

MANUAL

In terms of Section 51 of the
PROMOTION OF ACCESS TO INFORMATION
ACT (ACT 2 OF 2000)

("hereinafter referred to as "the Act")

of

BM VAN ZYL

TRADING AS

RETHA VAN ZYL REAL ESTATE

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MANUAL OF BM VAN ZYL TRADING AS RETHA VAN ZYL REAL ESTATE

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000

Last Updated : 10 June 2019

1. INTRODUCTION

This manual has been prepared in accordance with the regulations of Chapter 2, section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

BM VAN ZYL TRADING AS RETHA VAN ZYL REAL ESTATE offers a unique service to property owners in the luxury market of Woodland Hills Wildlife Estate (Bloemfontein).

The agency offers the following service:

- Evaluation of the requirements, lifestyle and financial means of the client;
- Formulation of proposals to address Clients' needs;
- Comparative Market Analysis to assist sellers in determining the market value of residential properties and setting a realistic asking price;
- Information to buyers and sellers with regard to market related sales;
- Negotiation of offers to purchase;
- After sales service to ensure a smooth transaction;
- Collaboration with Estate Agents, Attorneys, Bond Originators, Architects, Builders, and other relevant service providers;

All requests for access to information (other than information that is available to the public) must be addressed to the Information Officer.

2. THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 (THE ACT)

The objectives of PAIA are thus:

- 2.1 to give effect to the constitutional right of access to any information held by the State;
- 2.2 to set out justifiable limitations on the right of access to information aimed at protecting people's privacy, confidential commercial information and ensuring effective, efficient and good governance;
- 2.3 to balance the right of access to information with all the other rights in the constitution;
- 2.4 to promote a culture of human rights and social justice;
- 2.5 to establish mechanisms and procedures to enable persons to obtain access to records as swiftly, inexpensively and effortlessly as is reasonably possible;
- 2.6 to promote transparency, accountability and effective governance;
- 2.7 to empower and educate everyone to:
 - 2.7.1 understand their rights in terms of the Act;
 - 2.7.2 understand the functions and operation of public bodies; and
 - 2.7.3 effectively scrutinize and participate in decision-making by public bodies that affects their rights.

3. CONTACT DETAILS OF THE COMPANY - SECTION 51(1)(a)

Name of Public Body:	BM van Zyl Trading as Retha Van Zyl Real Estate BM van Zyl
Head of Business:	BM van Zyl
Postal Address :	PO Box 26755 Langenhovenpark Bloemfontein 9330
Physical Address:	15 Kiepersolkinkel Woodland Hills Wildlife Estate Bloemfontein 9301
Phone Number :	083 451 0511
Fax Number :	086 538 4943
E-mail :	retha@rethavanzyl.co.za

4. DETAILS OF INFORMATION OFFICER

The person responsible for administration of the Act within BM van Zyl trading as Retha van Zyl Real Estate is:

Designated Information Officer: Mrs. BM van Zyl

Phone Number : 083 451 0511

Fax Number: 086 538 4943

E-mail : retha@rethavanzyl.co.za

5. HUMAN RIGHTS COMMISSION ("HRC") GUIDE IN TERMS OF SECTION 10 - SECTION 51(1)(b)

The information contained in this manual and that of all other public and private bodies can be obtained from the South African Human Rights Commission (SAHRC). Section 10 of the Act requires the SAHRC to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act. The guide contains the following information:

The objects of the Act:

- 5.1. Particulars of the information officers of every public body;
- 5.2. Particulars of every private body as are practicable;
- 5.3. The manner and form of a request for access to information held by a body;
- 5.4. Assistance available from both the information officers and the Human Rights Commission in terms of the Act;
- 5.5. All remedies in law regarding acts, omissions, rights, and duties, including how to lodge an internal appeal and a court application;
- 5.6. Schedules of fees to be paid in relation to requests for access to information; and
- 5.7. Regulations made in terms of the Act;

Enquiries regarding the guide can be addressed to the SAHRC, the contact details are as follows:

