

Access to Information Manual

This manual will help you (the requester of information) to exercise that right and help you know how you may get access to our records. The Promotion to Access of Information Act 2 of 2000 as amended from time to time (known as PAIA) requires us to draft and make this manual available to you.

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1. Introduction

We describe who we are and what we do on our website.

PAIA requires the information officer of a private body to compile a manual that contains information on the records it holds. A 'private body' means a natural person, company or other type of juristic entity that carries on any trade, business or profession and includes a political party. We are a private body.

2. Our details

Our organisation's and information officer's details are as follows:

Organisation name	Admiral Island and Port Owen Estates (PTY) Ltd
Website	portowen.com
Registration number	2004/035678/07
Physical address	1 Marina Centre, Port Owen, Velddrif, 7365
Office phone number	022 783 2972
Default information officer	Jean-Paul Stuyck
Information officer email	jp@portowen.com

3. Further guidance from the Information Regulator

For further guidance, contact the Information Regulator. They have compiled a PAIA guide in each official language of South Africa on how to exercise your rights under PAIA.

Visit their website	https://inforegulator.org.za/
Postal address	P.O Box 3153, Braamfontein, Johannesburg, 2017
Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Phone number	010 023 5200
Ask a general enquiry by email	enquiries@inforegulator.org.za
Lodge a complaint by email	PAIAComplaints@inforegulator.org.za

For further guidance on how you can get access to information, please visit the Information Regulator website.

4. Records which we make automatically available

We make some records automatically available to you without you needing to request access to them.

Type of record	How you can access it
Memorandum of incorporation (MOI)	Bizportal: https://www.bizportal.gov.za/
Directors' names	Bizportal: https://www.bizportal.gov.za/
Documents of incorporation	Bizportal: https://www.bizportal.gov.za/
Banking details	Request by email
Brochures	Request by email
External newsletters and circulars	Subscribing on our website
Information on our website	Visit our website: https://www.portowen.com

5. Records we hold to function

We hold the following subjects and categories of records in electronic or physical format, which we do not make automatically available. You may request access to them.

Personnel records

Personnel records are all our records about anyone who works for us and who receives or is entitled to receive remuneration.

- Conditions of employment
- Personal records provided by personnel
- Internal evaluations and performance records
- Training records
- Disciplinary records
- Other statutory records

Business records

Business records include any documents that have economic value to the business.

- Financial records
- Operational records
- Databases
- Information technology
- Product records
- Training material
- Marketing material

Customer information

Customer Information includes any information about anyone that we provide services to, including our customers, leads, or prospects.

- Customer details
- Communications with customers
- Sales records
- Transactional information
- Agreements and contracts

Policies

Internal policies and procedures used for compliance purposes.

- Internal policies and procedures

6. Records we hold to comply with the law

We hold records for the purposes of PAIA in terms of the following main laws, among others:

Anti-corruption and organised crime

- Prevention & Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Financial Intelligence Centre Act 38 of 2002

Communications and IT

- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act 25 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002

Compliance and Corporate Governance

- Companies Act 71 of 2008
- Property Practitioners Act 22 of 2019
- Competition Act 89 of 1998

Copyright, Intellectual Property and Trademarks

- Copyright Act 98 of 1978
- Intellectual Property Laws Amendment Act 38 of 1997
- Intellectual Property Laws Amendment Act 28 of 2013
- Trade Marks Act 194 of 1993

Finance

- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- National Credit Act 34 of 2005
- Tax Administration Act 28 of 2011
- Value Added Tax Act 89 of 1991

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General

- Consumer Protection Act 68 of 2008
- Prescription Act 18 of 1943
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Promotion of Access to Information Act, No 2 of 2000
- Protection of Personal Information Act 4 of 2013

Human Resources

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Employment Equity Act 55 of 1998
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Protected Disclosures Act 26 of 2000
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002

7. How you can request access

We have appointed our information officer to deal with all matters relating to PAIA so we can comply with our PAIA obligations. To request access to a record, please complete [Form 2](#).

Please submit the completed form (together with the relevant request fee we explain below) to our information officer's email address or our physical address using the details we provide.

Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and the form of access you require,
- specifies your email address, postal address, or fax number,
- describes the right that you seek to exercise or protect,
- explains why you need the requested record to exercise or protect that right,
- provides any other way you would like to be informed of our decision other than in writing, and

- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form, we may:

- reject the request due to lack of procedural compliance,
- refuse it if you do not provide sufficient information, or
- delay it.

You may request information by completing a request for access form and submitting it to our information officer together with a request fee.

8. How we will give you access

We will evaluate and consider all requests we receive. If we approve your request, we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

9. How much it will cost you

Request fees

When submitting your request, you must pay us a request fee as the law prescribes. You must pay us the prescribed fees before we give you access. You will receive a notice from our information officer upon your request, setting out the application procedure.

Access fees

If we grant the request, you will have to pay us a further access fee as the law prescribes. This fee is for the time it takes us to handle your request, or if the time exceeds the prescribed hours to search and prepare the record for disclosure. Our information officer will notify you if you need to pay a deposit for the access fee. The deposit may be up to one third of the prescribed access fee. The access fee will provide for:

- the costs of making the record, or transcribing the record,
- a postal fee (if applicable), and
- the reasonable time we need to search for the record and prepare the record for you.

If you paid the deposit and we refused your request, we will refund you the deposit amount. Until you have paid the fees, we may withhold the record you requested.

10. Grounds for us to refuse access

We may have to refuse you access to certain records in terms of PAIA to protect:

- someone else's privacy,
- another company's commercial information,
- someone else's confidential information,
- research information,
- the safety of individuals and property,
- records privileged from production in legal proceedings, or

Some of these grounds are explained in further detail below.

Protection of someone else's privacy (a natural person)

We may refuse to give you access to a record if access would unreasonably disclose a natural person's personal information, including a deceased person.

We will not refuse access in certain circumstances.

- The person who the information pertains to, has given consent.
- The information is publicly available.
- The information belongs to a class of information, and the private body notified the individual upfront that the specific class of information might be made public.
- The record is physical or mental health information or information about someone's well-being who is:
 - under the requester's (your) care and below 18 years, or
 - in incapable of understanding the nature of the request and giving access would be in the individual's best interests.
- The information is about a deceased person and:
 - you are the next of kin, or
 - the request is made with the written consent of the individual's next of kin.
- The information is about a person who is, or was an executive at your organisation, and the information relates to their position or functions, for example:
 - that the person was an official at our organisation,
 - the title, work address, work phone number and other similar details,
 - the classification, salary scale or remuneration and responsibilities of the position or services, and
 - the name of the person on a record prepared by them while employed.

Protection of another organisation's commercial information

We may refuse to give you access to a record if the record contains another organisation's:

- trade secrets,
- financial, commercial, scientific, or technical information and the disclosure could cause harm to the financial or commercial interests of that company,

- information and the disclosure could put that company at a disadvantage in negotiations or commercial competition, or
- information on a computer programme owned by us, protected by copyright.

Protection of research information

We may refuse you access to a record that contains research done by us or someone else, if disclosing it would disclose our identity, the researcher's or the subject matter of the research and would place the research at a serious disadvantage.

Protection of the safety of individuals and property

We may refuse access if it could reasonably be expected to endanger someone's life or physical safety. We may refuse access to a record if disclosing it would be likely to prejudice or impair the security of:

- a building, structure, or system, including a computer or communication system,
- a means of transport,
- any other property,
- methods, systems, plans or procedures for the protection of someone in a witness protection scheme,
- the public, or a part of the public, or
- the property contemplated above.

Our decision on giving you access

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

Requests for information that are clearly frivolous or vexatious will be refused.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after receiving your request. If we cannot find the record you asked for or it does not exist, we will notify you that it is not possible to give access to that record.

We may have to refuse you access to a record to protect others.

11. Remedies available if we refuse to give you access

If we deny your request for access, you may:

- apply to a court with appropriate jurisdiction, or
- complain to the Information Regulator,

for the necessary relief within 180 calendar days of us notifying you of our decision.

12. How we process and protect personal information

We process the personal information of various categories of people for various purposes. For further information please refer to our POPI policy on our website.

Categories of people

We process the personal information of the following categories of people:

- customers,
- prospects or leads,
- employees,
- recruiters and medical practitioners providing services related to employees,
- contractors, vendors, or suppliers,
- debtors and creditors, and
- directors and shareholders.

Purposes

We process the personal information to:

- provide our services,
- better understand our data subjects' needs when doing so,
- keep our data subject records up to date,
- manage employees in general,
- manage supplier contracts in general,
- manage customers in general,
- enforce debts,
- market services to prospects,
- process customer requests or complaints, and
- process personal information of employees for forensic purposes.

Categories of personal information

We process many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses,
- personal details, such as name and surname,
- account numbers, and
- contract information.

Third-party disclosures

We give the following people personal information that we process in the ordinary course of business to fulfil our obligations to our customers or clients.

- Contractors or suppliers.

- Estate agents or estate agencies
- Operators, other responsible parties, or co-responsible parties.
- Third party vendors to help us maintain our services.

Cross-border transfers

We send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's that provide an adequate level of protection, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

Security

We secure data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration, and destruction.

We also take reasonable steps to keep personal information accurate, current, complete, confidential, and reliable for its intended use.

13. Availability of this Manual

This manual is available in English in electronic format on our Website and in physical format at the reception of our company offices.

14. Updates to this Manual

We will update this manual as required by law or if there are any material changes to our business offering.