



**CLÉ PROPERTIES PTY LTD
(2016/311454/07)**

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

DATE OF COMPILATION: 01/10/2022

The purpose of this manual is to explain what records we hold, and how you can obtain access to them if you need access in order to exercise or protect your rights.

A copy of this manual is available on our website.

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1. OUR FIRM

Cle Properties Pty (Ltd) officially opened their doors on the 1st of September 2006 and has become one of the leading Real Estate Agencies in the East Rand. Clé Properties prides itself to have won numerous awards since its humble beginnings and has now grown to be a healthy competitor in the Real Estate Industry.

Naomi Kahn and Otilia Gericke are the Directors of this business.

The Company specialises in New Developments, Residential sales, Commercial sales as well as the sales of Small Holdings and Farms.

Cle Properties consists of the head office in Kempton Park and branches in Sandton / Northern Suburbs, Tembisa and Bonaero Park. The Company currently has a total of 55 staff members, of which a few specialize in Residential and Commercial developments.

We provide the following services:

- Services related to the listing, promotion, sale and letting of property.
- Property marketing and sales consultation.
- Commercial, Agricultural and Residential property evaluations.

CONTACT DETAILS:

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2. OUR RECORDS

2.1. RECORDS WHICH ARE AUTOMATICALLY ACCESSIBLE

Records which we hold in terms of the following Acts of Parliament are automatically accessible in terms of those laws:

- Basic Conditions of Employment Act (Act 75 of 1997)
- Close Corporations Act (Act 69 of 1984)
- Compensation for Occupational Injuries and Disease Act (Act 130 of 1993)
- Employment Equity Act (Act 55 of 1998)
- Estate Agency Affairs Act (Act 112 of 1976)
- Estate Agents' Code of Conduct (1993)
- Financial Intelligence Centre Act (Act 38 of 2001)
- Income Tax Act (Act 58 of 1962)
- Labour Relations Act (Act 66 of 1995)
- Money Laundering & Terrorist Financing Control Regulations (2002/2005)
- Occupational Health and Safety Act (Act 85 of 1993)
- Regional Services Councils Act (Act 109 of 1985)
- Rental Housing Act (Act 50 of 1999)
- Skills Development Act (Act 97 of 1998)
- Skills Development Levies Act (Act 9 of 1999)
- Stamp Duties Act (Act 77 of 1998)
- Transfer Duty Act (Act 40 of 1949)
- Unemployment Insurance Act (Act 63 of 2001)
- Unemployment Contributions Act (Act 4 of 2002)
- Value Added Tax Act (Act 89 of 1991)

Anyone who is entitled to access to any of those records under any of those laws may therefore have access to them.

2.2. VOLUNTARY DISCLOSURE OF RECORDS

The following records and information are freely available on request:

- information about properties which are currently for sale or to let through our firm
- everything that appears on our website.

2.3. OTHER RECORDS

We also hold the following records, which are not automatically accessible. If you want access to any of them, you will need to follow the procedure in section 3 of this manual:

- Correspondence – general correspondence
- Fidelity Fund Certificates - current and past fidelity fund certificates for our firm, its principals and agents
- Financial - business account records, trust account records, trust account annual audit reports, tax records
- Financial Intelligence - client verification records, reports (if any) submitted to the Financial Intelligence Centre
- Meetings - minutes of meetings
- Legal - records of legal matters
- Letting records – advertisements, records of properties rented out on behalf of clients, letting performance figures
- Personnel - personnel files for current employees and agents, personnel files for ex-employees and agents who left during the past three years
- Property - documents relating to the firm's premises
- Sales records – advertisements, valuations and mandates, records of sales concluded by the firm, sales performance figures
- Training, training material

3. ACCESS TO OUR RECORDS

3.1. YOUR RIGHT OF ACCESS

The Act entitles you to have access to our records, provided that

- you need access to exercise or protect any of your rights, and
- you apply for access according to the procedure set out in this manual, and
- we do not have grounds for refusing you access.

3.2. OUR RIGHT TO REFUSE ACCESS

We have the right to refuse you access to our records if any of the following grounds apply:

- the record would unreasonably disclose personal information about a third party, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access),
- the record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access),
- access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access),
- access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property,
- the record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection).

3.3. NOTICE IN TERMS OF SECTION 52 OF THE ACT

We have not gazetted any notices in terms of Section 52 of the Act. This means that, except for those items listed in sections 2.1 and 2.2 of this manual, we will grant access to our records only in terms of this manual.

3.4. SOUTH AFRICAN HUMAN RIGHTS COMMISSION: SECTION 10 GUIDE

The South African Human Rights Commission has published a Guide (under Section 10 of the Act) explaining the Act and how it works. For further details, contact the SAHRC directly through their website: www.sahrc.org.za

4. HOW TO APPLY FOR ACCESS

FILL IN A REQUEST FORM

If you want to obtain access to any of the records listed in this manual, you should fill in the application form contained in section 6 of this manual.

SUBMIT THE FORM AND THE REQUEST FEE

Hand in your completed application form, and a non-refundable request fee of R50.00 + VAT at our office. If you are an employee or ex-employee requesting access to your personnel record, then you don't have to pay the request fee.

If you cannot visit our office in person, you can post the form and fee to us, or you can contact us to make alternative arrangements.

OUR RESPONSE

We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.

Our response will probably be one of the following:

- Your application does not contain enough information to enable us to search for the record you want. Please provide additional details.
- It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit of R60.00 (plus VAT).
- We have found the record you're looking for, and you may have access to it, on payment of:
 - o an access fee of R50.00 (+ VAT) per hour for the time that it took us to find the record (less any deposit which you have already paid), and
 - o a reproduction fee for making photocopies or printouts or copying the record onto a CD or external hard drive - the fees are set out in section 5 of this manual

- You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).
- We have searched for the record and cannot find it. We will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.

5. SCHEDULE OF FEES

As per Government Gazette 23119 dated 15 February 2002

- A photocopy of this manual: R1.10 per page
- Request fee (non-refundable) payable on submission of the Application Form: R50.00
- Access fee for searching our records: R30.00 per hour (or part thereof)
- Note: if the search is likely to take longer than six hours (which would cost more than R180), then a deposit of one-third (i.e. R60) is payable in advance.
- Reproduction fee photocopy (A4 page or part thereof) R1.10
- Printout from a computer or in other electronic or machine-readable form (A4 page or part thereof) R0.75
- Computer-readable copy on disc R7.50
- Computer-readable copy of CD R70.00
- Transcription of visual images (A4 page or part thereof) R40.00
- Copy of a visual image R60.00
- Transcription of an audio record (A4 page or part thereof) R20.00
- Copy of an audio record R30.00
- VAT must be added to request, access and reproduction fees.
- Postage

If the copy of the record is to be sent by post, then postage must be paid in addition to the request, access and reproduction fees.

6. APPLICATION FORM

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

1. Particulars of private body	
The Head:	
2. Particulars of person requesting access to the record	
2.1 The particulars of the person who requests access to the record must be given below.	
2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.	
2.3 Proof of the capacity in which the request is made, if applicable, must be attached.	
Full names & 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:	
3. Particulars of person on whose behalf request is made:	
3.1 This section must be completed ONLY if a request for information is made on behalf of another person.	
Full names & surname:	
Identity number:	
4. Particulars of record:	
4.1 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.	
4.2 If the provided space is inadequate, please continue on a separate page and attached it to this form.	
4.3 The requester must sign all the additional pages	
4.3.1 Description of record or relevant part of the record:	

4.3.2 Reference number, if available:					
4.3.3 Any further particulars of record:					
5. Fees					
5.1	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.				
5.2	You will be notified of the amount required to be paid as the request fee.				
5.3	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.				
5.4	If you qualify for exemption of the payment of any fee, please state the reason for exemption.				
5.4.1 Reason for exemption of fees:					
6. Form of access to record					
6.1	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 this record is required.				
6.2	Disability:				
6.3	Form in which record is required. Mark the appropriate box with an X. NOTES: <ul style="list-style-type: none"> • Compliance with your request in the specified form may depend on the form in which the record is available. • 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. • The fee payable for access to the record, if any, will be determined partly by the form in which access is requested. 				
6.4	If the record is in written or printed form:				
<input type="checkbox"/>	Copy of record	<input type="checkbox"/>	Inspection of record		
6.5	If record consists of visual images: (including photos, slides, video recordings, computer-generated images, sketches etc.)				
<input type="checkbox"/>	View images	<input type="checkbox"/>	Copy of images	<input type="checkbox"/>	Transcription
6.6	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 the soundtrack	

6.7 If record is held on computer or in an electronic or machine-readable form:		
<input type="checkbox"/> Printed copy of info derived	<input type="checkbox"/> Printed copy	<input type="checkbox"/> Electronic copy
Do you wish any copy or transcription of a record to be posted to you? Postage is payable.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Particulars of right to be exercised or protected		
If the space provided is not adequate, please continue on a separate sheet, sign it, and attach it to this form.		
7.1 Indicate which right is to be exercised or protected:		
7.2 Explain why the record requested is required for the exercise or protection of the aforementioned right:		
8. Notice of decision regarding request for access		
You will be notified in writing whether your application has been approved or denied. If you wish to be informed in some other manner, please specify it and give details to enable us to comply with your request.		
8.1 How would you prefer to be informed of our decision regarding your request for access to the record?		

SIGNED AT _____ THIS _____ DAY OF _____ 20 ____

SIGNATURE OF REQUESTER/ PERSON ON
WHOSE BEHALF THE REQUEST IS MADE