

Prop Com Management (Pty) Ltd

MANUAL

In terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

Date of Compilation: 8 June 2021

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1. INTRODUCTION

Prop Com Management (Pty) Ltd, a property management company

2. COMPANY CONTACT DETAILS

Persons designated / duly authorised persons:

Director / CEO: Mr J.J. Boland
Postal Address: P.O. Box 44871, Linden, 2104
Physical address: 2 9th Street, Linden, 2195
Telephone number: 011 782 7143
E-mail: james@propcom.co.za

3. THE ACT AND SECTION 10 GUIDE

- 3.1** The Act grants a requester access to the records of a private body, if the record is acquired 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.
- 3.2** Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.
- 3.3** Requesters are referred to the Guide in terms of Section 10, which has been compiled by the South Africa 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
Fax number: +27-11-403-0625
Website: www.sahrc.org.za

4. APPLICABLE LEGISLATION

No.	Ref	Act
1.	75 of 1997	Basic Conditions of Employment Act
2.	69 of 1984	Close Corporations Act
3.	61 of 1973	Companies Act
4.	1996	Constitution of the Republic of South Africa
5.	98 of 1978	Copyright Act
6.	25 of 2002	Electronic Communications and Transactions Act
7.	55 of 1998	Employment Equity Act
8.	112 of 1976	Estate Agency Affairs Act, 1976
9.	37 of 2002	Financial Advisory and Intermediary Services Act
10.	38 of 2001	Financial Intelligence Centre Act, 2001
11.	95 of 1967	Income Tax Act
12.	66 of 1995	Labour Relations Act

13.	85 of 1993	Occupational Health & Safety Act, No. 85 of 1993
14.	2 of 2000	Promotion of Access to Information Act
15.	30 of 1996	Unemployment Insurance Act
16.	73 of 1968	Usury Act No 73 of 1968
17.	89 of 1991	Value Added Tax Act
18.	89 of 1991	Value Added Tax Act, No. 89 of 1991

5. SCHEDULE OF RECORDS

Records	Subject	Availability
Corporate	<ul style="list-style-type: none"> – Records of the appointment of directors, auditors, secretary, public officer and any prescribed officer – Share Register and other statutory registers/ records/documents – Share certificates – Special resolutions/resolutions passed at general and class meetings 	Request in terms of PAIA
Financial	<ul style="list-style-type: none"> – Annual financial statements – Tax returns – Accounting records – Bank statements – Asset register – Rental agreements – Debtors/creditors statements and invoices – General reconciliation – Policies and procedures 	Request in terms of PAIA
Tax	<ul style="list-style-type: none"> – PAYE records – Documents issued to employees for income tax – Records of payments made to SARS for employees – VAT – Skills development levies – UIF – Workmen's compensation 	Request in terms of PAIA
Personnel	<ul style="list-style-type: none"> – Employment contracts – Disciplinary records – Salary records – SETA records – Disciplinary code – Leave records – Training records and manuals – Standard letters, notices, forms and applications – Payroll reports 	Request in terms of PAIA
Procurement	<ul style="list-style-type: none"> – Standard terms & conditions for supply of services – Contractor, client and supplier agreements – Lists of suppliers, products, services and distribution – Policies and procedures 	Request in terms of PAIA
Legal/compliance	<ul style="list-style-type: none"> – Agreements – General contracts 	Request in terms of PAIA

Information security/ Information technology	<ul style="list-style-type: none"> – Disaster recovery plans – Hardware asset registers – Information security policies/standards/procedures – Information usage policy documentation – Software licensing – System documentation and manuals 	Request in terms of PAIA
Occupational health and safety	<ul style="list-style-type: none"> – Personal injury records – Policies and procedures 	Request in terms of PAIA

6. FORM OF REQUEST

To facilitate the processing of your request, kindly:

- 6.1** Use the prescribed form, attached as Appendix 1, and available on the website of the South African Human Rights Commission at www.sahrc.org.za.
- 6.2** Address your request to the head of the company (CEO).
- 6.3** Provide sufficient details to enable the company to identify the following:
 - a. The record(s) requested
 - b. The requester (and if an agent is lodging the request, proof of capacity)
 - c. The form of access required
 - d. (i) The postal address or fax number of the requester in the Republic
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written), the manner and particulars thereof
 - e. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right

7. PRESCRIBED FEES

The following applies to requests (other than personal requests):

- 7.1** A requestor is required to pay the prescribed fees before a request will be processed.
- 7.2** If the preparation of the record requested requires more than the prescribed hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 7.3** A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 7.4** Records may be withheld until the fees have been paid.
- 7.5** The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

Appendix 1

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 <i>for information</i> is made on behalf of <i>another</i> 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 <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) | You will be <i>notified</i> of the amount required to be paid as the request fee. |
| (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. |
| (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
Form in which record is required:	
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 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:			
	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		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*		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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE