

## MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 (“the Act”)

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# MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")

## 1. BACKGROUND TO AND PURPOSE OF THE PROMOTION OF ACCESS TO INFORMATION ACT

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 ("the Constitution") of access to any information held by the state or any information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2 In terms of Section 51 of the Act, all Public and Private Bodies are required to compile an Information Manual.
- 1.3 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements except where the Act expressly provides that the information may or must not be released.
- 1.4 The Act sets out the relevant procedures to be adopted when such an information request is received by E Y Stuart Incorporated.
- 1.5 This PAIA Manual is intended to ensure that E Y Stuart Incorporated complies with the Act and to foster a culture of transparency and accountability within the firm by giving effect to the right to information.
- 1.6 Section 9 of the Act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including but not only:
  - 1.6.1 limitations aimed at the reasonable protection of privacy (refer the POPIA Data Privacy Terms and Conditions of the firm);
  - 1.6.2 commercial confidentiality;
  - 1.6.3 effective and efficient governance of the firm and in a manner which balances that right with other rights; and
  - 1.6.4 in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.
- 1.7 In addition, this PAIA Manual complies with the requirements set out in Section 10 of the Act and recognizes that, upon commencement of the Protection of Personal Information Act 4 of 2013, the appointed Information Regulator will be responsible to regulate compliance with the Act.
- 1.8 In order to promote effective governance of the firm, it is necessary to ensure that everyone associated with the firm is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.
- 1.9 Wherever reference is made to "Private Body" in this manual, this will also refer to E Y Stuart Incorporated, a private body within the legal industry for which this manual is drafted.

## 2. OVERVIEW OF E Y STUART INCORPORATED

- 2.1 The firm E Y Stuart Incorporated, Registration Number 1999/022245/21 operates from one office situated at Suite 202, Waterkloof Gardens, 270 Main Street, Brooklyn, Pretoria, 0181
- 2.2 E Y Stuart Incorporated specialise in the delivery of a wide variety of professional legal services including but not exclusively limited to:

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### **2.2.1 DISPUTE RESOLUTION**

General Commercial Litigation in the High and Lower Courts, Property Law Litigation, Commercial Family Law Matters, Appeals to the Higher Courts including the Supreme court of Appeal and Constitutional Court, Alternative Dispute Resolution including Arbitration;

### **2.2.2 PROPERTY LAW**

Advice on Community Scheme Related Matters (Sectional Titles and Homeowners' Associations), Commercial Property Litigation including Litigation Related to Community Schemes, Assistance with Drafting of Applications to (and defending applications instituted in) the Community Schemes Ombud Service (CSOS) and where leave is obtained, Representation at CSOS, Conveyancing, Town Planning Advice;

### **2.2.3 COMMERCIAL WORK & ADVISORY SERVICES**

Company Law, Law of Contract including a Range of Specialised Agreements (construction agreements, commercial leases, mergers etc.), Advice on Company and Trust Structures, Registration of Companies, Registration of Trusts and Companies, Estate Planning;

### **2.2.4 INSOLVENCY LAW**

Winding-up Proceedings (Liquidation), Business Rescue, Sequestrations;

### **2.2.5 NOTARIAL PRACTICE**

Notarial Agreements, Notarial Servitude Registration, Drafting and Registration of Ante-Nuptial Agreements;

### **2.2.6 FAMILY LAW**

Divorce, Commercial Advice, Child Law, Maintenance Claims;

### **2.2.7 REGISTRATION AND ADMINISTRATION OF TRUSTS.**

## **3. CONTACT DETAILS (SECTION 51 (1) (A))**

### **Communications Officer for the firm:**

**BIANCA VAN WYK**

**Email Address:** [bianca@eyslaw.co.za](mailto:bianca@eyslaw.co.za)

**Postal Address:** P O Box 6492, Pretoria, 0001

**Street Address:** Suite 202, Waterkloof Gardens, 270 Main Street, Brooklyn, Pretoria, 0181

This PAIA Manual of E Y Stuart Incorporated is available to view at its premises situated at Suite 202, Waterkloof Gardens, 270 Main Street, Brooklyn, Pretoria, 0181 as well as on the website: [www.eyslaw.co.za](http://www.eyslaw.co.za) in compliance with the Act together with Forms 2 and 3 hereunder attached.

