

PAIA MANUAL

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

This manual applies to Zelri Properties CC.

Registration number: 2004/040568/23

(the "private body")

DATE OF COMPILATION: 01/12/2021
DATE OF REVISION: 01/12/2022



581 Justice Mahomed
Muckleneuk, Pretoria



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1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|------|---------------------------|---|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO“ | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000(as Amended; |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |
| 1.9 | “The Act” | Promotion of Access to Information Act No. 2 of 2000(as Amended; |
| 1.10 | “The Private body” | Zelri Properties CC |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a 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;
- 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;
- 2.11 to promote the right of access to information;
- 2.12 to create a culture of transparency and accountability within the private body;
- 2.13 the Promotion of Access to Information Act of 2000 ("the Act" or "PAIA") was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 the Constitution of the Republic of South Africa 108 of 1996 (hereinafter "the Constitution"). The Act seeks to give natural and/or juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. If the record



is requested from the private body the requester needs to prove that the record is required for the exercise or protection of a right;

- 2.14 the Protection of Personal Information Act 4 of 2013 ("POPIA") gives effect to the constitutional right to privacy. One of the data processing principles under POPIA is that of data subject participation, which allows for data subjects to access and correct their personal information held by a responsible party. This manual provides for a data subject to request this information from the private body.
- 2.15 in terms of section 51 of the Act, private bodies must compile a manual ("PAIA manual") which would assist a person to obtain access to information held by such a private body. It also stipulates the minimum requirements a manual has to comply with as well as the requisite procedural issues attached to a request for information.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE ZELRI PROPERTIES CC

3.1. Chief Information Officer

Name: Mrs. Ingrid van Biljon
Tel: + 27 (0) 12 343 4548
Email: ingrid@zelriprop.co.za

3.2. Deputy Information Officer

Name: Lizelle Blignaut
Tel: + 27 (0) 12 343 4548
Email: lizelle@zelriprop.co.za

3.3 Access to information general contacts

Email: anel@zelriprop.co.za



3.4 Head Office

Postal Address: P.O. Box 28744,
Sunnyside,
Pretoria,
0132.

Physical Address: 581 Justice Mahomed Street,
Muckleneuk,
Pretoria,
0002.

Telephone: + 27 (0) 12 343 4548

Email: info@zelriprop.co.za

Website: <https://www.zelriprop.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

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.*



decision by the Regulator or a decision of the head of a private body;

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.

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;

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.”



4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

4.6.1 Afrikaans; and

4.6.2 English.

4.7 For convenience the prescribed Form C to request a record from the private body is attached to the PAIA manual as annexure "A".

5. CATEGORIES OF RECORDS OF THE ZELRI PROPERTIES CC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

5.1 Records of a public nature, typically those disclosed on the Zelri Properties website may be accessed without the need to submit a formal application. Other non-confidential records, such as statutory records maintained at the Companies and Intellectual Property Commission ("CIPC"), may also be accessed without the need to submit a formal application. Furthermore, this PAIA manual is also available without a request to access in terms of the Act. Examples of these records and how they may be obtained is contained in the table below:

Category of records	Available on Website	Available upon request
Information & documents contained on Website	X	X
Information contained on advertisements		X
Public information and statutory records maintained by CIPC		X



6. DESCRIPTION OF THE RECORDS OF ZELRI PROPERTIES CC WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

6.1 Documents and records that are held in accordance with statutory provisions that include those in the following Acts:

No.	Act
1.	Estate Agent Act 112 of 1976
2.	Sectional Title Act 95 of 1986
3.	Employment Equity Act 55 of 1998
4.	Regional service Council Act 109 of 1985
5.	Short-term Insurance Act 53 of 1998
6.	The Unemployment Insurance Contributions Act 4 of 2002
7.	Basic Conditions of Employment Act 75 of 1997
8.	Labour Relations Act 66 of 1995
9.	Occupational Health & Safety Act 85 of 1993
10.	Unemployment Insurance Act 30 of 1996
11.	Compensation for Occupational Injuries and Diseases Act 130 of 1993
12.	Promotion of Access of Information Act 2 of 2000
13.	Finance Act 35 of 2000
14.	Unemployment Insurance contributions Act 4 of 2002
15.	Financial Intelligence Centre Act 38 of 2001
16.	Estate Agency Affairs Act 112 of 1976
17.	Community Scheme Ombud Services Act 9 of 2011
18.	Protection of Personal Information Act 4 of 2013
19.	Income Tax Act 58 of 1962
20.	South African Revenue Services Act 34 of 1997

6.2 This list is not exhaustive. Whenever it comes to our attention that existing or new legislation allows a requester access on a basis other than as set out in the Act, we shall update the list accordingly. Should a requestor believe that a right of access to a record exists in terms of other legislation, the requestor should



indicate the same when making a request and allow the information officer the chance to consider this possibility.

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY ZELRI PROPERTIES CC

7.1 The table below serves as a reference to the categories of records and documents held by the private body.

Categories of record	Description of record
Incorporation Documents and records:	<ul style="list-style-type: none"> ▪ Copies of documents of incorporation;
Financial records:	<ul style="list-style-type: none"> ▪ Annual financial statements; ▪ Tax returns; ▪ Accounting records; ▪ Banking records; ▪ Audit reports and records; ▪ Invoices in relation to creditors & debtors; ▪ PAYE records; ▪ UIF records; ▪ Workmens compensation; ▪ Skills development levies; ▪ VAT records; ▪ Banking details and bank accounts; and ▪ Asset registers;
Human Resources records:	<ul style="list-style-type: none"> ▪ Contracts of employment; ▪ List of employees; ▪ Personnel records of each employee; ▪ Records relating to conditions of employment; ▪ Payroll records; ▪ Attendance registers; ▪ Salary Records; ▪ Leave Records; ▪ Disciplinary Code and Records; ▪ Policies and procedures; ▪ Overtime register; ▪ Employee income tax records; and ▪ Training manuals.



<p>Operational and administrative records and documents:</p>	<ul style="list-style-type: none"> ▪ Governance rules; ▪ Insurance policies; ▪ Index of names of members; ▪ Supplier contracts; ▪ Plans of the property; ▪ Corporate contracts; ▪ Correspondence with third parties; ▪ Standard Terms and Conditions for supply of services; ▪ Administrative policies and procedure; ▪ Customer details; ▪ Computer / mobile device usage policy documentation; ▪ Software licensing; and ▪ IT system documentation and manuals.
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7.2 Kindly take note that the accessibility of the records above may be subject to certain grounds of refusal as set out in the Act. Inclusion of any records above in paragraph 7 must not be interpreted as to mean that those records will be made available under the Act. Access to any records listed in this manual or not will only be made available subject to the provisions of the Act.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

8.1.1 POPIA provides in chapter 3 of the Act the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. Unless specific exclusions apply as set out in POPIA, these conditions may not be varied from. Zelri properties CC operates as an estate agency and fulfils numerous functions within the property industry including property rentals, rental property management and assisting body corporates as a managing agent.

8.1.2 The private body requires and must process personal information with regards to natural and Juristic persons in order to carry out its organisational and business functions as well the day-to-day administration. These functions include but are not limited to:

- i. To appoint employees, contractors or agents as necessary;



- ii. To comply with obligations in terms of employment contracts;
- iii. To acquire movable and immovable property;
- iv. Recover debt from clients or customers;
- v. Performing duties in terms of agreements with clients or customers;
- vi. To enter into agreements and contracts necessary for the running, administration and welfare of the private body;
- vii. Enforce the policies, procedures and rules; and
- viii. To comply with obligations in terms contracts with service providers.

8.1.3 The private body is accordingly a responsible for the purposes of POPIA and will ensure that the Personal Information of a Data Subject is processed lawfully, fairly, transparently and in a manner that does not infringe the privacy of the data subject. This will include:

- i. When processing personal information there must be a legal basis to do so;
- ii. Personal information must be processed only in accordance with the reason why it was collected;
- iii. Further processing may only take place if it is compatible with the original purpose;
- iv. To ensure personal information collected is complete, accurate, not misleading and updated where necessary;
- v. The data subject whose information the private body collects must be aware that the private body is are such personal information and for what purpose the information will be used;
- vi. Personal information must be kept secure against the risk of loss, unlawful access, interference, modification, unauthorized destruction and disclosure; and
- vii. Data subjects may request whether their personal information is held, as well as the correction and/or deletion of any personal information held about them.

8.1.4 Personal information of data subjects must also be processed in accordance with the rights of data subjects. These rights include:

- i. A data subject has the right to have his, her or its Personal information processed in accordance with the conditions for the lawful processing of Personal information;



- ii. The right to be notified that personal information about him, her or it is being collected;
- iii. The right to establishing whether the responsible party holds personal information;
- iv. The right to access his, her or its personal information;
- v. The right to request that PI can be corrected, destructed or deleted;
- vi. Refuse processing for direct marketing at any time & by unsolicited electronic communications;
- vii. Lodge a complaint with the Information Regulator; and
- viii. Institute civil legal proceedings.

8.1.5 The private body processes and uses the personal information in its care in the following ways:

- i. In order to carry out its organisational and business functions as well the day-to-day administration as set out in clause 14.2 of this manual;
- ii. To perform in terms of agreements or contracts necessary for the well-being and administration of the private body;
- iii. To perform in terms of agreements or contracts with its employees;
- iv. To comply with labour legislation when acting as an employer of personnel;
- v. To verify the identity of persons when necessary (Such as with security protocols);
- vi. For crime detection, prevention, investigation and prosecution;
- vii. To manage the private body relationship with the clients, customers and service providers;
- viii. To enforce or defend the private body's rights;
- ix. General staff administration;
- x. Communicating with clients, service providers, employees, business partners and contractors;
- xi. To perform in terms of agreements or contracts with service providers and business partners;
- xii. Payment of invoices;
- xiii. To manage complaints; and
- xiv. Any additional purposes expressly authorised by the data subject.

8.1.6 Types of processing includes: Collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation,



use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

8.1.7 Personal information will not be held for a longer period than is necessary for achieving the purpose for which the information was collected unless the exceptions in section 14 of POPIA apply.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

8.2.1 The private body may possess records relating to clients, suppliers, contracted service providers, visitors, employees, residents & owners:

Entity Type	Personal Information Processed
Natural Persons: Visitors	Names; contact details; ID number; signature.
Natural Persons: Including clients	Names; contact details; physical and postal addresses; ID number; Financial information; biometric information; confidential correspondence;
Juristic persons: Including contracted service providers and clients	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; directors; confidential correspondence.
Employees	Names; Gender; pregnancy; marital status; colour, race; age; language; education information; financial information; employment history; ID number; Tax related information; physical and postal address; contact details; opinions; well-being; confidential correspondence.



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

8.3.1 The table below contains persons or category of persons to whom the private body may disseminate personal information. Below is an example of the category of personal information which may be disseminated and the recipient or category of recipients of the personal information.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

8.4 Planned transborder flows of personal information

8.4.1 The company has no intended transborder flows of personal information. The private body will however endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements should transborder flows of personal information become necessary. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

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

8.5.1 The private employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised



destruction of personal information and unlawful access to or processing of personal information. These measures include:

- i. Firewalls;
- ii. Virus protection software and update protocols;
- iii. Logical and physical access control;
- iv. Anti-malware solutions;
- v. Secure setup of hardware and software making up our information technology infrastructure; and
- vi. Outsourced service providers who are contracted to implement security controls.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on <https://www.zelriprop.co.za/> , if any;

9.1.2 head office of Zelri Properties CC for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The head of Zelri Properties will on a regular basis update this manual.

Issued by



Ingrid van Biljon

Principal (Head of the Private Body)

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:

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

- | |
|---|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment of any fee, please state the reason for exemption.</p> |
|---|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
--

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	view the images	copy of the images"	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack audio cassette	transcription of soundtrack* written or printed document			
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*	printed copy of information derived from the record"	copy in computer readable form* (stiffy or compact disc)		
<p>'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.</p>			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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 of21

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE