

# **THE PROMOTION OF ACCESS TO INFORMATION ACT**

The Promotion of Access to Information Act, 2 of 2000, gives effect to the constitutional right of access to any information held by private bodies that is required for the exercise or protection of any rights.

## **SECTION 51 MANUAL FOR MORGAN LAW INC**

**2017/343628/07**

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## 1. INTRODUCTION

This manual on access to information held by Morgan Law Inc, hereinafter referred to as “ML INC”, is compiled in terms of section 51 of the Promotion of Access to Information Act (hereafter referred to as “the Act”).

The object of the Act is to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith.

## **2. CONTACT DETAILS AND GENERAL INFORMATION**

The following contact details can be used to obtain information from ML INC in accordance with the Act and this manual. ML INC conducts its business from primarily a centralised office situated in Johannesburg, Gauteng.

**Information Officer:**

Grant Morgan

**Phone:**

010 020 6838

**E-mail:**

[info@morganlaw.co.za](mailto:info@morganlaw.co.za)

**Physical Address**

28 The Avenue, Orchards, Johannesburg, 2192

**Website**

[Morganlaw.co.za](http://Morganlaw.co.za)

### 3. HUMAN RIGHTS COMMISSION GUIDELINE

In terms of section 10 of the Act, the South African Human Rights Commission (“SAHRC”) is responsible for developing a guide containing a description of the aims of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act. This guide is available in hard copy from the SAHRC or can be accessed on their website. The details are as follows:

**Phone**

+27 (11) 877 3600

**E-mail**

PAIA@sahrc.org.za

**Postal Address**

Private Bag: X2700 Houghton, 2041

**Physical Address**

Braampark Forum, 333 Hoofd Street, Braamfontein 2017

**Website**

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

### 4. WHO MAY REQUEST INFORMATION

Any person may request access to information from ML INC, in terms of section 50(1) of the Act, provided that:

- The record is required for the exercise or protection of any rights.
- The requestor complies with the procedural requirements defined in the Act relating to a request for access to that record; and
- Access to the record is not refused in terms of any ground for refusal contemplated in the Act.

## 5. CATEGORIES OF RECORDS

All information held by ML INC is classified and grouped according to records relating to the following subjects and categories:

### 5.1 Personnel Records

Records which contain information of employees that include:

- Any personal records provided to ML INC by the employee/personnel,
- Any records a third party has provided ML INC about its personnel, and
- Conditions of employment and other employee-related contractual and quasi-legal records

### 5.2 Client related Records

Records which contain information of clients (any natural or juristic entity) that receive a service from ML INC that include:

- Any records a client has provided to ML INC or to a third party acting for and on behalf of ML INC,
- Any records a third party has provided to ML INC, and
- Records generated by or within ML INC pertaining to its clients

### 5.3 Other Party Records

Records pertaining to other parties held by ML INC or vice versa. Other parties include, but are not limited to suppliers, service providers and subsidiary/holding/sister companies.

### 5.4 ML INC Records

Records that include, but are not limited to, information relating to:

- Financial Reports
- Operations (sales, client services and claims)
- Training
- Marketing
- Newsletters
- Complaints procedures
- Internal policies and procedures

Each request will be evaluated on its own merits and should a request be made for records that fall under any of the categories of exemption, such a request will be refused.

## 6. ACCESS TO A RECORD

### 6.1 Prescribed Access Form

Any person who wishes to request information from ML INC with the aim of protecting or exercising a right may contact the information officer as described under paragraph 2 above.

In order for the request to be entertained, the request must be received by the information officer on the prescribed form. The prescribed time periods will not commence until all pertinent information has been furnished to ML INC by the requestor.

Refer to Form A to this manual for the format of the prescribed form.

### 6.2 Prescribed Fee

In terms of section 54 of the Act, unless it is a personal request, a request fee will be levied as prescribed before any further processing is made. Herein below is a list of applicable fees.

A personal request means a requestor seeking access to a record containing personal information that concerns them. The only fee applicable and payable for access to records is a fee for the reproduction of records.

**ML INC may withhold a record until the request fee has been paid.**

#### TABLE OF FEES IN RESPECT OF PRIVATE BODIES

Charges	Cost
Electronic PDF copy of the Manual	Free
Posted Paper Copy of the Manual	R15.00
Request Fee (Other than a personal requestor)	R50.00
Access Fee: Electronic Record Format: A4	R0.75 per page
Reproduce: Electronic Record Format: A4	R0.75 per page
Access Fee: Photocopy Record Format: A4	R1.10 per page
Reproduce fee: Photocopy Record Format: A4	R1.10 per page
Access Fee: Transcription of Audio record: A4	R20.00 per page
Reproduce Fee: Transcription of Audio record: A4	R20.00 per page
Access Fee: Copy of Audio record	R30.00
Access to or Record on Compact Disc	R70.00
Access Fee: Transcription of Visual Images: A4	R40.00 per page
Reproduce Fee: Transcription of Visual Images: A4	R40.00 per page
Access Fee: Copy of Visual Image	R60.00
Reproduction Fee: Copy of Visual Image	R60.00

### 6.3 Request Procedure

**The requester must use the prescribed form, annexure A to this manual, to make the request for access to a record.** This must be made to the head of the private body. This request must be made to the address or electronic mail address of the body concerned.

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.

#### 6.4 Grounds for refusal of access of records

ML INC reserves its right to refuse and or grant access to records in accordance with Chapter 4 of the Act. The grounds upon which ML INC could refuse access to records are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person,
- Mandatory protection of the commercial information of a third party, where the requested record/s contain:
  - Trade secrets of that third party;
  - Financial, commercial, scientific or technical information, the disclosure of which would cause harm to the financial or commercial interests of that third party;
  - Information disclosed in confidence by a third party to the institution if the disclosure of such information could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which are regarded as privileged in legal proceedings.
- Protection of the commercial activities of ML INC, which include:
  - Trade secrets;
  - Financial, commercial, scientific or technical information, the disclosure of which would harm the financial or commercial interests of ML INC;
  - Information which, if disclosed, could put ML INC at a disadvantage in negotiations or commercial competition;
  - Computer programs and related information technology software owned by ML INC and protected by copyright.
  - Research information compiled by ML INC or a third party, if its disclosure would place the research at a serious disadvantage.

#### 6.5 Records that cannot be found or do not exist

In terms of section 55 of the Act, ML INC will after all reasonable steps have been taken to find the record requested notify the requester as prescribed by affidavit or affirmation should the record not be found or, does not exist.

## **7. DECISION ON REQUEST AND NOTICE THEREOF**

In terms of section 56 of the Act, ML INC will notify the requestor as soon as reasonably possible within 30 days of receipt of a correctly completed request of the decision as to whether or not to grant the request.

The 30-day period within which the Information Officer has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is made for a large amount of information, or the request requires a search for information held at another office and the information cannot reasonably be obtained within the original 30-day period.

## **8. THIRD PARTY NOTIFICATION AND INTERVENTION**

If the request is for a record pertaining to third parties, the Information Officer must take all reasonable steps to notify the relevant third party of the request. This must be done within 21 days of receipt of the request. The third party may within 21 days thereafter either makes representation to ML INC as to why the request should be refused; alternatively, such third party, can grant written consent to the disclosure of the record.

## **9. RIGHTS OF APPEAL**

A requestor that is dissatisfied with the Information Officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

## **10. AVAILABILITY OF THE MANUAL**

The manual is available for inspection at the office of ML INC, free of charge, or a copy can be sourced from ML INC's website.



**FORM A**

**REQUEST FOR ACCESS TO A RECORD OF PRIVATE BODY**  
(Section 53(1) of the Promotion of Access to Information Act, 2 of 2000)

The Information Officer

**Grant Morgan**

Physical Address

Morgan Law Inc

28 The Avenue

Orchards,

Johannesburg

2192

Email address

info@morganlaw.co.za

**Request Details**

Particulars of person requesting access to the record

Full names and surname	
Identity Number	
Postal Address	
Telephone Number	
E-mail Address	
Capacity in which request is made, when made on behalf of another person	
Capacity in which request is made, when made on behalf of another person	

(Proof of the capacity in which the request is made, if applicable, must be attached.)

**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	

**Particulars of record**

T: 010 020 6838 | E: info@morganlaw.co.za

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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.

If the provided space is inadequate, please continue a separate folio and attach it to this form. The requester must sign all additional folios.

Description of record or relevant part of the record
Reference Number (if available)
Any further particulars of record

### Fees

- a) A request for access to a record, other than a record containing personal information about you, will be processed only after a request fee has been paid.
- b) You will be made to pay a fee for reproduction.

Reason for exemption from payment of fees (if applicable)

### 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 kindly, state your disability and indicate in which form the record is required.

Disability	Form in which record is required

### Notes:

- a) Compliance with your request 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.

(Mark the appropriate box with an X)

<b>If the record is in written or printed form</b>				
Copy of record*		Inspection of record		
<b>If the record consists of visual images</b>				
View the images		Copy of images*		Transcription of images*
<b>If the record consists of recorded words or information which can be reproduced in sound</b>				
Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written/printed document)		
<b>If the record is held on computer or in an electronic or machine-readable form</b>				
Printed copy of record*		Printed copy of information from the record*		Copy in computer readable form* (compact disc)

*If you request a copy or transcription of a record, do you wish the copy or transcription to be posted to you? If yes, postage is payable	Y	N
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**Particulars of right to be exercised or protected**

- (a) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
- (b) The requester must sign all the additional folios.

**Notice of decision regarding request for access**

Indicate which right is to be exercised or protected
Explain why the record requested is required for the exercise or protection of the said right

You will be notified in writing whether your request has been approved/denied. If you wish to be advised in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

.....

SIGNATURE OF REQUESTER / PERSON ON BEHALF OF REQUESTER