

PAIA MANUAL

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“EY”	Etchells & Young Property Brokers (Pty) Ltd
1.2	“IO”	Information Officer
1.3	“Minister”	Minister of Justice and Correctional Services
1.4	“PAIA”	Promotion of Access to Information Act No. 2 of 2000 (As Amended)
1.5	“POPIA”	Protection of Personal Information Act No 4 of 2013
1.6	“Regulator”	Information Regulator
1.7	“Republic”	Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by EY 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 EY, 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 EY which are available in accordance with any other legislation
- 2.4 access all the relevant contact details of the IO 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 EY has planned to transfer or process personal information outside the Republic and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether EY has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. GENERAL DETAILS OF THE PRIVATE BODY

- 3.1 **Name of Body:** Etchells & Young Property Brokers (Pty) Ltd
- 3.2 **Physical Address:** 261 Surrey Avenue, Ferndale, Randburg
- 3.3 **Telephone:** +27 (0) 11 791 5134
- 3.4 **Principal:** Aubrie Etchells
- 3.5 **Who are we:** Etchells & Young is a Property Rentals, Management and Sales Agency, dedicated to helping clients maximize their investments

4. KEY CONTACT DETAILS OF THE PRIVATE BODY

- 4.1 Information Officer
- Name: Elize Fourie
- Tel: +27 (0) 11 791 5134
- Email: elize@etchellsandyoung.co.za
- 4.2 Access to information general contacts:
- Email: elize@etchellsandyoung.co.za

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1 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.

- 5.2 The Guide is available in each of the official languages and in braille.
- 5.3 The aforementioned Guide contains the description of-
 - 5.3.1 the objects of PAIA and POPIA;
 - 5.3.2 the postal and street address, phone and fax numbers and, if available, electronic mail address of-
 - 5.3.2.1 the Information Officer of every public body; and
 - 5.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 5.3.3 the manner and form of a request for-
 - 5.3.3.1 access to a record of a public body contemplated in section 11; and
 - 5.3.3.2 access to a record of a private body contemplated in section 50;
 - 5.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA
 - 5.3.6 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-
 - 5.3.6.1 an internal appeal;
 - 5.3.6.2 a complaint to the Regulator; and
 - 5.3.6.3 an application with a court against a decision by the IO of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
 - 5.3.7 the provisions of section 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 5.3.8 the provisions of section 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 5.3.9 the notices issued in terms of section 22 and 54 regarding fees to be paid in relation to requests for access; and

- 5.3.10 the regulations made in terms of section 92
- 5.4 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.
- 5.5 The Guide can also be obtained-
 - 5.5.1 upon request to the IO;
 - 5.5.2 from the website of the Regulator (www.justice.gov.za/inforeg/)

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

As applicable, EY maintains records of information as required by the following legislation:

- 6.1 Basic Conditions of Employment Act 75 of 1997;
- 6.2 Companies Act 71 of 2008;
- 6.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 6.4 Consumer Protection Act 68 of 2008;
- 6.5 Employment Equity Act 55 of 1998;
- 6.6 Estate Agency Affairs Act 112 of 1976
- 6.7 Financial Intelligence Centre Act 38 of 2001;
- 6.8 Financial Intelligence Centre Amendment Act 1 of 2017;
- 6.9 Income Tax Act 58 of 1962;
- 6.10 Labour Relations Act 66 of 1995;
- 6.11 Occupational Health and Safety Act 85 of 1993;
- 6.12 Property Practitioners Act 22 of 2019;
- 6.13 Protection of Personal Information Act 4 of 2013;
- 6.14 Skills Development Act 97 of 1998;
- 6.15 Skills Development Levies Act 9 of 1999;
- 6.16 Unemployment Insurance Act 63 of 2001;
- 6.17 Unemployment Insurance Contributions Act 4 of 2002; and
- 6.18 Value-Added-Tax Act 89 of 1991.

7. COMPANY RECORDS

- 7.1 No notice has been submitted to the Minister regarding the categories of records which are available without a person having to request access in terms of section 52(2) of PAIA. The information on the website of the business, however, is automatically available without having to request access in terms of PAIA
- 7.2 General information about EY can be accessed via the internet on www.etchellsandyoung.co.za, which is available to all persons with access to the internet.
- 7.3 Company Records Classification Key:

CLASSIFICATION NUMBER	ACCESS	CLASSIFICATION
1	May be disclosed	Public Access Document
2	Limited disclosure	Subject to limited information as allowed to be supplied to protect the safety of individuals or protection of property (section 66)
3	Limited disclosure	Personal information that belongs to the requester of that information (section 61)
4	May not be disclosed	Unreasonable disclosure of personal information of natural person (section 63(1))
5	May not be disclosed	Likely to harm the commercial or financial interests of third party (section 64(a)(b))
6	May not be disclosed	Would breach a duty of confidence owed to a third party in terms of an agreement (section 65)
7	May not be disclosed	Legally privileged document (section 67)
8	May not be disclosed	Commercial information of private body (section 68)
9	May not be refused	Disclosure in public interest (section 70)
10	May not be disclosed	Likely to prejudice research and development information of EY or a third party (section 69)

7.4 Summary Records Availability

Subject	Classification number
Current Product Information	2
Public Corporate Records	1
Media Releases	1
Employee Records	3, 4, 5, 6
Employment Contracts	3, 4, 5, 6
Financial and Tax Clearance (Company)	1
Financial and Tax Records (Employees)	5
Management Accounts	5, 6, 8
General Contract Documentation	3, 5, 7
Company Guidelines, Policies and Procedures	7, 10
Market Information	10
Product Brochures	1
Marketing and Product Strategies	10
Product Sales Records	10
Customer Information and Customer Database	3, 4

8. PURPOSE OF PROCESSING OF PERSONAL INFORMATION

We process personal information to:

- 8.1 supply our services, which includes verification in terms of FICA as an accountable institution;
- 8.2 keep our clients records updated;
- 8.3 manage employees in general;
- 8.4 manage clients in general;
- 8.5 market services to potential clients;

9. CATEGORIES OF PERSONAL INFORMATION

We process many different categories of personal information, including:

- 9.1 contact details, such as phone numbers, physical addresses and email addresses;
- 9.2 personal details, such as names and identification verification;
- 9.3 account numbers;
- 9.4 background information;
- 9.5 contract information;
- 9.6 credit information;
- 9.7 debt and debtor information.

10. DATA SUBJECTS CATEGORIES

We process different categories, including:

- 10.1 clients, including natural and juristic persons;
- 10.2 leads;
- 10.3 employees;
- 10.4 directors and shareholders;
- 10.5 trustees

11. PLANNED RECIPIENTS OF PERSONAL INFORMATION

We share personal information with the following individuals in the normal course of business to meet our obligations:

- 11.1 Statutory authorities;
- 11.2 Law Enforcement;

- 11.3 Tax authorities;
- 11.4 Credit Bureaus;
- 11.5 Attorneys;
- 11.6 Landlords, relating to their investment.

12. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

We will not transfer any personal information outside of the Republic unless requested by a client entitled to such information as specified in point 7.4.

13. SECURITY

We secure our data by implementing reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. Additionally, we take reasonable steps to ensure personal information is accurate, current, complete, and reliable for its intended use.

14. THE REQUEST PROCEDURE

14.1 FORMS AND FEES

14.1.1 A request for access to information must be made in the prescribed form, addressed to the IO, and submitted as outlined in Annexure B of the PAIA Regulations.

14.1.2 To request access to a record, please complete Form 02 which is available from: <https://info regulator.org.za/paia-forms>

14.2 FORM OF REQUEST

14.2.1 The requestor must use the prescribed form to make the request for access to a record. This request must be made to the electronic mail address of the IO and must contain the requestor's electronic mail address.

14.2.2 The requester must provide sufficient detail on the request form to enable the IO to identify both the requested record and the requester. The requester should also specify the preferred form of access. Additionally, if the requester desires notice of the Information Officer's decision in a manner other than in writing, they should provide the necessary details to facilitate this

- 14.2.3 In the request form, the requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 14.2.4 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the IO.
- 14.2.5 The IO will either use the prescribed form (Form 03) or a substantially similar manner to let the requester know the outcome of the request and the fees payable. Form 03 is available from <https://inforegulator.org.za/paia-forms/>.

14.3 FEES

- 14.3.1 A requester seeking access to a record containing their personal information is not required to pay the request fee. All other requesters, who are not personal requesters, must pay the required fee.
- 14.3.2 The IO notify the requester to pay the prescribed fee (as defined in Annexure B of the PAIA Regulations), if applicable, before further processing the request.
- 14.3.3 The requester may complain to the Information Regulator or lodge an application with a court against the payment of the prescribed request fee.
- 14.3.4 After the IO has made a decision on the request, the requester must be notified in the required form
- 14.3.5 If the request is granted, an additional access fee (as defined in Annexure B of the PAIA Regulations) must be paid for the search, reproduction, preparation, and any time exceeding the prescribed hours required to search and prepare the record for disclosure.

15. REMEDIES

If request for access is denied, the requester may:

- 15.1 apply to a court with appropriate jurisdiction, or
- 15.2 lodge a complaint with the Information Regulator, for the necessary relief within 180 days.

16. AVAILABILITY OF THE MANUAL

16.1 A copy of the Manual is available-

16.1.1 on www.etchellsandyoung.co.za,

16.1.2 head office of EY for public inspection during normal business hours;

16.1.3 to any person, upon request and upon payment of a reasonable prescribed fee; and

16.1.4 to the Information Regulator upon request.

16.2 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.

17. UPDATES TO THE MANUAL

The head of Etchells & Young will update this manual as and when changes are necessary and relevant.

Issued By:



Elize Fourie

Financial Manager / Information Officer