

TPF REALTY PTY LTD

Registration number 2021/337083/07

PAIA MANUAL

This Manual is prepared in accordance with Section 51 of the Promotion of Access to Information Act, Act No 2 of 2002 and the Protection of Personal Information Act, Act 4 of 2013

VERSION CONTROL

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Index

	Heading	Page
	Definitions	2
1	Who we are	4
2	Our contact details	4
3	PAIA	4
4	Legislation that apply to the business	5
5	Schedule of records	5
6	Procedure to request access to records in terms of PAIA	6
7	Fees payable	6
8	Grounds for refusal of access to records in terms of PAIA	7
9	Decision to grant access to records	7
10	Remedies available to requestor if request is refused	8
11	POPIA and access to own personal information	8
ANNEXURE 1	Form C: Request For Access To Record Of Private Body	9
ANNEXURE 2	Appendix 3: Applicable fees for Private Bodies	12
ANNEXURE 3	List of private information collected and purpose thereof	13

DEFINITIONS

- “Data” includes both personal information and other information.
- “Data Subject” means the person to whom Personal Information relates
- “Information Officer” means the head of a private body as contemplated in section 1, PAIA
- “Minister” means the Cabinet member responsible for the administration of justice
- “PAIA” means Promotion of Access to Information Act 2 of 2000
- “Personal Information” or “PI” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including :
 - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - information relating to the education or the medical, financial, criminal or employment history of the person;
 - any identifying number, symbol, e-mail address, physical address, telephone number or other particular assignment to the person; § the blood type or any other biometric o information of the person;
 - the personal opinions, views or preferences of the person; § correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - the views or opinions of another individual about the person; and
 - the name of the person if it appears with other o Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person.

Personal Information *excludes* information of about an individual who has been dead for more than 20 years (PAIA), and excludes information about a person who is dead (POPIA).

- “POPIA” means the Protection of Personal Information Act no. 4 of 2013
- “Private body” means:
 - a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
 - a partnership which carries or has carried on any trade, business or profession; or
 - any former or existing juristic person, but excludes a public body
- “Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
 - the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - dissemination by means of transmission, distribution or making available in any other form; or
 - merging, linking, as well as blocking, degradation, erasure or destruction of information;

- “Public Body” Means:
- any department or state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- Any other functionary or institution when-
 - exercising a power of performing a duty in terms of the Constitution or a provincial constitution; or
 - exercising a public power or performing a public function on terms of any legislation;
- “Record” in relation to a private body means any recorded information regardless of form or medium in the possession or under the control of that public or private body, respectively and whether or not it was created by the public or private body respectively
- “Responsible Party” or a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information
- “Requester” means a person or legal persons seeking access to information
- “Third Parties” means any natural or juristic person other than the Requester or, such party acting on behalf of the Requester or us.

1. WHO WE ARE

TPF REALTY (PTY) LTD is a boutique estate agency that offers properties for sale or lease within the broader Cape Town city bowl. We are registered with the Property Practitioners Regulatory Authority and are a private body (a business that processes personal data or holds business records) for purposes of both the PAIA and POPIA.

2. OUR CONTACT DETAILS

Name of contact person	Johannes Lategan
Physical Address	4 West Quay Road V&A Marina Waterfront
Telephone number	083 748 5184
E-mail	ilhaam@tpfwaterfrontproperty.co.za

3. PAIA

- 3.1 PAIA grants a **requester** (a third party who seeks private, personal or confidential information held by a private body) the right to gain access to records of that private body where such record is required for the exercise or protection of any rights of the requester. If a public body lodges a request for access to records held by a private body for the exercise or protection of any rights, the public body must show, in addition, that it is acting in the public interest.
- 3.2 Requests in terms of PAIA shall be made in accordance with the procedures prescribed herein, and at the rates provided. These are attached hereto.
- 3.3 Requesters are further referred to the guideline issued by the Information Regulator on how to use the forms. The guideline is accessible at https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf in English and is also available in all the other languages spoken in South Africa on the Information Regulator's website.
- 3.4 The contact details of the Information Regulator are:

Physical address	Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191
Complaints email	PAIAComplaints@inforegulator.org.za
General enquiries	enquiries@inforegulator.org.za
Website	https://inforegulator.org.za/

4 LEGISLATION THAT APPLY TO THE BUSINESS

- 4.1 The list of legislation that affects our business operations include:

	Act reference	Act
1	71 of 2008	Companies Act
2	130 of 1993	Compensation for Occupational Injuries and Diseases Act
3	55 of 1998	Employment Equity Act
4	95 of 1967	Income Tax Act
5	66 of 1995	Labour Relations Act
6	89 of 1991	Value Added Tax Act
7	75 of 1997	Basic Conditions of Employment Act
8	25 of 2002	Electronic Communications and Transactions Act
9	2 of 2000	Promotion of Access to Information Act
10	63 of 2001	Unemployment Insurance Act
11	50 of 1999	Rental Housing Act
12	22 of 2019	Property Practitioners Act
13	4 of 2013	Protection of Personal Information Act
14	38 of 2001	Financial Intelligence Centre Act
15	85 of 1993	Occupational Health and Safety Act
16	98 of 1987	Copyright Act
17	9 of 1999	Skills Development Act
18	68 of 2008	Consumer Protection Act

4.2 Information and/or records that are freely available from us include:

- News and press releases.
- Advertising material.
- Public information relating to our services.

5 SCHEDULE OF RECORDS

5.1 Below we list documents and information that we hold by virtue of obligations imposed on us by the laws listed in clause 4.2 above. These records are not automatically accessible or available for inspection by third parties. If a requester requires access to any such records, the requester must follow the procedure set out in this manual.

5.2 The list includes:

- Company registration documentation;
- General correspondence;
- Mandates and client agreements;
- Customer and client database;
- Client service records;
- Marketing and communication records;
- Financial records, including tax records (business & employees), financial statements, asset register; management accounts and related information;
- Minutes of meetings;
- Legal records;
- Personnel files for past and/or current employees, and management; and
- Training material and manuals.

6 PROCEDURE TO REQUEST ACCESS TO RECORDS IN TERMS OF PAIA

- 6.1 A requester must comply with all the procedural requirements set out in section 53 of PAIA relating to a *Request for Access to a Record*.
- 6.2 These require that the requester must:
- complete the prescribed *Request for Access* form (attached as Annexure 1);
 - submit the completed *Request for Access* form;
 - make payment of a request fee (if applicable) and a deposit (if applicable) to the business' Information Officer at the postal- or physical address, or email address, recorded in clause 2 above.
- 6.3 The *Request for Access* form must be specific enough to enable the Information Officer to identify the following:
- 6.3.1 the record/s requested;
- 6.3.2 the identity of the requester;
- 6.3.3 the form of access that is required, if the request is granted;
- 6.3.4 the postal address or email address of the Requester; and
- 6.3.5 the right that the requester is seeking to protect and an explanation as to why the requested record is necessary to exercise or protect that right.
- 6.4 The business shall process the *Request for Access* within 30 days of receipt thereof, unless the *Request for Access* is of such a nature that an extension of the prescribed time limit is necessitated in accordance with section 57 of PAIA.
- 6.5 If, in addition to a written reply from the Information Officer, the requester wishes to be informed of the decision on the *Request for Access* in any other manner, the requester must state the manner and the particulars so required.
- 6.6 If a *Request for Access* is made on behalf of another person, the requester must submit proof of his/her/its capacity to act on behalf of another, to the reasonable satisfaction of the business' Information Officer.
- 6.7 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.8 TPF REALTY will voluntarily provide the requested records if it relates to personal information of the requester him/her/itself, as **data subject** (the person to whom the personal information relates, as defined in s 1, POPIA), subject to any reproduction costs as referred to in s 54(6), PAIA.

7 FEES PAYABLE

- 7.1 The Act provides for two types of fees (see Annexure 2 hereto), namely:
- 7.1.1 A request fee, payable by a requester (other than a request by the data subject) and
- 7.1.2 An access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postage costs.
- 7.2 When the *Request for Access* is received by the business' Information Officer, the Information Officer will require the requester (excluding a data subject) to pay the prescribed request fee (if any), before further processing of the *Request for Access*.
- 7.3 If the search for a record requires more than the prescribed hours for this purpose, the Information Officer shall notify the requester to pay as a deposit, the prescribed

portion of the access fee (but not exceeding one third thereof) which would be payable if the *Request for Access* is granted.

- 7.4 A requester whose *Request for Access* to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in a requested form provided for in section 29(2) (a) and (b)(i) and (ii) of PAIA.
- 7.5 The Information Officer shall withhold a record until the requester has paid the relevant fees.
- 7.6 If a deposit has been paid in respect of a *Request for Access* which is refused, the Information Officer must repay the deposit to the Requester.

8 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA

The following are the grounds on which TPF REALTY may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a *Request for Access*.

- 8.1 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of personal information would be unreasonable;
- 8.2 Mandatory protection of the commercial information of a third party, if the records contain:
 - 8.2.1 Trade secrets of that third party;
 - 8.2.2 Financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - 8.2.3 Information disclosed in confidence by a third party to the business, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.
 - 8.2.4 Computer programs which are owned by the business and which are protected by copyright and intellectual property laws;
- 8.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 8.4 Mandatory protection of the safety of individuals and the protection of property.
- 8.5 Mandatory protection of records that would be regarded as privileged in legal proceedings;
- 8.7 Research information of TPF REALTY or a third party, if such disclosure would place the research or the researcher at an unfair or unreasonable disadvantage; and
- 8.8 Requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

9 DECISION TO GRANT ACCESS TO RECORDS

- 9.1 TPF REALTY shall decide whether to grant or decline the *Request for Access* within 30 days of receipt of the *Request for Access* and must give notice to the requester with reasons (if required) to that effect.
- 9.2 The period referred to above may be extended for a further period of not more than 30 days if the *Request for Access* is for a large number of records or the *Request for*

Access requires a search for records held at another office of our firm, and the Records cannot reasonably be obtained within the original 30-day period. TPF REALTY shall notify the requester in writing should an extension of time as be required.

10 REMEDIES AVAILABLE TO REQUESTOR IF REQUEST IS REFUSED

- 10.1 Internal remedies: The business does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.
- 10.2 External remedies: In accordance with ss 56(3) (c) and 78 of PAIA, a requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

11 POPIA AND ACCESS TO OWN PERSONAL INFORMATION

- 11.1 The POPIA provides that data subjects have the right to know what personal information we have about them, what it is used for, recipients or categories of recipients, whether it is transferred overseas. These are set out in Annexure 3 hereto.
 - 11.2 TPF REALTY collects personal information for its legitimate business purposes only and has measures in place to ensure that the personal information is processed in terms of the processing conditions set out in POPIA. Details of the types of personal information collected, the use thereof and the purpose of the collection, are recorded in Annexure 3 hereto.
 - 11.3 If you are a data subject you have the right to access personal information, object to the use of your personal information and to request a deletion or correction of your records. You also have a right to know what security measures we have in place.
 - 11.4 For information on how to exercise these rights, contact our Information Officer at the numbers and/or email referred to in clause 2.
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FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- | | |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below. |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname: _____

Identity number: _____

Postal address: _____

Telephone number: _____

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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 <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| b. | You will be <i>notified of</i> the amount required to be paid as the request fee. |
| c. | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| d. | If you qualify for exemption <i>of</i> the payment <i>of</i> 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 hereunder, 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 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 for 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 of the images"		transcription of the images*
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		
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 disc)
'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 of20.....

Signature of requester / person on whose behalf the application is made

ANNEXURE 2

Appendix 3: Applicable fees for Private Bodies

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:

Item	Amount
(a) For every photocopy of an A4-size page or part thereof	R1,10
(b) 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
(c) For a copy in a computer-readable form on—	
i. stiffy disc	R7,50
ii. compact disc	R70,00
(d) For a transcription of visual images, for an A4size page or part thereof	R40,00
For a copy of visual images	R60,00
(e) For a transcription of an audio record, for an A4size page or part thereof	R20,00
For a copy of an audio record	R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

Item	Amount
(a) For every photocopy of an A4-size page or part thereof	R1,10
(b) 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
(c) For a copy in a computer-readable form on—	
stiffy disc	R7,50
compact disc	R70,00
(d) For a transcription of visual images, for an A4size page or part thereof	40,00
For a copy of visual images	R60,00
(e) For a transcription of an audio record, for an A4size page or part thereof	R20,00
For a copy of an audio record	R30,00

- (2) For purposes of section 54 (2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

Annexure 3

Categories of Data Subjects	Types of personal information collected	Special Personal Information	Purposes for processing personal information	Recipients or categories of recipients of personal information	Trans-border information flow
Natural Person Customers	Names; contact details; physical and postal addresses; date of birth; ID number; Passport number; Tax related information; nationality; gender; confidential correspondence	n/a	Concluding contracts, performing in terms of the contract, marketing to customers, debt recovery, compliance with legislation	Internal use for customer management Data management company	N/a
Juristic Person Customers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.	n/a	Concluding contracts, performing in terms of the contract, marketing to customers, debt recovery, compliance with legislation	Internal use for customer management Data management company	n/a
Employees	Gender; Marital Status; Age; Home Language, Education information; Ethnicity, Criminal Staff administration Internal use n/a Financial Information; Employment History; ID number; Physical and Postal address;	Behaviour; well-being.	Complying with tax laws and other legislation	Human resources specialist services (South Africa)	

	contact details; Opinions.				
Suppliers Natural person	Names; contact details; physical and postal addresses; date of birth; ID number; Passport number; Tax related information; nationality; gender; confidential correspondence	BBBEE status	Staff administration Procurement of goods	Internal use Compliance with laws	n/a
Suppliers Juristic persons	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners	BBBEE status	Staff administration Procurement of goods	Internal use Compliance with laws	n/a

