



# HW Theron INC

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## ATTORNEY | PROKUREUR

**Registration Number of Company: 2009/000278/21**

**HW THERON INCORPORATED**

**("HW Theron Inc.")**

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 2000 ("The Act")**

**DATE OF COMPILATION: 11/12/2015**

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## 1. INTRODUCTION

The Act gives effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right. To this end, the Act requires public and private bodies to compile manuals that provide information on records held by such public and private bodies.

HW Theron Inc. is a private body for purposes of the Act and this document serves as its manual in terms of the Act. A copy is available on this website and can also be accessed from our offices.

HW Theron Inc. is an incorporated company (Law Firm) and is incorporated in terms of the company laws of the Republic of South Africa under registration number 2009/000278/21. The shares in the company is held by Mr. Hendrik Wilhelm Theron who holds 100 (hundred) ordinary shares.

The main business of HW Theron Inc. is professional services of attorneys and all related activities.

## 2. PARTICULARS IN TERMS OF SECTION 51

### 2.1. Contact Details - [Section 51(1)(a)]

Postal Address: P.O. Box 12095, Hatfield, 0028

Physical Address: 536 Makou Street, Monument Park X2, 0181.

Telephone Number: +27 12 347 2000

Fax Number: +27 12 347 2013

Fax2email: 086 563 7009

#### **The Director (managing) of HW Theron Inc:**

Mr Hendrik Wilhelm Theron [BLC.LLB (UP), Dip. Human Rights (RAU)]

E-mail: hennie@hwtinc.co.za

#### **Professional Assistant/Attorney:**

Ms Riona Calitz [BA (Psych), LLB (Unisa), Accredited Court Annexed

Mediator and Divorce Mediator]

E-Mail: Riona@hwtinc.co.za

**Public Officer:**

Sarie Gous

E-mail: [boekhou@hwtinc.co.za](mailto:boekhou@hwtinc.co.za)

alternatively, E-Mail: [info@hwtinc.co.za](mailto:info@hwtinc.co.za)

**2.2. Guide in terms of Section 10 of the Act - [Section 51(1)(b)]**

The South African Human Rights Commission will compile a guide on the use of the Act. This guide will be available from the South African Human Rights Commission at the following address:

Private Bag X2700, Houghton 2041.

Tel: (011) 484-8300

Fax: (011) 484-0582

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

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

**2.3. Records Automatically Available - [Section 51(1)(c)]**

No records are automatically available to the public.

**2.4. Records available in accordance with Other Legislation – [Section 51(1)(d)]**

HW Theron Inc. has records available in accordance with the following legislation:

Companies Act 61 of 1973;

Attorney's Act 53 of 1979;

Financial Intelligence Centre Act 38 of 2001;

The Value Added Tax Act 89 of 1991;

Income Tax Act 95 of 1967;

Basic Conditions of Employment Act 75 of 1997;

Compensation for Occupational Injuries and Diseases Act 130 of 1993;  
Employment Equity Act 55 of 1998;  
Labour Relations Act 66 of 1995;  
Skills Development Levies Act 55 of 1998;  
Trade Marks Act 194 of 1993;  
Unemployment Insurance Act 30 of 1966; and  
Skills Development Act 97 of 1998

**2.5. A Description of the Subjects of the Records Held by HW Theron Inc. and the Categories in which these Subjects are Classed - [Section 51 (1) (e)]**

**2.5.1. Company Registration Records**

Certificate of Incorporation

Memorandum of Association

Articles of Association

Proof of Ownership / Shareholder Certificate

Proof of Banking Documents

Original Valid Tax Clearance Certificate

Fidelity Fund Certificate

Records relating to the appointment of an Auditor/Accounting Officer

Statutory Registers and Returns

**2.5.2. Financial Records**

Trust Account details

Business Account details

Annual Financial Statements

Tax Returns

Accounting Records  
Audit Certificates  
Banking Records  
Bank Statements  
Electronic Banking Records  
Asset Register  
Rental Agreements  
Invoices

### **2.5.3. Income Tax 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  
Skills Development Levies  
UIF  
Workmen's Compensation

### **2.5.4. Personnel Records**

Practising Attorneys and registered candidate attorneys  
Employment contracts  
Employee benefits arrangements rules and records  
Disciplinary records  
Salary records  
SETA records

Leave records

Policies and procedures

### **2.5.5. Commercial Records**

Contracts

Works orders

General documentation

## **3. THE PROCESSES AND PROCEDURES FOR REQUESTING INFORMATION OR RECORDS- [Section 51(1)(e)]**

The requester must use the prescribed form to make the request for access to a record. The request must be made to the Public Officer whose contact details are set out above. The request must be made to the address, fax number or electronic mail address set out above.

