

# **PAIA MANUAL**

For and in respect of the following companies:



**Huizemark Sandton (PTY) Ltd  
("Huizemark Sandton ")**

**Prepared in terms of section 51 of the Promotion of Access to  
Information Act 2 of 2000 (as amended)**

**("Manual")**

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## **1. INTRODUCTION**

This manual constitutes Huizemark' PAIA manual and replaces all previous manuals compiled and published prior hereto in respect of any Huizemark Entity. This Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 ("POPIA"), which gives effect to everyone's Constitutional right to privacy.

## **2. LIST OF ACRONYMS AND ABBREVIATIONS**

1.1	<b>“CEO”</b>	Chief Executive Officer
1.2	<b>“DIO”</b>	Deputy Information Officer;
1.3	<b>“IO“</b>	Information Officer;
1.4	<b>“Minister”</b>	Minister of Justice and Correctional Services;
1.5	<b>“PAIA”</b>	Promotion of Access to Information Act No. 2 of 2000( as Amended;
1.6	<b>“POPIA”</b>	Protection of Personal Information Act No.4 of 2013;
1.7	<b>“Regulator”</b>	Information Regulator; and
1.8	<b>“Republic”</b>	Republic of South Africa

## **3. PURPOSE OF PAIA MANUAL**

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;

- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

#### **4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF HUIZEMARK**

##### **4.1. Chief Information Officer**

Name: Bryan Josef Biehler  
Tel: 011 789 4448  
Email: sandton@huizemark.com

- 4.2. Deputy Information Officer *(NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA.*

Name: Tracy Cardoso  
Tel: 011 789 4448  
Email: tcardoso@huizemark.com

##### **3.3 Access to information general contacts**

Email: tcardoso@huizemark.com

##### **3.4 Head Office**

Physical Address: Block 2B Bryanston Gate, 170 Curzon Road, Bryanston, 2091  
Telephone: 011 789 4448  
Email: sandton@huizemark.com  
Website: www.huizemarksandton.com

#### **5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

- 5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 5.2. The Guide is available in each of the official languages and in braille.
- 5.3. The aforesaid Guide contains the description of-
  - 5.3.1. the objects of PAIA and POPIA;
  - 5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
    - 5.3.2.1. the Information Officer of every public body, and

- 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
- 5.3.3. the manner and form of a request for-
  - 5.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
  - 5.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - 5.3.6.1. an internal appeal;
  - 5.3.6.2. a complaint to the Regulator; and
  - 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

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<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

<sup>3</sup> Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

<sup>4</sup> Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

<sup>5</sup> Section 14(1) of PAIA- *The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.*

<sup>6</sup> Section 51(1) of PAIA- *The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.*

<sup>7</sup> Section 15(1) of PAIA- *The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access*

<sup>8</sup> Section 52(1) of PAIA- *The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access*

- 5.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
- 5.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.5. The Guide can also be obtained-
- 5.5.1. upon request to the Information Officer;
- 5.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
- 4.6.1. English and Afrikaans

## **6. CATEGORIES OF RECORDS OF HUIZEMARK WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

- Pricelists
- Marketing and Promotional Material
- Reports (Including newsletters and articles)
- Public listings (Details of Properties for sale and/or to let)
- Information on Property Developments
- Website [www.huizemarksandton.com](http://www.huizemarksandton.com) available to all with internet access.

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<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

**6. DESCRIPTION OF THE RECORDS OF HUIZEMARK WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

<b>Categories of Personal Information</b>
<ul style="list-style-type: none"><li>• contact details;</li><li>• company information;</li><li>• date of birth;</li><li>• education;</li><li>• electronic identification data:</li><li>• employment history; and</li><li>• financial information;</li><li>• gender;</li><li>• identity number and passport numbers;</li><li>• IP address;</li><li>• language;</li><li>• medical Information</li><li>• names;</li><li>• nationality;</li><li>• physical and postal addresses; and</li><li>• tax related information</li></ul>
<b>Applicable Legislation</b>
<ul style="list-style-type: none"><li>• Administration of Estates Act 66 of 1965</li><li>• Basic Conditions of Employment Act 75 of 1997</li><li>• Close Corporations Act 69 of 1984</li><li>• Companies Act 61 of 1973</li><li>• Compensation for Occupational Injuries and Health Diseases Act 130 of 1993</li><li>• Copyright Act No. 98 of 1987</li><li>• Electronic Communications and Transaction Act 25 of 2002</li><li>• Employment Equity Act 55 of 1998</li><li>• Estate Agency Affairs Act 112 of 1976</li><li>• Financial Advisory and Intermediary Services Act 37 of 2002</li><li>• Financial Intelligence Centre Act 38 Of 2001</li><li>• Income Tax Act 58 of 1962</li><li>• Insolvency Act No. 24 of 1936</li><li>• Labour Relations Act 66 of 1995</li></ul>

- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stamp Duties Act 77 of 1968
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991

**7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY HUIZEMARK**

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	- HR policies and procedures - Advertised posts - Employees records
Historic Sales/Rental Data	- Details of Properties and Ownership

**8. PROCESSING OF PERSONAL INFORMATION**

**8.1 Purpose of Processing Personal Information**

The purpose for information collected by Huizemark is ordinarily disclosed, explicitly or implicitly, at the time of collection. Please refer to the HUIZEMARK POPIA POLICY (available on request from the Information Officer)

The type of Personal Information collected will depend on the purpose for which it is collected. We only process personal information for that specific purpose.

**8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto**

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients, Service Providers and Employees	contact details; company information;

Categories of Data Subjects	Personal Information that may be processed
	date of birth; education; electronic identification data: employment history; and financial information; gender; identity number and passport numbers; IP address; language; medical Information names; nationality; physical and postal addresses; and tax related information

**8.3 The recipients or categories of recipients to whom the personal information may be supplied**

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

**8.4 Planned transborder flows of personal information**

Huizemark may need to transfer personal information to service providers in other countries and will fully comply with applicable data privacy and protection legislation of the applicable country. (Servers where Information is hosted either by Huizemark itself or other service providers may be located in other countries)

**8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

Huizemark will at all times ensure that security controls are implemented in order to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction of any personal information either in hard copy or electronic format. Please refer to the HUIZEMARK POPIA POLICY for more details. (Available from the Information Officer on request)

**9. AVAILABILITY OF THE MANUAL**

- 9.1 A copy of the Manual is available-
- 9.1.1 on [www.huizemark.com](http://www.huizemark.com), if any;
  - 9.1.2 head office of Huizemark Franchising Group (Pty) Ltd for public inspection during normal business hours;
  - 9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
  - 9.1.4 to the Information Regulator upon request.
- 9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

**10. UPDATING OF THE MANUAL**

The Information Officer of Huizemark Franchising will on a regular basis update this manual.

***Issued by  
Information Officer***