



PROMOTION OF ACCESS TO INFORMATION ACT, 2000

Manual as required under section 51

1. Interpretation

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention:

1.1. an expression which denotes:

- any gender includes the other genders;
- a natural person includes an artificial or juristic person and vice versa;
- the singular includes the plural and vice versa;

1.2. the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

- **Acts** means PAIA and POPI and **Act** means either of them as the context may indicate;
- **Alchemy** means Alchemy Law Africa (Pty) Limited and/or Roodt Dingiswayo Inc., as the context may indicate;
- **PAIA** means the Promotion of Access to Information Act, 2000, including the regulations promulgated thereunder;
- **POPI** means the Protection of Personal Information Act, 2013, including the regulations promulgated thereunder;
- **Relevant Officer** means the person duly authorised and appointed by Alchemy as its "head" for purposes of PAIA and as its "information officer" for purposes of POPI , being the person named as such in this document;
- **this document** means this document together with all its annexures, as amended from time to time;

1.3. any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;

1.4. if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;

1.5. where any term is defined within a clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;

1.6. where any number of days is to be calculated from a day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;

- 1.7. any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 1.8. the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it;
- 1.9. insofar as there is a conflict in the interpretation of or application of this document and either Act, the relevant Act shall prevail.

This document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Acts. Requesters are advised to familiarise themselves with the provisions of the Acts before lodging any request with Alchemy.

2. Aim

To facilitate the requests for access to records of Alchemy as provided for in PAIA and to explain how to access, or object to, or request correction or deletion of, personal information held by Alchemy in terms of POPI.

3. Business details

Full name: Alchemy Law Africa (Pty) Limited | Dingiswayo Du Plessis
Van Der Merwe Inc

Physical address: Block A, 7 Eton Road, Sandhurst, Johannesburg, 2163

Website: www.alchemylawafrica.com

Email: bruce@alchemylawafrica.com

4. Contact particulars

The Relevant Officer of Alchemy is Bruce Schubach. His contact details are:

Email bruce@alchemylawafrica.com

5. Guide in terms of section 10 of PAIA

- 5.1. The Human Rights Commission (**HRC**) has compiled a guide, as contemplated in section 10 of PAIA, containing information to assist any person who wishes to exercise any right as contemplated in PAIA. The Information Regulator (**Information Regulator**) established in terms of POPI is required to update and make available this guide that has been compiled by the HRC. Any person who wishes to exercise any right contemplated in the Acts may obtain a copy of the information guide in all official languages, from the Information Regulator.

5.2. The contact details of the Information Regulator are:

Physical address JD House

27 Siemens Street

Braamfontein, Johannesburg

2001

Postal address PO Box 31533

Braamfontein, Johannesburg

2017

Email infoereg@justice.gov.za

6. Introduction

Alchemy is principally engaged in providing legal and advisory services to its clients.

7. Processing of personal information

- 7.1. Alchemy collects, records, organises, structures, uses, stores, adapts, alters, retrieves, discloses by transmission or dissemination or otherwise makes available, retains, erases and otherwise processes personal information that pertains to or is about any individual (whether a natural or juristic person), or from which any individual is directly or indirectly identifiable, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual. Alchemy does that in accordance with POPIA and will ensure that all processing conditions of POPIA are complied with at the time of processing of such personal information.
- 7.2. Alchemy has a detailed privacy policy, that applies to all external parties with whom Alchemy interacts, which among other topics:
- sets out how Alchemy protects and uses such information;
 - describes the purpose of such processing of such information;
 - describes the categories of data subjects and the categories of information relating thereto;
 - sets out the categories of recipients to whom such information may be supplied;
 - describes how transborder flows of information will be dealt with;
 - describes the data security, accuracy, minimisation and retention measures that Alchemy will take in relation to such information.
- 7.3. A copy of Alchemy's privacy policy is available on Alchemy's website referred to above or on request from the Relevant Officer, and is incorporated into and must be read together with this document.

8. Information automatically available

All information that is made available on Alchemy's website referred to above is automatically available and freely accessible to any person, without the need to make any application.

9. Records held by Alchemy in terms of other legislation as contemplated in section 51(1)(b)(iii) of PAIA

Alchemy retains the following types of records under other legislation. These records are not automatically available without a request in terms of PAIA. A request for any of these records may be refused and such a request is also subject to section 63(1) of PAIA, which provides that the Relevant Officer of Alchemy must refuse a request for access to a record of Alchemy if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party (including a deceased individual).

9.1. Statutory and other records and returns

- Company documents, registers and returns.
- Minutes of meetings.
- Records relating to the appointment of directors and other officers.
- Income tax and VAT records and returns.
- Records and returns relating to workmen's compensation.
- Records and returns relating to UIF.
- Records and returns relating to regional services levies.
- Records and returns relating to skills development levies.
- Records relating to compliance by Alchemy, insofar as may be necessary, with legal obligations in terms of applicable legislation.

9.2. Human Resources

- Personnel information including personal information, employment history, health records and records of disciplinary processes that Alchemy may hold from time to time.
- Training and development information.
- General files containing information on employee benefits and employee recruitment and selection information.

9.3. Project management

- Information related to projects conducted by Alchemy from time to time.

9.4. Information technology

- Usage statistics.
- Equipment details.
- Costings of hardware and software.

9.5. Finance/Accounts department

- Financial records.
- A list of Alchemy's creditors and debtors.
- Salary information.
- Bank account information.
- Fixed assets register.

9.6. Support services

- Delivery and collection sheets.
- List of suppliers.

10. Process of requesting information not automatically available

10.1. A request for any record under PAIA must be made on the relevant form prescribed in terms of PAIA. A request under POPI to object to the processing of personal information, or to correct or delete personal information must be made on the relevant form prescribed in terms of POPI.

10.2. The prescribed form referred to above must be submitted to the Relevant Officer of Alchemy at the e-mail address referred to above. The person submitting same must provide sufficient detail to enable the Relevant Officer to identify the record(s) requested and the person requesting same. The requester must indicate which form of access is required, identify the right that they are 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 the request is made on behalf of another person, the person submitting the request must submit proof, to the reasonable satisfaction of the Relevant Officer, of the capacity in which they are making the request.

10.3. The same procedure as set out above applies if the requester is requesting information on behalf of another person or on behalf of an employee of Alchemy.

10.4. The Relevant Officer of Alchemy will decide, as soon as reasonably possible and within thirty days after the request has been received, whether to grant the request or not.

10.5. The requester will be notified of the decision of the Relevant Officer of Alchemy in the manner indicated by the requester.

10.6. If the request is granted, the requester will be informed by the Relevant Officer of Alchemy in the manner indicated by the requester in the prescribed form.

- 10.7. Notwithstanding a foregoing, Alchemy will advise the requester in the manner stipulated by the requester in the prescribed form of:
- the access fee to be paid for the information;
 - the format in which access will be given, where relevant; and
 - the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 10.8. After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 10.9. If the request for access is refused, the Relevant Officer of Alchemy will advise the requester in writing of the refusal. The notice of refusal will state:
- adequate reasons for the refusal;
 - that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 10.10. Upon the refusal by the Relevant Officer of Alchemy, the deposit paid by the requester will be refunded.
- 10.11. If the Relevant Officer of Alchemy fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of PAIA, that the Relevant Officer of Alchemy has refused the request.
- 10.12. The Relevant Officer of Alchemy may decide to extend the period of thirty days for another period of not more than thirty days if:
- the request is for a large number of records;
 - the search for the records is to be conducted at premises not situated in the same town or city as the head office of Alchemy;
 - consultation among divisions or departments, as the case may be, of Alchemy is required;
 - the requester consents to such an extension in writing; or
 - the parties agree in any other manner to such an extension.
- 10.13. Should Alchemy require an extension of time, the requester will be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 10.14. The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

11. Fees payable

- 11.1. The fees for reproduction of a record as referred to in section 52(3) of PAIA are as follows:

- for every photocopy of an A4 size page or part thereof R1,10
- for every printed copy of an A4-size page or part thereof R0,75
- for a copy of a compact disc R70,00
- for a transcript of visual images for an A4 size page or part thereof R80,00
- for a copy of visual images R60,00
- for a transcript of an audio record, for an A4-size page or part thereof R120,00
- for a copy of an audio record R30,00

11.2. The request fee payable by a requester, other than a personal requester is R50, 00.

11.3. If the Relevant Officer of Alchemy is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six hours.

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 the Relevant Officer of Alchemy 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 the Relevant Officer of Alchemy with every person who conducted the search.

12.3. The notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of PAIA.

12.4. If the record in question should later be found, the requester will be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Relevant Officer of Alchemy.

12.5. The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of PAIA in terms of which Alchemy may refuse, on certain specified grounds, to provide information to a requester.

13. Information requested about a third party

13.1. Section 71 of PAIA makes provision for a request for information or records about a third party.

13.2. In considering such a request, Alchemy will adhere to the provisions of sections 71 to 74 of PAIA.

13.3. The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of PAIA in terms of which Alchemy is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the Relevant Officer of Alchemy by referring the matter to the High Court.

14. Declaration

Alchemy may confirm, to the best of its knowledge, and belief, the accuracy and completeness of the information provided.

15. Updating of manual

Alchemy may update this manual every six months or at such intervals as may be necessary.