



**Information PAIA Manual for
OCC GROUP
("PAIA MANUAL")**

**Prepared in accordance with Section 51 of the Promotion of Access to
Information Act, Number 2 of 2000 ("the Act")**

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1. Introduction

1.1 The Promotion of Access to Information Act, No. 2 of 2000 (“the Act”) was enacted on 3 February 2000 and gives effect to the constitutional rights of access to information held by another person and that is required for the exercise or protection of any rights. If a public body is the requester, the public body must be acting in the public interest. If a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act provides that the information may or must not be released.** Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.

1.2 OCC Group means OCC Realty Pty Ltd and its related companies.

2. Purpose of this manual

2.1 This PAIA Manual is intended to ensure that OCC Group complies with the Act and to foster a culture of transparency and accountability within OCC Group by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

2.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

2.3 Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

2.3.1 Limitations aimed at the reasonable protection of privacy;

2.3.2 Commercial confidentiality; and

2.3.3 Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

2.4 In addition, this PAIA Manual complies with the requirements of Section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its Regulations by Public and Private Bodies.

3. Procedure for obtaining access to information

Contact details

Any person who wishes to request any information from OCC Group in order to protect or exercise a right may contact the Information Officer at the following contact details:

Postal address

The Information Officer
OCC Pty Ltd
PO Box 78613, Sandton, 2146

Physical address

OCC Pty Ltd
No 7, 7th Avenue, Parktown North, 2193
Tel.: 011 880 3030

Email: infoofficer@occsa.co.za

Website: www.occsa.co.za

4. The Information Officer

- 4.1. The Act prescribes the appointment of an Information Officer where such Information Officer is responsible to, inter alia, assess requests for access to information. OCC Group has appointed an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of the Act. You can access our Privacy Policy on our website at www.occproperty.com.
- 4.2 The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.
- 4.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render OCC Group as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All requests for information in terms of the Act must be addressed to the Information Officer.

5. Procedure for requests

- 5.1 In terms of PAIA, the following persons may request access to records held by OCC Group:
 - 5.1.1 A person requesting information about him/herself;
 - 5.1.2 An agent requesting information on behalf of someone else;
 - 5.1.3 A third party requesting information of someone else; or
 - 5.1.4 A public body requesting information for the exercise or protection of its rights or in the interest of the public.
- 5.2 A request for access to a record of OCC Group must be made in the prescribed form to OCC Group at the address, fax, or email address provided above. The form must be addressed to the Information Officer using contact details described above.
- 5.3 Requesters must:
 - 5.3.1 provide sufficient particulars to enable the Information Officer to identify the record/s requested and must contain the name and contact details of the requester;
 - 5.3.2 indicate which form of access is required;
 - 5.3.3 specify a postal address or email address of the requester in South Africa;
 - 5.3.4 indicate the right exercised or to be protected and why the record is required to protect or exercise the right;
 - 5.3.5 where they need to be informed of the decision on the request in any other manner, state that manner and particulars to be so informed; and
 - 5.3.6 if the request is made on behalf of a person, submit proof in the form of an affidavit or signed letter of consent, of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

6. Payment of fees

- 6.1 The Information officer will notify the requester of the prescribed fee (if any) payable before further processing the request. Should a fee be required, proof of payment must be sent to the Information Officer together with the request.
- 6.2 A requester seeking access to a record containing their own personal information will not be charged a request fee.
- 6.3 The schedule of all fees payable for PAIA requests and related access to requested information is attached to this manual as **Annexure A**.
- 6.4 If the request is granted the requester will be accordingly notified and a further fee must be paid. This would be for the search, reproduction, preparation and time that exceed the prescribed hours to search and prepare the disclosure.
- 6.5 Payment details can be obtained from the Information Officer and payment can be made via a direct EFT deposit. Proof of payment must be supplied.

7. SAHRC Guidance to Requestors on how to use the Act

In terms of Section 10 of the Act, the South African Human Rights Commission (SAHRC) published a guide to assist people to access records and exercise their right to information. The Guide is available in all South African official languages, free of charge, and any person may request a copy of the guide.

Please direct any queries regarding the guide to:

The South African Human Rights Commission: PAIA Unit

Postal address:

Private Bag 2700

Houghton

2041

Telephone: +27 11 877 3627

Fax: +27 11 403 0668

Website: www.sahrc.org.za

Email: section51.paia@sahrc.org.za

8. Types of records held by OCC Group

Requests for access to documents held by OCC Group will be in accordance with the Act. The following records are available to the requester from the OCC Group office:

8.1 Customer-related records

A customer includes any natural or juristic entity who receives services from OCC Group.

8.2 Legislative Records

OCC Group keeps records in accordance with the following legislation. These records may be administrative, compliance related, financial, etc. (please note that this is not an exhaustive list):

1. Basic Conditions of Employment Act;
2. Companies Act;
3. Compensation for Occupational Injuries & Diseases Act;

4. Electronic Communications and Transactions Act;
5. Employment Equity Act;
6. Alienation of Land Act;
7. Financial Intelligence Centre Act;
8. Rental Housing Act;
9. Income Tax Act;
10. Labour Relations Act;
11. Deeds Registries Act;
12. South African Revenue Service Act;
13. Occupational Health and Safety Act;
14. Protection of Constitutional Democracy Against Terrorist and related Activities Act;
15. Protection of Personal Information Act;
16. Skills Development Act;
17. Skills Development Levies Act;
18. Unemployment Insurance Act;
19. Value Added Tax Act.

9. Grounds for refusal

As prescribed in Section 25 of PAIA, justifiable grounds exist for OCC Group to refuse or limit access to information and will inform the requester accordingly. Grounds for refusal include, but are not limited to:

- 9.1 mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- 9.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- 9.3 mandatory protection of the commercial information of a third party (section 64), if the record contains:
 - 9.3.1 trade secrets of the third party:
 - 9.3.1.1 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 9.3.1.2 information disclosed in confidence by a third party to OCC Group, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 9.4 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
- 9.5 mandatory protection of the safety of individuals and the protection of property (section 66);

- 9.6 mandatory protection of records privileged from production in legal proceedings;
- 9.7 protection of the commercial information of OCC Group; or
- 9.8 mandatory protection of the research information of a third party and of OCC Group.
- 9.9 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 9.10 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 9.11 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

10. Notification

- 10.1 OCC Group will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 10.2 The 30 (thirty) day period within which OCC Group has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of OCC Group and the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 10.3 OCC Group will notify the requester in writing should an extension be sought.

11. Availability of the manual

The manual is also available for inspection at OCC Group's office, free of charge, and on the OCC Group website: www.occproperty.com

ANNEXURE A
Prescribed Fees

PAIA sets out four (4) types of fees, namely, a request fee, a reproduction fee, an access fee, and a deposit that are required to be paid prior to the processing of a request for access to a record.

1. A personal requestor, that is a requestor who requests access to a record containing personal information about him/herself, is not required to pay the request fee. Any other requestor will be required to pay the request fee.
2. The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requestor.
3. A request fee of R50.00 is payable up front where a requestor submits a request for access to information other than for personal information relating to the requestor himself/ herself
4. A reproduction fee is payable with respect to all records that are automatically available.
5. Where a copy of the record needs to be posted the actual postal fee is payable.
6. Where a request is for access to information regarding a person other than the requestor him/herself and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee will be payable.
7. The applicable fees which will be payable upfront are:

ITEM	RAND
Photocopy of A4-size page or part thereof	R1.10
Printed copy of A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Copy in computer-readable form on stiffer disc	R7.50
Copy in computer-readable form on compact disc	R70.00
Transcription of visual images, for an A4-size page or part thereof	R40.00
Copy of visual images	R60.00
Transcription of an audio record, for A4-size page or part thereof	R20.00
Copy of an audio record	R30.00
Search for and preparation of the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00

**This manual is published subject to approval by the Information Regulator (IR).*