



*bibi aysha badat-sonday attorneys*

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# MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION TO ACCESS TO INFORMATION ACT 2/2000 ("THE ACT") 2025

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## **MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")**

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**MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")****1. BACKGROUND TO AND PURPOSE OF THE PROMOTION OF ACCESS TO INFORMATION ACT**

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right in terms of Section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 ("the Constitution") of access to any information held by the state or any information that is held by another person or entity and that is required for the exercise or protection of any rights.
- 1.2 In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual which means that Bibi Aysha Badat-Sunday Attorneys must comply.
- 1.3 This PAIA Manual is intended to ensure that Bibi Aysha Badat-Sunday Attorneys comply with the Act and to foster a culture of transparency and accountability within the firm by giving effect to the right to information.
- 1.4 Where a request is made in terms of the Act, Bibi Aysha Badat-Sunday Attorneys will be obliged to release the information, subject to applicable legislative and/or regulatory requirements except where the Act expressly provides that the information may or must not be released or where the firm has classified the information as proprietary or confidential.
- 1.5 The Act sets out the relevant procedures to be adopted when such an information request is received by Bibi Aysha Badat-Sunday Attorneys.
- 1.6 This PAIA Manual is intended to ensure that Bibi Aysha Badat-Sunday Attorneys complies with the Act and to foster a culture of transparency and accountability within the firm by giving effect to the right to information.
- 1.7 Section 9 of the Act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including but not only:
  - 1.7.1 Limitations aimed at the reasonable protection of privacy (refer the POPIA Data Privacy Policy available at the Gordon's Bay office of Bibi Aysha Badat-Sunday Attorneys, on the firm's website - [BABS Attorneys - Effective, Affordable, Reliable Legal Services](#) and from the firm's Information Officer – [bibi.aysha@babsattorneys.co.za](mailto:bibi.aysha@babsattorneys.co.za));
  - 1.7.2 Commercial confidentiality; and
  - 1.7.3 Effective and efficient governance and in a manner which balances that right with other rights and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.
- 1.8 In addition, this PAIA Manual complies with the requirements set out in Section 10 of the Act and recognizes that, upon commencement of the Protection of Personal Information Act 4 of 2013, the appointed Information Regulator will be responsible to regulate compliance with the Act.
- 1.9 In order to promote effective governance of the firm, it is necessary to ensure that everyone who interacts with the firm is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to Public and Private bodies, including that of Bibi Aysha Badat-Sunday Attorneys.
- 1.10 Wherever reference is made to "Private Body" in this Manual, this will also refer to Bibi Aysha Badat-Sunday Attorneys, a Private body within the legal industry for which this Manual is drafted.

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1.11 This PAIA Manual is useful for the public to:

- 1.11.1 Check the categories of records held by the firm which are available without a person having to submit a formal PAIA request;
- 1.11.2 Have a sufficient understanding of how to make a request for access to a record of the firm, by providing a description of the subjects on which the firm holds records, and the categories of records held on each subject;
- 1.11.3 Know the description of the records of the firm which are available in accordance with any other legislation;
- 1.11.4 Access all the relevant contact details of the Information Officer and Deputy Information Officer if applicable, who will assist the public with the records they intend to access;
- 1.11.5 Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 1.11.6 Know if the firm will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 1.11.7 Know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 1.11.8 Know the recipients or categories of recipients to whom the personal information may be supplied;
- 1.11.9 Know if the firm has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 1.11.10 Know whether the firm has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

1.12 Hereunder is a short summary of the categories of Data Subjects of the firm and the information or categories of information relating thereto that may be processed:

CATEGORY OF DATA SUBJECTS	PERSONAL INFORMATION WHICH IS COLLECTED AND PROCESSED
Clients	Names, addresses, registration numbers or identity numbers, employment status, marital status, VAT numbers and bank details, tax numbers, source of income, source of funds, source of wealth, residency, nationality, citizenship, property ownership, mortgage bond particulars.
Service Providers	Names, registration numbers or identify numbers, VAT numbers, addresses, trade secrets and bank details.

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Employees and potential employees	Names, surnames, identity numbers, addresses, qualifications, employment record, references, salary details, appointment letters, leave forms, disciplinary records and records of employee life cycle, the Employment Equity plan, gender and race.
Debtors/ Creditors	Names, addresses, registration numbers or identity numbers, Statements, Invoices, bank details.

**2. OVERVIEW OF BIBI AYSHA BADAT-SONDAY ATTORNEYS**

- 2.1 The firm, Bibi Aysha Badat-Sonday Attorneys operates from one branch situated in Gordon's Bay. It is a Sole Proprietorship with Bibi Aysha Badat-Sonday as the Sole Proprietor.
- 2.2 The firm specialises in the supply of legal services including but not limited to:
- 2.2.1 Conveyancing and property transfers;
  - 2.2.2 Advising clients on their Estate Planning and the drafting of Wills;
  - 2.2.3 Notarial services; and
  - 2.2.4 The Administration of Deceased Estates.

**3. DETAILS (SECTION 51 (1) (A))****3.1 Communications Officer for the firm:****BIBI AYSHA BADAT-SONDAY****TELEPHONE NUMBER: +27 (0) 21 856 5160****EMAIL: [bibi.aysha@babsattorneys.co.za](mailto:bibi.aysha@babsattorneys.co.za)****ADDRESS: 1 DURMONTE CRESCENT, GORDON'S BAY, 7140**

- 3.2 This PAIA Manual of Bibi Aysha Badat-Sonday Attorneys is available to view at its premises situated at the Gordon's Bay office, on the firm's website - [BABS Attorneys - Effective, Affordable, Reliable Legal Services](#) as well as from the firm's Information Officer – [bibi.aysha@babsattorneys.co.za](mailto:bibi.aysha@babsattorneys.co.za) in compliance with the Act together with Forms 2 and 3 hereunder attached.

**4. INFORMATION OFFICER AND FUTURE DEPUTY INFORMATION OFFICER**

- 4.1 The Act prescribes the appointment of an Information Officer where such Information Officer is responsible, inter alia, to assess requests for access to information.

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- 4.2 At the time of this Manual, Bibi Aysha Badat-Sonday Attorneys have not appointed a Deputy Information Officer, but the provisions related to such future appointment are included hereunder for referencing should and if the firm should appoint such Deputy Information Officer.
- 4.3 Unless otherwise stipulated, the Information Officer appointed in terms of the Act herein will also be the appointed Information Officer as referred to in the Protection of Personal Information Act 4 of 2013.
- 4.4 The Information Officer oversees the functions and responsibilities as required in terms of both this Act as well as the duties and responsibilities in terms of Section 55 of POPIA 2013 and will be assisted by the future appointed Deputy Information Officer.

### **4.5 The Information Officer for the firm will be:**

**BIBI AYSHA BADAT-SONDAY**

**TELEPHONE NUMBER: +27 (0)21 856 5160**

**EMAIL: [bibi.aysha@babsattorneys.co.za](mailto:bibi.aysha@babsattorneys.co.za)**

**ADDRESS: 1 DURMONTE CRESCENT, GORDON'S BAY, 7140**

### **4.6 The general responsibilities of the Information Officer of Bibi Aysha Badat-Sonday Attorneys include the following:**

- 4.6.1 To ensure that a Data Privacy and Cyber Security compliance framework is developed, implemented, monitored and maintained for Bibi Aysha Badat-Sonday Attorneys;
- 4.6.2 To ensure that a personal information impact assessment is regularly done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;
- 4.6.3 That this Manual is monitored, maintained and made available as prescribed in Sections 14 and 51 of the Act as amended;
- 4.6.4 That internal measures are developed together with adequate systems to process requests for information or access thereto;
- 4.6.5 That internal awareness sessions are conducted regarding the provisions of POPIA and its Regulations, PAIA and its Regulations, the various Codes of Conduct, or information obtained from the Regulator;
- 4.6.6 That, upon request by any person, copies of the Manual are provided to that person upon the payment of a fee to be determined by the Regulator from time to time;
- 4.6.7 To ensure that any Incident Response Policy is circulated to all employees of Bibi Aysha Badat-Sonday Attorneys and that data incidents are properly managed when they occur;
- 4.6.8 To encourage compliance, by all employees of Bibi Aysha Badat-Sonday Attorneys with the conditions for the lawful processing of personal information;
- 4.6.9 To work with the Regulator in relation to investigations conducted pursuant to prior authorisation required to process certain information of POPIA in relation to Bibi Aysha Badat-Sonday Attorneys.

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- 4.6.10 To ensure continuous data backups and test those backups regularly for data integrity and reliability.
- 4.6.11 To review Policy rules regularly, document the results, and update the Policy as needed;
- 4.6.12 To continuously update information security Policies and network diagrams;
- 4.6.13 To ensure that critical operational applications and data are secure by patching known vulnerabilities with the latest fixes or software updates; and
- 4.6.14 To perform continuous computer vulnerability assessments and audits.
- 4.6.15 Registration of Information Officers with the Regulator is not only the prerequisite for an Information Officer to take up their duties in terms of POPIA but is a compulsory requirement for every person identified and appointed as Information Officer.

**4.7 Annual filing requirements:**

- 4.7.1 The Information Officer of the firm should also annually, in terms of Section 32 of the Act, submit to the Regulator a report regarding:
  - 4.7.1.1 The number of requests for access received; the number of requests for access granted in full; the number of requests for access granted in terms of Section 46 of PAIA;
  - 4.7.1.2 The number of requests for access refused in full and refused partially and the number of times each provision of PAIA was relied on to refuse access in full or partially;
  - 4.7.1.3 The number of cases in which the periods stipulated in Section 25(1) of PAIA were extended in terms of Section 26 (1) of PAIA;
  - 4.7.1.4 The number of internal appeals lodged with the relevant authority and the number of cases in which, as a result of an internal appeal, access was given to a record;
  - 4.7.1.5 The number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of Section 27 of PAIA;
  - 4.7.1.6 The number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of Section 77 (7) of PAIA. 6.4
- 4.7.2 The Regulator may, annually, request that Bibi Aysha Badat-Sonday Attorneys' Information Officer, in terms of Section 83 (4) of PAIA, furnishes the Regulator with information about requests for access to records of the firm.

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- 4.8.1 An Information Officer(s) of both a Public or Private body may, subject to legislation and Policies governing the employment of personnel of such body concerned, delegate any power or duty conferred or imposed on him or her to a Deputy Information Officer of that body in terms of Section 56(b) of POPIA and Section 17(3) of PAIA;
- 4.8.2 Only an employee of the firm can be delegated as a Deputy Information Officer;
- 4.8.3 No Deputy Information Officer is appointed at the time of this Manual and in the event that Bibi Aysha Badat-Sunday Attorneys appoint a Deputy Information Officer, this Manual will be amended accordingly;
- 4.8.4 If or when a Deputy Information Officer is appointed, such person will formally be registered as such on the E-Services Information Regulator's platform.
- 4.8.5 The delegation referred to above must be in writing, using the template provided in the Information Regulator's Guideline – [InfoRegSA-GuidanceNote-IO-DIO-20210401.pdf](#);
- 4.8.6 The delegation of any powers or duties and responsibilities to a Deputy Information Officer does not prohibit an Information Officer from exercising the powers or performing the duty that he or she has delegated to a Deputy Information Officer;
- 4.8.7 Any power, duties and responsibilities delegated to a Deputy Information Officer should be exercised or performed subject to such conditions as an Information Officer may consider necessary;
- 4.8.8 Any conditions of delegation, as conferred on the Deputy Information Officer, should ensure that Bibi Aysha Badat-Sunday Attorneys is as accessible as reasonably possible for data subjects or requesters;
- 4.8.9 An Information Officer of a body must ensure that he or she reserves his or her rights in the aforesaid delegation to exercise the powers or to perform the duties and responsibilities concerned himself or herself; and withdraw or amend the aforesaid delegation at any time;
- 4.8.10 An Information Officer must be aware that any right or privilege acquired, or any obligation or liability incurred as a result of a delegation of any powers, duties and responsibilities is not affected by any subsequent withdrawal or amendment of the decision to delegate;
- 4.8.11 Depending on the circumstances of the case, the obligation or liability incurred as a result of any delegation of any powers, duties and responsibilities may be imposed on either the Information Officer or Bibi Aysha Badat-Sunday Attorneys in so far as POPIA is concerned in line with Section 17(6)(b) of PAIA;
- 4.8.12 To ensure a level of accountability by a delegated Deputy Information Officer, bodies are encouraged to ensure that such duties and responsibilities or any power delegated to a Deputy Information Officer is part of her job description;



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- 4.8.13 Despite the above-mentioned delegation of a Deputy Information Officer, an Information Officer retains the accountability and responsibility for the functions delegated to the Deputy Information Officer; and
- 4.8.14 To ensure accessibility of the body, the Deputy Information Officer(s) of a multinational entity must be based within the Republic

**5. THE ACT AND SECTION 10 GUIDE**

- 5.1 The South African Human Rights Commission has compiled the Guide as required in terms of Section 10 of the Act.
- 5.2 Requestors are referred to the Guide in terms of Section 10 which will contain information for the purposes of exercising their Constitutional Rights. The Guide is available from the SAHRC.

**5.3 The contact details of the Commission are:**

**THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION,**  
**at PAIA Unit (THE RESEARCH AND DOUMENTATION DEPARTMENT)**  
**Postal Address: Private Bag 2700, Houghton, 2041**  
**Telephone Number: +27 11 877 3600**  
**Telephone Number: +27 11 484 8300**  
**Facsimile Number: +27 11 484 1360**  
**Fax Number: +27 11 403 0625**  
**Website: [www.sahrc.org.za](http://www.sahrc.org.za)**

- 5.4 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in clauses 6 and 7 below.

**6. REQUEST PROCEDURES AND FACILITATION****6.1 Procedural requirements:**

- 6.1.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.1.2 The requester must complete the prescribed form enclosed hereto – **ADDENDUM A: FORM 2** and submit same as well as payment of the required fee/s and a deposit if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as noted in clause 5 above.
- 6.1.3 The prescribed form must be completed with sufficient information to enable the Information Officer to identify:
- 6.1.3.1 The record/records requested;
- 6.1.3.2 The identity of the requester;

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- 6.1.3.3 The rights based on which the requester is requesting the information or copies of documents;
- 6.1.3.4 Which form of access is required and supply the postal or physical address to which the information or copies are to be sent and/or the fax number or electronic mail address of the requester;
- 6.1.4 Bibi Aysha Badat-Sunday Attorneys will process the request within a period of 30 (thirty) business days from the date of receipt of the request unless the requester has stated special reasons acceptable to the Information Officer for the information to be delivered sooner;
- 6.1.5 The Information Officer shall advise the requester whether access is granted or denied in respect of the request and such notice shall be in writing.
- 6.1.6 Unless the requester requests reasons for a decision, the Information Officer shall not be obliged to supply such reasons.
- 6.1.7 The above request should be made by the requester him/herself but in the event that the request is made on behalf of someone else, then proof of the authorization must accompany the initial request to the Information Officer;
- 6.1.8 The required fees must be paid before any further processing can take place;
- 6.1.9 The Information Officer's response may be delayed if it is found that information required from the requester is outstanding on the request and will remain delayed until the required information is provided.
- 6.1.10 The prescribed time periods will not commence until the requester has furnished all the necessary and required information.

**6.2 Refusal of Access to Records**

- 6.2.1 The main grounds on which Bibi Aysha Badat-Sunday Attorneys may refuse a request for information relate to:
  - 6.2.1.1 The mandatory protection of privacy of a third party who is a natural or deceased person, or a juristic person as precluded by the POPI Act 4 of 2013;
  - 6.2.1.2 The mandatory protection of the commercial information of a third party if the records contain trade secrets, financial/commercial/scientific or technical information which may cause harm to such third party if disclosed;
  - 6.2.1.3 The mandatory protection of confidential information if it is protected in terms of an agreement;
  - 6.2.1.4 The mandatory protection of records which would be regarded as privileged in legal proceedings;
  - 6.2.1.5 The commercial activities of Bibi Aysha Badat-Sunday Attorneys;
  - 6.2.1.6 Client information of Bibi Aysha Badat-Sunday Attorneys;
  - 6.2.1.7 Financial and client information where harm may be caused to the firm;

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- 6.2.1.8 Information which, if disclosed, may put Bibi Aysha Badat-Sunday Attorneys at a disadvantage;
- 6.2.1.9 Any software or hardware or any computer program to which Bibi Aysha Badat-Sunday Attorneys has copyright;
- 6.2.1.10 Requests which are clearly frivolous or vexatious and which divert from usual resources.
- 6.2.2 Each request for information will be assessed by Bibi Aysha Badat-Sunday Attorneys' Information Officer on its own merits and in accordance with reasonable and applicable legal principles.
- 6.3 Lost records
  - 6.3.1 If a requested record cannot be found or if the record does not exist, the Information Officer shall make an affidavit or other acceptable declaration to such effect notifying the requester that it is not possible to give access to the request.
- 6.4 Additional to the Act, the [www.sahrc.org.za](http://www.sahrc.org.za) website provides guidance and details to request information or lodge an appeal.

## **7 PRESCRIBED FEES**

- 7.1 The Act refers to two types of fees, namely the request fee which is a form of administration fee payable by all requesters except personal requesters and the access fee which is payable by all requesters in the event that the request is granted.
- 7.2 The access fee includes the costs of obtaining and preparing a record for delivery to the requester.
- 7.3 A summary of all PAIA fees is set out in the **ADDENDUM C: Fees** and **ADDENDUM B: FORM 3** which is also available from the SAHRC's website at [www.sahrc.org.za](http://www.sahrc.org.za).
- 7.4 The following applies to requests (other than personal requests):
  - 7.4.1 A requestor is required to pay the prescribed request fees (R50.00, as specified by the SAHRC) before a request will be processed;
  - 7.4.2 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);
  - 7.4.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
  - 7.4.4 Records may be withheld until the fees have been paid.
- 7.5 If the search for the record has been made and the preparation of the record for disclosure together with arrangements to make the record available, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit, the prescribed portion of the fee.
- 7.6 If a request is declined, any deposit paid by the requester must be refunded to such requester.

