

ACCESS TO INFORMATION
MANUAL OF WEBBER WENTZEL IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000 ("PAIA")

1. Introduction to Webber Wentzel

- 1.1 Webber Wentzel is a partnership which conducts business as a law firm. Webber Wentzel has offices in Johannesburg and Cape Town.
- 1.2 Mr AC Lawson has been duly appointed by the head of Webber Wentzel, as the Information Officer for Webber Wentzel and is the person to whom requests for access to information must be made in terms of PAIA and in terms of the Protection of Personal Information Act 4 of 2013 ("**POPIA**").

2. Webber Wentzel's contact details

Physical address:

Johannesburg

90 Rivonia Road
Sandton
Johannesburg
2196
South Africa

Cape Town

15th Floor, Convention Tower
Heerengracht
Foreshore
Cape Town
8001
South Africa

Postal Address:

Johannesburg

P O Box 61771
Marshalltown
2107
South Africa

Cape Town

P O Box 3667
Cape Town
8000

South Africa

Information Officer:

Mr AC Lawson

Telephone: +27 11 530 5467

Facsimile: +27 11 530 6467

E-mail: alisdair.lawson@webberwentzel.com**3. Guide on how to use PAIA**

3.1 The South African Human Rights Commission (SAHRC) compiled a guide on how to use PAIA ("**the Guide**").

3.2 From 1 July 2021, the Information Regulator assumed the functions of the SAHRC. Accordingly, the Information Regulator has in terms of section 10(1) of PAIA updated and made available the Guide compiled by the SAHRC, in an easily comprehensible form and manner as may be reasonably required by a person who wishes to exercise any right contemplated by PAIA and POPIA. The Guide is available for inspection at the offices of the Information Regulator and on its website (<https://inforegulator.org.za/>). Copies of the Guide (in English and Afrikaans languages) are also available for inspection at Webber Wentzel's Johannesburg office during normal working hours. The Guide can also be obtained upon request to the Information Officer. Any queries regarding the Guide must be directed to the Information Regulator on the following details:

Information Regulator:

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone Number: 010 023 5200

Website: <https://inforegulator.org.za/>

Email (complaints): PAIAComplaints.IR@justice.gov.za

Email (general enquiries): enquiries@inforegulator.org.za

4. **Records available without a person having to request access**

Records made available by Webber Wentzel without a person having to request access in terms of PAIA:

4.1 Publicly available information about Webber Wentzel:

- 4.1.1 on Webber Wentzel's website including Webber Wentzel's profile, areas of expertise, specialist profiles; news and publications, press releases and Webber Wentzel's Terms of Business);
- 4.1.2 brochures and marketing material; and
- 4.1.3 B-BBEE certificate.

5. **Records available in terms of other legislation**

Records maintained by Webber Wentzel in terms of other legislation include but are not limited to the:

- 5.1 Basic Conditions of Employment Act 75 of 1997;
- 5.2 Broad-Based Black Economic Empowerment Act 53 of 2003;
- 5.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 5.4 Electronic Communications and Transactions Act 25 of 2002;
- 5.5 Employment Equity Act 55 of 1998;
- 5.6 Financial Intelligence Centre Act 38 of 2001;
- 5.7 Income Tax Act 58 of 1962;
- 5.8 Labour Relations Act 66 of 1995;
- 5.9 Legal Practice Act 28 of 2014;
- 5.10 Occupational Health and Safety Act 85 of 1993;
- 5.11 Pension Funds Act 24 of 1956;
- 5.12 Promotion of Access to Information Act 2 of 2000;
- 5.13 Protection of Personal Information Act 4 of 2013;
- 5.14 Skills Development Act 97 of 1998;

- 5.15 Unemployment Insurance Contributions Act 4 of 2002;
- 5.16 Unemployment Insurance Act 30 of 1996; and
- 5.17 Value Added Tax Act 89 of 1991.

6. Subjects and categories of information held by Webber Wentzel

The subjects and categories of records held by Webber Wentzel are as follows:

Note: This section of the Manual sets out the subject and categories of records held by Webber Wentzel. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under PAIA. In particular, certain grounds of refusal set out in PAIA may be applicable to a request for such records.

6.1 Incorporation and constitutional documents of Webber Wentzel

- 6.1.1 Partnership agreement of Webber Wentzel.
- 6.1.2 List of the partners of Webber Wentzel.

6.2 Financial records of Webber Wentzel

- 6.2.1 Accounting records, books and documents of Webber Wentzel.
- 6.2.2 Interim and annual financial reports of Webber Wentzel.
- 6.2.3 Details of auditors of Webber Wentzel.
- 6.2.4 Auditors' reports in respect of audits conducted on Webber Wentzel.
- 6.2.5 Details of actuaries of the pension fund and the provident fund utilised by Webber Wentzel.
- 6.2.6 Invoices in respect of both creditors and debtors of Webber Wentzel.
- 6.2.7 Tax returns of Webber Wentzel.
- 6.2.8 Other documents and agreements relating to taxation.
- 6.2.9 Other financial records of Webber Wentzel.

6.3 Banking details of Webber Wentzel

- 6.3.1 Indebtedness to bankers.

- 6.3.2 Bank facilities and accounts details.
- 6.3.3 Bank statements.
- 6.3.4 The level of overdraft and other borrowings of Webber Wentzel.
- 6.3.5 Other financial commitments of Webber Wentzel.
- 6.3.6 Other banking records.
- 6.4 **Human resources / employment records**
 - 6.4.1 List of employees.
 - 6.4.2 Contracts and/or documentation pertaining to arrangements with partners.
 - 6.4.3 Contracts of employment with employees of Webber Wentzel.
 - 6.4.4 Personnel files in respect of each employee of Webber Wentzel.
 - 6.4.5 Disciplinary records and documentation pertaining to disciplinary proceedings.
 - 6.4.6 Documents relating to employee benefits.
 - 6.4.7 Compensation or redundancy payments.
 - 6.4.8 Tax information of employees.
 - 6.4.9 Employment equity plan of Webber Wentzel.
 - 6.4.10 Skills development programme of Webber Wentzel.
 - 6.4.11 Pension and/or provident fund agreement.
 - 6.4.12 Training manuals and rosters.
 - 6.4.13 Employee policies and procedures.
 - 6.4.14 Other information relating to employees of Webber Wentzel.
- 6.5 **Intellectual Property**
 - 6.5.1 Trade-marks, copyrights and designs held by Webber Wentzel.
 - 6.5.2 Records relating to domain names held by Webber Wentzel.

6.5.3 Licences relating to intellectual property rights.

6.5.4 Other agreements relating to intellectual property rights.

6.6 **Information pertaining to clients of Webber Wentzel**

6.6.1 Agreements with clients of Webber Wentzel.

6.6.2 Documentation and other information received from clients, including documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2001.

6.6.3 Documentation and other information received from third parties.

6.6.4 Correspondence with clients.

6.6.5 Correspondence with third parties.

6.6.6 Research conducted on behalf of clients of Webber Wentzel.

6.6.7 Information prepared by partners and employees of Webber Wentzel for clients, including opinions, memoranda and reports.

6.6.8 Records pertaining to legal proceedings involving clients of Webber Wentzel.

6.6.9 Other information relating to, or held on behalf of, clients of Webber Wentzel.

6.7 **Library and know how information**

6.7.1 Precedent agreements, opinions and litigation documents.

6.7.2 Information circulars.

6.7.3 Publications.

6.7.4 Other information held by the library of Webber Wentzel.

6.8 **Insurance records**

Insurance policies taken out for the benefit of Webber Wentzel and its employees, including:

6.8.1 group life assurance and disability income protection insurance;

6.8.2 insurance in respect of the property occupied by Webber Wentzel;

6.8.3 insurance in respect of the movable property of Webber Wentzel;

- 6.8.4 professional indemnity insurance in respect of Webber Wentzel;
- 6.8.5 fidelity insurance in respect of trust monies and client investment monies held by Webber Wentzel;
- 6.8.6 third party insurance in respect of passengers in vehicles driven by Webber Wentzel staff.
- 6.9 **Immovable and movable property**
 - 6.9.1 Agreements for the lease of immovable property by Webber Wentzel.
 - 6.9.2 Agreements for the lease or sale of movable property by Webber Wentzel.
 - 6.9.3 Credit sale agreements and/or hire purchase agreements.
 - 6.9.4 Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.
- 6.10 **Information technology**
 - 6.10.1 Computer software, support and maintenance agreements.
 - 6.10.2 Other documentation pertaining to computer systems and computer programmes held by Webber Wentzel.
- 6.11 **Website**
 - 6.11.1 Information contained on our website: www.webberwentzel.com including:
 - 6.11.1.1 Firm profile;
 - 6.11.1.2 Areas of expertise;
 - 6.11.1.3 Specialist profiles;
 - 6.11.1.4 News and publications;
 - 6.11.1.5 Careers; and
 - 6.11.1.6 Coverage.
- 6.12 **Miscellaneous agreements of Webber Wentzel**
 - 6.12.1 Loans from third parties (including banks).
 - 6.12.2 Loans to third parties.

- 6.12.3 Suretyship agreements.
- 6.12.4 Security agreements, guarantees and indemnities.
- 6.12.5 Agency, management and distribution agreements.
- 6.12.6 Marketing agreements.
- 6.12.7 Agreements with suppliers of Webber Wentzel.
- 6.12.8 Confidentiality and/or non-disclosure agreements.
- 6.12.9 Any other relevant agreements.

6.13 **Correspondence**

Correspondence of Webber Wentzel, including internal and external memoranda.

6.14 **Information relating to legal proceedings**

Records relating to legal proceedings involving Webber Wentzel.

7. **Description of personal information processing in terms of POPIA**

Webber Wentzel processes personal information in accordance with its Privacy Policy, available on our website: www.webberwentzel.com. The Privacy Policy deals, *inter alia*, with the purpose of the processing, a description of the categories of data subjects and the information or categories of information relating thereto, potential recipients or categories of recipients to whom personal information may be supplied, potential transborder flows of personal information, and information regarding the security measures implemented to ensure the confidentiality, integrity, and availability of information to be processed.

8. **The request procedure**

- 8.1 A request for access to a record in terms of PAIA must substantially correspond with Form 2 of Annexure A to the Regulations Relating to the Promotion of Access to Information Act, 2021 (please refer to Annexure A, alternatively, access the request form on <https://info regulator.org.za/paia-forms/>). The request must be made to the Information Officer. This request must be made to the address, fax number or electronic mail address of the Information Officer.
- 8.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should

also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

- 8.3 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- 8.4 If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

9. Fees

- 9.1 The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the relevant fee before further processing the request. A personal requester does not pay such fee.
- 9.2 The requester may lodge an application to the court against the tender or payment of the request fee.
- 9.3 The Information Officer will then make a decision on the request and notify the requester in the required form.
- 9.4 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that had exceeded the prescribed hours to search and prepare the record for disclosure.

10. Availability of the manual

The manual is available for inspection at the Johannesburg offices of Webber Wentzel free of charge. Copies are also available on Webber Wentzel's website, www.webberwentzel.com

11. Prescribed fees and forms in respect of private bodies

The prescribed fees for requests to private bodies are set out in Annexure B to the Regulations Relating to the Promotion of Access to Information Act, 2021.

12. Changes to this Manual

This Manual may be amended and updated from time to time, provided that if Webber Wentzel does so, it will ensure that such changes are carried out subject to and published in accordance with PAIA and POPIA.

Annexe A

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

 (Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

☐Request is made in my own name
person.☐

Request is made on behalf of another

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (<i>when made on behalf of another person</i>)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: _____
	Cellular:		
Full names of person on whose behalf request is made (<i>if applicable</i>):			
Identity Number			

Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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 on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD (Mark the applicable box with an "X")</p>			
Record is in written or printed form			
Record comprises virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	
MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	
PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (state rank, name and surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer