

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: **CAPE GANNET PROPERTIES 273 (PTY) LTD trading as Harcourts Dunn**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

CEO	Chief Executive Officer
IO	Information Officer
DIO	Deputy Information Officer
Minister	Minister of Justice and Correctional Services
PAIA	Promotion of Access to Information Act No. 2 of 2000 (as Amended)
POPIA	Protection of Personal Information Act No.4 of 2013
Regulator	Information Regulator
Republic	Republic of South Africa
The Body	Harcourts South Africa (Pty) Ltd
The Company	Harcourts South Africa (Pty) Ltd

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. have 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.

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

3.1. Chief Information Officer

Name: Morne Vorster

Tel: 021 821 2237

Email: morne.vorster@harcourts.co.za

3.2. Deputy Information Officer

Name: Nikita de Jager

Tel: 021 821 2237

Email: compliance.dunn@harcourts.co.za

3.3 General Contact

Email: dunn.info@harcourts.co.za

3.4 National or Head Office

Postal Address: 134 Edward Road

Belville

Cape Town

7550

Physical Address: 134 Edward Road

Belville

Cape Town

7550

Telephone: 021 821 2237

Email: dunn.info@harcourts.co.za

Website: harcourtsdunn.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 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.

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

- 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.*

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. 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 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-

- (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.”*

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;

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 Afrikaans and Zulu for public inspection during normal office hours.

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, Tel, Designation
Customer Records	Name, Email, Tel., Email Subscriptions and Alerts
Property Listings	Sales and Rental Property Details
Office Information	General Franchise and Branch Information
Public Service Information	News, Marketing 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	BBBEE 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
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 body holds records	Categories of Records
Finance	Contracts/Agreements, Transactional Records, Financials, Company Registration documents, Franchise Agreements, Policy and Procedure Manuals
HR	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.
- For 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
Offices	Contact and physical address details, Financials, Company Registration documents, Franchise Agreements, Policy and Procedure Manuals
Personnel	Name, Tel., Address, Employment History, Contracts, Policy and Procedure Manuals
Customers	Contact details, Property details, FICA documents, Contracts, Correspondence, Property Transaction records
Partners and Service Providers	Contact details, Contracts/Agreements, Financial Records, Correspondence

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

Categories of Personal Information	Recipients or Categories of Recipients to whom the personal information may be supplied
Criminal and background checks	South African Police Services
Qualification Verifications	South African Qualifications Authority
Credit Checks and Information	Credit Bureaus
Bond affordability calculations	Cape Holdings Home Loans

8.4. Planned transborder flows of personal information

As an International Company leveraging shared cloud services, Head Offices based in Australia and New Zealand may have limited access to information on The Company's data subjects only under the following conditions:

1. Permission controls in place allowing access to data only if it is relevant and necessary.
2. 'Binding Corporate Rules' apply per Section 72 of the Protection of Personal Information Act 4 of 2013.

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

1. Data Encryption and Firewalls.
2. Anti-Virus and Anti-Malware software.
3. On-Premises Physical Access control.
4. Unique Usernames, Complex Passwords and Multi Factor Authentication required for access to CRM and internal systems.

9. AVAILABILITY OF THE MANUAL

9.1. A copy of the Manual is available:

9.1.1 On the website – <https://harcourts.co.za>.

9.1.2 At the Company for public inspection during normal business hours.

9.1.3 To any person upon request and upon the payment of a R100.00 'Request Fee' as required; and

9.1.4 From the Information Regulator upon request.

10. UPDATING OF THE MANUAL

The Chief Information Officer of Harcourts Dunn will update this manual as and when required.

Issued by:

Morné Vorster
Information Officer