic Empowerment Act 53 of 2003

Companies Act 71 of 2008

Compensation for Occupational Injuries and Diseases Act 130 of 1993

Competition Act 89 of 1998

Constitution of South Africa Act 108 of 1996

Consumer Protection Act 68 of 2009

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Derdepoort

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Copyright Act 98 of 1987
 Criminal Procedure Act 51 of 1977
 Electronic Communications and Transactions Act 2 of 2000
 Employment Equity Act 55 of 1998
 Health Act 63 of 1977
 Income Tax Act 58 of 1962
 Labour Relations Act 66 of 1995
 Long Term Insurance Act 52 of 1998
 National Building Regulations and Building Standards Act 103 of 1997
 National Credit Act 34 of 2005
 Occupational Health and Safety Act 85 of 1993
 Promotion of Access to Information Act 2 of 2000
 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
 Protected Disclosures Act 26 of 2000
 Protection Of Personal Information Act 4 of 2013
 Regulation of Interception of Communications and Provisions of
 Communication Related Information Act 70 of 2002
 Sales and Service Matters Act 25 of 1964
 Securities Services Act 36 of 2004
 Securities Transfer Act 25 of 2007
 Skills Development Act 97 of 1997
 Skills Development Levies Act 9 of 1999
 South African Reserve Bank Act 90 of 1989
 Value-Added Tax Act 89 of 1991

We have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly.

5.2 The subjects on which the organisation holds records and the categories of each subject are as listed below. Save for marketing and publicity material, all records held by the Firm are deemed to be confidential and any request for access to information will be balanced against, inter alia, the principles of legal professional privilege, attorney-client confidentiality, and the limitations to the right of access of information set out in section 36 of the Constitution and sections 5 and 62 of the Act.

DEPARTMENT	DESCRIPTION
Management	Partnership Agreement of Du Toit Drotsky Attorneys

PARYS OFFICE
 Anne-marie du Toit B.Proc. LL.B
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 9585
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 0186



Human Recourses	List of employees Correspondence relating to personnel Employment contracts Personnel records Disciplinary records Unemployment Insurance Fund contribution records Payroll records Health and safety records Internal policies and procedures Codes of conduct Fidelity Fund certificates
Finances	Accounting records, books and documents Bank statements. Interim and annual financial reports Invoices in respect of both creditors and debtors Auditors' reports Details of auditors Banking records for business and trust accounts
Administration	Correspondence Operational documents
Clients and Legal Services	Agreements with clients Opinions/Advice to clients Correspondence with clients Correspondence with third parties Documentation and other information received from clients and third parties Research conducted on behalf of clients Records pertaining to legal proceedings involving clients
Library	Publications Government and Provincial Gazettes Precedent agreements, opinions and litigation documents
Immovable and movable property	Lease Agreements
Information technology	Computer software, support and maintenance agreements used by Du Toit Drotsky Attorneys
Website	Information contained on our website: www.dutoitdrotsky.co.za including: - Our Firm Profile

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	<ul style="list-style-type: none">- Our Attorneys and Personnel Profile- Our Debt Counsellors Profile- Our Property Practitioners Profile- Our Service Profile- Our Blog and Articles
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6 The request procedure in terms of Section 51(1)(e)

6.1 How can I make a request to Du Toit Drotsky Attorneys under Section 51(1)(b)(iv) of PAIA.

6.1.1 Records held by Du Toit Drotsky Attorneys may be accessed on request only once the requirements for access have been met.

6.1.2 A requester is any person making a request for access to a record of Du Toit Drotsky Attorneys and in this regard, PAIA distinguishes between two types of requesters:

Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of PAIA and applicable law, Du Toit Drotsky Attorneys will provide the requested information, or give access to any record about the requester's personal information. The prescribed fee for the reproduction of the information requested will be charged by Du Toit Drotsky Attorneys.

Other Requester

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, Du Toit Drotsky Attorneys is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of PAIA. The prescribed fee for the reproduction of the information requested will be charged by DU Toit Drotsky Attorneys.

6.2 How will my PAIA request be processed by Du Toit Drotsky Attorneys?

6.2.1. A requester must comply with all the procedural requirements contained in PAIA relating to a request for access to a record.

6.2.2. To enable Du Toit Drotsky to process a request for access to information, kindly complete the prescribed [Form 2](#), which is available on the website of the

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SAHRC at www.sahrc.org.za, as well as the payment of a request fee, if applicable to the information officer as stated herein by way of electronic mail.

- 6.2.3. The request form must be filled in with enough information to at least enable the information officer to identify:
- a) The record or records requested.
 - b) The identity of the requester.
 - c) What form of access is required?
 - d) The postal address or fax number of the requester.
- 6.2.4. A requester must state that he or she requires the information to exercise or protect a right, and clearly state what the nature of the right is, so to be exercised or protected.
- 6.2.5. The requestor must also provide an explanation of why the requested record is required for the exercise or protection of that right.
- 6.2.6 Upon due lodgement of a request for access to information lodged with Du Toit Drotsky Attorneys, the Information Officer will consider the request and notify the requester of his decision in writing, within the time periods stipulated in PAIA, stating clearly whether the request is granted or refused and advising the requester of external remedies which the requester may pursue to dispute the Information Officer's decision.

6.3 What are the fees applicable to my request?

The following fees will be applicable to all requests for access to information held by Du Toit Drotsky Attorneys except for personal requests which will not be subject to a fee:

- 6.3.1 A requester must pay the prescribed fees in regulation 11(2) in the amount of R50.00 before a request will be processed;
- 6.3.2 Regulation 11(1) makes provision for an access fee which is payable in respect of records/personal information which are produced in response to a request. This fee is payable by everyone who makes a request.

The prescribed fee structure for request of access to the records of a private body is:

For every copy of an A4-size page.	R1.10
For every printed copy of an A4-size page.	R0.75
For a copy in a computer-readable form on CD.	R70.00
For a transcription of visual images, per A4-size page.	R40.00

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For a copy of visual images.	R60.00
For a transcription of an audio record, per A4-size page.	R20.00
For a copy of an audio record.	R30.00
Each hour or part of an hour (excluding the first hour)y reasonably required to search for and prepare the record/personal information for disclosure.	R30.00

In terms of Section 54(2) of PAIA, if the preparation of the record requires more than the prescribed 6 hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).

6.4 Information or Records not Found

If Du Toit Drotsky Attorneys cannot find the records that the requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in possession but unattainable, the requester will receive a written notice in this regard from the Information Officer setting out the measures taken to locate the document and accordingly the inability to locate the document.

7 AVAILABILITY OF THIS MANUAL

The manual is available for inspection at the offices of Du Toit Drotsky Attorneys free of charge. Copies are also available on the website of Du Toit Drotsky Attorneys, www.dutoitdrotsky.co.za and with the Information Regulator (if the Information Regulator has requested the manual from Du Toit Drotsky Attorneys, in terms of PAIA).

8 CHANGES TO THIS MANUAL

This Manual may be amended and updated from time to time, provided that if Du Toit Drotsky Attorneys does so, it will ensure that such changes are carried out subject to and published in accordance with PAIA and POPIA.

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