
PROMOTION OF ACCESS TO INFORMATION MANUAL FOR BOWMANS

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1. INTRODUCTION

- 1.1 Bowmans is a law firm which conducts business as attorneys, notaries, conveyancers, and is involved in the provision of a range of legal services.
- 1.2 This manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act, Act No. 2 of 2000 ("the Act"). Bowmans is a private body as defined in the Act, and this manual contains the information specified in section 51 (1) of the Act, which is applicable to such a private body. This information is as follows:
- 1.2.1 the contact details of the head of the private body;
- 1.2.2 a description of the guide referred to in section 10 of the Act;
- 1.2.3 the latest notice published by the Minister of Justice and Constitutional Development under section 52(2) of the Act;
- 1.2.4 a description of the records of the private body which are available in terms of any legislation other than the Act;
- 1.2.5 a description of the subjects on which the private body holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record; and
- 1.2.6 other information as prescribed by regulation.

2. UPDATING OF MANUAL

Bowmans will update this manual at least every twelve months or at such intervals as may be necessary.

3. INTERPRETATION

In this manual, the following words bear the meaning set out below:

- 3.1 "**Bowmans**" means Bowman Gilfillan Incorporated;
- 3.2 "**client**" means a natural or juristic person who or which receives services from Bowmans;
- 3.3 "**employee**" means any person who works for or provides services to or on behalf of Bowmans, and receives or is entitled to receive remuneration;
- 3.4 "**Guide**" means the guide published by the SAHRC in terms of section 10 of the Act;
- 3.5 "**requester**" means any person or entity requesting access to a record that is under the control of Bowmans;
- 3.6 "**SAH RC**" means the South African Human Rights Commission;
- 3.7 "**the Act**" means the Promotion of Access to Information Act, Act No. 2 of 2000 (as amended) from time to time including the regulations promulgated in terms of the Act;
- 3.8 "**the head of Bowmans**" means the Chief Executive Officer of Bowmans, or any person duly authorised by him or her to carry out the duties ascribed to the "head" of a private body by the Act;

3.9 "the manual" means this manual which is published in accordance with section 51 of the Act and "this manual" shall have the same meaning;

3.10 "the Minister" means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Constitutional Development.

4. **AIM**

To facilitate requests for access to records of Bowmans as provided for in the Act.

5. **CONTACT DETAILS**

The Group Chief Operating Officer of Bowmans is Richard Smith. Mr Smith is the head of Bowmans for the purposes of the Act and is the person to whom requests for access to records should be addressed. His contact details are as follows:

Physical address:

Bowmans
165 West Road
Sandton
Johannesburg

Postal address:

P.O. Box 785812
Sandton
2146
Telephone: (011) 669 9424
Telefax: (011) 669-9001
Email: richard.smith@bowmanslaw.com

6. **SECTION 10 GUIDE ON HOW TO USE THE ACT**

6.1 The SAHRC has, in terms of section 10 of the Act, published a Guide to assist persons wishing to exercise any rights in terms of the Act.

6.2 The Guide may be obtained from the SAHRC. Any person wishing to obtain the Guide may either access it through the website of the SAHRC at www.sahrc.org.za or should contact:

PAIA Unit

Research and Documentation Department
South African Human Rights Commission

Postal address:

Private Bag X2700
Houghton
2041
Telephone: (011) 484 8300
Fax: (011) 484 0582
Email: PAIA@sahrc.org.za

7. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51 (1) (D) OF THE ACT

Certain records held by Bowmans are available in terms of legislation other than the Act. The specific records which are available in terms of such legislation are set out in that legislation and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

- 7.1 Currency and Exchanges Act 9 of 1933;
- 7.2 Insolvency Act 24 of 1936;
- 7.3 Pension Funds Act 24 of 1956;
- 7.4 Income Tax Act 58 of 1962;
- 7.5 Administration of Estates Act 66 of 1965;
- 7.6 Stamp Duties Act 77 of 1968;
- 7.7 Companies Act 71 of 2008;
- 7.8 National Building Regulations and Building Standards Act 103 of 1977;
- 7.9 Copyright Act 61 of 1978;
- 7.10 Attorneys Act 53 of 1979;
- 7.11 National Credit Act 34 of 2005 Consumer Protection Act 68 of 2008;
- 7.12 Regional Services Councils Act 109 of 1985;
- 7.13 Trust Property Control Act 57 of 1988;
- 7.14 Value Added Tax Act 89 of 1991;
- 7.15 Occupational Health and Safety Act 85 of 1993;
- 7.16 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 7.17 Trade Marks Act 194 of 1993;
- 7.18 Labour Relations Act 66 of 1995;
- 7.19 Tax on Retirement Funds Act 38 of 1996;
- 7.20 Basic Conditions of Employment Act 75 of 1997;
- 7.21 Employment Equity Act 55 of 1998;
- 7.22 Skills Development Act 97 of 1998;
- 7.23 Debt Collectors Act 114 of 1998;
- 7.24 Medical Schemes Act 131 of 1998;

- 7.25 Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;
- 7.26 Securities Services Act 36 of 2004;
- 7.27 Skills Development Levies Act 9 of 1999;
- 7.28 Financial Intelligence Centre Act 38 of 2001 ("FICA");
- 7.29 Unemployment Insurance Act 63 of 2001; and
- 7.30 Unemployment Insurance Contributions Act 4 of 2002.

8. DESCRIPTION OF THE SUBJECTS ON WHICH BOWMANS HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT

The following is a list of the subjects on which Bowmans holds records and the categories into which these fall. The procedure in terms of which such records may be requested from Bowmans is set out in Section 10 of this manual.

8.1 Administration

- 8.1.1 Shareholder records Share register Minutes of meetings of the directors of Bowmans;
- 8.1.2 Records relating to the incorporation of Bowmans; and
- 8.1.3 Minutes of meetings of committees and sub committees.

8.2 Management

- 8.2.1 Minutes of meetings of Executive Committee Internal correspondence;
- 8.2.2 Resolutions of the directors of Bowmans; and
- 8.2.3 Shareholders' agreement between the directors of Bowmans.

8.3 Finance

- 8.3.1 Accounting records;
- 8.3.2 Tax records;
- 8.3.3 Debtors' records;
- 8.3.4 Creditors' records;
- 8.3.5 Insurance records;
- 8.3.6 Auditors' reports;
- 8.3.7 Interim and annual financial statements;
- 8.3.8 Bank statements and other banking records for business and trust accounts;

8.3.9 Invoices issued in respect of debtors and billing information;

8.3.10 Records regarding Bowmans financial commitments; and

8.3.11 Fidelity Fund certificates.

8.4 **Human Resources**

8.4.1 List of employees;

8.4.2 Statistics regarding employees;

8.4.3 Employment contracts;

8.4.4 Conditions of employment;

8.4.5 Information relating to prospective employees including curricula vitae and application forms;

8.4.6 Personnel records including personal details, disciplinary records, performance and internal evaluation records;

8.4.7 Employee tax information;

8.4.8 Records of Unemployment;

8.4.9 Insurance Fund contributions;

8.4.10 Records regarding group life assurance and disability income protection;

8.4.11 Provident fund records;

8.4.12 Payroll records;

8.4.13 Health and safety records;

8.4.14 Employment Equity Plan;

8.4.15 Skills Development Plan;

8.4.16 Correspondence with Sector Education and Training Authorities;

8.4.17 Loan agreements between Bowmans and certain employees;

8.4.18 Codes of conduct;

8.4.19 Disciplinary code and procedure;

8.4.20 Grievance procedure;

8.4.21 Appeal procedure;

8.4.22 Remuneration policy;

8.4.23 Internal policies and procedures regarding, dismissals, performance appraisal, recruitment, selection, advertising of positions, appointments, retirement, promotions, leave, extended sick leave, study leave, salaries, overtime, bonuses, medical aid, health and safety, adoption leave and benefits, procurement, loans, working parents, black economic empowerment, smoking, use of company; resources including telephones, motor vehicles and; computers, sexual harassment, HIV-Aids and Pro Bono policy;

8.4.24 Training schedules and material; and

8.4.25 Correspondence relating to personnel.

8.5 **Clients**

8.5.1 Files relating to client matters;

8.5.2 Client documentation including documentation in terms of FICA;

8.5.3 Records regarding legal proceedings involving Clients;

8.5.4 Documents prepared for clients including agreements, memoranda, opinions and reports;

8.5.5 Correspondence with clients; and

8.5.6 Correspondence with third parties.

8.6 **Suppliers**

8.6.1 Supplier lists and details of suppliers;

8.6.2 Agreements with suppliers;

8.6.3 Information Technology Computer software;

8.6.4 Support and maintenance agreements;

8.6.5 Records regarding computer systems; and

8.6.6 Programmes including software license agreements.

8.7 **Property**

8.7.1 Asset registers;

8.7.2 Lease agreements in respect of immovable property;

8.7.3 Records regarding insurance in respect of movable property; and

8.7.4 Records regarding insurance in respect of immovable property.

8.8 **Library information**

8.8.1 Publications including books, periodicals and circulars;

- 8.8.2 Government and Provincial Gazettes; and
- 8.8.3 Knowledge Management materials including precedent documents.

8.9 **Miscellaneous**

- 8.9.1 Transformation Charter,
- 8.9.2 Internal correspondence;
- 8.9.3 Correspondence with the Law Society of the Northern Provinces and the Law Society of South Africa; and
- 8.9.4 Firm publications.

9. **CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT REQUEST**

- 9.1 No notices relating to Bowmans have been published by the Minister in terms of section 52(2) of the Act.
- 9.2 Certain records are available without needing to be requested in terms of the request procedures set out in the Act and provided for in this manual. This information may be inspected, collected, purchased or copied (at the prescribed fee for reproduction) at the South African offices of Bowmans. Certain information is also available on Bowmans website (www.bowmanlaw.com). The records include:
 - 9.2.1 Marketing brochures;
 - 9.2.2 Newsflashes on legal developments;
 - 9.2.3 Profiles of individual lawyers;
 - 9.2.4 Foreign Investors Guides;
 - 9.2.5 Transformation Charter; and
 - 9.2.6 Nature of Law internal publications.

10. **REQUEST PROCEDURE IN TERMS OF THE ACT**

- 10.1 A request for access to records held by Bowmans in terms of section 50 of the Act must be made on the form contained in the Regulations Regarding the Promotion of Access to Information (Form C). A copy of the form is attached as Annexure A to this manual. The request must be made to Bowmans at the address, telefax number or email address, specified in Section 5 above.
- 10.2 A requester must provide sufficient detail on the prescribed form to allow Bowmans to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to Bowmans. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.

- 10.3 The requester is required to identify the right that he, she or it is seeking to exercise by accessing records held by Bowmans and to explain why the particular record or records requested is or are required for the exercise or protection of that right.
- 10.4 Bowmans may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of the Act. These grounds for refusal include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of Bowmans itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for the purpose of legal proceedings, or that it is necessary to protect the research information of a third party or Bowmans itself. Access to documents may also be refused on the basis of professional privilege.
- 10.5 Bowmans is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of Bowmans decision in another manner as well, this must be set out in the request and the relevant details included, allowing Bowmans to inform the requester in the preferred manner.
- 10.6 Bowmans will make a decision in relation to a request for records within 30 days of receiving it, unless third parties are required to be notified (as discussed in Section 13 below) or the 30 day period is extended as provided for in the Act, and will notify the requester accordingly.
- 10.7 Where a request is refused, a requester may apply to court within 30 days of being informed of the refusal of the request, for an order compelling the record or records requested to be made available to the requester or for another appropriate order. The court will determine whether the records should be made available or not.

11. FEES PAYABLE

- 11.1 A requester has to pay a request fee of R50.00, other than where the requester is seeking access to a record containing personal information about him, her or itself. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on Bowmans behalf may notify the requester to pay the request fee before processing the request any further. A requester may make an application to Court to be exempted from the requirement to pay the request fee.
- 11.2 A requester whose request for access to a record or records held by Bowmans is granted is also required to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. Bowmans is entitled to withhold a record until the required access fees have been paid. The access fees which are payable are as follows:

	Action taken	Fee
1.	Photocopy of an A4-size page or part thereof	R1.10
2.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75

	Action taken	Fee
3.	For a copy in a computer-readable form on – Stiffy disc Compact disc	R7.50 R 70.00
4.	Transcription of visual images, for an A4-size page or part thereof	R40.00
5.	Copy of visual images	R60.00
6.	Transcription of an audio record, for an A4-size page or part thereof	R20.00
7.	Copy of an audio record	R30.00

11.3 In addition, if the search for and preparation of the record or records requested takes more than six hours, Bowmans may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records.

11.4 If Bowmans is of the opinion that the search for and the preparation of the records requested will require more than six hours, Bowmans is entitled to ask for a deposit of one third of the access fees which will be payable in respect of the records requested by the requester. The requester may make an application to Court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.

12. INFORMATION OR RECORDS NOT FOUND

12.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then Bowmans will notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

12.2 The affidavit or affirmation will provide a full account, of all the steps taken to find the record or to determine the existence thereof, including details of all communications by Bowmans with every person who conducted the search.

12.3 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester unless access is refused by Bowmans as permitted by the Act (as dealt with in Section 10 above).

13. INFORMATION REQUESTED ABOUT A THIRD PARTY

Where any information is requested from Bowmans that relates to a third party, Bowmans is required to notify the third party of the request. The third party has an opportunity to grant his, her or its consent to the disclosure of the record or to make representations as to why the requested record should not be disclosed to the requester. If Bowmans decides to grant access to the record, it will notify the affected third party again. The third party is entitled to apply to court in relation to that decision. The court will then determine whether the record should be disclosed by Bowmans or not.

14. **OTHER INFORMATION AS PRESCRIBED**

The Minister has not prescribed that any further information must be contained in this manual.

ANNEXURE A

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: _____

Attention: _____

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 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 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: _____

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*
- (d) *the reasonable time required to search for and prepare a record.*
- (e) *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 below, 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 for access 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, if any, will be determined partly by the form in which access is requested.*
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1. If the record is in written or printed form:

	Copy of record*		Inspection of record
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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
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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)
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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 disk)
--	-------------------------	--	--	--	--

*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.***

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:

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 of _____ 20__

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF
REQUEST IS MADE