



*Proficient Property
Management (Pty) Ltd*

Effective Property Managers and Estate Agents

PAIA Manual

Of

Proficient Property Management (Pty) Ltd.
(Private Body)

Prepared and compiled on 2021-05-11 in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 in respect of Proficient Property Management Pty Ltd and its associated entities.

Registration number: 1995/006415/07

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1. INTRODUCTION

Proficient Property Management (Pty) Ltd was established in 1997 and is situated in the Friendly City of Port Elizabeth. We are a specialised property management company that services residential properties with professionalism and efficiency. We are the trusted name in property management, and specialise in Sectional Title Management, Property Sales and Rentals, General Property Maintenance, Electrical, Cleaning Services and Property Consulting. We also provide tailor made Home Owners Association Management services, thus providing a holistic property management service.

2. THE ACT

The Promotion of Access to Information Act, No 2 of 2000 (“The Act”) was enacted on 3 February 2000, giving effect to the right of access to any information held by Government, as well as any information held by another person who is required for the exercising or protection of any rights. This right is entrenched in the Bill of Rights in the Constitution of South Africa. Where a request is made in terms of The Act, the body to which the request is made is not obliged to release the information, except where The Act expressly provides that the information may or must be released. The Act sets out the requisite procedural issues attached to such request.

3. PURPOSE OF THE MANUAL

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of The Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of The Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to “Private Body” in this manual, it will refer to Proficient Property Management Pty Ltd and all its entities for whom this manual is drafted.

4.1 CONTACT DETAILS (Section 51(1) (a))

Information Officer:

Roxanne Hechter

Postal Address:

PO BOX 5803
Walmer
6065

Physical Address:

15 2nd Avenue
Walmer
Port Elizabeth 6065

Telephone No:

041 581 2137

E-mail:

roxanneh@proficientproperty.co.za

4.2 GENERAL INFORMATION

Name of Private Body:

Proficient Property Management (Pty) Ltd

Registration No:

1995/006415/07

Postal Address:

PO Box 5803
Walmer
6065

Physical Address (or principal place of business):

15 2nd Avenue
Walmer
Port Elizabeth Walmer 6065

Telephone No:

041 581 2137

Fax to Email:

086 480 9403

E-mail:

ppm-za@iafrica.com

Website: www.proficientpropertymanagement.co.za

5. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

The South African Human Rights Commission had compiled the guide contemplated in Section 10 of The Act. It contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in The Act.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at:

29 Princess of Wales Terrace
Cnr York and St. Andrews Street
Parktown

Any enquiries regarding this guide should be directed to:

(RESEARCH AND DOCUMENTATION DEPARTMENT)
Private Bag X2700, HOUGHTON, 2041
Telephone Number: (011) 484-8300
Facsimile Number: (011) 484-1360
Website: www.sahrc.org.za;
PAIA@sahrc.org.za

6. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

7. RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that Proficient Property Management (Pty) Ltd. holds in order to facilitate a request in terms of The Act.

The information is classified and grouped according to records relating to the following subject and categories: It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

| Subject | Category |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Companies Act Records | CoR18.3 – Registration Certificate Index of names of Directors; Memorandum of Incorporation; Minutes of meetings of the Board of Directors; Minutes of meetings of Shareholders; Minute Books Share certificates; Records relating to appointment of Auditor; Special resolutions/Resolutions passed at General meetings; |
| Financial Records | Accounting Records; Annual Financial Reports; Annual Financial Statements |

| | |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>Asset Registers; Bank Statements; Banking details and bank accounts; Banking Records; Debtors / Creditors statements and invoices; General ledgers and subsidiary ledgers; Invoices; Paid Cheques;</p> |
| Income Tax Records | <p>PAYE Records; Documents issued to employees for income tax purposes; All other statutory compliances: VAT Skills Development Levies UIF Workmen's Compensation</p> |
| Personnel Documents And Records | <p>Address Lists; Employees names and occupation details Disciplinary Code and Records; Employee benefits arrangements rules and records; Employment Contracts; Forms and Applications; Grievance Procedures; Leave Records; Payroll reports/ Wage register; Provident Fund Records; Salary Records; SETA records PAYE, UIF and SDL records Client information Personal opinions and communication</p> |
| Agreements | <p>Management Agreements Lease Agreements Rental Agreements Sales Agreement Customer details Credit application information Information and records provided by a third party</p> |
| Insurance (insurance handling is carried out by brokers/insurers) | <p>Copies of Insurance policies and details of cover, limits and insurers Claim records</p> |
| Information Technology | <p>Computer / mobile device usage policy documentation; Disaster recovery plans; Hardware asset registers; Information security policies/standards/procedures; Information technology systems and user manuals Information usage policy documentation; Software licensing</p> |

8. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION (Section 51 (1)(b)(iii) of the PAIA)

Records are kept in accordance with legislation applicable to Proficient Property Management Pty Ltd, which includes but is not limited to, the following –

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Community Scheme Ombud Service Act 9 of 2011
- Debt Collectors Act 114 of 1998
- Employment Equity Act 55 of 1998
- Estate Agency Affairs Act. 112 of 1976
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Rental Act No. 50 of 1999
- Sectional Titles' Act No. 95 of 1986
- Sectional Title Scheme Management Act 8 of 2011
- Skills Development Act No. 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

9. RECORDS HELD IN RESPECT OF 3RD PARTY (IES)

Records held by the Private Body pertaining to other parties, including without limitation:

- Financial records
- Correspondence, including personal opinions
- Contractual and transactional records
- Minutes of meetings
- Client Information (full name/ID number/address, mailing address, telephone numbers, email address, minuted opinions, correspondence sent and received, banking details).

10. REQUEST PROCEDURE FOR OBTAINING INFORMATION (Section 51(1)(b)(iv) of the PAIA)

Access to records held by the PRIVATE BODY

Records held by Proficient Property Management (Pty) Ltd. may be accessed by request only once the prerequisites for access have been met.

The requester must fulfil the prerequisites for access in terms of The Act, including the payment of a requested access fee.

The requester must comply with all the procedural requirements contained in The Act relating to the request for access to a record.

The requester must complete the prescribed form C and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated herein.

The prescribed form must be filled in with enough particulars to at least enable the Information Officer to identify –

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address or fax number or email address of the requester.

The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

Proficient Property Management (Pty) Ltd. will process the request within 30 days, unless the requester has stated a special reason that would satisfy the Information Officer that circumstances dictate that the above time periods are not complied with.

The requester shall be informed whether access has been granted or denied. If, in addition, the requester requires the reason for the decision in any other manner, he / she must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requesters making the request, to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee before any further processing can take place.

11. FEES

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the Information Officer receives the request, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.

If the search for the record has been made in the preparation of the record for disclosure, including arrangements to make it available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the Fees as indicated in **Appendix 1**.

A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

12. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

The main grounds for the Private Body to refuse a request for information relates to the: Mandatory protection of the privacy of a third party that is a natural person that would involve the unreasonable disclosure of personal information of that natural person;

Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third party;
- Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party;
- Information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition

Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

Mandatory protection of confidential information of the protection of property;

Mandatory protection of records that would be regarded as privileged in legal proceedings

The commercial activities of the Private Body, which may include:

- Trade secrets of the Private Body;
- Financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of the Private Body;
- Information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
- A computer program, owned by the Private Body, and protected by copyright.

The research information of the Private Body or a third party, if its disclosure would reveal the identity or the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

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

13. REMEDIES AVAILABLE IN THE EVENT OF REFUSAL OF REQUEST FOR INFORMATION

Internal remedies

The Private Body does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

External remedies

A requester who is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. A Court for relief, is a Court of Law as referred to in The Act or any other Court of similar status.

14. DECISION

Proficient Property Management (Pty) Ltd. will within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period within which the Private Body has to decide whether to grant or refuse the request, may be extended for further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

15. UPDATING OF THE MANUAL (Section 51(2) of the PAIA)

This manual will on a regular basis be updated in terms of Section 51(2) of the PAIA by the Head of the Private Body.

16. AVAILABILITY OF THE MANUAL (Section 51(3) of the PAIA)

The manual of Proficient Property Management (Pty) Ltd. is available at the premises of the Private body as well as on the website of the Private Body.

APPENDIX - 1**REPRODUCTION FEES**

Where the requested document appears in the appendix 1, i.e. the *Private Body* has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, shall be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERED TO ABOVE ARE:

| | |
|---------------------------------------------------------------------------------------------------------------------|-----------|
| For every photocopy of an A4-size page or part thereof | R 1 - 10 |
| For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine readable form | R 0 - 75 |
| For a copy in a computer-readable form on: - Compact disc | R 70 - 00 |
| A transcription of visual images, for an A4-size page or part thereof | R 40 - 00 |
| For a copy of visual images | R 60 - 00 |
| A transcription of an audio record, for an A4-size page or part thereof | R 20 - 00 |
| For a copy of an audio record | R 30 - 00 |

Request fees:

Where a requester submits a request for access to information held by a **Private Body** or a person other than the requester him - / herself, a request fee in the amount of **R50-00** is payable up-front before the **Private Body will** further process the request received.

THE APPLICABLE FEES FOR ACCESS

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of the access fee is specifically excluded in terms of an exclusion as determined by the Minister in terms of Section 54 (8) of **The Act**.

The access fees that will be payable are:

| | |
|---------------------------------------------------------------------------------------------------------------------|-----------|
| For every printed photocopy of an A4-size page or part thereof | R 1 - 10 |
| For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine readable form | R 0 - 75 |
| For a copy in a computer-readable form on: - Compact disc | R 70 - 00 |
| A transcription of visual images, for an A4-size page or part thereof | R 40 - 00 |
| For a copy of visual images | R 60 - 00 |
| A transcription of an audio record, for an A4-size page or part thereof | R 20 - 00 |
| For a copy of an audio record | R 20 - 00 |
| To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search) | R 30-00 |

* ***Where a copy of a record has to be posted the actual postal fee is payable.***

Deposits:

Where the ***Private Body*** receives a request for access to information on a person other than the requester him / herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.