## **4. INFORMATION OFFICER**

4.1 The Act prescribes the appointment of an Information Officer where such Information Officer will be responsible, inter alia, to assess requests for access to information.

4.2 Unless otherwise stipulated, the Information Officer appointed in terms of the Act herein will also be the appointed Information Officer as referred to in the Protection of Personal Information Act 4 of 2013.

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- 4.3 The Information Officer will therefore oversee the functions and responsibilities as required in terms of both this Act as well as the duties and responsibilities in terms of Section 55 of POPIA 2013.
- 4.4 Information Officer for the FIRM is: BIANCA VAN WYK  
Postal address: P O Box 6492, Pretoria, 0001  
Registered address: P O Box 6492, Pretoria, 0001  
Physical Address: Suite 202, Waterkloof Gardens, 270 Main Street, Brooklyn, Pretoria, 0181  
Tel: (012) 346 2302  
EMAIL: [Biancav@eyslaw.co.za](mailto:Biancav@eyslaw.co.za)

### 5. THE ACT AND SECTION 10 GUIDE

- 5.1 The South African Human Rights Commission has compiled the Guide as required in terms of Section 10 of the Act.
- 5.2 Requestors are referred to the Guide in terms of Section 10 which will contain information for the purposes of exercising their Constitutional Rights. The Guide is available from the SAHRC.
- 5.3 **The contact details of the Commission are:**
- The South African HUMAN RIGHTS COMMISSION,  
at PAIA Unit (THE RESEARCH AND DOUMENTATION DEPARTMENT),  
Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: +27-11-877 3600  
Telephone Number: (011) 484-8300;  
Facsimile Number: (011) 484-1360;  
Fax Number: +27-11-403 0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)
- 5.4 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

### 6. REQUEST PROCEDURES AND FACILITATION

- 6.1 Procedural requirements:
- 6.1.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.1.2 The requester must complete the prescribed form enclosed hereto and submit same as well as payment of the required fee/s and a deposit if applicable to the Information Officer of the firm at the postal or physical address, fax number or electronic mail address as noted in clause 5 above;
- 6.1.3 The prescribed form must be completed with sufficient information to enable the Information Officer to identify:
- 6.1.3.1 The record/records requested;
- 6.1.3.2 The identity of the requester;

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6.1.3.3 The rights based on which the requester is requesting the information or copies of documents.

6.1.4 Which form of access is required and supply the postal or physical address to which the information or copies are to be sent to the fax number or electronic mail address of the requester;

6.1.5 E Y Stuart Incorporated will process the request within a period of 30 (thirty) business days from the date of receipt of the request unless the requester has stated special reasons acceptable to the Information Officer for the information to be delivered sooner;

6.1.6 The Information Officer shall advise the requester whether access is granted or denied in respect of the request and such notice shall be in writing.

6.1.7 Unless the requester requests reasons for a decision, the Information Officer shall not be obliged to supply such reasons;

6.1.8 The above request should be made by the requester him/herself but in the event that the request is made on behalf of someone else, then proof of the authorization must accompany the initial request to the Information Officer;

6.1.9 The required fees must be paid before any further processing can take place;

6.1.10 The Information Officer's response may be delayed if it is found that information required from the requester is outstanding on the request and will remain delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information.

### **6.2 Refusal of Access to Records**

6.2.1 The main grounds on which E Y Stuart Incorporated may refuse a request for information relate to:

6.2.1.1 The mandatory protection of privacy of a third party who is a natural or Deceased person, or a juristic person as precluded by the POPIA 4 of 2013;

6.2.1.2 The mandatory protection of the commercial information of a third party if the records contain trade secrets, financial/commercial/scientific or technical information which may cause harm to such third party if disclosed;

6.2.1.3 The mandatory protection of confidential information if it is protected in terms of an agreement;

6.2.1.4 The mandatory protection of records which would be regarded as privileged in legal proceedings;

6.2.1.5 The commercial activities of E Y Stuart Incorporated;

6.2.1.6 Customer information of E Y Stuart Incorporated;

6.2.1.7 Financial and Customer information where harm may be caused to the firm;

6.2.1.8 Information which, if disclosed, may put E Y Stuart Incorporated at a disadvantage;

6.2.1.9 Any software or hardware or any computer program to which E Y Stuart Incorporated has copyright;

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6.2.1.10 Requests which are clearly frivolous or vexatious and which divert from usual resources;

6.2.2 Each request for information will be assessed by E Y Stuart Incorporated's Information Officer on its own merits and in accordance with reasonable and applicable legal principles.

### 6.3 Lost records

6.3.1 If a requested record cannot be found or if the record does not exist, the Information Officer shall make an affidavit or other acceptable declaration to such effect notifying the requester that it is not possible to give access to the request.

6.4 Additional to the Act, the [www.sahrc.org.za](http://www.sahrc.org.za) website provides guidance and details to request information or lodge an appeal.

## 7 PRESCRIBED FEES

7.1 The Act refers to two types of fees, namely the request fee which is a form of administration fee payable by all requesters except personal requesters and the access fee which is payable by all requesters in the event that the request is granted.

7.2 This fee includes the costs of obtaining and preparing a record for delivery to the requester.

7.3 A summary of all PAIA fees is set out in the Addendum A: PAIA Fee Schedule and Addendum B: Prescribed Form C which are also available from the SAHRC's website at [www.sahrc.org.za](http://www.sahrc.org.za).

7.4 The following applies to requests (other than personal requests):

7.4.1 A requestor is required to pay the prescribed request fees (R50.00, as specified by the SAHRC) before a request will be processed;

7.4.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

7.4.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

7.4.4 Records may be withheld until the fees have been paid.

7.5 If the search for the record has been made and the preparation of the record for disclosure together with arrangements to make the record available, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit, the prescribed portion of the fee.

7.6 If a request is declined, any deposit paid by the requester must be refunded to such requester.

### 7.7 REPRODUCTION FEES

|                                                                                    |        |
|------------------------------------------------------------------------------------|--------|
| Information in an A4 size page photocopy or part thereof                           | R1.10  |
| A printed copy of an A4 size page or part thereof                                  | R0.75  |
| A copy in computer readable format –<br>Stiffy disk, Compact disk, USB flash-drive | R70.00 |
| A transcription of visual images, in an A4 size page or part thereof               | R40.00 |
| A copy of a visual image                                                           | R60.00 |
| A transcription of an audio record for an A4 size page or part thereof             | R20.00 |
| A copy of audio record                                                             | R30.00 |

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### 7.8 ACCESS FEES

|                                                                                                                       |        |
|-----------------------------------------------------------------------------------------------------------------------|--------|
| Information in an A4 size page photocopy or part thereof                                                              | R1.10  |
| A printed copy of an A4 size page or part thereof                                                                     | R0.75  |
| A copy in computer readable format –<br>Stiffy disk, Compact disk, USB flash-drive                                    | R70.00 |
| A transcription of visual images, in an A4 size page or part thereof                                                  | R40.00 |
| A copy of a visual image                                                                                              | R60.00 |
| A search for a record that must be disclosed:<br>**** per hour or part of an hour reasonable required for such search | R30.00 |
| A copy of audio record                                                                                                | R30.00 |

### 7.9 BANK ACCOUNT DETAILS FOR PURPOSES OF PAYMENT/S:

|                     |  |
|---------------------|--|
| ACCOUNT NAME        |  |
| BANKING INSTITUTION |  |
| ACCOUNT NUMBER      |  |
| BANK BRANCH         |  |
| PAYMENT REFERENCE   |  |

## 8 INFORMATION AVAILABLE IN TERMS OF LEGISLATION

### 8.1 Information is available in terms of certain provisions of legislation as listed hereunder:

| Department | Legal requirements; regulations; legislation and standards                                   |
|------------|----------------------------------------------------------------------------------------------|
| Finance    | Bills of Exchange Act 34 of 1964 ("the Bills Act")                                           |
| Finance    | Business Act 71 of 1991                                                                      |
| Finance    | Broad-Based Black Economic Empowerment Act 53 of 2003 ("the B-BBEE Act")                     |
| Finance    | Collective Investment Schemes Control Act, 2002                                              |
| Finance    | Co-operative Banks Act, 2007                                                                 |
| Finance    | Finance Act, 2007                                                                            |
| Finance    | Financial Intelligence Centre Act 38 of 2001 ("FICA")                                        |
| Finance    | National Credit Act 34 of 2005 ("the NCA")                                                   |
| Finance    | Public Finance Management Act, 1999                                                          |
| Finance    | South African Reserve Bank Act, 1989                                                         |
| Finance    | South African Revenue Service Act, 1997                                                      |
| Finance    | Tax Administration Act, 2011                                                                 |
| Finance    | The Income Tax Act 58 of 1962 ("the Income Tax Act")                                         |
| Finance    | Tax on Retirement Funds Act, 1996                                                            |
| Finance    | The Insolvency Act 24 of 1936 ("the Insolvency Act")                                         |
| Finance    | Taxation Administration Act 28 of 2011 ("The TAA")                                           |
| Finance    | The Value Added Tax Act 89 of 1991 ("the VAT Act")                                           |
| COMPLIANCE | Consumer Protection Act 68 of 2008 ("CPA")                                                   |
| HR         | Basic Conditions of Employment Act 75 of 1997 ("the BCE Act")                                |
| HR         | Basic Conditions of Employment Amendment Act, No 11 of 2002                                  |
| HR         | Compensation for Occupational Injuries and Diseases Act 130 of 1993 ("the Compensation Act") |
| HR         | Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)                     |

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| Department | Legal requirements; regulations; legislation and standards                                               |
|------------|----------------------------------------------------------------------------------------------------------|
| HR         | Employment Equity Act 55 of 1998 ("the EEA") (Form A4 refer to Commission for Gender Equality Act, 1996) |
| HR         | Employment Tax Incentive Act 26 of 2013 ("ETIA")                                                         |
| HR         | Income Tax Act, 1962                                                                                     |
| HR         | Labour Relations Act 66 of 1995 ("the LRA")                                                              |
| HR         | Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)                                            |
| HR         | Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 ("PEPUDA")                   |
| HR         | Skills Development Act 97 of 1998 ("the SDA")                                                            |
| HR         | Skills Development Levies Act 9 of 1999 ("the Skills Levies Act")                                        |
| HR         | Unemployment Insurance Act 63 of 2001 ("the UIA")                                                        |
| HR         | Unemployment Insurance Contributions Act 4 of 2000 ("the UICA")                                          |
| HR         | Workmen's Compensation Act                                                                               |
| Other      | Companies Act 71 of 2008 ("the Companies Act")                                                           |
| Other      | The Protection of Personal Information Act 4 of 2013 ("POPIA")                                           |
| Other      | Constitution of the Republic of South Africa 2008 ("the Constitution")                                   |
| Other      | Prevention and Combatting of Corrupt Activities Act 12 of 2004 ("PACCA")                                 |
| Other      | Electronic Communications Act 36 of 2005 ("the ECA")                                                     |
| Other      | Promotion of Access to Information Act 2 of 2000 ("PAIA")                                                |
| Other      | Electronic Communications and Transactions Act 25 of 2002 ("ECTA")                                       |
| Other      | Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) ("PAJA")                               |
| Other      | Protected Disclosures Act (no 26 of 2000) (Whistle blowers Act SA)                                       |
| Risk       | Conversion of SASRIA Act, 1998 (Act No. 134 of 1998) - South African Special Risks Insurance Association |
| Risk       | Long-term Insurance Act, 1998                                                                            |
| Risk       | Short-term Insurance Act, 1998                                                                           |

### 9 INFORMATION AUTOMATICALLY AVAILABLE

9.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 6:

- 9.1.1 personnel records particular to the employee whose file it is;
- 9.1.2 records of disciplinary hearings and related matters are available to the employee concerned;
- 9.1.3 the company's policies and procedures manuals;
- 9.1.4 the company's document format manual.

9.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in paragraph 6:

- 9.2.1 the firm's employment equity plan;
- 9.2.2 the firm's skills development plan.

### 10 INFORMATION AVAILABLE IN TERMS OF THE ACT ON APPLICATION

10.1 Requestors are not automatically allowed access to these records listed as proprietary or confidential hereunder and access to them may or must be refused by the firm in accordance with sections 62 to 69 of The Act.



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10.2 These records are not automatically available without a request in terms of the Act.

10.3 A request in terms of this section is subject to section 63(1) of the Act, which provides that the firm may refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

| TYPE OF RECORDS                            | DETAILED EXAMPLES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | CLASSIFICATION      |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>BUSINESS ACCOUNTING RECORDS</b>         | <ul style="list-style-type: none"> <li>Annual financial statements and working papers</li> <li>General ledger</li> <li>Bank statements, cheque books, cheques</li> <li>Customer and supplier statements and invoices</li> <li>Deposit slips</li> <li>Cash books and petty cash books</li> <li>Fixed asset register</li> <li>Tax returns and assessments</li> <li>VAT returns</li> <li>Lease or instalment sale agreements</li> <li>Budgets and business plans</li> <li>Insurance records</li> <li>Auditor's reports</li> <li>Internal auditors' reports</li> <li>Compiler's reports</li> <li>Accounting officer's reports</li> <li>Reviewer's reports</li> <li>Inventory records (including stock take)</li> <li>Systems documentation</li> <li>Management reviews</li> <li>Capital expenditure</li> <li>Record of assets</li> <li>Record of liabilities</li> <li>Record of loans to related parties</li> <li>Record of liabilities and obligations</li> <li>Record of property held</li> <li>Record of revenue</li> <li>Record of expenses</li> </ul> | <b>PROPRIETARY</b>  |
| <b>CREDIT AGREEMENTS</b>                   | <ul style="list-style-type: none"> <li>Credit Provider's documents</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>PROPRIETARY</b>  |
| <b>FIXED PROPERTY</b>                      | <ul style="list-style-type: none"> <li>Leases</li> <li>Mortgage bonds or other encumbrances</li> <li>Title deeds</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>PROPRIETARY</b>  |
| <b>HEALTH AND SAFETY</b>                   | <ul style="list-style-type: none"> <li>Evacuation Report</li> <li>Minutes of safety committee meetings (if any)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>CONFIDENTIAL</b> |
| <b>INFORMATION TECHNOLOGY AND SYSTEMS</b>  | <ul style="list-style-type: none"> <li>Hardware</li> <li>Internet</li> <li>Software packages</li> <li>Telephone exchange equipment</li> <li>Telephone lines, leased lines and data lines</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>PROPRIETARY</b>  |
| <b>PROFESSIONAL AND OTHER INSURANCE</b>    | <ul style="list-style-type: none"> <li>Claim records</li> <li>Details of coverage, limits and insurers</li> <li>Insurance policies</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>PROPRIETARY</b>  |
| <b>LEGAL AGREEMENTS</b>                    | <ul style="list-style-type: none"> <li>Contracts with Clients</li> <li>Contracts with Employees</li> <li>Contracts with External Service Providers</li> <li>Contracts with Suppliers with shareholders, officers or members</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>CONFIDENTIAL</b> |
| <b>PERSONELL RECORDS (HUMAN RESOURCES)</b> | <ul style="list-style-type: none"> <li>Disciplinary records</li> <li>Employee information records</li> <li>Employee loans</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>CONFIDENTIAL</b> |

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|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|                                  | <ul style="list-style-type: none"> <li>Employee remuneration</li> <li>Employment applications</li> <li>Employee date of birth</li> <li>Employment contracts</li> <li>Group personal accident</li> <li>IRP 5 and IT 3 certificates</li> <li>Letters of appointment</li> <li>Leave applications</li> <li>Maternity leave policy</li> <li>Payroll</li> <li>Particulars of each employee</li> <li>Personnel file</li> <li>Recruitment and appointments</li> <li>Salary and wage registers</li> <li>Salary slips and wage records</li> <li>Tax returns of employees</li> <li>Training and development</li> <li>UIF, PAYE and SDL returns</li> <li>Workmen's Compensation documents</li> <li>Recruitment and appointments</li> <li>Salary and wage registers</li> <li>Salary slips and wage records</li> <li>Tax returns of employees</li> <li>Training and development</li> <li>UIF, PAYE and SDL returns</li> <li>Workmen's Compensation documents</li> </ul> |                     |
| <b>MARKETING</b>                 | <ul style="list-style-type: none"> <li>Newsletters</li> <li>Service and product information</li> <li>Client onboarding details</li> <li>Marketing agreements</li> <li>Debt Acknowledgement</li> <li>Invoices, Credit notes, C-notes</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>PROPRIETARY</b>  |
| <b>INTELLECTUAL PROPERTY</b>     | <ul style="list-style-type: none"> <li>Templates</li> <li>Digital and physical publications</li> <li>Internal and External Compliance Policies</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>CONFIDENTIAL</b> |
| <b>STATURORY COMPANY RECORDS</b> | <ul style="list-style-type: none"> <li>Annual Statutory Returns</li> <li>Certificate of Change of Name</li> <li>Certificate of Incorporation</li> <li>Certificate to Commence Business</li> <li>Dividend register</li> <li>Members' attendance register</li> <li>Memorandum and Articles of Association</li> <li>Notice and minutes of shareholders' meetings</li> <li>Minutes of members' meetings</li> <li>Proxy documents</li> <li>Resolutions</li> <li>Shareholders' agreements</li> <li>Shareholders' register</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>PROPRIETARY</b>  |
| <b>TAX</b>                       | <ul style="list-style-type: none"> <li>Income tax returns</li> <li>Provisional tax returns</li> <li>Tax assessments</li> <li>VAT documents</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>PROPRIETARY</b>  |
| <b>THIRD PARTIES</b>             | <ul style="list-style-type: none"> <li>Section 71 of PAIA makes provision for a request for information or records about a third party.</li> <li>In considering such a request, THE BUSINESS will adhere to the provisions of sections 71 to 74 of the Act.</li> <li>In certain circumstances, THE BUSINESS will be obliged to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.</li> <li>In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the head of the company or the request liaison officer by referring the matter to the High Court.</li> </ul>                                                                                                                                                                                                                                                                       | <b>CONFIDENTIAL</b> |

