

Von Seidels Intellectual Property Attorneys

**Promotion of Access to Information Manual
to assist persons wishing to access information
from the firm in terms of section 51 of the
Promotion of Access to Information Act 2 of 2000**

Latest version: 30 June 2021

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1. Introduction

Von Seidels Intellectual Property Attorneys or “Von Seidels” is a South African law firm specialising in intellectual property law, and the protection, commercialisation and enforcement of intellectual property rights in South Africa and Africa.

Von Seidels operates as a partnership and is defined as a private body in terms of the Act.

The firm has maintained for a number years its ISO 9001 certification for service quality.

2. Definitions and Interpretations

“Act” or “the Act” means the Promotion of Access to Information Act 2 of 2000, together with any regulations published thereunder and any reference to a **“section”** or **“sections”** denotes the relevant section of this Act;

“Head” refers to the managing partner of the firm, duly authorised by the partnership, who is also the firm’s “Information Officer” in terms of the Protection of Personal Information Act (no. 4 of 2013);

“Manual” means this manual, together with all annexures to it, as updated from time to time and made available at the head office and on the website of the firm;

“Requester” means any person, including a public body or its representative official, requesting to access a record;

“Section 10 Guide” refers to the guide compiled by the South African Human Rights Commission in terms of section 10 of the Act;

“Von Seidels” / “the firm” means Von Seidels Intellectual Property Attorneys.

3. Contact details

[Section 51(1) (a)]

The following particulars relate to the Head of Von Seidels, as well as the firm’s head office:

- | | |
|-----------------------|--|
| 3.1 Name: | Bastiaan Hendrik Koster |
| 3.2 Postal Address: | PO Box 440, Century City, 7446, Cape Town, South Africa |
| 3.3 Physical Address: | 4 East Park, Central Park on Park Lane, Century City (Cape Town), 7441, South Africa |
| 3.4 Telephone number: | +27 21 526 2800 |
| 3.5 Fax number: | +27 21 526 2801 |
| 3.6 Email address: | service@vonseidels.com |

3.7 Website: www.vonseidels.com/contact-us/

4. Section 10 Guide

[Section 51(1) (b)]

A Requester may access the records of a private body if the record is required for the exercise or protection of any rights. A Requester which is also a public body, or representing a public body, must be acting in the public interest.

Requests for information or access to the firm's records in terms of the Act must be made in accordance with prescribed procedures with applicable rates prescribed and gazetted by the Minister from time to time. Applicable forms and tariffs are specified in the Act.

The South African Human Rights Commission has prepared a guide, referred to as the "Section 10 Guide" that contains information to assist Requesters in exercising their Constitutional rights.

The Section 10 Guide is available from the South African Human Rights Commission, whose details are:

South African Human Rights Commission

Postal address: Private Bag X2700 Houghton 2041

Telephone: (011) 877-3600

Fax: (011) 403-0625

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

The Information Regulator will be taking over the functions of the Promotion of Access to Information Act (PAIA) from the South African Human Rights Commission (SAHRC) from 1 July 2021. The contact details of the Information Regulator are:

Email: infoereg@justice.gov.za

Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Website: www.justice.gov.za/infoereg/

5. Latest notices in terms of section 52(2)

[Section 51(1) (c)]

At present, no notices have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

6. Records available in terms of other legislation

[Section 51(1)(d)]

The following records are kept and available in accordance with other legislation.

Record Available	Applicable Legislation
Certificates of Attorney Admissions	Attorneys Act 53 of 1979

Record Available	Applicable Legislation
Employment Contracts	Basic Conditions of Employment Act 75 of 1997
Statement concerning BBBEE Status and Employment Equity Plan	Broad-Based Black Economic Empowerment Act 53 of 2003 Employment Equity Act 55 of 1998
Compensation payments, assessments and letter of good standing	Compensation for Occupational Injuries and Disease Act 130 of 1993
Partnership Agreement; Notice of registered office and postal address; Minutes of Partner Meetings	Companies Act 71 of 2008
Certificate of Registration of clients; Identity document(s); proof of registered address / office and/or postal addresses of clients	Financial Intelligence Centre Act 28 of 2001
Registration and declaration of employees	Unemployment Insurance Act 63 of 2001
VAT returns for past 7 (seven) years: Clearance certificate	Clearance certificate Value Added Tax Act 89 of 1991
Income Tax returns for past 7 (seven) years: Clearance certificate	Income Tax Act 58 of 1962
Registration Certificates, firm's trade marks	Trade Marks Act 194 of 1993
Terms and Conditions of Use of Website, Privacy Policy	Electronic Communications and Transactions Act 25 of 2002

