



- Mbombela Properties -

Promotion of Access to Information Act: Section 51 Manual

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INTRODUCTION

This Manual has been prepared in accordance with section 51 of the Act and aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- “Act” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- “Company” means **Kruger and Partners Inc. - Mbombela Properties** as more fully described in the overview hereunder;
- “Information Officer” means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the head of the Company by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of the Company in writing;
- “Manual” means this manual published in compliance with Section 51 of the Act;
- “Record” means any recorded information, regardless of form or medium, which is in the Possession or under the control of the Company, irrespective of whether or not it was created by the Company;
- “Request” means a request for access to a Record of the Company;
- “Requestor” means any person, including a public body or an official thereof, making a Request for access to a Record of the Company and includes any person acting on behalf of that person; and
- “SAHRC” means the South African Human Rights Commission.

- Unless a contrary intention clearly appears, words signifying:-
 - the singular includes the plural and vice versa;
 - any one gender includes the other genders and vice versa; and
 - natural persons include juristic persons.

Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.

OVERVIEW OF THE COMPANY

Kruger and Partners Inc. - Mbombela Properties is a Company incorporated in accordance with the company laws of South Africa.

The Founder is, **Kruger and Partners Inc.** and the history of the Company involves the following:-

As part of its business expansion, one of the most prestigious law firms in the Lowveld, Kruger & Partners Inc., obtained a longstanding Mbombela Estate Agency, namely Huizen Properties. The latter was established in 2006. Over the years Huizen Properties has grown into one of the most reliable estate agencies in Mpumalanga. It will henceforth be known as Kruger & Partners Inc. Mbombela Properties.

Kruger & Partners Inc. Mbombela Properties is one of the Lowveld's leading commercial and corporate law firms, particularly in the provincial capital, Mbombela. It consciously seeks to offer quality client service. Since its inception in 1954, the firm has been true to its commitment to "build lasting relationships with clients, partners and staff alike".

Our property division specialise in the sale and rental of residential properties in the City of Mbombela, Mpumalanga, as well as adjacent areas which includes the Lowveld of Mpumalanga.

The Company group comprises the following companies:

Kruger and Partners Inc.

This Manual applies to all South African entities, both jointly and severally, and such entities are referred to both individually and collectively as the **Kruger and Partners Inc. - Mbombela Properties** group.

CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(a))

The Chief Executive of the Company, as head of the private body, has delegated his powers to the Company Secretary, as Information Officer, whose details appear hereunder for purposes of dealing with all matters in connection with Requests for information on the Company's behalf and to ensure compliance with the Act.

Group Company Secretary: **D L BESTER**

Postal address: **P O Box 181, NELSPRUIT, 1200**

Email: lbester@kmprok.co.za

Website: <https://www.huizenprops.co.za>

GUIDE TO THE ACT (SECTION 51(1)(b) READ WITH SECTION 10)

The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

The guide is available on the SAHRC website, <https://www.sahrc.org.za/>.

The SAHRC can be contacted directly at: The South African Human Rights Commission: PAIA Unit

The SAHRC website at <https://www.sahrc.org.za/> at this link:

<http://www.sahrc.org.za/home/21/files/Form%20C.doc>

; or

The Department of Justice and Constitutional Development website at www.justice.gov.za at this link: https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS [SECTION 51(1)(c)]

The following Records are automatically available without a person having to request access in terms of the Act:

- The web page <https://www.huizenprops.co.za> is accessible to anyone who has access to the Internet. The Company website hosts the following categories of information:
 - Company info
 - King IVI Governance Register
 - Memorandum of Incorporation
 - BEE Industry Scorecard
 - Career Opportunities, specifically to be trained in the field of Estate A
 - Product and promotional brochures/pamphlets
 - News and marketing information

RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(d)] [examples]

Records are kept in accordance with the following legislation Basic Conditions of Employment Act, 1997

- Basic Conditions of Employment Act, 1997
- Businesses Act, 1991
- Companies Act, 2008
- Consumer Protection Act, 2008
- Copyright Act, 1978
- Deeds Registries Act, 1937
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998
- Financial Markets Act, 2012
- Harmful Business Practices Act, 1999
- Immigration Act, 2002
- Income Tax Act, 1962
- Labour Relations Act, 1995
- Occupational Health and Safety Act, 1993
- Prevention of Organised Crime Act, 1998;
- ⊖ Protected Disclosures Act, 2000
- Value Added Tax Act, 1991

CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST

5.1 Statutory and Legal

5.2 Human Resources

5.3 Administration, Finance & Accounting:

5.4 Retirement Fund

5.5 Insurance

5.6 Information technology

5.7 Sales and Marketing

- Customer Records
- Credit application forms
- Statements of account
- Terms & conditions
- Marketing material and media releases: brochures, newsletters and advertising materials

5.8 Assets

- Land and building register
- Fixed assets register
- Title deeds
- Leases

5.9 Operational information

This information can be defined as information needed in the day-to-day running of the organization. Internal telephone lists, address lists, company policies, company procedures, human resource manual, administration manual, industry related statistical data, guest database, historical guest histories, guest reservation data, management information reports, property development information such as title deeds, lease agreements, construction contracts and architectural drawings).

ACCESS: PROCEDURE AVAILABLE AND FEES

7.1 How to Request a Record (Section 53)

- Requests for access to Records must be made to the Information Officer in the prescribed form, Annexure 1 at the address, fax number or electronic mail address referred to in 1 above. Failure to make use of the prescribed form could result in your Request being refused or delayed.
- A Request for access to a Record must be accompanied by payment of an initial non- refundable Request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal Requests, i.e. individual seeking access to Records pertaining him/herself.
- The Requestor must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identify, which is to be accompanied by positive proof of identification.
- The Requestor must indicate which form of access is required and if he/she wishes to be informed on the decision on the Request in any other manner, to state the necessary particulars to be so informed.
- Access is not automatic. The Requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to why the requested Record is required for the exercise or protection of that right.

- If a Request is made on behalf of a person, the Requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.

7.2 Decision on Request (Section 56)

- The Requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request.
- If the Request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee(s).
- In the event that the Request for access is refused, reasons for the refusal will be provided and the Requestor will be advised the he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application.
- The Requestor may lodge an internal appeal or an application to court against the tender
 - or payment of the Request fee.

7.3 Availability

This Manual is available on the company website,

<https://www.huizenprops.com> alternatively at 18 Pilgrim Street, Barberton // Proforum Building, 5 Van Rensburg Street, Nelspruit during office hours.

7.4 Fees

The fees payable in respect of access to Records are attached as Annexure 2.

See Annexures