



PAIA MANUAL

Fine & Country (South Africa) (Pty) Ltd

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

read with the

**Protection of Personal Information Act 4 of 2013
(POPIA)**

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1. DEFINITIONS

- 1.1 **“CEO”** Chief Executive Officer
- 1.2 **“DIO”** Deputy Information Officer;
- 1.3 **“IO”** Information Officer;
- 1.4 **“Minister”** Minister of Justice and Correctional Services;
- 1.5 **“PAIA”** Promotion of Access to Information Act No. 2 of 2000 (as Amended);
- 1.6 **“POPIA”** Protection of Personal Information Act No.4 of 2013;
- 1.7 **“Regulations”** Regulations regarding the Promotion of Access to Information published in Government Notice R187 of 2002 in Government Gazette 23119 of 15 February 2002, as amended;
- 1.8 **“Regulator”** Information Regulator; and
- 1.9 **“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 Fine & Country (South Africa) (Pty) Ltd which are available without 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 Fine & Country (South Africa) (Pty) Ltd, 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 Fine & Country (South Africa) (Pty) Ltd which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the IO and DIO 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 access it;
- 2.6 know when Fine & Country (South Africa) (Pty) Ltd will process personal information, the purpose of processing of personal information;
- 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 Fine & Country (South Africa) (Pty) Ltd 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 Fine & Country (South Africa) (Pty) Ltd has taken appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF FINE & COUNTRY (SOUTH AFRICA) (PTY) LTD

3.1. Chief Information Officer

Name:	Stephen de Stadler
Tel:	+27 (0)11 234 6545
Email:	southafrica@fineandcountry.com
Fax number:	N/A

3.2. Deputy Information Officer

Name: Nicolau Silva
Tel: +27 (0)11 234 6545
Email: support.sa@fineandcountry.com
Fax Number: N/A

3.3 Access to information general contacts

Email: support.sa@fineandcountry.com

3.4 National or Head Office

Postal Address: PO Box 780
Cresta
2118

Physical Address: 29 Autumn Road
Rivonia, Sandton
2191

Telephone: +27 (0)11 234 6545

Email: support.sa@fineandcountry.com

Website: <https://www.fineandcountry.com/sa>

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

4.1. The Regulator has, in terms of section 10(1) of PAIA 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 any person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

- 4.3. The aforesaid Guide contains the description of-
- 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the IO of every public body, and
 - 4.3.2.2. every DIO of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
 - 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.6. 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-
- 4.3.6.1. an internal appeal;
- 4.3.6.2. a complaint to the Regulator; and
- 4.3.6.3. an application to 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;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.4. 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.

4.5. The Guide can also be obtained-

4.5.1. upon request to the IO; and

4.5.2. from the website of the South African Human Rights Commission (<https://www.sahrc.org.za/index.php/understanding-paia>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

4.6.1 English; and

4.6.2 Afrikaans.

5. DESCRIPTION OF RECORDS OF FINE & COUNTRY (SOUTH AFRICA) (PTY) LTD WHICH ARE AVAILABLE WITHOUT HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
User References	Terms and Conditions of Use of Website	X	X
User References	Privacy Policy	X	X
User References	Cookie Policy	X	X
Property Information	Property Listings including Property Addresses	X	X

6. DESCRIPTION OF THE RECORDS OF FINE & COUNTRY (SOUTH AFRICA) (PTY) LTD WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Memorandum of Incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
EAAB Regulatory Details	Estate Agency Affairs Act 112 of 1976

7. DESCRIPTION OF THE SUBJECTS ON WHICH FINE & COUNTRY (SOUTH AFRICA) (PTY) LTD HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY FINE & COUNTRY (SOUTH AFRICA) (PTY) LTD

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	<ul style="list-style-type: none"> • Annual reports • Strategic plan • Annual performance plan
Human Resources	<ul style="list-style-type: none"> • HR policies and procedures • Advertised posts • Employees records
Finance	<ul style="list-style-type: none"> • Monthly management accounts • Audited financial statements
Business related documents	<ul style="list-style-type: none"> • Contracts with Licensees

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

8.1.1 For the purpose of identifying and recording the details of any particular licensee.

8.1.2 For the purpose of meeting the various statutory and normal business requirements relating to knowing your client and/or supplier of any service.

8.1.3 For the purpose of ongoing marketing to existing and new clients.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status, tax status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	name, address, identity numbers, tax reference numbers and status, qualifications, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Credit and payment history, for credit information	Credit Bureaus
Names, addresses and identity numbers for recording of taxation / department of labour matters	SARS and Department of Labour

8.4 Planned transborder flows of personal information

None

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information:

8.5.1 Hard copy information, including licensee agreements, mandates, offers to purchase, lease agreements or any other documents with personal information of the data subject must always be secured in a locked filing cabinet or secured in a folder or otherwise when not stored in the office.

8.5.2 Personal Information must be kept under lock in the office in the designated area or cabinet.

8.5.3 Soft Copy information must be stored electronically on a secured device. All devices must be secured as set out in the internal policy.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on [https://www.fineandcountry.com/sa](https://www.fineandcountry.com/sa;);

- 9.1.2 at the head office of Fine & Country (South Africa) (Pty) Ltd for public inspection during normal business hours;
- 9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 9.1.4 to the Regulator upon request.

10. PRESCRIBED FEES

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

10.1.1 A requestor is required to pay the prescribed fees before a request will be processed in terms of the Regulations.

10.1.2 Records may be withheld until the fees have been paid.

10.2 The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

11. FORM OF REQUEST

11.1 The requester must complete Form C of Annexure B to the Regulations and submit this form together with a request fee, to the IO.

11.2 A request for access to a record of a private body must be made in the prescribed form to the IO and at the company's address or electronic mail address.

11.3 The form for a request for access must at least require the requester concerned:

11.3.1 to provide sufficient particulars to enable the IO to identify the record/s requested and the requester;

11.3.2 to indicate which form of access is required;

11.3.3 to specify a postal address or fax number of the requester in the Republic;

- 11.3.4 to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
- 11.3.5 if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
- 11.3.6 if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the IO.

12. UPDATING OF THE MANUAL

The head of Fine & Country (South Africa) (Pty) Ltd will on a regular basis update this manual.

Issued by



Stephen de Stadler
Chief Executive Officer