

PAIA MANUAL

PHATSHOANE HENNEY INCORPORATED

Registration number: 2002/020391/21

This manual has been prepared in terms of section 51 of the The Promotion of Access to Information Act 2 of 2000 ("the Act")

Introduction to Phatshoane Henney Inc

Phatshoane Henney Inc is an incorporated company which conducts business as a law firm with its offices situated in Bloemfontein.

1. INFORMATION OFFICER AND ADDRESS DETAILS

The board of directors of Phatshoane Henney Inc has duly authorised and appointed the information officer below as the person to whom requests for access to information must be made in terms of the Act.

Information officer:	Mrs Chrizelmi Bothma
Postal Address:	Phatshoane Henney Inc P O Box 625 Bloemfontein 9300 South Africa
Physical address:	Phatshoane Henney Building 17 Third Avenue Westdene Bloemfontein 9301 South Africa
Telephone:	+27 051 400 4160
Facsimile:	+27 051 400 4161
E-mail:	chrizelmi@phinc.co.za

2. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 OF THE ACT

The Human Rights Commission has compiled a guide, in terms of Section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide was published in the first half of 2005 and access to it, and to any amended versions thereof can be found on the website of the South African Rights Commission at www.sahrc.org.za, or a hard copy can be obtained directly from the South African Human Rights Commission.

Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484 8300

Facsimile: +27 11 484 0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. NOTICE IN TERMS OF SECTION 52(2) OF THE ACT

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation are as follows:

- 4.1. Labour Relations Act 66 of 1995
- 4.2. Employment Equity Act 55 of 1998
- 4.3. Basic Conditions of Employment Act 75 of 1997
- 4.4. Compensation for Occupational Injuries and Disease Act 130 of 1993
- 4.5. Companies Act 61 of 1973
- 4.6. Unemployment Insurance Act 63 of 2001
- 4.7. Value Added Tax Act 89 of 1991
- 4.8. Income Tax Act 58 of 1962
- 4.9. Skills Development Act 9 of 1999

5. SUBJECTS AND CATEGORIES OF RECORDS HELD BY PHATSHOANE HENNEY INC

Note: This section of the Manual sets out the subject and categories of records held by Phatshoane Henney Inc. 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.

5.1. Incorporation documents

Shareholders agreement of Phatshoane Henney Inc.

5.2. Constitution of Phatshoane Henney Inc

5.2.1. List of the shareholders at Phatshoane Henney Inc.

5.2.2. Power of attorney agreements and a list of persons authorised to bind Phatshoane Henney Inc.

5.2.3. Minutes of meetings of the shareholders of Phatshoane Henney Inc.

5.2.4. Minutes of meetings of committees and sub-committees.

5.2.5. Minute books and internal resolutions of Phatshoane Henney Inc.

5.3. Financial records of Phatshoane Henney Inc

5.3.1. Accounting records, books and documents of Phatshoane Henney Inc.

5.3.2. Interim and annual financial reports of Phatshoane Henney Inc.

5.3.3. Details of auditors of Phatshoane Henney Inc.

5.3.4. Auditors' reports in respect of audits conducted on Phatshoane Henney Inc.

5.3.5. Invoices in respect of both creditors and debtors of Phatshoane Henney Inc.

5.3.6. Tax returns of Phatshoane Henney Inc.

5.3.7. Other documents and agreements relating to taxation.

5.3.8. Other financial records of Phatshoane Henney Inc.

5.4. Banking details of Phatshoane Henney Inc

5.4.1. Indebtedness to bankers.

5.4.2. Bank facilities and accounts details.

5.4.3. Bank statements.

5.4.4. The level of overdraft and other borrowings of Phatshoane Henney Inc.

5.4.5. Other financial commitments of Phatshoane Henney Inc.

5.4.6. Other banking records.

5.5. Human resources / employment records

5.5.1. List of employees.

5.5.2. Contracts and/or documentation pertaining to arrangements with partners.

5.5.3. Personnel files in respect of each employee of Phatshoane Henney Inc.

5.5.4. Disciplinary records and documentation pertaining to disciplinary proceedings.

5.5.5. Documents relating to employee benefits.

5.5.6. Compensation or redundancy payments.

5.5.7. Employment equity plan of Phatshoane Henney Inc.

5.5.8. Skills development plan of Phatshoane Henney Inc.

5.5.9. Pension and/or provident fund agreement.

5.5.10. Training manuals.

5.5.11. Other information relating to employees of Phatshoane Henney Inc.

5.6. Intellectual Property

5.6.1. Trade-marks, copyrights and designs held by Phatshoane Henney Inc.

5.6.2. Records relating to domain names held by Phatshoane Henney Inc.

5.6.3. Licences relating to intellectual property rights.

5.6.4. Other agreements relating to intellectual property rights.

5.7. Information pertaining to clients of Phatshoane Henney Inc

5.7.1. Agreements with clients of Phatshoane Henney Inc.

5.7.2. Documentation and other information received from clients, including documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2001.

5.7.3. Documentation and other information received from third parties.



- 5.7.4. Correspondence with clients.
- 5.7.5. Correspondence with third parties.
- 5.7.6. Research conducted on behalf of clients of Phatshoane Henney Inc.
- 5.7.7. Information prepared by partners and employees of Phatshoane Henney Inc for clients, including opinions, memoranda and reports.
- 5.7.8. Records pertaining to legal proceedings involving clients of Phatshoane Henney Inc.
- 5.7.9. Other information relating to, or held on behalf of, clients of Phatshoane Henney Inc.

5.8. Library information

- 5.8.1. Precedent agreements
- 5.8.2. Information circulars
- 5.8.3. Publications.
- 5.8.4. Other information held by the library of Phatshoane Henney Inc.

5.9. Insurance records

Insurance policies taken out for the benefit of Phatshoane Henney Inc and its employees, including:

- 5.9.1. group life assurance and disability income protection insurance;
- 5.9.2. insurance in respect of the property occupied by Phatshoane Henney Inc.
- 5.9.3. insurance in respect of the movable property of Phatshoane Henney Inc.
- 5.9.4. professional indemnity insurance in respect of Phatshoane Henney Inc.
- 5.9.5. fidelity insurance in respect of trust monies and client investment monies held by Phatshoane Henney Inc.
- 5.9.6. third party insurance in respect of passengers in vehicles driven by Phatshoane Henney Inc staff.

5.10. Immovable and movable property

- 5.10.1. Agreements for the lease of immovable property by Phatshoane Henney Inc.
- 5.10.2. Agreements for the lease or sale of movable property by Phatshoane Henney Inc.



- 5.10.3. Credit sale agreements and/or hire purchase agreements.
- 5.10.4. Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.
- 5.11. **Information technology**
 - 5.11.1. Computer software, support and maintenance agreements.
 - 5.11.2. Other documentation pertaining to computer systems and computer programmes held by Phatshoane Henney Inc.
- 5.12. **Miscellaneous agreements of Phatshoane Henney Inc**
 - 5.12.1. Loans from third parties (including banks).
 - 5.12.2. Loans to third parties.
 - 5.12.3. Suretyship agreements.
 - 5.12.4. Security agreements, guarantees and indemnities.
 - 5.12.5. Agency, management and distribution agreements.
 - 5.12.6. Marketing agreements.
 - 5.12.7. Agreements with suppliers of Phatshoane Henney Inc.
 - 5.12.8. Confidentiality and/or non-disclosure agreements.
 - 5.12.9. Other relevant agreements.

5.13. **Correspondence**

Correspondence of Phatshoane Henney Inc, including internal and external memoranda.

5.14. **Information relating to legal proceedings**

Records relating to legal proceedings involving Phatshoane Henney Inc.

6. THE REQUEST PROCEDURE

6.1. **Form of request**

- 6.1.1. The requester must use the prescribed form to make the request for access to a record. This must be made to the information officer of Phatshoane Henney Inc. This request must be made to the address, fax number or electronic mail address of the information officer of Phatshoane Henney Inc.



- 6.1.2. The requester must provide sufficient detail on the request form to enable the information officer of Phatshoane Henney Inc 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.
- 6.1.3. 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.
- 6.1.4. 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 information officer of Phatshoane Henney Inc.

6.2. Fees

- 6.2.1. The information officer of Phatshoane Henney Inc 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.
- 6.2.2. The requester may lodge an application to the court against the tender or payment of the request fee.
- 6.2.3. The information officer of Phatshoane Henney Inc will then make a decision on the request and notify the requester in the required form.
- 6.2.4. 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.

7. AVAILABILITY OF THE MANUAL

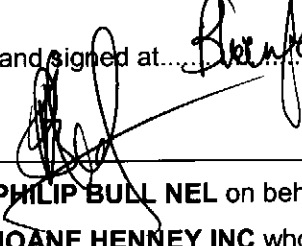
The manual is available for inspection at the offices of Phatshoane Henney Inc free of charge or on the website of Phatshoane Henney Inc. at www.phfirms.co.za. Copies are also available with the South African Human Rights Commission.

8. 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 Department of Justice and Constitutional Development, www.doj.gov.za.



Thus done and signed at Bainfontein on this 20th day of December 2011


Signed by **PHILIP BULL NEL** on behalf
of **PHATSHOANE HENNEY INC** who
warrants his authority hereto