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M A N U A L

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO INFORMATION ACT (NO. 2 OF 2000)



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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MANUAL PREPARED
BY
BROWN, BRAUDE & VLOK INC.
IN ACCORDANCE WITH THE
PROMOTION
OF
ACCESS TO
INFORMATION ACT(.2 OF 2000)

OBJECTIVES

The objectives of this manual are to address, where appropriate, the requirements of Section 51 of the Promotion of Access to Information Act (2) of 2000.

In terms of Section 51 (1), the Head of a Private Body must compile a Manual containing the following information:

1. The postal and street address, phone and fax number and, if available, electronic mail address of the Head of the Body;

(herein after referred to as **the contact particulars of Brown, Braude & Vlok.**)

2. A description of the guide referred to in Section 10, if available, and how to obtain access to it;

(herein after referred to as **a guide on how to use the Act**).

3. The latest notice in terms of Section 52 (2), if any, regarding the categories of record of the Body, which are available without a person having to request access in terms of this Act;

(herein after referred to as **documents which are automatically available**).

4. A description of records of the Body, which are available in accordance with any other legislation;

(herein after referred to as **documents held in accordance with any other legislation**).

5. Sufficient detail to facilitate a request for access to a record of the Body, description of the subjects of which the Body holds records and the categories of records held on each subject;

(herein after referred to as **a description of the subjects on which the Body holds records and the categories of records held on each subject**).

6. Such other information as maybe prescribed;

(herein after referred to as **other information**).

INTRODUCTION

Brown, Braude & Vlok has been practicing law in Port Elizabeth since 1944. We are proud of our history, Port Elizabeth, the people and institutions we serve.

We are committed to identifying our client's needs and providing effective and responsible solutions thereto. Due to new demands made by modern commerce and society, we understand that we need to adapt as our clients' needs change.

Brown, Braude & Vlok recognizes that in order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

Limitations aimed at the reasonable protection of privacy;

Commercial confidentiality; and

Effective, efficient and good governance;

and in a manner, which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

1. **Contact Particulars of Brown, Braude & Vlok Inc.**

PRIVATE BODY:

BROWN, BRAUDE & VLOK INC.

REG. NO. 1995 / 001 850 / 21

PHYSICAL ADDRESS

317 Cape Road
Newton Park
Port Elizabeth
6045

POSTAL ADDRESS

P O Box 3073
PORT ELIZABETH
6056

TELEPHONE NUMBERS

(041) 365 3668

FAX NUMBER

(041) 365 3681

E-MAIL ADDRESS

bbva@iafrica.com

HEAD OF THE PRIVATE BODY:

For the purposes of the Promotion of Access to Information Act (2) of 2000, the Head of the Private Body shall be:

LOUIS BROPHY

CONTACT DETAILS FOR THE HEAD OF THE PRIVATE BODY

BROWN, BRAUDE & VLOK INC.

317 Cape Road, Newton Park, PORT ELIZABETH
TEL: 041 – 365 3668
FAX: 041 – 365 3681
E-MAIL: bbva@iafrica.com

2. A Guide to How to Use the Act

In terms of Section 10 of the Promotion of Access to Information Act (2) of 2000, the South African Human Rights Commission shall make available a Guide on how to use the Act, by no later than August 2003.

Any persons, therefore, whom may wish to exercise any right contemplated in the Promotion of Access to Information Act (2) of 2000, may obtain the copy of the Information Guide issued by the Human Rights Commission in all official Languages, from the Human Rights Commission.

This Guide will be printed in each official Language in the Government Gazette and will be available for inspection by the Public at the Offices of the Human Rights Commission by no later than August 2003.

In the interim, all enquiries with respect to the Guide must therefore be directed to:

**The South African Human Rights Commission
P A I A Unit
The Research and Documentation Department**

Postal Address:

**Private Bag 2700
HOUGHTON
2041**

**Tel: 011 – 484 8300
Fax: 011 – 484 0258**

E-Mail: paia@sharc.org.za

3. Documents which are automatically available

No notices in terms of Section 52 (2) have been published.

Brown, Braude & Vlok Inc. Attorneys holds no information that is freely available without a requestor having to request access in terms of the Act.

4. **Documents held in accordance with any other Legislation**

Information is available in terms of the following legislation, if and when applicable and subject always to the provisions of that legislation and the Promotion of Access to Information Act (2) of 2000:

Company's Act 61 of 1973;
Income Tax Act 58 of 1962;
Value Added Tax Act 89 of 1991;
Labour Relations Act 66 of 1995;
Basic Conditions of Employment Act 75 of 1997;
Employment Equity Act 55 of 1998;
Unemployment Insurance Act 30 of 1966;
Skills Development Act 97 of 1998;
Law Society Act 20 of 1916;
Attorneys Act 93 of 1979;
Pension Funds Act;
Medical Schemes Act;
Regional Services Council's Act.

5. **Description of the Subjects on which the Body holds records and the Categories of records held on each Subject.**

5.1 **Commercial Documentation**

Records relating to the commercial, financial and professional interests of Brown, Braude & Vlok Inc., including but not limited to its client data base, commercial contracts with third parties and its business plans, systems and procedures.

5.2 **Personnel Documentation**

Records of personal information of present, past and prospective employees and management of Brown, Braude & Vlok Inc.

5.3 **Client Files**

Records of clients of Brown, Braude & Vlok Inc. containing personal information, commercial and financial information, information pertaining to contemplated, existing and past information on agreements, proposals and other property of such clients.

All information requested shall be made available subject to the provisions of the Act and subject to Attorney-Client Privilege.

6. **Other**

6.1 **Requesting procedures**

A person who wants access to any of the records must complete the necessary request form that is available at the offices of Brown, Braude & Vlok Inc. at the address herein aforementioned.

This request form must be submitted to the Head of Brown, Braude & Vlok Inc. care of the address aforementioned.

This request must be marked for the attention of the Head of the Private Body.

Sufficient detail must be provided on the request form to enable the Head to identify the record and the requester. The person so requesting information must identify the right that is sought to be exercised and ought to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right in terms of the Provisions of Section 53 (2) (d) of the Promotion of Access to Information Act (2) of 2000.

In so far as a request may be made on behalf of another person, then the person whom is making such a request, must indicate the capacity in which the request is being made and submit proof of the capacity in which the request is made to the satisfaction of the Head of the Private Body.

Kindly note that nothing contained in this manual is to be construed in any manner whatsoever as affording an automatic right of access to any documentation envisaged herein.

Kindly note further that Brown, Braude & Vlok Inc. is under an obligation to refuse a request under certain circumstances and furthermore reserves the right to refuse a request for information.

6.2 Fees

Every requester, who is not a personal requester, must pay the required fee.

In this regard, the Head of Brown, Braude & Vlok Inc. must notify the requester by notice, requiring the requester to pay the prescribed fee before processing the request.

The fee that the requester must pay to the Private Body is set out in a cost schedule, which is available at the premises of Brown, Braude & Vlok Inc.

After the Head of the Private Body has noted a decision on the request, the requester must be notified in the required form.

If the request is granted, an access fee must be paid as set out in terms of the cost schedule.

6.3 Decision on request and notice thereof

The Head of the Private Body during the request is made must, as soon as is reasonably possible, but in any event, within thirty (30) days decide in accordance with the Promotion of Access to Information Act (2) of 2000, whether to grant the request and notify the requester of the decision.

Such notice must be in compliance with the provisions of Section 56 (2) or Section 56 (3), whichever is applicable.

The period of thirty (30) days may be extended, subject to the provisions of Section 57 of the Promotion of Access to Information Act (2) of 2000.

6.4 Dissatisfaction with decision of the Head of Brown, Braude & Vlok Inc.

A requester that is dissatisfied with the decision of the Head of Brown, Braude & Vlok Inc. Attorneys, may subject to the Provisions of the Act, within thirty (30) days of notification of the decision, apply to the Court for appropriate relief.

THE MANUAL

A copy of this Manual is available at the Human Rights Commission and at the Law Society of the Cape of Good Hope and will be published in the Government Gazette.

This manual is available for inspection at the offices of Brown, Braude & Vlok Inc. free of charge.

Copies of the Manual may be obtained, subject to the payment of the prescribed fee, as per Annexure "B" at the offices of Brown, Braude & Vlok Inc.

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