7. Request procedure to access firm records in terms of

[Sections 51(1)(e) / 53(1)]

- 7.1 The firm maintains the categories of documents listed below. Requests to access any of these documents will be evaluated on a case by case basis and may be refused in accordance with the provisions of the Act, and other applicable laws and regulations.
- 7.2 Requests for access to information should be made in terms of section 53(1) and submitted in the prescribed Form C, which is available on the website of the South African Human Rights Commission at <https://www.sahrc.org.za/index.php/understanding-paia>. The form can also be accessed through the website of the Department of Justice and Constitutional Development at https://justice.gov.za/forms/paia/J752_paia_Form%20C.pdf. For convenience, a copy of Form C has been attached as an annexure to this Manual.
- 7.3 Section 53 requires that the request:
- Provide sufficient particulars to identify the Requester and the record(s) being requested;
 - Indicate which form of access is required;
 - Specify a postal address or fax number for the Requester within South Africa;
 - Identify the right the Requester is seeking to exercise or protect and provide an explanation of why the requested record is required for this purpose;

- Specify if the Requester wishes to be informed of the decision in any other manner in addition to a written reply and provide sufficient details enabling such a communication;
- Prove the capacity in which the Requester is making a request if on behalf of another, to the satisfaction of the Head of the firm.

7.4 The request should also be accompanied by payment of the prescribed fee.

7.5 Submitted requests will be considered by the Head of the firm, who will notify the Requester of his decision in writing, within the timeframe prescribed in the Act.

7.6 The following describes the subjects on which the firm holds records, and the categories of records held on each subject:

Subject	Categories / types of records held
Management	Partnership agreement and documents pertaining to the partnership and partners of the firm
	Minutes of meetings held
	Internal policies and procedures, Codes of Conduct
	Facilities management records and contracts with service providers
	ISO audit reports and certification
	Suretyship documents
Finance	Financial records
	Tax records
	Insurance records
	Auditor's reports
	Banking records
	Payroll records
	Client invoices
	FICA documentation
Marketing / Business Development	Firm brochures and publications (print and digital)
	Articles and media releases
Human Resources	Individual partner information (identify documents, shareholding, remuneration records)
	Employee list and information; personnel records
	Employment contracts; salary information
	Review meetings: notes
	Disciplinary letters and records
	Applications for employment
	Staff training material
	Fidelity fund certificates
	Medical aid contributions
	Legal provident fund contributions
	Leave records
	Attorney's admission applications and correspondence with Law Society and LEAD

Subject	Categories / types of records held
Administration	Asset register Supplier lists and information, agreements with suppliers and service providers Operational documents Attendance registers kept as Covid measure Rental and lease agreements
Legal Services	Legal advice and opinions to clients Client, agent and third party correspondence Matter files (digital) Letters of engagement with clients
Library	Precedents of case law and legal research Periodicals, textbooks and variety of legal academic resources
Information Technology	Computer software licenses Support and maintenance agreements with third party service providers IT Asset register
Other	Various types of correspondence

8. Refusal to grant access

There is no internal appeal procedure for private bodies. A Requester must therefore approach a competent court if a request is refused or the Requester is dissatisfied with the Head's decision.

9. Applicable tariffs / Prescribe fee

[Section 54]

- 9.1 The request fee payable by a Requester is explained in section 54.
- 9.2 You do not have to pay a request fee if you are requesting your own personal information.
- 9.3 The following applies to requests (other than personal requests):
 - A Requestor is required to pay the prescribed fees (R50.00) before a request will be processed;

- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A Requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.

9.4 The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted), can be accessed at <https://justice.gov.za/paia/paia-faq.htm> or on the website of the South African Human Rights Commission at <https://www.sahrc.org.za/index.php/understanding-paia>.

10. Other information prescribed by the Act

10.1 Information or records not found

If the firm has taken all reasonable steps to locate a record, but it is not found or it is found not to exist, the firm will notify the Requester in writing, and confirm the procedure followed to search for the record by way of sworn affidavit.

10.1 Third party information requests

If a Requester seeks to access information pertaining to a third party, the firm will notify the third party concerned, granting the third party an opportunity to permit the disclosure of the requested information. Alternatively, the third party can make representations as to why the information should not be disclosed.

If the firm decides to grant access to the record, all affected parties will be notified.

Signed:

Bastiaan Hendrik Koster

Information Officer and Head: Von Seidels

30 June 2021

Annexures: Form C

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:

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.....
.....
.....

3. Any further particulars of record:

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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:

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.....
.....

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.	

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
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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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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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..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE