

# **PAIA - PROMOTION OF ACCESS TO INFORMATION**

## **MANUAL ON ACCESS TO INFORMATION**

Issued in terms of Section 51 of the Promotion of Access to Information Act 2000 June 2005.

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

## **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.

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**1. OUR FIRM**

**1.1. WHO WE ARE**

All ERA SOUTH AFRICA franchises are independently owned and operated. All ERA SOUTH AFRICA franchises are registered with the Property Practitioners Regulatory Authority.

We provide the following services:

- Services related to the listing, promotion, sale and letting of property across Southern Africa.
- Property marketing, sales consultation and viability studies.
- Commercial, Agricultural and Residential property market related price information.
- Commercial, Agricultural and Residential Property Broking.
- Commercial and Residential Property Management and Letting.
- Real Estate agency and Agent Franchise and Licensing services.

**1.2. HOW TO CONTACT US**

Our contact details are as follows:

Name of contact person: **Berna Daly**

Physical address: **7 Einstein Street, Highveld Techno Park, Centurion, 0169.**

Office hours: **8.00 am – 16.00 pm**

Telephone: **+27 12 682 9600**

E-mail: [berna@erasa.com](mailto:berna@erasa.com).

Website: [www.era.co.za](http://www.era.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)
- Employment Equity Act (Act 55 of 1998)
- 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 company
- 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 meeting

- **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 IN TERMS OF 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](http://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:

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

- 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 USB 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.*
- 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).
- 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**

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
  - 2.1 For every photocopy of an A4-sized page or part thereof: R1,10
  - 2.2 For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form: R0,75
3. For a copy in a computer-readable form on:
  - 3.1 USB disc R7,50
  - 3.2 compact disc R70,00
4. For visual images:



- 4.1 a transcription of visual images, for an A4-size page or part thereof 40,00
  - 4.2 For a copy of visual images R60,00
5. For an audio record:
  - 5.1 For a transcription of an audio record, for an A4-size page or part thereof R20,00
  - 5.2 For a copy on an audio record R30,00
6. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
7. The access fees payable by a requester referred to in regulation 11(3) are as follows:
  - 7.1 For every photocopy of an A4-size page or part thereof R1,10
  - 7.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
    - 7.2.2 For a copy in a computer-readable form on:
      - USB R280,00
      - compact disc R70,00
  - 7.3 For a transcription of visual images:
    - 7.3.1 for an A4-sized page or part thereof R40,00
    - 7.3.2 For a copy of visual images R60,00
  - 7.4 For a transcription of an audio record:
    - 7.4.1 For an A4-size page or part thereof R20,00
    - 7.4.2 For a copy of an audio record R30,00

8. To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

For purposes of section 54(2) of the Act, the following applies:

1. Six hours as the hours to be exceeded before a deposit is payable; and
2. one third of the access fee is payable as a deposit by the requester.

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

## **9. Deposits**

Where the Company receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 hours, a deposit is payable to the requester. The amount of the deposit is equal to 1/3 of the amount of the applicable access fee.

**Please note:** In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations. Therefore, the fees reflected above are VAT inclusive