



ACCESS TO THE INFORMATION MANUAL OF DELBERG ATTORNEYS IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (“PAIA”)

APPROVAL

POLICY OWNER:	Delberg Attorneys Inc
APPROVED BY:	Directors of Delberg Attorneys Inc.
DATE APPROVED:	28 February 2024
NAME:	Francois van den Berg
DESIGNATION:	Director
RISK AND COMPLIANCE OFFICER:	Lindy Buitendach

1. INTRODUCTION TO DELBERG ATTORNEYS

- 1.1 Delberg Attorneys, previously known as Delpport van den Berg, founded in 2002, is a niche law firm headquartered in Menlyn, Pretoria.
- 1.2 We offer specialised services in the practice areas of property law, corporate law, commercial law, competition law, general and commercial litigation, family and matrimonial law, banking and finance litigation, corporate debt collections, and estate and trust services.
- 1.3 We have developed a high degree of knowledge and experience in our fields of expertise, along with a long track record of success. Through agility and adaptability, we strengthen the connection between our business and our clients. Our solution-driven advice is practical, authoritative, commercially astute, and aims to promote the growth of our clients’ businesses.
- 1.4 Our diverse and innovative professional team of attorneys are experts in their respective fields, and many have contributed to innovations in South African law. They are supported by highly competent, well-trained, qualified, and friendly administrative personnel.

- 1.5 Fostering long-lasting connections with our clients has always been imperative for us. Our firm is widely known for the trust-based relationships we have built with all our stakeholders – from our long-term clients to our dedicated employees and legal experts, and our broader community.
- 1.6 Lindy Buitendach (Risk and Compliance Manager) has been duly appointed by the head of Delberg Attorneys, as the as the information officer for the purpose of exercising any of the powers, duties and responsibilities conferred or imposed by the Promotion of Access to Information Act No. 2 of 2000.

2. CONTACT DETAILS IN TERMS OF SECTION 51 (1) (a)

Postal Address: P O Box 308
Menlyn
0063

Physical Address: Summit Place Office Park
Building 2
221 Garsfontein Road
Menlyn
Pretoria

Telephone: +27 (12) 361 5001

Fax: +27 (12) 361 6311

E-mail: office@delberg.co.za

Website: www.delberg.co.za

Information officer:

Lindy Buitendach

Telephone: +27 (12) 361 5001

E-mail: lindy@delberg.co.za

3. MANUAL PURPOSE

This manual has been prepared to assist persons requesting information and provides procedures to be followed to gain access to information and documentation as provided in the Act.

4. INTERPRETATION TO THIS MANUAL

- 4.1 "The Act" or "PAIA" means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;
- 4.2 "SAHRC" means the South African Human Rights Commission.

5. GUIDE FOR REQUESTERS ON HOW TO USE PAIA

The South Africa Human Rights Commission (SAHRC) is responsible for compiling a guide that will facilitate ease of PAIA by requesters. The guide contains information which will be of assistance to a person who wishes to exercise their Constitutional Rights.

The section 10 guide is available from SAHRC:

South African Human Rights Commission (SAHRC)
PAIA Unit

Postal Address: Private Bag 2700
Houghton
2041

Telephone: +27 (11) 484 8300

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

6. RECORDS OF THE FIRM WHICH ARE AVAILABLE IN TERMS OF OTHER LEGISLATION - SECTION 51(1)(d)

- 6.1 Delberg Attorneys, to the extent applicable, holds information and documents in terms of the following legislation, but is not limited to:

Administration of Estates Act, No 66 of 1995
Attorneys Act, No. 53 of 1979

- Basic Conditions of Employment Act, No. 75 of 1977
- Companies Act, No. 71 of 2008

- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act, No 68 of 2008
- Copyright Act, No. 98 of 1978
- Deeds Registries Act, No. 47 of 1937
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Financial Advisory and Intermediary Services Act no 37 of 2002
- Financial Intelligence Centre Act, No. 38 of 2001
- Income Tax Act, No. 68 of 1962
- Intellectual Property Amendment Act 28 of 2013
- Labour Relations Act, No. 66 of 1978
- National Credit Act, No. 34 of 2005
- Occupational Health and Safety Act, No. 85 of 1993
- Prescription Act, No. 68 of 1969
- Prevention of Organised Crime Act, 121 of 1998
- Promotion of Access to Information Act, 2 of 2000
- Protection of Personal Information Act, No 4 of 2013
- Sectional Title Act, No 66 of 1971
- Sectional Tiles Scheme Management Act, No 8 of 2011
- Skills Development Act, No. 97 of 1988
- Skills Development Levies Act, No. 9 of 1999
- Trade Marks Act, No. 194 of 1993
- Transfer Duty Act, No 40 of 1949
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act, No. 30 of 1966
- Unemployment Insurance Contribution Act, No. 4 of 2002
- Value Added Tax Act, No. 89 of 1991

6.2 RECORDS HELD BY THE FIRM -SECTION 51(1)(e)

The following list of subjects on which the firm holds records and categories under which it falls.

RECORDS TYPE	DESCRIPTION OF RECORDS
GENERAL RECORDS	<ul style="list-style-type: none"> • Insurance records, including policies • Supplier documents and agreements • Internal and external correspondence • Service level agreements
EMPLOYEE RECORDS	<ul style="list-style-type: none"> • Payroll records • Leave records • Employment contracts • Internal policies • Disciplinary records • List of employees

FINANCIAL RECORDS	<ul style="list-style-type: none"> • Annual Financial Statements • Tax Returns • Tax compliance documents • Accounting records • Bank statements • Financial and accounting records • Invoices
CLIENT RECORDS	<ul style="list-style-type: none"> • Personal information and documents in compliance with the Financial Intelligence Centre Act 38 of 2001 • Correspondence with clients • Correspondence with 3rd parties • Agreements and documents prepared for clients by Delberg Attorneys • Final statement of accounts • Quotations and invoices
COMPANY RECORDS	<ul style="list-style-type: none"> • Documents of incorporation • Resolutions • Law Society records, including fidelity fund certificates • Records of appointed directors, associates, financial Manager, and officers

7. REQUESTING PROCEDURE (SECTION 51(1)(e));

A request for access to information can be made to the information officer at Delberg Attorneys. Kindly complete the form C, which is available on the website of the SAHRC at www.sahrc.org.za (these forms are prescribed by Regulations). The person making the request is known as the 'requester'.

The requester must:

- 7.1 Completed form C,
- 7.2 Provide details of the person requesting access to record/s to enable the firm to identify the requester,
- 7.3 In the case of a request being made on behalf of a 3rd Party. Submit proof of the capacity in which the request is made,
- 7.4 Provide clear and sufficient details of the information or record/s requested,
- 7.5 Identify the right that the requester wishes to exercise or to protect,
- 7.6 Describe the manner in which you wish to be informed about the decision to grant or deny the request,
- 7.7 Payment of the prescribed fee of R50 to accompany the request. (Request for personal information is exempted from the prescribed fee).

The information officer will give feedback to the requester on the decision made by the head of the firm in terms of the Act, whether to grant access or not to the records being requested.

8. REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF ACCESS

Delberg Attorneys do not have any internal appeal procedures that may be followed after a request for access to information has been refused. The decision of the Head of the firm is final. If the requester or 3rd party is dissatisfied with the outcome of the request, the requester is entitled to apply to a court of competent jurisdiction to take the matter further (*See section 78 of PAIA*).

9. PRESCRIBED FEES

The prescribed fees for request to private bodies are available on the website of the South African Human Rights Commission at www.sahrc.org.za.

10. ANNEXURE

Prescribed form C

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 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:

Fax number:

Telephone 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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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 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
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 for 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 this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy of the images"
			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 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)
'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES NO

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 requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise 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 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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE