



# **Habibi Properties (Pty) Ltd**

## **PAIA MANUAL**

**Prepared in terms of Section 14  
of the Promotion of Access to Information  
Act 2 of 2000 (as amended)**

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## TABLE OF CONTENTS

### Contents

1. List of Acronyms and abbreviations .....	4
2. How is the PAIA Manual useful to the public? .....	4
3. The purpose of the PAIA Manual .....	5
4. Functions of Habibi Properties with regards to PAIA.....	5
5. Our Details.....	5
6. Further guidance from the Information Regulator .....	6
4. Records which we make automatically available .....	6
5. Records we hold to function .....	6
Personnel records.....	6
Business records .....	7
Customer information .....	7
Policies.....	7
6. Records we hold to comply with the law .....	7
Anti-corruption and organized crime .....	7
Communications and IT .....	7
Compliance and Corporate Governance. ....	8
Copyright, Intellectual Property and Trademarks.....	8
Finance .....	8
General .....	8
Human Resources .....	8
7. How you can request access .....	9
8. How we will give you access .....	9
9. How much it will cost you .....	9
Request fees.....	9
Access fees.....	10

10. Grounds for us to refuse access .....10  
    Protection of someone else’s privacy (a natural person) .....10  
    Protection of another organization’s commercial information .....11  
    Protection of research information.....11  
    Protection of the safety of individuals and property .....11  
11. Our decision on giving you access .....12  
12. Remedies available if we refuse to give you access .....12  
13. How we process and protect personal information .....12  
    Categories of people..... 12  
    Purposes.....13  
    Categories of personal information..... 13  
    Third-party disclosures .....13  
    Cross-border transfers .....14  
    Security .....14  
14. Availability of this Manual .....14  
15. Updates to this Manual.....14

## 1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer
1.3	“IO”	Information Officer
1.4	“Minister”	Minister of Justice and Correctional Services
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000 as Amended
1.6	“PFMA”	Public Finance Management Act No.1 of 1999 as Amended
1.7	“POPIA”	Protection of Personal Information Act No.4 of 2013
1.8	“Regulator”	Information Regulator.

## 2. HOW IS THE PAIA MANUAL USEFUL TO THE PUBLIC?

This PAIA Manual is useful to the public to-

- 2.1 check the nature of the records which may already be available at **Habibi Properties (Pty) Ltd**, without the need for submitting a formal PAIA request
- 2.2 understand how to make a request for access to a record of **Habibi Properties (Pty) Ltd**.
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access
- 2.4 know all the remedies available from **Habibi Properties (Pty) Ltd**. regarding request for access to the records, before approaching the Regulator or the courts
- 2.5 the description of the services available to members of the public from **Habibi Properties (Pty) Ltd**, and how to gain access to those services
- 2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access
- 2.7 if the body 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
- 2.8 know if **Habibi Properties (Pty) Ltd**. 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
- 2.9 know whether **Habibi Properties (Pty) Ltd**. has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## PURPOSE OF THE PAIA MANUAL

The Protection of Personal Information Act is intended to balance 2 competing interests which are:

1. Our individual constitutional right to privacy which requires our personal information to be protected; and
2. The needs of our society to have access to and to process our personal information for legitimate purposes, including the purpose of doing business.

## FUNCTIONS OF HABIBI PROPERTIES WITH REGARD TO PAIA

To fulfil its objectives **Habibi Properties (Pty) Ltd** must:

4.1 Process, analyse and interpret information disclosed and obtained by it, in terms of the FIC Act

4.2 Inform, advise, and cooperate with investigating authorities, supervisory bodies, the South African Revenue Service, and the intelligence services

4.3 Monitor and give guidance to accountable institutions, supervisory bodies, and other persons regarding the performance by them of their duties and their compliance with the provisions of the FIC Act

4.4 Retain the information referred to in paragraph (a) in the manner and for the period required by the FIC Act.

4.5 Annually review the implementation of this Act and submit a report thereon to the Minister of Finance

4.6 Implement a registration system in respect of all accountable institutions and reporting institutions; and

4.7 Supervise and enforce compliance with this Act or any directive made in terms of this Act by accountable institutions, reporting institutions and other persons to whom the provisions of this Act apply that—

4.7.1 Are not regulated or supervised by a supervisory body in terms of this Act or any other law

4.7.2 Are regulated or supervised by a supervisory body in terms of this Act or any other law, if that supervisory body fails to enforce compliance despite any recommendation of the FIC made in terms of section 44(b).

## OUR DETAILS:

Our organisation's and information officer's details are as follows:

Organisation Name	Habibi Properties (Pty) Ltd
Registration Number	2019 /082525/07
Website	www.habibiproperties.co.za
Physical Address	14 Budack Avenue, Glenvista
Postal Address	Same as above
Telephone number	011 682 1358
Email address	info@habibiproperties.co.za
Chief Information Officer	Chantelle Habib
Deputy Information Officer	
Information Officer email	chantelle@habibiproperties.co.za

### **FURTHER GUIDANCE FROM THE INFORMATION REGULATOR:**

For further guidance, contact the Information Regulator. They have compiled a PAIA guide in each official language of South Africa on how to exercise your rights under PAIA.

Visit their website	<a href="http://www.justice.gov.za/inforeg/index.html">www.justice.gov.za/inforeg/index.html</a>
Postal Address	P.O.Box 3153, Braamfontein, Johannesburg, 2017
Physical Address	JD House, 27 Stiemens Str. Braamfontein
Phone Number	010 023 5200
Ask a general enquiry by email	<a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>
Lodge a complaint by email	<a href="mailto:PAIAComplaints@inforegulator.org.za">PAIAComplaints@inforegulator.org.za</a>

For further guidance on how you can get access to information, please visit the Information Regulator website <https://www.inforegulator.org.za>

### **RECORDS WHICH WE MAKE AUTOMATICALLY AVAILABLE:**

We make the following records automatically available to you without you needing to request access to them as follows:

- Memorandum of incorporation – on request by email
- Director's names - on our website
- Documents of incorporation – request by email
- Banking details – request by email
- Brochures – request by email
- Newsletters and circulars – subscribe on our website
- Information on our website – visit our website

### **RECORDS WE HOLD TO FUNCTION:**

We hold the following subjects and categories of records in electronic or physical format, which we do not make automatically available. You may request access to them.

- **Personnel records**

Personnel records are all our records about anyone who works for us and who receives or is entitled to receive remuneration.

- Conditions of employment
- Personal records provided by personnel
- Internal evaluations and performance records
- Training records
- Disciplinary records
- Other statutory records

- **Business records**

Business records include any documents that have economic value to the business.

- Financial records
- Operational records
- Databases
- Information technology
- Product records
- Training material
- Marketing material

- **Customer information**

Customer Information includes any information about anyone that we provide services to, including our customers, leads, or prospects.

- Customer details
- Communications with customers
- Sales records
- Transactional information
- Agreements and contracts

- **Policies**

Internal policies and procedures used for compliance purposes.

- Internal policies and procedures

## **RECORDS WE HOLD TO COMPLY WITH THE LAW:**

We hold records for the purposes of PAIA in terms of the following main laws, among others:

- **Anti-corruption and organised crime**

- Prevention & Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004

- **Communications and IT**

- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act 25 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002

- **Compliance and Corporate Governance**

- Companies Act 71 of 2008
- Competition Act 89 of 1998

- **Copyright, Intellectual Property and Trademarks**

- Copyright Act 98 of 1978
- Intellectual Property Laws Amendment Act 38 of 1997
- Intellectual Property Laws Amendment Act 28 of 2013
- Trademarks Act 194 of 1993

- **Finance**

- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- National Credit Act 34 of 2005
- Tax Administration Act 28 of 2011
- Value Added Tax Act 89 of 1991

- **General**

- Consumer Protection Act 68 of 2008
- Prescription Act 18 of 1943
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Promotion of Access to Information Act, No 2 of 2000
- Protection of Personal Information Act 4 of 2013

- **Human Resources**

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Employment Equity Act 55 of 1998
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Protected Disclosures Act 26 of 2000
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002



## **HOW YOU CAN REQUEST ACCESS:**

We have appointed our information officer to deal with all matters relating to PAIA so we can comply with our PAIA obligations. To request access to a record, please complete Form 2.

Please submit the completed form (together with the relevant request fee we explain below) to our information officer's email address or our physical address using the details we provide.

Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and the form of access you require,
- specifies your email address, postal address, or fax number,
- describes the right that you seek to exercise or protect,
- explains why you need the requested record to exercise or protect that right,
- provides any other way you would like to be informed of our decision other than in writing, and
- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form, we may:

- reject the request due to lack of procedural compliance,
- refuse it if you do not provide sufficient information, or
- delay it.

You may request information by completing a request for access Form 2 and submitting it to our information officer together with a request fee.

## **HOW WE WILL GIVE YOU ACCESS:**

We will evaluate and consider all requests we receive. If we approve your request, we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

## **HOW MUCH IT WILL COST**

### **Request fees**

When submitting your request, you must pay us a request fee as the law prescribes. The prescribed fees must be paid before we give you access. You will receive a notice from our information officer upon your request, setting out the application procedure.

## **Access fees**

If the request is granted, you will have to pay a further access fee as prescribed by law which includes a fee for the time it takes us to handle your request, or if the time has exceeded the prescribed hours to search and prepare the record for disclosure. Our information officer will notify you if you need to pay a deposit for the access fee. The deposit may be up to one third of the prescribed access fee. The access fee will provide for:

- the costs of making the record, or transcribing the record,
- a postal fee (if applicable), and
- the reasonable time we need to search for the record and prepare the record for you.

If you paid a deposit and we refused your request, we will refund you the deposit amount. We may withhold the record you requested until you have paid the fees.

## **GROUNDINGS FOR US TO REFUSE ACCESS TO INFORMATION:**

We may have to refuse you access to certain records in terms of PAIA to protect:

- someone else's privacy,
- another company's commercial information,
- someone else's confidential information,
- research information,
- the safety of individuals and property,
- records privileged from production in legal proceedings

Some of these grounds are explained in further detail below.

## **The protection of someone else's privacy (a natural person)**

We may refuse to give you access to a record if access would unreasonably disclose a natural person's personal information, including a deceased person.

We will not refuse access in certain circumstances.

- **The person who the information pertains to, has given consent.**
- **The information is publicly available.**
- **The information belongs to a class of information, and the private body notified the individual upfront that the specific class of information might be made public.**

• **The record is physical or mental health information or information about someone's well-being who is:**

- under the requester's (your) care and below 18 years, or
- incapable of understanding the nature of the request and giving access would be in the individual's best interests.

• **The information is about a deceased person and:**

- you are the next of kin, or
- the request is made with the written consent of the individual's next of kin.

• **The information is about a person who is, or was an executive at your organisation, and the information relates to their position or functions, for example:**

- that the person was an official at our organisation,
- the title, work address, work phone number and other similar details,
- the classification, salary scale or remuneration and responsibilities of the position or services, and
- the name of the person on a record prepared by them while employed.

### **The protection of another organisation's commercial information**

We may refuse to give you access to a record if the record contains another organisation's:

- trade secrets,
- financial, commercial, scientific, or technical information and the disclosure could cause harm to the financial or commercial interests of that company,
- information and the disclosure could put that company at a disadvantage in negotiations or commercial competition, or
- information on a computer programme owned by us, protected by copyright.

### **The protection of research information**

We may refuse you access to a record that contains research done by us or someone else, if disclosing it would disclose our identity, the researchers, or the subject matter of the research and would place the research at a serious disadvantage.

### **The protection of the safety of individuals and property**

We may refuse access if it could reasonably be expected to endanger someone's life or physical safety.

We may refuse access to a record if disclosing it would be likely to prejudice or impair the security of:

- a building, structure, or system, including a computer or communication system,
- a means of transport,
- any other property,
- methods, systems, plans or procedures for the protection of someone in a witness protection scheme,
- the public, or a part of the public, or
- the property contemplated above.

### **Our decision on giving you access**

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation. Requests for information that are clearly frivolous will be refused.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after receiving your request. If we cannot find the record you asked for or it does not exist, we will notify you that it is not possible to give access to that record. We may have to refuse you access to a record to protect others.

## **REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY HABIBI PROPERTIES (PTY) LTD**

If we deny your request for access, you may:

- a) appeal internally,
- b) complain to the Information Regulator or any regulatory body; and/or
- c) approach the Court with jurisdiction for the appropriate relief within 180 calendar days of us notifying you of our decision

## **PROCESSING OF PERSONAL INFORMATION**

We process the personal information of various categories of people for various purposes. For further information please refer to our privacy policy on our website.

### **Categories of people**

We process the personal information of the following categories of people:

- customers,
- prospects or leads,
- employees,
- recruiters and medical practitioners providing services related to employees,
- contractors, vendors, or suppliers,

- debtors and creditors, and
- directors and shareholders.

### **Purposes**

We process the personal information to:

- provide our services,
- better understand our data subjects' needs when doing so,
- keep our data subject records up to date,
- manage employees in general,
- manage supplier contracts in general,
- manage customers in general,
- enforce debts,
- market services to prospects,
- process customer requests or complaints, and
- process personal information of employees for forensic purposes.

### **Categories of personal information**

We process many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses,
- personal details, such as name and surname,
- account numbers, and
- contract information.

### **Third-party disclosures**

We give the following people personal information that we process in the ordinary course of business to fulfil our obligations to our customers or clients.

- Contractors or suppliers.
- Estate agents or estate agencies
- Operators, other responsible parties, or co-responsible parties.
- Third party vendors to help us maintain our services.

## **Cross-border transfers**

We send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's that provide an adequate level of protection, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

## **Security**

We secure data by maintaining reasonable measures to protect personal information.

## **AVAILABILITY OF THE MANUAL**

This manual is available in English in electronic format on our website and in physical format at the reception of our company offices.

## **UPDATING OF THE MANUAL**

**Habibi Properties (Pty) Ltd.** will, if necessary, update and publish this Manual annually.

**Issued by:**

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**CHANTELLE HABIB (MPRE)**

*Master Practitioner in Real Estate (Principal & Director/Owner)*

*Habibi Properties (Pty) Ltd. Reg Number 2019/082525/07*

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