

REBOSA

REAL ESTATE BUSINESS
OWNERS OF SOUTH AFRICA



REAL ESTATE BUSINESS OWNERS OF SOUTH AFRICA (NPC) (RF)

Registration Number 2011/128716/08

ACCESS TO INFORMATION MANUAL

(PRIVATE BODY)

PREPARED IN TERMS OF

SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
(hereinafter referred to as “the Act”)

Introduction

The Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as “the Act”) gives effect to Section 32(1) (a) & (b) of the Constitution of the Republic of South Africa, Act 108 of 1996, which provides for the right of access to information held by public and private bodies when such information is requested for the exercise or protection of any rights.

The Act, inter alia, sets out the requisite procedural requirements in relation to a request for information, the requirements to be met, and grounds for refusal of the request.

The Act recognises that the right to any information may be limited to the extent that such limitations (including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance), are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

The purpose of this Manual is to assist people wishing to access information in terms of the PAIA from the Real Estate Business Owners of South Africa (REBOSA) (NPC) (RF)

PART I: INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(a) OF THE ACT:

Name of Company

Real Estate Business Owners of South Africa (“REBOSA”) (NPC) (RF)

Nature of Business

Real Estate Business Owners of South Africa (“REBOSA”) is an independent voluntary membership organisation and non-profit company (NPC) registered with the Companies and Intellectual Property Commission (“CIPC”) in South Africa.

Established in 2012, REBOSA represents the interests of business owners, principals and estate agents operating within the residential real estate sector. REBOSA engages on industry, legislative, regulatory, educational and transformation matters affecting property practitioners nationally.

REBOSA’s membership includes national real estate groups and independent agencies collectively representing more than 18 000 registered and practising property practitioners throughout South Africa.

Directors of Private Body

Mr Paul Bradman Campbell – ID No. 820421 5047 085
Mr Anthony Wayne Clarke – ID No. 671114 5147 084
Mr Nico du Plessis – ID No. 580908 5030 087
Dr Andrew Mark Golding – ID No. 630820 5232 086
Mr Adrian Jeremy Goslett – ID No. 7703165033087
Mr Clive Richard Gray – ID No. 660925 5047 088
Mr Jan Dawid le Roux – ID 530808 5076 083
Mr Samuel Seeff – ID No. 630327 5196 089
Ms Xoliswa Barbara Tini- ID No. 6609060734086
Mr Teboho Tskeoa -ID No. 8711235337080

Postal Address

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Telephone Number

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Electronic Mail

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Information Officer

Mrs Katrien Bezuizenhout
Telephone
+27 82 952 3177
Electronic Mail
accounts@rebosa.co.za

Note: Public information on the company is available on the company's website

<https://www.rebosa.co.za/>

PART II: THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

The South African Human Rights Commission (hereinafter referred to as “the SAHRC”) has compiled a guide. It sets out information which would be reasonably required of any person wishing to exercise any right set out in the Act. The guide is available in all of the official languages, and is available for inspection at:

29 Princess of Wales Terrace Private Bag 2700
Cnr York and St Andrews Streets Houghton
Parktown Johannesburg
Johannesburg
2041

Telephone number: (011) 484-8300 Facsimile Number: (011) 484-1360

PART III: NOTICE IN TERMS OF SECTION 51(1)(c):

At this stage no notices have been published on the categories of records automatically available without a person having to request access thereto in terms of the Act.

The following records are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of the Act:

1. Real Estate Business Owners of South Africa Annual Financial Statements
2. All other information freely available on Rebosa’s website at www.rebosa.co.za

PART IV: RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(d):

All records are available in terms of the following legislation:

- Basic Conditions of Employment Act, 75 of 1997;
- Companies’ Act, 71 of 2008;
- Compensation for Occupational Injuries and Disease Act, 130 of 1993;
- Competition Act, 89 of 1998;
- Customs & Excise Act, 91 of 1964;
- Employment Equity Act, 55 of 1998;
- Labour Relations Act, 66 of 1995;
- Occupational Health and Safety Act, 85 of 1993;

- Skills Development Act, 97 of 1998;
- Trademarks Act, 194 of 1993;
- Unemployment Insurance Act, 63 of 2001;
- Value Added Tax Act, 89 of 1991.

PART V: INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(e) (subject to Part VI and Appendix 1 to this manual):

Real Estate Business Owners of South Africa keeps, inter alia, the following records in terms of various regulatory requirements having an impact on its operations:

Companies' Act Records:

1. Memorandum of Incorporation
2. Minutes of meeting of the Board of Directors
3. Minutes of meeting of the Shareholders
4. Records relating to the appointment of:-
 - 4.1 Directors
 - 4.2 Auditors
 - 4.3 Secretary
 - 4.4 Public Officer
 - 4.5 Any other Officer
5. Share Register and other statutory registers and/or records and/or documents

Income Tax Act Records:

1. Pay-as-you-earn (PAYE) records;
2. Documents issued to employees for income tax purposes;
3. Records of payments made to South African Revenue Services on behalf of Employees.
4. All or any statutory compliances:
5. Value Added Tax;
6. Regional Services Levies;
7. Skills Development Levies;
8. Unemployment Insurance Fund;
9. Workman's Compensation;

10. Customs and Excise.

Labour Relations Records:

1. Personnel Documents and Records;
2. Employment Contracts;
3. Employment Equity Plan (If applicable);
4. Medical Aid Records;
5. Pension Fund Records;
6. Disciplinary Records;
7. Salary Records;
8. Disciplinary Code and /or procedures;
9. Leave Records;
10. Training Records;
11. Training Manuals;
12. Address Lists;
13. Internal Telephone Lists.

Third Party Records:

1. Records held by Real Estate Business Owners of South Africa pertaining to third parties, including, but not limited to financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about any contractors and / or suppliers;
2. Records held by Rebosa pertaining to contractors, subsidiary companies, joint venture companies, special purpose vehicle companies and service providers.

[In cases where information requested by the requester may impact on a third party, the Information Officer is obliged to comply with the requirements as set out in terms of the Act (especially Sections 71 to 73 of the Act)]

PART VI: PROCEDURE FOR REQUEST FOR ACCESS (SECTIONS 53 TO 57 AND 60 OF THE ACT):

1. The requester must comply with all the procedural requirements as set out in the Act, relating to the request for access to a record.
2. The requester must complete the prescribed form enclosed herewith as Appendix 1 (Form C), and submit same together with payment of the request fee (if applicable) and a deposit (if applicable) to the Information Officer at the postal or physical address, or electronic mail address under PART I above.

3. The prescribed form must be completed with sufficient detail so as to enable the Information Officer to identify:
 - The records requested;
 - The identity of the requester;
 - Which form of access to the records is required, should the request be granted;
 - The postal address or email address of the requester.
4. The requester must explain what other right is being protected or exercised.
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.
6. If the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer.
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 Information Officer.
8. The requester must pay the prescribed fee (if applicable) before any further processing can take place.

APPLICABLE TIME-PERIODS:

1. Real Estate Business Owners of South Africa will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
2. The 30-day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Real Estate Business Owners of South Africa or the records are not located at Real Estate Business Owners of South Africa, or consultations amongst divisions and/or subsidiaries of Real Estate Business Owners of South Africa or another private body are required.

THE OUTCOME OF A REQUEST (GRANTING OR REFUSING):

1. Should the request be granted, the notice will state the access fee (if any) to be paid upon access, the form in which access will be given and further that the requester may lodge an application with a Court against the access fee to be paid or the form of access granted, and the procedure for lodging such application.
2. Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the Act relied upon; and that the requester may lodge an application with a Court against the refusal of the request, and the procedure (including the time period) for lodging the application.

GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT):

Apart from Section 7 of the Act, and subject to Section 70 of the Act, the main grounds for Real Estate Business Owners of South Africa to refuse a request for information as contemplated by the Act relates to:

1. Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (Section 63(1));
2. Protection of commercial information of a third party as defined by the Act, if the record contains:
 - trade secrets of that third party;
 - financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;
 - information disclosed in confidence to Real Estate Business Owners of South Africa by third party, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or would prejudice that third party in commercial competition (Section 64).
3. Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement (Section 65);
4. Protection of safety of individuals and protection of property (Section 66);
5. Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);
6. Protection of commercial activities of Leapfrog Property Group, which includes:
 - trade secrets of Real Estate Business Owners of South Africa;
 - financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of Real Estate Business Owners of South Africa;
 - information which, if disclosed, could put Real Estate Business Owners of South Africa at a disadvantage in negotiations or commercial competition;

- a computer programme owned by Real Estate Business Owners of South Africa, and which is protected by copyright. (Section 68)
7. The research information of Real Estate Business Owners of South Africa or a third party on behalf of Real Estate Business Owners of South Africa if the disclosure would expose the third party, Real Estate Business Owners of South Africa, the researcher or the subject matter of the research to serious disadvantage (Section 69).

REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (PART 4 OF THE ACT):

1. Real Estate Business Owners of South Africa does not have internal appeal procedures and as such, the decision made by the Information Officer is final.
2. Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief. internal appeal procedures and as such, the decision made by the Information Officer is final.
3. Should a third party be dissatisfied with the Information Officer's decision to grant a request for information relating to that third party, it (the third party) may within 30 days of notification of such decision, apply to a Court for the appropriate relief.

FEES:

PAIA allows private bodies to charge regulated, cost-recovery fees.

These fees are mandated by section 54 of the Act and by Annexure B of the 2021 PAIA Regulations (GNR.757).

<https://www.justice.gov.za/legislation/notices/2021/20210827-gg45057gon757-PAIAreulations.pdf>

APPENDIX 1

Form 2 - Request for Access to Record of Private Body