



Promotion of Access to Information Manual (Manual) for Law Trusted Third Party Services (Pty) Ltd (LAWtrust) (Registration Number 2001/004386/07) in terms of section 51(1) of the Promotion of Access to Information Act 2 of 2000 (the Act)

## PURPOSE

The purpose of this document is to serve as the Manual of LAWtrust as required in terms of the Act, and to provide a reference as to the records held and the procedures that need to be followed to request access to such records.

## 1. CONTACT PERSON AND ADDRESS DETAILS OF LAWTRUST

[as required in terms of section 51(1)(a)]

The Chief Executive Officer of the Company has duly authorised the contact person below to ensure compliance with the Act:

Contact Person: Rian Schoeman  
Legal Advisor and Company Secretary

Postal Address: Postnet Suite 412  
Private Bag X111  
Centurion  
0157

Physical Address: Building C, Cambridge Park  
5 Bauhinia Street  
Highveld Techno Park  
Centurion  
0157

Telephone number: +27 (0)12 676 9240

Email: [legal@lawtrust.co.za](mailto:legal@lawtrust.co.za)

Website: [www.lawtrust.co.za](http://www.lawtrust.co.za)

## 2. GUIDE ON HOW TO USE THIS ACT

[as required in terms of section 51(1)(b)]

The South African Human Rights Commission has compiled a guide, in terms of section 10 of the Act, containing such information as may reasonable be required by a person who wishes to exercise any right contemplated in the Act. This guide was published in the first half of 2005 and access to it, As well as to any amended versions thereof, can be found on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za). You can also obtain a hard copy from the South African Human Rights Commission offices at 29 Princess of Wales Terrace, Cnr York and St Andrews Streets, Parktown, Johannesburg.

Please direct any queries to:

The South African Human Rights Commission: PAIA Unit: The Research and Documentation Department:

Postal address:

Private Bag 2700

Houghton 2041

Telephone: +27 (0)11 484 8300

Fax: +27 (0)11 484 0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

e-mail address: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## 3. CATEGORIES OF RECORDS AVAILABLE

[as required in terms of section 51(1)(c)]

The following categories of records are automatically available without a person having to request access in terms of this Act:

- Statutory records – all companies (public or private)

Memorandum of incorporation

Certificate of incorporation

Register of directors

CoR prescribed forms

- Corporate communications

Press releases

Corporate mission statement

Brochures and promotional literature giving information of products and services

- Human resources
  - Employment equity returns to the Department of Labour
  - Work skills development plan submitted to Fasset
- Company Investments
  - List of subsidiary companies, associates and joint ventures
- Employee benefits
  - Discovery Health Medical Aid
  - Liberty Life Provident Fund

*(The above are separate entities and, as such, information pertaining to these entities must be requested directly from them).*

- Auditors
  - The Company's auditors are Grant Thornton, Building 2, Summit Place, 221 Garstfontein Rd & Corner of Mante Road, Pretoria, 0181
- Information available on the Company's website.

## 4. RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION

[as required in terms of section 51(1)(d)]

Records are available in accordance with the following current South African legislation (only to the extent that the relevant statute makes disclosure of records compulsory):

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Copyright Act No. 98 of 1978
- Employment Equity Act No. 55 of 1998
- Financial Services Board Act No. 97 of 1990
- Income Tax Act No. 95 of 1967
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Occupational Health & Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Stock Exchange Control Act No. 1 of 1985
- Trade Marks Act No. 194 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

## 5. DETAIL TO FACILITATE A REQUEST FOR ACCESS TO RECORDS

[as required in terms of section 51(1)(e)]

In order to facilitate a request for access to a record, the Company has in its possession the following categories of records on the subject matters referred to hereunder:

Category	Records
Administration:	Minutes of directors' meetings Minutes of management meetings Correspondence
Human Resources:	Staff recruitment policies Employment contracts
Operations:	Sales records Legal agreements and commercial contracts
Finance:	Financial statements Management Accounts Annual financial statements Invoices Delivery notes

*\*Most of the above-mentioned records are of a confidential nature and only accessible to authorised persons.*

## 6. ACCESS REQUESTS PROCEDURE AND PRESCRIBED FEES

A request for access to records must be made in the prescribed Form B (a copy of which is attached hereto) and should be sent to the address, fax number or electronic mail address of the contact person set out in section 1.

An initial, non-refundable request fee of *R57.00 (inclusive of VAT)* is payable on submission. This fee is not applicable to personal requests, i.e. an individual seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record.

A request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

- Notification of extension period (if required)

Applicants must take note that in terms of the Act the 30 days' period mentioned above may be extended for a further period of not more than 30 days' under certain circumstances (details will be provided together with the notification of such extension);

- Access fee and/or deposit

The applicant will be informed of the access fee (if any) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

- Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised.

- Grounds for refusal

The Company may legitimately refuse to grant access to the requested record that falls within a certain category. Grounds on which the Company may refuse include:

- Protecting personal information that the Company holds about an individual, including a deceased person, from unreasonable disclosure;
- Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets, financial, commercial, or technical information that may harm the commercial or financial interests of the Company or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party of the Company.

- Records that cannot be found or do not exist

If the Company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try and locate the record.

- Third party information

If access is requested to a record that contains information about a third party, the Company is obliged to attempt to contact this third party to inform them of the request. This enables

the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support of denial of access, our designated contact person, the details of which appear in section 1, will consider these reasons in determining whether access should be granted, or not.

## 7. ALL REMEDIES IN LAW

All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging: –

- i) an internal appeal (Section 75); and
- ii) an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision of the head of a private body (Section 78).

*NOTES: According to the Act if one is refused access to information, they have a right to make an internal appeal (for more information on this refer to Section 75 which outlines a manner of making an internal appeal and all the fees required). Should an internal appeal fail one can take the matter to court (for more information see Section 78). Therefore this information must be made available in the Information Manual in a clear and simple language.*

FORM B

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No. 2 of 2000)

[Regulation 4]

A. Particulars of private body

The Head:

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B. Particulars of person requesting access to the record

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

Full names and surname: \_\_\_\_\_

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Identity number \_\_\_\_\_

Postal address: \_\_\_\_\_

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\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of other person:

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C. Particulars of person on whose behalf request is made

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

Full names and surname: \_\_\_\_\_  
\_\_\_\_\_

Identity number \_\_\_\_\_

D. Particulars of record

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

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

2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Fees

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



Reason for exemption from payment of fees: \_\_\_\_\_

\_\_\_\_\_

F. Form of access to record

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

Disability: \_\_\_\_\_

\_\_\_\_\_

Form in which record is required: \_\_\_\_\_

Mark the appropriate box with an "X"

NOTES:

- a) Your indication as to the required form of access depends 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.

If the record is in written or printed form –

	copy of record*		inspection of record
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If record consists of visual images –

(this includes photographs, slides, video recordings, computer generated images, sketches, etc.)

	view the images		Copy the images*		transcription of the images*
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If the 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)
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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)
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*If you requested a copy of transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
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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.

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

\_\_\_\_\_  
\_\_\_\_\_

2. Explain why the requested record is required for the exercising 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 thereof 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 \_\_\_\_\_ 20 \_\_\_\_\_

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SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF THE REQUEST IS MADE

FORM C

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 6]

STATE YOUR REFERENCE

NUMBER: \_\_\_\_\_

NOTE: A person who lodges an internal appeal may have to pay an appeal fee. If an appeal fee is payable, the decision of the internal appeal may be deferred until the fee is paid.

A. \_\_\_\_\_ Particulars of public body

The Information Officer / Deputy Information Officer: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. \_\_\_\_\_ Particulars of requester / third party who lodges the internal appeal

- a) The particulars of the person who is lodging the internal appeal, must be completed below.
- b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be stated at C below.

Full names and surname: \_\_\_\_\_

\_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of other person:

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C.

Particulars of requester

This section must be completed ONLY if a third person (other than the requester) is lodging the internal appeal.

Full names and surname: \_\_\_\_\_

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Identity number: \_\_\_\_\_

D.

The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an "X" in the appropriate box:	
	Refusal of request for access.
	Decision regarding fees determined in terms of section 22 of the Act
	Decision regarding the extension of the period within which request must be dealt with in terms of section 26(1) of the Act.
	Decision in terms of section 29(3) of the Act to refuse access in the form as requested by the requester
	Decision to grant request for access

E.

Grounds for appeal

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

State the grounds upon which the internal appeal is based: \_\_\_\_\_

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State any other information that may be relevant in considering the appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance to your request.

State the manner: \_\_\_\_\_

Particulars of manner: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
SIGNATURE OF APPELLANT

FOR INTERNAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on \_\_\_\_\_ (date) by \_\_\_\_\_

\_\_\_\_\_ (state rank,

name and surname of information officer / deputy information officer).

Appeal accompanied by the reasons for the information officer / deputy information Officer's decision and, where applicable, the particulars of any third party to whom or which the records, submitted by information officer / deputy information officer on \_\_\_\_\_ (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER / DEPUTY INFORMATION OFFICER CONFIRMED / SUBSTITUTED BY NEW DECISION

NEW DECISION : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
RELEVANT AUTHORITY

DATE RECEIVED BY THE INFORMATION OFFICER / DEPUTY INFORMATION

OFFICER FROM THE RELEVANT AUTHORITY: \_\_\_\_\_