

PRIVATE BODY MANUAL
IN TERMS OF S51 OF THE PROMOTION OF ACCESS TO INFORMATION
ACT – ACT 2 OF 2000 OF THE REPUBLIC OF SOUTH AFRICA
(PAIA)

PLEASE NOTE: © COPYRIGHT 2005

Copyright in this manual vests in the partners of Livingstone Crichton. This work may not be reproduced wholly or partially in any form or by any means without the permission of the partners of Livingstone Crichton. Anybody who takes part in any unauthorised reproduction of this work will commit a copyright infringement and that person will be liable under both civil and criminal law.

1. **CONTACT DETAILS [SECTION 51(1)(a)]**

Name of Body: Livingstone Crichton

Physical address: 98 – 11TH Street
Parkmore
Johannesburg

Postal address: P.O. Box 786563
Sandton
2146

Telephone No: +2711 884 8334

General Fax No: +2711 884 8339

Conveyancing Fax No: +2711 883 4787

Website: www.livingstonecrichton.co.za

E-mail: info@livingstonecrichton.co.za

Contact Person: Lee Astfalck (Partner)

3. **LATEST SECTION 52(2) NOTICE** [*Section 51(1)(c)*]

At this stage no Notice(s) has/ have been published.

4. **RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**
[*section 51(1)(d)*]

Where applicable and insofar as the requester complies with the requirements stipulated in the relevant Act, records are available in accordance with the following legislation:

- a. Administration of Estates Act 66 of 1965;
- b. Arbitration Act 42 of 1965;
- c. Attorneys Act 53 of 1979;
- d. Basic Conditions of Employment Act 75 of 1997;
- e. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- f. Copyright Act 98 of 1978;
- g. Deeds Registries Act 47 of 1937;
- h. Employment Equity Act 55 of 1998;
- i. Financial Intelligence Centre Act 38 of 2001;
- j. Income Tax Act 58 of 1962;
- k. Insolvency Act 24 of 1936;
- l. Intellectual Property Laws Amendment Act 38 1997;
- m. Labour Relations Act 66 of 1995;
- n. Magistrates' Court Act 32 of 1944;
- o. Promotion of Access to Information Act 2 of 2000;
- p. Skills Development Act 97 of 1998;
- q. Stamp Duties Act 77 of 1985;
- r. Supreme Court Act 59 of 1959;
- s. Trade Marks Act 194 of 1993;
- t. Unemployment Insurance Act 63 of 2001;
- u. Usury Act 73 of 1968;

v. Value Added Tax Act 89 of 1998.

5. ACCESS TO THE RECORDS HELD BY LIVINGSTONE CRICHTON

[Section 51(1)(e)]

Subjects and categories of records that may be requested are the following:

5.1 Administration

5.1.1 Minutes of Management Meetings

5.1.2 Correspondence

5.2 Human Resources

5.2.1 Employment Contracts

5.2.2 Remuneration records and policies

5.2.3 UIF records

5.3 Operations and Legal Records

5.3.1 Clients registry

5.3.2 Contracts and agreements;

5.3.3 Property records;

5.3.4 Insurance records;

5.3.5 Attorneys Fidelity Fund certificates;

5.3.6 Statutory records

5.3.7 Wills and Estates

5.4 Finances

5.4.1 Accounting records;

5.4.2 Taxation records;

5.4.3 Asset registers;

5.4.4 Annual financial statements;

5.4.5 Banking records (relating to business and trust accounts held)

5.5 Records Not Accessible to the Public

Records that are protected by reason of their confidential nature, legal or other privilege.

5.6 Other

The website of Livingstone Crichton, www.livingstonecrichton.co.za , contains the following categories of information:

- 5.6.1 History and background of practice;
- 5.6.2 Professional staff profiles;
- 5.6.3 Professional Services;
- 5.6.4 Latest News; and
- 5.6.5 Contact details.

6. THE REQUEST PROCEDURE TO GAIN ACCESS TO RECORDS

6.1 Form of request:

- 6.1.1 The requester must use the prescribed form 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, fax number or electronic mail address of the body concerned *[Section 53(1)]*.
- 6.1.2 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 *[Section 53(2)(a) and (b) and (c)]*.
- 6.1.3 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 *[Section 53(2)(d)]*.
- 6.1.4 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 *[s 53(2)(f)]*.

6.1.5 The prescribed form for Request for Access to Record of Private Body is available at the South African Human Rights Commission, alternatively the said form can be downloaded from the South African Human Rights Commission website at www.sahrc.co.za .

7. FEES APPLICABLE TO ACCESS REQUEST

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:

- 7.1 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 [*Section 54(1)*].
- 7.2 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 [*Section 54(3)(b)*].
- 7.3 After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- 7.4 If the request is granted then a further access fee must be paid for the search, reproduction, and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [*Section 54(6)*].
- 7.5 A comprehensive fee structure for Request for Access to Record of Private Body is available at the South African Human Rights Commission, alternatively the said structure can be downloaded from the South African Human Rights Commission website at www.sahrc.co.za .

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

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

9. AVAILABILITY OF THE MANUAL [Section 51(3)]

- 9.1 This manual is available for inspection at the offices of Livingstone Crichton, 98 – 11th Street, Parkmore, free of charge.
- 9.2 A copy of this manual is available at the South African Human Rights Commission.
- 9.3 This manual may be viewed on our website, www.livingstonecrichton.co.za
- 9.4 This manual has been submitted to the Law Society of the Northern Provinces.