

## **PAIA – PROMOTION OF ACCESS TO INFORMATION ACT**

### **INFORMATION MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (the “ACT”) IN RESPECT OF IZANDLA PROPERTY FUND PROPRIETARY LIMITED (REGISTRATION NUMBER 2016/294593/07) AND ITS SUBSIDIARIES (“IZANDLA”)**

#### **INTRODUCTION:**

Izandla aims to create value for all stakeholders by accessing quality real estate assets and providing our property clients with a B-BBEE partner who will own, manage and develop their property assets. Izandla Property has the ability to provide clients with a complete turnkey property solution through the highly skilled empowered management team – unlocking value along the full property value chain.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

#### **CONTACT DETAILS:**

Name of Private Body: Izandla Property Fund Proprietary Limited  
Physical Address: 100 Grayston Drive, Sandown, Sandton, 2196, South Africa  
Postal Address: PO Box 785700, Sandton, 2146  
Head of Private Body: Nonhlanhla Mayisela  
Information Officer: Nonhlanhla Mayisela  
Electronic Mail: [nonhlanhla.mayisela@izandla.co.za](mailto:nonhlanhla.mayisela@izandla.co.za)  
Telephone Number: (011) 286 7566

#### **THE PROMOTION OF ACCESS TO INFORMATION ACT**

The Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as “the Act”) grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

#### **The contact details of the Commission are:**

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Facsimile Number: +27-11-403 0625

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

#### RECORDS THAT ARE AUTOMATICALLY AVAILABLE

The following records are automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of the Act:

- All information freely available on Izandla's website at <https://www.izandla.co.za/>

Any further requests for records may be sent to any of the addresses provided under Contact Details above and copies are available for a fee as prescribed in Appendix 1.

#### RECORDS THAT ARE AVAILABLE IN ACCORDANCE WITH LEGISLATION

Records are available in terms of the following legislation:

- Basic Conditions of Employment Act, 75 of 1997;
- Companies' Act, 71 of 2008;
- Compensation for Occupational Injuries and Disease Act, 130 of 1993;
- Competition Act, 89 of 1998
- Customs & Excise Act, 91 of 1964;
- Employment Equity Act, 55 of 1998;
- Labour Relations Act, 66 of 1995;
- Occupational Health and Safety Act, 85 of 1993;
- Skills Development Act, 97 of 1998;
- Trademarks Act, 194 of 1993;
- Unemployment Insurance Act, 63 of 2001;
- Value Added Tax Act, 89 of 1991.

#### RECORDS HELD BY IZANDLA AVAILABLE ON REQUEST

Izandla keeps, inter alia, records in terms of various regulatory requirements that have an impact on its operations. These records are not automatically available and any request for access to thereto will be assessed in accordance with applicable internal policies and legislative requirements.

#### Companies' Act Records:

1. Memorandum of Incorporation;
2. Minutes of meeting of the Board of Directors;
3. Minutes of meetings of Shareholders;

4. Records relating to the appointment of:
  - 4.1. Directors;
  - 4.2. Auditors;
  - 4.3. Secretary;
  - 4.4. Public Officer;
  - 4.5 Any other Officer.
5. Share Register and other statutory registers and/or records and/or documents.

**Income Tax Act Records:**

1. Pay-as-you-earn (PAYE) Records;
2. Documents issued to employees for income tax purposes;
3. Records of payments made to South African Revenue Services on behalf of Employees;
4. All or any statutory compliances;
5. Value Added Tax;
6. Regional Services Levies;
7. Skills Development Levies;
8. Unemployment Insurance Fund;
9. Workman's Compensation;
10. Customs and Excise.

**Labour Relations Records:**

1. Personnel Documents and Records:
2. Employment Contracts;
3. Employment Equity Plan (If applicable);
4. Medical Aid Records;
5. Pension Fund Records;
6. Disciplinary Records;
7. Salary Records;
8. Disciplinary Code and /or procedures;
9. Leave Records;
10. Training Records;
11. Training Manuals;
12. Address Lists;
13. Internal Telephone Lists.

**Third Party Records:**

1. Records held by Izandla pertaining to third parties, including, but not limited to financial records, correspondence, contractual records, records provided by the other party, and records third parties

have provided about any contractors and / or suppliers;

2. Records held by Izandla pertaining to contractors, subsidiary companies, joint venture companies, special purpose vehicle companies and service providers.[In cases where information requested by the requester may impact on a third party, the Information Officer is obliged to comply with the requirements as set out in terms of the Act (especially Sections 71 to 73 of the Act).

#### **PROCEDURE FOR REQUEST FOR ACCESS (SECTIONS 53 TO 57 AND 60 OF THE ACT):**

1. The requester must comply with all the procedural requirements asset out in the Act, relating to the request for access to a record.
2. The requester must complete the prescribed form enclosed herewith as Appendix 1 (Form C), and submit same together with payment of the request fee (if applicable) and a deposit (if applicable) to the Information Officer at the postal or physical address, facsimile number or electronic mail address under PART I above.
3. The prescribed form must be completed with sufficient detail so as to enable the Information Officer to identify:
  - The records requested;
  - The identity of the requester;
  - Which form of access to the records is required, should the request be granted;
  - The postal address or facsimile number of the requester.
4. The requester must explain what other right is being protected or exercised
5. The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner.
6. If the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer.
7. Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Information Officer.
8. The requester must pay the prescribed fee (if applicable) before any further processing can take place.

#### **APPLICABLE TIME PERIODS**

1. Izandla will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.

2. The 30 day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Izandla or the records are not located at Izandla, or consultations amongst divisions and/or subsidiaries of Izandla or another private body are required.

#### **THE OUTCOME OF A REQUEST (GRANTING OR REFUSING)**

1. Should the request be granted, the notice will state the access fee (if any) to be paid upon access, the form in which access will be given and further that the requester may lodge an application with a Court against the access fee to be paid or the form of access granted, and the procedure for lodging such application.
2. Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the Act relied upon; and that the requester may lodge an application with a Court against the refusal of the request, and the procedure (including the time period) for lodging the application.

#### **GROUND FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT)**

Apart from Section 7 of the Act, and subject to Section 70 of the Act, the main grounds for Izandla to refuse a request for information as contemplated by the Act relates to:

1. Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (Section 63(1));
2. Protection of commercial information of a third party as defined by the Act, if the record contains:
  - trade secrets of that third party;
  - financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;
  - information disclosed in confidence to Izandla by a third party, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or would prejudice that third party in commercial competition (Section 64).
3. Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement (Section 65);
4. Protection of safety of individuals and protection of property (Section 66);

5. Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);
6. Protection of commercial activities of Izandla, which includes:
  - trade secrets of Izandla;
  - financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of Izandla;
  - information which, if disclosed, could put Izandla at a disadvantage in negotiations or commercial competition;
  - a computer programme owned by Izandla, and which is protected by copyright (Section 68);
7. The research information of Izandla or a third party on behalf of Izandla if the disclosure would expose the third party, Izandla, the researcher or the subject matter of the research to serious disadvantage (Section 69).
8. The requester must pay the prescribed fee (if applicable) before any further processing can take place.

#### **REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (PART 4 OF THE ACT)**

1. Izandla does not have internal appeal procedures and as such, the decision made by the Information Officer is final.
2. Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.
3. Should a third party be dissatisfied with the Information Officer's decision to grant a request for information relating to that third party, it (the third party) may within 30 days of notification of such decision, apply to a Court for the appropriate relief.

#### **APPENDIX 1**

##### **PRESCRIBED FEES**

No.	Description	Fee in Rands
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) for every photocopy of an A4-size page or part thereof	1,10
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	1,10

	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
	(c) For a copy in a computer-readable form on –	
	(i) stifty disc 7,50	7,50
	(ii) compact disc	70,00
	(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) For a copy of visual images	60,00
	(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii) For a copy of an audio record	30,00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)	50,00
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	1,10
	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
	(c) For a copy in a computer-readable form on -	
	(i) stifty disc	7,50
	(ii) compact disc	70,00
	(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) For a copy of visual images	60,00
	(e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00	20,00
	(ii) For a copy of an audio record	30,00
	(f) To search for and prepare the record for disclosure for each hour or part of an hour reasonably required for such search and preparation.	30,00