

Falcon and Hume Incorporated Manual

Produced in terms of section 51 of the Promotion of Access to Information Act, 2000

1. Introduction

- 1.1 This information manual ("**Manual**") has been produced in terms of, and as required by section 51 of the Promotion of Access to Information Act, 2000 ("**the Act**"), by Falcon and Hume Attorneys Incorporated, a private personal liability company and a "private body" for purposes of the Act ("**FH Inc**").
- 1.2 For ease of reference, capitalised terms used in this Manual shall bear the meanings given to them in the Act, unless the context indicates otherwise.

2. Company Overview

- 2.1 FH Inc conducts business as a firm of attorneys, with three director attorneys, Mr. Bruce Falcon, Mr. Andrew Hume and Mr. Pieter Smit.
- 2.2 In addition to the persons mentioned above, the firm consists of various other staff members and personnel and provides legal services, specifically in the field of commercial law.

3. Section 51(1)(a) of the Act: contact information of the Head of FH Inc

3.1 Head of the Private Body (FH Inc)

Ms Julie Gibbs

3.2 Contact Details of Head of the Private Body (FH Inc)

- 3.2.1 Telephone number: +27(0)10 594 5000
- 3.2.2 Fax number: +27(0)86 613 3471
- 3.2.3 Email address: julie@fhinc.co.za
- 3.2.4 Physical address: Second Floor, 8 Melville Road, Illovo, Johannesburg
- 3.2.5 Postal address: PO Box 55523, Northlands, 2116, South Africa

4. Section 51(1)(b) of the Act: description of the guide referred to in section 10 of the Act

- 4.1 A guide, the "*Guide on How to Use the Promotion of Access to Information Act*" ("**Guide**"), has been compiled by the Human Rights Commission in terms of section 10 of the Act. The Guide contains information required by a person wishing to exercise any right, contemplated by the Act. It is available in all of the official languages.
- 4.2 The Guide is available for inspection, *inter alia*, at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown, and on its website at www.sahrc.org.za.



5. **Section 51(1)(c) of the Act: the latest notice in terms of section 52(2) of the Act**

Pursuant to section 52(2) of the Act, the Minister of Justice and Constitutional Development may publish a notice describing the categories of records that are automatically available without a person having to request access in terms of the Act, however, at this stage, no such notices have been published.

6. **Section 51(1)(d): Records available in terms of other legislation**

6.1 Records of FH Inc which are available in accordance with any other legislation are set out below, namely records in terms of the:

- 6.1.1 Companies Act, 2008 (“**Companies Act**”);
- 6.1.2 Employment Equity Act, 1998;
- 6.1.3 Basic Conditions of Employment Act, 1997;
- 6.1.4 Labour Relations Act, 1995;
- 6.1.5 Compensation for Occupational Injuries and Disease Act, 1993;
- 6.1.6 Skills Development Act, 1999;
- 6.1.7 Income Tax Act, 1962;
- 6.1.8 Unemployment Insurance Act, 2001; and
- 6.1.9 Value Added Tax Act, 1962.

7. **Section 51(1)(e): Subjects and categories of records FH Inc**

7.1 Set out below is a description of the subjects on which FH Inc holds records and the categories of records held on each subject:

7.2 Records in terms of the Companies Act

- 7.2.1 Memorandum of Incorporation
- 7.2.2 Certificate of Incorporation
- 7.2.3 Certificate to commence business
- 7.2.4 securities register (pursuant to section 50 of the Companies Act)
- 7.2.5 record of directors (pursuant to section 24(3)(b) as read with section 24(5) of the Companies Act);
- 7.2.6 notices and minutes of shareholders’ meetings (pursuant to section 24(3)(d) of the Companies Act);
- 7.2.7 copies of written communications sent generally to its shareholders (pursuant to section 24(3)(e) of the Companies Act); and
- 7.2.8 minutes of all meetings and resolutions of directors (pursuant to section 24(3)(f) of the Companies Act).

7.3 Financial Records

- 7.3.1 annual financial statements;
- 7.3.2 accounting records;
- 7.3.3 banking records;
- 7.3.4 asset register;
- 7.3.5 rental agreements; and
- 7.3.6 invoices sent to clients.

7.4 Tax Records

- 7.4.1 tax returns;
- 7.4.2 PAYE records;
- 7.4.3 documents issued to employees for income tax purposes;
- 7.4.4 records of payments made to SARS on behalf of employees; and
- 7.4.5 records related to value added tax, regional services levies, skills development levies, unemployment insurance fund and workmen's compensation (to the extent applicable).

7.5 Employee documents and records

- 7.5.1 employment agreements of the employees;
- 7.5.2 emergency contact information of the employees;
- 7.5.3 medical aid records;
- 7.5.4 disciplinary records;
- 7.5.5 salary records;
- 7.5.6 leave records; and
- 7.5.7 training records and manuals.

8. **Section 51(1)(e) (as read with section 53) of the Act: detail on how to make a request for access to a record**

8.1 Form of request:

- 8.1.1 A request for access to a record of a private body must be made in the prescribed form to the private body concerned at its address, fax number or electronic mail address. The request must be made in the prescribed form (attached hereto as "**Annexure A**") and at least:
 - 8.1.1.1 provide sufficient particulars to enable the Head of the Private Body concerned to identify:
 - 8.1.1.1.1 the record or records requested; and
 - 8.1.1.1.2 the Requester;

- 8.1.1.2 indicate which form of access is required;
- 8.1.1.3 specify a postal address or fax number of the Requester in the Republic;
- 8.1.1.4 identify the right 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;
- 8.1.1.5 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 so informed; and
- 8.1.1.6 if the request is made on behalf of a 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.

8.2 Fees:

- 8.2.1 The Requester is liable for the prescribed fees in relation to a request for access to a record held by the private body, as published from time to time.

9. **Section 51(1)(f) of the Act: Other information as may be prescribed**

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

10. **Section 51(3) of the Act: Availability of the Manual**

This Manual is available for inspection at the offices of FH Inc free of charge, on its website (www.fhinc.co.za) and copies are available with the South African Human Rights Commission and in the Government Gazette.

ANNEXURE A: PRESCRIBED FORM C (REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY)

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:

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2. Reference number, if available:

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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:

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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 below, 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 for access 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 to 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
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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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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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?

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Signed at this day..... ofyear

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SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE