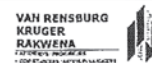


DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
NOTICE 1211 OF 2015



**PARTICULARS: SECTION 51 MANUAL**

**1 Introduction:**

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act no. 2 of 2000. The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

This manual applies in respect of *Van Rensburg Kruger Rakwena Attorneys (hereinafter referred to as the "Company")* with its core business as Attorneys in the Legal sector.

The Information Officer named in section 4 below is duly appointed in respect of the Company

**2 Availability of this manual:**

A copy of this manual is available on our website: [www.vrkr.co.za](http://www.vrkr.co.za) or by sending a request for a copy to the Information Officer by email. The Manual may also be inspected at our offices and the SAHRC at the respective addresses set out below. This manual will be updated from time to time as and when required.

**3 How to request access to records held by the Company**

Requests for access to records held by the Company must be made on the request forms that are available from the SAHRC website

([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under "*regulations*").

For the convenience of requestors, copies of such forms are included in the version of this manual available at our offices and on our website. Please note that requestors are also required to make payment of the prescribed fees where applicable.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided below.

The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

The requester must identify the right that is sought to be exercised or to be protected 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 another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

#### 4 Contact details:

Details required in terms of section 51(1)(a):	
Name of Private Body:	VAN RENSBURG KRUGER RAKWENA INC.
Head of the Body:	MARCHÉ DAVEL
Email address of the head of the Body:	<a href="mailto:marche@vrkr.co.za">marche@vrkr.co.za</a>
Designated Information Officer:	MARCHÉ DAVEL
Email address of Information Officer:	<a href="mailto:marche@vrkr.co.za">marche@vrkr.co.za</a>
Postal Address:	P O BOX 5, WITBANK, 1035
Street address:	2 WELLS STREET, WITBANK, 1034
Phone Number:	013 - 656 9600

Facsimile number:	<b>013 - 656 3331</b>
Website:	<b><u><a href="http://www.vrkr.co.za">www.vrkr.co.za</a></u></b>

**5 How to access the guide as described in section 10 of the Act:**

The Guide will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700

Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**6 Voluntary disclosure:**

The Company has not published a notice in terms of Section 52(2) of the Act. Certain information relating to the Company is freely available on the website [www.vrkr.co.za](http://www.vrkr.co.za)

**7 Records available in terms of any other legislation:**

Information is retained in terms of the following legislation and is usually available only to the persons or entities specified in such legislation:

1. Administration of Estates Act, No. 66 of 1965
2. Arbitration Act No. 42 of 1965
3. Basic Conditions of Employment No. 75 of 1997
4. Companies Act No. 61 of 1973
5. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993



6. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
7. Copyright Act No. 98 of 1978
8. Credit Agreements Act No. 75 of 1980
9. Currency and Exchanges Act No. 9 of 1933
10. Debtor Collectors Act No. 114 of 1998
11. Employment Equity Act No. 55 of 1998
12. Finance Act No. 35 of 2000
13. Financial Services Board Act No. 97 of 1990
14. Financial Relations Act No. 65 of 1976
15. Harmful Business Practices Act No. 23 of 1999
16. Income Tax Act No. 95 of 1967
17. Insolvency Act No. 24 of 1936
18. Insurance Act No 27 of 1943
19. Intellectual Property Laws Amendments Act No. 38 of 1997
20. Labour Relations Act No. 66 of 1995
21. Long Term Insurance Act No. 52 of 1998
22. Medical Schemes Act No. 131 of 1998
23. Occupational Health & Safety Act No. 85 of 1993
24. Pension Funds Act No. 24 of 1956
25. Post Office Act No. 44 of 1958
26. Protection of Businesses Act No. 99 of 1978
27. Regional Services Councils Act No. 109 of 1985
28. SA Reserve Bank Act No. 90 of 1989
29. Short Term Insurance Act No. 53 of 1998
30. Skills Development Levies Act No. 9 of 1999
31. Skills Development Act No. 97 of 1998
32. Stamp Duties Act No. 77 of 1968
33. Stock Exchange Control Act No. 1 of 1985
34. Tax on Retirement Funds Act No. 38 of 1996
35. Trade Marks Act No. 194 of 1993
36. Unemployment Contributions Act No. 4 of 2002
37. Unemployment Insurance Act No. 63 of 2001
38. Usury Act No 73 of 1968
39. Value Added Tax Act No. 89 of 1991
40. Financial Intelligence Centre Act, no. 38 of 2001
41. Financial Advisory and Intermediary Services Act, no. 37 of 2002
42. Prevention and Combating of Corrupt Activities Act no. 12 of 2004
43. Protected Disclosures Act 26 of 2000
44. Protection of Personal Information Act 4 of 2013

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**Initial:**



## **8 Records held by the Company**

### **Generic records:**

#### **8.1 Internal records**

- Documents of Incorporation;
- Memorandum and Articles of Association;
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers;
- Share Register and other statutory registers;
- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records, statements, paid cheques, electronic banking records;
- Asset register;
- Rental agreements
- Invoices;
- Third party service level and protection of information/confidentiality agreements.

#### **8.2 Personnel records**

These include, but are not limited to the following: Any personal records provided to the company by its personnel;

- Employment contracts
- Disciplinary records
- Salary records
- Leave records
- Training records

Any records a third party has provided to the Company about any of their personnel; conditions of employment and other personnel-related contractual and quasi-legal records; internal evaluation records and other related internal records and correspondence.

**8.3 Other records:**

- PAYE records;
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees;
- All other statutory compliances:
  - VAT;
  - Regional Services Levies;
  - Skills Development Levies;
  - UIF.

**Other parties:**

The Company may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies and service providers.

Alternatively, such other parties may possess records which can be said to belong to the Company.

The following records fall under this category:

- Personnel, customer or Company records which are held by another party as opposed to being held by the Company;
- Records held by the Company pertaining to other parties, including without limitation financial records, correspondence contractual records, records provided by the other party and
- Records third parties have provided about the contractors/suppliers.

**Client related records:**

A client includes any natural or juristic entity who receives services from the Company.

Client-related information includes, but is not limited to the following:

- Any records a client has provided to a third party acting for or on behalf of the Company;

- Any records a third party has provided to the Company;
- Records generated by or within the Company pertaining to the client, including transactional records.

***Operational records:***

This includes, but is not limited to the following:

Operational records;

- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Product records.

**9 Fees:**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request ;
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee;
- After the head of the private body has made a decision on the request, the requester must be notified in the required form;
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The standard form that must be used for the making of requests is attached as Annexure 2 to this manual. Not using this form could

cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

The list detailing the prescribed fees payable to the Company in respect of requests and the fees in respect of access to records (if the request is granted) is also attached as Annexure3 to this manual.

**Please note:-**

The above annexures are included only in copies of this Manual available on the website and at the offices of the Company but need not and are not included in the copy of this Manual delivered to the SAHRC.

Kindly also note that all requests to the Company will only be considered in accordance with the Act and on no other basis. Publication of this Manual and describing the categories and subject matter of information held by the Company does not give rise to any rights (in contract or otherwise) to access such information or records except in strict terms of the Act.

***10 Other information as may be prescribed [Sec 51(1)(f)]:***

The Minister of Justice and Constitutional Development has not made any regulations in this regard