

INFORMATION MANUAL IN TERMS OF THE SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 ("PAIA") AND THE RELEVANT REQUIREMENTS OUTLINED IN THE PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 ("POPIA"), READ WITH THE REGULATIONS THERETO

BUSINESS NAME	DAVID NEWHAM PROPERTY MANAGEMENT (PTY) LTD
TRADING AS	DAVID NEWHAM PROPERTY MANAGEMENT (PTY) LTD
REGISTRATION NUMBER	1973/015042/07
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1. INTRODUCTION

- New legislation has been enacted called the Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as "the Act"). The purpose of this legislation is to address Section 32(2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body.
- If the record is requested from a private body, the requester needs to prove that the record is required for the exercise or protection of a right.
- If a public body lodges a request, then public body must be acting in the public interest.
- One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person.
- This document serves as the Information Manual of David Newham Property Management (Pty) ("DNPM") in terms of the abovementioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.
- This version of the DNPM Information Manual replaces all previous versions thereof.

2. COMPANY OVERVIEW

DNPM is a property management company registered with the PPRA with a valid fidelity fund certificate and operating a trust account. Its property services include brokerage, property management, property valuations, facilities and property operations management.

3. SCOPE OF THE MANUAL

The scope of this manual will serve to provide a reference regarding the records held by DNPM.

4. ADMINISTRATION OF THE ACT – SECTION 51(1)(a)

The Acting CEO of DNPM has duly authorized herewith the contact persons below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

a) Information Officer:

- Name: Vacant role (in process of recruiting role – 2 July 2024)
- Designation: Legal Advisor
- Physical address:
- Postal address:
- Telephone number:
- Fax number:
- E-mail:

b) Deputy Information Officer:

- Name: Thomas Dods
- Designation: Financial Accountant
- Physical address: Level 6, West Wing, Cento Building, Bella Rosa Office Park, 21 Durbanville Avenue, Bellville, Western Cape
- Postal address: As above
- Telephone number: 021 948 0934
- Fax number: 021 910 3767
- E-mail: dodst@dnpg.co.za

5. GUIDE FOR REQUESTER ON HOW TO USE THE ACT – SECTION 51(1)(b)

The Human Rights Commission is responsible for compiling a guide in terms of Section 10 of the Ct that will facilitate ease of use of the Act for requesters. This Guide will be available from the South African Human Rights Commission. Please direct any queries to the South African Human Rights Commission:

- PAIA Unit
- The Research and Documentation Department
- Postal address: Private Bag 2700, Houghton, 2041
- Physical address: 33 Hoofd Street, Braampark Forum 3, 2198
- Phone: +27 (11) 877 3600
- Fax: +27 (11) 403 0625
- E-mail: PAIA@sahrc.org.za
- Website: www.sahrc.org.za

6. AUTOMATIC AVAILABILITY OF CERTAIN RECORDS – SECTION 51(1)(c)

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies.

7. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION – SECTION 51(1)(d)

Records are kept in accordance with such other legislation as is applicable to DNPM, which include but is not limited to, the following legislation:

- Administration of Estates Act No. 66 of 1965
- Arbitration Act No. 42 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Close Corporation Act No. 69 of 1984
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Copyright Act No. 71 of 2008
- Corporate Laws Amendment Act No. 24 of 2006
- Credit Agreements Act No. 75 of 1980
- Currency and Exchange Act No. 9 of 1933
- Debtor Collectors Act No. 114 of 1998
- Electronic Communication & Transactions Act no. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Finance Act No. 35 of 2000
- Financial Advisory and Intermediary Services Act No. 37 of 2002
- Financial Intelligence Centre Act No. 36 of 2000
- Financial Relations Act No. 65 of 1976
- Financial Services Board Act No. 97 of 1990
- Harmful Business Practices Act No. 23 of 1999
- Income Tax Act No. 95 of 1967
- Insolvency Act No. 24 of 1936
- Insurance Act No. 27 of 1943
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Judicial Matters Amendment Act No. 42 of 2001
- Labour Relations Act No. 66 of 1995
- Long Term Insurance Act No. 52 of 1998
- Medical Schemes Act No. 131 of 1998
- National Credit Act No. 34 of 2005
- National Environment Management Act No. 31(1) of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Pensions Funds Act No. 24 of 1956
- Post Office Act No. 44 of 1958
- Property Practitioners Act No. 22 of 2019
- Protection of Personal Information Act No. 4 of 2013
- Regional Services Councils Act No. 109 of 1985
- SA Reserve Bank Act No. 90 of 1989
- Short Term Insurance Act No. 53 of 1998
- Skills Development Levies Act No. 9 of 1999
- Stamp Duties Act No. 77 of 1968
- Stock Exchange Control Act No. 1 of 1985
- Tax on Retirement Funds Act No. 38 of 1996
- Trade Marks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Usury Act No. 73 of 1968
- Value-Added Tax Act No. 89 of 1991

8. RECORDS SUBJECTS AND CATEGORIES – SECTION 51(1)(e)

- **General**
 - Property Services refers to the service offerings of DNPM and which includes but is not limited to property management, valuations, facilities management, occupier services, brokerage, sales and leasing.

- DNPM's records comprise the following main categories:
 - Contracts and Agreements
 - General Correspondence
 - General Administration Records
 - Building and Property Records
- **Company Audit:** Company Audit's records comprise the following main categories:
 - General Correspondence
 - General Administration Records
 - Audit Reports and Supporting Working Papers
- **Financial & accounting:** The Accounting records comprise the following main categories:
 - Accounting Records
 - Annual Financial Statements
 - Banking records, including trust
 - Bank statements
 - General Correspondence
 - Management Reports
 - Transactional Records
 - Tax Records
 - VAT Records
 - Tax returns
 - Documents issued to employees for income tax purposes
 - All other statutory compliances: Skills levies development, UIF, Workman's Compensation
 - Consolidation Records
- **Legal:** Records comprise the following main categories:
 - General Correspondence
 - Agreements
- **Company Secretarial:** The Company Secretarial records comprise the following main categories:
 - General Correspondence
 - Documents of Incorporation
 - Memorandum & Articles of Incorporation
 - Minutes of Board of Directors Meetings
 - Records relating to appointment of directors, auditors, secretary, public officer and other officers
 - Company and Share Registration Records
 - Statutory Records
- **Human Resources:** Human Resources' records comprise the following main categories:
 - General Correspondence
 - Employee Records and Contracts
 - Salary records
 - SETA records
 - Leave records
 - General Company and HR Policies and Procedures
 - Training Records
 - Pension Records
 - Employee Benefit Records
 - Statutory Records
 - Contracts
 - Labour Relations Records
 - Employment Equity Records
 - PAYE Records
 - Policies and Procedures

9. ACCESS REQUEST PROCEDURE – SECTION 51(1)(e)

- The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by DNPM.
- It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.
- If it is reasonably suspected that the requester has obtained access to DNPM's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

9.1 Completion of Access Request Form

In order for DNPM to respond to requests in a timely manner, the **Access Request Form (attached)** should be completed, taking due cognizance of the following *Instructions on Completion of Forms*:

- The **Access Request Form** must be completed in the English language.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

9.2 Submission of Access Request Form

- The completed **Access Request Form** must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information Officer (or Deputy Information Officer in his/her absence) as indicated in Section 51(1)(a).
- An initial, non-refundable R50.00 request fee (excluding VAT) is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

9.3 Payment of Fees

- Payment details can be obtained from the contact person as indicated in Section 51(1)(a) and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.
- **Note:** If the request for access is successful, an access fee will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees (refer attached). The access fee must be paid prior to access being given to the requested record.

9.4 Notification

- Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:
 - Notification of Extension Period (if required): The requesters may be notified whether an extension period is required for the processing of their requests, including:
 - The required extension period, which will not exceed an additional 30-day period;
 - Adequate reasons for the extension; and
 - Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.
 - Payment of Deposit (if applicable): The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:
 - The amount of the deposit payable (if applicable); and
 - That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.
- Please note: In the event that access is refused to the requested record, the full deposit will be refunded to the requester.
- Decision on Request:
 - If no extension period or deposit is required, the requesters will be notified, within 30 days, of the decision on their requests. If the request for access to a record is successful, the requester will be notified of the following:
 - The amount of the access fee payable upon gaining access to the record (if any);

- An indication of the form in which the access will be granted;
 - Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.
- If the request for access to a record is not successful, the requester will be notified of the following:
 - Adequate reasons for the refusal (refer to **Third Party Information** and **Grounds for Refusal** below); and
 - That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

9.5 Third Party Information

- If access is requested to a record that contains information about a third party, DNPM is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.
- In the event of the third party furnishing reasons for the support of denial of access, the DNPM Information Officer (or Deputy Information Officer in his/her absence) will consider these reasons in determining whether access should be granted, or not.

9.6 Grounds for Refusal

DNPM may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which DNPM may refuse access include:

- Disclosure of the record (containing trade secrets, commercial, scientific, technical or any other confidential information) would harm the commercial or financial interests of DNPM.
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived.
- Protecting personal information that DNPM holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure.
- Protecting commercial information that DNPM holds about a third party or the DNPM (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party).
- Disclosure of the record would result in a breach of duty of confidence owed to a third party in terms of an agreement.
- Disclosure of the record would endanger the life or physical safety of an individual.
- Disclosure of the record would prejudice or impair the security of property or means of transport.
- Disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme.
- Disclosure of the record would prejudice or impair the protection of the safety of the public.
- Disclosure of the record would put DNPM at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.
- The record is a computer program.
- The record contains information about research being carried out or about to be carried out on behalf of a third party or DNPM.

9.7 Records that Cannot be Found or Do Not Exist

If DNPM has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

10. PROTECTION OF PERSONAL INFORMATION PROCESSED

- DNPM is committed to protecting the privacy of personal information of our data subjects. The information you share with DNPM as a data subject allows us to provide you with the best experience with our products and services, or as a stakeholder.
- DNPM has dedicated policies and procedures in place to protect all personal information collected and processed by us. We will never sell your personal information.
- Please read below for more information on how we collect, process, use and disclose personal information.

10.1 The purpose of processing of personal information

We process personal information for various reasons, including but not limited to the following:

1. To manage information, products and/or services requested by data subjects;
2. To help us identify data subjects when they contact us;
3. Manage clients
4. To maintain clients records;
5. Recruitment purposes;
6. Employment purposes;
7. Internship purposes;
8. Training purposes;
9. Travel purposes;
10. General administration
11. Financial and tax purposes;
12. Legal or contractual purposes;
13. Health and safety purposes;
14. To monitor access, secure and manage our premises and facilities;
15. To transact with our suppliers
16. To improve the quality of our services;
17. To help us detect and prevent fraud and money laundering under FICA;
18. To help us recover debts;
19. Marketing purposes

10.2 Data subject categories and personal information processed

Prospective employees	Race
Employees	Gender
Clients	Sex
Suppliers	Pregnancy
Service Providers	Marital status
Business partners	National, <u>ethnic</u> or social origin
Visitors (Walk-in)	Age
Group companies	Physical or mental health
Shareholders	Disability
	Religion
	Language and birth of the person
	Education history
	Medical history, health
	Financial history
	Criminal history, alleged commission of offence and proceedings in respect of these offences
	Employment history
	ID number
	E-mail address
	Physical address
	Postal address
	Telephone number
	Location information
	Online identifier
	Biometric information
	Views or preferences of the person
	Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence
	The views or opinions of another individual about the person
	Name of individual if it appears with other personal information
	Trade union membership
	CCTV cameras
	Voice recordings

10.3 Recipients with whom personal information is shared

In processing your personal information, we may share it with third parties. These include but are not limited to:

- a) Statutory authorities;
- b) Law enforcement agencies;
- c) Tax authorities;
- d) Medical schemes;
- e) Employee pension and provident funds;
- f) Industry bodies;
- g) Contractors, vendors, or suppliers;
- h) Payment processors
- i) Email management and distribution tools
- j) Data storage providers
- k) Server hosts
- l) Group companies
- m) Service providers
- n) Banks
- o) Credit Bureaus
- p) Clients

10.4 Security measures implemented to protect personal information

- DNPM have identified our security risks over the personal information DNPM process in line with the Protection of Personal Information Act, and we have implemented various security measures to ensure reasonable protection against the risk of loss, misuse, unauthorised access and disclosure, alteration and destruction of the personal information.
- DNPM also take steps to ensure that operators that process personal information on behalf of company name apply adequate safeguards as outlined above.

10.5 Trans-border flows of personal information

DNPM may transfer to, and store personal information it collects about you, in countries other than South Africa, if the relevant business transactions or situation requires trans-border processing. These countries may not have the same data protection laws as South Africa, and in this instance DNPM will only transfer the information if DNPM have consent from you, or it is necessary for the performance or conclusion of a contract between us.

10.6 Personal information received from third parties

- When DNPM receive personal information from a third party on behalf of a data subject, DNPM requires confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the Privacy Policy, and do not have any objection to DNPM processing their information in accordance with this policy.
- Where information on third parties is provided by a data subject, or a third party provides information on a data subject, that information may be taken into account with other personal information.

10.7 Data Breaches

- Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, DNPM shall notify:
 - The Information Regulator; and
 - The data subject, unless the identity of such data subject cannot be established.
- The notification will be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system.

10.8 Data Subject participation

- **REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**
- In order for DNPM to respond to requests in a timely manner, the **Form 2 Request for correction or deletion of Personal Information Form** (attached) should be completed, taking due cognizance of the following Instructions on Completion of Forms:
 - The **Form 2 Request Form** must be completed in the English language.
 - Type or print in BLOCK LETTERS an answer to every question.
 - If a question does not apply, state "N/A" in response to that question.
 - If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
 - If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
 - When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.
- Submission of **Form 2 Request for correction or deletion of Personal Information**
 - The completed **Form 2 Request Form** must be submitted either via conventional mail, e-mail and must be addressed to the Information Officer as indicated in Section 51(1)(a).
 - On receipt of a request DNPM must as soon as is reasonably practicable:
 - Correct the information
 - Destroy or delete the information
 - Provide the data subject with credible evidence in support of the information; or
 - Where agreement cannot be reached between the responsible party and the data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made.
 - If the responsible party has taken steps under subsection (2) that result in a change to the information and the changed information has an impact on decisions that have been or will be taken in respect of the data subject in question, the responsible party must, if reasonably practicable, inform each person or body or responsible party to whom the personal information has been disclosed of those steps.
 - The responsible party must notify a data subject, who has made a request in terms of subsection (1), of the action taken as a result of the request.

11. AVAILABILITY OF THE DNPM INFORMATION MANUAL & THE INFORMATION REGULATOR MANUAL

Copies of DNPM's Information Manual are available for inspection, free of charge, at the registered office of DNPM, whilst the Information Regulator's PAIA Manual is available for inspection, free of charge, as DNPM's registered offices, from the South African Human Rights Commission and at: <https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Manual-2021-Eng.pdf> .

ATTACHED:

- ❖ Request for access to record of private body – Form C
- ❖ Request for correction or deletion of personal information or destroying or deletion of record of personal information – Form 2