

Brooks & Luyt Incorporated

REGISTRATION NUMBER: 2013/021371/21



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MANUAL OF Brooks & Luyt Incorporated

Registration Number : 2013/021371/21

Prepared in accordance with Section 51 of the Promotion of Access to Information Act. No. 2 of 2000

INTRODUCTION

On 9 March 2001, the Promotion of Access to Information Act. No. 2 of 2000 (“the Act”) became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

This document serves as the company’s information manual and provides reference to the records held by the company and the process to request access to such records.

SCOPE OF THE MANUAL

Nature of Business: Law Firm

The scope of the manual is limited to the records held by Brooks & Luyt Incorporated

AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection on the Company’s website at www.brooksluyt.co.za or on request from the designated contact person referred to in this manual.

CONTACT PERSON

CONTACT DETAILS

Head of Business: Guy Brooks
Contact Number: 011 543 9000
Email: gbrooks@brooksluyt.co.za

The responsibility for administration of, and compliance with the Act has been delegated to the Information Officer. Requests pursuant to the provisions of the Act should be directed as follows:

Contact person	Guy Brooks
Postal Address	P O Box 1409, Parklands, 2121
Physical Address	132 Jan Smuts Avenue, Parkwood, Johannesburg, 2193
Phone number	011 543 9000
E-mail	gbrooks@brooksluyt.co.za

HRC GUIDE

GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, inter alia, as follows:

The South African Human Rights Commission
Access to Information Unit
Braampark Forum 3, 33 Hoofd Street
Braamfontein

Website : www.sahrc.org.za

Kindly direct queries to

Postal Address: Private Bag 2700
Houghton 2041

Phone number: 011 877 3600

Fax number : 011 403 0625

E-mail: lidlamini@sahrc.org.za

N/A

RECORDS HELD IN ACCORDANCE WITH LEGISLATION

Records are held in accordance with the following legislation:

- * Administration of Estates Act, 1965
- * Attorneys Act, 1979 (Act No. 53 of 1979)
- * Banks Act, 1990
- * Basic Conditions of Employment Act, 1997
- * Broad Base Black Economic Empowerment Act, 2003
- * Businesses Act, 1991 (Act No. 71 of 1991)
- * Companies Act 1973
- * Companies Act 2008 (Act No. 71 of 2008)
- * Compensation for Occupational Injuries and Diseases Act, 1993
- * Competition Act, 1998
- * Constitution of the Republic of South Africa, 1996
- * Consumer Affairs (Unfair Business Practices) Act, 1988
- * Consumer Protection Act, 2008
- * Co-operative Banks Act, 2007 (Act No. 40 of 2007)
- * Debt Collectors Act, 1998
- * Electronic Communications Act, 2005
- * Electronic Communications and Transactions Act, 2002
- * Employment Equity Act, 1998
- * Estate Duty Act, 1955
- * Finance Act, 2007
- * Financial Advisory and Intermediary Services Act, 2002
- * Financial Institutions (Protection of Funds) Act, 2001 (Act No. 28 of 2001)
- * Financial Intelligence Centre Act, 2001
- * Financial Services Board Act, 1990 (Act No. 97 of 1990)
- * Income Tax Act, 1962
- * Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000)
- * Labour Relations Act, 1995
- * National Credit Act, 2005

- * National Payment Systems Act, 1998 (Act No. 78 of 1998)
- * Occupational Health and Safety Act, 1993
- * Preferential Procurement Policy Framework Act, 2000
- * Promotion of Access to Information Act, 2000
- * Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
- * Public Holidays Act, 1994 (Act No. 36 of 1994)
- * Right of Appearance in Courts Act, 1995
- * Short-term Insurance Act, 1998
- * Skills Development Act, 1998
- * Skills Development Levies Act, 1999
- * South African Citizenship Act, 1995
- * Unemployment Insurance Act, 2001
- * Unemployment Insurance Contributions Act, 2002
- * Value-Added Tax Act, 1991

ACCESS REQUEST PROCEDURE

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application to access to a record is subject to certain limitations if the requested record falls within a certain category as specified with Part 3 and Chapter 4 of the Act.

COMPLETION OF ACCESS REQUEST FORM

In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- * The Access Request Form must be completed
- * Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requestors will be required to supply a copy of their identification document.

- * Complete the form in BLOCK LETTERS and answer every question.
- * If a question does not apply state N/A in response to that question
- * If there is nothing to disclose in reply to a particular question state “nil” in response to that question.
- * If there is insufficient space on a printed form, additional information may be provided on an attached folio
- * When the use of an attached folio is required, precede each answer with the applicable title.

SUBMISSION OF ACCESS REQUEST FORM

The complete Access Request Form together with a copy of the identity document must be submitted either via post, e-mail or fax and must be addressed to the contact person as indicated above.

This fee is not applicable to personal requesters referring to any person seeking to access records that contain their personal information

An initial, request fee of R57.00 (including VAT) is payable on submission

PAYMENT OF FEES

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order. Proof of payment must be supplied

The access fee must be paid prior to access being given to the requested record.

If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees.

If a deposit has been paid in respect of a request for access which is refused then the information officer must refund the deposit to the requestor

ACCESS REQUEST PROCEDURE

NOTIFICATION

The company will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period within which the company has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information and the information cannot be reasonably obtained within the original 30 day period. The company will notify the requester in writing should an extension be sought.

GROUND FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains
 - Trade secrets of that party
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party
 - Information disclosed in confidence by a third party to the company if the disclosure could put that third party to a disadvantage in negotiations or commercial competition
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The Commercial Activities of the company which may include:
 - Trade secrets of the company
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the company.

FORMS

ACCESS REQUEST FORM

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

[Regulation 10]

Particulars of Private Body

Requests can be submitted either via post, e-mail or fax and should be addressed to the relevant contact person as indicated below:

Contact person	Guy Brooks
Postal Address	P O Box 1409, Parklands, 2121
Physical Address	132 Jan Smuts Avenue, Parkwood, Johannesburg, 2193
Phone number	011 543 9000
E-mail	gbrooks@brooksluyt.co.za

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 capacity in which request is made, if applicable, must be attached.*

Full names and surname :

Identity number :

Postal address :

Fax number :

Telephone number :

E-mail address :

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

Particulars of person requesting access to the record (if a legal entity)

- (a) *The particulars of the entity 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 capacity in which request is made, if applicable, must be attached.*

Name of entity :

Registration number :

Postal address :

Fax number :

Telephone number :

E-mail address :

Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number:

Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be requested*
- (b) *If the provide space is inadequate, please use a separate folio and attach it to this form. Please sign additional folios.*

Description of record of relevant part of the record:

Reference number (if available):

Any further particulars of record:

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 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 of payment of fees:

FORM OF ACCESS TO RECORD

Form in which record is required

Mark the appropriate box with an X

NOTES

- (a) *Compliance with your request in the specified form may depend on the form in which the record is available*
- (b) *Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether 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

View the images Copy of the images Transcription of the images

3. If the record consists of recorded information that can be reproduced in sound:

Listen to the soundtrack (audio) Transcription of soundtrack

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

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

Printed copy of record Printed copy of information derived from the record Copy in computer readable form

If you requested a copy or transcription of a record (above) do you wish the copy of transcription to be posted to you? Postage is payable

Yes

No

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.

In which language would you prefer the record:

In the event of a disability

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in the form in which the record is required

Disability:

Form in which record is required:

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

1. **Indicate the right to be exercised or protected:**

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

NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved or 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 aton day of..... 20
this

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

- | YOU MUST | SEND WITH THIS APPLICATION |
|-------------------------------------|--|
| 1. Complete all necessary spaces | 1. The request fee (if not personal requester) |
| 2. Sign the access request form | 2. Any additional folios completed |
| 3. Sign additional folios completed | 3. Copy of Identity Document |

FEES

PRESCRIBED FEES

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000)
 [Fees for record of Private Body]

PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE ADDED TAX

- | | |
|--|---------|
| (a) For every photocopy of an A4 size page or part thereof | R 1.10 |
| (b) For every printed copy of an A4 size page or part thereof held on computer or in an electronic or machine readable form | R 0.75 |
| (c) For a copy in a computer-readable form on | |
| (i) compact disc | R 70.00 |
| (d) (i) For a transcription of visual images, for an A4 size page or part thereof | R 40.00 |
| (ii) For a copy of visual images | R 60.00 |
| (e) (i) For a transcription of an audio record, for an A4 size page or part thereof | R 20.00 |
| (ii) For a copy of audio record | R 30.00 |
| (f) To search for and prepare the record for disclosure – R50.00 for each hour or part thereof reasonably required for such search and preparation | |

(Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000)
[Regulation 11(3)]

PLEASE NOTE THAT ALL PRICES LISTED ABOVE ARE INCLUSIVE OF VALUE ADDED TAX

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000)
[Regulation 11(3)]

PLEASE NOTE THAT ALL PRICES LISTED ABOVE ARE INCLUSIVE OF VALUE ADDED TAX

The actual postage fee is payable when a copy of a record must be posted to a requester