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MANUAL FOR DM KISCH INCORPORATED
t/a KISCH IP

in terms of
Section 51 of
The Promotion of Access to Information Act
No. 2 of 2000
(the "Act")

Date of Compilation:
23 December 2015

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1. INTRODUCTION

DM Kisch Incorporated t/a KISCH IP is a South African Law Firm specialising in Intellectual Property Law with personal liability duly incorporated in terms of the laws of the Republic of South Africa.

2. INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

2.1 Name of head of KISCH IP: **Mr. Adelhart Krüger**

2.2 Postal Address of head of KISCH IP: **PO Box 781218,
Sandton
2146
South Africa**

2.3 Street Address of head of KISCH IP: **KISCH IP House
5 Inanda Greens Business Park
54 Wierda Road West
Wierda Valley
Sandton
Johannesburg**

2.4 Telephone No. of head of KISCH IP: **+27 (0)11 324 3000**

2.5 Fax No. of head of KISCH IP: **+27 (0)86 603 6118**

2.6 E- Mail address of head of KISCH IP: exco@kisch-ip.com

3. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

A Guide has been compiled by the Human Rights Commission in terms of Section 10 of the Act. It contains information required by a person wishing to exercise any right contemplated by the Act and is available in all of the official languages.

The Guide is available for inspection at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

4. **THE LATEST NOTICE IN TERMS OF SECTION 52(2)**

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 PAIA.

5. **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)**

Record Available	Applicable Legislation
Certificates of Attorney Admission	Attorneys Act 53 of 1979
Employment Equity Plan	Employment Equity Act 55 of 1998
Employment Contracts	Basic Conditions of Employment Act 75 of 1997
BBBEE Certificate	Broad-Based Black Economic Empowerment Act 53 of 2003
Compensation payments, assessments and letter of good standing	Compensation for Occupational Injuries and Disease Act 130 of 1993
Certificate of Registration; Notice of registered office and postal address; Minutes of Board Meetings	Companies Act 71 of 2008
Certificate of Registration of clients; Notice of registered office and postal address's of clients	Financial Intelligence Centre Act 28 of 2001
Registration and declaration of employees	Unemployment Insurance Act 63 of 2001
VAT returns for past 5 (five) years; Clearance certificate	Value Added Tax Act 89 of 1991
Income Tax returns for past 5 (five) years; Clearance certificate	Income Tax Act 58 of 1962
Workplace Skills Plan and Annual Training Report (ATR)	Skills Development Act 9 of 1999
Registration Certificates	Trade Marks Act 194 of 1993
Terms and Conditions of Use of Website, Privacy Policy	Electronic Communications and Transactions Act 25 of 2002

6. **SUBJECTS AND CATEGORIES OF RECORDS HELD BY KISCH IP: SECTION 51(1)(e)**

Classification No.	Access	Classification
1	May be disclosed	Public Access Document
2	May not be disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May be disclosed	Subject to copyright
4	Limited disclosure	Personal information that belongs to the requester of that information [s61]
5	May not be disclosed	Unreasonable disclosure of personal information of Natural person [s63(1)]
6	May not be disclosed	Likely to harm the commercial or financial interests of third party [s64(1)(a) and (b)]
7	May not be disclosed	Likely to harm the Company or third party in contract or other negotiations [s64(1)(c)]
8	May not be disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
9	May not be disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be disclosed	Legally privileged documents [s67]
11	May not be refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
12	May not be disclosed	Commercial information of Private Body [s68]
13	May not be disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
14	May not be refused	Disclosure in public interest [s70]

Subject	Category of Information	Availability	Classification No.
Companies Act Records	Documents of incorporation	Available from Companies and Intellectual Property Commission (CIPC) or request in terms of PAIA	1
	Memorandum and Articles of Association	Available from Companies and Intellectual Property Commission (CIPC) or request in terms of PAIA	1
	Minutes of Board of Directors meetings	Request in terms of PAIA	12
	Records relating to the appointment of	Available from Companies and Intellectual Property	1

	directors/ auditor/ secretary/ public officer and other officers	Commission (CIPC) or request in terms of PAIA	
	Share Register and other statutory registers	In terms of s26(2) of Companies Act or request in terms of PAIA	1
Financial Records	Annual Financial Statements	Request in terms of PAIA	12
	Tax Returns	Request in terms of PAIA	12
	Clearance Certificate	Request in terms of PAIA	12
	Accounting Records	Request in terms of PAIA	8, 12
	Banking Records	Request in terms of PAIA	8, 12
	Bank Statements	Request in terms of PAIA	8, 12
	Paid Cheques	Request in terms of PAIA	12
	Electronic banking records	Request in terms of PAIA	8, 12
	Asset Register	Request in terms of PAIA	12
	Rental Agreements	Request in terms of PAIA	12
	Invoices	Request in terms of PAIA	12
	Trust Account Records	Request in terms of PAIA	12
Income Tax Records	PAYE Records	Request in terms of PAIA	12
	Documents issued to employees for income tax purposes	Request in terms of PAIA	12
	Records of payments made to SARS on behalf of employees	Request in terms of PAIA	12
	VAT number	Available from South African Receiver of Revenue website www.sars.gov.za or request in terms of PAIA	1
	Skills Development Levies	Request in terms of PAIA	8,12
	UIF	Request in terms of PAIA	5, 8,12
	Workmen's Compensation	Request in terms of PAIA	8,12
Human Resources Documents and Records	Employment contracts	Request in terms of PAIA	4, 5, 9
	Broad Based Black Economic Empowerment certificate	Freely available on www.kisch-ip.com	1
	Employment Equity Plan	Request in terms of PAIA	3
	Medical Aid records	Request in terms of PAIA	4, 5, 9
	Pension Fund records	Request in terms of PAIA	5, 9
	Disciplinary records	Request in terms of PAIA	5, 9
	Salary records	Request in terms of PAIA	5, 9
	SETA records	Request in terms of PAIA	5, 9

	Disciplinary code	Request in terms of PAIA	5, 9
	Leave records	Request in terms of PAIA	5, 9
	Training records	Request in terms of PAIA	3
	Induction Booklet	Request in terms of PAIA	3
	Health and Safety Records	Request in terms of PAIA	5, 9, 12
Public Relations Records	Public Service Information	Freely available on www.kisch-ip.com	1
	Media Releases	Freely available on www.kisch-ip.com	1
Marketing Records	Service Offerings	Freely available on www.kisch-ip.com	1
	Corporate Profile	Request in terms of PAIA	3
	Marketing Strategies	Request in terms of PAIA	12
	Customer Database	Request in terms of PAIA	12
	Trade Marks	Request in terms of PAIA	1
Legal Records	Agreements with suppliers	Request in terms of PAIA	8, 12
Confidential and Prviiliged	Client files	Request in terms of PAIA	10
Professional Records	Attorneys Certificate of Admission	Available from the Law Society of Northern Provinces or request in terms of PAIA	1
	Articles of Registration	Available from the Law Society of Northern Provinces or request in terms of PAIA	1
	Attorney Fidelity Fund Certificate	Available from the Law Society of Northern Provinces or request in terms of PAIA	1

7. DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

7.1 The requester must complete Form C below and submit this form together with a request fee, to the head of KISCH IP.

7.2 The form must be submitted to the head of KISCH IP at his/her address, fax number, or electronic mail address as provided under paragraph 2 above.

7.3 The form must:

7.3.1 provide sufficient particulars to enable the head of KISCH IP to identify the record/s requested and to identify the requester;

- 7.3.2 indicate which form of access is required;
- 7.3.3 specify a postal address or fax number of the requester in South Africa;
- 7.3.4 identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right;
- 7.3.5 if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner;
- 7.3.5 if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of KISCH IP.

8. **PRESCRIBED FEES**

The following applies to all requests:

- 8.1 A requestor is required to pay the prescribed fee (R50.00) before a request will be processed;
- 8.2 If the preparation of the record requested requires more than the prescribed (six) hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

- 8.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 8.4 Records may be withheld until the fees have been paid;
- 8.5 The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- | | |
|-----|-----------------------------------------------------------------------------------------------------|
| (a) | The particulars of the person who requests access to the record must be given below. |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request for information is made on behalf of <i>another</i> person.

Full names and surname:

Identity number:

D. Particulars of record

- | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. |
| (b) | If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios. |

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

- | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Reason for exemption from payment of fees:

F. Form of access to record

<p>If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.</p>

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images

this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack audio cd	<input type="checkbox"/>	transcription of soundtrack* written or printed document
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"	<input type="checkbox"/>	copy in computer readable form* (flash drive or compact disc)
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<p>'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.</p>	YES	NO
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G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE