

# **EAST RAND LISTING LTD.**

**31 August 2005**

## **MANUAL FOR PROMOTION OF ACCESS TO INFORMATION**

### **IN TERMS OF SECTION 51**

### **OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000**

The Promotion of Access to Information Act of 2000 came into effect in March 2001. The purpose of this Act is to give effect to the constitutional right of access to any information held by public or private bodies, and which is required for the exercise or protection of any rights.

In terms of Section 51 (1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfill this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information (other than information that is available to the public) should be addressed to the head of the body identified in part I of this manual.

A copy of this manual will be available for inspection during office hours at the offices of East Rand Listing Ltd. free of charge, on the website of our accountants, Rabie Deysel Inc - [www.rabie-deysel.co.za](http://www.rabie-deysel.co.za) and at the offices of the South African Human Rights Commission.

## **A. INTRODUCTION**

### **Main Business**

To make provision for the exchange of seller's information to estate agents who are members of ERL with the agencies retaining their independence offering both sellers and purchasers the opportunity of being part of a wider property market without ERL prescribing to its members.

## **B. PARTICULARS IN TERMS OF THE SECTION 51 OF THE ACT**

### **PART I**

[Information required under section 51 (1) (a) of the Act]

#### **Contact details**

Head of the body: Victor George Hurford  
Postal address: P O Box 5289  
Meyersdal  
1447

Street Address: 1st floor  
177 Delphinium St  
Brackenhurst  
Alberton  
Telephone number: 011 867 0815  
Fax number: 011 867 0953  
e-mail address: erl01@iafrica.com

## **PART II**

[Information required under section 51 (1) (b) of the Act]

### **The section 10 Guide on how to use the Act**

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is intended to inform the public on how to exercise their rights under the Promotion of Access to Information Act. The Guide will, according to the South African Human Rights Commission (SAHRC), be available for inspection at the offices of the SAHRC. Please direct any queries to:

The South African Human Rights Commission:  
PAIA Unit  
The Research and Documentation Department  
Postal address: Private Bag 2700  
Houghton  
2041  
Telephone: +27 11 484-8300  
Fax: +27 11 484-7146  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
e-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## **PART III**

[Information required under section 51 (1) (d) of the Act]

### **Records available in terms of any other legislation**

We are required to ensure that certain records are available (as prescribed by each Act), in terms of the following Acts:

1. Basic Conditions of Employment No. 75 of 1997
2. Companies Act No. 61 of 1973
3. Labour Relations Act No. 66 of 1995
4. Occupational Health & Safety Act No. 85 of 1993
5. Regional Services Councils Act No. 109 of 1985
6. Skills Development Levies Act No. 9 of 1999
7. Unemployment Insurance Act No. 63 of 2001
8. Value Added Tax Act No. 89 of 1991

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact the head of the body. Your assistance in this regard is appreciated.

Notification of the availability of these records in terms of these Acts has not been given to the Cabinet Minister of Justice.

Unless the legislation states that the general public is allowed access to this information, any access must be applied for in terms of the procedures under the Promotion of Access To Information Act. Please refer to Part IV below.

## **PART IV**

[Information required under section 51 (1) (c) and 51 (1) (e) of the Act]

### **Access to the records held by East Rand Listing Ltd.**

#### **i. Information readily available**

We are not obliged to publish a notice in terms of Section 52 (2) of the Act and to date has not elected to do so. Nevertheless, certain information, pertaining to marketing and promotion, might be freely available to the public in various brochures, press releases and publications, which we may publish from time to time, as and when circumstances calls for them. Certain information is also made available to our employees, which is not generally made available to the public. To avoid confusion, these items are not listed here but may be obtained from the offices of East Rand Listing Ltd. at the address stated under part I.

Not Applicable

#### **ii. Records that may be requested:**

##### Administration

- Correspondence
- Licences
- Minutes of management meetings

##### Constitution

- List of directors
- Minute books and resolutions
- Share Register

##### Finances

- Annual financial statements
- Assets Register
- Banking details
- Bank statements
- Financial statements

## Human Resources

- Employment contracts
- Remuneration records and policies

## Incorporation Documents

- Memorandum and articles of association

## Operations

- Register of clients

### **iii. The request procedures:**

#### **Form of request:**

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned. [s 53(1)]
- 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.[s 53(2)(a), (b) and (c)]
- 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. [s 53(2)(d)]
- 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 head of the private body. [s 53(2)(f)]

#### **Fees:**

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:

- The head 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. [s 54(1)]

- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee. [s 54(3)(b)]
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- 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.[s 54(6)]

### **Grounds for refusal of access to records**

It must be borne in mind that the Act sets out grounds on which access to information may be refused. These grounds are listed below:

- privacy of a third party who is a natural person
- commercial information of a third party
- confidential information of a third party
- safety of individuals, and protection of property
- records privileged from production in legal proceedings
- commercial information of East Rand Listing Ltd.
- research information of a third party
- research information of East Rand Listing Ltd.

There are exceptions to each ground listed here. The procedure in the Act to give access to information is designed to determine the circumstances in which exceptions apply.

### **PART V**

[Information required under section 51 (1) (f) of the Act]

### **Other information as may be prescribed**

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

### **PART VI**

[Information required under section 51 (3) of the Act]

### **Availability of the manual**

The manual is also available for inspection during office hours at the offices of East Rand Listing Ltd. free of charge. Copies are available from the SAHRC, on the website of our accountants, Rabie Deysel Inc - and on our website .