

IN THE MAGISTRATES COURT FOR THE DISTRICT OF  
ESHOWE HELD AT ESHOWE

**E**

CASE NO: 257/14

258/14

259/14

1005/15

1432/15

In the matter between:

**ANTHONY ROBIN BRINK**

**Applicant**

And

**HOPE BAMBISO NO. AND 3 OTHERS**

**Respondents**

---

**AFFIDAVIT IN TERMS OF SECTION 23 OF PAIA**

---

I, the undersigned

**THEMBILE VUYO MTATI**

do hereby make oath and states as follows:-

1.

- 1.1 I am adult male admitted attorney employed as a Corporate Service Executive by Legal Aid SA at its offices situated at 29 De Beer Street, Legal Aid House, Braamfontein, Johannesburg, 2017.
- 1.2 I confirm that I am the designated Deputy Information Officer of Legal Aid SA and I am duly authorised to depose to this affidavit.



KID

1.3 The facts contained are within my personal knowledge and are both true and correct.

2.

2.1. I confirm that I have taken all reasonable steps to locate all of the records requested by the Applicant and/or to determine if such records do exist or not.

2.2. I confirm further that Legal Aid SA do not have some of the records requested by the Applicant, as specified on the table below, and as such, it is therefore not possible to make available to the Applicant access to the requested records.


2.3 I confirm further that I did enquire telephonically and held meetings with some official employed by Legal Aid SA, who would ordinarily be expected to bear knowledge of the requested records or other related records, but has established that the records do not exist.

2.4 The below indicates the records which cannot be provided, i.e:

No.	Record requested	Steps taken to locate the document or to determine whether the record exists or not
1.	A3	No such record exists. The record requested was checked with the specified offices which confirmed that there were no regret letters sent.
2.	A4	No such record exists. The record was requested from the Eastern Cape Regional Office and the National Office but same cannot be located. The IT department was also not able to retrieve the record.
3.	A5	No such record exists. The record was requested from the Eastern Cape Regional Office and the National Office but same cannot be located. The IT department was also not able to retrieve the record.



4.	A7	No such record exists. The record was requested from the specified offices but same cannot be located.
5.	B1	No such record exists. The official specified was consulted and he has no recollection of the existence of such record.
6.	B2	No such record exists. The official specified was consulted and he has no recollection of the existence of such record.
7.	B3	No such record exists. The official specified was consulted and he has no recollection of the existence of such record.
8.	B4	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
9.	B5	No such record exists. The officials specified was consulted and he has no recollection of the existence of such record.
11.	B6	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
12.	B9	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
13.	B19	No such record exists. No committee had a discussion on this issue.
14.	B20	No such record exists. The officials specified were consulted and they have no recollection of the existence of such record.
15.	B28	No such record exists. The requested records were checked with the Human Resource department but cannot be located.
16.	B29	No such record exists. The requested records were checked with the Human Resource department but cannot be located.
17.	B30	No such record exists. The requested records were checked with the Human Resource department but cannot be located.
18.	B33	This record cannot be granted as it is privileged and protected in terms of common law as well as section 40 of the Act. Accordingly is refused.
19.	B34	No such record exists. The existence of the requested record was

  
 KD

		checked with the official who would be ordinarily expected to know of its existence but same could not be located.
20.	B35	No such record exists. The existence of the requested record was checked with the official who would be ordinarily expected to know of its existence but same could not be located.
21.	B38	No such record exists. The requested records were checked with the relevant department where it could have been directed to but it cannot be located.
22.	B39	No such record exists. The officials specified were consulted and they have no recollection of the existence of such record.
23.	B40	No such record exists. The officials specified were consulted and they have no recollection of the existence of such record.
24.	B41	No such record exists. The officials specified were consulted and they have no recollection of the existence of such record.
25.	C	No such record can be found. The record requested was checked with the relevant officials but same could not be located.
26.	E1	No such record exists. The record requested was checked with the Kwazulu Natal Regional Office and the National Office but same cannot be located.
27.	E2	No such record exists. The record requested was checked with the specified official but same could not be located.
28.	E3	No such record exists. The record requested was checked with the specified official but same could not be located.
29.	E4	No such record exists. The record requested was checked with the specified LSTC but same could not be located.
30.	E5	No such record exists. The record requested was checked with the specified officials but same could not be located.
31.	E6	No such record exists. The record requested was checked with the specified official but same could not be located.
32.	E7	No such record exists. The record requested was checked with the Human Resource department who would have knowledge thereof but same could not be located.
33.	E8	No such record exists. The record requested was checked with the Human Resource department who would have knowledge thereof but same could not be located.



34.	E9	No such record exists. The record requested was checked with the Human Resource department who would have knowledge thereof but same could not be located.
35.	E10	No such record exists. The record requested was checked with the Human Resource department who would have knowledge thereof but same could not be located.
36.	E11	No such record exists. The record requested was checked with the Kwazulu Natal Regional Office and the National Office but same cannot be located.
37.	E12	No such record exists. The record requested was checked with the Human Resource department who would have knowledge thereof but same could not be located.
38.	E13	No such record exists. The record requested was checked with the Human Resource department and the NOE who would have knowledge thereof but same could not be located.
39.	E14	No such record exists. The record requested was checked with the official specified but same could not be located.
40.	E15	No such record can be found. The record requested was checked with the Human Resource department but same could not be located.
41.	E16	No such record can be found. The record requested was checked with the Human Resource department but same could not be located.
42.	E17	No such record can be found. The record requested was checked with the Human Resource department but same could not be located.
43.	E18	This record is refused in terms of section 63(1). The third party has refused to grant consent to provide such personal information.
44.	E19	No such record can be located. The requested records were checked with the relevant department which could have been sent the communication but same cannot be located.
45.	E21	No such record can be found. The record requested was checked with the Human Resource department but same could not be located.
46.	E22	No such record can be found. The record requested was checked with the Human Resource department but same could not be located.
47.	F1	No such record can be found. The record requested was checked with the specified official but same could not be located.



48.	F2	No such record can be found. The record requested was checked with the specified officials but same could not be located.
49.	F3	No such record can be found. The record requested was checked with the specified officials but same could not be located.
50.	F4	No such record can be found. The record requested was checked with the specified official but same could not be located.
51.	G6	No such record can be found. The record requested was checked with the specified official but same could not be located.
52.	G7	No such record can be found. The record requested was checked with the specified official but same could not be located.
53.	G8	No such record can be found. The record requested was checked with the specified official but same could not be located.
54.	H4	No such record can be found. The record requested was checked with the official who would ordinarily be expected to have knowledge of same but it could not be located.
55.	H6	No such record exists. This request has already been replied to in paragraph 183.2 and confirmed by Ms. Magazi with annexure HB7 to the answering affidavit deposited by Hope Bambiso under case 257/14 in Eshowe Court.
56.	H8	No such record can be found. The record requested was checked with the specified official but same could not be located.
57.	H9	No such record can be found. The record requested was checked with the specified offices but same could not be located.
58.	H11	No such record can be found. The record requested was checked with the official who it would be expected to have knowledge of the record but same could not be located.
59.	H13	No such record can be found. The record requested was checked with the official who it would be expected to have knowledge of the record but same could not be located.
60.	H17	No such record can be found. The record requested was checked with the Human Resource department but same could not be located.
61.	H32	The records requested belongs to a third party in terms of section 34 and the third party has not granted consent to furnish such record.



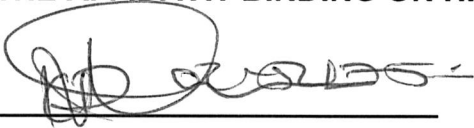
62.	H35	The employee referred to on the request is deceased. The requested record is refused in terms of section 34(1).
63.	H44	No such record exist. The requested records were checked with the specified Regional Office which confirmed its non-existence.
64.	H45	No such record can be found. The record requested was checked with the specified officials but same could not be located.
65.	H46	No such record exist. The requested records were checked with the specified Kwazulu Natal Regional Office which confirmed that it is not aware of any such record.
66.	H50	No such record can be found. The record requested was checked with the specified officials but same could not be located.
67.	H51	No such record can be found. The record requested was checked with the specified officials but same could not be located.
68.	H52	No such record can be found. The record requested was checked with the specified officials but same could not be located.
69.	H54	No such record can be found. The record requested was checked with the Human Resource department but same could not be located.
70.	H56	No such record can be found. The record requested was checked with the Human Resource department but same could not be located.
71.	K1	The records requested belongs to a third party. The third party has not granted consent to the granting of such record.
72.	K2	The records requested belongs to a third party. The third party has not granted consent to the granting of such record.
73.	K3	The records requested belongs to a third party. The third party has not granted consent to the granting of such record.
74.	K4	The records requested belongs to a third party. The third party has not granted consent to the granting of such record.



  
DEPONENT

E

THUS SWORN AND SIGNED BEFORE ME AT JOHANNESBURG ON THIS THE 15.  
DAY OF APRIL 2016. THE DEPONENT HAVING ACKNOWLEDGED TO ME THAT HE  
KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HE HAS NO  
OBJECTION TO THE TAKING OF THE PRESCRIBED OATH AND HE CONSIDERS  
THE AFFIDAVIT BINDING ON HIS CONSCIENCE.

  
\_\_\_\_\_

COMMISSIONER OF OATHS

FULL NAMES:

DESIGNATION:

ADDRESS:

