

Brandmullers Incorporated

The Promotion of Access to Information Act, No. 2 of 2000 (as amended)

(PAIA)

Manual

in terms of section 51 of PAIA

Brandmullers Inc.

(Registration Number: 2017/270825/21)

Implementation Date: 1 June 2021
As Amended on 24 July 2025

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1. DEFINITIONS / ACRONYMS

Unless clearly inconsistent with or otherwise indicated by the context:

- 1.1 **Deputy Information Officer** means the person designated as the deputy information officer of the Firm from time to time, being the person designated as such by the Information Officer;
- 1.2 **FICA** means the Financial Intelligence Centre Act, No. 38 of 2001 (as amended);
- 1.3 **Firm** means Brandmullers Incorporated (registration number: 2017/270825/21), a personal liability company incorporated in accordance with the laws of the Republic;
- 1.4 **Information Officer** means the person designated as the information officer of the Firm from time to time, being the person authorised to handle PAIA requests;
- 1.5 **Information Regulator** means the Information Regulator established in terms of section 39 of POPIA;
- 1.6 **LPA** means the Legal Practice Act, No. 28 of 2014 (as amended);
- 1.7 **Manual** means this Manual, as amended from time to time;
- 1.8 **PAIA** means the Promotion of Access to Information Act, No. 2 of 2000 (as amended);
- 1.9 **POPIA** means the Protection of Personal Information Act, No. 4 of 2013;
- 1.10 **Republic** means the Republic of South Africa; and
- 1.11 **SAHRC** means the South African Human Rights Commission.

2. INTRODUCTION

The Firm is a law firm of legal practitioners operating within the Republic and regulated in terms of the LPA.

3. MANUAL

- 3.1 This Manual has been prepared in accordance with section 51 of PAIA for the Firm and its purpose is to provide information to those who wish to request access to records of the Firm in terms of PAIA.
- 3.2 This Manual will be updated on a regular basis and will be made available:
 - 3.2.1 on the Firm's website once complete;

- 3.2.2 at the Firm's principal place of business for public inspection during normal business hours, at no cost;
- 3.2.3 to any person upon request and upon payment of the prescribed fee (please refer to Schedule 2 hereto); and
- 3.2.4 to the Information Regulator upon request.

4. CONTACT DETAILS

Directors	Andre Paul Brandmuller
Head of the Firm	Andre Paul Brandmuller ab@brandmullers.com
Information Officer	Andre Paul Brandmuller ab@brandmullers.com
Deputy Information Officer(s)	Carl Gustav Brandmuller estates@brandmullers.com
Postal Address	Postnet Suite 203 Private BagX 1866 Middelburg 1050
Physical Address	34A John Magagula Steet Middelburg Mpumalanga 1050
Telephone Number	013 282 5983
Email Address	Info@brandmullers.com
Website	Under construction

5. **PAIA**

- 5.1 PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights.
- 5.2 If a public body lodges a request, the public body must be acting in the public interest.
- 5.3 Requests in terms of PAIA shall be made in accordance with the prescribed procedures and rates. The forms and tariffs are dealt with in paragraphs 11 and 12 of this Manual.

6. **SECTION 10 GUIDE**

- 6.1 In terms of section 10 of PAIA, the SAHRC has compiled and published a guide on PAIA, to assist persons in using and understanding PAIA (**Section 10 Guide**). This Section 10 Guide is available from the SAHRC at any of their offices or on their website <https://www.sahrc.org.za>. Queries can be directed to:

SAHRC	
Physical Address (Head Office)	Braampark Forum, 33 Hoofd Street, Braamfontein, 2017
Telephone Number	+27(0)11 877 3600
Website	www.sahrc.org.za

- 6.2 With effect from 30 June 2021, the Information Regulator will be required to update and make available the Section 10 Guide in an easily comprehensible form and manner, as may be reasonably required by a person who wishes to exercise any right contemplated in PAIA and POPIA. The Information Regulator's details are as follows:

Information Regulator	
Physical Address (Head Office)	JD House, 27 Stiemens Street, Braamfontein 2001
General Enquiries	infoereg@justice.gov.za
Website	www.justice.gov.za/infoereg

7. SECTION 52 DISCLOSURE

No records are available in terms of section 52 of PAIA.

8. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

The following are some of the statutes in terms of which records are held by the Firm. This is not an exhaustive list and please note that these records are not necessarily available to requesters in terms of PAIA.

Legislation
Companies Act, 71 of 2008
Basic Conditions of Employment Act, 75 of 1997
Employment Equity Act, 55 of 1998
Financial Intelligence Centre Act, 38 of 2001
Income Tax Act, 58 of 1962
Labour Relations Act, 66 of 1995
Legal Practice Act, 28 of 2014
Occupational Health and Safety Act, 85 of 1993
Skills Development Act, 97 of 1998
Value-Added Tax Act, 89 of 1991

9. SCHEDULE OF RECORDS

The Firm holds the following categories of records in relation to the following subjects. Please note that these records are not necessarily available to requesters in terms of PAIA, and any request is subject to section 63(1) of PAIA in terms of which a request must be refused if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party.

The Firm shall not release any information which may breach the legal privilege of clients or correspondents, as regulated by the relevant legislation, which includes the release of client information to any party other than the client or the client's appointed representative..

Category of Records	Description of Records
Financial Records	Financial statements, financial, accounting and taxation records
Company Secretarial	Incorporation documents, company register, company records
FICA Records	Customer due diligence records and all other FICA-related records
Client Data	Client-related records
Human Resources	Employee-related records, employment equity data, payroll data
Marketing	Marketing-related records, client mailing list
Administration	Supplier-related records, insurance-related records, Legal Practice Council-related records, internal policies and procedures, health and safety-related documents, information technology-related records

10. POPIA

10.1 Insofar as POPIA is concerned, we set out below the information required in terms of section 51(1)(c) of PAIA:

Category of Personal Information	Category of Data Subject	Purpose of Processing	Category of Recipients
Financial Records	Firm	Financial reporting and tax compliance	Firm's directors, shareholders, employees, accountants, auditors and applicable regulatory authorities (including without limitation, South African Revenue Services (SARS) and Legal Practice Council (LPC))
	Firm, clients and	Provision of legal services	Clients' nominated recipients, Firm's employees, accountants, auditors, correspondents,

	correspondents		financial institutions and applicable regulatory authorities (including without limitation, SARS and LPC)
	Firm and creditors	Receipt of business services	Firm's employees, accountants, auditors and applicable regulatory authorities (including without limitation, SARS)
Company Secretarial	Firm, shareholders, employees, auditors	Maintenance of company records and financial reporting	Firm's employees, suppliers, directors, shareholders, accountants, auditors and applicable regulatory authorities (including without limitation, SARS, LPC, Companies and Intellectual Property Commission)
FICA Records	Clients, prospective clients and connected persons (including ultimate beneficial owner(s))	Compliance with FICA as an 'Accountable Institution'	Firm's employees and applicable regulatory authorities (including without limitation, Financial Intelligence Centre)
Client Data	Clients and other relevant third parties	Provision of legal services	Clients' nominated recipients, Firm's employees, accountants, auditors, correspondents, counsel, and applicable regulatory authorities (including without limitation, LPC)
Human Resources	Firm and employees	Business operations and compliance with labour laws	Firm's employees, suppliers, directors, shareholders, accountants, auditors and applicable regulatory authorities

			(including without limitation, SARS and Director-General of Labour Department)
Marketing	Firm, employees and clients	Marketing	Firm's employees and all information contained on website is publicly available
Administration	Firm, employees, clients and suppliers	Business operations	Firm's employees, suppliers, directors, shareholders, accountants, auditors and applicable regulatory authorities (including without limitation, LPC and Department of Health)

10.2 As required in terms of section 51(1)(c)(iv) of PAIA, the planned transborder flows of information entail:

10.2.1 the transfer of the Firm's data stored on the Microsoft Office 365 exchange and backed-up into the cloud located in the European Union protected by the Microsoft Office 365 Trust Centre, and data stored on a system using Microsoft Power Apps, part of the Microsoft Office 365 services located in the UK Microsoft Office 365 Trust Centre;

10.2.2 the possible transfer of client information to correspondents (such as foreign law firms) as part of rendering legal professional services to the client; and

10.2.3 the transfer of Firm and employee-related information for the purposes of marketing,

which transfers shall all be in accordance with section 72 of POPIA.

10.3 As required in terms of section 51(1)(c)(v) of PAIA, the Firm has implemented a number of information security measures (including encrypted back-ups, secure hosted services, anti-malware and firewalls) to ensure the confidentiality, integrity and availability of any information which may be processed by the Firm.

11. REQUEST PROCEDURE

11.1 A request for access to records held by the Firm must be made by completing the prescribed request form (attached as **Schedule 1** to this Manual). A copy of the request form is also available from the websites of the SAHRC (www.sahrc.org.za), the Department of Justice and Constitutional

Development (www.doj.gov.za), the Information Regulator (www.justice.gov.za/inforeg) and the Firm (as set out in paragraph 4), and at the Firm's principal place of business.

- 11.2 The request form must be completed with sufficient particularity to enable the Firm to identify:
 - 11.2.1 the record(s) requested;
 - 11.2.2 the requester (and, if the request is made on behalf of a person, proof of that capacity);
 - 11.2.3 the form of access required;
 - 11.2.4 the postal address, telephone number, email address and/or fax number, if applicable, of the requester within the Republic;
 - 11.2.5 if the requester wishes to be informed of the decision in any manner (in addition to written), the manner and particulars thereof; and
 - 11.2.6 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.
- 11.3 The completed request form must be submitted to the Information Officer, Deputy Information Officer or the Head of the Firm, at any of the addresses referred to in paragraph 4.
- 11.4 On receipt of the request form, the Information Officer, the Deputy Information Officer or the Head of the Firm, as the case may be, shall as soon as reasonably possible, but in any event within 30 days, decide whether or not to grant the request, and the requester will be notified of this decision.
- 11.5 The requester is referred to the provisions of Chapter 4 of Part 3 of PAIA in terms of which the Firm may refuse, on certain specified grounds, to provide information to a requester.
- 11.6 With regards to a request for access to records about a third party, the Firm will adhere to the provisions of sections 71 to 73 of PAIA. The requester is referred to the provisions of Chapter 5 of Part 3 of PAIA 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. Furthermore, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the Information Officer by referring the matter to the High Court.
- 11.7 If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in the Firm's possession but cannot be found or does not exist, the Information Officer, the Deputy Information Officer or the Head of the Firm, as the case may be, shall, by way of affidavit or affirmation (which must be detailed as prescribed in terms of PAIA), notify the requester that it is not possible to give access to that record.

- 11.8 For further information, please contact the Information Officer, the Deputy Information Officer or the Head of the Firm mentioned in paragraph 4 above or refer to the Section 10 Guide referred to in paragraph 6 above.

12. **PRESCRIBED FEES**

- 12.1 The prescribed request fee and access fee will be charged, and the requester is required to pay the prescribed fees before a request will be processed.
- 12.2 The details of the fees to be charged can be obtained from the websites of the SAHRC (www.sahrc.org.za), the Department of Justice and Constitutional Development (www.doj.gov.za) and the Information Regulator (www.justice.gov.za/inforeg). A schedule of the prescribed fees as at the implementation date of this Manual is also attached as **Schedule 2** to this Manual.
- 12.3 If the search for a record requested and the preparation of the record for disclosure requires more than the prescribed number of hours, a deposit will be required to be paid by the requester (of not more than one third of the access fee which would be payable if the request were granted).
- 12.4 A requester may lodge a complaint with the Information Regulator or an application with a court against the tender or payment of the request fee and/or deposit to be paid.
- 12.5 Records may be withheld by the Firm until the applicable fees have been paid.

13. **DISCLAIMER**

No information provided in this Manual shall in any way be construed as legal advice from the Firm and/or any of its personnel, and the Firm does not warrant the correctness, completeness or accuracy of the information contained in this Manual. No person shall have any claim, against the Firm and/or any of its personnel, of any nature whatsoever arising out of, or in connection with, the information contained herein.

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 ONLY if a request for information is made on behalf of another 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

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- b) You will be notified of the amount required to be paid as the request fee.
- 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 for exemption from payment of fees:

F. Form of access to record

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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:

Mark the appropriate box with an X.

NOTES:

- a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- 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.
- c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

	Copy of Record*		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.):

	View the images		Copy the images*		Transcription of the images*	
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3. If record consists of recorded words or information which can be reproduced in sound:

	Listen to the soundtrack (audio cassette)		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:

	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (stiffy or compact disk)	
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*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.

Yes

No

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 of _____ 20____.

Schedule 2: Prescribed Fees

Description	Fee
Request for Manual	
Copy of Manual (per A4 page (or part thereof))	R1.10
Request Fees	
Request Fee	R50.00
Access Fees	
Copy per A4 page (or part thereof)	R1.10
Printing per A4 page (or part thereof)	R0.75
Copy on a CD	R70.00
Transcription of visual images per A4 page	R40.00
Copy of a visual image	R60.00
Transcription of an audio recording per A4 page	R20.00
Copy of an audio recording	R30.00
Search and preparation of record for disclosure	R30.00 per hour (or part thereof)
Prescribed number of hours (contemplated in paragraph 12.3)	Six
Postage Fee	Actual Postage Fee

Private bodies who have registered as VAT vendors, as required under the Value-Added Tax Act, 1991, may add VAT to all abovementioned fees.