

**PAIA MANUAL**

**NEIL ESTERHUYSEN & ASSOCIATES INCORPORATED**

**Registration number: 2012/046043/21**

**This manual has been prepared in terms of section 51 of The Promotion of Access to Information Act 2 of 2000 (“the Act”)**

**Introduction to NEA Inc.**

NEA Inc. is an incorporated company which conducts business as a law firm with its primary offices situated in Centurion.

**1. INFORMATION OFFICER AND ADDRESS DETAILS**

The board of directors of NEA Inc. has duly authorised and appointed the information officer below as the person to whom requests for access to information must be made in terms of the Act.

Information officer: Mrs Surita Janse van Rensburg

Postal Address: NEA Inc.  
P O Box 814  
Irene  
0062  
South Africa

Physical Address: Units 23 & 24  
Norma Jean Square  
244 Jean Avenue  
Centurion  
0157  
South Africa

Telephone: +27 012 664 4113  
Facsimile: +27 012 664 7060  
E-mail: [surita@nea.co.za](mailto:surita@nea.co.za)

## 2. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 OF THE ACT

The Human Rights Commission has compiled a guide, in terms of Section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide was published in the first half of 2005 and the access to it, and to any amended versions thereof, can be found on the website of the South African Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za), or a hard copy can be obtained directly from the South African Human Rights Commission.

Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484 8300

Facsimile: +27 11 484 0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## 3. NOTICE IN TERMS OF SECTION 52(2) OF THE ACT

At this stage no notices has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

#### **4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

Records available in terms of other legislation are as follows:

- 4.1 Labour Relations Act 66 of 1995
- 4.2 Employment Equity Act 55 of 1998
- 4.3 Basic Conditions of Employment Act 75 of 1997
- 4.4 Compensation of Occupational Injuries and Disease Act 130 of 1993
- 4.5 Companies Act 61 of 1973
- 4.6 Unemployment Insurance Act 63 of 2001
- 4.7 Value Added Tax Act 89 of 2001
- 4.8 Income Tax Act 58 of 1962
- 4.9 Skills Development Act 9 of 1999

#### **5. SUBJECT AND CATEGORIES OF RECORDS HELD BY NEA INC.**

Note: This section of the Manual sets out the subject and categories of records held by NEA Inc. This inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

## **5.1 INCORPORATION DOCUMENTS.**

Memorandum of Incorporation of NEA Inc.

## **5.2 CONSTITUTION OF NEA INC.**

- 5.2.1 List of shareholders at NEA Inc.
- 5.2.2 Power of attorney agreements and a list of persons authorised to bind NEA Inc.
- 5.2.3 Minutes of meetings of shareholders of NEA Inc.
- 5.2.4 Minutes of meetings of committees and sub-committees.
- 5.2.5 Minute books and internal resolutions of NEA Inc.

## **5.3 FINANCIAL RECORDS OF NEA INC.**

- 5.3.1 Accounting records, books and documents of NEA Inc.
- 5.3.2 Interim and annual financial reports of NEA Inc.
- 5.3.3 Details of auditors of NEA Inc.
- 5.3.4 Auditor's reports in respect of audits conducted on NEA Inc.
- 5.3.5 Invoices in respect of both creditors and debtors of NEA Inc.
- 5.3.6 Tax returns of NEA Inc.
- 5.3.7 Other documents and agreements relating to taxation.
- 5.3.8 Other financial records of NEA Inc.

## **5.4 BANKING DETAILS OF NEA INC.**

- 5.4.1 Indebtedness to bankers.
- 5.4.2 Bank facilities and accounts details.
- 5.4.3 Bank statements.
- 5.4.4 The level of overdraft and other borrowings of NEA Inc.
- 5.4.5 Other financial commitments of NEA Inc.

5.4.6 Other banking records.

## **5.5 HUMAN RESOURCES/ EMPLOYMENT RECORDS**

5.5.1 List of employees

5.5.2 Contracts and/or documentation pertaining to arrangements with partners.

5.5.3 Personnel files in respect of each employee of NEA Inc.

5.5.4 Disciplinary records and documentation pertaining to disciplinary proceedings.

5.5.5 Documents relating to employee benefits.

5.5.6 Compensation or redundancy payments.

5.5.7 Employment equity plan of NEA Inc.

5.5.8 Skills development plan of NEA Inc.

5.5.9 Training manuals.

5.5.10 Other information relating to employees of NEA Inc.

## **5.6 INTELLECTUAL PROPERTY**

5.6.1 Trade-marks, copyrights and designs held by NEA Inc.

5.6.2 Records relating to domain names held by NEA Inc.

5.6.3 Licences relating to intellectual property rights.

5.6.4 Other agreements relating to intellectual property rights.

## **5.7 INFORMATION PERTAINING TO CLIENTS OF NEA INC.**

5.7.1 Agreements with clients of NEA Inc.

5.7.2 Documentation and other information received from clients, including documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2001.

