



Registration Number:

2010/118732/23

NAME OF COMPANY: KAPSTADT INTERNATIONAL PROPERTIES

MANUAL

in terms of

Section 51 of

The Promotion of Access to Information Act

2/2000

(the "ACT")

October 2015

A copy of this manual has been submitted to the South African Human Rights Commission. It is also available on our website.

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, ACT NO 2 OF 2000**

(“The Act”)

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MANUAL OF KAPSTADT INTERNATIONAL PROPERTIES

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000

(Private Body)

Last Updated : 6 November 2015

1. INTRODUCTION

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 (“the Act”) became operative, giving effect to the section 32(2) Constitutional right of access to information.

This document serves as the Kapstadt International Properties information manual and provides reference to the records held by Kapstadt International Properties and the process to request access to such records.

Those who seek a record of a private body must meet the following requirements before a private body may release records to them:

- *The record must be required for the exercise or protection of any of the individual’s legal rights;*
- *All the procedural requirements in requesting the information must be complied with;*
- *Access may be refused in terms of any grounds referred to in the Act.*

The manual may be amended from time to time and as soon as any amendments have been finalized the latest version of the manual will be made public.

Who may request access to information :

A person may request information in terms of the Act only if the information is required for the protection of a right. Therefore, the requestor has to provide the designated person with sufficient particulars to ensure that the designated person is able to access the right which the requestor is seeking to protect.

2. SCOPE OF THE MANUAL

This manual has been prepared to assist persons requesting information and provide procedures to be followed to gain access to information and documentation as provided for in the Act. Kapstadt International Properties carries on business of an Estate Agency.

3. AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection during office hours at the offices of Kapstadt International Properties as well as on request from the designated contact person referred to in this manual. This manual has been made available to the Human Rights Commission.

4. CONTACT DETAILS - SECTION 51(1)(a)

The responsibility for administration of/and compliance with the Act is that of the principal of Kapstadt International Properties. Requests pursuant to the provisions of the Act should be directed as follows:

Person designated/duly authorised person:

Company Registration No: 2010/118732/23

Principal/Owner: Mrs E.A. Kretschmer

Office Manager: Mrs Karin Losch

Postal Address: P.O. Box 2467, Cape Town, 8001

Street Address: 11a De Lorentz Street, Gardens, 8001

Telephone Number: 021 424 2211

Fax Number: 021 424 4414

Email: citybowl@kapstadtinternational.co.za

Website: www.kapstadtinternational.co.za

Office hours: Monday to Friday: 8:30 am – 5pm

5. GUIDE (HUMAN RIGHTS COMMISSION (“HRC”) GUIDE) FOR REQUESTERS ON HOW TO USE THE ACT IN TERMS OF SECTION 10 - SECTION 51(1)(b)

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, *inter alia*, as follows :

The South African Human Rights Commission :

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
PAIA@sahrc.org.za

6.RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION - SECTION 51(1)(d)

Records are held in accordance with the following legislation :

- Basic Conditions of Employment Act, No. 75 of 1997;
- Companies Act, No. 61 of 1973;
- Companies Act No. 71 of 2008 ;
- Close Corporations Act 69 of 1984
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Copyright Act, No. 98 of 1987;
- Electronic Communication and Transactions Act, No. 2 of 2000;
- Financial Intelligence Centre Act, No. 38 of 2001;
- Financial Advisory and Intermediary Services Act 37 of 2002
- Income Tax Act, No. 58 of 1962;
- Labour relations Act, No. 66 of 1995;
- Occupational Health and safety Act, No. 85 of 1993;
- Promotion of Access to Information Act, No. 2 of 2000;
- Skills Development Levy Act, No. 9 of 1999;
- Unemployment Insurance Act, No. 63 of 2001;
- Value-added Tax Act, No. 89 of 1991;
- Promotion of Access of Information Act 2 of 2000;
- Estate Agents Affairs Act 112 of 1976;
- Estate agents' Code of Conduct of 1993;
- Sectional Title Act 95 of 1986;
- Rental Housing Act 50 of 1999

7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC - SECTION 51(1)(c)

The Act provides for the automatic disclosure of certain records. Should records be automatically disclosed, you will not have to formally request these records in terms of the Act.

In terms of the Act, this automatic disclosure by private companies is voluntary. This means that a private company is not obliged to make such disclosure. If a private company chooses to make such voluntary disclosure, it may do so by giving notice thereof in terms of Section 52(2) of the Act.

8. CATEGORIES AND TYPES OF RECORDS AND INFORMATION HELD IN TERMS OF THE ACT - SECTION 51(1)(e)

- Employment Contracts : Availability to be determined upon receipt of request;
- Domain Name Registrations: Availability to be determined upon receipt of request;
- Trademark Registrations : Availability to be determined upon receipt of request;
- Trade Name Registrations : Availability to be determined upon receipt of request;
- Company Documentation : Availability to be determined upon receipt of request;
- Agreements With Suppliers : Availability to be determined upon receipt of request;
- Corporate Sales Agreements: Availability to be determined upon receipt of request;
- Corporate Rental Agreements: Availability to be determined upon receipt of request;
- Customer Agreements : Availability to be determined upon receipt of request;
- Data Bases Of Customers : Availability to be determined upon receipt of request;

- Client Services Records : Availability to be determined upon receipt of request;
- Corporate Governance : Availability to be determined upon receipt of request;
- Marketing & Communication : Availability to be determined upon receipt of request;
- Finance and Administration: Availability to be determined upon receipt of request.

9. ACCESS REQUEST PROCEDURE - SECTION 51(1)(e)

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

- The requester must use the prescribed form to make the request for access to a record. This must be made to the appointed designated person This request must be made to the address, fax number or electronic mail address of the body concerned.
- Request for access to records of private body – Form C has been appended to the manual.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- **The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.**
- **Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated.**
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated person of the private body.
- A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it is acting in the public interest.

10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for refusal of a request for information are :

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
 - Information disclosed in confidence by a third party to Kapstadt International Properties if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;

- The Commercial Activities of Kapstadt International Properties which may include:
 - Trade secrets of Kapstadt International Properties;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Kapstadt International Properties.

11. PRESCRIBED FEES - SECTION 51(1)(e)

- 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 required request fee.
- The appointed designated person of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is R50 exclusive of value added tax.
- The requester may lodge an application to the court against the tender or payment of the request fee.
- After the designated person of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- The prescribed fees relating to a request to access information are as per includes Section 54(7), Section 54(2) and Section 54(7) of Regulation 11(3).

RESERVATION OF RIGHTS

Nothing in this Manual is to be construed as a waiver of the right to the confidentiality of any document or any legal privilege or right of non-disclosure attaching to any document mentioned herein, whether in terms of any statute or under the common law. All rights in this regard are fully reserved.

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]

PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- | | |
|--|---------|
| (a) For every photocopy of an A4-size page or part thereof | R 1.25 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in a electronic or machine-readable form | R 0.85 |
| (c) For a copy in a computer-readable form on | |
| (i) stiffer disc | R 8.55 |
| (ii) compact disc | R 79.80 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | R 45.60 |
| (ii) For a copy of visual images | R 68.40 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R 22.80 |
| (ii) For a copy of an audio record | R 34.20 |
| (f) To search for and prepare the record for disclosure - R34,20 for each hour or part thereof reasonably required for such search and preparation | |

(Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]

PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- (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.

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]

PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

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

12. ADDITIONAL PRESCRIBED INFORMATION - SECTION 51(1)(f)

In terms of this Section, the Minister may publish a notice prescribing any other information that private bodies will have to disclose.

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: _____

Fax number: _____

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 for information 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

- | |
|--|
| <p>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.</p> <p>b. You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>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 to</i> search for and prepare a record.</p> <p>d. If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees: _____

F. Form of access to record

<p>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.</p>
--

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images this includes 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 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 record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
<p>'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.</p>			<p>YES NO</p>

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 REQUEST IS MADE**