

McCLUNG - MUSTARD

MANUAL IN ACCORDANCE WITH THE PROMOTION OF ACCESS TO INFORMATION ACT (NO.2 OF 2000)

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SECTION 2 – INTRODUCTION

McClung - Mustard is a firm of attorneys, conveyancers and notaries public which practices law in Pinetown KwaZulu-Natal. The practice undertakes most branches of the law but specifically excludes labour law and taxation.

SECTION 3 – PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

3.1 CONTACT DETAILS [51(1)(a)]

Name of Body	:	McCLUNG - MUSTARD
Partner & Appointed Information Officer	:	MR KEN MUSTARD
Address	:	5 WINDSOR ROAD DREWBAR HOUSE PINETOWN
Postal Address	:	P O BOX 4 PINETOWN 3600

McCLUNG - MUSTARD

Telephone : 031 - 7025311
Fax : 031 - 7018719
E-mail : mail@mcclungs.co.za

3.2 GUIDE IN TERMS OF SECTION 10 OF THE ACT [SEC 51(1)(b)]

The guide will be available from the South African Human Rights Commission by no later than August 2003. Please direct any queries to:

The South African Human Rights Commission PAIA UNIT

Postal Address : Private Bag 2700
Houghton
2041

Telephone : +27 11 484 8300
Fax : +27 11 484 0582
Website : www.sahc.org.za
E-mail : paia@sahrc.org.za

3.3 NOTICES IN TERMS OF SECTION 52 (2) OF THE ACT (SECTION 51 (1)(c) OF THE ACT)

None applicable.

3.4 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION.

McClung Mustard McGlashan & Bosch keeps information / documentation in accordance with the following legislation (note, this is not an exhaustive list): -

- Attorneys Act 53 of 1979.
- Basic Condition of Employment Act 75 of 1997.
- Employment Equity Act 55 of 1998.
- Skills Development Act 97 of 1998.
- Fidelity Fund Certificates.

The above records, which are of a public nature, are available automatically without a person having to request access thereto in terms of the Act, as envisaged in Section 52 of the Act.

3.5 RECORDS HELD BY MCCLUNG MUSTARD MCGLASHAN & BOSCH IN TERMS OF THE ACT (SECTION 51 (1)(e) OF THE ACT)

- a) Employee Contracts

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- b) Record of Disciplinary Proceedings
- c) Partnership Agreement
- d) Lease Agreements
- e) Minutes of Staff Meetings
- f) Partners and Professional Assistants Diplomas and Degree Certificates
- g) Admission Certificates as Attorneys, Notaries and Conveyancers of Partners and Professional Assistants.

3.6 THE REQUEST PROCEDURE

3.6.1 FORM OF REQUEST

- The requirement must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned. [s 53(1)].
- The requester must provide sufficient details 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.
- [s 53(2)(a) and (b) and (c)].
- 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 of protection of that right [s 53(2)(d)].
- 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 head of the private body [s 53(2)(f)].

3.6.2 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 a personal requester, must pay the required request fee:

- The head 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 [s 54(1)].
- 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 [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in their required form.

3.7 OTHER INFORMATION AS MAY BE PRESCRIBED [SECTION 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

3.8 AVAILABILITY OF THE MANUAL

The manual is also available for inspection at the offices of this firm and copies are available with the SAHRC and in the Gazette.