

Manual prepared in accordance with Section 51 of The Promotion of Access to Information Act No 2 of 2000 for Gunston Strandvik Inc. trading as Gunston Strandvik Attorneys

PART I

CONTACT DETAILS

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PART II

GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

(Information provided in terms of section 51(1)(b) of 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 in terms of the Act, 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, and at the prescribed fees.

A guide on how to use the Act has been compiled by the SAHRC in terms of section 10 of the Act and is available on the SAHRC website (www.sahrc.org.za). Any queries should be directed to -

The South African Human Rights Commission

PAIA Unit

Research and Documentation Department

Postal Address: Private Bag 2700 Houghton 2041 South Africa

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

This guide will be available from the South African Human Rights Commission no later than 31 December 2011. Kindly direct any queries to:

PART III

NOTICE IN TERMS OF SECTION 52(2)

The Minister has at the date of printing hereof not yet published a notice in terms of Section 52(2). Gunstons Attorneys holds no information that is freely available without a requestor having to request access in terms of the Act (other than marketing and informational brochures).

PART IV

INFORMATION AVAILABLE

Gunstons Attorneys holds records on the following subjects and categories:

PERSONNEL RECORDS

- Personal records provided by employees
- Records provided by individuals and other employees
- Employment agreements and conditions of employment
- Disciplinary and evaluation records
- Correspondence relating to personnel
- Training material
- Requests for leave
- Absence record
- Personnel file

CLIENT RECORDS

- Records provided by a client
- Records provided by a client to a third party acting for or on behalf of Gunstons Attorneys
- Records provided by third parties
- Records generated by or within Gunstons Attorneys
- Fee structures and agreements

GENERAL

- Financial records
- Insurance records
- Asset register
- Databases
- Law Society Records
- Marketing Records
- Internal Correspondence
- External Correspondence
- Securities
- Commercial Agreements

All information requested will only be made available subject to the provisions of the Act and subject to Attorney-Client Privilege.

PART V

MANNER OF ACCESS

1. The requester must use the prescribed form to make the request.
2. No request, other than a personal request or a request for a public inspection in terms of regulation 9(2)(a), will be processed without payment of the prescribed fee.
3. If a request for copies is granted, an access fee must be paid.
4. The requester will, subject to the provisions of the Act, be notified within 30 days of receipt of the request whether the request is granted or refused.
5. The Prescribed forms and fee structure in respect of private bodies s 53 and 54 of the Act) are available from the Government Gazette, or at the website of the Department of

Justice and Constitutional Development (www.doj.gov.za), under the 'regulations' section as well as the SAHRC website (www.sahrc.org.za).

PART VI

GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

In terms of Sections 62 to 69 of the Act, access to a record may be refused on one or more of the following grounds:

- Mandatory protection of the privacy of a third party who is a natural person
- Mandatory protection of the commercial information of a third party
- Mandatory protection of certain confidential information of a third party
- Mandatory protection of the safety of individuals and the protection of property
- Mandatory protection of records privileged from production in legal proceedings
- The commercial information of Gunstons Attorneys

Despite any provisions of the Act but subject to existing law, a request must be granted if the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environmental risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated. (Section 70 of the Act)

PART VII

LEGISLATION

Gunstons Attorneys holds information in accordance with the following legislation: (Please note that this is not an exhaustive list)

- Income Tax Act, No 58 of 1962 (Section 75)
- Administration of Estates Act, No.66 of 1965;
- Attorneys Act, No. 53 of 1979;
- Basic Conditions of Employment Act, No. 75 of 1997;
- Companies Act, No. 61 of 1973 (repealed, save for chapter 14);
- Companies Act, No. 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Competition Act, No. 89 of 1998;
- Consumer Protection Act, No. 68 of 2008;
- Copyright Act, No. 98 of 1978;
- Currency and Exchanges Act, No. 9 of 1933;
- Credit Agreements Act, No. 75 of 1980 (repealed);
- Debt Collectors Act, No. 114 of 1998;
- Electronic Communications and Transactions Act, No. 25 of 2002;
- Employment Equity Act, No. 55 of 1998;
- Financial Intelligence Centre Act, No. 38 of 2001;
- Income Tax Act, No. 58 of 1962 (Section 75) (repealed);
- Labour Relations Act, No. 66 of 1995;
- Medical Schemes Act, No. 131 of 1998;
- National Credit Act, No. 34 of 2005;
- Occupational Health and Safety Act, No. 85 of 1993;
- Pension Funds Act, No. 24 of 1956;
- Protection of Personal Information Act, No.4 of 2013;

- Regulation of Interception of Communications and Provision of Communication-Related Information Act, No. 70 of 2002;
- Stamp Duties Act, No. 77 of 1968 (repealed);
- Skills Development Act, No. 97 of 1998;
- Skills Development Levies Act, No. 9 of 1999;
- Tax on Retirement Funds Act; No. 38 of 1996;
- Trade Marks Act, No. 194 of 1993;
- Trust Property Control Act, No. 57 of 1988;
- Unemployment Insurance Act, No. 63 of 2001;
- Unemployment Insurance Contributions Act, No. 4 of 2002;
- Value Added Tax Act, No. 89 of 1991. Value-Added Tax Act, No 89 of 1991 (Section 65)

PART VIII

AVAILABILITY OF THE MANUAL

This manual will be published in the Government Gazette and will also be available on the Gunston Strandvik website and at the Cape Law Society.
