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Promotion of Access to Information Manual

Meise Nkaiseng Incorporated
“The Responsible Party”

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Version Control

Version number	Version date	Summary of changes made
1	01 March 2025	Main Policy drafted

Introduction

On 23 November 2001 the Promotion of Access to Information Act No. 2 of 2000 ("the Act") came into operation. Section 51 requires that we as a private body compile a manual providing information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights of the requesters.

When a request is made in terms of the Act, there is an obligation to release the information, except in circumstances whereby the Act expressly provides that the information must not be released or may be withheld. The Act stipulates the requisite procedures in order to process any request for information.

Members of the public will be able to review the categories of information which we possess and which they can obtain access to and how.

A copy of this manual is also available on our website: www.mnlaw.co.za

Contact Details

Name of Private Body: Meise Nkaiseng Incorporated

Physical Address: 1 Fish River Street

Vanderbijlpark

GAUTENG

1911

153 General Hertzog Road

Three Rivers

Vereeniging

GAUTENG

1935

Postal Address: PO Box 435

Vereeniging

1930

Head of Private Body: Steven Meise

Telephone: +27 16 420 2600

E-mail: stevenm@mnlaw.co.za

Designated Information Officer: Steven Meise
Telephone: +27 16 420 2600
E-mail: stevenm@mnlaw.co.za

Designated Deputy Information Officer: Linda Kaufman
Telephone: 016 420 2600
E-mail: lindak@mnlaw.co.za

The Act

The Act grants a requester access to records of a private body if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27 11 877 3600
Fax Number: +27 11 403 0625
Website: www.sahrc.org.za

Procedure to Access Records

The requester must comply with all the procedural requirements contained in the Act.

The requester must complete the prescribed form in **Appendix “1”** enclosed herewith and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer or the designated Deputy Information Officer, at the postal or physical address, facsimile number or electronic mail address.

The prescribed form which is also available on the South African Human Rights Commission's website (www.sahrc.org.za) and the Department of Justice and Constitutional Development's website (www.justice.gov.za) must be filled in with enough particularity to at least enable the Information Officer to identify:

- the record or records requested;
- the identity of the requester;
- which form of access is required, if the request is granted;
- the postal address or facsimile number of the requester.

The requester must state that he/she/it requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right. The Responsible Party will process the request within 30 calendar days unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with. The requester shall be informed in writing whether access was granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

If a requester is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee as detailed in this policy before any further processing can take place.

Grounds on which Access to Records may be refused

The main grounds for the Responsible Party to refuse a request for information relates to the:

- 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 commercial information of a third party, including where the record contains:
 - trade secrets of that third party;
 - disclosure could likely cause harm to the financial or commercial interests of that third party;
 - information disclosed in confidence by a third party to the Responsible Party, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - a computer programme which is owned by the Responsible Party, and which is protected by copyright.
- 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 that would be regarded as privileged in legal proceedings;

- the research information of the Responsible Party or a third party, if its disclosure would disclose the identity of the Responsible Party, the researcher or the subject matter of the research, and would place the research at a serious disadvantage; and
- requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources shall be refused.

Decisions

The Responsible Party will, within 30 calendar days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 calendar day period within which the Responsible Party has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 calendar days if the request is for a large volume of information, or if the request requires a search for information held at another office of the Responsible Party, and the information cannot reasonably be obtained within the original 30 calendar day period. The Responsible Party will notify the requester in writing should an extension be sought.

Remedies in case of Denial of a Request for Information

Internal Remedies

The decision made by the Information Officer is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the decision.

External Remedies

A requester that is dissatisfied with the Information Officer's refusal to disclose information may, within 30 calendar days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information may, within 30 calendar days of notification of the decision, apply to a Court for relief.

Fees

The Act provides for two types of fees, namely:

- a request fee, which will be a standard fee; and
- an access fee which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When a request is received by the Information Officer, he/she may by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees as indicated in **“Appendix 2”**.

A requester whose request for access to a record has been granted must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

Availability of the Manual

The manual is made available in terms of Regulation Number R 187 of 15 February 2002 and is available on our website, at our registered offices and the offices of the South African Human Rights Commission on the contact details as stated in this policy.

Appendix 1: Request for Record Access

A. Particulars of Private Body

Information Officer: Steven Meise
Company: Meise Nkaiseng Incorporated
Registration number: 1999/004176/21
Address: 1 Fish River Street
Vanderbijlpark
GAUTENG
1911
Telephone: +27 16 420 2600
Email: stevenm@mnlaw.co.za

B. Particulars of person requesting Access to the Record

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

Full names and surname:
Identity number:
Postal address:
Fax number:
Telephone number:
E-mail address:
Capacity in which request is made, when made on behalf of another person:

C. 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:

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:
- 3 Any further particulars of 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 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:

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 items 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an X.

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 for 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* (written or printed document)
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* (USB 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

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

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 _____ on this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

Appendix 2: Fees

There are two basic types of fees applicable in terms of PAIA – “request” and “access” fees.

Request Fee

- The request fee is an administration fee that is payable on submission of the request for access to a record and must be paid before the request is considered (unless the request is to access the requestor’s personal information in which event there is no applicable fee). The request fee is not refundable if the request for access has been granted however it is refundable if the request for access has been denied by the Responsible Party;
- The request fee is prescribed and set out in the PAIA Regulation and is currently R140.00 (excl. VAT) for a private body and may change from time to time; and
- In line with section 23(1)(a) of POPIA, a Data Subject (i.e. personal requestor) has a right to request the Responsible Party to confirm, free of charge, whether or not the Responsible Party holds personal information about the Data Subject.

Access Fee

- The access fee is payable prior to the Requester actually gaining access to the records in the required form;
- The access fee is intended to reimburse the Responsible Party for the costs involved in reproduction of documents, searching and preparing the record requested and for any time reasonable required (in excess of the prescribed hours) to search and prepare the record. The access fee is determined in accordance with the Act (and specifically the Regulations to the Act, as amended from time to time) Should the preparation of the required record take more than 6 (six) hours, a deposit (which is 1/3 (one third)) of the access fee is payable before the request will be processed by the Responsible Party as a deposit;
- The Responsible Party may withhold a record until the Requester has paid the applicable fees (if any); and
- The Responsible Party must provide the Data Subject with a written estimate of the fee before providing the services.