

## Access to information

### Manual of Strauss Scher in terms of The Promotion of Access to Information Act 2 of 2000 (the Act)

#### Introduction to Strauss Scher

Strauss Scher is an incorporated partnership which conducts business as a law firm. Strauss Scher has offices in Sandton.

Mr J Scher has been duly appointed by Strauss Scher, to act as the person to whom requests for access to information must be made in terms of the Act.

1.

Mr J Scher	Senior Partner
Postal Address	Strauss Scher PO Box 786473 Sandton 2146 South Africa
Physical address:	2 <sup>nd</sup> Floor 4 on Anslow Office Park Bryanston 2191 South Africa
Telephone:	+27 11 883 9798
Facsimile:	+27 11 883 6661
E-mail:	julian@strausscher.co.za

## 2. The Guide

Please direct any queries to:

The Information Regulator (South Africa)

Physical address:	JD27 House Siemens Street Braamfontein 2001
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Postal address:

P O Box 31533  
Braamfontein  
2017

Telephone:

+27 11 484 8300

Facsimile:

+27 11 484 0582

Website:

<https://justice.gov.za/inforeq>

E-mail:

[inforeq@justice.gov.za](mailto:inforeq@justice.gov.za)

A handwritten signature or mark, possibly initials, consisting of a large loop and a cross-like shape.

### 3. Records available in terms of other legislation: S 51(1)(d)

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 71 of 2008
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 58 of 1962
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999

### 4. Access to records held by Strauss Scher

#### (i) Subjects and categories of records held by Strauss Scher

**Note:** This section of the Manual sets out the subject and categories of records held by Strauss Scher. 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 the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

- 4.1                   **Incorporation documents**
- 4.1.1                   Documents of Incorporation;
- 4.1.2                   Memorandum and Articles of Association
- 4.1.3                   Records relating to the appointment of directors and auditor
- 4.2                   **Financial records**
- 4.2.1                   Accounting records, books and documents.
- 4.2.2                   Interim and annual financial reports.
- 4.2.3                   Details of auditors.
- 4.2.4                   Auditors' reports in respect of audits conducted.
- 4.2.5                   Invoices in respect of both creditors and debtors.
- 4.2.6                   Tax returns.
- 4.2.7                   Other financial records.
- 4.3                   **Banking details**
- 4.3.1                   Indebtedness to bankers.
- 4.3.2                   Bank facilities and accounts details.
- 4.3.3                   Bank statements.
- 4.3.4                   The level of overdraft and other borrowings.
- 4.3.5                   Other financial commitments.
- 4.3.6                   Other banking records.
- 4.4                   **Income tax records**
- 4.4.1                   PAYE records
- 4.4.2                   Documents issued to employees for income tax purposes
- 4.4.3                   Records of payments made to SARS on behalf of employees
- 4.4.4                   All other statutory compliances:
- VAT
  - Regional Services Levies
  - Skills Development Levies

- UIF
- Workmen's Compensation

#### 4.5 **Personnel documents and records**

- 4.5.1 List of employees.
- 4.5.2 Contracts of employment with employees.
- 4.5.3 Personnel files in respect of each employee.
- 4.5.4 Disciplinary records and documentation pertaining to disciplinary proceedings.
- 4.5.5 Documents relating to employee benefits.
- 4.5.6 Provident fund agreement.
- 4.5.7 Other information relating to employees of Strauss Scher.

#### 4.6 **Information pertaining to clients of Strauss Scher**

- 4.6.1 Agreements with clients of Strauss Scher
- 4.6.2 Documentation and other information received from clients, including documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2001
- 4.6.3 Documentation and other information received from third parties.
- 4.6.4 Correspondence with clients.
- 4.6.5 Correspondence with third parties.
- 4.6.6 Research conducted on behalf of clients of Strauss Scher.
- 4.6.7 Information prepared by directors and employees of Strauss Scher for clients, including opinions, memoranda and reports.
- 4.6.8 Records pertaining to legal proceedings involving clients of Strauss Scher.
- 4.6.9 Other information relating to, or held on behalf of, clients of Strauss Scher.

#### 4.7 **Library information**

- 4.7.1 Precedent agreements.
- 4.7.2 Information circulars.
- 4.7.3 Publications.
- 4.7.4 Other information held by the library of Strauss Scher.

#### 4.8 **Insurance records**

- 4.8.1 Insurance policies taken out for the benefit of Strauss Scher and its employees, including:
- 4.8.2 group life assurance and disability income protection insurance;
- 4.8.3 insurance in respect of the movable property of Strauss Scher.
- 4.8.4 professional indemnity insurance in respect of Strauss Scher.
- 4.8.5 fidelity insurance in respect of trust monies and client investment monies held by Strauss Scher.

#### 4.9 **Immovable and movable property**

- 4.9.1 Agreements for the lease of immovable property by Strauss Scher.
- 4.9.2 Agreements for the lease or sale of movable property by Strauss Scher.
- 4.9.3 Credit sale agreements and/or hire purchase agreements.
- 4.9.4 Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.

#### 4.10 **Information technology**

- 4.10.1 Computer software, support and maintenance agreements.
- 4.10.2 Other documentation pertaining to computer systems and computer programmes held by Strauss Scher.

#### 4.11 **Miscellaneous agreements of Strauss Scher**

- 4.11.1 Loans from third parties (including banks).
- 4.11.2 Loans to third parties.
- 4.11.3 Security agreements, guarantees and indemnities.
- 4.11.4 Agency, management and distribution agreements.
- 4.11.5 Agreements with suppliers of Strauss Scher.
- 4.11.6 Confidentiality and/or non-disclosure agreements.
- 4.11.7 Any other relevant agreements.

#### 4.12 **Correspondence**

Correspondence of Strauss Scher, including internal and external memoranda.

#### 4.13 **Information relating to legal proceedings**

Records relating to legal proceedings involving Strauss Scher.

### 5. **Protection of Personal Information**

#### 5.1 **We use your personal information for the following purposes:**

- 5.1.1 to provide legal services to our clients;
- 5.1.2 in relation to matter-related documents and information, for legal research, referencing and drafting (i.e. documents are re-used for know-how purposes);
- 5.1.3 to invest funds on behalf of our clients;
- 5.1.4 to comply with our regulatory reporting obligations;
- 5.1.5 to comply with our statutory obligations, including client identification and verification as part of our KYC and CDD obligations, and screening clients and visitors' health when accessing our premises to comply with Covid-19 regulations and protocols;
- 5.1.6 to conduct the recruitment and hiring processes, which includes conducting criminal record and credit checks (where appropriate), the capturing of a job applicant's details and providing status updates to job applicants;
- 5.1.7 in relation to supplier information, to create supplier profiles on our systems, pay suppliers, and for general supplier administration;
- 5.1.8 to maintain and update our client, or potential client databases;
- 5.1.9 to maintain and update our supplier database;
- 5.1.10 to detect, prevent or manage actual or alleged fraud, security breaches or the abuse, misuse or unauthorised use of our systems and files, our website and/or contraventions of our POPIA Privacy Policy or other agreements;
- 5.1.11 for security, administrative and legal purposes;
- 5.1.12 for client relations purposes, which may include storage of clients' marital status and birthdates;
- 5.1.13 to communicate with you and retain a record of our communications with you and your communications with us;
- 5.1.14 to fulfil any contractual obligations that we may have to you or any third party;
- 5.1.15 to invite you to webinars, functions or events that we may host;
- 5.1.16 for other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the provision of our services and/or our business activities or such other purpose for which it was collected.

5.2 We will obtain your permission before collecting or using your personal information and/or special personal Information for any other purpose.

#### 5.3 **Who are our data subjects and what type of personal information do we collect on these data subjects:**

We collect the personal information specified below on the following data subjects:

- 5.3.1 Users who access our website: we collect no data on these users.
- 5.3.2 Providers of products and services to us: identity, contact, financial, transactional and technical information.
- 5.3.4 Our clients: identity, contact, financial, transactional and technical information.
- 5.3.5 Employees, former employees, prospective employees: identity, contact and financial information.

#### 5.4 **Who we share your information with**

We share your personal information with:

- 5.4.1 our agents, professional correspondents, colleagues, advisers and suppliers that have agreed to be bound by applicable data protection legislation and this Privacy Policy or similar terms, which offer a similar level of protection as this Privacy Policy;
- 5.4.2 our employees, suppliers, consultants, contractors and agents if and to the extent that they require such Personal

Information in order to process it for us and/or in the provision of services for or to us, which include know-how and research, pitching to other clients to obtain further instructions; reporting purposes (e.g. the South African Revenue Service and the Financial Intelligence Centre); hosting, development and administration, technical support and other support services relating to our website or the operation of our business. We will authorise any Personal Information processing done by a third party on our behalf, amongst other things by entering into written agreements with those third parties governing our relationship with them and containing confidentiality; non-disclosure and data protection provisions. Such persons may be disciplined, their contracts terminated or other appropriate action taken if they fail to meet their obligations;

- 5.4.3 governmental agencies and other regulatory or self-regulatory bodies, if required to do so by law or when we reasonably believe that such action is necessary.
- 5.5 How we protect your personal information:  
We take reasonable technical and organisational measures to secure the integrity of your personal information and using accepted technological standards to prevent unauthorised access to or disclosure of your personal information, and protect your personal information from misuse, loss, alteration and destruction.
- 5.5.1 We review our information collection, storage and processing practices, including physical security measures periodically, to ensure that we keep abreast of good practice.
- 5.5.2 We also create a back-up of your information for operational, business continuity and safety purposes and we have a back-up disaster recovery program.
- 5.5.3 **Despite the above measures being taken when processing personal information and special personal information, and as far as the law allows, we will not be liable for any loss, claim and/or damage arising from any unauthorised access, disclosure, misuse, loss, alteration or destruction of your personal information and/or special personal information.**

(ii) **The request procedures**

**Form of request:**

- The requester must use the prescribed Form C to make the request for access to a record. This must be made to the head of Strauss Scher. This request must be made to the address, fax number or electronic mail address of the head of Strauss Scher.
- The requester must provide sufficient detail on the request form to enable the head of Strauss Scher 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.
- 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.
- 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 head of Strauss Scher.

**Fees:**

- The head of Strauss Scher 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.
- The requester may lodge an application to the court against the tender or payment of the request fee.
- The head of Strauss Scher will then decide on the request and notify the requester 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 had exceeded the prescribed hours to search and prepare the record for disclosure.

5. **Availability of the manual**

The manual is available for inspection at the offices of Strauss Scher free of charge and on our website.

6. **Prescribed fees and forms in respect of private bodies**

The prescribed forms and fees for requests to private bodies are available on the website of the Information Regulator's website:

<https://justice.gov.za/inforeg>

A large, stylized handwritten signature in black ink, appearing to read 'J. J. J.' or similar, with a long horizontal flourish extending to the right.A small, handwritten mark or signature in black ink, consisting of a few loops and a vertical stroke.

# FORMC

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 10J]

## 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

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This section must be completed *ONLY* if a request *for information* is made on behalf of *another* person.

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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.          |

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 <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.           |
| (b) | You will be <i>notified</i> of the amount required to be paid as the request fee.  |
| (c) | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) | If you qualify for exemption <i>of</i> the payment <i>of</i> 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
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.	

<b>1. If the record is in written or printed form:</b>					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

**G Particulars of right to be exercised or protected**

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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.

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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.
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How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at... .. This..... .. day of .....20

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE