

# McCallum Rademeyer & Freimond

Structured as a agency which renders services related to  
intellectual property law.

(the "Agency")

MANUAL

in terms of

## **The Promotion of Access to Information Act**

Section 51 of Act No. 2 of 2000

(the "ACT")

Compiled by the Information Officer  
February 2003

With acknowledgements to:

1. The South African Human Rights Commission
2. The Department of Justice and Constitutional Development

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## 1. INTRODUCTION

The aim of the manual is to assist potential requesters as to the procedure to be followed when requesting access to information / documents from **McCallum Rademeyer & Freimond** as contemplated in terms of the Act.

The Act grants a requester access to the records of the Agency, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in public interest.

The manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public.

Any requester is advised to contact **Mr Monty Rademeyer** should he / she require any assistance in respect of the utilisation of this manual and / or the requesting of information from **McCallum Rademeyer & Freimond**.

The following words will be assigned the following meanings in this manual:

"the Act" shall mean the Promotion of Access to Information Act, No. 2 of 2000, together with all relevant regulations published;

"the / this manual" shall mean this manual together with all annexures thereto as available at the offices of **McCallum Rademeyer & Freimond** from time to time;

"**McCallum Rademeyer & Freimond**" shall mean **McCallum Rademeyer & Freimond** structured as a agency which renders services related to intellectual property law.

"SAHRC" shall mean the South African Human Rights Commission;

"Information Officer" shall mean **Mr. Monty Rademeyer** who has been appointed as the Information Officer of **McCallum Rademeyer & Freimond** to whom requests for information in terms of the Act should be addressed.

**2. CONTACT DETAILS (Section 51(1)(a) of the Act)**

Name of the body: **McCallum Rademeyer & Freimond**

Appointed Information Officer: **Mr Monty Rademeyer**

Registered Address: First Floor, Maclyn House,  
7 June Avenue,  
Bordeaux,  
RANDBURG,  
2125

Postal Address P.O. Box 1130,  
RANDBURG,  
2125.

Telephone: **+27 11 789 1046**

Fax: **+27 11 787 4516**

e-mail: **[info@mrf.co.za](mailto:info@mrf.co.za)**

Website: **[www.mrf.co.za](http://www.mrf.co.za)**

**3. GUIDE IN TERMS OF SECTION 10 OF THE ACT (Section 51(1)(b) of the Act)**

In terms of Section 10 of the Act, a guide will be compiled by the South African Human Rights Commission containing such information as may be required by a person who wishes to exercise any right contemplated in the Act. The guide will be made available in all official languages by the SAHRC and is obtainable from the SAHRC.

Contact details of the South African Human Rights Commission are as follows:

PAIA Unit  
The Research and Documentation Department  
Private Bag 2700  
HOUGHTON  
2041

Telephone: +27 11 484 8300  
Fax: +27 11 484 0582 / 1360  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
e-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**4. NOTICE (S) IN TERMS OF SECTION 52(2) OF THE ACT (Section 51(1)(c) of the Act)**

At this stage no notice(s) has / have been published.

**5. THE AGENCY RECORD CLASSIFICATION KEY**

<u>Classification No.:</u>	<u>Access:</u>	<u>Classification:</u>
1	May be Disclosed	Public Access Documents
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 a natural person [s63(1)]
6	May not be Disclosed	Likely to harm the commercial or financial interest of third party [s64(a)(b)]
7	May not be Disclosed	Likely to harm the Agency or third party in contract or other negotiations [s64(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 Disclosed	Commercial information of a Private Body [s68]
12	May not be Disclosed	Likely to prejudice research and development information of the Agency or a third party [s69]
13	May not be Refused	Disclosure in public interest [s70]

6. SUMMARY: RECORDS AVAILABILITY

It is recorded that any and all documents / information listed here below, requested pertaining to the hereaftersaid shall only be made available to a requester subject to the provisions of the Act. None of the information held by **McCallum Rademeyer & Freimond** is automatically available without a person having to request access in terms of and subject to the provisions of the Act.

<u>Departmental Records</u>	<u>Subject</u>	<u>Classification No.</u>
Communications/Public Affairs	▪ Public Service Information	1
	▪ Public Corporate Records	1
Human Resources	▪ Staff Records	4,5,9
	▪ Employment Contracts	4,5
	▪ Policies and Procedures	4
	▪ Health and Safety Records	4,5,8
Financial	▪ Financial Statements	11
	▪ Financial and Tax Records (The Agency & Employees)	11
	▪ Asset Register	11
	▪ Management Accounts	11
Legal	▪ General Contract Documentation	6,11
	▪ Intellectual Property in so far as it is of public nature	1
	▪ Statutory Records in so far as it is of a public nature	1
Marketing	▪ Market information	11,12
	▪ Public customer/client Information:	1
	o Service Brochures	
	o The Agency Profile	
	▪ Marketing Strategies	11
	▪ List of Trademarks and pending Applications	6,8,11

## 7. **FORM OF REQUEST**

A request for information should be in the prescribed form, addressed to the Information Officer and submitted with payment of the prescribed fee.

If the requester wishes to be informed of the decision in any manner (in addition to written advice) the manner and particulars thereof must be provided.

To facilitate the processing of your request, kindly:

- 7.1. Use the prescribed form, available on the website of the SAHRC ([www.sahrc.org.za](http://www.sahrc.org.za)) or the website of the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under "regulations");
- 7.2. address your request to the Information Officer; and
- 7.3. provide sufficient details to enable the Agency to identify:
  - (a) the record(s) requested;
  - (b) the requester (and if an agent is lodging the request, proof of capacity);
  - (c) the form of access required;
  - (d) (i) the postal address or fax number of the requester in the Republic;  
  
(ii) if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and
  - (e) the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right;

## 8. **PRESCRIBED FEES**

The following applies to requests (other than personal requests):

- 8.1 a requester is required to pay the prescribed fees (R50.00) before a request will be processed;
- 8.2 if the preparation of the record requested requires more than the prescribed hours (six) to prepare, 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 requester 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.

## 9. **OTHER INFORMATION (section 51(1)(f) of the ACT)**

- 9.1 The Minister of Justice and Constitutional Development has to date not published any regulations in terms of this Section.
- 9.2 Information is also available in terms of certain provisions of relevant statutes. Please address enquiries to the Information Officer.

## 10. **AVAILABILITY OF THE MANUAL (Section 51(3) of the Act)**

- 10.1 This manual is available for inspection at the offices of **McCallum Rademeyer & Freimond**, free of charge.
- 10.2 Copies of the manual may be obtained, subject to the prescribed fees, at the offices of **McCallum Rademeyer & Freimond**.
- 10.3 The manual can also be accessed on the website of the SAHRC ([www.sahrc.org.za](http://www.sahrc.org.za)) and **McCallum Rademeyer & Freimond** ([www.mrf.co.za](http://www.mrf.co.za)) and will be published in the *Government Gazette*.
- 10.4 It should be noted that the manual accessibility on the website of the SAHRC and in the *Government Gazette*, does not include the request forms or fee structure. The request forms and fee structure can be obtained on the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the website of the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under "regulations").