

PRETOR GROUP (PTY) LTD

PROMOTION OF ACCESS TO INFORMATION MANUAL (PAIA MANUAL)

[PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, NO.2 OF 2000]

**Pretor Group comprising of: Sectional Title Administration • Residential Communities Administration
Home Rentals • Commercial Property Management • Financial Services**

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1. INTRODUCTION AND BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

The Protection of Personal Information (POPI) Act emanates from Section 14 of the Constitution of the Republic of South Africa, which section provides that everyone has the right to privacy, and it includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

POPI regulates the processing of personal information by public and private bodies in a manner that gives effect to the right to privacy subject to justifiable limitations that are aimed at protecting other rights and important interests.

The Promotion of Access to Information Act ("PAIA") has as its purpose to promote the right of access to information and to foster a culture of transparency and accountability in South Africa and is aimed at encouraging an open democracy.

The purpose of this manual is to explain what records we hold and how a member of the public (this does not apply to members of the Body Corporate or service providers of the Body Corporate) can obtain access to records if needed by them in order to exercise or protect their rights.

2. PRETOR GROUP (Pty) Ltd

Pretor Group is a privately owned company and acts in its capacity as Managing Agent in terms of a Management Agreement with a respective Body Corporate and/or Home Owners Association to assist the Trustees and/or Directors in the performance of their duties, specializing in all aspects of Sectional Title Administration. Pretor also manages the rental of Commercial and Residential properties on behalf of the owners.

Pretor is registered with the Property Practitioners Regulatory Authority and holds a valid Fidelity Fund Certificate issued by the Board.

3. Contact DETAILS OF THE INFORMATION OFFICER – SECTION 51 (1)(a)

The responsibility for the administration of, and compliance with the Act, has been delegated by the head of Pretor Group to Brad Cowie, Director of Pretor Group. The authorization of Information Officer is attached hereto as Annexure "A" and the contact details of the Information Officer are provided as Annexure "B".

Requests should be directed as follows and by completing Annexure "C":

- | | |
|--------------------------|--|
| 3.1 Name of Body: | Pretor Group |
| 3.2 Physical Address: | 262 Rose Avenue
River Falls Office Park
Doringkloof
0157 |
| 3.3 Information Officer: | Director
Tel: 012 001 9000
Email: bradc@pretor.co.za |
| 3.4 Type of Business: | Property management o/b/o Body Corporates,
Homeowners' Associations and Property Owners |

4. RECORDS

4.1 RECORDS AVAILABLE AND HELD IN TERMS OF OTHER LEGISLATION- SECTION 51(1)(d)

Where applicable to operations, records and documents are retained in terms of the legislation listed below. Records that are required to be made available in terms of these Acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the applicable Act. A request to access must be done in accordance with the prescriptions of the Act.

Applicable Legislation comprises:

- 4.1.1 Basic Conditions of Employment Act no 75 of 1997
- 4.1.2 Community Schemes Ombud Service Act no 9 of 2011
- 4.1.3 Companies Act no 71 of 2008
- 4.1.4 Compensation for Occupational Injuries and Diseases Act no 130 of 1993
- 4.1.5 Consumer Protection Act no 68 of 2008
- 4.1.6 Debt Collectors Act no 114 of 1998
- 4.1.7 Deeds Registries Act no 47 of 1937
- 4.1.8 Disaster Management Act no 16 of 2015
- 4.1.9 Electronic Communications and Transactions Act no 25 of 2002
- 4.1.10 Employment Equity Act no 55 of 1998
- 4.1.11 Property Practitioners Act No.22 of 2019
- 4.1.12 Financial Intelligence Centre Act no 38 of 2001
- 4.1.13 Income Tax Act no 58 of 1962
- 4.1.14 Insurance Act no 27 of 1943
- 4.1.15 Labour Relations Act no 66 of 1995
- 4.1.16 National Credit Act no 34 of 2005
- 4.1.17 Occupational Health & Safety Act no 85 of 1993
- 4.1.18 Promotion of Access to Information Act no 2 of 2000
- 4.1.19 Property Practitioners Act no 22 of 2019
- 4.1.20 Protection of Personal Information Act no 4 of 2013
- 4.1.21 Sectional Title Schemes Management Act no 8 of 2011
- 4.1.22 Sectional Titles Act no 95 of 1986
- 4.1.23 Skills Development Act no 97 of 1999
- 4.1.24 Skills Development Levy Act no 9 of 1999
- 4.1.25 Unemployment Contributions Act no 4 of 2002
- 4.1.26 Unemployment Insurance Act no 63 of 2001
- 4.1.27 Value-added Tax Act no 89 of 1991

4.2 RECORDS AVAILABLE WITHOUT REQUIRING A REQUEST IN TERMS OF THE PROCEDURES OF THIS MANUAL-SECTION 51(1)(c)

Records of a public nature which are in the public domain such as displayed on a website, may be accessed without the need to submit a formal application.

Other non-confidential records, such as statutory records maintained at CIPC, or the Sectional Title Register and Plans, may also be accessed without the need to submit a formal application.

4.3 RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS THEM - SECTION 51 (1)(e)

4.3.1 The main categories of records which the Body Corporate holds are as follows:

- 4.1.1.1 Agreements with Service Providers and Contractors
- 4.1.1.2 Bank Statements
- 4.1.1.3 Client Levy Statements
- 4.1.1.4 Correspondence
- 4.1.1.5 Financial Records
- 4.1.1.6 Insurance policy claims information records
- 4.1.1.7 Management and Conduct Rules
- 4.1.1.8 Minutes of meetings
- 4.1.1.9 Owner / member / tenant database records
- 4.3.1.10 Personnel records
- 4.3.1.11 Rental and Marketing Information
- 4.3.1.12 Resolutions Taken
- 4.3.1.13 Service providers and contractor's records
- 4.3.1.14 Statutory records

4.3.2 Note that the accessibility to these records may be subject to the grounds of refusal as set out in this PAIA Manual.

5. ACCESS TO OUR RECORDS

5.1 RIGHT OF ACCESS

The Act entitles you to have access to the records, **provided that:**

- 5.1.1 Access is required to exercise or protect any of your rights, **and**
- 5.1.2 You apply for access according to the procedures set out in this manual, **and**
- 5.1.3 We do not have grounds to refuse you access.

5.2 REFUSAL OF ACCESS TO RECORDS

A private body is entitled to refuse a request for information. The **main grounds to refuse** a request for information would be where:

5.2.1 The record would unreasonably disclose personal information of a third party who is a natural or juristic person, including a deceased individual (Section 63).

5.2.2 The record contains:

5.2.2.1 Commercial information of a third party (Section 64) comprising:

5.2.2.1.1 Trade secrets, or

5.2.2.1.2 Financial, commercial, scientific or technical information, or

5.2.2.1.3 Information about research by a third party which could put that third party at a disadvantage in a negotiation or prejudice it in competition or otherwise put it at a disadvantage.

5.2.2.2 Confidential information of third parties protected in terms of any agreement (Section 65).

5.2.3 Where publication of the record could endanger the safety of individuals or the protection of property (Section 66).

5.2.4 Where the record is privileged from being produced as evidence in legal proceedings (Section 67).

5.2.5 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable allocation of resources shall be refused.

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

If a requested record cannot be found or if a record does not exist, the Information Officer shall by way of affirmation, notify you that it is not possible to give access to the requested record. If the record should later be found, you will be given access to the record in the manner as stipulated by you in the prescribed form, unless the Information Officer refuses access to such record.

5.3 NOTICE IN TERMS OF SECTION 52 OF THE ACT

No notice has been published in terms of Section 52 of the Act, which means that, except for those items listed in 4.1 and 4.2 above, we will grant access to our records only in terms of this manual.

5.4 SOUTH AFRICA HUMAN RIGHTS COMMISSION - SECTION 10 GUIDE

The South African Human Rights Commission has published a guide (under Section 10 of the Act) explaining the Act and how it works. For further details, contact the SAHRC directly through their website www.sahrc.org.za.

6. HOW TO APPLY FOR ACCESS

6.1 FILL IN A REQUEST FORM.

If you want to obtain access to any of the records listed in this manual, you are required to complete the application form contained in Section 7 of this manual.

6.2 SUBMIT THE FORM AND THE REQUEST FEE.

Hand in the completed application form along with payment of the non-refundable request fee as per the fee schedule, attached hereto as **Annexure "C"**, at the office of Pretor Group and addressed to the Information Officer. Details of the Information Officer are attached under Annexure "B". If you cannot visit the office of Pretor Group in person, you can email the form and transfer the fee electronically to us, or you can contact us to make alternative arrangements. If you are an employee or ex-employee requesting access to your personnel records, then you do not have to pay the request fee.

6.3 DECISION.

We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.

Our response will probably be one of the following:

- 6.3.1 Your application does not contain enough information to enable us to search for the record you want or clearly explain the right you wish to exercise or protect. Please provide additional details.
- 6.3.2 It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit as set out in Annexure C.
- 6.3.3 We have found the record you're looking for, and you may have access to it, on payment of:
 - 6.3.3.1 an access fee as set out in Annexure C per hour for the time that it took us to find the record (less any deposit which you have already paid), and
 - 6.3.3.2 a reproduction fee for making photocopies or printouts or copying the record onto a memory stick - the fees are set out in Annexure C.

Note: we will not charge fees to an employee or ex-employee requesting access to his/her personnel record.

- 6.3.4 You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).
- 6.3.5 We have searched for the record and cannot find it. We will give you affirmation explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: (<i>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</i>)	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

--

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: _____
 Name of account holder: _____
 Type of account: _____
 Account number: _____
 Branch Code: _____
 Reference Nr: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer

AUTHORISATION OF INFORMATION OFFICER

(In terms of the Promotion of Access to Information Act, 2000)

I, the undersigned,

Giles von Broembsen

(Name of the Information Officer)

Brad Cowie

hereby authorise (name of the person being designated)
as an Information Officer of Pretor Group (PTY) Ltd (name of the body or responsible party)
and authorise you to exercise any of the powers, duties and responsibilities conferred or
imposed on me by the Protection of Personal Information Act, 2013 and the Promotion of
Access to Information Act, 2000 (PAIA)

Please be advised that I reserve my right to exercise any of the powers, duties and
responsibilities conferred herein, as well as the right to amend and/or withdraw any of those
powers, duties and responsibilities.

Signature Of Managing Director



Information Officer

By my signature herein below, I hereby accept the authorisation as an Information Officer.

Brad Cowie

(Name of the person authorised)

Designation: _____ Pretor Director

Date: _____ 24 February 2023

Signature: _____ 

ANNEXURE B

As the Directors of Pretor Group we delegate the responsibility to the below nominated Information Officer, any requests should be directed to him:

Name of Body:	Pretor Group (Pty) Ltd
Contact Person:	Brad Cowie
Designation:	Pretor Director
Physical address:	River Falls Office Park 262 Rose Avenue Doringkloof 0157
Phone number:	012 001 9000
Email:	popicompliance@pretor.co.za