



**HAVE CASH CC
t/a
MY CHOICE PROPERTIES**

(Registration number: 2005/020552/23)

PROMOTION OF ACCESS TO INFORMATION MANUAL

This manual has been prepared in accordance with Section 51 of the
Promotion of Access to Information Act 2 of 2000.

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1. Introduction

The Promotion of Access to Information Act 2 of 2000 (the Act) seeks to advance the values of transparency and accountability in South Africa.

The 1996 South African Constitution by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements; and
- the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a Manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body.

2. Entity information

HAVE CASH CC t/a MY CHOICE PROPERTIES (hereafter: **MY CHOICE PROPERTIES**) is a privately owned entity based in Durbanville. The entity is a franchisee in the real-estate sector.

The entity owns no subsidiaries nor has any interest in any, and is independently owned and managed.

| | |
|--|--|
| Registered address: | 4 Martha's Vineyard, Uitzicht, Durbanville |
| Postal address: | 4 Martha's Vineyard, Uitzicht, Durbanville |
| Telephone number: | 083 269 5897 |
| Fax number: | NA |
| Designated information officer: | Errol van den Berg |
| E-mail address: | mychoice@webafrica.org.za |

3. The Promotion of Access to Information Act

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act. This Guide will be made available in all official language.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information; and
8. Regulations made in terms of this Act.

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Enquiries regarding the Guide can be addressed to the SAHRC. The contact details are as follows:

Postal: South African Human Rights Commission
Promotion of Access to Information Unit
Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone: +27 (0) 11 484 8300 **Fax:** +27 (0) 11 484 0582

Website: www.sahrc.org.za **E-mail:** paia@sahrc.org.za

4. Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. In other words, you do not need to request this information in terms of the Promotion of Access to Information Act.

Requests for these categories of information may be addressed to our information officer, whose contact details appear on the first page of this manual.

- Annual reports as well as interim reports
- Brochures
- Newsletters
- Publications

General information on the My Choice Properties is available on our website www.mychoiceproperties.co.za. This website is generally available to anyone who has access to the Internet.

5. Information available in terms of other legislation

The following information is not automatically available without a request in terms of the Act, except for information/documents being of public nature as envisaged in Section 52 of the Act.

A request for information should be in the prescribed form, addressed to the Designated Information Officer and submitted against payment of the prescribed fee.

The private body keeps information/documents in accordance with the following legislation, where applicable (please note that this is not an exhaustive list):

- Basic Conditions of Employment Act 75 of 1997
- Companies Act of South Africa 71 of 2008 (as amended)
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Estate Agency Affairs Act of 1976
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962

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- Insolvency Act 24 of 193
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Rental Housing Act 50 of 1999
- Rental Housing Amendment Act 43 of 2007
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

6. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure "A" hereto. These forms are available from:

- (a) our information officer (whose details appear on the first page of this manual); and
- (b) the SAHRC website (www.sahrc.org.za).

Please take note that the request form must be completed in full and that a failure to do so may result in the process being delayed until such additional information is provided.

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply an original certified copy of their identification document and/or any other legally acceptable means of identification.

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in annexure "B" hereto. You may also be called upon to pay additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic. You must identify the right you are seeking to protect and explain why the record you request is required for the exercise or protection of that right. You will be notified within a period of 30 days in the manner indicated by you on the request form whether your request has been approved or not.

If a request is made on behalf of 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, with an original certified affidavit (and other information that may be required in the circumstances).

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.

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7. Grounds for refusal of access to records

If access to a record or any other relevant information is denied, our response will include adequate reasons for the refusal. The main grounds to refuse a request for information relates to the:

- mandatory protection of the privacy of a third party who is a natural person, which 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 which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - information disclosed in confidence by a third party to My Choice Properties , 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 the safety of individuals and the protection of property;
- mandatory protection of records which would be regarded as privileged in legal proceedings;
- the commercial activities of My Choice Properties which may include:
 - trade secrets of My Choice Properties ;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of My Choice Properties ;
 - information which, if disclosed could put RealNet at a disadvantage in negotiations or commercial competition;
 - a computer program which is owned by My Choice Properties , and which is protected by copyright.
- the research information of My Choice Properties or a third party, if its disclosure would disclose the identity of My Choice Properties , 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 involve an unreasonable diversion of resources shall be refused.

8. Remedies available when My Choice Properties refuses a request for information

A requestor that is dissatisfied with the 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 the 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. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

9. Updating of manual

The private body will update this manual at such intervals as may be necessary. The manual was updated on **15 April 2021**.

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ANNEXURE "A"

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head/Designated person: _____

B. Particulars of person requesting access to the record

- | |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

| |
|---|
| <p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p> |
|---|

Full names and surname: _____

Identity number: _____

D. Particulars of record

- | |
|--|
| <p>(a) <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.</i></p> <p>(b) <i>If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.</i></p> |
|--|

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

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E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____ Form in which record is required: _____.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an **X**.

1. If the record is in written or printed form:

| | |
|---|---|
| <input type="checkbox"/> Copy of record * | <input type="checkbox"/> Inspection of record |
|---|---|

2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

| | | |
|---|--|--|
| <input type="checkbox"/> Copy of the images * | <input type="checkbox"/> Transcription of the images * | <input type="checkbox"/> View the images |
|---|--|--|

3. If record consists of recorded words or information which can be reproduced in sound:

| | |
|---|---|
| <input type="checkbox"/> Listen to the soundtrack (audio cassette) | <input type="checkbox"/> Transcription of soundtrack * (written or printed document) |
|---|---|

4. If record is held on computer or in an electronic or machine-readable form:

| | | |
|---|---|---|
| <input type="checkbox"/> printed copy of record * | <input type="checkbox"/> printed copy of information derived from the record * | <input type="checkbox"/> copy in computer readable form* |
|---|---|---|

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? **Postage is payable.**

Yes

No

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G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.*

1. Indicate which right is to be exercised or protected: _____
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

This done and signed at _____ on this _____ day of _____ 20____

Requester/person on whose behalf request is made: _____

Duly Authorised Signatory

Full names: _____

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ANNEXURE "B" : PRESCRIBED FEES

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations.

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

- *A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;*
- *If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);*
- *A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;*
- *Records may be withheld until the fees have been paid.*
- *Payments should be made to Have Cash CC t/a My Choice Properties*

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

| | |
|--|---------|
| (a) For every photocopy of an A4-size page or part thereof | R 1.10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R 0.75 |
| (c) For a copy in a computer-readable form on compact disc | R 70.00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | R 40.00 |
| (ii) For a copy of visual images | R 60.00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R 20.00 |
| (ii) For a copy of an audio record | R 30.00 |
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. (1) The access fees payable by a requester referred to in regulation 11(3) are as follows:

| | |
|---|---------|
| (a) For every photocopy of an A4-size page or part thereof | R 1.10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R 0.75 |
| (c) For a copy in a computer-readable form on compact disc | R 70.00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | R 40.00 |
| (ii) For a copy of visual images | R 60.00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R 20.00 |
| (ii) For a copy of an audio record | R 30.00 |
| (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |

(2) 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.(3) The actual postage is payable when a copy of a record must be posted to a requester.