

DATE:

OUR REF:

YOUR REF:

**SECTION 51 MANUAL
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000**

OF

AM LAW INC

(the "Company")

(REGISTRATION NUMBER: 2020/428451/21)

AND ITS SUBSIDIARIES

IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO.2 OF 2000

AS AMENDED (PAIA)

AND SECTION 55 OF THE PROTECTION OF PERSONAL INFORMATION ACT NO. 4 OF 2013 AS AMENDED
(POPI ACT)

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1. Aim

This manual has been compiled in accordance with the Promotion of Access to Information Act No. 2 of 2000 (“the Act”) and serves as the manual for AM LAW INC.

Section 51 of the Act requires that we as a private body compile a manual giving information to the public regarding the procedures to be followed in requesting information from us for the purpose of exercising or protecting rights. The aim of this manual is to assist potential requesters, who intend to obtain documents or records from the company in terms of the Act, by providing them with the processes to be followed in initiating such requests.

2. Introduction

Main Business

AM LAW INC, is a registered legal practice, duly registered with the LPC. Our service include and are not limited to

- a) Civil Litigation;
 - b) Conveyancing;
 - c) Divorce Law;
- and other legal and/or legal consulting services.

3. Application and Responsibilities

AM LAW INC conducts business in the Legal Practice Sector .

Company	Registration Number
AM LAW INC	2020/428451/21

4. Particulars in terms of the Section 51 manual

Contact details (Section 51(1) (a) of the Act)

The Director of **AM LAW INC**, Abhishek Maharaj who is the Head of **AM LAW INC** as defined in the Act, and tasked to receive and address all requests for information that have been made in accordance with the Act.

All requests for information made in terms of the Act, directed to the company, should be addressed to the Director at:

DIRECTORS: Abhishek Maharaj (LLB); Chanelle Naidoo (LLB) | CONSULTANTS: Nundini Maharaj (B.Compt)
| COMPANY REG: 2020/428451/21 | Email: am@abhishekmaharajlaw.co.za | Tel: +27 72 552 0829 |
Address: 44 Monkor Road, Randpark Ridge, Randburg, 2191



AM LAW INC

Head of the body: **AM LAW INC**

Contact Person: **Abhishek Maharaj – Director**

Designation: Information Officer

Postal address: **44 Monkor Road, Randpark Ridge, 2169**

Street Address: **44 Monkor Road, Randpark Ridge, 2169**

Telephone number: 072 552 0829

Email address: am@abhishekmaharajlaw.co.za

Company Registration Number: 2020/428451/21

Head of the Company: Abhishek Maharaj

Request Officer: Abhishek Maharaj

The Director has duly authorized the Deputy Information Officer to ensure that the Act is compiled with :

Contact Person: Nundini Maharaj

Designation: Deputy Information Officer

Physical Address: **44 Monkor Road, Randpark Ridge, 2169**

Postal address: **44 Monkor Road, Randpark Ridge, 2169**

Telephone: 072 575 4543

E-mail address: Nundini@icloud.com

Website address: www.abhishekmaharajlaw.co.za

As far as possible, assistance will be provided by Deputy Information Officer as appointed by the Information Officer.

5. Description of guide referred to in section 10: section 51(1) (b)

PAIA grants a requester access to records of a private body, if the record is required for the exercise or

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protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. For purposes of PAIA, AM LAW INC is a private body.

Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in sections 9 & 11 of this Manual.

Section 23 of POPIA (read with sections 18 and 53 of PAIA), grants a data subject (a customer, employee or third party) a right to request confirmation of records containing their personal information being held by the AM LAW INC, which confirmation shall be provided free of charge. The requester can subsequently request a copy of the record or a description of the personal information contained within the record, subject to the fees prescribed by PAIA. Requesters are referred to the Guide in terms of Section 10 of PAIA which has been compiled by the South African Human Rights Commission (“SAHRC”), which contains information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC or at their website at <http://www.sahrc.org.za> It is available in all of the official languages. Please direct any queries to the address below:

The Guide is available for inspection, inter alia, at the offices of the:

Physical Address: D House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

The Information Regulator

infoleg@justice.gov.za

6. Applicable Legislation – Automatic Availability of Certain Records (Section 51 (1) (c))

Records are available in accordance with the following current South African legislation and any amendments thereof and regulations thereto (only to the extent that the relevant Act is applicable, and which therefore makes disclosure of records compulsory):

Number	Reference	Act
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1.	No 26 of 2005	Auditing Professions Act
2.	No. 75 of 1997	Basic Conditions of Employment Act
3.	No. 53 of 2003	Broad-Based Black Economic Empowerment Act
4.	No. 71 of 2008	Companies Act
5.	No. 130 of 1993	Compensation for Occupational Injuries and Diseases Act
6.	No. 89 of 1998	Competition Act
7.	No 108 of 1996	Constitution of the Republic of South Africa
8.	No. 68 of 2008	Consumer Protection Act
9.	No 36 of 2005	Electronic Communications Act
10.	No. 25 of 2002	Electronic Communications and Transactions Act
11.	No. 55 of 1998	Employment Equity Act
12.	No. 4 of 2013	Protection of Personal Information Act - General Data Protection Regulation
13.	No. 15 of 1973	Hazardous Substances Act
14.	No. 58 of 1962	Income Tax Act
15.	No. 24 of 1936	Insolvency Act
16.	No 28 of 2013	Intellectual Property Laws Amendment Act
17.	No. 66 of 1995	Labour Relations Act

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18.	No. 131 of 1998	Medical Schemes Act
19.	No. 34 of 2005	National Credit Act
20.	No. 107 of 1998	National Environment Management Act
21.	No. 39 of 2004	National Environmental Management: Air Quality Act
22.	No. 59 of 2008	National Environmental Management: Waste Act
23.	No. 61 of 2003	National Health Act
24.	No. 36 of 1998	National Water Act
25.	No. 85 of 1993	Occupational Health and Safety Act
26.	No. 24 of 1956	Pension Funds Act
27.	No. 4 of 2013	Protection of Personal Information Act
28.	No. 2 of 2000	Promotion of Access to Information Act
29.	No. 26 of 2000	Protected Disclosures Act
30.	No. 70 of 2002	Regulation of Interception of Communications and Provision of Communication – Related Information Act
31.	No. 97 of 1998	Skills Development Act
32.	No. 9 of 1999	Skills Development Levies Act
33.	No. 4 of 2002	Unemployment Insurance Contributions Act
34.	No. 89 of 1991	Value Added Tax Act

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35.	PLEASE ADD	
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7. Schedule of Records (Section 51 (1) (d))

Records available in terms of any other legislation

The following categories of records are automatically available without a person having to request access in terms of PAIA:

Category	Records
Listed company records available for inspection	Share register Dividend register Financial statements Integrated annual report Appointments/resignation of directors Share dealings of directors Dividend declarations Mergers and acquisitions Corporate transactions Circulars to shareholders Notices of general meetings Shareholders' meeting minutes (For shareholders only) Special and general meetings of the company Annual general meeting of the company

Records are subject to the AM LAW INC Record Policies, Procedures and Processes, and will be access and version controlled depending on the classification.

The Company has in its possession the following categories of records on the subject matters referred to hereunder and for which a request for access needs to be made in terms of PAIA or the POPI Act: (Delete what is not Applicable and keep those divisions that you have)

Category	Records
Finance	The Finance department maintains financial and management accounts for the Company. Account records comprise the following main categories: <ul style="list-style-type: none">• Accounting Records• Consolidation Records• General Correspondence• Internal Reports and Communications• Management Reports• PAYE Records

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	<ul style="list-style-type: none">• Tax Records• Transactional Records• Treasury Records• VAT Records• BBBEE Scorecard
Director's Office	<p>The Director's office records comprise the following main categories:</p> <ul style="list-style-type: none">• Administration Records• Financial Reports• Internal Reports and Communications
Legal Department	<p>Legal records comprise the following main categories:</p> <ul style="list-style-type: none">• Copies of Agreements• General Correspondence• Immovable Property Records• Internal Reports and Communications• Legal Records• Litigation Records• Intellectual Property Rights Records (Trademarks, Patents, Registered Designs and Copyright)• Statutory Records• Working Paper Files

A person (client, employee or third party) has the right to request access in terms of section 23 of POPIA:

Category	Records
Personal Information	<ul style="list-style-type: none">• any recorded piece of information relevant to a data subject, including but not limited to the following, which can be in either electronic format or hard copy:<ul style="list-style-type: none">• race, gender, pregnancy, sex, nationality, marital status, ethnicity, or social origin; colour; sexual orientation; age; physical or mental health and well-being• belief, religion, conscience, culture, language and birth, education, medical information, financial information, criminal or employment history• an identifying number or symbol• disability, personal opinions, blood type, biometric information• views or preferences of a person, correspondence of private or confidential nature, views, or opinions of another person• name of a person if it appears with other personal information• consumer or purchasing pattern• e-mail address and physical address, location information or online identifier and telephone number and mobile number.
Special Personal Information	<ul style="list-style-type: none">• a special category of personal information - is religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sex life, criminal behaviour and biometric information.

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Where personal information is referenced, it will automatically include special personal information unless otherwise indicated.

8. Form of Request (Section 51 (1) (e))

Kindly complete Form C as annexed to this document for requesting information from the company.

For purposes of facilitating a request in terms of the Act, a description of the records and the categories in which these subjects are classified which are held by the company are detailed in 7 of this manual.

It should be noted that 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 for refusal as set out in the Act may be applicable to a request for such records.

9. The request procedures:

Form of request section 51 (e):

To facilitate the processing of your request, kindly:

- Use the prescribed form (Form C –Annexure A to this document when a request is made to a private body or business), also available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za and submit this form together with a request fee, to the head of the private body.
- The form must be addressed and submitted to the head of the private body at his/ her address, fax number, or electronic mail address
- The form must:
 - a. provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
 - b. indicate which form of access is required,
 - c. specify a postal address or fax number of the requester in the Republic,



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- d. identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right,
- e. if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- f. If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

10. Section 52 (2) Notice

No notice has been published.

11. Fees: Section 54 as amended by section 110 of Act No. 4 of 2013

The fees are as per Part 3 Chapter 3 of the Act.

12. Information or records not found

- 12.1 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 prescribed fee (R50) before a request will be processed;
- 12.2 The CEO must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.
- 12.3 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 12.4 The requester may lodge an application with a court against the payment of the prescribed request fee.
- 12.5 After the CEO has made a decision on the request, the requester must be notified in the required form.
- 12.6 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure.
- 12.7 Records may be withheld until the fees have been paid.

The forms and fee structure are available at the South African Human Rights Commission website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za). This may be subject to change to the IR instead of SAHRC

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Please note that the correct completion and submission of a Request for Access form does not automatically entitle or 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 category as specified in section 23 (4)(a) of the POPIA read with Part 3 Chapter 4 of PAIA.

Please further note that if it is reasonably suspected that a requester has obtained access to a record based on the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such requester.

If a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and which will be calculated based on the fee prescribed under PAIA, an extract of the details of which is attached at the end of this Manual.

13. Completion - Request for Access Form

All requesters should take note of the following guidelines when completing the attached Request for Access to Record of a Private Body (refer to Annexure: Form C):

- The form must be completed by filling in all lines and spaces;
- Proof of the identity, in the form of a copy of the requester's identity document, is required to be submitted with the application;
- Type or print in a clear eligible manner, if a question does not apply indicate so by inserting "N/A" in response to that question, and if there is nothing to disclose in response to a particular question write "NIL" in response thereto;
- If there is insufficient space in the form, add additional pages on which the additional information is provided, clearly indicating to which question this relates.
- Request for information will be evaluated and the requester will be notified within 30 days after receipt of the request in the prescribed format of the following:

Notification of extension period:

Requesters must take note that in terms of PAIA, the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension).

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14. Information or records not found

- 11.1. If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the company shall notify the requester, by way of an affirmation or letter, that it is not possible to give access to the requested record.

15. Information requested about a third party

- 12.1. Section 71 of the Act makes provision for a request for information or records about a third party.
- 12.2. In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.
- 12.3. The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.
- 12.4. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the company or by referring the matter to the High Court.

16. Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that the application is refused, the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a court against a refusal of the application, as well as the procedure (including the period) for lodging such an application.

17. Grounds for refusal – Part 3 Chapter 4

The company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the company may refuse includes but is not limited to:

- 14.1. Protecting personal information that the Company holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- 14.2. Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Company or the third party;

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- 14.3. If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- 14.4. If disclosure of the record would endanger the life or physical safety of an individual;
- 14.5. If disclosure of the record would prejudice or impair the security of a building, structure or system, including, but not limited to, a computer or communication system, a means of transport; or any other property or;
- 14.6. Methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public, or any part of the public; or the security of property contemplated in the applicable subparagraphs
- 14.7. Disclosure of the record would put the company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition
- 14.8. The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- 14.9. Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Company;
- 14.10. The record is a computer program which is owned by the Company and protected by Copyright, Trademark or an Intellectual Property (IP);
- 14.11. The record contains information about research being carried out or about to be carried out on behalf of a third party of the Company and/or
- 14.12. Information not yet in the public domain

18. Availability of the manual

This manual is available for inspection as follows:

- In hard copy, to be viewed free of charge by appointment during office hours, at the Randburg office of AM LAW INC;
- For viewing online on the company website: www.abhishekmaharajlaw.co.za

Copies are available from the Office of the Information Regulator.



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19. Annexure A

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) – also applicable to the POPI Act in
terms of section 25))

[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:



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C. Particulars of person on whose behalf request is made

This section must be completed *ONLY* if a request *for information* is made on behalf of *another* person. If a request is for records containing personal information, the request must be made by the person to whom the personal information relates unless exceptional circumstances can be proven

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:

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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:	
<ul style="list-style-type: none"> (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		transcription of the images*
		copy of the images"	



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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.



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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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

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20. Annexure B:

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number / E-mail address:	

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B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at

..... this day of20.....



AM LAW INC

.....
Signature of data subject/designated person



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21. Annexure C

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
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Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION

DIRECTORS: Abhishek Maharaj (LLB); Chanelle Naidoo (LLB) | CONSULTANTS: Nundini Maharaj (B.Compt)
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	<p>OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p>(Please provide detailed reasons for the request)</p>

Signed at this day of20.....

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Signature of data subject/designated person