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- 8.1 Records of a public nature, typically those published on the website of Bibi Aysha Badat-Sonday Attorneys, may be accessed without the need for a formal application.
- 8.2 Other public records, such as records of CIPC may also be accessed without the need for a formal application, although an appointment will have to be secured with the Information Officer in order to view such records
- 8.3 Certain information pertaining to the firm's operations will be available in terms of certain provisions of legislation as listed hereunder:

Department	Legal requirements; regulations; legislation and standards
Legal Industry	Legal Practice Council Act 28 of 2014
Finance	Bills of Exchange Act 34 of 1964 ("the Bills Act")
Finance	Business Act 71 of 1991
Finance	Broad-Based Black Economic Empowerment Act 53 of 2003 ("the B-BBEE Act")
Finance	Collective Investment Schemes Control Act, 2002
Finance	Co-operative Banks Act, 2007
Finance	Finance Act, 2007
Finance	Financial Intelligence Centre Act 38 of 2001 ("FICA")
Finance	National Credit Act 34 of 2005 ("the NCA")
Finance	Public Finance Management Act, 1999
Finance	South African Reserve Bank Act, 1989
Finance	South African Revenue Service Act, 1997
Finance	Tax Administration Act, 2011
Finance	The Income Tax Act 58 of 1962 ("the Income Tax Act")
Finance	Tax on Retirement Funds Act, 1996
Finance	The Insolvency Act 24 of 1936 ("the Insolvency Act")
Finance	Taxation Administration Act 28 of 2011 ("The TAA")
Finance	The Value Added Tax Act 89 of 1991 ("the VAT Act")
COMPLIANCE	Consumer Protection Act 68 of 2008 ("CPA")
HR	Basic Conditions of Employment Act 75 of 1997 ("the BCE Act")
HR	Basic Conditions of Employment Amendment Act, No 11 of 2002
HR	Compensation for Occupational Injuries and Diseases Act 130 of 1993 ("the Compensation Act")
HR	Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
HR	Employment Equity Act 55 of 1998 ("the EEA") (Form A4 refer to Commission for Gender Equality Act, 1996)
HR	Employment Tax Incentive Act 26 of 2013 ("ETIA")
HR	Income Tax Act, 1962
HR	Labour Relations Act 66 of 1995 ("the LRA")
HR	Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
HR	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 ("PEPUDA")
HR	Skills Development Act 97 of 1998 ("the SDA")
HR	Skills Development Levies Act 9 of 1999 ("the Skills Levies Act")

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Department	Legal requirements; regulations; legislation and standards
HR	Unemployment Insurance Act 63 of 2001 ("the UIA")
HR	Unemployment Insurance Contributions Act 4 of 2000 ("the UICA")
HR	Workmen's Compensation Act
Other	Companies Act 71 of 2008 ("the Companies Act")
Other	The Protection of Personal Information Act 4 of 2013 ("POPIA")
Other	Constitution of the Republic of South Africa 2008 ("the Constitution")
Other	Prevention and Combatting of Corrupt Activities Act 12 of 2004 ("PACCA")
Other	Electronic Communications Act 36 of 2005 ("the ECA")
Other	Promotion of Access to Information Act 2 of 2000 ("PAIA")
Other	Electronic Communications and Transactions Act 25 of 2002 ("ECTA")
Other	Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) ("PAJA")
Other	Protected Disclosures Act (no 26 of 2000) (Whistle blowers Act SA)
Risk	Conversion of SASRIA Act, 1998 (Act No. 134 of 1998) - South African Special Risks Insurance Association
Risk	Long-term Insurance Act, 1998
Risk	Short-term Insurance Act, 1998

**9 INFORMATION AUTOMATICALLY AVAILABLE**

9.1 The following records are automatically available to all employees of the firm and need not be requested in accordance with the procedure outlined in clause 7:

- 9.1.1 Personnel records particular to the employee whose file it is;
- 9.1.2 Records of disciplinary hearings and related matters are available to the employee concerned;
- 9.1.3 The firm's Policies and procedures manuals;
- 9.1.4 The firm's document format manual.

9.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in clause 6:

- 9.2.1 The firm's Employment Equity Plan;
- 9.2.2 The firm's Skills Development Plan.

**10 INFORMATION AVAILABLE IN TERMS OF THE ACT ON APPLICATION**

10.1 Requestors are not automatically allowed access to records listed as proprietary or confidential hereunder and access to them may or must be refused by the firm in accordance with Sections 62 to 69 of The Act.