Postal Address: South African Human Rights Commission
Promotion of Access to Information Unit
Research and Documentation Department
Private Bag 2700 Houghton 2041

Telephone: (011) 484-0582

Fax: Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

6. RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION - SECTION 51(1)(d)

Records are held in accordance with the following legislation :

- Administration of Estates Act 66 of 1965
- Arbitration Act 42 of 1965
- Basic Conditions of Employment 75 of 1997
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Currency and Exchanges Act 9 of 1933
- Debtor Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Intellectual Property Laws Amendments Act 38 of 1997
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Promotion of Access to Information Act 2 of 2000
- Protection of Businesses Act 99 of 1978
- Short Term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Tax on Retirement Funds Act 38 of 1996
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC – SECTION 51(1)(c)

The Act provides for the automatic disclosure of certain records. Should records be automatically disclosed, you will not have to formally request these records in terms of the Act.

In terms of the Act, this automatic disclosure by private companies is voluntary. This means that a private company is not obliged to make such disclosure. If a private company chooses to make such voluntary disclosure, it may do so by giving notice thereof in terms of Section 52(2) of the Act.

7.1. No Notices have been published by the Minister in terms of Section 52(2) of the PAIA.

8. CATEGORIES AND TYPES OF RECORDS AND INFORMATION HELD IN TERMS OF THE ACT – SECTION 51(1)(e)

8.1 Internal records:

- Financial records
 - Operational records
 - Marketing records
 - Internal correspondence
 - Internal procedures and policies
- Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request

8.2 Client-related records:

- Contracts with clients
 - Records and reports
- Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request

8.3 Marketing and Communication:

- Marketing strategies
 - Communication strategies
 - Agreements
- Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request

8.4 Personnel records:

- Personnel records
 - Employment policies
 - Other internal records
- Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request

8.5 Information management:

- Service Level Agreements
 - Equipment Register
 - Licensing Agreements
- Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request
 - Availability to be determined upon receipt of request

9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION - SECTION 51(1)(e)

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in Form C hereto.

9.1. These forms are available from:

- The IDC Information Officer (whose contact details are in section 1 of this manual);
- The SAHRC website (www.sahrc.org.za)
- The Department of Justice and Constitutional Development website (www.doj.gov.za).

9.2. The requester must use the prescribed form to make the request for access to a record.

9.3. This must be made to the appointed designated person.

9.4. This request must be made to the address, fax number or electronic mail address of the body concerned.

9.5. Request for access to records of private body – Form A has been appended to the manual.

9.6. The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

9.7. 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.

9.8. Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be "necessary" for the exercise or protection of the right so stated.

9.9. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated person of the private body.

9.10. A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it is acting in the public interest.

10. REMEDIES FOR NON-COMPLIANCE WITH THE ACT

Any requester dissatisfied with any decision in respect of a request for access to a record can either lodge an internal appeal to the relevant authority or approach the High Court or another court of similar status to seek redress.

If the requester wants to lodge an internal appeal, it must be done within 60 days after receiving the notice that his/her request was not approved or within 30 days if notice to a third party is required.

An internal appeal must be lodged in the prescribed Form B.

11. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for refusal of a request for information are :

- 11.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 11.2. Mandatory protection of the commercial information of a third party, if the record contains :
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
 - Information disclosed in confidence by a third party to **BM VAN ZYL TRADING AS RETHA VAN ZYL REAL ESTATE** if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- 11.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 11.4. Mandatory protection of the safety of individuals and the protection of property.

12. FEES PAYABLE AS PRESCRIBED BY THE ACT - SECTION 51(1)(e)

- 12.1 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.
- 12.2 The appointed designated person of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- 12.3 The fee that the requester must pay to a private body is R50 exclusive of value added tax. The requester may lodge an application to the court against the tender or payment of the request fee.
- 12.4 After the designated person of the private body has made a decision on the request, the requester must be notified in the required form.
- 12.5 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 12.6 The prescribed fees relating to a request to access information are as per includes Section 54(7), Section 54(2) and Section 54(7) of Regulation 11(3).

**(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]**

13. ADDITIONAL PRESCRIBED INFORMATION - SECTION 51(1)(f)

The Minister of Justice and Constitutional Development has not prescribed that any further information must be contained in this manual.

14. AVAILABILITY OF THE MANUAL - SECTION 51(1)(f)

This manual is available from:

- 14.1. South African Human Rights Commission
- 14.2. BM van Zyl trading as Retha van Zyl Real Estate
- 14.3. www.rethavanzyl.co.za

15. LODGING PAIA REQUESTS

15.1. Form A:

- 15.1.1. The form below needs to be completed when a request for information is made to a public body.
- 15.1.2. Please note that these forms must be made available from the public body in question and that the personnel tasked with processing/receiving requests for information MUST assist in completing the form if you require assistance.
- 15.1.3. Certain public bodies will accept electronic submissions of forms.
- 15.1.4. Please also note that if you earn below R14 712 a year or you and your partners combined income is less than R27 192 per year, you will not have to pay a request fee with your application.
- 15.1.5. You will also not have to pay a request fee if your request for information is a request for your personal information.
- 15.1.6. In all other instances a fee of R35.00 needs to accompany your request.

15.2. Form B:

- 15.2.1. The form below needs to be completed when a request for information to a public body has been refused or the public body has provided no response to your request 30 working days after the request was submitted.
- 15.2.2. The Form B is the form to be used when you wish the decision of the public body not to grant access to information to be reconsidered.
- 15.2.3. Appeals can only be lodged with certain public bodies defined as category A public bodies in the PAIA legislation.
- 15.2.4. These are all national, provincial and local government public bodies.

15.3. Form C:

- 15.3.1. The form below needs to be completed when a request for information is made to a private body (business). Please note that these forms must be made available from the private body in question and that the personnel tasked with processing/receiving requests for information MUST assist you complete the form if you require assistance. Certain private bodies will accept electronic submissions of forms.
- 15.3.2. In requesting information from a private body the form must indicate what specific interest or right the information which is requested will assist you in asserting.
- 15.3.3. Please also note that if you earn below R14 712 a year or you and your partners combined income is less than R27 192 per year, you will not have to pay a request fee with your application.
- 15.3.4. You will also not have to pay a request fee if your request for information is a request for your personal information.
- 15.3.5. In all other instances a fee of R50.00 needs to accompany your request.

Signed at Bloemfontein, this 19th day of June 2019.

BM van Zyl

BM VAN ZYL TRADING AS RETHA VAN ZYL REAL ESTATE

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number

Request received by
name and surname of information officer/deputy information officer
on (date) at(place)

Request fee (if any): R.....

Deposit (if any): R.....

Access fee: R.....

..... Signature of information officer/deputy Information Officer

A Particulars of public body

The Information Officer/Deputy Information Officer:

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 ONLY if a request for information is made on behalf of another 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 than a record containing personal information about yourself, only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required 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 below, state your disability and indicate in which form the record is required.

Disability:		Form in which record is required:			
Mark the appropriate box with an X. NOTES: (a) Compliance with your request for access 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 to 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	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'	printed copy of information derived from the 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?			YES NO
Postage is payable.			
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.			
In which language would you prefer the record?			

G. Notice of decision regarding request for access

You will be notified 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 of 20.....

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

FORM B
NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act 2000 (Act No. 2 of 2000)) [Regulation 8]

STATE YOUR REFERENCE NUMBER:

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- (a) The particulars of the person who lodge the internal appeal must be given below.
- (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:

Identity number:

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by
	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

State any other information that may be relevant in considering the appeal:

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner:

Particulars of manner:

Signed at.....thisday of 20

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on
(date) by (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION
SUBSTITUTED

NEW DECISION:

.....
RELEVANT AUTHORITY

.....DATE

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT
AUTHORITY ON (date)

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 ONLY if a request for information is made on behalf of another 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 than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required 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
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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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