5.7.3 Documentation and other information received from third parties.

5.7.4 Correspondence with clients.



- 5.7.5 Correspondence with third parties.
- 5.7.6 Research conducted on behalf of clients of NEA Inc.
- 5.7.7 Information prepared by partners and employees of NEA Inc. for clients, including opinions, memoranda and reports.
- 5.7.8 Records pertaining to legal proceedings involving clients of NEA Inc.
- 5.7.9 Other information relating to, or held on behalf of, clients of NEA Inc.

## **5.8 LIBRARY INFORMATION**

- 5.8.1 Precedent agreements.
- 5.8.2 Information circulars.
- 5.8.3 Publications.
- 5.8.4 Other information held by the library of NEA Inc.

## **5.9 INSURANCE RECORDS**

Insurance policies taken out for the benefit of NEA Inc. and its employees, including:

- 5.9.1 Group life assurance and disability income protection insurance.
- 5.9.2 Insurance in respect of the property occupied by NEA Inc.
- 5.9.3 Insurance in respect of the movable property of NEA Inc.
- 5.9.4 Professional indemnity insurance in respect of NEA Inc.
- 5.9.5 Fidelity insurance in respect of trust monies and client investment monies held by NEA Inc.
- 5.9.6 Third party insurance of passengers in vehicles driven by NEA Inc. staff.

## **5.10 IMMOVABLE AND MOVABLE PROPERTY**

- 5.10.1 Agreements for the lease of immovable property by NEA Inc.
- 5.10.2 Agreements for the lease or sale of movable property by NEA Inc.

5.10.3 Credit sale agreements and/or hire purchase agreements.

5.10.4 Other agreements for the purchase, ordinary sale, conditional sale hire of assets.

#### **5.11 INFORMATION TECHNOLOGY**

5.11.1 Computer software, support and maintenance agreements.

5.11.2 Other documentation pertaining to computer systems and computer programmes held by NEA Inc.

#### **5.12 MISCELLANEOUS AGREEMENTS OF NEA INC.**

5.12.1 Loans from third parties(including banks).

5.12.2 Loans to third parties.

5.12.3 Suretyship agreements.

5.12.4 Security agreements, guarantees and indemnities.

5.12.5 Agency, management and distribution agreements.

5.12.6 Marketing agreements.

5.12.7 Agreements with suppliers of NEA Inc.

5.12.8 Confidentiality and/or non-disclosure agreements.

5.12.9 Other relevant agreements.

#### **5.13 CORRESPONDENCE**

Correspondence of NEA Inc., including internal and external memoranda.

#### **5.14 INFORMATION RELATING TO LEGAL PROCEEDINGS**

Records relating to legal proceedings involving NEA Inc.

### **6. THE REQUEST PROCEDURE**

## **6.1 FORM OF REQUEST**

- 6.1.1 The requester must use the prescribed form to make the request for access to a record. This must be made to the information officer of NEA Inc. This request must be made to the address, fax number or electronic mail address of the information officer of NEA Inc.
- 6.1.2 The requester must provide sufficient detail on the request form to enable the information officer of NEA Inc to identify the record and the requester. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 6.1.3 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- 6.1.4 If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer of NEA Inc.

## **6.2 FEES**

- 6.2.1 The information officer of NEA Inc. must notify the requester (other than a personal requester) by notice, requiring the requester to pay the relevant fee before further processing the request. A personal requester does not pay such fee.
- 6.2.2 The requester may lodge an application to the court against the tender or payment of the request fee.
- 6.2.3 The information officer of NEA Inc. will then make a decision on the request and notify the requester in the required form.
- 6.2.4 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that had exceeded the prescribed hours to search and prepare the records for disclosure.



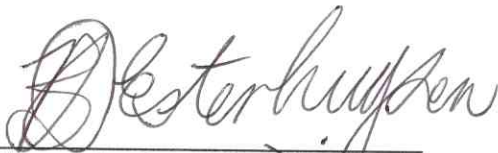
**7. AVAILABILITY OF THE MANUAL**

The manual is available for inspection at the offices of NEA Inc free of charge or on the website of NEA Inc. at [www.nea.co.za](http://www.nea.co.za). Copies are also available with the South African Human Rights Commission.

**8. PRESCRIBED FEES AND FORMS IN RESPECT OF PRIVATE BODIES**

The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development, [www.doj.gov.za](http://www.doj.gov.za).

Thus done and signed at Pretoria on this 22<sup>nd</sup> day of October 2019.



Signed by BD ESTERHUYSEN  
On behalf of NEA Inc. who  
Warrants his authority hereto