



PAIA ACCESS MANUAL

GEFFEN INTERNATIONAL REALTY FRANCHISE (PTY) LIMITED

Registration Number of Company: 1999/021357/07

T/A

LEW GEFFEN SOTHEBY'S INTERNATIONAL REALTY

MANUAL ON ACCESS TO INFORMATION

Issued in terms of Section 51 of the Promotion of Access to information Act 2/2000 in terms of (the "Act")

The Manual is made available in terms of Regulation R.187 of 15 February 2002 to PAIA and section 4 of the Regulations to POPIA

The manual is also available on our website: www.sothebysrealty.co.za. This manual is available for inspection during office hours at the offices referred to section 2 below.

CONTENTS

1. Our firm
2. Contact Details
3. The Act
4. Applicable Legislation
5. Schedule of Records
6. Grounds for refusal of access to records in terms of PAIA
7. Decision to grant access to records
8. Remedies available to requestor if PAIA request is refused
9. POPIA
10. Definitions

1. OUR FIRM

Geffen International Realty Franchise (Pty) Limited ("GIRF") is the holder of the master license of Sotheby's International Realty brand in South Africa. GIRF conducts a franchise and licensed grouping of independently owned real estate agencies under the name and style of Lew Geffen Sotheby's International Realty.

The Franchisee's primary business is the listing, marketing, sale and letting of property within South Africa. The Franchisee is duly registered with the Property Practitioners Regulatory Council.

2. CONTACT DETAILS

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Website: www.sothebysrealty.co.za

3. THE ACT

3.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC or can be accessed here - https://inforegulator.org.za/wpcontent/uploads/2020/07/PAIA-Guide-English_20210905.pdf

The contact details of the Information Regulator are:

Physical address: JD House, 27 Stiemens Street, Braamfontein,
Johannesburg, 2001

Complaints email: PAIAComplaints@inforegulator.org.za
General enquiries : enquiries@inforegulator.org.za
Website: <https://inforegulator.org.za/>

4. APPLICABLE LEGISLATION

4.1 The list of applicable legislation that affects our firm are listed below.

No	Ref	Act
1	No 71 of 2008	Companies Act
2	No 130 of 1993	Compensation for Occupational and Disease Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access to Information Act
12	No 63 of 2001	Unemployment Insurance Act
13	No 50 of 1999	Rental Housing Act
14	No 22 of 2019	Estate Agency Affairs Act
15	No 38 of 2001	Financial Intelligence Centre Act
16	No 85 of 1993	Occupational Health and Safety Act
17	No 98 of 1987	Copyright Act
18	No 9 of 1999	Skills Development Act

4.2 Information/records freely available on the GIRF website: www.sothebysrealty.co.za

- Geffen International Realty Franchise (Pty) Limited (Company) Profile.
- Property listing relating to properties for sale and to rent.
- News and press releases.
- Public information relating to purchasing of property.

5. SCHEDULE OF RECORDS

We hold the following records, which are not automatically accessible. If you want access to any of such records, you will need to follow the procedure in section 6 of this manual.

- Company Documentation
- General correspondence
- Customer agreements : offer to purchases, sale agreements & lease agreements)
- Customer database
- Client service records
- Dealer Franchise Agreements: Policy and Procedures

- Marketing and Communication: Field Records, Performance Records, Product Sales; Marketing Strategies
- Fidelity Fund Certificates: Current and Past.
- Financial records: Tax records (Company & Employees). Financial statements, Asset Register; Management Accounts and information,
- Financial Intelligence records: Client verification records submitted to the Financial Intelligence Centre)
- Meetings: Minute of meetings.
- Legal records of legal matters
- Records relating to sale and/or letting of property
- Personnel files for ex and/or current employees, franchisee and agents
- Training records: Training material and manuals.

6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA

The following are the grounds on which our firm may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

1. Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;
2. Mandatory protection of the commercial information of a third party, if the Records contain:
 - a) Trade secrets of that third party;
 - b) Financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - c) Information disclosed in confidence by a third party to our firm, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.
3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
4. Mandatory protection of the safety of individuals and the protection of property.
5. Mandatory protection of Records that would be regarded as privileged in legal proceedings.
6. Protection of the commercial information of our firm, which may include:
 - a) Trade secrets;
 - b) Financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of our firm;
 - c) Information which, if disclosed, could put our firm at a disadvantage in contractual or other negotiations or prejudice our firm in commercial competition; and/or
 - d) Computer programs which are owned by our firm, and which are protected by copyright and intellectual property laws.
7. Research information of our firm, or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
8. Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

7. DECISION TO GRANT ACCESS TO RECORDS

We shall decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requester with reasons (if required) to that effect.

The period referred to above may be extended for a further period of not more than 30

days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of our firm, and the Records cannot reasonably be obtained within the original 30-day period. We will notify the Requester in writing should an extension of time as be required.

8. REMEDIES AVAILABLE TO REQUESTOR IF PAIA REQUEST IS REFUSED

8.1 Internal remedies

We do not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

8.2 External remedies

In accordance with sections 56(3) (c) and 78 of PAIA, a Requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

9. POPIA

The Protection of Personal Information Act no. 4 of 2013 provides that data subjects have the right to know what personal information we have about them, what it is used for, recipients or categories of recipients, whether it is transferred overseas. These are set out in Annexure 1 hereto.

If you are a data subject you have the right to access personal information (Annexure 2), Object to the use of your Personal information (Annexure 3) and to request a deletion of correction of your records (Annexure 4).

You also have a right to know what security measures we have in place.

10. DEFINITIONS

- “Data” includes both personal information and other information.
- “Data Subject” means the person to whom Personal Information relates
- “Information Officer” means the head of a private body as contemplated in section 1, of the PAIA
- “Minister” means the Cabinet member responsible for the administration of justice
- “PAIA” means Promotion of Access to Information Act 2 of 2000
- “Personal Information” or “PI” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including :
 - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - information relating to the education or the medical, financial, criminal or employment history of the person;
 - any identifying number, symbol, e-mail address, physical address, telephone number or other particular assignment to the person; § the blood type or any other biometric o information of the person;
 - the personal opinions, views or preferences of the person; § correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - the views or opinions of another individual about the person; and
 - the name of the person if it appears with other o Personal Information relating to the person or if the disclosure of the name itself would reveal information about

the person.

Personal Information *excludes* information of about an individual who has been dead for more than 20 years (PAIA), and excludes information about a person who is dead (POPIA).

- “POPIA” means the Protection of Personal Information Act no. 4 of 2013
- “Private body” means:
 - a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
 - a partnership which carries or has carried on any trade, business or profession; or
 - any former or existing juristic person, but excludes a public body
- “Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
 - the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - dissemination by means of transmission, distribution or making available in any other form; or
 - merging, linking, as well as blocking, degradation, erasure or destruction of information;
 - “Public Body” Means:
 - any department or state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
 - Any other functionary or institution when-
 - exercising a power of performing a duty in terms of the Constitution or a provincial constitution; or
 - exercising a public power or performing a public function on terms of any legislation;
 - “Record” in relation to a private body means any recorded information regardless of form or medium in the possession or under the control of that public or private body, respectively and whether or not it was created by the public or private body respectively
 - “Responsible Party” or a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information
 - “Requester” means a person or legal persons seeking access to information
 - “Third Parties” means any natural or juristic person other than the Requester or, such party acting on behalf of the Requester or us.