The requester must provide sufficient detail on the request form to enable the Public Officer to identify the record and the requester. The requestor should also indicate which form of access is required. The requestor should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she 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 another person, the requester must submit proof of the capacity in which the requestor is making the request, to the satisfaction of the Public Officer.

The Public Officer shall 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.

In the event that HW Theron Inc. refuses to give the requester access to requested records, the requester may lodge an application with a court of law for HW Theron Inc. to be ordered to give the requester access to the requested records. If the court orders HW Theron Inc. to grant the requester access to the requested records, the requester must pay a further access fee for the reproduction, the search, preparation and time taken to provide the records, in excess of the prescribed hours to search and prepare the record for disclosure.



**4. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS – [Part II Chapter 4]**

4.1. HW Theron Inc. may refuse a request for information or record if that information or record relates to:

- (a) mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
- (b) mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- (c) mandatory protection of records which would be regarded as privileged in legal proceedings;

HW Theron Inc. shall refuse requests for information where such requests are frivolous or vexatious or involve an unreasonable diversion of resources.

**5. OTHER INFORMATION AS MAY BE PRESCRIBED- [Section 51(1)(f)]**

No information has been prescribed.

**6. AVAILABILITY OF THE MANUAL- [Section 51(3)]**

This manual has been made available to the Human Rights Commission, in accordance with paragraph 9(1) of the Regulations promulgated in terms of the Act.

**7. PRESCRIBED FEES IN RESPECT OF PRIVATE BODIES**

The following fees have been prescribed in the Regulations promulgated in terms of the Act and must be paid by a requester before any records requested can be made available to the requester. HW Theron Inc. reserves the right to require a requester to pay higher fees if the Regulations in terms of the Act are changed to permit higher fees.

The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in regulation 11(1) are as follows:

- (a) For every photocopy of an A4-size page or part thereof - R1.10

- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form - R0.75
- (c) For copy in a computer-readable form on a compact disc - R70.00
- (d)
  - (i) For a transcription of visual images, for an A4-size page or part thereof – R40.00
  - (ii) For a copy of visual images – R60.00
- (e)
  - (i) For a transcription of an audio record, for an A4-size page or part thereof – R20.00
  - (ii) For a copy of an audio record – R30.00

The access fees payable by a requester referred to in regulation 11(3) are as follows:

- (a) For every photocopy of an A4-size page or part thereof - R1.10
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0.75

## **8. PRESCRIBED FORM**

The Form below has been prescribed in Regulation 10 passed in terms of the Act and should be completed by a requester who wants access to the records of a private body.

**PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER  
FORM C  
REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)  
(Regulation 10)

**A. Particulars of Private Body**

The Public Officer: in respect of \_\_\_\_\_  
(specify company, if applicable)

**B. Particulars of Person requesting access to the record**

- (a) The particulars of the person who requests access to the records must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person:  
\_\_\_\_\_

**C. Particulars of person of 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

1. Description of the Record or relevant part of the record:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of the 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 of the request fee.
- (c) The fee payable for access to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee (if any):  
\_\_\_\_\_

**F. Form of Access to the 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 choice with an "X"

**NOTES:**

- (a) Your indication as to the required form of access depends 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 the 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 the record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette)                      Transcription of soundtrack

4. If the 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

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee 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

1. Indicate which right is to be exercised or protected:

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2. Explain why the requested record is required for the exercising 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 thereof 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?

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Signed at \_\_\_\_\_ this \_\_\_ day of \_\_\_\_\_ 20\_\_

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