

ACCESS TO INFORMATION MANUAL (PAIA)

Date of Compilation: 15/12/2015

Date last revised/updated: N/A

As required by Section 51 of **The Promotion of Access to Information Act No 2 of 2000**
("PAIA")

ROCK ARCH PROPERTIES (PTY) LTD

("the private body")

Registration No: 2015 / 052459 / 07

T/A RAWSON PROPERTIES EAST LONDON

A handwritten signature in black ink, appearing to be 'R.A.', written over a horizontal line.

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1. Introduction to your company and the type of business:

ABC (PTY) LTD trading as RAWSON PROPERTIES XYZ

2. Contact Details (Section 51 (1) (a))

3. The ACT and Section 10 Guide (Section 51(1) (b)) please note that this clause is mandatory to be included in all S 51 manuals 'as is'.

4. Applicable Legislation (Section 51 (1) (c))

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1. **Introduction to your company and the type of business:**

2. Rock Arch Properties conducts business as an Estate Agency. It is in the process of being registered with the Estate Agency Affairs Board and is registered with the Financial Intelligence Centre as an Accountable Institution (AI/150721/00009)

3. **Company Contact Details (Section 51 (1) (a))**

Names of persons designated/duly authorised e.g. Directors

Directors' names: _Michael Benjamin Goosen_____ (Managing)

_Jaqueline Gray Browne_____

Office Manager / Managing Director / CEO: _Michael Benjamin Goosen_____ (the MD / CEO is the Head of a private body and thus its PAIA is the Information Officer)

Postal Address: PO Box 19813 Tecoma 52147

Street Address: Berea Mall, 1 Chamberlain Road, Berea, East London

Telephone no: 043 721 3507

Fax no: 043 721 1516

Email address: eastlondon@rawsonproperties.com

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4. The ACT and Section 10 Guide (Section 51(1) (b)) this clause must be inserted in every S51 manual 'as is' in this generic template)

3.1 The 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.

3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

3.3 Requesters are referred to the Guide in terms of Section 10 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. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za

4. APPLICABLE LEGISLATION (Section 51 (1) (c)). Please note that each entity needs to assess which legislation is applicable to it and thereafter list such legislation, below is just an example for ease of reference.

| <u>No</u> | <u>Ref</u> | <u>Act</u> |
|-----------|----------------|--|
| 1 | No 61 of 1973 | Companies Act |
| 2 | No 55 of 1998 | Employment Equity Act |
| 3 | No 95 of 1967 | Income Tax Act |
| 4 | No 66 of 1995 | Labour Relations Act |
| 5 | No 89 of 1991 | Value Added Tax Act |
| 6 | No 75 of 1997 | Basic Conditions of Employment Act |
| 7 | No 69 of 1984 | Close Corporations Act |
| 8 | No 25 of 2002 | Electronic Communications and Transactions Act |
| 9 | No 2 of 2000 | Promotion of Access of Information Act |
| 10 | No 30 of 1996 | Unemployment Insurance Act |
| 11 | No 130 of 1993 | Compensation for Occupational Injuries and Disease |
| 12 | No 68 of 2008 | Consumer Protection Act |
| 13 | No 85 of 1993 | Occupational Health & Safety Act |

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5. Schedule of Records (Section 51 (1) (d)) Please note that this is an example of a schedule of records and is not an exhaustive list and each company needs to assess their own records and list accordingly based on which are automatically available and which records would need to be requested in terms of PAIA.

THE LISTING OF SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE PRIVATE BODY: SECTION 51(1)(d)

The private body maintains records on the following categories and subject matters. Please note that recording a category or subject matter in this manual does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA. In particular there may be applicable grounds for refusal of such request, as set out in PAIA.

Many of the records held by the private body are confidential and others are the property of third parties, such as clients and employees. The private body takes the protection of third party confidential information very seriously and any requests for access to these records will be considered very carefully.

Please ensure that requests for such records are carefully motivated.

1. COMPANY SECRETARIAL RECORDS

Freely available on website
www.cipc.co.za/

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

2. FINANCIAL RECORDS

Request in terms of PAIA

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
 - Bank Statements
 - Paid Cheques
 - Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

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3. INCOME TAX RECORDS

Request in terms of PAIA

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

Request in terms of PAIA

- Employment contracts
- Employment Equity Plan
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training manuals

6. FORM OF REQUEST (Section 51 (1) (e))

To facilitate the processing of your request, kindly:

6.1 Use the prescribed form (FORM C), available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za .

6.2 Address your request to the Head of the Company (CEO) **submitting this form together with the prescribed request fee.**

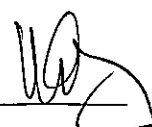
6.3 Provide sufficient details to enable the COMPANY to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity to the reasonable satisfaction of the Head of the Company (CEO));
- (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;
- (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.

Please note that all requests to the private body will be evaluated and considered in accordance with PAIA. Publication of this manual and describing the categories and subject matter of the records held by the private body does not give rise to any rights to access of such information or records, except in terms of PAIA.

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7. ANY OTHER INFORMATION (Section 51 (1) (f)) Please attach the Fee schedule to the manual downloadable from the SAHRC website and the prescribed form C which is also available from the SAHRC website.

7.1 PRESCRIBED FEES:-

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

- 7.1.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 7.1.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 7.1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.1.4 Records may be withheld until the fees have been paid.
- 7.1.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

7.2 Attached is the Fee Schedule as downloaded from the SAHRC website

7.3 Attached is Prescribed Form C as downloaded from the SAHRC website

7.4 DECISION REGARDING REQUEST

PAIA provides numerous grounds upon which the private body may refuse to grant access to a record of the body.

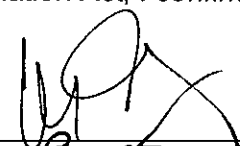
These grounds for refusal are to protect:-

- the privacy of another person;
- commercial information of third parties or of the private body;
- confidential information of third parties;
- the safety of individuals and protection of property;
- records privileged from production in legal proceedings;
- research information

A requester will be notified in writing whether the request has been approved or denied within 30 calendar days after receipt by the private body of the completed Form C. Should any record of the private body requested not exist or not be found, the private body will, by way of affidavit notify the requester that it is not possible to give access to that particular record.

APPROVAL

As Head of the private body, responsible for the processing of requests in terms of the Promotion of Access to Information Act, I confirm the adoption of this manual.

(Signature) 
Signed by: M.B. Goober (CEO)
Date: 28/12/2015

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