



REGISTRATION NUMBER: 2024/316267/07

PAIA MANUAL

AS REQUIRED BY SECTION 51 OF ACT NO. 2 OF 2000,
PROMOTION OF ACCESS TO INFORMATION ACT ("THE ACT")

LAST UPDATED: OCTOBER 2024



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1. PREAMBLE

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA) is giving effect to the constitutional right of all, *in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 ("Constitution")* the 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/protection of any rights.

Promotion of Access to Information Act (PAIA) and the Protection of Personal Information Act (POPIA) could be confusing. They can be seen as "information" laws and are both from the 1st of July 2021 enforced by the same Information Regulator. **PAIA is an "Access" law**, all about access of Information and **POPIA is a "Privacy" law** all about privacy of personal information. They shouldn't be seen as competing, but rather, both are there to **help ensure that information is managed correctly**.

2. THE PURPOSE OF PAIA MANUAL

In terms of section 51 of the PAIA, all Private Bodies are required to compile an Information Manual ("PAIA Manual"). This PAIA Manual is useful for the public to-

- 2.1. check the categories of records held by an Estate Agency which are available without a person having to submit a formal PAIA request;
- 2.2. have a sufficient understanding of how to make a request for access to a record of an Estate Agency, by providing a description of the subjects on which an Estate Agency holds records and the categories of records held on each subject;
- 2.3. know the description of the records of an Estate Agency which are available in accordance with any other legislation;
- 2.4. access all the relevant contact details of the Compliance Officer who will assist the public with the records they intend to access;
- 2.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6. know if an Estate Agency will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9. know if an Estate Agency has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. know whether an Estate Agency has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. CONTACT DETAILS

Name : Legacy Link Realty (Pty) Ltd
Registration No. : 2024/316267/07

Postal address : PO Box 100791
Moreleta Plaza
0167

Physical address : 693 Rubenstein Drive
Moreleta Park
Pretoria
Gauteng
0044

Telephone : 069 516 6983
Website : www.lirealty.co.za
Email : admin@lirealty.co.za

Compliance Officer : Marijke Roosendaal
Telephone Number : 069 516 6983

4. INFORMATION REGULATORS GUIDES

Official guides may be made available by the Information Regulator (established in terms of POPIA) to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. Copies of these guides (as updated from time to time) will be available from the Information Regulator in the manner prescribed. Any enquiries regarding these guides should be directed to:

Postal Address: 33 Hoofd Street
Forum III, 3rd Floor
Braampark Braamfontein,
Johannesburg

Telephone Number: [010 023 5200]

E-mail Address: infoereg@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/>

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contained in PAIA and POPIA.
- 5.2. The Guide is available in each of the official languages and in braille.
- 5.3. The aforesaid Guide contains the description of-

- 5.3.1. the objects of PAIA and POPIA;

- 5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

- 5.3.2.1 the Information Officer of every public body, and

- 5.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA;

- 5.3.3 the manner and form of a request for-

- 5.3.3.1. access to a record of a public body contemplated in section 11; and

- 5.3.3.2. access to a record of a private body contemplated in section 50;

- 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

- 5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;

- 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

- 5.3.6.1. an internal appeal;

- 5.3.6.2. a complaint to the Regulator; and

- 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

- 5.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

- 5.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

- 5.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and

- 5.3.10. the regulations made in terms of section 92.

5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

5.5. The Guide can also be obtained-

5.5.1. upon request to the Information Officer;

5.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

6. AUTOMATICALLY AVAILABLE INFORMATION

Information that is obtainable via the websites (see below) about Legacy Link Realty's business and activities is automatically available and need not be formally requested in terms of this Manual.

The following categories of records are automatically available for inspection, purchase or photocopying:

- Legacy Link Realty advertising and marketing materials;
- Public listings (eg. Details of properties for sale and/or letting);
- Information on hotels and lodges;
- Information on property developments;
- Website: www.llrealty.co.za website is available to anybody who accesses the internet.

7. INFORMATION AVAILABLE IN TERMS OF POPIA

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Legacy Link Realty will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

7.1 Categories of personal information collected by Legacy Link Realty

Legacy Link Realty collects the following categories of personal information:

- contact details;
- company information;
- date of birth;
- education;
- employment history;
- financial information;
- gender;
- identity number and passport numbers;
- language;
- medical Information
- names;

- nationality;
- physical and postal addresses; and
- tax related information.

7.2 The purpose of processing personal information

The type of personal information that we process will depend on the purpose for which it is collected. We will disclose to you why the personal information is being collected and will process the personal information for that purpose only.

7.3 A description of the categories of data subjects and of the information or categories of information relating thereto

Legacy Link Realty holds information and records on the following categories of data subjects:

- personnel of Legacy Link Realty;
- contractors of Legacy Link Realty;
- suppliers of Legacy Link Realty; and
- service providers of Legacy Link Realty.

7.4 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Name, Surname, And Maiden Name Identification Number/S Married/Single Status. E-Mail Address Physical / Postal Address / Erf Number / Complex Details Telephone Number/S Financial & Banking Details (For Bond Qualification - Buyers And Bond Cancellations -Sellers And Rentals)	Colleague's Or Other Estate Agencies, Attorneys, Bond Consultants, Compliance Inspectors, Homeowner Association, Trustees, In Some Cases, Public Or Legal Authorities.

7.5 Planned transborder flows of personal information

Type of personal information	Transborder flows / storage
Name, Surname, And Maiden Name Identification Number/S Married/Single Status. E-Mail Address Physical / Postal Address / Erf Number / Complex Details Telephone Number/S Financial & Banking Details (For Bond Qualification - Buyers And Bond Cancellations - Sellers) Photos Source of wealth (if applicable) Employment position and relationship to specific persons (if applicable) Legal entity details and all stakeholders' details Deed search details	One Drive: Cloud Storage
If there is an international component to the work which we are doing while selling / letting	Personal information will be protected in this foreign country, and we will endeavour to assist you finding their countries procedures and laws.

8. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- *Administration of Estates Act 66 of 1965*
- *Basic Conditions of Employment Act 75 of 1997*
- *Close Corporations Act 69 of 1984*
- *Companies Act 61 of 1973*
- *Compensation for Occupational Injuries and Health Diseases Act 130 of 1993*
- *Copyright Act No. 98 of 1987*
- *Electronic Communications and Transaction Act 25 of 2002*
- *Employment Equity Act 55 of 1998*
- *Estate Agency Affairs Act 112 of 1976*
- *Financial Advisory and Intermediary Services Act 37 of 2002*
- *Financial Intelligence Centre Act 38 of 2001*

- *Income Tax Act 58 of 1962*
- *Insolvency Act No. 24 of 1936*
- *Labour Relations Act 66 of 1995*
- *Occupational Health & Safety Act 85 of 1993*
- *Pension Funds Act 24 of 1956*
- *Skills Development Act 97 of 1998*
- *Skills Development Levies Act 9 of 1999*
- *Stamp Duties Act 77 of 1968*
- *Unemployment Contributions Act 4 of 2002*
- *Unemployment Insurance Act 30 of 1966*
- *Value Added Tax Act 89 of 1991*

9. CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

Legacy Link Realty maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by- case basis in accordance with the provisions of PAIA.

Please note further that many of the records held by a Legacy Link Realty are those of third parties, such as clients and employees and would constitute third party confidential information, which is not in the discretion of Legacy Link Realty to disclose. In particular, where any Legacy Link Realty acts as consultant, agent, broker or advisors to clients, many of the records held are confidential and others are the property of the client and not of Legacy Link Realty. For further information on the grounds of refusal of access to a record. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Subjects on which an Estate Agency holds records	Categories of records
Strategic Documents, Plans, Proposals	Strategic Plan, Annual Performance Plan.
Companies Act Records	<ul style="list-style-type: none"> ✓ All trust deeds / Documents of Incorporation / Index of names of Directors / Memorandum of Incorporation ✓ Minutes of meetings of the Board of Directors / Shareholders / Proxy forms / ✓ Share certificates/Register and other statutory registers ✓ Records relating to the appointment of: ✓ Auditors / Directors / Public Officer / Secretary ✓ Resolutions / Special Resolutions

Income Tax Records	<ul style="list-style-type: none"> ✓ VAT ✓ PAYE Records- Documents to employee's income tax & Payments made to SARS on behalf of employees ✓ Regional Services Levies / Skills Development Levies / UIF / Workmen's Compensation
Financial Records	<ul style="list-style-type: none"> ✓ Annual Financial Reports / Statements ✓ Banking details and bank accounts / Statements /Accounting & Banking Records / Paid Cheques ✓ Debtors / Creditors statements & invoices / Reconciliations ✓ Policies and procedures ✓ Rental Agreements / Asset Registers; ✓ Tax Returns / Audit reports ✓ Risk management frameworks / plans. ✓ Standard Terms and Conditions for supply of services and products ✓ Contractor, client and supplier agreements ✓ Lists of suppliers, products, services
PPRA & Training Records	<ul style="list-style-type: none"> ✓ FFC's / Payments to EAAB/PPRA ✓ Outdoor advertising application and stickers for boards ✓ Training Manuals / Records
Human Resources	<ul style="list-style-type: none"> ✓ HR policies and procedures ✓ Advertised posts ✓ Employees records
IT Department	<ul style="list-style-type: none"> ✓ Information security policies/standards/procedures ✓ Information technology systems / user manuals / user policy documentation / Hardware asset registers ✓ Software licensing / System documentation / manuals ✓ Project implementation plans ✓ Computer / mobile device usage policy documentation

10. REQUEST PROCEDURE

10.1 Completion of the prescribed form

Any request for access to a record in terms of PAIA must substantially correspond with Annexure B to Government Notice No. R.187 dated 15 February 2002 and should be specific in terms of the record requested.

A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.

POPIA provides that a data subject may, upon proof of identity, request the Legacy Link Realty to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, the Legacy Link Realty must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.

POPIA provides that a data subject may object, at any time, to the processing of personal information by Legacy Link Realty, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as Appendix 2 and submit it to the Compliance Officer at the postal or physical address, facsimile number or electronic mail address set out above.

A data subject may also request Legacy Link Realty to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Legacy Link Realty is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as Appendix [D].

10.2 Proof of identity

Proof of identity is required to authenticate your identity and the request. You will, in addition to

this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

10.3 Payment of the prescribed fees

There are two categories of fees which are payable:

10.3.1 **The request fee:** R50

10.3.2 **The access fee:** This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in Appendix [B].

Section 54 of PAIA entitles Legacy Link Realty to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in Regulation 9(2)(c) promulgated under PAIA.

Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

10.4 Timelines for consideration of a request for access

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

10.5 Grounds for refusal of access and protection of information

There are various grounds upon which a request for access to a record may be refused. These grounds include:

- 10.5.1 the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- 10.5.2 the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- 10.5.3 if disclosure would result in the breach of a duty of confidence owed to a third party;
- 10.5.4 if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;

- 10.5.5 if the record was produced during legal proceedings, unless that legal privilege has been waived;
- 10.5.6 if the record contains trade secrets, financial or sensitive information or any information that would put that Legacy Link Realty Legal Entity (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- 10.5.7 if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Legacy Link Realty.

Section 70 PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

11. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

If the Compliance Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Compliance Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the Compliance Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

12. AVAILABILITY OF THIS MANUAL

A copy of the Manual is available-

- 12.1 on www.llrealty.co.za;
- 12.2 office of Legacy Link Realty for public inspection during normal business hours;
- 12.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 12.4 to the Information Regulator upon request.

APPENDIX A - FORM C: REQUEST FORM



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]

The Head:

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:

[illegible]

Postal address:

Telephone number: (.....) Fax 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

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

Full names and surname:

[illegible]

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:

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2. Reference number, if available:

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3. 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:

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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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access 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.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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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..... ofyear

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