

# **Hermanus Property Sales CC**

**Registration number      1990/003325/23**

**Trading as                      Hermanus Property Sales**

## **Promotion of Access to Information Policy**

**Promotion of Access to Information Act,  
2000 (Act No. 2 of 2000)**

**Adams, Schouw & Cain 2 Inc.**

## Hermanus Property Sales CC

### Promotion of Access to Information Policy

#### Table of contents

	<i>Page</i>
Preamble	2
Main business	2
Section A – Contact details	2
Section B – The official guide	3
Section C – Information available in terms of the Act	4 - 5
Section D – Information available in terms of other legislation	6
Section E – Declaration of the Information Officer	6
Annexure "A" Request for access to record of private body	7 - 10
Annexure "B" Fees in respect of private bodies	11 - 13



## **Hermanus Property Sales CC**

### **Promotion of Access to Information Policy**

#### **Preamble**

The Promotion of Access to Information Act No.2 of 2000, ("the Act") came into operation on 23 November 2001. Section 51 of this Act requires that we compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

#### **Main Business**

Estate agency

In this manual you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information. A copy of this manual is also available on our website address presented below.

#### **Section A**

##### **Contact Details:**

<b>Registered Address:</b>	153 Main Road Hermanus 7200 South Africa
<b>Postal Address:</b>	153 Main Road Hermanus 7200 South Africa
<b>Telephone Number:</b>	+2728 313 0914
<b>Fax Number:</b>	+2728 312 2210
<b>Members:</b>	D.D. Leppan J.D. Leppan
<b>Designated Information Officer:</b>	David Dudley Leppan
<b>Email Address:</b>	<a href="mailto:hps@hermanus.co.za">hps@hermanus.co.za</a>
<b>Website address:</b>	<a href="http://www.hpsrealty.co.za">www.hpsrealty.co.za</a>



## **Hermanus Property Sales CC**

### **Promotion of Access to Information Policy**

#### **Section B – The official guide**

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the Information Officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Regulations made in terms of the Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

**Post:** South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton  
2041

**Telephone:** (011) 484-8300

**Fax:** (011) 484-0582

**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)

**E-mail:** [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

#### **The latest notice in terms of section 52(2)**

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.



**Hermanus Property Sales CC**  
**Promotion of Access to Information Policy**

**Section C – Information available in terms of the Act**

It is important to note that access to any information is not automatic  
- you must identify the right you are seeking to exercise or protect  
and explain why the information you request is required for the  
exercise or protection of that right.

**1. Categories of information**

We hold the following categories of information:

**(a) STATUTORY COMPANY INFORMATION**

- (i) Founding statement and Amended Founding Statement
- (ii) Minute Book as well as Resolutions passed at members meetings
- (iii) Register of Members;
- (iv) Register of Fixed Assets;
- (v) Annual Financial Statements
- (vi) Books of Account regarding information required by the Close Corporations Act No. 69 of 1984
- (vii) Supporting schedules to books of account and ancillary books of account

**(b) ACCOUNTING RECORDS**

- (i) Books of Account including journals and ledgers;
- (ii) Delivery notes, orders, invoices, statements, receipts and vouchers .

**(c) STATUTORY EMPLOYEE RECORDS**

- (i) Employees' names and occupations;
- (iii) Remuneration paid to each employee.
- (iii) Date of birth of each employee;
- (iv) Salary and wages register;
- (v) Company tax submissions in respect of employees;

**(d) OTHER EMPLOYEE RECORDS**

- (i) Employee contracts;

**(e) MOVABLE PROPERTY**

- (i) Asset register;
- (ii) Finance and Lease Agreements;
- (iii) Deeds of Pledge.

**(f) AGREEMENTS AND CONTRACTS**

- (i) Lease agreement in respect of leased property
- (ii) Agreements with customers;

**(g) TAXATION**

- (i) Income Tax Returns and other tax returns and documents;



## Hermanus Property Sales CC

### Promotion of Access to Information Policy

#### Section C – Information available in terms of the Act (continued)

##### 1. Categories of information (continued)

###### (h) INSURANCE

- (i) Insurance policies;
- (ii) Claim records;
- (iii) Details of insurance coverages, limits and insurers.

###### (i) SALES AND MARKETING

- (i) Products;
- (ii) Markets;
- (iii) Customers;
- (iv) Brochures, Newsletters and Advertising Materials;

##### 2. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure "A" hereto. These forms are available from:

- our information officer (whose contact details are in section A of this manual);
- the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za))
- the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

**It is important to note that access to any information is not automatic - you must identify the right you are seeking to exercise or protect and explain why the information you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.**



**Hermanus Property Sales CC**  
**Promotion of Access to Information Policy**

**Section D – Information available in terms of other legislation**

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:

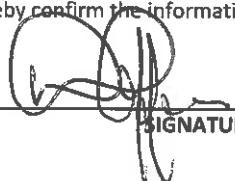
- Basic Conditions of Employment Act No. 75 of 1997
- Close Corporations Act No. 69 of 1984
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Estate Agency Affairs Act 1976
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993

Where applicable to our operations, we also retain records and documents in terms of the following statutes:

- Basic Conditions of Employment Act No. 75 of 1997
- Close Corporations Act No. 69 of 1984
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Estate Agency Affairs Act 1976
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993
- Value-added Tax Act No. 89 of 1991

**Section E – Declaration of the Information Officer**

I, the duly appointed Information Officer in terms of the Promotion of Access to Information Act 2000, hereby confirm the information contained herein is true and correct.

  
\_\_\_\_\_  
SIGNATURE

2nd Dec 2015  
DATE



**Hermanus Property Sales CC**  
**Promotion of Access to Information Policy**

**ANNEXURE "A"**

**FORM C**

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 Head:

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

(a) *The particulars of the person who requests access to the record must be given below.*

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

(c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person: \_\_\_\_\_

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**C. Particulars of person on whose behalf request is made**

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and Surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

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## Hermanus Property Sales CC

### Promotion of Access to Information Policy

#### D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

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

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2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record:

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#### E. Fees

(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 required 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 required to search for and prepare a record.

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

Reason for exemption from payment of fees:

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#### F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: \_\_\_\_\_

Form in which record is required:

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## Hermanus Property Sales CC

### Promotion of Access to Information Policy

Mark the appropriate box with an X.

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

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

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

<input type="checkbox"/>	copy of record*
<input type="checkbox"/>	inspection of record

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

<input type="checkbox"/>	view the images
<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>	transcription of the images*

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

<input type="checkbox"/>	listen to the soundtrack (audio cassette)
<input type="checkbox"/>	transcription of soundtrack* (written or printed document)

**4. If record is held on computer or in an electronic or machine-readable form:**

<input type="checkbox"/>	printed copy of record*
<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)

\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? **Postage is payable.**

<input type="checkbox"/> YES	<input type="checkbox"/> NO
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**Hermanus Property Sales CC**  
**Promotion of Access to Information Policy**

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

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

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

\_\_\_\_\_

2. Explain why the record requested is required for the exercise or protection of the  
aforementioned right:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**H. Notice of decision regarding request for access**

*You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

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

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE



**Hermanus Property Sales CC**  
**Promotion of Access to Information Policy**

**ANNEXURE "B"**

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

**1. Copies of a manual**

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

**2. Reproduction fees**

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure "A" to the Regulations.

**3. Access fees**

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure "A" to the Regulations.

**4. Other fees**

1. A request fee of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
2. A search fee may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
3. If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.
4. If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

1 Section 52(3) and Regulation 1(1).

2 Section 54(7) and Regulation 11(3).

3 Section 54(1) and Regulation 11(2).

4 Annexure "A", Part III, Item 4(1)(f).

5 Section 54(2).



## Hermanus Property Sales CC

### Promotion of Access to Information Policy

#### PART III

##### FEES IN RESPECT OF PRIVATE BODIES

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:

(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	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
(c)	For a copy in a computer-readable form on—	
	(i) stiffy disc	R7,50
	(ii) compact disc	R70,00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R40,00
	(ii) For a copy of visual images	R60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	(ii) For a copy of an audio record	R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

(1)	(a)	For every photocopy of an A4-size page or part thereof	R1,10
	(b)	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
	(c)	For a copy in a computer-readable form on—	
		(i) stiffy disc	R7,50
		(ii) compact disc	R70,00
	(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R40,00
		(ii) For a copy of visual images	R60,00
	(e)	(i) For a transcription of an R20,00	
		(ii) For a copy of an audio record	R30,00
	(f)	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.	
(2)	For purposes of section 54 (2) of the Act, the following applies:		
	(a)	Six hours as the hours to be exceeded before a deposit is payable; and	
	(b)	one third of the access fee is payable as a deposit by the requester.	
(3)	The actual postage is payable when a copy of a record must be posted to a requester.		

## FORM C

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 Head:

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

- |     |   |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below.                |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached.                |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

**C. Particulars of person on whose behalf request is made**

This section must be completed <i>ONLY</i> if a request for information is made on behalf of another person.
--

Full names and surname:

Identity number:

**D. Particulars of record**

- |     |  |
|-----|--|
| (a) | Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. |
| (b) | If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.          |

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

### E. Fees

- (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 required 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 *required* to search for and prepare a record.
- (d) If you qualify for exemption of the 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 are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Mark the appropriate box with an X.	
<b>NOTES:</b>	
(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 such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	

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

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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#### 2. If record consists of visual images

this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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#### 3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
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#### 4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
--------------------------	-------------------------	--------------------------	--	--------------------------	--

"If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--	-----	----

**G Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

Signed at..... This..... day of .....2015

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE