

**VAN DER MERWE AND ROBERTSON  
INCORPORATED**

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**(Registration number: 2004/024047/21)**

*Manual in terms of section 51 of the  
Promotion of Access to Information Act, 2 of 2000*

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**PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (THE ACT)..... 3**

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# **PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000**

## **(THE ACT)**

### **SECTION 51 MANUAL OF VAN DER MERWE AND ROBERTSON INCORPORATED (REGISTRATION NUMBER: 2004/024047/21)**

#### **1. CONTACT PARTICULARS**

|                   |                                    |                      |   |
|-------------------|------------------------------------|----------------------|---|
| Head of business: | Mr Regardt Nelson                  | Information officer: | Me Ernid Jansen                         |
| Postal address:   | PO Box 1469<br>Durbanville<br>7551 | Physical address:    | 34 Oxford Street<br>Durbanville<br>7550 |
| Telephone number: | 021-976 4663                       | Fax number:          | 021-976 4665                            |
| E-mail address:   | info@vrincorporated.co.za          |                      |   |
| Website:          | www.vrincorporated.co.za           |                      |   |

#### **2. INTRODUCTION**

Attorney's firm.

#### **3. GUIDE IN TERMS OF SECTION 10 OF THE ACT**

Any person who wishes to exercise any right contemplated in The Act may obtain a copy of the information guide issued by the Human Rights Commission in all official languages, from the Human Rights Commission, contact number (011) 887-3600 or [www.sahrc.co.za](http://www.sahrc.co.za).

#### **4. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION**

Information which is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of The Act. Copies of the prescribed forms to be completed for submitting a request, are available from Van der Merwe and Robertson Incorporated.

#### **5. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

Information is available in terms of certain provisions of the following legislation:

- 5.1 ADMINISTRATION OF ESTATES ACT 66 OF 1965
- 5.2 ARBITRATION ACT 42 OF 1965

- 5.3 ATTORNEYS ACT 53 OF 1979
- 5.4 BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997
- 5.5 BBBEE ACT 53 OF 2003
- 5.6 COMPANIES ACT 61 OF 1973
- 5.7 COMPANIES ACT 71 OF 2008
- 5.8 COMPENSATION FOR OCCUPATIONAL INJURIES AND HEALTH DISEASES ACT 130 OF 1993
- 5.9 CONSUMER PROTECTION ACT 68 OF 2008
- 5.10 CRIMINAL PROCEDURES ACT 51 OF 1977
- 5.11 DEBT COLLECTORS ACT 114 OF 1998
- 5.12 DEEDS REGISTRIES ACT 47 OF 1937
- 5.13 DESIGNS ACT 195 OF 1993
- 5.14 ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT 25 OF 2002
- 5.15 EMPLOYMENT EQUITY ACT 55 OF 1998
- 5.16 ESTATE AGENTS AFFAIRS ACT 112 OF 1976
- 5.17 ESTATE DUTY ACT 45 OF 1955
- 5.18 INCOME TAX ACT 58 OF 1962
- 5.19 LABOUR RELATIONS ACT 66 OF 1995
- 5.20 OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993
- 5.21 PREVENTION OF COMBATING OF CORRUPT ACTIVITIES ACT 12 OF 2004
- 5.22 PREVENTION OF ORGANISED CRIME ACT 121 OF 1998
- 5.23 PROTECTED DISCLOSURES ACT 26 OF 2000
- 5.24 PROTECTION OF INFORMATION ACT 84 OF 1982
- 5.25 PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
- 5.26 PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000
- 5.27 PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT 4 OF 2000

- 5.28 PROTECTION OF BUSINESSES ACT 99 OF 1978
- 5.29 REGULATION OF INTERCEPTION OF COMMUNICATIONS AND PROVISION OF COMMUNICATION RELATED INFORMATION ACT 70 OF 2002
- 5.30 RENTAL HOUSING ACT OF 50 OF 1999
- 5.31 SECTIONAL TITLES ACT 95 OF 1986
- 5.32 SECTIONAL TITLES SCHEMES MANAGEMENT ACT 8 OF 2011
- 5.33 SECURITIES TRANSFER TAX ACT 25 OF 2007
- 5.34 SOUTH AFRICAN REVENUE SERVICES ACT 34 OF 1997
- 5.35 SKILLS DEVELOPMENT LEVIES ACT 9 OF 1999
- 5.36 SKILLS DEVELOPMENT ACT 97 OF 1998
- 5.37 TRADE MARKS ACT 194 OF 1993
- 5.38 TRANSFER DUTY ACT 40 OF 1949
- 5.39 TRUST PROPERTY CONTROL ACT 57 OF 1988
- 5.40 UNEMPLOYMENT CONTRIBUTIONS ACT 4 OF 2002
- 5.41 UNEMPLOYMENT INSURANCE ACT 63 OF 2001
- 5.42 VALUE ADDED TAX ACT 89 OF 1991

## **6. INFORMATION AUTOMATICALLY AVAILABLE**

The following categories of records are automatically available for inspection, purchase or photocopying:

- 6.1 NEWSLETTERS
- 6.2 PAMPHLETS / BROCHURES
- 6.3 PRICELISTS
- 6.4 MARKETING AND PROMOTIONAL MATERIAL
- 6.5 [WWW.VRINCORPORATED.CO.ZA](http://WWW.VRINCORPORATED.CO.ZA)

## **7. INFORMATION AVAILABLE IN TERMS OF THE ACT**

The subjects on which the business holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may or must be refused in accordance with section 62 to 69 of The Act.

7.1 ACCOUNTING RECORDS

- Annual financial statements
- General ledger
- Subsidiary ledgers (receivables, payables, etc.)
- Bank statements, cheque books, cheques
- Customer and supplier statements and invoices
- Deposit slips
- Cash books and petty cash books
- Fixed asset register
- Tax returns and assessments
- VAT returns
- Lease or instalment sale agreements
- Budgets and business plans
- Insurance record
- Investment records
- Auditor's reports
- Inventory records (including stock take)
- Capital expenditure
- Credit agreement
- Record of assets
- Record of liabilities
- Record of liabilities and obligation
- Record of property held
- Record of revenue
- Record of expenses

7.2 AUDITORS

- Correspondence

7.3 FIXED PROPERTY

- Leases
- Mortgage bonds or other encumbrances
- Title deeds

7.4 HEALTH AND SAFETY

- Register, record of earnings, time worked, payment and particulars of all employees
- Emergency response plans
- Records of incident reported at work

7.5 INFORMATION TECHNOLOGY

- Client database
- Disaster recovery processes and procedures
- Hardware
- Internet
- Licenses
- Software packages
- Telephone exchange equipment
- Telephone lines, leased lines and data lines

7.6 INSURANCE

- Claim records
- Details of coverage, limits and insurers
- Insurance policies

7.7 INTELLECTUAL PROPERTY

- Agreements relating to intellectual property, e.g. license agreements, secrecy agreements, research and development agreements, use agreements, joint venture agreements and joint development agreements.
- Copyrights
- Litigation and other disputes involving intellectual property
- Patents, patent applications and inventions
- Designs, trademarks, trade names and protected names

7.8 LEGAL, AGREEMENTS AND CONTRACTS

- Acquisition or disposal documentation
- Agreements with contractors, suppliers and clients
- Agreements with customers
- Agreements with governmental agencies
- Agreements with shareholders, officers or directors
- Complaints, pleadings, briefs and other documents pertaining to actual, pending or threatened litigation, arbitration or investigation
- Distributor, dealer or agency agreements
- Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements
- Material agreements relating to provision of services or materials
- Material licenses, permits and authorisations
- Contracts, including lease agreements and finance agreements
- Restraint agreements

- Sale agreements
- Settlement agreements
- Warranty agreements
- Electronic communications - Personal information and the purpose for which the data was collected
- Electronic communications - Record of any third party to whom the information was disclosed
- Electronic communications - All personal data which has become obsolete
- Consumer Protection Act - disclosure by intermediary: information provided to a consumer
- Consumer Protection Act - disclosure by intermediary: conflict of interest
- Consumer Protection Act - disclosure by intermediary: record of advice and basis on which it was given
- Consumer Protection Act - disclosure by intermediary: written instructions to consumer
- Consumer Protection Act - disclosure by promotional competitions: full details, rules, etc.
- Consumer Protection Act - disclosure by auctions: written agreement containing terms and conditions

7.9 PERSONNEL RECORDS

- Attendance register
- Disciplinary records
- Employee evaluation and performance records
- Employee information records
- Employee remuneration
- Employment applications
- Employee date of birth
- Employment contracts
- IRP 5 and IT 3 certificates
- Letters of appointment
- Leave applications
- Name and occupation of each employee
- Payroll
- Particulars of each employee
- Personnel file
- Recruitment and appointments
- Salary and wage registers
- Salary slips and wage records
- Staff records after employment



- Training and development
- UIF, PAYE and SDL returns
- Workmen's Compensation documents

7.10 SALES AND MARKETING

- Brochures, newsletters and marketing material
- Customers
- Service information

7.11 STATUTORY COMPANY RECORDS

- Certificate of Change of Name
- Certificate of Incorporation
- Certificate to Commence Business
- Memorandum and Articles of Association
- Memorandum of Incorporation and alterations / amendments
- Notice and minutes of shareholders' meetings
- Minutes of directors' meetings
- Register of company secretary and auditors
- Register of directors and officers
- Register of past directors
- General resolutions
- Shareholders' agreements
- Shareholders' register

7.12 TAX

- Income tax returns
- Provisional tax returns
- Tax assessments
- Documents relating to where the objection and appeal is lodged
- VAT documents

**8. GENERAL**

Not applicable.

**9. REQUESTING PROCEDURES**

A person who wants access to the records must complete the necessary request form, that is available at the offices of Van der Merwe and Robertson Incorporated, or can be accessed on [www.sahrc.org.za](http://www.sahrc.org.za). The completed request form must be sent to the address or fax number provided in this manual, and marked for the attention of the Information Officer.

**10. AVAILABILITY OF THE MANUAL**

Copies of this manual are available for inspection, free of charge, at the offices of Van der Merwe and Robertson Incorporated, from the South African Human Rights Commission and at [www.vrincorporated.co.za](http://www.vrincorporated.co.za).

**11. SIGNATORY**

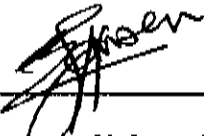
According to Section 51 of the Promotion of Access to Information Act, 2 of 2000 – This manual should be duly signed by the Information officer.

Me Enid Jansen

Information officer

02 December 2011

Date

  
Signature of Information officer