

ACCESS TO INFORMATION MANUAL OF OPH GROUP OF COMPANIES



Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 and the Protection of Personal Information Act, No 4 of 2013.

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1. Introduction

OPH is a group of private companies specialising in the development and letting of commercial properties.

The scope of this manual includes the entities falling within the OPH group of companies namely:

Name	Registration number
Olitzki Property Holdings (Pty) Ltd	2014/010252/07
O Property Holdings (Pty) Ltd	2001/007541/07
Goprop Holdings (Pty) Ltd	1999/017301/07
Overture Property Holdings (Pty) Ltd	1998/012394/07
8 New Street South (Pty) Ltd	2018/073712/07
Ghandi Square Property Holdings (Pty) Ltd	2000/005659/07
Obelisk Property Holdings (Pty) Ltd	2003/002368/07

2. Contact details

Chairperson	Gerald Mark Olitzki
Managing Director	Gary Asher Aremband
Commercial Director	Anton Simon Jaffe
Appointed information officer	Chrizelle Dawes

Appointed information deputy officer	Michael Booyesen
Website	Ophprop.co.za
Email	chrizelle@ophprop.co.za and michael@ophprop.co.za
Physical address	112 Main Street, Marshalls Town, Johannesburg CBD

3. Definitions and interpretation

The following words will bear the following meanings in this manual: -

"Act" shall mean the Promotion of Access to Information Act, No 2 of 2000, together with all relevant regulations published;

"Data Subject" Shall mean the person to whom personal information relates;

"Manual" shall mean this manual, together with all annexures thereto as available at the offices of OPH from time to time;

"PAIA" Shall mean Promotion of Access to Information Act, No 2 of 2000;

"POPI" Shall mean Protection of Personal Information Act, No 4 of 2013;

"POPI Regulations" Shall mean regulations promulgated in terms of section 112(2) of POPI;

"Private Body" Shall ascribe to the meaning as promulgated in section 1 of both PAIA and POPI;

“Processing” Shall ascribe to the meaning as promulgated in section 1 of POPI;

“Record” Shall ascribe to the meaning as promulgated in section 1 of POPI;

“Responsible Party” Shall mean public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

“Requestor” Shall ascribe to the meaning as promulgated in section 1 of PAIA;

“Request for Access” Shall ascribe to the meaning as promulgated in section 1 of PAIA;

“SAHRC” shall mean the South African Human Rights Commission.

4. Purpose of the manual

The purpose of this manual is: -

- 4.1. to detail the procedure to be followed by a requestor and the manner in which a request for access shall be facilitated, for purposes of PAIA; and
- 4.2. for the purposes of POPI, to detail:
 - 4.2.1. the purpose for which personal information may be processed;
 - 4.2.2. a description of the categories of data subjects for whom OPH processes personal information, as well as the categories of personal information relating to such data subjects; and
 - 4.2.3. the recipients to whom personal information may be supplied.

5. Guide of the South African Human Rights Commission

- 5.1. A guide to the PAIA Act is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a requester for purposes of exercising any constitutional right contemplated in the PAIA Act.
- 5.2. The guide is available from the SAHRC, which can be contacted at:

The South African Human Rights Commission: PAIA Unit

Website: www.sahrc.org.za

Postal address: Private Bag X 2700, Houghton, 2041

Physical address: Forum 3 Braampark Offices, 33 Hoofd Street, Braamfontein, 2017

Telephone number: + 27 11 877 3600

Fax number: + 27 11 403 0625

Email address: PAIA@sahrc.org.za

6. Records held that may be requested (Section 51(1)(e))

1.	The OPH webpage (www.ophprop.co.za) is accessible to anyone with access to the internet
2.	Administration
3.	Policies and procedures
4.	Risk, security and insurance records, operational records
5.	Statutory records
6.	Incorporation documents
7.	Memorandum of Incorporation
8.	Statutory returns to relevant authorities
9.	Invoices and statements
10.	Tax records and returns
11.	Rental agreements
12.	SARB returns
13.	Statistics SA returns
14.	VAT returns

15.	Human resources
16.	BEE statistics
17.	Career development
18.	Disciplinary code
19.	Employment contracts
20.	Employment equity reports and plans
21.	Recruitment policies
22.	Remuneration records and policies
23.	Retirement benefits and medical aid records
24.	Training records and skills development
25.	PAYE, UIF and WCA returns
26.	Information
27.	Contract agreements with service providers
28.	Information policies, procedures and guidelines
29.	Client relationship programmes
30.	Security and CCTV footage
31.	Marketing brochures

7. Access request procedure

7.1. It is important to note that the successful completion and submission of an access request form does not automatically allow the Requester access to the requested record.

7.2. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3, Chapter 4 of the PAIA Act. If it is reasonably suspected that the Requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such a Requester. Use the prescribed form, available on the SAHRC website at www.sahrc.org.za The prescribed form must be completed in full and contain sufficient particularity in order to enable the appointed information officer to identify:

7.2.1. the records requested;

7.2.2. the identity of the Requester (and if an agent is lodging the request, proof of capacity);

7.2.3. which form of access is required; and

7.2.4. the postal address or fax number of the Requester in the Republic of South Africa.

- 7.3. The Requester must identify the right which the Requester is seeking to exercise or protect.
- 7.4. The Requester must provide an explanation of the reason the record is required for the exercise or protection of any right.
- 7.5. If, in addition to a written reply, the Requester wished to be informed of the decision in respect of the request in any other manner, the Requester is making the request to the reasonable satisfaction of the appointed information officer.
- 7.6. OPH 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 OPH must decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if the request is for a large volume of information or requires OPH to search through a large volume of records, or the records are not kept at the offices of OPH. OPH will notify the Requester in writing should an extension be sought.
- 7.7. If a record requested cannot be found, or does not exist, OPH shall by means of an affidavit notify the Requester. In the affidavit, a full account is required of all steps taken to find that record in question.

9. Fees in respect to private bodies

- 9.1. The PAIA Act provides for two types of fees:
 - a) A request fee, payable by a Requestor other than a personal Requestor; and
 - b) An access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postage costs.
- 9.2. When a request is received by the information officer of the company, the information officer shall by notice require the Requester, other than a personal Requester, to pay the prescribed request fee (if any) before further processing of the request.
- 9.3. If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations 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 fee or fees as indicated.

- 9.4. 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 request form.
- 9.5. If a deposit has been paid in respect of a Request for Access, which is refused, then the information officer shall repay the deposit to the Requester.
- 9.6. 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 requested fee [s 54(3)(b)].

10. Grounds for refusal of access to records (Chapter 4)

OPH may refuse a request for information on the following basis:

- 10.1. 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;
- 10.2. mandatory protection of the commercial information of a third party, if the record contains:
 - 10.2.1. trade secrets of that third party;
 - 10.2.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - 10.2.3. information disclosed in confidence by a third party to OPH, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 10.3. mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;

- 10.4. mandatory protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of any agreement;
- 10.5. mandatory protection of the safety of individuals and the protection of safety of property;
- 10.6. mandatory protection of records which would be regarded as privileged in legal proceedings;
- 10.7. the commercial activities of OPH, which may include:
 - 10.7.1. trade secrets of OPH;
 - 10.7.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of OPH; and Information which, if disclosed, could put OPH at a disadvantage in negotiations or commercial competition;
 - 10.7.3. a computer programme which is owned by OPH, and which is protected by copyright;
 - 10.7.4. the research information of OPH or a third party on behalf of OPH if the disclosure would expose the third party, OPH or the researcher of the subject matter of the research to a serious disadvantage; and
- 10.8. requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, shall be refused.

11. Remedies available upon refusal of a Request to Access

Internal remedies:

- 11.1. OPH does not have internal appeal procedures. 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 Access is refused.

External remedies:

11.2. In accordance with sections 56(3) (c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

12. Processing of personal information**12.1. Purpose of processing:**

OPH uses the personal information under its care in the following ways:

- 12.1.1. conducting the ordinary course of its business;
 - 12.1.2. administration of invoice payments and issuing of invoices;
 - 12.1.3. insurance, financing and banking purposes;
 - 12.1.4. rendering services according to instructions given by clients;
 - 12.1.5. staff administration which will include existing and potential new employees;
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- 12.1.6. keeping of accounts and records;
 - 12.1.7. complying with tax laws;
 - 12.1.8. to provide accounts and services to the customer, in accordance with terms agreed to by the customer;
 - 12.1.9. to undertake activities related to the provision of accounts, services and trade transactions;
 - 12.1.10. the purposes related to any authorised disclosure made in terms of collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction, agreement, law or regulation;

- 12.1.11. any additional purposes expressly authorised by the customer;
- 12.1.12. any additional purposes as may be notified to the customer or Data Subjects in any notice provided by OPH;
- 12.1.13. To comply with any regulation passed under the relevant legislation, or any legal process put forward by any regulatory authority; and
- 12.1.14. To protect OPH's rights and property, including intellectual property.

12.2. Categories of Data Subjects

<u>Entity type</u>	<u>Personal Information</u>
Client's, customers: Natural persons (such as tenants and natural persons that have signed as surety)	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence;
Clients: Juristic persons/ entities	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax-related information; authorised signatories, beneficiaries, ultimate beneficial owners;
Contracted service providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax-related information; signatories, beneficiaries, ultimate beneficial owners; BEE certificates
Employees/directors	Gender; pregnancy; marital status; race; age; disability information; language; education information; financial information as required for statutory reporting; employment history; education history; CVs; banking details; income tax reference numbers; remuneration

	and benefit information; ID number; physical and postal address; contact details; opinions; criminal behaviour; wellbeing; details related to employee performance and disciplinary procedures
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12.3. General description of information security measures to be implemented by OPH

12.3.1. The company employs reasonable up-to-date technology to ensure the confidentiality, integrity and availability of the personal information under its care. Measures include:

12.3.1.1. firewalls;

12.3.1.2. virus and malware protection;

12.3.1.3. software and updated protocols;

12.3.1.4. logical and physical access control;

12.3.1.5. secure setup of hardware and software making up the IT infrastructure; and

12.3.1.6. outsourced service providers who process personal information on behalf of the Company are contracted to implement security controls.

13. **Applicable legislation**

OPH holds/processes records in accordance with the following legislation (Please note that this is not an exhaustive list):

Basic Conditions of Employment Act, No 75 of 1997

Broad-Based Black Economic Empowerment Act, No 53 of 2003

Consumer Protection Act, No 68 of 2008
Companies Act, No 71 of 2008
Compensation for Occupational Injuries and Health Diseases Act, No 130 of 1993
Skills Development Levies Act, No 9 of 1999 Consumer Affairs (Unfair Business Practices) Act, No 71 of 1988
Skills Development Act, No 97 of 1998
Employment Equity Act, No 55 of 1998
Unemployment Contributions Act, No 4 of 2002
Income Tax Act, No 95 of 1967
Value Added Tax Act, No 89 of 1991
Electronic Communications and Transactions Act, No 37 of 2007
Labour Relations Act, No 66 of 1995
Promotion of Access of Information Act, No 37 of 2007
National Credit Act, No 34 of 2005
Tax Administration Act, No 28 of 2011
Occupational Health and Safety Act, No 85 of 1993
Pension Funds Act, No 24 of 1956

14. Availability of the manual (Section 52(3) of PAIA)

- 14.1. This manual is available for inspection at the head offices of OPH, or on OPH's website, free of charge.
- 14.2. However, it should be noted that the manual accessible on the website of OPH and the Government Gazette does not include the request forms or fee structure. The request forms and fee structure can be obtained on the SAHRC website (www.sahrc.org.za).