

Registration Number of Company: 2008/195151/23

NAME OF COMPANY: PEARSON PUBLISHING CC

T/A

TECH4LAW

(the "Company")

The Promotion of Access to Information Manual

in terms of

Section 51 of The Promotion of Access to Information Act 2/2000

(the "ACT")

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1. Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

A person may request information in terms of the Act only if the information is required for the protection of a right. Therefore, the requestor has to provide the designated person with sufficient particulars to ensure that the designated person is able to access the right which the requestor is seeking to protect.

This manual has been prepared to assist persons requesting information and provide procedures to be followed to gain access to information and documentation as provided for in the Act.

An introduction to the business of **PEARSON PUBLISHING CC T/A TECH4LAW:**

Tech4Law is a subsidiary division of Pearson Publishing operating in South Africa who provide technology and practice management advice to the lawyers in the region. Our revenue is derived from vendors contributing to the e-publication through articles, banners and promotions which allows us to provide the valuable resource at no charge to the lawyers.

A copy of this manual is available to the public for inspection during office hours at the offices of the Company as well as on request from the designated contact person referred to in this manual.

2. Contact Details

Postal Address of head of PEARSON PUBLISHING CC:
29 Adelaide Drive, Glenashley, Durban, South Africa, 4051

Street Address of head of PEARSON PUBLISHING CC:
29 Adelaide Drive, Glenashley, Durban, South Africa, 4051

Telephone number for the head of PEARSON PUBLISHING CC:
031 572 2709

Fax. number for the head of PEARSON PUBLISHING CC:
086 613 7890

E- Mail address for the head of PEARSON PUBLISHING CC:
malcolmp@tech4law.co.za

3. The ACT and Section 10 Guide

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at:

29 Princess of Wales Terrace,
Corner of York and St. Andrews Street,
Parktown, Johannesburg, South Africa

Telephone: +27 (11) 877 3600

Fax number: +27 (11) 403 0668

Email: paia@sahrc.org.za or info@sahrc.org.za

and on its website at www.sahrc.org.za.

4. Records available and held in accordance with other legislation

Information is available in terms of the following legislation, if and where applicable information relating to these acts can be requested from the Company:

- Arbitration Act 42 of 1965
- Attorneys Act 53 of 1979
- Basic Conditions of Employment Act 75 of 1997
- Closed Corporation Act 69 of 1984

- Close Corporations Amendment Act 25 of 2005
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Companies Act 61 of 1973
- Consumer Protection Act 68 of 2008
- Copyright Act 61 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act no 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Insurance Act 27 of 1943
- Intellectual Property Laws Amendments Act 38 of 1997
- Interception and Monitoring Prohibition Act 127 of 1992
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Non-profit Organisations Act 71 of 1997.
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Protection of Businesses Act 99 of 1978
- Regional Services Councils Act 109 of 1985
- SA Schools Act 84 of 1996
- Sectional Titles Act 95 of 1986
- Short Term Insurance Act 53 of 1998
- Short-term Insurance Act no. 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stamp Duties Act 77 of 1968
- The Co-operatives Act 14 of 2005
- The Fund-Raising Act 107 of 1978
- The National Credit Act 34 of 2005
- Trade Marks Act 194 of 1993
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991.

5. Schedule of Records at the Company

If and where applicable, the information below pertaining to the operations of the company can be requested from the Company in the prescribed manner:

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings

- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers
- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
 - Bank Statements
 - Paid Cheques
 - Electronic banking records
- Asset Register
- Rental Agreements
- Invoices
- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
- Workmen's Compensation
- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals.

6. Accessing the records or documents held by the Company

Certain information which is automatically provided can be found on our website, failing which an application for this information can be made to the email address of the head of the company as provided in this manual.

7. The information request procedure

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for

access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

- The requester must use the prescribed form to make the request for access to a record. This must be made to the appointed designated person. This request must be made to the address, fax number or electronic mail address of the body concerned.
- Request for access to records of private body – Form C has been appended to this manual.
- 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.
- Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated.
- 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 designated person of the private body.
- A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it is acting in the public interest.

Grounds for refusal of access to records

The main grounds for refusal of a request for information 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, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
 - Information disclosed in confidence by a third party to the Company if the disclosure could put that third party to 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 could be regarded as privileged in legal proceedings;
- The Commercial Activities of the Company which may include:
 - Trade secrets of the Company;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company.

Prescribed fees

- 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.
- The appointed designated person 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.
- The fee that the requester must pay to a private body is R50 exclusive of value added tax. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the designated person of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- The prescribed fees relating to a request to access information are as per includes Section 54(7), Section 54(2) and Section 54(7) of Regulation 11(3).

Please note that all prices listed below are inclusive of value-added tax (VAT)

(a) For every photocopy of an A4-size page or part thereof	R 1.25
(b) For every printed copy of an A4-size page or part thereof held on a computer or in a electronic or machine-readable form	R 0.85
(c) For a copy in a computer-readable form on	
(i) stiffy disc	R 8.55
(ii) compact disc	R 79.80
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	R 45.60
(ii) For a copy of visual images	R 68.40
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	R 22.80
(ii) For a copy of an audio record	R 34.20
(f) To search for and prepare the record for disclosure - R34,20 for each hour or part thereof reasonably required for such search and preparation	

A third of the total payment for the document request must be paid within 6 (six) hours by the requester, failure to do so will cancel the request.

The postage or courier fee is payable in addition to all other fees and will be for the account of the requester.

A copy of the requesting "Form C" follows and can be copied and pasted or printed to be used as the prescribed form when applying for Company information.

FORM C

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)**

[Regulation 10]

A. Particulars of private body

The Head:

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 address and/or fax number in the Republic 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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
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 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 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 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* (stiffy 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..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE