

# **CLIFFE DEKKER HOFMEYR INCORPORATED**

**(a Private Body)**

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF  
ACCESS TO INFORMATION ACT NO. 2 OF 2000 IN RESPECT OF CLIFFE DEKKER  
HOFMEYR INCORPORATED AND ITS ASSOCIATED ENTITIES**

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## 1 INTRODUCTION

This Manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act No. 2 of 2000.

The aim of the Manual is to assist potential Requesters in requesting access to information (documents or records) from Cliffe Dekker Hofmeyr as contemplated under the Act.

The Manual may be amended from time to time and as soon as any amendments have been effected, the latest version of the Manual will be published and distributed in accordance with the Act.

A Requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual.

The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to the Act.

## 2 DEFINITIONS

The following words or expressions will bear the following meanings in this Manual -

**"the Act"** means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;

**"Cliffe Dekker Hofmeyr"** means Cliffe Dekker Hofmeyr Incorporated (registration number Registration number 2008/018923/21), a professional company which renders legal services including legal advice and legal representation to individual clients, businesses and organisations and includes the entities associated with it as listed in paragraph 3;

**"Client"** means a natural or juristic person who or which receives services from Cliffe Dekker Hofmeyr;

**"Correspondence"** means written and electronic communication exchanged between two or more parties;

**"Employee"** means any person who works for, or provides services to, or on behalf of Cliffe Dekker Hofmeyr, and receives or is entitled to receive remuneration;

**"Information Officer"** means the designated information officer/s or the head of the body, as described in this Manual;

"**Manual**" means this manual, together with all annexures thereto as amended and made available at the offices of Cliffe Dekker Hofmeyr from time to time;

"**Requester**" means any person or entity requesting access to a record that is under the control of Cliffe Dekker Hofmeyr; and

"**SAHRC**" means the South African Human Rights Commission.

### 3 SCOPE OF THE MANUAL

This Manual has been prepared in respect of the South African entities that are listed below -

- **Cliffe Dekker Hofmeyr Incorporated** - Registration Number 2008/018923/21
- **Cliffe Dekker Hofmeyr Trustees (Proprietary) Limited** - Registration Number 2001/013133/07
- **Cliffe Dekker Hofmeyr Tax (Proprietary) Limited** - Registration Number 2005/010304/07
- **Praetor Management Services (Proprietary) Limited** - Registration Number 1997/002011/07
- **Clidet No.887 (Proprietary) Limited**-Registration Number 2008/024488/07

### 4 HOW TO USE THE ACT TO ACCESS INFORMATION

*(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](http://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  
**T** +27 (0)11 877 3600  
**F** +27 (0)11 403 0625  
**E** [paia@sahrc.org.za](mailto:paia@sahrc.org.za)  
**W** [www.sahrc.org.za](http://www.sahrc.org.za)

## 5 OVERVIEW OF CLIFFE DEKKER HOFMEYR

Cliffe Dekker Hofmeyr is one of the largest business law firms in South Africa with more than 100 directors, more than 150 lawyers and more than 500 employees in total. We are a national firm with offices in South Africa's main commercial centres, Johannesburg (Sandton) and Cape Town.

We offer a full complement of corporate and commercial legal services in core practice areas: Corporate and Commercial; Competition/Antitrust; Dispute Resolution: Litigation, Arbitration and Mediation; Employment; Environmental; Finance and Banking; Pro Bono and Human Rights; Projects and Infrastructure; Tax; Technology, Media and Telecommunications; Real Estate and Trusts and Estates.

Our clients include local, national and international companies across a broad range of sectors, ranging from emerging businesses to multinationals, as well as public sector organisations.

### 5.1 Cliffe Dekker Hofmeyr's contact details

*(Information required under section 51(1)(a) of the Act)*

<b>Name of Body</b>	Cliffe Dekker Hofmeyr Incorporated
<b>Physical &amp; Postal Addresses</b>	<p><b>Johannesburg Office -</b>  <i>Physical</i> 1 Protea Place Sandown Sandton 2196  South Africa  <i>Postal</i> Private Bag X7 Benmore 2010 South Africa</p> <p><b>Cape Town Office -</b>  <i>Physical</i> 11 Buitengracht Street Cape Town 8001  South Africa  <i>Postal</i> PO Box 695 Cape Town 8000 South Africa</p>
<b>Head of Body</b>	<p><b>Name:</b> Brent Williams (CEO)</p> <p><b>T</b> +27 (0)11 562 1167</p> <p><b>F</b> +27 (0)11 562 1567</p> <p><b>E</b> <a href="mailto:brent.williams@cdhlegal.com">brent.williams@cdhlegal.com</a></p>

**Designated Information Officer**  
(Johannesburg, Cape Town)

**Name:** Eskal Burger (CFO)

**T** +27 (0)11 562 1240

**F** +27 (0)11 562 1245

**E** [eskal.burger@cdhlegal.com](mailto:eskal.burger@cdhlegal.com)

## 5.2 Information freely available from Cliffe Dekker Hofmeyr

*(Copy of notice, if any, required under section 51(1)(c) of the Act)*

No notice has been published in terms of section 52. However, certain information is freely available at Cliffe Dekker Hofmeyr's offices. This information consists of recent editions of Cliffe Dekker Hofmeyr's "Matters" newsletter, other special publications and brochures and Cliffe Dekker Hofmeyr's annual report.

## 5.3 Information kept by Cliffe Dekker Hofmeyr in accordance with other legislation

*(Information required under section 51(1)(d) of the Act)*

Records are kept in accordance with legislation applicable to Cliffe Dekker Hofmeyr, which includes but is not limited to, the following -

- 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.

Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of the Act.

## 5.4 Information held by Cliffe Dekker Hofmeyr in terms of the Act

*(Information required under section 51(1)(e) of the Act)*

### NOTE

This section of the Manual sets out the categories and descriptions of records held by Cliffe Dekker Hofmeyr. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

CATEGORIES OF RECORD	DESCRIPTION OF RECORD
<b>Financial Records</b>	<ul style="list-style-type: none"> <li>▪ Annual financial statements of Cliffe Dekker Hofmeyr</li> <li>▪ Tax returns of Cliffe Dekker Hofmeyr</li> <li>▪ Accounting records of Cliffe Dekker Hofmeyr</li> <li>▪ Banking records of Cliffe Dekker Hofmeyr</li> <li>▪ Audit reports conducted for Cliffe Dekker Hofmeyr</li> <li>▪ Invoices in respect of creditors and debtors of Cliffe Dekker Hofmeyr</li> <li>▪ Fidelity Fund certificates</li> <li>▪ Bank facilities and account details</li> </ul>
<b>Company Records</b>	<ul style="list-style-type: none"> <li>▪ Documents of incorporation</li> <li>▪ Memorandum and Articles of Association</li> <li>▪ Share register and other statutory registers</li> <li>▪ List of employees</li> <li>▪ Contracts of employment with employees of Cliffe Dekker Hofmeyr</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>▪ Personnel records of each employee of Cliffe Dekker Hofmeyr</li> </ul>



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- Disciplinary records
  - Compensation or redundancy payments
  - Records relating to conditions of employment
  - Employment equity plan of Cliffe Dekker Hofmeyr
  - Pension and provident fund records
  - Employee tax information
  - Training schedules and manuals
  - Agreements with clients of Cliffe Dekker Hofmeyr
  - Files relating to client matters
  - Payroll records
  - Internal policies and procedures

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**Cliffe Dekker  
Hofmeyr Clients**

- Client documentation in terms of Financial Intelligence Centre Act No. 38 of 2001
- Correspondence with clients
- Correspondence with third parties
- Records regarding legal proceedings involving clients at Cliffe Dekker
- Research conducted on behalf of clients of Cliffe Dekker Hofmeyr
- Other information relating to, or held on behalf of Cliffe Dekker Hofmeyr clients
- Licences relating to intellectual property rights
- Records relating to domain names

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**Intellectual**

- Trade-marks, copyrights and designs held by Cliffe Dekker Hofmeyr
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## Property

- Software licences

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## Immovable and Movable Property

- Agreements for the lease of immovable property by Cliffe Dekker Hofmeyr
- Agreements for the lease or sale of movable property by Cliffe Dekker Hofmeyr
- Records regarding insurance in respect of movable property
- Records regarding insurance in respect of immovable property
- Asset register

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## Information Technology

- Records regarding computer systems and programmes held by Cliffe Dekker Hofmeyr
- Precedent database

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## Library Information

- Electronic and hard copy publications of books, periodicals, circulars, and legislation

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## Website

- Cliffe Dekker Hofmeyr's website address is **[www.cliffedekkerhofmeyr.com](http://www.cliffedekkerhofmeyr.com)** and is accessible to anyone who has access to the Internet.

The website contains various categories of information relating to the firm, including areas of expertise; legal services; specialist fields; editorials; literature; careers; directors' résumés and contact details.

In addition, the graduate recruitment website is [www.apply4law.co.za](http://www.apply4law.co.za) and is accessible to anyone who has access to the Internet.

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## Miscellaneous

- Security agreements, guarantees and indemnities
- Marketing agreements
- Internal correspondence
- Suretyship agreements
- Correspondence with the Law Society of the Northern Provinces

- Agreements with suppliers of Cliffe Dekker Hofmeyr
  - Correspondence of Cliffe Dekker Hofmeyr, including internal and external memoranda
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## 5.5 Request Procedures

Records, whether specifically listed in this Manual or not, will only be made available subject to the provisions of the Act.

### 5.5.1 *Form of request*

The Requester must use the prescribed form to make the request for access to a record. This must be made to the Information Officer at the address, fax number or electronic mail address of the body concerned [*See s 53(1) of the Act*].

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 and specify a postal address, fax number in the Republic or email address. The Requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the Requester and state the necessary particulars to be so informed [*See s 53(2)(a) and (b) and (c) and (e) of the Act*].

The Requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right [*See s 53(2)(d) of the Act*].

If a request is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the satisfaction of the head of the private body [*See s 53(2)(f) of the Act*].

### 5.5.2 *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 requesting access to a record containing personal information about him/her or itself, must pay the required request fee.

The Information Officer must by notice require the Requester (other than a personal Requester) to pay the prescribed request fee (if any) before further processing the request [See s 54(1) of the Act].

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 [See s 54(3)(b) of the Act].

If access to a record/s is granted by Cliffe Dekker Hofmeyr, the Requester may be required to pay an access fee for the search for and preparation of the records and for re-production of the record/s.

The access fees which apply are set out below (Part III of Annexure A of the Regulations to the Act). Cliffe Dekker Hofmeyr can without a record/s until such access fees have been paid.

	<b>Reproduction</b>	<b>Fee (Rand)</b>
1.	Photocopy of an A4-size page or part thereof	R1.10 per page
2.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75 per page
3.	A copy of, in a computer readable form on- <ul style="list-style-type: none"> <li>• Stiffy disc</li> <li>• Compact disc</li> </ul>	R7.50 R70.00
4.	Transcription of visual images on an A4-size page or part thereof	R40.00 per page
5.	Copy of visual images	R60.00
6.	Transcription of an audio record on an A4-size page or part thereof	R20.00
7.	Copy of an audio record	R30.00

### 5.5.3 *Decision on request*

After the Information Officer has made a decision on the request, the Requester will be notified using the required form.

If the request is granted then a further access fee must be paid for reproduction, for search and preparation, and for any time that has exceeded the prescribed hours to search for and prepare the record for disclosure [See s 54(6) of the Act].

### 5.5.4 *Grounds of refusal of access*

In terms of Part 3, Chapter 4 of the Act Cliffe Dekker Hofmeyr may and in certain instances must refuse access to records on the grounds set out in the Act. The grounds include:

- professional privilege;
- that the record constitutes privileged information for the purposes of legal proceedings;
- that it is necessary to protect the commercial information or the confidential information of a third party;
- that it is necessary to protect the commercial information of or of Cliffe Dekker Hofmeyr;
- that it is necessary to protect the safety of individuals or property;
- that it is necessary to protect the research information of a third party or of Cliffe Dekker Hofmeyr; and
- that granting access would result in the unreasonable disclosure of personal information about a third party.

## 6 RECORDS OR INFORMATION NOT FOUND

If, after all reasonable steps to locate a record have been taken, and no record is found, then the Information Officer will notify the Requester, by way of an affirmation or affidavit that access to the requested and titled document cannot be provided. The affirmation or affidavit will include detailed account of the steps taken to try locate the record.

Should a record be found at a later stage, the Information Officer shall provide the Requester access to such record, unless access to the record is refused on the grounds permitted by the Act (Part 3, Chapter 4).

## 7 OTHER INFORMATION HELD BY CLIFFE DEKKER HOFMEYR AS PRESCRIBED

*(Other information as may be prescribed under section 51(1)(f))*

The Minister of Justice and Constitutional Development has to date not made any regulations regarding disclosure of other information.

## 8 AVAILABILITY OF THE MANUAL

*(Availability of Manual under section 51(3))*

This Manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of Cliffe Dekker Hofmeyr. Copies of the Manual may be made, subject to the prescribed fees.

Copies may also be requested from the South African Human Rights Commission.

The Manual is also posted on Cliffe Dekker Hofmeyr's website referred to above.

## 9 PRESCRIBED FORMS AND FEE STRUCTURE

*(Prescribed forms and fee structure in respect of private bodies s 53 and 54 of the Act)*

The forms and fee structure prescribed under the Act are available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)), under the 'regulations' section as well as the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)).