



# PAIA MANUAL

In terms of Section 51 of  
**The Promotion of Access to Information Act 2 of 2000**  
(as amended)

**DATE OF LAST REVISION: 03/10/2024**

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## Contact details for access to information from Matterhorn Properties

### PAIA Chief Information Officer

Name: **Percy Crause**  
 Tel: +27 833585081  
 Email: percy@matterhornprop.com

### Deputy Information Officer

Matterhorn Properties does not have a deputy information officer.

### Access to information general contacts

Tel: +27 833585081  
 Email: percy@matterhornprop.com

**This PAIA Manual of Matterhorn Properties is available at** 410 The Cliffs, Office Block B, Niagra Road, Tygerfalls, Bellville, Western Cape, South Africa. As well as our Website:

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

Email: percy@matterhornprop.com

## LIST OF ABBREVIATIONS

“CEO”	Chief Executive Officer
“DIO”	Deputy Information Officer.
“CIO“	Chief Information Officer.
“PAIA”	Promotion of Access to Information Act No. 2 of 2000( as Amended;)
“POPIA”	Protection of Personal Information Act No.4 of 2013.

## LIST OF ACRONYMS

“Constitution”	Constitution of the Republic of South Africa 108 of 1996
“PAIA Manual”	Information Manual
“Minister”	Minister of Justice and Correctional Services
“Regulator”	Information Regulator
“Republic”	Republic of South Africa

### 1. Introduction

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA), gives 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”), to access any information held by the state and any information that another person holds and that is required for the exercise/protection of any rights.

Promoting the 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 1<sup>st</sup> of July 2021, enforced by the same Information Regulator. **PAIA is an "Access" law**, all about access to Information, and POPIA is a “Privacy” law, all about the privacy of personal information. They shouldn't be seen as competing; rather, both are there to **help ensure that information is managed correctly**.

### 2. Purpose of PAIA manual

Under section 51 of the PAIA, all Private Bodies must compile an Information Manual (the “PAIA Manual”), which is also useful for the public.

- 2.1. Check the categories of records held by a business that are available without a person having to submit a formal PAIA request.
- 2.2. Understand **how to request access** to a Business record by describing the subjects on which a Business holds records and the categories of records held on each subject.
- 2.3. Now, the description of the records of a business is available under **any other legislation**.

- 2.4. access all the relevant **contact details of the Information Officer and Deputy Information Officer**, who will assist the public with the records they intend to access.
- 2.5. Read the guide's description of how to use PAIA, as updated by the Regulator, **and how to access it.**
- 2.6. know if a business will process personal information, what the purpose of processing personal information is, and what the description of the categories of data subjects and the information or categories of information relating to it is.
- 2.7. know the description of the **categories of data subjects** and the information or categories relating to it.
- 2.8. know the **recipients or categories of recipients to whom the personal information may be supplied.**
- 2.9. know if a Business 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 a Business has appropriate security measures to ensure the confidentiality, integrity, and availability of the personal information to be processed.

### **3. Guide on how to use PAIA and how to obtain access to the guide**

- 3.1. 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 understandable form and manner, as may **reasonably be required by a person who wishes to exercise any right contained in PAIA and POPIA.**
- 3.2. The Guide is available in each of the official languages and in Braille.
- 3.3. The previously mentioned Guide contains the description of-
  - 3.3.1. the objects of PAIA and POPIA.
  - 3.3.2. the postal and street address, phone, and fax number and, if available, electronic mail address of-
    - 3.3.2.1 the Information Officer of every public body, and
    - 3.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
  - 3.3.3 the manner and form of a request for
    - 3.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
    - 3.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
  - 3.3.4. Assistance regarding PAIA and POPIA is available from the IO of a public body.

<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

<sup>3</sup> Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

<sup>4</sup> Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights.*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 3.3.5 the assistance available from the Regulator in terms of PAIA and POPIA.
- 3.3.6. 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-
- 3.3.6.1. an internal appeal.
- 3.3.6.2. a complaint to the Regulator; and
- 3.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal by the Regulator or a decision of the head of a private body.
- 3.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> We require a public body and a private body, respectively, to compile a manual and to know how to obtain access to it.
- 3.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> We provide for the voluntary disclosure of categories of records by public and private bodies, respectively.
- 3.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid concerning requests for access and
- 3.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 3.4. During normal working hours, members of the public can inspect or make copies of the Guide at the offices of public and private bodies, including the office of the Regulator.
- 3.5. The Guide can also be obtained-
- 3.5.1. upon request to the Information Officer.
- 3.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).
- 3.6. A copy of the Guide is also available in the following two official languages for public inspection during regular office hours-

### 3.6.1 English

### 3.6.2 Afrikaans

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<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing the information listed in paragraph 3 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 3 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, voluntarily, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom an access request is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom an access request is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

(a) any matter which is required or permitted by this Act to be prescribed.

(b) any matter relating to the fees contemplated in sections 22 and 54.

(c) any notice required by this Act.

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

**The SA Information Regulator Address:** P.O Box 31533, Braamfontein, Johannesburg, 2017 or JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

**General enquiries email:** [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za).

**Complaint's email:** [POPIAComplaints.IR@justice.gov.za](mailto:POPIAComplaints.IR@justice.gov.za) & [PAIAComplaints.IR.@justice.gov.za](mailto:PAIAComplaints.IR.@justice.gov.za)

**4. Categories of records of Matterhorn Properties are available without a person having to request access by completing a form.**

Category of records	Types of the Record	Available on Website	Available upon request
PAIA Manual	Guidance for Property Practitioners & Clients	x	x
POPIA Compliance Framework	Guidance for Property Practitioners		x
FICA Manual	Guidance for Property Practitioners		x
Code of Conduct: AUTHORITY	Guidance for Property Practitioners		x

**5. Description of the records of Matterhorn Properties which are available under any other legislation**

Category of Records	Applicable Legislation
PAIA Manual	Promotion of Access to Information Act 2 of 2000
POPIA Compliance Framework	Protection of Personal Information Act of 2013
FICA Manual & records	Financial Intelligence Centre Act 38 of 2001
Code of Conduct: AUTHORITY	Property Practitioners Act, 2019 (Act 22 of 2019) & PP Regulations 2022
Memorandum of incorporation	Companies Act 71 of 2008

**6. Description of the subjects on which the body holds records and categories of records held on each topic by Matterhorn Properties**

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

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

## 7. Processing of personal information

### 7.1. Purpose of Processing Personal Information

*We only collect the minimum amount of information relevant to the purpose. If you interact with us online, the personal information we collect depends on whether you visit our website or require our services. If you visit our website, your browser automatically transmits some data, such as browsing times, the data transmitted, and your IP address.*

- If you use our services, personal information is required to fulfil the requirements of that service. (Including FICA documents, when applicable)*
- We usually collect only name and contact details, financial qualification (if completed by you), and property needs and requirements when we assist a buyer in finding a property.*
- While doing a price estimation to place a property on the market, we need the basic info and will be able to source the property info from the deeds office systems (Lightstone / SAPTG/PayProp/CMA).*

□ *To assist in selling the property, we need basic personal and financial info to know if the sellers can sell the property, cancel the bond, pay all fees, and move to another property.*

**7.2. Description of the categories of Data Subjects and the information or categories relating to it.**

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Sellers / Purchasers / Landlords / Tenants	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)
Service Providers	Names, Registration Numbers, VAT numbers, Addresses, Trade Secrets And Bank Details
Employees	Address, Qualifications, Gender And Race

**7.3. The recipients or categories of recipients to whom the personal information may be supplied.**

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
Identity numbers and names for criminal checks	South African Police Services
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 Property Practitioner Business, Attorneys, Bond Consultants, Compliance Inspectors, Homeowner Association, Trustees, In some cases, it is public or legal authorities.



#### 7.4. 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 And Rentals) Photos	One Drive: Cloud Storage

#### 7.5. General description of Information Security Measures to be implemented by the responsible party to ensure the information's confidentiality, integrity and availability.

*We restrict, secure, and control all our information against unauthorised access, interference, modification, damage, loss, or destruction, whether physical or electronic.*

- We will occasionally do a safety and security risk assessment to ensure we keep up with requirements, which will be discussed at our monthly staff meeting for all personnel's input.*
- Our staff must be informed and trained to comply with the POPI Act, and this training must be ongoing and current.*
- We do everything we can to prevent personal information from being stolen.*
- Our business premises where records are kept must remain protected by access control, burglar alarms and armed response.*
- All our laptops, phones and computer networks are protected by passwords, which we change regularly.*
- We are using Outlook 365, which complies with industry-standard security safeguards and meets the General Data Protection Regulation (GDPR) standard in the European Union. We have firewalls and use Kaspersky Internet Security.*
- We are a medium-sized Business, so it is easy to determine which employees are permitted access to personal information and what information they can access.*
- Personal information can only be accessed or modified by those employees with the passwords authorising them to do so.*
- The online profiles and access of staff who left the Property Practitioner Business must be appropriately deleted.*
- Each employee uses his/her password to access the data; therefore, we can identify and neutralise the source of a data breach.*
- If there were a data breach, we would determine the source, neutralise it, and prevent its recurrence.*
- When we use an external operator, our principal (responsible party) will, in terms of a written contract between our Property Practitioner Business and the operator, ensure that the operator establishes and maintains the required security measures.*

- *The operator must advise immediately if there is the possibility that personal data has been accessed or acquired by any unauthorised person.*
- *If it is suspected that unauthorised persons have accessed the data, the data subject will be advised immediately via e-mail or in writing. Sufficient information will be provided to allow the Data Subject to take measures to safeguard themselves against potential consequences of the security compromise.*
- *The Information Regulator will be informed in the event of a security breach where personal information could be compromised. The Principal must ensure this process is followed.*

## **8. Availability Of The Manual**

8.1. A copy of the Manual is available-

8.1.1. on <https://www.matterhornproperties.co.za/>, if any.

8.1.2. office of Matterhorn Properties for public inspection during normal business hours.

8.1.3. to any person upon request and upon the payment of a reasonable prescribed fee;  
and

8.1.4. to the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy.

## **Updating Of The Manual**

The principal of Matterhorn Properties will regularly update this manual.

***Issued by Percy Crause***

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