Finesse
ESTATES / EIENDOMME

---

# Manual on Access to Information

Issued in terms of
Section 51 of the
Promotion of Access to Information Act 2000

June 2023

A copy of this manual has been submitted to the South African Human Rights Commission.

The template for this manual was supplied by the
Institute of Estate Agents of South Africa

# Contents

The purpose of this manual is to explain what records we hold, and how you can obtain access to them if you need access in order to exercise or protect your rights. This manual's contents are:


1. Our firm
   - 1.1 Who we are
   - 1.2 How to contact us

2. Our records
   - 2.1 Records which are automatically accessible
   - 2.2 Voluntary disclosure of records
   - 2.3 Other records

3. Access to our records
   - 3.1 Your right of access
   - 3.2 Our right to refuse access
   - 3.3 Notice i.t.o. Section 52 of the Act
   - 3.4 SA Human Rights Commission: Section 10 Guide

4. How to apply for access
   - 4.1 Fill in a request form
   - 4.2 Submit the form and the request fee
   - 4.3 We will respond

5. Schedule of Fees

6. Application Form

# 1. Our firm

## 1.1 WHO WE ARE

We are an estate agency firm, registered with the Estate Agency Affairs Board. We provide the following services:

- residential property sales
- residential property letting and management
- commercial property broking
-

## 1.2 HOW TO CONTACT US

Our contact details are as follows:

| | |
|---|---|
| Company registration no: | 2003/003656/23 |
| Name of contact person: | Willem Simpson |
| Physical address: | Delmar Shopping Centre<br>Hennie Winterbach Street<br>Panorama<br>7500 |
| Office hours: | Mon – Fri: 09h00 – 17h00 |
| Telephone: | 021 911 0550 |
| Fax: | 021 911 0551 |
| E-mail: | willem@finesse.co.za |
| Website: | www.finesse.co.za |

# 2. Our records

## 2.1 RECORDS WHICH ARE AUTOMATICALLY ACCESSIBLE

Records which we hold in terms of the following Acts of Parliament are automatically accessible in terms of those laws:

- Basic Conditions of Employment Act (Act 75 of 1997)
- Close Corporations Act (Act 69 of 1984)
- Compensation for Occupational Injuries and Disease Act (Act 130 of 1993)
- Estate Agency Affairs Act (Act 112 of 1976)
- Estate Agents' Code of Conduct (1993)
- Financial Intelligence Centre Act (Act 38 of 2001)
- Income Tax Act (Act 58 of 1962)
- Labour Relations Act (Act 66 of 1995)
- Money Laundering & Terrorist Financing Control Regulations (2002/2005)
- Occupational Health and Safety Act (Act 85 of 1993)
- Regional Services Councils Act (Act 109 of 1985)
- Rental Housing Act (Act 50 of 1999)
- Skills Development Act (Act 97 of 1998)
- Skills Development Levies Act (Act 9 of 1999)
- Stamp Duties Act (Act 77 of 1998)
- Transfer Duty Act (Act 40 of 1949)
- Unemployment Insurance Act (Act 63 of 2001)
- Unemployment Contributions Act (Act 4 of 2002)
- Value Added Tax Act (Act 89 of 1991)

Anyone who is entitled to access to any of those records under any of those laws may therefore have access to them.

## 2.2 VOLUNTARY DISCLOSURE OF RECORDS

The following records and information are freely available on request:

- information about properties which are currently for sale or to let through our firm
- everything that appears on our website.

## 2.3 OTHER RECORDS

We also hold the following records, which are not automatically accessible. If you want access to any of them, you will need to follow the procedure in section 3 of this manual:

**Correspondence**

- general correspondence



**Fidelity Fund Certificates**
- current and past fidelity fund certificates for our firm, its principals and agents

**Financial**
- business account records
- trust account records
- trust account annual audit reports
- tax records
- receipts issued

**Financial Intelligence**
- client verification records
- reports (if any) submitted to the Financial Intelligence Centre

**Meetings**
- minutes of meetings

**Legal**
- records of legal matters

**Letting records**
- advertisements
- records of properties rented out on behalf of clients
- letting performance figures

**Personnel**
- personnel files for current employees and agents
- personnel files for ex-employees and agents who left during the past three years

**Property**
- documents relating to the firm's premises

**Property management records**
- records of properties managed on behalf of clients

**Sales records**
- advertisements
- valuations and mandates
- records of sales concluded by the firm
- sales performance figures

**Training**
- training material



# 3. Access to our records

## 3.1 YOUR RIGHT OF ACCESS

The Act entitles you to have access to our records, provided that

- you need access to exercise or protect any of your rights, and
- you apply for access according to the procedure set out in this manual, and
- we do not have grounds for refusing you access.

## 3.2 OUR RIGHT TO REFUSE ACCESS

We have the right to refuse you access to our records if any of the following grounds apply:

- the record would unreasonably disclose personal information about a third party, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access),
- the record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access),
- access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access),
- access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property,
- the record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection).

## 3.3 NOTICE i.t.o. SECTION 52 OF THE ACT

We have not gazetted any notices in terms of Section 52 of the Act. This means that, except for those items listed in sections 2.1 and 2.2 of this manual, we will grant access to our records only in terms of this manual.

## 3.4 SOUTH AFRICAN HUMAN RIGHTS COMMISSION: SECTION 10 GUIDE

The South African Human Rights Commission has published a Guide (under Section 10 of the Act) explaining the Act and how it works. For further details, contact the SAHRC directly through their website: www.sahrc.org.za



# 4. How to apply for access

## 4.1 FILL IN A REQUEST FORM

If you want to obtain access to any of the records listed in this manual, you should fill in the application form contained in section 6 of this manual.

## 4.2 SUBMIT THE FORM AND THE REQUEST FEE

Hand in your completed application form, and a non-refundable request fee of R50.00 + VAT at our office. If you are an employee or ex-employee requesting access to your personnel record, then you don't have to pay the request fee.

If you cannot visit our office in person, you can post the form and fee to us, or you can contact us to make alternative arrangements.

## 4.3 WE WILL RESPOND

We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.

Our response will probably be one of the following:

A. Your application does not contain enough information to enable us to search for the record you want. Please provide additional details.

B. It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit of R60.00 (plus VAT).

C. We have found the record you're looking for, and you may have access to it, on payment of:

- an access fee of R30.00 (+ VAT) per hour for the time that it took us to find the record (less any deposit which you have already paid), and
- a reproduction fee for making photocopies or printouts or copying the record onto a stiffy disc or CD - the fees are set out in section 5 of this manual

*Note:* we will not charge fees to an employee or ex-employee requesting access to his/her personnel record.

D. You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).

E. We have searched for the record and cannot find it. We will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.

# 5. Schedule of Fees

As per *Government Gazette* 23119 dated 15 February 2002

| | | |
|---|---|---|
| A photocopy of this manual: | R 1.10 | per page |
| Request fee (non-refundable) | | |
| ▪ payable on submission of the Application Form | R50.00 | |
| Access fee | | |
| ▪ for searching our records | R30.00 | per hour (or part thereof) |

*Note:* if the search is likely to take longer than six hours (which would cost more than R180), then a deposit of one-third (i.e. R60) is payable in advance.

| | |
|---|---|
| Reproduction fee | |
| ▪ photocopy (A4 page or part thereof) | R 1.10 |
| ▪ printout from a computer or in other electronic or machine-readable form (A4 page or part thereof) | R 0.75 |
| ▪ computer-readable copy on stiffy disc | R 7.50 |
| ▪ computer-readable copy of CD | R70.00 |
| ▪ transcription of visual images (A4 page or part thereof) | R40.00 |
| ▪ copy of a visual image | R60.00 |
| ▪ transcription of an audio record (A4 page or part thereof) | R20.00 |
| ▪ copy of an audio record | R30.00 |

VAT must be added to request, access and reproduction fees.

Postage

- if the copy of the record is to be sent by post, then postage must be paid in addition to the request, access and reproduction fees.

# 6. Application Form



## 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 Principal: _____

Address: _____

_____

+++++

### B. Particulars of person requesting access to the record

*Notes:*

*(a) Please give the particulars of the person who is requesting access to the record.*

*(b) Please state the address and/or fax number in the Republic to which the information is to be sent.*

*(c) If applicable, attach proof of the capacity in which the request is made.*

Full names and surname: _____

_____

Identity number: _____

Postal address: _____

_____

Telephone no: _____ Fax no: _____

E-mail address: _____

If this application is being made on behalf of another person, state the capacity in which you are making it: _____

+++++

### C. Particulars of person on whose behalf the request is made

*Note: this needs to be completed only if the request for information is being made on behalf of another person.*

Full names and surname: _____

_____

Identity number: _____

(continued on next page)

## D. Particulars of record

*Notes:*

*(a) Provide full particulars of the record to which access is requested, including a reference number (if you know of one) which will help us to locate the record.*

*(b) If there is not enough space on this form for all the particulars, write the remaining particulars on a separate sheet of paper, sign it, and attach it to this form..*

1. Description of the record or relevant part of the record: _____

_____

_____

_____

2. Reference number, if available: _____

3. Any further particulars of record: _____

_____

_____

_____

+++++

## E. Fees

*Notes:*

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*

*(b) You will be notified of the amount to be paid as the request fee.*

*(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time to search for and prepare a record.*

*(d) If you qualify for exemption from payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: _____

_____

+++++

## F. Form of access to record

*If you have a disability which prevents you from reading, viewing or listening to the record in any of the forms of access listed in sections 1 to 4 hereunder, please state your disability and indicate the form in which you require the record:*

Disability: _____ Form in which record is required: _____

_____ _____

_____ _____

(continued on next page)

## F. Form of access to record (continued)

*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 which case you will be informed if access will be granted in another form.*

*(c) The fee payable for access to the record will partly be determined by the form in which access is requested.*

*Mark the appropriate box with an X:*

1. If the record is in written or printed form:

   - ● copy of the record*
   - ● inspection of the record

2. If the record consists of visual images (including photographs, slides, video recordings, computer-generated images, sketches etc):

   - ● view the images
   - ● copy of the images*
   - ● transcription of the images*

3. If the record consists of recorded words or information which can be reproduced in sound:

   - ● listen to soundtrack (audio cassette)
   - ● transcription of soundtrack (written or printed)*

4. If the record is held on a computer, or in electronic or machine-readable form:

   - ● printed copy of record*
   - ● printed copy of information derived from the record
   - ● copy in machine-readable form (stiffy or compact disc)*

If you have requested the record in any of the forms marked *, do you want it to be posted to you? If so, postage will be payable. ● YES ● NO

+++++

## G. Particulars of right to be exercised or protected

*If the space provided is not adequate, please continue on a separate sheet, sign it, and attach it to this form.*

1. Indicate which right is to be exercised or protected: _____

   _____

   _____

2. Explain why you need the requested record to exercise or protect the aforementioned right: _____

   _____

   _____



(continued on next page)

## H. Notice of decision regarding request for access

*You will be notified in writing whether your application has been approved or denied. If you wish to be informed in some other manner, please specify it and give details to enable us to comply with your request:*

How would you prefer to be informed of our decision regarding your request for access to the record? _____

_____

_____

SIGNED AT _____ THIS _____ DAY OF _____ 20 ____

_____
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF THE REQUEST IS MADE