

MANUAL

**Published in accordance with Section 51 of the Promotion of Access
to Information Act, No. 2**

of 2000 (“PAIA”)

for

Lester Hall Fletcher Inc.

(herein after referred to as “the firm”)

And incorporation of the provisions

in respect of the Protection of Personal Information Act 2013

(POPIA)

This document does not replace the relevant provisions in POPIA but operates in support of the requirements in POPIA. A code cannot limit a data subject’s right to privacy, which can only be done as provided for in POPIA.

The commencement date of POPIA

Parliament assented to POPIA on 19 November 2013. The commencement date of section 1, Part A of Chapter 5, section 112 and section 113 is 11 April 2014. The commencement date of the other sections is 1 July 2020 (with the exception of section 110 and 114(4)). The President of South Africa has proclaimed the POPI commencement date to be 1 July 2020.

Information Regulator

POPI establishes an Information Regulator (IR). In terms POPI, the Information Regulator is an independent body and once established, will be accountable to the National Assembly of Parliament.

The IR can receive complaints from both requesters and third parties in terms of PAIA.

The IR will have powers to investigate complaints relating to non-compliance with POPI and PAIA.

All powers and responsibilities currently being performed by the Commission in terms of PAIA will be taken over by the IR once that office has been established i.e. all section 32 reports, section 14 manuals and section 51 manuals will have to be submitted to the IR.

Latest update: 13 May 2021

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1 INTERPRETATION

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 -
 - 1.1.1 any gender includes the other genders;
 - 1.1.2 a natural person includes an artificial or juristic person and vice versa;
 - 1.1.3 the singular includes the plural and vice versa;
- 1.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -
 - 1.2.1 "this document" - this document, as amended from time to time;
 - 1.2.2 "the firm" –Lester Hall Fletcher Incorporated;
 - 1.2.3 "the Act" - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;
 - 1.2.4 "request liaison officer" - the person duly authorised by the head of the company and appointed by the company to facilitate or assist the head of the company with any request in terms of the Act.
- 1.3 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;
- 1.4 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;
- 1.5 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;
- 1.6 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;
- 1.7 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;
- 1.8 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;

- 1.9 insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
- 1.10 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.

2 **AIM**

To facilitate the requests for access to records of the company as provided for in the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”)

The Act gives effect to the constitutional right of access to any information held by another person. This manual is to assist requesters as to the procedure to be followed when requesting information in terms of the Act.

This manual may be amended from time to time and any new versions of this manual will be made public.

Lester Hall, Fletcher Inc. is a legal practice founded in 1951 by Lester Eves Hall and incorporated in terms of the Company Laws of South Africa. The firm handles all types of conveyancing and notarial transactions, the administration of estates, the drafting of commercial contracts and wills and litigation. The Managing Director of the practice is Sally Anne Fletcher together with two further directions being Christo De Beer and Tasveera Ramkeran.

3 **DETAILS**

Full name : Lester Hall Fletcher Incorporated

Registration No. : 1993/001266/21

Postal address : Private Bag X7016

Hillcrest

3650

Physical address : 44 Old Main Road

Kloof

Docex : 5, Kloof

Telephone : 0861 2777 27

Website : www.

Email : saf@lesterhall.co.za

4 CONTACT DETAILS OF THE HEAD OF THE COMPANY AND REQUEST LIAISON OFFICER

4.1 The head of the company is Sally Anne Fletcher. Her contact details are –

Telephone : 0861 2777 27
Email : saf@lesterhall.co.za

4.2 The request liaison officer is Daniyle Mallon.

Telephone : 0861 2777 27
Email : daniyle@lesterhall.co.za

5 HUMAN RIGHTS COMMISSION (“HRC”) GUIDE

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

5.2 The contact details of the HRC are –

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal address : Private Bag 2700

HOUGHTON

Telephone : +27 11 484 8300

Fax : +27 11 484 0582

Website : www.sahrc.org.za

Email : PAIA@sahrc.org.za

6 RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EITHER EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES

6.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 9 -

- 6.1.1 personnel records are available to the employee whose file it is;
- 6.1.2 records of disciplinary hearings and related matters are available to the
- 6.1.3 employee concerned;
- 6.1.4 the company's policies and procedures manual;
- 6.1.5 the company's document format manual.

6.2 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 9 -

- 6.2.1 the company's employment equity plan;
- 6.2.2 the company's skills development plan.

7 RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(D) OF THE ACT

The following records are not automatically available without a request in terms of the Act –

- 7.1 all statutory returns -
 - 7.1.1 VAT;
 - 7.1.2 workmen's compensation;
 - 7.1.3 UIF;
 - 7.1.4 regional services levies; and
 - 7.1.5 skills development levies.
- 7.2 documents concerning compliance by the company, insofar as it may be necessary, with legal obligations in terms of the Legal Practice Act 28 of 2014, the Occupational Health and Safety Act No. 85 of 1993 and any other applicable environmental legislation.

Certain records of Lester Hall, Fletcher Inc. are available other than in terms of the Act. The specific records which are available in terms of such legislation are set out therein and these records may in certain circumstances only be accessed by the person specified in the relevant legislation. The legislation is as follows :-

Administration of Estates Act, No. 66 of 1965
Arbitration Act No. 42 of 1965
Basic Conditions of Employment Act No. 75 of 1997
Companies Act No. 71 of 2008
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Consumer Protection Act No. 68 of 2008
Copyright Act No. 98 of 1978
Currency and Exchanges Act No. 9 of 1933
Debtor Collectors Act No. 114 of 1998
Employment Equity Act No. 55 of 1998
Finance Act No. 35 of 2000
Financial Services Board Act No. 97 of 1990
Financial Relations Act No. 65 of 1976
Harmful Business Practices Act No. 23 of 1999
Income Tax Act No. 95 of 1967
Insolvency Act No. 24 of 1936
Insurance Act No. 27 of 1943
Labour Relations Act No. 66 of 1965
Legal Practice Act 28 of 2014
Long Term Insurance Act No. 52 of 1998
Medical Schemes Act No. 131 of 1998
National Credit Act No. 34 of 2005
Occupational Health and Safety Act No. 85 of 1993
Pension Funds Act No. 24 of 1956
Protection of Businesses Act No. 99 of 1978
Regional Services Councils Act No. 109 of 1985
SA Reserve Bank Act No. 90 of 1989
Short Term Insurance Act No. 53 of 1998
Skills Development Levies Act No. 9 of 1999
Skills Development Act No. 97 of 1998
Stock Exchange Control Act No. 1 of 1985
Tax on Retirement Funds Act No. 38 of 1996
Trade Marks Act No. 194 of 1993
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

Not all of the above Acts are presently applicable.

8 OTHER TYPES OF RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN SECTION 51(1)(C)

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

A request in terms of this section is subject to section 63(1) of the Act, which provides that the head of a company must 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.

8.1 Human Resources department

8.1.1 Personnel information including personal information, employment history and health records that the company may hold from time to time.

8.1.2 Training and development information.

8.1.3 General files containing information on employee benefits and employee recruitment and selection information.

8.2 Project management

8.2.1 Building plans.

8.2.2 Information generally related to projects conducted by the company from time to time.

8.3 Information technology

8.3.1 Usage statistics.

8.3.2 Equipment details.

8.3.3 Costings of hardware and software.

8.4 Catering

8.4.1 Function records and related costings.

8.4.2 Stock sheets.

8.4.3 List of suppliers.

8.5 Companies department

8.5.1 Company secretarial records

8.6 Finance/Accounts department

8.6.1 Financial records.

8.6.2 A list of the company's creditors and debtors.

8.6.3 Salary information.

- 8.6.4 Bank account information.
- 8.6.5 Fixed assets register
- 8.7 Marketing department
 - 8.7.1 Company brochures and publications.
 - 8.7.2 Documents relating to public relation events.
 - 8.7.3 Company media releases.
- 8.8 Support services
 - 8.8.1 Delivery and collection sheets
 - 8.8.2 List of suppliers

9 PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE

- 9.1 A request shall be made on the prescribed form. The form is also available from the website of the HRC, or the website of the Department of Justice and Constitutional Development at www.doj.gov.za.
- 9.2 The prescribed form shall be submitted to the request liaison officer at her address, telefax number or e-mail address, who shall hand it to the head of the company.
- 9.3 The same procedure as set out in 9.1 and 9.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the company.
- 9.4 The head of the company, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request.
- 9.5 The requester will be notified of the decision of the head of the company or the request liaison officer in the manner indicated by the requester.
- 9.6 If the request is granted, the requester shall be informed by the head of the company or the request liaison officer in the manner indicated by the requester in the prescribed form.
- 9.7 Notwithstanding the foregoing, the company will advise the requester in the manner stipulated by the requester in the prescribed form of -
 - 9.7.1 the access fee to be paid for the information (in accordance with paragraph 10);
 - 9.7.2 the format in which access will be given; and

- 9.7.3 the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 9.8 After access is granted, actual access to the record requested will be given as soon as reasonably possible
- 9.9 If the request for access is refused, the head of the company or the request liaison officer shall advise the requester in writing of the refusal. The notice of refusal shall state –
- 9.9.1 adequate reasons for the refusal;
- 9.9.2 that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 9.10 Upon the refusal by the head of the company or the request liaison officer, the deposit paid by the requester will be refunded.
- 9.11 If the head of the company or the request liaison officer fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the head of the company or the request liaison officer has refused the request.
- 9.12 The head of the company may decide to extend the period of thirty days ("original period") for another period of not more than thirty days if -
- 9.12.1 the request is for a large number of records;
- 9.12.2 the search for the records is to be conducted at premises not situated in the same town or city as the head office of the company;
- 9.12.3 consultation among divisions or departments, as the case may be, of the company is required;
- 9.12.4 the requester consents to such an extension in writing; and
- 9.12.5 the parties agree in any other manner to such an extension.
- 9.13 Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 9.14 The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section

10 FEES PAYABLE

The prescribed forms and fee structure for private bodies can be obtained on the SAHRC website – www.sahrc.org.za or the website of the Department of Justice and Constitutional Development – www.dog.gov.za .

11 INFORMATION OR RECORDS NOT FOUND

- 11.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the company or the request liaison officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 11.2 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 the company or the request liaison officer with every person who conducted the search.
- 11.3 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 the purposes of the Act.
- 11.4 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 the company or the request liaison officer.
- 11.5 The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.

12 INFORMATION REQUESTED ABOUT A THIRD PARTY

- 12.1 Section 71 of the Act makes provision for a request for information or records about a third party.
- 12.2 In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.
- 12.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company 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 the company or the request liaison officer by referring the matter to the High Court.

13 UPDATING OF MANUAL

The company may update this manual every six months or at such intervals as may be necessary

SIGNED: _____

HEAD of LESTER HALL, FLETCHER INC.