



BDM
PROPERTY
MANAGEMENT






POLICY NAME

PROMOTION OF ACCESS TO INFORMATION
ACT (PAIA)
POLICY AND PROCEDURE MANUAL

POLICY OWNER

THE BOARD OF DIRECTORS

APPROVAL PROCESS

POSITIONS	NAME	SIGNATURE	DATE
CHIEF EXECUTIVE OFFICER	OUPA PIET BALOYI		10 AUGUST 2021
CHIEF OPERATIONS OFFICER	MPEILE DISEGO DEBEILA		10 AUGUST 2021
CHIEF FINANCIAL OFFICER	ALBERT TLOU MOHOLOLA		10 AUGUST 2021

Fidelity Fund Certificate number: 2020130484 (Ref no: F148205)



1 | Page

064 535 3802



info@bdmpm.co.za



www.bdmpm.co.za



11 Isimini Office Park,
Adj Mauritz Dommis St
Hillary Drive, Bendor
Polokwane 0699



BDM
PROPERTY
MANAGEMENT

Rule	Heading	Page
1.	Policy statement	3
2.	Definitions	3
3.	Scope and objective of the policy	4
4.	The Act	5
5.	Applicable legislation	5
6.	Records kept by the Company	6
7.	Recipients of Personal Information	7
8.	Requesting procedures	7
9.	Grounds for refusal	8
10.	Remedies available when a request for information is refused (Part 4 of Act)	9
11.	Fees	9
12.	Changes to the policy	10
13.	Implementation	10





BDM
PROPERTY
MANAGEMENT

1. POLICY STATEMENT

- 1.1. This policy forms part of the policy owner's internal business processes and procedures.
- 1.2. Any reference to the "organisation" shall be interpreted to include the "policy owner".
- 1.3. The organisation's governing body, its employees, volunteers, contractors, suppliers and any other persons acting on behalf of the organisation are required to familiarise themselves with the policy's requirements and undertake to comply with the stated processes and procedures.
- 1.4. Risk owners and control owners are responsible for overseeing and maintaining control procedures and activities.

2. DEFINITIONS

- 2.1. **"access fee"** means a fee prescribed for the purposes of section 22 (6) or 54 (6), as the case may be;
- 2.2. **"Act/ PAIA"** – Promotion of Access to Information Act 2 of 2000
- 2.3. **"data subject"**- means the person to whom personal information relates which includes but is not limited to the following owners, tenants, employees, visitors, contractors, and other relevant parties.
- 2.4. **"Information Officer"** – President, Chairperson, Managing Director or Chair of the Board or a Business Rescue Practitioner in terms of the Companies Act.
- 2.5. **"personal information"** means information about an identifiable individual, including, but not limited to-
 - (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the individual;
 - (b) information relating to the education or the medical, criminal, or employment history of the individual or information relating to financial transactions in which the individual has been involved;
 - (c) any identifying number, symbol, or other particular assigned to the individual;
 - (d) the address, fingerprints, or blood type of the individual;
 - (e) the personal opinions, views, or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;



BDM
PROPERTY
MANAGEMENT

- (f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - (g) the views or opinions of another individual about the individual;
 - (h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
 - (i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 years;
- 2.6. **“personal requester”** means a requester seeking access to a record containing personal information about the requester
- 2.7. **“POPI”** – Protection of Personal Information
- 2.8. **“record”** of, or in relation to, a public or private body, means any recorded information-
- (a) regardless of form or medium;
 - (b) in the possession or under the control of that public or private body, respectively; and
 - (c) whether or not it was created by that public or private body, respectively;
- 2.9. **“request for access”**, in relation to-
- (a) a public body means a request for access to a record of a public body in terms of section 11; or
 - (b) a private body means a request for access to a record of a private body in terms of section 50;
- 2.10. **“requester”**, in relation to-
- (a) a public body means-
 - (i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or
 - (ii) a person acting on behalf of the person referred to in subparagraph (i);
 - (b) a private body means-
 - (i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
 - (ii) a person acting on behalf of the person contemplated in subparagraph (i);

3. SCOPE AND OBJECTIVE OF POLICY





BDM
PROPERTY
MANAGEMENT

- 3.1. Policy is prepared in line with Section 51 of PAIA and applies to the giving of information to the requester when information is requested from public, private, and government institutions. This policy further highlights the procedure to be followed to give access, the conditions that are imposed by the Act, and the records to be held.
- 3.2. Requests by third parties (including members as far as the member is not entitled to information in terms of Memorandum of Incorporation or the Companies Act for information held by the Company will be dealt with in accordance with this policy.
- 3.3. This Policy is available for inspection at the offices of the Company situated at: **11 Isimini Office Park, Hillary Drive, Bendor 0699**
- 3.4. All requests for information in terms of this manual should be directed to:

Contact person: Mpeile Disego Debeila

Cellphone Number: 073 816 8785

Email Address: Disego@bdmpm.co.za

4. THE ACT

- 4.1. The ACT grants a requester access to records of a private body if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 4.2. Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.
- 4.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 4.4. The contact details of the Commission are:
Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za

5. APPLICABLE LEGISLATION



BDM
PROPERTY
MANAGEMENT

5.1. A person may require information available in terms of the following legislation:

Act	No.
Auditing Profession Act	No 26 of 2005
Basic Conditions of Employment Act	No 75 of 1997
Companies Act	No 61 of 1973
Compensation of Occupational Injuries & Diseases Act	No 130 of 1993
Community Schemes Ombud Service Act	No 9 of 2011
Consumer Protection Act	No 68 of 2008
Electronic Communications and Transactions Act	No 25 of 2002
Employment Equity Act	No 55 of 1998
Financial Intelligence Centre Act	No 38 of 2001
Income Tax Act	No 95 of 1967
Labour Relations Act	No 66 of 1995
National Credit Act	No 34 2005
Occupational Health & Safety Act	No 85 of 1993
Pension Funds Act	No 24 of 1956
Protection of Personal Information Act	No 4 of 2013
Sectional Title Schemes Management Act	No 8 of 2011
Short Term Insurance Act	No 53 of 1998
Special Investigating Units and Special Tribunals Act 7	No 74 of 1996
Unemployment Insurance Contributions Act	No 4 of 2002
Value Added Tax Act	No 89 of 1991

6. RECORDS KEPT BY THE COMPANY

6.2. In accordance with the **COMPANIES ACT**:

- (a) Memorandum of Incorporation
- (b) Company Policies
- (c) Minutes of all trustee/ directors and member meetings
- (d) Resolutions
- (e) Voting results, including voting cards
- (f) Lists of directors, members, and employees
- (g) Lists of members, including names and addresses
- (h) Contracts entered into on behalf of the company
- (i) Power of Attorney submitted by any members
- (j) Court and Adjudication Orders
- (k) Legal opinions sought by the Company
- (l) Correspondences sent or received by the directors and/or service providers
- (m) Insurance policies, including fidelity insurance



BDM
PROPERTY
MANAGEMENT

- (n) Insurance claim forms
- (o) Income tax returns
- (p) Budgets
- (q) Audited Annual financial statements
- (r) Books of accounts recording income, expenditure, assets, and liabilities, and disclosing all amounts recovered from members, and including individual accounts for each member
- (s) Directors' report
- (t) Notices of directors and member meetings
- (u) Attendance registers of member meetings
- (v) Proxies submitted for member meetings

6.2. In accordance with POPI:

- (a) Personal information of members, employees, visitors, contractors and other relevant parties.

6.3. Financial Records

- (a) Financial Statements
- (b) Financial and Tax Records (Company & Employees)
- (c) Asset Register
- (d) Management Accounts

6.4. Marketing Records

- (a) Marketing information
- (b) Product Brochures
- (c) Marketing Strategies
- (d) Customer Database

7. RECIPIENTS OF PERSONAL INFORMATION

7.1. Data subjects' personal information may be disclosed to auditors, legal and other professional advisors, and consultants of the Company or third parties assisting the Company in service delivery including but not limited to professional bodies and Administrators.

7.2. Employee information may be received from or provided to pension/provident funds and/or their trustees, medical aid funds, recruitment companies, credit bureaux

8. REQUESTING PROCEDURES



BDM
PROPERTY
MANAGEMENT



- 8.1. A person who wants access to records of any of the aforementioned categories kept must complete the necessary request form available on the website of the South African Human Rights Commission at www.sahrc.org.za
- 8.2. Address your request to the Head of the Company.
- 8.3. Provide sufficient details to enable the Company to identify:
- (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (d) The postal address or email address of the requester in the Republic;
 - (e) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (f) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise to protect the right
- 8.4. The requester of the information must explain what other right is being protected or exercised.
- 8.5. The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner.
- 8.6. If the request is made for another person, then the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer.
- 8.7. Should an individual be unable to complete the prescribed form because of illiteracy, disability, or any other reason, such individual may submit such request orally to the Head of Operations.
- 8.8. The requester must pay the prescribed fee (if applicable) before any further processing can take place. The Head of Operations will process the request and inform the requester of the fees (if any and if so, will be available on the SAHRC website/access to information/PAIA)) that are payable and of the different procedures that must be followed until the request is finalised. All the pertinent sections must be completed fully, failing which the process will be delayed while the Head of Operations obtains such additional information.

9. GROUNDS FOR REFUSAL

Fidelity Fund Certificate number: 2020130484 (Ref no: F148205)

8 | Page



064 535 3802



info@bdmpm.co.za



www.bdmpm.co.za



11 Isimini Office Park,
Adj Mauritz Dommisie St
Hillary Drive, Bendor
Polokwane 0699



BDM
PROPERTY
MANAGEMENT

9.2. The Company may refuse a request for information that relates to

- (a) The unnecessary disclosure of personal information about a third party, including a deceased individual (section 63)"
- (b) The disclosure that would constitute an act for breach of a duty of confidence owed to a third party in terms of an agreement (section 65)
- (c) Mandatory protection of the safety of individuals and the protection of property (section 66)
- (d) Mandatory protection of records privileged for production in legal proceedings (section 67)
- (e) Request for information that is clearly frivolous or vexatious.

10. REMEDIES AVAILABLE WHEN A REQUEST FOR INFORMATION IS REFUSED (PART 4 OF THE ACT)

10.1. A requester or a third party that is dissatisfied with an Information officer's refusal to disclose information may within 30 days from the notification of the decision, apply to a relevant court for relief.

11. FEES

11.1. In accordance with the regulation the fees payable are as follows:

- (a) The request fee is payable by every requester R50,00
- (b) A copy of the manual is R1.10 for every photocopy of an A4 size page or part thereof.
- (c) Fees for reproduction and access fees payable by a requester:

	Reproduction	Access
For every photocopy of an A4size page or part thereof	R1.10	R1.10
For every printed copy of an A4-site page or part thereof held on a computer or in electronic or machine-readable form	R0.75	R0.75
For a copy in a computer-readable form at:		
(i) Stiffy disc	R7.50	R7.50
(ii) Compact disc	R70	R70
(i) For a transcription of visual images, for an A4-size page or part	R40	R40
(ii) For a copy of visual images	R60	R60



BDM
PROPERTY
MANAGEMENT



(i) For a transcription of an audio record, for an A4-size page or part	R20	R20
(ii) For a copy of an audio record	R30	R30

- (d) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, is reasonably required for such search and preparation.
- (e) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) One-third of the access fee is payable as a deposit by the requester.
- (f) The actual postage is payable when a copy of a record must be posted to a requester.

12. CHANGES TO THE POLICY

- 12.1. This Policy was published on [] and last updated on [].
- 12.2. The Company may change this Policy from time to time, and when so done, an electronic copy will be emailed to the data subjects.

13. IMPLEMENTATION

- 13.1. The signatories as indicated on page 1 of this policy confirm their acceptance of the contents and recommend the adoption of this Policy thereof.

Fidelity Fund Certificate number: 2020130484 (Ref no: F148205)

