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**Dated:** 06/09/2017

COMPILED IN COMPLIANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000

FOR

EVERSHEDS SUTHERLAND (SA) INC AND EVERSHEDS SUTHERLAND (KZN) INC  
(collectively "EVERSHEDS SUTHERLAND")

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**PROMOTION OF ACCESS TO INFORMATION MANUAL**

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## 1. INTRODUCTION

- 1.1 Eversheds Sutherland conducts business as a global law firm with the Eversheds Sutherland (SA) Inc offices based in Johannesburg and Eversheds Sutherland (KZN) Inc office based in Durban.
- 1.2 This Manual has been prepared in accordance with section 51 of the Act.
- 1.3 The aim of this Manual is to facilitate requests for access to records and information held by Eversheds Sutherland and to assist potential requesters as to the procedure to be followed when requesting access to such records and information.
- 1.4 Reference to any information in this Manual in addition to that specifically required in terms of section 51 of the Act does not create any right or entitlement to receive such information, other than in terms of the Act.
- 1.5 This Manual may be amended from time to time by Eversheds Sutherland, the latest version of the Manual will be made public as soon as it is finalised.
- 1.6 If any provision in a definition is a substantive provision, conferring rights or imposing obligations on any party, notwithstanding that such provision is only contained in the relevant definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual.
- 1.7 Where any term is defined within a particular clause other than clause 2, that term shall bear the meaning ascribed to it in that clause wherever it is used in this Manual.
- 1.8 This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise himself with the provisions of the Act before lodging any request with Eversheds Sutherland.

## 2. INTERPRETATION

- 2.1 In this Manual, unless the context clearly indicates otherwise:
  - 2.1.1 "**Act**" means the Promotion of Access to Information Act 2 of 2000;
  - 2.1.2 "**Head of Eversheds Sutherland (SA) Inc**" means the managing partner or any partner duly authorized by Eversheds Sutherland (SA) Inc in clause 4 to carry out the duties set forth under the Act;
  - 2.1.3 "**Head of Eversheds Sutherland (KZN) Inc**" means the managing partner or any partner duly authorized by Eversheds Sutherland (KZN) Inc in clause 4 to carry out the duties set forth under the Act;
  - 2.1.4 "**Information Officer**" means the person duly authorised and appointed in clause 4 to facilitate or assist the Head of Eversheds Sutherland (SA) Inc or Eversheds Sutherland (KZN) Inc as applicable, with any request in terms of the Act;
  - 2.1.5 "**Manual**" means this document as issued by Eversheds Sutherland;
  - 2.1.6 "**SAHRC**" means the South African Human Rights Commission.
- 2.2 For the purposes of this Manual, unless the context requires otherwise:
  - 2.2.1 the singular shall include the plural and vice versa;
  - 2.2.2 reference to one gender shall include the other gender; and
  - 2.2.3 reference to a natural person shall include an artificial or juristic person and vice versa;
- 2.3 Clause headings in this Manual are inserted for convenience only and shall not be taken into account for the purposes of interpreting it.

2.4 Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the release date of this Manual, and as amended or substituted from time to time.

### 3. CONTACT DETAILS

#### 3.1 Eversheds Sutherland (SA) Inc

**Head of Eversheds Sutherland (SA) Inc:** Peter van Niekerk

Contact number: 011 326 5552

Email: [petervanniekerk@eversheds-sutherland.co.za](mailto:petervanniekerk@eversheds-sutherland.co.za)

**Information Officer:** Claire de Beer

Contact number: 011 326 5552

Email: [clairedebeer@eversheds-sutherland.co.za](mailto:clairedebeer@eversheds-sutherland.co.za)

Registration number: 2012/097841/21

Postal address: PO BOX 782 244  
Sandton City  
2146

Physical address: 3<sup>rd</sup> Floor, 54 Melrose Boulevard  
Melrose Arch  
Melrose North  
Johannesburg  
2196

Phone number: 011 326 5552

Website: [www.eversheds-sutherland.com](http://www.eversheds-sutherland.com)

#### 3.2 Eversheds Sutherland (KZN) Inc

**Head of Eversheds Sutherland (KZN) Inc:** Andrew Turner

Contact number: 031 940 0501

Email: [andrewturner@eversheds-sutherland.co.za](mailto:andrewturner@eversheds-sutherland.co.za)

**Information Officer:** Claire Dobson

Contact number: 031 940 0501

Email: [clairedobson@eversheds-sutherland.co.za](mailto:clairedobson@eversheds-sutherland.co.za)

Registration number: 1997/001740/21

Postal address: PO BOX 5064  
Torsvale  
4019

Physical address: 3B & 5B The Ridge  
8 Torsvale Crescent  
La Lucia Ridge  
Durban  
4019

Phone number: 031 940 0501

Fax number: 031 566 1502

Website: [www.eversheds-sutherland.com](http://www.eversheds-sutherland.com)

4. **SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE**

4.1 The SAHRC has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

4.2 This guide may be obtained by any person from the SAHRC website at [www.sahrc.org.za](http://www.sahrc.org.za) and any enquiries regarding the guide may be directed to:

SAHRC: PAIA Unit  
The Research and Documentation Department

Postal Address: Private Bag X2700  
Houghton  
2041  
Telephone: +27 11 877 3600  
Telefax: +27 11 403 0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
Email: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)

5. **RECORDS AVAILABLE IN TERMS OF SECTION 51(1)(D) OF THE ACT**

5.1 To the extent applicable, Eversheds keeps such information and documents as may be required in accordance with, inter alia, the following legislation:

- 5.1.1 Attorneys Act, No. 53 of 1979;
- 5.1.2 Companies Act, No. 71 of 2008;
- 5.1.3 Consumer Protection Act, 68 of 2008;
- 5.1.4 Electronic Communications and Transactions Act, No. 25 of 2002;
- 5.1.5 Financial Intelligence Centre Act, 38 of 2001;
- 5.1.6 Income Tax Act, No. 58 of 1962;
- 5.1.7 Labour Relations Act, No. 66 of 1995;
- 5.1.8 National Credit Act, 34 of 2005;
- 5.1.9 Protection of Personal Information Act, No. 4 of 2013; and
- 5.1.10 Value Added Tax Act, No. 89 of 1991.

6. **RECORDS HELD BY EVERSHEDS SUTHERLAND IN TERMS OF SECTION 51(1)(E) OF THE ACT**

The following is a non-exclusive list of the subjects on which Eversheds Sutherland holds records and the categories into which these fall:

- 6.1 Company Secretarial:
  - 6.1.1 Memorandum of Incorporation of Eversheds Sutherland;
  - 6.1.2 certificate of change of name;
  - 6.1.3 customer related records;
  - 6.1.4 minutes and resolutions;
  - 6.1.5 records in respect of trademarks;

- 6.1.6 certificate of incorporation of Eversheds Sutherland; and
- 6.1.7 share registers.

6.2 Finance:

- 6.2.1 asset register;
- 6.2.2 audit reports;
- 6.2.3 fidelity fund certificate;
- 6.2.4 financial records;
- 6.2.5 financial statements;
- 6.2.6 insurance records;
- 6.2.7 management accounts;
- 6.2.8 tax records; and
- 6.2.9 VAT records.

6.3 Personnel/Human Resources:

- 6.3.1 employment contracts;
- 6.3.2 employment equity policy;
- 6.3.3 health & safety records;
- 6.3.4 internal policies and procedures;
- 6.3.5 payroll; and
- 6.3.6 staff records.

6.4 Legal:

- 6.4.1 various contracts & agreements.

6.5 Public relations:

- 6.5.1 Eversheds Sutherland brochures and publications; and
- 6.5.2 media releases.

**7. INFORMATION AUTOMATICALLY AVAILABLE**

The following categories of records are automatically available for inspection, purchase or photocopying and which do not need to be requested in terms of the Act:

- 7.1 newsletters;
- 7.2 booklets;
- 7.3 pamphlets/brochures;
- 7.4 reports;
- 7.5 posters;

- 7.6 other literature intended for public viewing; and
- 7.7 any other information provided on the Eversheds Sutherland website located at [www.eversheds-sutherland.com](http://www.eversheds-sutherland.com).

**8. HOW TO REQUEST RECORDS HELD BY EVERSLED SUTHERLAND IN TERMS OF SECTION 53(2) OF THE ACT**

- 8.1 Requests for access to records held by Eversheds Sutherland must be made by the requester using the prescribed Form C: Request for Access to Record of Private Body, attached hereto as Annexure A or otherwise made available on the SAHRC website or the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)). Such request must be made to the Information Officer at the address, fax number or electronic mail address provided for in clause 4 above.
- 8.2 In lodging the request, the requester must:
  - 8.2.1 provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester;
  - 8.2.2 indicate which form of access is required and specify a postal address, fax number and/or email address within the Republic;
  - 8.2.3 indicate whether, in addition to a written response, the requester requests to be informed in any other manner and state the necessary particulars to be so informed;
  - 8.2.4 identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- 8.3 If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- 8.4 The Head of Eversheds Sutherland, as soon as reasonably possible after the request has been received, shall decide whether or not to grant the request.

**9. GROUNDS FOR REFUSAL IN TERMS OF CHAPTER 4 OF THE ACT**

- 9.1 In terms of the Act, there are certain grounds upon which Eversheds Sutherland may refuse to grant a requester access to its records as certain categories of information may be subject to protection in the interests of privacy. Such records which may be protected would include but would not be limited to records containing:
  - 9.1.1 privileged information;
  - 9.1.2 private information of a third party who is a natural person;
  - 9.1.3 commercial information of a third party;
  - 9.1.4 confidential information of a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition;
  - 9.1.5 information that, if disclosed, could endanger the safety of an individual or could impair a party's protection of their property;
  - 9.1.6 commercial information relating to the private body in question which would include information regarding trade secrets, financial, commercial or technical information, the disclosure of which would cause harm to the commercial or financial interests of the body; and
  - 9.1.7 research information of a third party or of the private body in question.

**10. RECORDS NOT FOUND OR THAT DO NOT EXIST IN TERMS OF SECTION 55 OF THE ACT**

- 10.1 If all reasonable steps have been taken to find a record, and such record cannot be found or if the records do not exist, then the Head of Eversheds Sutherland or the Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 10.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Head of Eversheds Sutherland or the Information Officer with every person who conducted the search.
- 10.3 The notice, as set out in 11.1, shall be regarded as a decision to refuse a request for access to the record concerned for purposes of the Act.
- 10.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Head of Eversheds Sutherland or the Information Officer.
- 10.5 The attention of the requester is drawn to the provisions of Chapter 4 of the Act, as set out in clause 10 above, in terms of which Eversheds Sutherland may refuse, on certain specified grounds, to provide information to a requester.

**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, Eversheds Sutherland will adhere to the provisions of sections 71 to 73 of the Act.
- 11.3 The attention of the requester is drawn to the provisions of Chapter 5 of the Act in terms of which Eversheds Sutherland is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the Head of Eversheds Sutherland or the Information Officer by referring the matter to the High Court where all internal appeal procedures have been exhausted by the third party.

**12. UPDATING THE MANUAL**

- 12.1 Eversheds Sutherland may update this Manual every six months or at such intervals as may be necessary.

**13. AVAILABILITY OF THIS MANUAL IN TERMS OF SECTION 51(3) OF THE ACT**

- 13.1 This Manual is available for inspection, on prior arrangement with the Information Officer, at the offices of Eversheds Sutherland.
- 13.2 Copies of the Manual may be obtained, subject to the prescribed fees, at the offices of Eversheds Sutherland.
- 13.3 The Manual can also be accessed on the website of the SAHRC.

**14. PRESCRIBED FEES**

- 14.1 The fees for reproduction of a record as referred to in section 52(3) are as follows:

- 14.1.1.1 for every photocopy of an A4 size page or part thereof R1,10;
- 14.1.1.2 for every printed copy of an A4-size page or part thereof R0,75;
- 14.1.1.3 for a copy of a compact disc R70,00;
- 14.1.1.4 for a transcript of visual images for an A4 size page or part thereof R40,00;



14.1.1.5 for a copy of visual images R60,00;

14.1.1.6 for a transcript of an audio record, for an A4-size page or part thereof R20,00; and

14.1.1.7 for a copy of an audio record R30,00.

14.2 The request fee payable by a requester, other than a personal requester is R50,00.

14.3 If the Head of Eversheds Sutherland or if the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six hours.



REPUBLIC OF SOUTH AFRICA

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

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: ..... Identity
number: [Grid of 12 boxes]

Postal address: .....

Telephone number: (.....) ..... Fax number: (.....)

E-mail address: ..... Capacity
in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: ..... Identity
number: [Grid of 12 boxes]

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....  
.....  
.....  
.....

2. Reference number, if available:

.....  
.....  
.....  
.....

3. Any further particulars of record:

.....  
.....  
.....  
.....

**E. Fees**

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

Reason for exemption from payment of fees:

.....  
.....  
.....  
.....  
.....

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

**1. If the record is in written or printed form:**

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

**2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):**

	view the images		copy of the images*		transcription of the images*
--	-----------------	--	---------------------	--	------------------------------

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

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

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

	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)
--	-------------------------	--	--	--	--

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

**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form.  
**The requester must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at ..... this day..... of .....year .....

SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE