

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

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

NAME OF BODY: BG Invest (Pty) Ltd t/a Harcourts (Reg. No. 2013/163116/07)

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|----|---------------|---|
| a. | "CEO" | Chief Executive Officer |
| b. | "IO" | Information Officer |
| c. | "DIO" | Deputy Information Officer |
| d. | "Minister" | Minister of Justice and Correctional Services |
| e. | "PAIA" | Promotion of Access to Information Act No. 2 of 2000 (as Amended) |
| f. | "POPIA" | Protection of Personal Information Act No. 4 of 2013 |
| g. | "Regulator" | Information Regulator |
| h. | "Republic" | Republic of South Africa |
| i. | "The Body" | BG Invest (Pty) Ltd t/a Harcourts |
| j. | "The Company" | BG Invest (Pty) Ltd t/a Harcourts |

2. PURPOSE OF A PAIA MANUAL

This Manual serves to:

- 2.1 note the categories of records held by a body which are available without having to submit a formal PAIA request;
- 2.2 give a sufficient understanding of how to make a request for access to a record of the Company, by providing a description of the subjects on which the Company holds records and the categories of records held on each subject;
- 2.3 give the description of the records of the Company which are available in accordance with any other legislation;
- 2.4 give access to 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 give the description of the guide on how to use PAIA, as updated by the Regulator, and how to obtain access to it;
- 2.6 explain whether the Company processes personal information, the purpose of processing personal information, and the description of the categories of data subjects and of the information or categories of information relating to it;
- 2.7 give the description of the categories of data subjects and of the information or categories of information relating to it;
- 2.8 give the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 explain whether the Company 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** explain whether the Company has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE COMPANY

3.1 Chief Information Officer

Name: Marsha Haupt-Cooper
Tel: 042 294 0921
Email: Marsha.Cooper@harcourts.co.za

3.2 Deputy Information Officer

Name: El-Marie Oelofse
Tel: 042 295 1657
Email: el-marie.oelofse@harcourts.co.za

3.3 General Contact

Email: Marsha.Cooper@harcourts.co.za

3.4 National or Head Office

Postal Address: Harcourts, Village Shopping Centre,
12 Lyme Road South, St Francis Bay, 6312
Physical Address: Harcourts, Village Shopping Centre,
12 Lyme Road South, St Francis Bay, 6312
Telephone: 042 294 0921
Email: Marsha.Cooper@harcourts.co.za
Website: oyster.harcourts.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1** 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.
- 4.2** The Guide is available in each of the official languages and in braille.
- 4.3** The aforesaid Guide contains the description of:
- 4.3.1** the objects of PAIA and POPIA;
 - 4.3.2** the postal and street address, phone and fax number and, if available, electronic mail address of:
 - 4.3.2.1** the Information Officer of every public body, and

- 4.3.2.2** every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3** the manner and form of a request for:
 - 4.3.3.1** access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2** access to a record of a private body contemplated in section 50⁴;
- 4.3.4** the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5** the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6** 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:
 - 4.3.6.1** an internal appeal;
 - 4.3.6.2** a complaint to the Regulator; and
 - 4.3.6.3** 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;

¹ 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.

² Section 56(a) of POPIA - Each public and private body must make provision, in the manner prescribed in section 17 of PAIA, 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.

³ 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.

⁴ Section 50(1) of PAIA - A requester must be given access to any record of a private body if that record is required for the exercise or protection of any rights; that person complies with 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.

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

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ Section 92(1) of PAIA provides that the Minister may, by notice in the Gazette, make regulations regarding any matter which is required or permitted by this Act to be prescribed; any matter relating to the fees contemplated in sections 22 and 54; any notice required by this Act; 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 any administrative or procedural matter necessary to give effect to the provisions of this Act.

- 4.3.7** the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.3.8** the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9** the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 4.3.10** the regulations made in terms of section 92¹¹.
- 4.4** 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.
- 4.5** The Guide can also be obtained:
- 4.5.1** upon request to the Information Officer; or
 - 4.5.2** from the Information Regulator:
 - Physical Address:** 54 Maxwell Drive, Woodmead, Johannesburg, 2191
 - Website:** www.inforegulator.org.za
- 4.6** A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours: English and Afrikaans.

5. CATEGORIES OF RECORDS OF THE COMPANY WHICH ARE AVAILABLE WITHOUT HAVING TO SUBMIT A PAIA REQUEST (including but not limited to)

Category of Records	Types of the Record
Personnel Records	Name, email address, telephone number, designation
Customer Records	Name, email address, telephone number, property enquiries and instructions
Property Listings	Sale and rental property details and marketing material
Compliance Records	PPRA Code of Conduct, PAIA Manual
Public Service Information	News, marketing material and press releases

6. DESCRIPTION OF THE RECORDS OF THE COMPANY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION (including but not limited to)

Category of Records	Applicable Legislation
MOI, Company Registration and Corporate Governance Records	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
POPIA Manual	Protection of Personal Information Act 4 of 2013
Property and Transaction Records	Property Practitioners Act 22 of 2019
Personnel/HR Records	Basic Conditions of Employment Act 75 of 1997
Personnel/HR Records	Employment Equity Act 55 of 1998
Tax Invoices, Credit Notes, Debit Notes, Bank Statements, Deposit Slips, Personnel details and Contracts	Unemployment Insurance Act 63 of 2001
Accounting and Financial Records	Income Tax Act 58 of 1962
Personnel/HR Records	B-BBEE Act 53 of 2003
Know Your Client (KYC) Records	Financial Intelligence Centre Act 38 of 2001
Disciplinary Records	Labour Relations Act 66 of 1995
OHS agreements, appointment letters, incident reports, visitor details	Occupational Health and Safety Act 85 of 1993
Personnel/HR Records	Compensation for Occupational Injuries and Diseases Act 130 of 1993
Consumer Transactions, Contracts and Complaint Resolution Records	Consumer Protection Act 68 of 2008
Electronic Transaction and Communication Records	Electronic Communications and Transactions Act 25 of 2002
SETA Reports, Skills Development Levies, Training Plans and Annual Training Reports	Skills Development Act 97 of 1998

Category of Records	Applicable Legislation
Tax Invoices, Credit Notes, Debit Notes, Bank Statements, Deposit Slips, Personnel details and Contracts	Unemployment Insurance Contributions Act 4 of 2002
SARS and VAT Records	Value Added Tax Act 89 of 1991

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE COMPANY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT (including but not limited to)

Subject on which the Company holds records	Categories of Records
Finance	Contracts/agreements, transactional records, financials, company registration documents, franchise agreements, policy and procedure manuals
Human Resources	Employee records, contracts, policy and procedure manuals
Customer Records	Contact details, property details, FICA documents, contracts, correspondence, property transaction records
Partners and Service Providers	Contact details, contracts/agreements, financial records, correspondence

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

The Company processes personal information for legitimate business purposes, including but not limited to:

- Employment administration and human resource management.
- Legal and regulatory compliance.
- Financial administration and reporting.
- Internal governance, audits and security controls.
- The purpose of business conducted in relation to real estate and the facilitation of the sale, purchase, letting or rental of property in service to its customers and other stakeholders.

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	Name, address, identity or registration number, employment status and bank details
Service Providers	Name, registration number, VAT number, address, trade secrets and bank details
Employees	Name, address, qualifications, employment history, gender and race

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
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
Property and affordability details, for bond applications	Participating banks and bond originators

8.4 Planned Transborder Flows of Personal Information

The Company does not have any planned transborder flows of personal information outside the Republic of South Africa, other than personal information that may be processed or stored on shared cloud based systems and services used by the wider Harcourts group. Any such processing is subject to appropriate contractual and security safeguards.

8.5 General Description of Information Security Measures to be Implemented to Ensure the Confidentiality, Integrity and Availability of the Information

- Data encryption and firewalls.
- Anti-virus and anti-malware software.
- Restricted, on-premises physical access control.
- Unique usernames, complex passwords and multi factor authentication required for access to the CRM and internal systems.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available:

9.1.1 on the Harcourts Oyster shared drive;

- 9.1.2** at the head office of BG Invest (Pty) Ltd t/a Harcourts 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 BG Invest (Pty) Ltd t/a Harcourts will update this Manual on a regular basis.

Issued by:

Marsha Haupt-Cooper
Business Owner / Information Officer