



**PAIA  
MANUAL  
FOR  
PRIVATE  
BODIES**

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## 1. BACKGROUND

The Promotion of Access to Information Act, No 2 of 2000 (PAIA), was passed to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights and for any matters connected therewith.

## 2. DEFINITIONS

**(a) Head of or in relation to a private body means-**

- i. in the case of a natural person, that natural person or any person duly authorised by that natural person;
- ii. in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- iii. in the case of a juristic person- (i) the chief executive officer or equivalent officer of the juristic person or any, person duly authorised by that officer; or (ii) the person who is acting as such or any person duly authorised by such acting person

**(b) PAIA means** - The Promotion of Access to Information Act, No 2 of 2000

**(c) Private body means-**

- i. a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- ii. a partnership which carries or has carried on any trade, business or profession; or
- iii. any former or existing juristic person, but excludes a public body
- iv. for purposes of this manual means Centro Property Group

**(d) Record of, or in relation to, a public or private body, means**

- i. 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

**(e) Requester in relation to 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);

**(f) SAHRC means** - The South African Human Rights Commission

**(g) Third Party means** - in relation to a request for access to a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (a) and (b) in terms of the act must be construed as a reference to 'natural person'

**(h) The Act means** - The Promotion of Access to Information Act, No 2 of 2000

**(i) The Commission means** - The South African Human Rights Commission

**(j) The Company means** - Centro Property Group with registration number 2005/04054/07

### **3. COMPANY OVERVIEW**

Centro Property Group, herein after referred to as the “private body”, was established in 2005 and provides comprehensive property management services as well as supplementary services including broking (leasing and sales) and project management (new developments, redevelopments and refurbishments).

### **4. FULL DETAILS OF THE PRIVATE BODY IN TERMS OF SECTION 51(1)(a) OF THE ACT**

Postal Address	P O Box 400 Menlyn 0063
Street Address	105 Club Avenue Waterkloof Heights Pretoria 0181
Telephone Number	(012) 993-9240
Facsimile Number	(086) 611-9081
Electronic Mail Address	<a href="mailto:info@centropropertygroup.co.za">info@centropropertygroup.co.za</a>
Head of the Private Body	Matthew John Osterloh
Electronic Mail Address	<a href="mailto:matthew@centropropertygroup.co.za">matthew@centropropertygroup.co.za</a>

### **5. GUIDE ON HOW TO USE THE ACT AS PER SECTION 51 (1)(b)**

In terms of section 10 (1) of PAIA, the Act requires that the SAHRC compile and publish an easy to understand guide to assist in gaining access to records and documents and exercising a person’s constitutional right to information.

The guide is also sometimes referred to as the “Section 10 Guide”. It provides the user with all the information needed to access any records. It also lists the contact details of government departments and institutions that keep records for the state, as well as the contact details of various private companies. The Commission is also required to update their guide at least once every two years.

The section 10 guide is available in all the official languages of South Africa:

English	Afrikaans
isiNdebele	isiXhosa
isiZulu	Sepedi
Sesotho	Setswana
isiSwati	Tshivenda
Xitsonga.	

Copies of the guide can be found at:

- 5.1. All the SAHRC’s provincial offices
- 5.2. Electronic copies are available on the following websites:
  - 5.2.1. SAHRC [www.sahrc.org.za](http://www.sahrc.org.za)
  - 5.2.2. Open Democracy Advice Centre [www.opendemocracy.org.za](http://www.opendemocracy.org.za)
  - 5.2.3. The South African History Archives [www.saha.org.za](http://www.saha.org.za)

**6. CATEGORIES OF RECORD OF THE PRIVATE BODY AS PER SECTION 51(1)(c)**

In terms of Section 51(1)(c), the latest notice in terms of section 52 (2), if any, regarding the categories of record of the private body which are available without a person having to request access in terms of this Act are:

**6.1 Voluntary Records**

- 6.1.1 Documents of incorporation
- 6.1.2 Section 51 manual in terms of the act

**7. DESCRIPTION OF RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION AS PER SECTION 51(1)(d)**

**7.1. RECORDS APPLICABLE IN TERMS OF SECTION 51(1)(d)**

With reference to item 6 above the following categories and records will be applicable. The availability of these records will be subject to the provisions as set out in the act with specific reference to the application for information procedure and the right of refusal to disclose information.

<b>CATEGORY</b>	<b>TYPE OF RECORD</b>
<b>Company Records</b>	Memorandum of Incorporation
	Combined Company Register
	Minutes of Board Meetings
	Minutes of Shareholder Meetings
<b>Financial Records</b>	Annual Financial Statements
	Asset Register
	Banking Records
	Information on Insurance
	Management Accounts
	Workman's Compensation
<b>Human Resources</b>	Conditions of Service
	Employee Records
	Employment Equity Records
	Information on Health & Safety
	Displaying on Skills Development
	Information of the Basic Conditions of Employment
	Remuneration Records
<b>Operations</b>	Management Agreements
	Lease Agreements
	Service Level Agreements

<b>Taxation</b>	Income Tax Records
	VAT Records
	PAYE & UIF Records
	Skills Development Levies

**8. DETAIL TO FACILITATE A REQUEST FOR ACCESS TO A RECORD OF CENTRO PROPERTY GROUP IN TERMS OF SECTION 51(1)(e)**

**8.1. PROCESS ON HOW TO REQUEST INFORMATION IN TERMS OF SECTION 53**

Any request to access a record of Centro Property Group must be in accordance with the provisions of the act. The person making the request is known as the “requester”, and has a right of access to certain types of records held by the company. PAIA gives different ways of accessing information from a private body, and the act provides the forms that are to be used by a requester to submit an information request.

The requester must complete form C as prescribed by section 53 of the act for private bodies. The form will be made available on the website of Centro Property Group at [www.centropropertygroup.co.za](http://www.centropropertygroup.co.za) as part of this manual, as Annexure A. Form C can also be found at each provincial office of the SAHRC, as well as on their website at [www.sahrc.org.za](http://www.sahrc.org.za).

The requester can submit the completed form C, to the head of Centro Property Group by using either of the following addresses as set out under point 4 above:

- 8.1.1 The street address
- 8.1.2 The facsimile address
- 8.1.3 The electronic mail address

**8.2. DESCRIPTION OF THE SUBJECTS ON WHICH THE PRIVATE BODY HOLDS RECORDS**

For a description of the subjects on which the private body holds records refer to point 7 above.

**8.3. CATEGORIES OF RECORDS HELD ON EACH SUBJECT**

For a description of the subjects on which the private body holds records refer to point 7 above.

**8.4 THE COST FOR MAKING A REQUEST IN TERMS OF THE ACT AS SET OUT IN SECTION 54**

The requester will be required to pay a fee when requesting access to records from the company. The fee for requesting records from a private body is R50.00 (Fifty Rand Only). This fee covers the costs of searching for the record(s) requested and for making copies of the documents.

Take note that a requester who is requesting access to his or her personal information, will be exempt from paying any fee but he or she will still be required to pay the access fees. Furthermore no request fees will be payable when a requester's marital status is single and he or she earns less than R14 712.00 (Fourteen Thousand Seven Hundred and Twelve Rand) per annum, or if the requester's marital status is married or if they are in a life partnership and their annual income is less than R27 192.00.

The costs involved for accessing the records of the company are as follows and adhere to section 54 of the act. The requester will have to pay all postage fees for the delivery of their records. The head of the company may withhold any records until the requester has made full payment.

Action need to fulfil request	Fee per Item
Photocopy per A4 page	R1.10
Printing on an A4 page	R0.75
Copy of information onto a compact disc (CD)	R70.00
Transcription of visual images per A4 page	R40.00
Copy of a visual image	R60.00
Transcription of an audio recording per A4 page	R20.00
Copy of an audio recording	R30.00
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation.

Should the head of the company feel that that the collection and reproduction of the requested documents is going to take longer than 6(six) hours, the head of the company will inform the requester, (by formal notice), that one third of the access fee is payable upfront as a deposit.

In the instance where a record cannot be provided in the form requested, the access fee that is charged to the requester must not exceed the fee that would have been charged if access was granted in the form requested. However, this rule does not apply when an alternative form is required because information had to be separated from the record.

In terms of section 56(1) of the act, the head of the company must respond in a reasonable time, but not later than 30 (thirty) after the date of receiving the request after the requester had submitted the request to as set out in point 8.1 above. The head of the company will inform the requester that his or her request has either been granted or denied.

Furthermore section 57 of the act allows for the head of the company to extend the response time once, by another 30 (thirty) days, should any of the following be applicable:

- The request is for a large number of records

- A large number of records need to be searched to adhere to request
- The records are not available in the same town or city as the head office of the company
- More than one or all of the above are applicable

## **9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF SECTION 62**

The act lists the grounds under which access to information may be refused by the head of the company. The act states that some of these ground are mandatory and some are discretionary. The reason why the act allows for information not be disclosed is based on the fact that in some instances the disclosure of information could cause more harm than non-disclosure. In this guide the company will list a few examples of the grounds set out in the act, but the full list is set out in section 62 to 67 under Chapter 4 of the Act:

- 9.1. Protection of the privacy of a third party
- 9.2. Protection of commercial information of a third party
- 9.3. Protection of confidential information
- 9.4. Protection of the safety of individual and property
- 9.5. Protection of information in legal proceedings
- 9.6. Protection of Research Information

## **10. REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **10.1. INTERNAL REMEDIES**

The requester can make a formal request in writing to the board of directors of the company to review the decisions by the head of the company. Should the requester not be satisfied with the answer supplied by the board of directors of the company, the requester will have to exercise such external remedies at their disposal.

### **10.2 EXTERNAL REMEDIES**

Both a requester and a third party that is dissatisfied with the decision made by the head of the company to refuse to disclose information requested, may, within 30 days of notification of the decision, apply to a relevant 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.

## **11. AVAILABILITY OF THIS MANUAL**

A copy of this manual for Centro Property Group is available for inspection at the street address of the company, between office hours, as set out under point 4 above as well as on the website of the company at [www.centropropertygroup.co.za](http://www.centropropertygroup.co.za)

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**ANNEXURE A**

**FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**  
**(Section 53(1) of the Promotion of Access to Information Act, 2000**  
**(Act No. 2 of 2000)**

**[Regulation 10]**

**A. Particulars of private body**

The Head:

Centro Property Group  
105 Club Avenue  
Waterkloof Heights  
Pretoria

**B. Particulars of person requesting access to the record**

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

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:

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**C. Particulars of person on whose behalf request is made**

This section must be completed *ONLY* if a request for information is made on behalf of *another* person.

Full names and surname:

Identity number:

**D. Particulars of record**

- (a) 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.
- (b) 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 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

**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
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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### 2. If record consists of visual images

this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"	<input type="checkbox"/>	transcription of the images*
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### 3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack	<input type="checkbox"/>	transcription of soundtrack*
<input type="checkbox"/>	audio cassette	<input type="checkbox"/>	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* (stiffy or compact disc)
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<p>'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>	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?

Signed at..... This..... day of .....20

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE