



INFORMATION MANUAL

(In terms of Section 51 of the Promotion of Access to Information Act 2 of 2000)

In respect of

**HARVEY NORTJE WAGNER
AND MOTIMELE INCORPORATED**

December 2015

1. DEFINITIONS:

The following words or expressions will bear the following meanings in this manual:

- 1.1. "the/this Act / PAIA" shall mean the Promotion of Access to Information Act, No. 2 of 2000, as amended from time to time, together with all relevant regulations published thereunder;
- 1.2. "the/this Manual" shall mean this manual together with all annexures thereto, as amended from time to time;
- 1.3. "Harvey Nortje / the Firm" shall mean Harvey Nortje Wagner & Motimele Incorporated
- 1.4. "SAHRC" shall mean the South African Human Rights Commission;
- 1.5. "Information Officer" shall mean the Managing Director as will more fully appear from clause 5.1 below.
- 1.6. "Request Liaison Officer" the person, authorised by the Managing Director of the Firm to facilitate or assist with any request in terms of this Act and/or manual.

2. INTRODUCTION:

The object of the Act is to give effect to the constitutional right of access to information held by private or public bodies which information is required for the exercise or protection of any rights and matters connected therewith.

The right of access to information may be limited subject to reasonable and/or justifiable limitations as statute, privacy, commercial confidentiality, professional privilege etcetera.

The requestor of the information must make a request for information in terms of the provisions of this Act and the body from which such information is required must make same available to the requestor except where the Act provides that certain information may or must not be released.

3. PURPOSE OF THIS MANUAL

The purpose of this manual is to set out what information is held by Harvey Nortje and what procedure should be followed in order to access information held by the Firm.

4. DETAILS OF THE FIRM

Full Names : Harvey Nortje Wagner Motimele Incorporated
Registration Number : 1986/003282/21
Postal Address: : P.O.BOX 61
 EMALAHLENI
 1035
Physical Address: : 1st FLOOR WCMAS BUILDING
 Cnr O.R. Tambo and Susanna Streets
 Emalahleni
 1035
Docex : 5 Witbank
Telephone Number : +27 13 656 2161
Fax number: : +27 13 656 6075
E-mail: : info@harveynortje.co.za
Website: : <http://www.harveynortje.co.za>

5. CONTACT DETAILS (Section 51(1)(a) of the Act):

5.1 The Managing Director is Mr. Willem Nortje. His contact details are:

Telephone Number : +27 13 656 2161
Fax number : +27 13 656 6075
Email : willie@harveynortje.co.za

5.2 The Request Liaison Officer is Mrs. Marthie Prinsloo. Her contact details are:

Telephone Number : +27 13 656 2161
Fax number : +27 13 656 6075
E-mail : marthie@harveynortje.co.za

6. GUIDE IN TERMS OF SECTION 10 OF THE ACT (Section 51(1)(b) of the Act)

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

The contact details of the SAHRC are as follows:

Postal Address: Private Bag 2700 Houghton 2041
Telephone Number: +27 11 484 - 8300
Fax Number: +27 13 484 - 0582
E-mail: paiar@sahrc.org.za
Website: <http://www.sahrc.org.za>

7. NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT (Section 51(1)(c) of the Act)

- 7.1 No notice has been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.
- 7.2 The following records are however automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 10:
- 7.2.1 personnel records are available to the employee whose file it is;
 - 7.2.2 records of disciplinary hearings and related matters are available to the employee concerned.
 - 7.2.3 the Firm's internal procedures and manuals;
 - 7.2.4 Masters of documents (document templates);
 - 7.2.5 Any other records or documents required to execute his/her functions, obligations and tasks assigned to him / her.

8. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION (Section 51f(1)(d) of the Act)

Harvey Nortje keeps information in accordance with the following legislation:

- Administration of Estates Act No. 66 of 1965
- Attorney's Act No. 53 of 1979
- Banks Act 94 of 1990
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Credit Agreements Act 75 of 1980
- Debt Collectors Act 14 of 1980
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1978
- Legal Deposits Act 54 of 1997
- Long-term Insurance Act 52 of 1998
- National Road Traffic Act 52 of 1998
- Mutual Banks Act 124 of 1993

- National Payment Systems Act 78 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Prescription Act 68 of 1969
- Prevention of Organised Crime Act 121 of 1998
- Sectional Titles Act 95 van 1986
- Short-term Insurance Act 532 of 1998
- Road Accident Funds Act No. 56 of 1996
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Stamp Duties Act 77 of 1968
- Transfer Duty Act 40 of 1949
- Unemployment Contribution Act No. 4 of 2002
- Unemployment Insurance Act No. 30 of 1966
- Value Added Tax Act No. 89 of 1991

9. INFORMATION FORMING PART OF RECORDS IN TERMS OF THE ACT (Section 52(1)(e) of the Act)

Harvey Nortje holds records with information falling in the following categories:

9.1 Administration and Management

- Statutory Records
- Administration and Operational Records
- Minutes of Meetings
- Risk, Security and Insurance Records
- Commercial Contracts
- General Correspondence

9.2 Financial Records

- Accounting Records
- Salaries and Wages Records
- Creditors and Debtors Records
- Taxes and Levies Records
- Operational Expenditure Records
- Financial Statements
- Assets Inventories

9.3 Human Resources Records

- Personnel Records
- Employee Relations
- Training and Development
- Employee Contracts
- Membership Records
- Staff Regulations and Policies

9.4 Client Records

- Client and Correspondents Database
- Client and Correspondent Professional Services Records
- Client and Correspondent Accounts
- Client Files

9.5 Records relating to fixed and movable property

- Client Files (Bond Registrations / Transfers / Bond Cancellations and Consents)

9.6 Commercial Contracts**9.7 Insurance Contracts****9.8 Information Technology**

- Infrastructure and Systems
- Service Delivery Systems
- Business Intelligence

10. REQUEST FOR ACCESS TO INFORMATION

The requestor must comply with the procedural requirements of the Act when requesting access to information.

The requestor must further complete the application form enclosed herewith as Annexure A and submit same together with payment of the prescribed fees to the Information Officer as stated in 4 above.

11. REFUSAL OF REQUEST

It must be noted that any information required by the requestor, may be refused by the Information Officer on the following grounds:

- 11.1 The requestor did not comply with all procedural requirements contained in the Act;
- 11.2 The requestor did not state that he/she/it requires the relevant information in order to exercise or protect a right;
- 11.3 The requestor did not state what the nature of the right is to be exercised or protected;
- 11.4 The requestor did not state why the specific record is necessary to exercise or protect such a right;

11.5 If any of the grounds for refusal as set out in Sections 62 to 70 of the Act are present, being:

- 11.5.1 An individual's privacy;
- 11.5.2 Someone else's commercial information;
- 11.5.3 Confidential information of third parties;
- 11.5.4 Safety of individuals or protection of property;
- 11.5.5 Privileged information; or
- 11.5.6 Commercial information of Harvey Nortje.

11.6 Should the request be refused, the requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this manual

12. REQUEST FEES

Information in regard to the fees prescribed in terms of Section 54 of the Act is enclosed herewith as Annexure B. The requestor must pay the prescribed fees before a request will be processed.

13. AVAILABILITY OF THIS MANUAL

- 13.1 This manual is available for inspection at the offices of Harvey Nortje, free of charge.
- 13.2 Copies of the manual may be obtained, subject to the prescribed fees having been paid, at the offices of Harvey Nortje.
- 13.3 This manual may also be accessed on the website of Harvey Nortje (www.harveynortje.co.za)

ANNEXURE A**Form C****Request for access to record of private body**

(Section 53(1) of the Promotion of Access to Information Act, Act 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: _____

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: _____

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 requestor 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 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 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)	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 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 will be determined partly by the form in which access is requested.

1.	If the record is in written or printed form:			
	Copy of the Record		Inspection of Record	
2.	If record consists of visual images (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	View the image		Copy of image	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 the 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)

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 requestor must sign all the additional folios.

[illegible]

ANNEXURE B

CHARGE SHEET FOR ACCESS TO INFORMATION

ACT 2 OF 200 REQUESTS

<u>REQUESTOR'S DETAILS:</u> Name: _____ Address: _____ _____ _____ Ref No. _____	<u>PREPARED BY:</u> Name: _____ Date: _____ Signature: _____ Approved: _____
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		Per Unit	Qty	Total
1. ACCESS FEES FOR REPRODUCTION				
1.1.	For every photocopy of an A4-size page or part thereof	R 1.10		
1.2.	For every photocopy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75		
1.3	For a copy in a computer-readable form on stiffy disc	R 7.50		
1.4	For a copy in a computer-readable form on compact disc	R70.00		
1.5	For a transcription of visual images for an A4-size page or part thereof	R40.00		
1.6	For a copy of visual images	R60.00		
1.7	For a transcription of an audio record for an A4-size page or part thereof	R20.00		
1.8	For a copy of an audio record	R30.00		
2. ACCESS FEE FOR TIME SPENT				
2.1	The time reasonably required to search for the record for disclosure and preparation	R30.00 / hr or part thereof		

		Per Unit	Qty	Total
3. REQUEST FEE				
3.1	For a request for access to a record by a person other than a personal requestor	R50.00		
4. DEPOSIT				
4.1	One third of the access fee is payable as a deposit by the requestor			
4.2	Six hours as the hours to be exceeded before a deposit is payable			
5. POSTAL FEE				
5.1	When a copy of a record must be posted to the requestor	R 9.75		
6. APPEAL FEES				
6.1.	For lodging an internal appeal by a requestor against the refusal of his/her request for access to a record	R50.00		
7. VAT				
7.1	Private bodies registered under the Value Added Tax Act, 1991 may add VAT to all the above-mentioned fees			
8.1.	TOTAL:			