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Version 2.0

**POWER AND**  
ASSOCIATES  
PUBLIC INTEREST LAW | AFRICA

**Manual in terms of the Promotion of  
Access to Information Act 2 of 2022  
(PAIA Manual)**



## INTRODUCTION

1. Power & Associates is a public interest law firm. We work to advance fundamental rights, and support cases and causes that matter.
2. We are committed to protecting, promoting, and fulfilling the rights in the Bill of Rights, including the right of access to information, provided for in section 32 of the Constitution.

## PURPOSE OF THIS PAIA MANUAL

3. This Manual has been developed in compliance with section 51 of the Promotion of Access to Information Act 2 of 2000 (“**PAIA**”). It comprises an index of records held by Power & Associates to enable requests for information and facilitate the right of access to information, in accordance with the provisions of PAIA.
4. The Manual will be kept up to date and may accordingly be amended from time to time. It is accessible on our website and is available for inspection at Power & Associates’ offices during business hours.

## DEFINITIONS

5. For the purpose of this Manual, the following definitions apply:
  - 5.1. “**Day**” means calendar day.
  - 5.2. “**Information Regulator**” means the Office of the Information Regulator as established by section 39 of POPIA. The Information Regulator is the body tasked with ensuring compliance with PAIA and POPIA.
  - 5.3. “**Information Officer**” means the designated individual at Power & Associates who is responsible for ensuring compliance with PAIA and POPIA.
  - 5.4. “**Manual**” means this manual developed in accordance with section 51 of PAIA.
  - 5.5. “**PAIA**” means the Promotion of Access to Information Act 2 of 2000.
  - 5.6. “**POPIA**” means the Protection of Personal Information Act 4 of 2013.
  - 5.7. “**Requester**” means the person or entity who requests access to certain information held by Power & Associates, including someone who does so on behalf of another individual or entity.

- 5.8. “**The Guide**” means the document published by the Information Regulator in accordance with section 10 of PAIA.

## CONTACT INFORMATION

6. Power & Associates’ contact information is as follows:

<b>Johannesburg (head) office</b>	
Address	First Floor, 20 Baker Street Rosebank, Johannesburg South Africa 2196
E-mail	<a href="mailto:connect@powerlaw.africa">connect@powerlaw.africa</a>
Telephone	+ 27 (0)10 822 7860
Website	<a href="https://powerlaw.africa/">https://powerlaw.africa/</a>

<b>Cape Town office</b>	
Address	Fourth Floor, 5 St George’s Mall Cape Town South Africa 8000
E-mail	<a href="mailto:connect@powerlaw.africa">connect@powerlaw.africa</a>
Telephone	+ 27 (0)10 822 7860
Website	<a href="https://powerlaw.africa/">https://powerlaw.africa/</a>

## INFORMATION OFFICERS

7. Michael Power has been duly appointed as the Information Officer for Power & Associates. He is a Director and is responsible for ensuring Power & Associates complies with PAIA and the Protection of Personal Information Act 4 of 2013 (“**POPIA**”). He may be contacted at:

<b>Information Officer</b>	
Address	First Floor, 20 Baker Street Rosebank, Johannesburg South Africa 2196
E-mail	<a href="mailto:michael.power@powerlaw.africa">michael.power@powerlaw.africa</a>
Telephone	+ 27 (0)10 822 7860

8. Tara Davis has been appointed as the Deputy Information Officer for Power & Associates. She may be contacted at:

<b>Deputy Information Officer</b>	
Address	Fourth Floor, 5 St George's Mall Cape Town South Africa 8000
E-mail	<a href="mailto:tara.davis@powerlaw.africa">tara.davis@powerlaw.africa</a>
Telephone	+ 27 (0)10 822 7860

## **PAIA GUIDE**

9. The Information Regulator has published a guide in accordance with section 10 of PAIA ("**the Guide**"). The Guide provides information on how to exercise any rights provided for in PAIA and POPIA.
10. The Guide is available in most South African languages and may be accessed, free of charge, from the Information Regulator, online and at its offices, as detailed below:

<b>Availability of the PAIA Guide</b>	
Online	<a href="https://infoeregulator.org.za/paia-guidelines/">https://infoeregulator.org.za/paia-guidelines/</a>
Office of the Information Regulator	JD House 27 Stiemens Street Braamfontein, Johannesburg South Africa 2001

11. The Information Regulator may be contacted for any queries concerning the Guide.

## **RECORDS HELD BY POWER & ASSOCIATES**

12. Power & Associates holds certain categories of records which are freely accessible, or which may be made available pursuant to a request for access to information.
13. Below is a table that details the categories and subject matters of information held by Power & Associates, including those prescribed by legislation. The table further details whether the information is freely available or whether a request for information is required. If such a request is required, a Requester will need to submit a request for access to information by using the process detailed below.
14. All requests for access to information will be evaluated on a case-by-case basis in accordance with the provisions of PAIA and POPIA, and in certain instances, access may be lawfully refused.

<b>Records held by Power &amp; Associates</b>	
<b>Records held in terms of other legislation, which includes but is not limited to:</b>	
Basic Conditions of Employment Act 75 of 1997	May be made available pursuant to a request for access to information
Compensation for Occupational Injuries and Diseases Act 130 of 1993	May be made available pursuant to a request for access to information
Employment Equity Act 55 of 1998	May be made available pursuant to a request for access to information
Financial Intelligence Centre Act 38 of 2001	May be made available pursuant to a request for access to information
Income Tax Act 58 of 1962	May be made available pursuant to a request for access to information
Labour Relations Act 66 of 1995	May be made available pursuant to a request for access to information
Occupational Health and Safety Act 85 of 1993	May be made available pursuant to a request for access to information
Promotion of Access to Information Act 2 of 2000	May be made available pursuant to a request for access to information
Protection of Personal Information Act 4 of 2013	May be made available pursuant to a request for access to information
Value Added Tax Act 89 of 1991	May be made available pursuant to a request for access to information
<b>Information contained on our website:</b>	
Information about our services and practice areas	Freely available at <a href="https://powerlaw.africa/">https://powerlaw.africa/</a>
Information about previous and ongoing work	Freely available at <a href="https://powerlaw.africa/">https://powerlaw.africa/</a>
Information about our internal team	Freely available at <a href="https://powerlaw.africa/">https://powerlaw.africa/</a>
Information about future opportunities at Power & Associates	Freely available at <a href="https://powerlaw.africa/">https://powerlaw.africa/</a>
News and publications	Freely available at <a href="https://powerlaw.africa/">https://powerlaw.africa/</a>
Policies and reports	Freely available at <a href="https://powerlaw.africa/">https://powerlaw.africa/</a>
Our contact information	Freely available at <a href="https://powerlaw.africa/">https://powerlaw.africa/</a>
<b>Incorporation documents of Power &amp; Associates:</b>	
Information concerning the registration and formulation of Power & Associates	May be made available pursuant to a request for access to information
<b>Employee records:</b>	
Contracts of employment between employees and Power & Associates	May be made available pursuant to a request for access to information

Personnel files for each employee of Power & Associates, including information concerning any disciplinary action	May be made available pursuant to a request for access to information
Employees tax information	May be made available pursuant to a request for access to information
Information concerning employee remuneration and benefits	May be made available pursuant to a request for access to information
Information concerning prospective employees and interns	May be made available pursuant to a request for access to information
Information concerning previous employees	May be made available pursuant to a request for access to information
Contracts between Power & Associates and independent contractors	May be made available pursuant to a request for access to information
Other employee records	May be made available pursuant to a request for access to information
<b>Financial and banking records:</b>	
Accounting records of Power & Associates	May be made available pursuant to a request for access to information
Interim and annual financial reports of Power & Associates	May be made available pursuant to a request for access to information
Tax returns	May be made available pursuant to a request for access to information
Details of Power & Associates' auditors	May be made available pursuant to a request for access to information
Auditors' reports	May be made available pursuant to a request for access to information
Bank statements	May be made available pursuant to a request for access to information
Bank facilities and account details	May be made available pursuant to a request for access to information
Insurance records	May be made available pursuant to a request for access to information
Other financial and banking records of Power & Associates	May be made available pursuant to a request for access to information
<b>Operational records:</b>	
Lease agreements for the lease of immovable property	May be made available pursuant to a request for access to information
Agreements for the sale or lease of moveable property	May be made available pursuant to a request for access to information
Loan agreements	May be made available pursuant to a request for access to information

Supplier agreements	May be made available pursuant to a request for access to information
Records relating to domain names held by Power & Associates	May be made available pursuant to a request for access to information
Correspondence between Power & Associates and third-parties	May be made available pursuant to a request for access to information
Other operational records	May be made available pursuant to a request for access to information
<b>Information pertaining to clients:</b>	
Engagement letters and agreements between Power & Associates and clients	May be made available pursuant to a request for access to information
Correspondence with clients and third-parties	May be made available pursuant to a request for access to information
Research conducted on behalf of clients	May be made available pursuant to a request for access to information
Documents prepared for clients including but not limited to reports, notes, memorandums, opinions, websites, and designs	May be made available pursuant to a request for access to information
Domain names held by clients	May be made available pursuant to a request for access to information
Information concerning clients operations	May be made available pursuant to a request for access to information
Records pertaining to legal proceedings	May be made available pursuant to a request for access to information
Other information pertaining to clients	May be made available pursuant to a request for access to information

## **PROCESS TO REQUEST ACCESS TO INFORMATION HELD BY POWER & ASSOCIATES**

15. Requests for access to records held by Power & Associates should be made on the prescribed form,<sup>1</sup> attached to this PAIA Manual.
16. The request should:
  - 16.1. Provide sufficient information to enable the Information Officer to identify the requester, and the records requested;
  - 16.2. Indicate the form of access required;

<sup>1</sup> The form is prescribed by the Information Regulator and is also available on its website at: <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

- 16.3. Specify the postal or e-mail address of the requester in the Republic of South Africa, to which the information and outcome of the request may be communicated;
  - 16.4. Identify the right that the requester is seeking to exercise or protect, and explain why the requested record is required to do so;
  - 16.5. Provide sufficient proof of identity of the requester, by attaching a certified copy of their identity document; and
  - 16.6. If the request is made on behalf of another person, proof of authorisation to act on their behalf should be submitted.
17. The completed form should be submitted to the Information Officer at the physical or email address provided in section 6 of this Manual.
  18. If a requester is unable to complete the prescribed form due to illiteracy or disability, they may contact the Information Officer who will assist with completing the form.
  19. If access to a record is granted, Power & Associates may charge a fee for its reproduction, which must be paid before the record is provided.
  20. The fee referred to in paragraph 19 will be in accordance with the tariff prescribed by the Department of Justice and Constitutional Development and communicated to the Requester.
  21. The Requester may approach a court concerning the request or payment of the fee.
  22. Power & Associates will process the request within 30 (thirty) days of receipt. This may be extended for a further period of 30 (thirty) days if the request is for a large amount of information or it cannot be reasonably obtained within the original 30 (thirty) day period. Power & Associates will advise the requester in the event that an extension is required.
  23. Power & Associates will process the request in accordance with PAIA.
  24. Power & Associates will advise the requester, in writing, whether the request has been granted or denied.

## **REFUSAL OF ACCESS TO RECORDS**

25. Power & Associates is entitled to refuse a request for information, or part of a record, on the lawful grounds provided for in PAIA and POPIA.
26. Power & Associates has no internal appeals procedure.



27. A requester or third party that is dissatisfied with a refusal to disclose information may, within 180 (one hundred and eighty) days of notification of the decision, apply to a Court for appropriate relief.

#### **THE PROCESSING OF PERSONAL INFORMATION**

28. Power & Associates processes personal information in accordance with POPIA and as outlined in our Privacy Policy, which is available on our website or for inspection at our offices.
29. For information concerning how we process personal information including the purpose of processing, the categories of personal information, data transfers and security measures, please refer to our Privacy Policy.

ENDS.

# FORM 2

## 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 <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

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> <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
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			

**FORM OF ACCESS**  
(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	

**MANNER OF ACCESS**  
(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)	

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*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	

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

<b>FEEES</b>	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
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 <i>(Please specify)</i>

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

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

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**FOR OFFICIAL USE**

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

\_\_\_\_\_  
**Signature of Information Officer**