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- 10.2 A request is subject to Section 63(1) of the Act, which provides that the firm may refuse a request for access to a record in possession of the firm if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual or if the information is confidential or proprietary:

TYPE OF RECORDS	DETAILED EXAMPLES	CLASSIFICATION
<b>BUSINESS ACCOUNTING RECORDS</b>	<ul style="list-style-type: none"> <li>Annual financial statements and working papers</li> <li>General ledger</li> <li>Bank statements, cheque books, cheques</li> <li>Client and supplier statements and invoices</li> <li>Deposit slips</li> <li>Cash books and petty cash books</li> <li>Fixed asset register</li> <li>Tax returns and assessments</li> <li>VAT returns</li> <li>Lease or instalment sale agreements</li> <li>Budgets and business plans</li> <li>Insurance records</li> <li>Auditor's reports</li> <li>Internal auditors' reports</li> <li>Compiler's reports</li> <li>Accounting officer's reports</li> <li>Reviewer's reports</li> <li>Inventory records (including stock take)</li> <li>Systems documentation</li> <li>Management reviews</li> <li>Capital expenditure</li> <li>Record of assets</li> <li>Record of liabilities</li> <li>Record of loans to related parties</li> <li>Record of liabilities and obligations</li> <li>Record of property held</li> <li>Record of revenue</li> <li>Record of expenses</li> </ul>	<b>PROPRIETARY</b>
<b>CREDIT AGREEMENTS</b>	<ul style="list-style-type: none"> <li>Credit Provider's documents</li> </ul>	<b>PROPRIETARY</b>
<b>FIXED PROPERTY</b>	<ul style="list-style-type: none"> <li>Leases</li> <li>Mortgage bonds or other encumbrances</li> <li>Title deeds</li> </ul>	<b>PROPRIETARY</b>
<b>HEALTH AND SAFETY</b>	<ul style="list-style-type: none"> <li>Evacuation Report</li> <li>Minutes of safety committee meetings (if any)</li> </ul>	<b>CONFIDENTIAL</b>
<b>INFORMATION TECHNOLOGY AND SYSTEMS</b>	<ul style="list-style-type: none"> <li>Hardware</li> <li>Internet</li> <li>Software packages</li> <li>Telephone exchange equipment</li> <li>Telephone lines, leased lines and data lines</li> </ul>	<b>PROPRIETARY</b>
<b>PROFESSIONAL AND OTHER INSURANCE</b>	<ul style="list-style-type: none"> <li>Claim records</li> <li>Details of coverage, limits and insurers</li> <li>Insurance policies</li> </ul>	<b>PROPRIETARY</b>
<b>LEGAL AGREEMENTS</b>	<ul style="list-style-type: none"> <li>Contracts with Clients</li> <li>Contracts with Employees</li> <li>Contracts with External Service Providers</li> <li>Contracts with Suppliers with shareholders, officers or members</li> </ul>	<b>CONFIDENTIAL</b>
<b>PERSONELL RECORDS (HUMAN RESOURCES)</b>	<ul style="list-style-type: none"> <li>Disciplinary records</li> <li>Employee information records</li> </ul>	<b>CONFIDENTIAL</b>

**MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")**

	<ul style="list-style-type: none"> <li>Employee loans</li> <li>Employee remuneration</li> <li>Employment applications</li> <li>Employee date of birth</li> <li>Employment contracts</li> <li>Group personal accident</li> <li>IRP 5 and IT 3 certificates</li> <li>Letters of appointment</li> <li>Leave applications</li> <li>Maternity leave policy</li> <li>Payroll</li> <li>Particulars of each employee</li> <li>Personnel file</li> <li>Recruitment and appointments</li> <li>Salary and wage registers</li> <li>Salary slips and wage records</li> <li>Tax returns of employees</li> <li>Training and development</li> <li>UIF, PAYE and SDL returns</li> <li>Workmen's Compensation documents</li> <li>Recruitment and appointments</li> <li>Salary and wage registers</li> <li>Salary slips and wage records</li> <li>Tax returns of employees</li> <li>Training and development</li> <li>UIF, PAYE and SDL returns</li> <li>Workmen's Compensation documents</li> </ul>	
<b>MARKETING</b>	<ul style="list-style-type: none"> <li>Newsletters</li> <li>Service and product information</li> <li>Client onboarding details</li> <li>Marketing agreements</li> <li>Debt Acknowledgement</li> <li>Invoices, Credit notes, C-notes</li> </ul>	<b>PROPRIETARY</b>
<b>INTELLECTUAL PROPERTY</b>	<ul style="list-style-type: none"> <li>Templates</li> <li>Digital and physical publications</li> <li>Internal and External Compliance Policies</li> </ul>	<b>CONFIDENTIAL</b>
<b>STATUTORY COMPANY RECORDS</b>	<ul style="list-style-type: none"> <li>Annual Statutory Returns</li> <li>Certificate of Change of Name</li> <li>Certificate of Incorporation</li> <li>Certificate to Commence Business</li> <li>Dividend register</li> <li>Members' attendance register</li> <li>Memorandum and Articles of Association</li> <li>Notice and minutes of shareholders' meetings</li> <li>Minutes of members' meetings</li> <li>Proxy documents</li> <li>Resolutions</li> <li>Shareholders' agreements</li> <li>Shareholders' register</li> </ul>	<b>PROPRIETARY</b>
<b>TAX</b>	<ul style="list-style-type: none"> <li>Income tax returns</li> <li>Provisional tax returns</li> <li>Tax assessments</li> <li>VAT documents</li> </ul>	<b>PROPRIETARY</b>
<b>THIRD PARTIES</b>	<ul style="list-style-type: none"> <li>Section 71 of PAIA makes provision for a request for information or records about a third party.</li> <li>In considering such a request, the firm will adhere to the provisions of Sections 71 to 74 of the Act.</li> <li>In certain circumstances, the firm will be obliged to advise third parties of requests lodged in</li> </ul>	<b>CONFIDENTIAL</b>

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	<p>respect of information applicable to or concerning such third parties.</p> <ul style="list-style-type: none"> <li>◦ In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the head of the firm or the Information Officer by referring the matter to the High Court.</li> </ul>	
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**11 INFORMATION REQUESTED ABOUT A THIRD PARTY**

- 11.1 Section 71 of the Act makes provision for a request for information or records about a third party.
- 11.2 In considering such a request, the firm will adhere to the provisions of Sections 71 to 74 of the Act.
- 11.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the firm is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.
- 11.4 In addition, the provisions of Chapter 2 of Part 4 of the Act entitles third parties to dispute the decisions of the firm by referring the matter to the High Court.

**12 UPDATING OF THE MANUAL**

- 12.1 Bibi Aysha Badat-Sunday Attorneys may update this Manual annually or at such intervals as may be necessary.
- 12.2 This document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the firm.

**13 SIGNATURES**

This PAIA Manual of Bibi Aysha Badat-Sunday Attorneys is approved and signed by the Information Officer:

<b>DATED ON:</b>	<b>7 JULY 2025</b>
<b>SIGNED AT:</b>	<b>GORDON'S BAY</b>
<b>INFORMATION OFFICER:</b>	<b>BIBI AYSHA BADAT-SONDAY</b> 



**MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")****DEFINITIONS AND GENERAL TERMS APPLICABLE IN THIS MANUAL**

1. In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –
  - 1.1 an expression which denotes
  - 1.2 any gender includes the other genders;
  - 1.3 a natural person includes an artificial or juristic person and vice versa;
  - 1.4 the singular includes the plural and vice versa;
  - 1.5 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –
  - 1.6 "this document" - this document together with all of its annexures, as amended from time to time;
  - 1.7 "the Act" - Promotion of Access to Information Act No. 2 of 2000 and any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
2. If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;
3. Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
4. Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
5. The use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;
6. Insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
7. **"Complaint"** means-
  - 7.1 A matter reported to the Information Regulator in terms of Section 74(1) and (2) of the Act;
  - 7.2 A complaint referred to in Section 76(1)(e) and 92(1) of the Act; and
  - 7.3 A matter reported or referred to the Information Regulator in terms of other legislation that regulates the mandate of the Information Regulator;
8. **"Day"** means a calendar day, unless the last day of a specified period happens to fall on a Sunday or on any public holiday, in which case the time shall be calculated exclusive of that Sunday or public holiday in accordance with Section 4 of the Interpretation Act, 1957 (Act No. 33 of 1957);

**MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")**

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9. **"Office hours"**-
  - 9.1 In respect of offices of the Information Regulator, means the hours between 08:00 and 16:00 on Monday to Friday, excluding public holidays; and
  - 9.2 In respect of offices designated by the Information Regulator, means the hours during which the offices are operating;
10. **"Relevant body/bodies"**: will refer to any specified body or class of bodies, or any specified industry, profession, or vocation or class of industries, professions, or vocations that in the opinion of the Regulator which has sufficient representation
11. PAIA gives a **requester** the right to lodge a request for information with the Information Officer of a **Private body**;
12. A **Private body** is defined as follows in PAIA:
  - 12.1 a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
  - 12.2 a Partnership which carries or has carried on any trade, business or profession; or
  - 12.3 any former or existing juristic person.
13. PAIA defines the **head of a Private body** as: *"the chief executive officer or equivalent officer of the juristic person or any person duly authorized by that office...."*
14. A **requester** means:
  - 14.1 any person, including, but not limited to, a Private or Public body or an official thereof, making a request for access to a record of that Private body; or
  - 14.2 a person acting on behalf of the person contemplated in clauses 12.1 and 12.2.
15. **The firm**: means the broad-based legal practice known as **BIBI AYSHA BADAT-SONDAY ATTORNEYS** with Bibi Aysha Badat-Sunday practising as a Sole Proprietor and which legal practice is situated at 1 Durmonte Crescent, Gordon's Bay, 7140 and herein referred to as "the firm" or "Bibi Aysha Badat-Sunday Attorneys" with all administrative employees and attorneys who represent the firm included insofar as their obligations are concerned and contained in this Manual.

## MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")

### ADDENDUM A: FORM 2

Also available from the SAHRC's website at [www.sahrc.org.za](http://www.sahrc.org.za).

THESE FORMS WILL BE PLACED ON THE FIRM'S WEBSITE ALONGSIDE THIS MANUAL

### REQUEST FOR ACCESS TO RECORD

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):	<input style="width: 90%;" type="text"/>	Facsimile: <input style="width: 80%;" type="text"/>
	Cellular:	<input style="width: 95%;" type="text"/>	
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			

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Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<b>TYPE OF RECORD</b> (Mark the applicable box with an "X")			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

**MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")**

<b>FORM OF ACCESS</b> (Mark the applicable box with an "X")	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> (Mark the applicable box with an "X")	
Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.	
Indicate which right is to be exercised or protected	

## MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")

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

FEES	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_

*Signature of Requester / person on whose behalf request is made*

### FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

\_\_\_\_\_

*Signature of Information Officer*

**MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")**

**ADDENDUM B: FORM 3**

Also available from the SAHRC's website at [www.sahrc.org.za](http://www.sahrc.org.za).

**FORM 3**  
**OUTCOME OF REQUEST AND OF FEES PAYABLE**  
[Regulation 8]

*Note:*

1. If your request is granted the—
  - (a) amount of the deposit, (if any), is payable before your request is processed; and
  - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

**TO:**


Reference number: 

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Your request dated 

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, refers.

**1. You requested:**

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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**OR**

**2. You requested:**

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

**3. To be submitted:**

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

☐

Approved

☐

Denied, for the following reasons:

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**4. Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive			
• To be provided by requestor	R40.00		
(ii) Compact disc			
• If provided by requestor	R40.00		
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive			
• To be provided by requestor	R40.00		
(ii) Compact disc			
• If provided by requestor	R40.00		
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**
☐

Yes

☐

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_  
 Name of account holder: \_\_\_\_\_  
 Type of account: \_\_\_\_\_  
 Account number: \_\_\_\_\_  
 Branch Code: \_\_\_\_\_  
 Reference Nr: \_\_\_\_\_  
 Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

 \_\_\_\_\_  
 Information officer



**MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 ("the Act")****ADDENDUM C: FEES**Also available from the SAHRC's website at [www.sahrc.org.za](http://www.sahrc.org.za).**1. REPRODUCTION FEES**

Information in an A4 size page photocopy or part thereof	R1.10
A printed copy of an A4 size page or part thereof	R0.75
A copy in computer readable format – Stiffy disk, Compact disk, USB flash-drive	R70.00
A transcription of visual images, in an A4 size page or part thereof	R40.00
A copy of a visual image	R60.00
A transcription of an audio record for an A4 size page or part thereof	R20.00
A copy of audio record	R30.00

**2. ACCESS FEES**

Information in an A4 size page photocopy or part thereof	R1.10
A printed copy of an A4 size page or part thereof	R0.75
A copy in computer readable format – Stiffy disk, Compact disk, USB flash-drive	R70.00
A transcription of visual images, in an A4 size page or part thereof	R40.00
A copy of a visual image	R60.00
A search for a record that must be disclosed: **** per hour or part of an hour reasonable required for such search	R30.00
A copy of audio record	R30.00

**3. BANK ACCOUNT DETAILS FOR PURPOSES OF PAYMENT/S:**

ACCOUNT NAME	
BANKING INSTITUTION	
ACCOUNT NUMBER	
BANK BRANCH	
PAYMENT REFERENCE	