



RYAN HALL
ATTORNEYS

**MANUAL PREPARED IN TERMS OF SECTION 51
OF
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
(HEREAFTER REFERRED TO AS "*THE ACT*")
(AS AMENDED BY THE PROTECTION OF PERSONAL INFORMATION
ACT 4 OF 2013 ("*POPIA*"))**

FOR ASSISTANCE IN REQUESTING INFORMATION FROM:



RYAN HALL
ATTORNEYS

**RYAN HALL AND ASSOCIATES INC. t/a RYAN HALL
ATTORNEYS
(REGISTRATION NUMBER: 2018/197906/21)**

1. BACKGROUND

Every private body contemplated in the Act is required in terms of section 51 to prepare a manual of information pertaining to the body, including a description of any and all records held in its possession ("*the manual*"). A copy of this manual is to be placed on the body's website and is to be made available to the public upon request.

The purpose of the manual is to promote the right of access to information enshrined in section 32 of the Constitution of the Republic of South Africa, 1996 and to promote a culture of transparency, accountability, openness and good governance in respect of information held by the body. The manual further aims to facilitate requests for access to the records held by or under the control of the body, in terms of the Act.

Ryan Hall Attorneys Inc. (hereafter "*RHLAW*") reserves the right to amend this manual at any time by publishing an updated version on its website.

2. INTRODUCTION

RHLAW is a boutique law firm which provides legal services to its clients in aspects of, *inter alia*, general litigation, company law, commercial law, liquidations and insolvency law, contract drafting and -review, labour law, family law and divorces, construction contracts ad GCC compliance, occupational health and safety compliance, notarial services such as antenuptial contracts, and conveyancing.

3. PARTICULARS OF THE MANUAL

- A. Contact details of the body (RHLAW) [section 51(1)(a)(i)]
- B. Description of the guide referred to in section 10 of the Act [section 51(1)(b)(i)]
- C. Records available in terms of other legislation [section 51(1)(b)(iii)]
- D. Subjects and categories of records held by the body (RHLAW) [section 51(1)(b)(iv)]
- E. Availability of the manual and requests for access to information
- F. Form C – Prescribed Form

A. CONTACT DETAILS OF THE FIRM – SECTION 51(1)(a)(i)

Name of private body	Ryan Hall and Associates Inc. t/a Ryan Hall Attorneys
Name of head of private body	Ryan Hall
Registered street address	Unit 17, San Domenico 10 Church Street Durbanville Western Cape Province 7550
Postal address	PO Box 2589 Durbanville 7551
Telephone number	+27 21 205 5320
E-mail address	info@rhlaw.co.za
Website	www.rhlaw.co.za
Person duly authorised to assist in all requests for access to information (Delegated Information Officer)	Ilschen von Molendorff

B. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 – SECTION 51(1)(b)(i)

The Act grants a requester access to records of a private body, if the record is required for the exercise of protection of any rights.

If a public body lodges a request for access to information with RHLAW, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided and gazetted by the Minister from time to time. The applicable forms and tariffs are specified in the Act.

The South African Human Rights Commission ("*the SAHRC*"), in terms of section 10, provided a guideline on how to access information to assist people in exercising their rights under the Act. The duties of the SAHRC under the Act have now been taken over by the Information Regulator. Any further information or queries regarding this guide can be directed to the Information Regulator at the following details:

Physical address: JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Postal address: PO Box 31533, Braamfontein, Johannesburg, 2017

Telephone: +27 12 406 4818 or +27 10 023 5207

Website: <https://www.justice.gov.za/infoereg/index.html>

E-mail: infoereg@justice.gov.za [general enquiries] /
complaints.IR@justice.gov.za [complaints]

C. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION – SECTION 51(1)(b)(iii)

RHLAW, where applicable to its operations, holds and retains information and documentation in terms of, *inter alia*, the following legislation:

1. Administration of Estates Act 66 of 1965;
2. Attorneys Act 53 of 1979;
3. Basic Conditions of Employment Act 75 of 1977;
4. Companies Act 61 of 1973;
5. Companies Act 71 of 2008;
6. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
7. Consumer Protection Act 68 of 2008;
8. Copyright Act 98 of 1978;
9. Electronic Communications and Transactions Act 25 of 2002;
10. Employment Equity Act 55 of 1998;
11. Financial Intelligence Centre Act 38 of 2001;
12. Income Tax Act 58 of 1962;
13. Insolvency Act 24 of 1936;
14. Labour Relations Act 66 of 1995;
15. Legal Practice Act 28 of 2014;
16. National Credit Act 34 of 2005;
17. Occupational Health and Safety Act 85 of 1993;
18. Pension Funds Act 24 of 1956;
19. Prescription Act 68 of 1969;
20. Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
21. Skills Development Act 97 of 1988;
22. Skills Development Levies Act 9 of 1999;
23. Trade Marks Act 194 of 1993;

24. Trust Property Control Act 57 of 1988;
25. Unemployment Insurance Act 63 of 2001;
26. Unemployment Insurance Contributions Act 4 of 2002; and
27. Value Added Tax Act 89 of 1991.

The aforementioned records, in so far as they are of a public nature, are available automatically without a person having to request access thereto in terms of the Act, as envisaged in section 52, provided that the manner of request is not more onerous than a request under the Act and POPIA.

D. SUBJECTS AND CATEGORIES OF RECORD HELD – SECTION 51(1)(b)(iv)

The following is a list of subjects on which records are under the control of RHLAW as well as the categories into which the said subjects fall:

Management Records

1. Documents pertaining to RHLAW and its Director/s; and
2. Resolutions of the Directors of RHLAW.

Employment and Human Resources Records

1. Internal policies and procedures;
2. Code of conduct;
3. List of employees;
4. Employment contracts;
5. Disciplinary code;
6. Disciplinary records;
7. Performance evaluation records;
8. Salaries and wages records;
9. Staff training records and materials;

10. Correspondence relating to employees;
11. Leave records;
12. Health and safety records;
13. Banking details;
14. PAYE records;
15. Documents issued to employees for income tax purposes;
16. Records of payments made to SARS on behalf of employees; and
17. UIF contribution records.

Client Records

18. Records provided by clients, including FICA documents;
19. Records provided by a client to a third party acting for and on behalf of RHLAW;
20. Records provided by third parties;
21. Records generated by or within RHLAW, including but not limited to legal opinions and legal advice to clients;
22. Correspondence with clients, legal practitioners, and third parties;
23. Client files; and
24. Fee agreements, quotations and mandates.

Financial and General Records

25. Financial and accounting records;
26. Tax records and tax compliance documents;
27. Auditor's reports;
28. Banking records for RHLAW's business, trust and investment accounts;
29. Bank statements;
30. Insurance records;
31. Legal Practice Council records, including Fidelity Fund Certificate;
32. Precedents of caselaw and legal documents;

33. RHLAW's asset register;
34. Firm and Attorney profiles;
35. Client, supplier and document databases;
36. Operational documents;
37. Internal and external correspondence;
38. Commercial agreements; and
39. Invoices.

Information Technology Records

40. Records relating to computer software, programmes and applications used by RHLAW, including software-, licence-, support- and maintenance agreements.

Records in these categories will only be made available subject to the provisions of the Act, and requests for access to these categories of information may be declined by RHLAW to protect its interests and / or due to attorney-client privilege.

E. AVAILABILITY OF THE MANUAL AND REQUESTS FOR ACCESS

This manual is available for inspection free of charge at the registered address of the firm contained herein, and may also be accessed on RHLAW's website. Copies of the manual may be obtained, subject to the prescribed fees.

All requests for access to information should be addressed to the Delegated Information Officer at the physical address, office number or email address contained herein. In terms of the Act, all requests must be completed on the prescribed request form, annexed hereto marked "*Form C*".

The requester must provide sufficient detail on the request form to enable the Delegated Information Officer to identify the record and the requester. The requester should also indicate what manner of access is required and specify its postal address, contact number or e-mail address.

The requester must identify the right that he / she / it is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right. If a request is made on behalf of a third party, the requester must then submit proof of the capacity in which the request is being made.

The Delegated Information Officer shall by written notice notify the requester of the prescribed fee (if any) payable before processing the request. The prescribed fee is as in the Regulations to the Act. The Delegated Information Officer will then reach a decision in accordance with the provisions of the Act whether to grant or decline the request and notify the requester of the decision within 30 (thirty) calendar days of receipt of the request.

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

In the event that the request is declined, written reasons will be furnished. In addition, if the record pertains to a third party, the Act requires the body to notify the third party of the request and provide the third party an opportunity either to consent to the release of such information or make representations in favour of declining the request.

Legal remedies are available to a requester who is not satisfied with the outcome or believes that there has been a failure to comply with the Act. The requester may lodge a complaint to the Information Regulator or an application to court.

F. 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 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 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 <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) | You will be <i>notified</i> of the amount required to be paid as the request fee. |
| (c) | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) | If you qualify for exemption <i>of</i> the payment <i>of</i> 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 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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