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### 11 INFORMATION REQUESTED ABOUT A THIRD PARTY

- 11.1 Section 71 of the Act makes provision for a request for information or records about a third party.
- 11.2 In considering such a request, the firm will adhere to the provisions of sections 71 to 74 of the Act.
- 11.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the firm is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.
- 11.4 In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the firm by referring the matter to the High Court.

### 12 UPDATING OF MANUAL

E Y Stuart Incorporated may update this manual annually or at such intervals as may be necessary.

### 13 SIGNATURES

This PAIA Manual for E Y Stuart Incorporated is approved and signed by the Information Officer:

|                      |                                                                                     |
|----------------------|-------------------------------------------------------------------------------------|
| DATED ON:            | 21 FEBRUARY 2025                                                                    |
| SIGNED AT:           | PRETORIA                                                                            |
| INFORMATION OFFICER: |  |

## MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")

### DEFINITIONS AND GENERAL TERMS APPLICABLE IN THIS MANUAL

1. In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –
  - 1.1 an expression which denotes
  - 1.2 any gender includes the other genders;
  - 1.3 a natural person includes an artificial or juristic person and vice versa;
  - 1.4 the singular includes the plural and vice versa;
  - 1.5 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –
  - 1.6 "this document" - this document together with all of its annexures, as amended from time to time;
  - 1.7 "the Act" - Promotion of Access to Information Act No. 2 of 2000 and any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
2. If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;
3. Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
4. Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
5. Any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
6. The use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;
7. Insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
8. This document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the company.
9. PAIA gives a **requester** the right to lodge a request for information with the Information Officer of a **private body** including the firm.
10. A **private body** is defined as follows in PAIA:
  - 10.1 a natural person who carries or has carried on any trade, business or profession, but only in such capacity
  - 10.2 a partnership which carries or has carried on any trade, business or profession; or
  - 10.3 any former or existing juristic person.
11. PAIA defines the **head of a private body** as: "*the chief executive officer or equivalent officer of the juristic person or any person duly authorized by that office....*"
12. A **requester** means:

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- 12.1 any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
  - 12.2 a person acting on behalf of the person contemplated in subparagraph 12.2 and 12.3.
13. **The firm** means the broad-based legal practice known as E Y Stuart Incorporated, Registration Number 1999/022245/21, herein referred to as the firm and which operates from one office situated at Suite 202, Waterkloof Gardens, 270 Main Street, Brooklyn, Pretoria, 0181, with all administrative employees and attorneys who constitute the firm.

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### ADDENDUM A: FORM 2

Also available from the SAHRC's website at [www.sahrc.org.za](http://www.sahrc.org.za).

THESE FORMS WILL BE PLACED ON THE FIRM'S WEBSITE ALONGSIDE THIS MANUAL

### REQUEST FOR ACCESS TO RECORD

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

| PERSONAL INFORMATION                                                         |           |  |                                 |
|------------------------------------------------------------------------------|-----------|--|---------------------------------|
| Full Names                                                                   |           |  |                                 |
| Identity Number                                                              |           |  |                                 |
| Capacity in which request is made<br>(when made on behalf of another person) |           |  |                                 |
| Postal Address                                                               |           |  |                                 |
| Street Address                                                               |           |  |                                 |
| E-mail Address                                                               |           |  |                                 |
| Contact Numbers                                                              | Tel. (B): |  | Facsimile: <input type="text"/> |
|                                                                              | Cellular: |  |                                 |
| Full names of person on whose behalf request is made (if applicable):        |           |  |                                 |
| Identity Number                                                              |           |  |                                 |
| Postal Address                                                               |           |  |                                 |

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|                                                                                                                                                                                                                                                                                                                    |          |  |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--|-----------|
| Street Address                                                                                                                                                                                                                                                                                                     |          |  |           |
| E-mail Address                                                                                                                                                                                                                                                                                                     |          |  |           |
| Contact Numbers                                                                                                                                                                                                                                                                                                    | Tel. (B) |  | Facsimile |
|                                                                                                                                                                                                                                                                                                                    | Cellular |  |           |
| <b>PARTICULARS OF RECORD REQUESTED</b>                                                                                                                                                                                                                                                                             |          |  |           |
| <i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i> |          |  |           |
| Description of record or relevant part of the record:                                                                                                                                                                                                                                                              |          |  |           |
|                                                                                                                                                                                                                                                                                                                    |          |  |           |
|                                                                                                                                                                                                                                                                                                                    |          |  |           |
|                                                                                                                                                                                                                                                                                                                    |          |  |           |
|                                                                                                                                                                                                                                                                                                                    |          |  |           |
| Reference number, if available                                                                                                                                                                                                                                                                                     |          |  |           |
| Any further particulars of record                                                                                                                                                                                                                                                                                  |          |  |           |
|                                                                                                                                                                                                                                                                                                                    |          |  |           |
|                                                                                                                                                                                                                                                                                                                    |          |  |           |
|                                                                                                                                                                                                                                                                                                                    |          |  |           |
|                                                                                                                                                                                                                                                                                                                    |          |  |           |
| <b>TYPE OF RECORD</b><br>(Mark the applicable box with an "X")                                                                                                                                                                                                                                                     |          |  |           |
| Record is in written or printed form                                                                                                                                                                                                                                                                               |          |  |           |
| Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)                                                                                                                                                                                    |          |  |           |
| Record consists of recorded words or information which can be reproduced in sound                                                                                                                                                                                                                                  |          |  |           |
| Record is held on a computer or in an electronic, or machine-readable form                                                                                                                                                                                                                                         |          |  |           |

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| <b>FORM OF ACCESS</b><br>(Mark the applicable box with an "X")                                                                                                |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form) |  |
| Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)            |  |
| Transcription of soundtrack (written or printed document)                                                                                                     |  |
| Copy of record on flash drive (including virtual images and soundtracks)                                                                                      |  |
| Copy of record on compact disc drive (including virtual images and soundtracks)                                                                               |  |
| Copy of record saved on cloud storage server                                                                                                                  |  |

| <b>MANNER OF ACCESS</b><br>(Mark the applicable box with an "X")                                                                                                                                                                               |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) |  |
| Postal services to postal address                                                                                                                                                                                                              |  |
| Postal services to street address                                                                                                                                                                                                              |  |
| Courier service to street address                                                                                                                                                                                                              |  |
| Facsimile of information in written or printed format (including transcriptions)                                                                                                                                                               |  |
| E-mail of information (including soundtracks if possible)                                                                                                                                                                                      |  |
| Cloud share/file transfer                                                                                                                                                                                                                      |  |
| Preferred language<br>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)                                                                            |  |

| <b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>                                                                                              |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages. |  |
| Indicate which right is to be exercised or protected                                                                                                  |  |
|                                                                                                                                                       |  |
|                                                                                                                                                       |  |



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|                                                                                                          |  |
|----------------------------------------------------------------------------------------------------------|--|
| Explain why the record requested is required for the exercise or protection of the aforementioned right: |  |
|                                                                                                          |  |
|                                                                                                          |  |

| FEES   |                                                                                                                                                                    |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a)     | <i>A request fee must be paid before the request will be considered.</i>                                                                                           |
| b)     | <i>You will be notified of the amount of the access fee to be paid.</i>                                                                                            |
| c)     | <i>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.</i> |
| d)     | <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>                                                               |
| Reason |                                                                                                                                                                    |
|        |                                                                                                                                                                    |
|        |                                                                                                                                                                    |

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

| Postal address | Facsimile | Electronic communication<br>(Please specify) |
|----------------|-----------|----------------------------------------------|
|                |           |                                              |

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

|  |
|--|
|  |
|--|

*Signature of Requester / person on whose behalf request is made*

### FOR OFFICIAL USE

|                                                                               |  |
|-------------------------------------------------------------------------------|--|
| Reference number:                                                             |  |
| Request received by:<br>(State Rank, Name And Surname of Information Officer) |  |
| Date received:                                                                |  |
| Access fees:                                                                  |  |
| Deposit (if any):                                                             |  |

|  |
|--|
|  |
|--|

*Signature of Information Officer*

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## ADDENDUM B: FORM 3

Also available from the SAHRC's website at [www.sahrc.org.za](http://www.sahrc.org.za).

### FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

Note:

- If your request is granted the—
  - amount of the deposit, (if any), is payable before your request is processed; and
  - requested record/portion of the record will only be released once proof of full payment is received.
- Please use the reference number hereunder in all future correspondence.

TO:

|  |
|--|
|  |
|  |
|  |
|  |

Reference number: 

|  |
|--|
|  |
|--|

Your request dated 

|  |
|--|
|  |
|--|

, refers.

#### 1. You requested:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B. |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

OR

#### 2. You requested:

|                                                                                                                                                                           |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form ) |  |
| Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)                        |  |
| Transcription of soundtrack (written or printed document)                                                                                                                 |  |
| Copy of information on flash drive (including virtual images and soundtracks)                                                                                             |  |
| Copy of information on compact disc drive(including virtual images and soundtracks)                                                                                       |  |
| Copy of record saved on cloud storage server                                                                                                                              |  |

#### 3. To be submitted:

|                                                                                                                                                                      |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Postal services to postal address                                                                                                                                    |  |
| Postal services to street address                                                                                                                                    |  |
| Courier service to street address                                                                                                                                    |  |
| Facsimile of information in written or printed format (including transcriptions)                                                                                     |  |
| E-mail of information (including soundtracks if possible)                                                                                                            |  |
| Cloud share/file transfer                                                                                                                                            |  |
| Preferred language:<br>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available) |  |

Kindly note that your request has been:

☐

Approved

☐

Denied, for the following reasons:

|  |
|--|
|  |
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|  |
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|  |
|--|

**4. Fees payable with regards to your request:**

| Item                                                  | Cost per A4-size page or part thereof/item                                     | Number of pages/items | Total |
|-------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------|-------|
| Photocopy                                             |                                                                                |                       |       |
| Printed copy                                          |                                                                                |                       |       |
| For a copy in a computer-readable form on:            |                                                                                |                       |       |
| (i) Flash drive                                       | R40.00                                                                         |                       |       |
| • To be provided by requestor                         |                                                                                |                       |       |
| (ii) Compact disc                                     | R40.00                                                                         |                       |       |
| • If provided by requestor                            |                                                                                |                       |       |
| • If provided to the requestor                        | R60.00                                                                         |                       |       |
| For a transcription of visual images per A4-size page | Service to be outsourced. Will depend on the quotation of the service provider |                       |       |
| Copy of visual images                                 |                                                                                |                       |       |
| Transcription of an audio record, per A4-size         | R24.00                                                                         |                       |       |
| Copy of an audio record                               |                                                                                |                       |       |
| (i) Flash drive                                       | R40.00                                                                         |                       |       |
| • To be provided by requestor                         |                                                                                |                       |       |
| (ii) Compact disc                                     | R40.00                                                                         |                       |       |
| • If provided by requestor                            |                                                                                |                       |       |
| • If provided to the requestor                        | R60.00                                                                         |                       |       |
| Postage, e-mail or any other electronic transfer:     | Actual costs                                                                   |                       |       |
| <b>TOTAL:</b>                                         |                                                                                |                       |       |

**5. Deposit payable (if search exceeds six hours):**

☐

Yes

☐

No

|                 |  |                                                                            |  |
|-----------------|--|----------------------------------------------------------------------------|--|
| Hours of search |  | Amount of deposit<br>(calculated on one third of total amount per request) |  |
|-----------------|--|----------------------------------------------------------------------------|--|

The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_  
 Name of account holder: \_\_\_\_\_  
 Type of account: \_\_\_\_\_  
 Account number: \_\_\_\_\_  
 Branch Code: \_\_\_\_\_  
 Reference Nr: \_\_\_\_\_  
 Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
 Information officer