

**ACCESS TO INFORMATION
MANUAL OF WEBBER WENTZEL IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000 ("PAIA")**

1. Introduction to Webber Wentzel

- 1.1 Webber Wentzel is a partnership which conducts business as a law firm. Webber Wentzel has offices in Johannesburg and Cape Town.
- 1.2 Mr AC Lawson has been duly appointed by the head of Webber Wentzel, as the Information Officer for Webber Wentzel and is the person to whom requests for access to information must be made in terms of PAIA and in terms of the Protection of Personal Information Act 4 of 2013 ("**POPIA**").

2. Webber Wentzel's contact details

Physical address:

Johannesburg

90 Rivonia Road
Sandton
Johannesburg
2196
South Africa

Cape Town

15th Floor, Convention Tower
Heerengracht
Foreshore
Cape Town
8001
South Africa

Postal Address:

Johannesburg

P O Box 61771
Marshalltown
2107
South Africa

Cape Town

P O Box 3667
Cape Town
8000

South Africa

Information Officer:

Mr AC Lawson

Telephone: +27 11 530 5467

Facsimile: +27 11 530 6467

E-mail: alisdair.lawson@webberwentzel.com

3. The Section 10 Guide on how to use PAIA

3.1 The South African Human Rights Commission (SAHRC) published a guide as prescribed by Section 10 of PAIA. This guide was available from the SAHRC prior to 30 June 2021.

3.2 From 1 July 2021, the Information Regulator assumed the functions of the SAHRC. Accordingly, the above guide, as updated by the Information Regulator in accordance with POPIA, will be available at the offices of the Information Regulator and on its website. From 1 July 2021, please direct any queries regarding this guide to:

Information Regulator:

The Research and Documentation Department

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone Number: 010 023 5200

Website: www.justice.gov.za/inforeq/

Email (complaints): complaints.IR@justice.gov.za

Email (general enquiries): inforeq@justice.gov.za

4. Records available in terms of other legislation

Records maintained by Webber Wentzel in terms of other legislation include but are not limited to the:

- 4.1 Basic Conditions of Employment Act 75 of 1997;
- 4.2 Broad-Based Black Economic Empowerment Act 53 of 2003;
- 4.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 4.4 Electronic Communications and Transactions Act 25 of 2002;
- 4.5 Employment Equity Act 55 of 1998;
- 4.6 Financial Intelligence Centre Act 38 of 2001;
- 4.7 Income Tax Act 58 of 1962;
- 4.8 Labour Relations Act 66 of 1995;
- 4.9 Legal Practice Act 28 of 2014;
- 4.10 Occupational Health and Safety Act 85 of 1993;
- 4.11 Pension Funds Act 24 of 1956;
- 4.12 Promotion of Access to Information Act 2 of 2000;
- 4.13 Protection of Personal Information Act 4 of 2013;
- 4.14 Skills Development Act 97 of 1998;
- 4.15 Unemployment Insurance Contributions Act 4 of 2002;
- 4.16 Unemployment Insurance Act 30 of 1996; and
- 4.17 Value Added Tax Act 89 of 1991.

5. **Subjects and categories of information held by Webber Wentzel**

The subjects and categories of records held by Webber Wentzel are as follows:

Note: This section of the Manual sets out the subject and categories of records held by Webber Wentzel. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under PAIA. In particular, certain grounds of refusal set out in PAIA may be applicable to a request for such records.

5.1 **Incorporation and constitutional documents of Webber Wentzel**

- 5.1.1 Partnership agreement of Webber Wentzel.

5.1.2 List of the partners of Webber Wentzel.

5.2 Financial records of Webber Wentzel

5.2.1 Accounting records, books and documents of Webber Wentzel.

5.2.2 Interim and annual financial reports of Webber Wentzel.

5.2.3 Details of auditors of Webber Wentzel.

5.2.4 Auditors' reports in respect of audits conducted on Webber Wentzel.

5.2.5 Details of actuaries of the pension fund and the provident fund utilised by Webber Wentzel.

5.2.6 Invoices in respect of both creditors and debtors of Webber Wentzel.

5.2.7 Tax returns of Webber Wentzel.

5.2.8 Other documents and agreements relating to taxation.

5.2.9 Other financial records of Webber Wentzel.

5.3 Banking details of Webber Wentzel

5.3.1 Indebtedness to bankers.

5.3.2 Bank facilities and accounts details.

5.3.3 Bank statements.

5.3.4 The level of overdraft and other borrowings of Webber Wentzel.

5.3.5 Other financial commitments of Webber Wentzel.

5.3.6 Other banking records.

5.4 Human resources / employment records

5.4.1 List of employees.

5.4.2 Contracts and/or documentation pertaining to arrangements with partners.

5.4.3 Contracts of employment with employees of Webber Wentzel.

5.4.4 Personnel files in respect of each employee of Webber Wentzel.

- 5.4.5 Disciplinary records and documentation pertaining to disciplinary proceedings.
- 5.4.6 Documents relating to employee benefits.
- 5.4.7 Compensation or redundancy payments.
- 5.4.8 Tax information of employees.
- 5.4.9 Employment equity plan of Webber Wentzel.
- 5.4.10 Skills development programme of Webber Wentzel.
- 5.4.11 Pension and/or provident fund agreement.
- 5.4.12 Training manuals and rosters.
- 5.4.13 Employee policies and procedures.
- 5.4.14 Other information relating to employees of Webber Wentzel.
- 5.5 **Intellectual Property**
 - 5.5.1 Trade-marks, copyrights and designs held by Webber Wentzel.
 - 5.5.2 Records relating to domain names held by Webber Wentzel.
 - 5.5.3 Licences relating to intellectual property rights.
 - 5.5.4 Other agreements relating to intellectual property rights.
- 5.6 **Information pertaining to clients of Webber Wentzel**
 - 5.6.1 Agreements with clients of Webber Wentzel.
 - 5.6.2 Documentation and other information received from clients, including documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2001.
 - 5.6.3 Documentation and other information received from third parties.
 - 5.6.4 Correspondence with clients.
 - 5.6.5 Correspondence with third parties.
 - 5.6.6 Research conducted on behalf of clients of Webber Wentzel.

5.6.7 Information prepared by partners and employees of Webber Wentzel for clients, including opinions, memoranda and reports.

5.6.8 Records pertaining to legal proceedings involving clients of Webber Wentzel.

5.6.9 Other information relating to, or held on behalf of, clients of Webber Wentzel.

5.7 **Library and know how information**

5.7.1 Precedent agreements, opinions and litigation documents.

5.7.2 Information circulars.

5.7.3 Publications.

5.7.4 Other information held by the library of Webber Wentzel.

5.8 **Insurance records**

Insurance policies taken out for the benefit of Webber Wentzel and its employees, including:

5.8.1 group life assurance and disability income protection insurance;

5.8.2 insurance in respect of the property occupied by Webber Wentzel;

5.8.3 insurance in respect of the movable property of Webber Wentzel;

5.8.4 professional indemnity insurance in respect of Webber Wentzel;

5.8.5 fidelity insurance in respect of trust monies and client investment monies held by Webber Wentzel;

5.8.6 third party insurance in respect of passengers in vehicles driven by Webber Wentzel staff.

5.9 **Immovable and movable property**

5.9.1 Agreements for the lease of immovable property by Webber Wentzel.

5.9.2 Agreements for the lease or sale of movable property by Webber Wentzel.

5.9.3 Credit sale agreements and/or hire purchase agreements.

5.9.4 Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.

5.10 Information technology

5.10.1 Computer software, support and maintenance agreements.

5.10.2 Other documentation pertaining to computer systems and computer programmes held by Webber Wentzel.

5.11 Website

5.11.1 Information contained on our website: www.webberwentzel.com including:

5.11.1.1 Firm profile;

5.11.1.2 Areas of expertise;

5.11.1.3 Specialist profiles;

5.11.1.4 News and publications;

5.11.1.5 Careers; and

5.11.1.6 Coverage.

5.12 Miscellaneous agreements of Webber Wentzel

5.12.1 Loans from third parties (including banks).

5.12.2 Loans to third parties.

5.12.3 Suretyship agreements.

5.12.4 Security agreements, guarantees and indemnities.

5.12.5 Agency, management and distribution agreements.

5.12.6 Marketing agreements.

5.12.7 Agreements with suppliers of Webber Wentzel.

5.12.8 Confidentiality and/or non-disclosure agreements.

5.12.9 Any other relevant agreements.

5.13 Correspondence

Correspondence of Webber Wentzel, including internal and external memoranda.

5.14 **Information relating to legal proceedings**

Records relating to legal proceedings involving Webber Wentzel.

6. **Description of personal information processing in terms of POPIA**

Webber Wentzel processes personal information in accordance with its Privacy Policy, available on our website: www.webberwentzel.com

7. **The request procedure**

7.1 The requester must use the prescribed form (see Annexure A) to make the request for access to a record. This must be made to the Information Officer. This request must be made to the address, fax number or electronic mail address of the Information Officer.

7.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

7.3 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.

7.4 If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

8. **Fees**

8.1 The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the relevant fee before further processing the request. A personal requester does not pay such fee.

8.2 The requester may lodge an application to the court against the tender or payment of the request fee.

8.3 The Information Officer will then make a decision on the request and notify the requester in the required form.

- 8.4 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that had exceeded the prescribed hours to search and prepare the record for disclosure.

9. **Availability of the manual**

The manual is available for inspection at the Johannesburg offices of Webber Wentzel free of charge. Copies are also available on Webber Wentzel's website, www.webberwentzel.com and with the Information Regulator from 1 July 2021 (if the Information Regulator has requested the updated manual from Webber Wentzel, in terms of PAIA).

10. **Prescribed fees and forms in respect of private bodies**

The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development, www.justice.gov.za.

11. **Changes to this Manual**

This Manual may be amended and updated from time to time, provided that if Webber Wentzel does so, it will ensure that such changes are carried out subject to and published in accordance with PAIA and POPIA.

Request for access to record**1. Particulars of [the company]**Name of [the company]: **[insert name]**Registration number **[insert]**The Head: **[insert]**Physical Address: **[insert]**Postal Address: **[insert]**Telephone: **[insert]**Telefacsimile: **[insert]**E-mail: **[insert]****2. Particulars of person requesting access to the record**

- 2.1 The full particulars of the person who requests access to the record must be given below.
- 2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.
- 2.3 Proof of the capacity in which the 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:** _____

3. 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: _____

4. Particulars of record

- 4.1 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.
- 4.2 If the space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

**Description of record
or relevant part of the
record:** _____

**Reference number, if
available:** _____

**Any further particulars of
record:** _____

5. Fees

- 5.1 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.
- 5.2 You will be notified of the amount required to be paid as the request fee.
- 5.3 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.
- 5.4 If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

6. Form of access to record

If you are prevented by an impediment or 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: <hr/> <hr/> <hr/>		Form in which record is required: <hr/> <hr/> <hr/>	
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Mark the appropriate box with an "X":

NOTES:

- 6.1 Compliance with your request in the specified form may depend on the form in which the record is available.
- 6.2 Access in the form requested may be refused in certain circumstances. In such case, you will be informed if access will be granted in another form.
- 6.3 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
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2. If the 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*
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3. 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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4. If the 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 or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
Postage is payable.		

7. Particulars of the 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.**

Indicate which right is to be exercised or protected:

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

8. 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 _____ 20__.

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE