



*Rachelle Strydom Attorneys*

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**Rachelle Strydom Attorneys**  
**Manual in terms of**  
**Section 51 of the**  
**Promotion of Access to Information Act 2 of 2000**  
**And**  
**Section 17 of the**  
**Protection of Personal Information Act 4 of 2013**

Date of Compilation: 27/03/2021

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## **1. INTRODUCTION**

Rachelle Strydom Attorneys, with registration number 2020/871489/21, is a law firm providing legal services in a variety of law fields.

## **2. PURPOSE OF THE PAIA MANUAL**

This Promotion of Access to Information Manual (“PAIA Manual”) provides an outline of the type of records and the personal information Rachelle Strydom Attorneys holds, and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA Act”). In addition, it explains how to access, or object to, personal information held by the Firm, or request correction of the personal information, in terms of paragraphs 23 and 24 of the Protection of Personal Information Act 4 of 2013 (“POPI Act”).

The PAIA and POPI Acts give effect to everyone’s constitutional right of access to information held by private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

This PAIA Manual ensures that Rachelle Strydom Attorneys complies with the Act and to ensure transparency and accountability within the Firm.

## **3. FIRM CONTACT DETAILS**

Directors: Ms Rachelle Strydom

CEO: Ms Rachelle Strydom





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2021

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#### **4. SECTION 10 OF PAIA GUIDE**

The PAIA Act grants a requester access to records of a private body, 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 the public interest.

Requests in terms of the PAIA Act shall be made in accordance with the prescribed procedures and at the rates provided. The request forms and applicable tariffs are dealt with in paragraphs 8 and 9 below.

Requesters are referred to the Guide in terms of Section 10 of the PAIA Act, which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC and at <https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>

The Contact details of the SAHRC are:

Postal Address: Private Bag 2700





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Houghton

2041

Telephone Number: +27 11 877 3600

Fax Number: +27 11 403 0625

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

## 5. LEGISLATION APPLICABLE TO RACHELLE STRYDOM ATTORNEYS

NO	REFERENCE	ACT
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 58 of 1962	Income Tax Act
4	No 55 of 1998	Employment Equity Act
5	No 28 of 2014	Legal Practice Act
6	No 66 of 1995	Labour Relations Act
7	No 75 of 1997	Basic Conditions of Employment Act
8	No 53 of 2003	Broad-based Black Economic Empowerment Act
19	No 25 of 2002	Electronic Communications and Transactions Act





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10	No 2 of 2000	Promotion of Access of Information Act
11	No 4 of 2013	Protection of Personal Information Act
12	No 68 of 2008	Consumer Protection Act
13	No 38 of 2001	Financial Intelligence Centre Act

## 6. PURPOSE OF DATA PROCESSING

Rachelle Strydom Attorneys collects personal information for the following reasons:

- To administer our legal services;
- To ensure FICA requirements;
- To respond to customer requests;
- For quotes and invoices;
- To communicate with you regarding the service you require from us, for example, updates on matters;
- For any legal purpose;
- For business purposes, such as internal auditing;
- To send you solicitations, product announcements, sales and the like, if we feel it may be of interest to you (please note that you may opt-out of these marketing materials at any time); and
- Management of employees and clients in general.





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Rachelle Strydom Attorneys will not process your information for any other reason than mentioned above. Should it be required to process your personal information for any other reason, we will have to obtain your consent.

## **7. SCHEDULE OF RECORDS**

### **7.1. Section 52(2) notice of voluntary disclosure:**

No notice has been submitted to the Minister of Justice and Constitution Development regarding the categories of records which are available without a person having to request access in terms of s52(2) of PAIA. The information on the website of the business is automatically available without having to request access in terms of PAIA.

General information about Rachelle Strydom Attorneys can be accessed via the internet on <http://www.rstrydomattorneys.co.za/>, which is available to all persons with access to the internet.

### **7.2. Section 51(1)(d) schedule of Records in accordance with any legislation:**

Rachelle Strydom Attorneys keeps record of any information to the extent that is required in terms of the following legislation:

- Basic Conditions of Employment Act 75 of 1997;
- Broad-based Black Economic Empowerment Act 53 of 2003;
- Companies Act 71 of 2008;
- Consumer Protection Act 68 of 2008;
- Copyright Act 98 of 1978;
- Income Tax Act 58 of 1962;







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- Value Added Tax Act 89 of 1991;
  - Unemployment Insurance Act 63 of 2001;
  - Employment Equity Act 55 of 1998;
  - Labour Relations Act 66 of 1995;
  - Legal Practice Act 28 of 2014;
  - Electronic Communications and transactions Act 25 of 2002;
  - Financial Intelligence Centre Act 38 of 2001
  - Promotion of Access of Information Act 2 of 2000; and
  - Protection of Personal Information Act 4 of 2013.

These records can be inspected at the physical address of Rachelle Strydom Attorneys during business hours, or an informal request can be sent to [rachelles@rstrydomattorneys.co.za](mailto:rachelles@rstrydomattorneys.co.za)

For any informal request to the records mentioned above, the requester should allow us 24 hours to provide the requester with the requested documents.

### **7.3. Records available without formal request:**

- Promotion of Access to Information Manual;
- Marketing material;
- Mandate and Fee Agreement;
- Firm Contact Details;
- Annual reports;
- Statutory Records; and





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- Public Corporate Records

#### 7.4. Records that should be formally requested:

The following information should be formally requested by using the procedure set out in paragraph 8 below:

- Personnel Records;
- Client Related records; and
- Records related to Rachelle Strydom Attorneys

Firm Records Classification Key:

Classification Number	Access	Classification
1	May be disclosed	Publicly accessible
2	May not be disclose	Request for, or 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 disclose	Unreasonable disclosure of personal information of natural person [s63(1)]





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6	May not be disclose	Likely to harm the commercial or financial interests of third party [s64(a)(b)]
7	May not be disclose	Likely to harm a third party in contract or other negotiations [s64(c)]
8	May not be disclose	Would breach a duty of confidence owed to a third party in terms of an agreement [s65]
9	May not be disclose	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be disclose	Legally privileged document [s67]
11	May not be refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(3)]
12	May not be disclose	Commercial information of private body [s68]
13	May not be disclose	Likely to prejudice research and development information of Rachelle Strydom Attorneys or a third party [s69]
14	May not be refused	Disclosure in public interest [s70]





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Record Availability:

Department of Records	Subject	Classification Key
Corporate Affairs	Product Information	3
	Public Corporate Records	1
	Statutory records not available at CIPC	12
	Minutes and related meeting information	12
	Records of executive, board and shareholder decisions taken and related information	1,12
	Trademark information	1
	General contract documentation	6,12
	Working papers	10,12,13
	Firm guidelines, policies and procedures	10,13
	Employee records	4,5,8,9





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Human Resources	Employment Contracts	4,5,8
	Personnel Guidelines, Policies and Procedures	13
	Employee Medical records	4,5,8,9
	Licensing and Procurement	12
	IT governance records	12
Financing	Financial statements	1,12
	Financial and Tax records	1,8,12
	Asset register	1,12
	Accounting and banking records	12
	Invoices	4,12
Marketing	Market Information	12,13
	Product Brochure	1
	Marketing strategies	12,13
	Product sales records	12,13





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	Customer information and customer Database	4,5,6,9,12
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## 8. REQUEST ACCESS TO INFORMATION-PROCEDURE

Should you wish to request information from Rachelle Strydom Attorneys, which requires formal requests, the request must be made in the prescribed form, must be addressed to the Information Officer and must be submitted with the prescribed fee.

To facilitate the processing of your formal request, kindly:

- 8.1. Complete the prescribed Form C, attached hereto as Annexure A;
- 8.2. Provide sufficient details to enable us to identify:
  - The record requested;
  - The requester;
  - The form of access required;
  - Postal address of the requester;
  - If the requester wishes to be informed of the decision in any manner;
  - The right the requester has to request the information.
- 8.3. Email the completed Form C to the Information Officer or hand-deliver the completed form at our offices.





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## 9. APPLICABLE FEES

- 9.1. A requester who seeks access to a record containing personal information about that requester, is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the request fee of R50.00;
- 9.2. The Information Officer must by notice, require the requester to pay the prescribed fee, if any, set out in the notice, before further processing the request;
- 9.3. The requester may lodge an application with a court against the payment of the prescribed request fee;
- 9.4. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure;
- 9.5. Records may be withheld until the fees have been paid.

Applicable fees for reproduction:

- |  |        |
|--|--------|
| - For every photocopy of an A4-sized page or part thereof  | R1.10  |
| - For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R0.75  |
| - For a copy in a computer-readable form on memory stick   | R7.50  |
| - For a copy in a computer-readable form on compact disc   | R70.00 |
| - For a transcription of visual images for an A4-size page or part   |        |





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thereof	R40.00
- For a copy of visual images	R60.00
- For a transcription of an audio record for an A4-size page or part thereof	R20.00
- For a copy of an audio record	R30.00

Applicable fees for time spent

- The time reasonably required to search for the record for disclosure and preparation (per hour or any part thereof) R30.00
- For the purposes of Section 54(2) of the PAIA Act, a deposit becomes payable if the time spent exceeds six hours for preparation and disclosure of the record
- The deposit payable is equal to one third of the access fee
- If the requester paid a deposit and the access to the records are refused, the Information officer must repay the deposit to the requester

The actual postage is payable when a copy of the record must be posted to the requester

All fees are subject to change as allowed for in the Act.

## 10. DECISION-MAKING PROCESS

All requests that comply with the above requirements will be processed and considered expeditiously. Rachelle Strydom Attorneys will give the requester written notice of the







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decision, within 30 days of the request being made. Rachelle Strydom Attorneys may extend the initial 30 days with a further 30 days due to the nature of the request and the amount of time required to gather the requested information. Should the 30-day period be extended, the Information Officer will notify the requester of the extension as well as provide the requester with the reasons for the extension.

#### **10.1. Granting of request:**

- If the request is granted, Rachelle Strydom Attorneys will inform the requester by prescribed notice, which will contain the following information:
  - o That the request has been granted;
  - o The prescribed fee for accessing the information;
  - o The deposit payable, if any, and the outstanding amount;
  - o The form in which access will be given; and
  - o The requester's right to lodge an appeal against the access fee or the form of access to be granted

#### **10.2. Refusal of request:**

- Access to requested records may be refused in the following circumstances:
  - o Mandatory protection of privacy of a third party who is a natural person;
  - o Mandatory protection of certain records of FIC;
  - o Mandatory protection of commercial information of a third party;





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- Mandatory protection of certain confidential information and protection of certain other confidential information of a third party;
  - Mandatory protection of safety of individuals and protection of property;
  - Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
  - Mandatory protection of records privileged from production in legal proceedings;
  - Defence, security and international relations of the Republic;
  - Economic interests and financial welfare of the Republic and commercial activities of public bodies;
  - Mandatory protection of research information of a third party and protection of research information of a public body;
  - Operations of public bodies; and
  - Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.
- If the request is refused, Rachelle Strydom Attorneys will inform the requester of the refusal as well as the reasons for the refusal. Rachelle Strydom Attorneys will also inform the requester of all the remedies they have against Rachelle Strydom Attorneys for the refusal of access.

### **10.3. Appeal procedure/lodgement of complaint**





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Should the requester not be satisfied with the decision of the Information Officer, the requester may apply to Court for relief. The said application must be made within 180 days after the decision has been made by the Information Officer.

On hearing such an application, the Court may grant a just and equitable order including:

- Confirming, amending or setting aside the decision that is the subject of the application;
- Requiring the Information Officer to take some action or to refrain from taking such action as the Court considers necessary within the period mentioned in the order;
- Granting an interdict, interim or specific relief, a declaratory order or compensation;  
or
- Costs.

Such an application may be made at the Magistrates Court

Rachelle Strydom Attorneys does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise the above mentioned right if they are not satisfied with the decision of the Information officer.

#### **10.4. Records not found**

- If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.





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- The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Information Officer with every person who conducted the search.
  - The notice shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
  - If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the Firm or the request liaison officer.
  - The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of the Act in terms of which the Firm may refuse, on certain specified grounds, to provide information to a requester.

## **11. DATA SUBJECTS AND DATA CATEGORIES**

Rachelle Strydom Attorneys process personal information solely obtained from the data subject with consent. We do not obtain personal information from third parties, nor do we sell personal information to third parties. We obtain personal information for the purposes mentioned above. Our categories of data subjects are as follows:

- Client and potential clients;
- Employees; and
- Job applications.





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Rachelle Strydom Attorneys process various different categories of personal information:

- Contact Information: cell phone numbers, postal and physical addresses, email addresses;
- Personal Information: name of individual and/or company, age, Identity Number and registration number;
- Commercial Information: account numbers and bank details; and
- Employment Information: previous employment, background check.

## **12. THIRD PARTY RECIPIENTS**

Rachelle Strydom Attorneys will not provide our clients' personal information to any third party, unless it is to fulfil our obligation towards our customers or we are obligated by law to do so. Further, we will share personal information if:

- we are required to do so for purposes of existing or future legal proceedings;
- we are selling one or more of our businesses to someone to whom we may transfer our rights under any customer agreement we have with you;
- we are involved in the prevention of fraud, loss, bribery or corruption;
- they perform services and process personal information on our behalf;
- this is required to provide or manage any information, products and/or services to data subjects; or





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- needed to help us improve the quality of our products and services.

We will only disclose personal information to government authorities if we are required to do so by law.

Rachelle Strydom Attorneys provides personal information to our accountants, for monthly bookkeeping. We further provide personal information to the Unemployment Insurance Fund for processing of monthly UIF contributions and TAX authorities.

Our employees and our agencies are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

### **13. PLANNED TRANSBORDER FLOWS**

We may send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's or recipients who can guarantee the protection of personal information to the same standard we must protect it.

For more information on this, please see our Privacy Policy.

### **14. SECURITY MEASURES**

We secure our data by maintaining reasonable measures to protect personal information from loss, misuse and unauthorised access, disclosure, alteration and destruction.

We also take reasonable steps to keep personal information accurate, current, complete and reliable for its intended use.

### **15. INFORMATION OFFICER DETAILS**





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The Information officer of Rachelle Strydom Attorneys is the Head of the Private Body, Rachelle Strydom. Her contact details are as follows:

Telephone: 076 479 2068

Email: [rachelles@rstrydomattorneys.co.za](mailto:rachelles@rstrydomattorneys.co.za)

Physical address: 65 6th Avenue  
Fontainebleau  
Randburg  
2133

## **16. OTHER INFORMATION AS MAY BE PRESCRIBED**

Section 51(1)(f) of the Act grants the Minister powers to publish a notice prescribing any other information that companies will have to disclose.

### 16.1. General:

This manual will be updated, if necessary, on an annual basis and will be available in English. This manual will be placed on Rachelle Strydom Attorneys website at <http://www.rstrydomattorneys.co.za/>

A copy will also be lodged with the Information regulator upon their request.





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## ANNEXURE 1

### FORM C

#### REQUEST FOR ACCESS TO RECORD HELD BY RACHELLE STRYDOM ATTORNEYS

SECTION 53(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000

#### REGULATION 10

##### A. PARTICULARS OF RACHELLE STRYDOM ATTORNEYS

Information Officer: Rachelle Strydom

Physical Address: 65 6<sup>th</sup> Avenue  
Fontainebleau  
Randburg  
2133

Postal Address: P.O Box 122  
Northriding  
2021

Telephone Number: 076 479 2068

Email Address: [rachelles@rstrydomattorneys.co.za](mailto:rachelles@rstrydomattorneys.co.za)

##### B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- The particulars of the person who requests access to the record must be given below;
- The address and /or fax number in the Republic to which the information is to be sent must be given;







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- 
- 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:

\_\_\_\_\_

**c. CAPACITY IN WHICH REQUEST IS MADE, WHEN MADE ON BEHALF OF ANOTHER PERSON**

- This section must be completed ONLY if a request for information is made on behalf of another person

Full names and Surname / Firm:

\_\_\_\_\_





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Identity                  Number                  /                  Firm                  Registration                  Number:

\_\_\_\_\_

**D. PARTICULARS OF RECORD**

- 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;
- If the provided space is inadequate, please continue on a separate page and attach it to this form. The Requester must sign all the additional pages

Description of record or relevant part of the record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reference number, if available:

\_\_\_\_\_

Any further particulars of record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. FEES**

- 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.





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- 
- You will be notified of the amount required to be paid as the request fee.
  - 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 such record.
  - If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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

Disability:

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Form in which record is required:

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Mark the appropriate box with an X.

NOTES:

- a) Compliance with your request 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			
<input type="checkbox"/>	Copy of the record*	<input type="checkbox"/>	Inspection of the record
2. If the record consists of visual images (this include 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"/>		<input type="checkbox"/>	Transcription of the images*
3. If the record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)
4. If the record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	Printed copy of the record*	<input type="checkbox"/>	Printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer readable form* (memory stick or compact disc)
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable</b>		<input type="checkbox"/>	yes
		<input type="checkbox"/>	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 page and attach it to this form. The Requester must sign all the additional pages

Indicate which right is to be exercised or protected:

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Explain why the record requested is required for the exercise or protection of the aforementioned right:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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\_\_\_\_

\_\_\_\_\_

Signature of requester or person  
on whose behalf the request  
is made

