

nre auctioneers and property practitioners

NRE AUCTIONEERS PROPRIETARY LIMITED

(Registration number: 2017/040646/07)

MANUAL

in terms of Section 51 of

The Promotion of Access to Information Act, 2/2000

(the "ACT")

(Private Body)

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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, giving effect to the constitutional right 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 or protection of any rights.
- 1.2 This manual serves as **NRE AUCTIONEERS's** information manual and provides guidance on types and categories of records held by **NRE AUCTIONEERS** and the process to be followed to request access to such information.
- 1.3 Where 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 expressly provides that the information may or must not be released.**
- 1.4 Any requester is advised to contact **NRE AUCTIONEERS's** Information Officer should the requester require any assistance in respect of the use of this manual.
- 1.5 Definitions used in the Act shall apply to this manual.
- 1.6 Where reference is made to "*Private Body*" in this manual, it will refer to **NRE AUCTIONEERS Proprietary Limited.**

1.7 COMPANY OVERVIEW

- 1.7.1 NRE AUCTIONEERS (Pty) Ltd, a company incorporated in accordance with laws of the Republic of South Africa, situated in Bloemfontein, provides the full range of property services to the Free State Province.

These services include:

- Residential Sales
- Residential letting & management
- Commercial sales
- Commercial letting & management
- Electricity & water management
- Sectional title management
- Property insurance

- 1.7.2 NRE AUCTIONEERS (Pty) Ltd supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principals of South African Law.

2. CONTACT DETAILS

(Particulars in terms of Section 51(1)(a) of the Act)

2.1 DIRECTORS

2.1.1 THABO MONGAKE

2.1.2 WILCO DU TOIT

2.1.3 ROELOF DEDNAM

2.1.4 LLEWELLYN PELSER

2.2 INFORMATION OFFICER

2.2.1 **Full name:** ROELOF DEDNAM
(Position: Chief Financial Officer)

2.2.2 **Contact telephone number:** 051 405 9922

2.2.3 **Contact fax number:** 051 430 1322

2.2.4 **Contact e-mail address:** roelof@nationalre.co.za

2.3 GENERAL INFORMATION

2.3.1 **Name of Private Body:** NRE AUCTIONEERS Proprietary Limited

2.3.2 **Registration No:** 2017/040646/07

2.3.3 **VAT Registration No.** 4380278814

2.3.4 **Postal Address:** PO Box 363, Bloemfontein, 9300

2.3.5 **Physical Address:** 162 Zastron Street, Westdene, Bloemfontein, 9301

2.3.6 **Telephone Number:** 051 405 9910

2.3.7 **Facsimile number:** 051 430 1322

2.3.8 **Email:** info@nreauctioneers.co.za

2.3.9 **Website:** www.nreauctioneers.co.za

3. THE ACT

(Particulars in terms of Section 51(1)(a) of 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.
- 3.3 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.

The contact details of the Commission are:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27-11-877 3600
Fax Number:	+27-11-403 0625
Website:	www.sahrc.org.za

4. APPLICABLE LEGISLATION

(Particulars in terms of Section 51(1)(c) of the Act)

- 4.1 The legislation setting out a description of the records of the Private Body which are available in accordance with certain legislation (please note this is not an exhaustive list), is as follows:
 - 4.1.1 Basic Conditions of Employment Act 75 of 1997
 - 4.1.2 Broad-Based Black Economic Empowerment Act 53 of 2003
 - 4.1.3 Companies Act 71 of 2008
 - 4.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993
 - 4.1.5 Competition Act 89 of 1998
 - 4.1.6 Constitution of South Africa Act 108 of 1996
 - 4.1.7 Consumer Protection Act 68 of 2008
 - 4.1.8 Deeds Registries Act 47 of 1937
 - 4.1.9 Electronic Communications and Transactions Act, No 25 of 2002
 - 4.1.10 Employment Equity Act 55 of 1998
 - 4.1.11 Estate Agency Affairs Act 112 of 1976
 - 4.1.12 Financial Services Board Act 97 of 1990
 - 4.1.13 Financial Intelligence Centre Act 38 of 2001
 - 4.1.14 Formalities in respect of Leases of Land Act 18 of 1969
 - 4.1.15 Income Tax Act 58 of 1962
 - 4.1.16 Insolvency Act 24 of 1936
 - 4.1.17 Labour Relations Act 66 of 1995
 - 4.1.18 National Credit Act 34 of 2005
 - 4.1.19 Occupational Health and Safety Act 85 of 1993
 - 4.1.20 Promotion of Access of Information Act, No 2 of 2000
 - 4.1.21 Rental Housing Act 50 of 1999
 - 4.1.22 Sectional Titles Act 95 of 1986
 - 4.1.23 Sectional Titles Schemes Management Act 8 of 2011
 - 4.1.24 Skills Development Act 9 of 1999
 - 4.1.25 South African Revenue Services Act 34 of 1997
 - 4.1.26 Short Term Insurance Act 53 of 1998
 - 4.1.27 Skills Development Levies Act 9 of 1999
 - 4.1.28 Skill Development Act 97 of 1998
 - 4.1.29 Unemployment Contributions Act 4 of 2002
 - 4.1.22 Unemployment Insurance Act 63 of 2001

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4.1.23 Value Added Tax Act 89 of 1991

4.2 Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

5. SCHEDULE OF RECORDS

(Particulars in terms of Section 51(1)(d) of the Act)

It is recorded that the accessibility of the documents listed herein below are available on request in terms of PAIA, but may be subject to the grounds of refusal set out hereinafter.

The information is classified and grouped according to records relating to the following subjects and categories:

5.1 COMPANY SECRETARIAL

- 5.1.1 General correspondence
- 5.1.2 Company and Share register records
- 5.1.3 Statutory records
- 5.1.4 Contacts and agreements
- 5.1.5 Code of Conduct
- 5.1.6 Annual returns
- 5.1.7 Certificate of incorporation
- 5.1.8 Certificate to commence business
- 5.1.9 Memorandum of Incorporation
- 5.1.10 Register of Directors

5.2 FINANCIAL DOCUMENTS AND RECORDS

- 5.2.1 Regional Services Council records
- 5.2.2 VAT records
- 5.2.3 Tax records
- 5.2.4 General correspondence
- 5.2.5 Accounting records
 - Annual financial statements and working papers
 - General Ledger
 - Subsidiary ledgers
 - Bank statements, cheque books, cheques
 - Customer and supplier statements and invoices
 - Deposit slips
 - Cash books and petty cash books
 - Fixed Asset register
 - Tax returns and assessments
 - VAT returns
 - Insurance record
 - Auditor's reports
 - Record of Liabilities and obligation
 - Record of revenue
 - Record of expenses
- 5.2.6 Management reports
- 5.2.7 Financial records (including transactional, technical and administration records)
- 5.2.8 Statutory returns

5.3 OPERATIONAL DOCUMENTS AND RECORDS

- 5.3.1 General correspondence
- 5.3.2 Policies and procedures
- 5.3.3 Operational manuals
- 5.3.4 Media/ promotional material

5.4 PERSONNEL DOCUMENTS AND RECORDS

Personal records provided by personnel (including permanent and temporary) including but not limited to:

- 5.4.1 Employment contracts
- 5.4.2 General correspondence
- 5.4.3 Employee records
- 5.4.4 Policies and procedures
- 5.4.5 Employee benefits
- 5.4.6 Payroll records
- 5.4.7 Training records and manuals
- 5.4.8 Leave applications
- 5.4.9 Employment equity records
- 5.4.10 Skills and development plan (workplace skills plan)
- 5.4.11 Documents relating to registration with SETA: Services SETA
- 5.4.12 Provident Fund and Pension Fund records
- 5.4.13 Statutory records

“Personnel” refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, directors, all permanent, temporary and part-time staff, as well as contract workers.

5.5 SAFETY RECORDS

- 5.5.1 General correspondence
- 5.5.2 Policies and Procedures
- 5.5.3 Statutory records

5.6 INFORMATION TECHNOLOGY RECORDS

- 5.6.1 General correspondence
- 5.6.2 Agreements
- 5.6.3 Licences
- 5.6.4 Software programs, applications and records
- 5.6.5 Policies and procedures
- 5.6.6 Hardware
- 5.6.7 Internet
- 5.6.8 Telephone lines

5.7 INSURANCE

- 5.7.1 Claim records
- 5.7.2 Details of coverage, limits and insurers
- 5.7.3 Insurance policies

5.8 LEGAL AGREEMENTS AND CONTRACTS

- 5.8.1 Agreements with customers
- 5.8.2 Rent agreements

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5.9 OTHER PARTY RECORDS

- 5.9.1 Personnel, customer or Private Body records which are held by another party (e.g. marketing agent), as opposed to the records held by the Private Body itself;
- 5.9.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided about contractors/suppliers;
- 5.9.3 Records relating to the Private Body's marketing service providers.

6. FORM OF REQUEST

(Particulars in terms of Section 51(1)(e) of the Act)

To facilitate the processing of your request, kindly:

- 6.1 Use the prescribed form in **Appendix 1**.
- 6.2 Address your request to the Head of the Company (CEO).
- 6.3 Provide sufficient details to enable the COMPANY to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (d)
 - (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the –

- 7.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 7.2 mandatory protection of the commercial information of a third party, if the record contains –
 - 7.2.1 trade secrets of that third party;
 - 7.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 7.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 7.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 7.4 mandatory protection of the safety of individuals and the protection of property;
- 7.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 7.6 the commercial activities of the Private Body, which may include –
 - 7.6.1 trade secrets of the Private Body;
 - 7.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
 - 7.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
 - 7.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 7.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

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- 7.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

8. REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION

8.1 INTERNAL REMEDIES

The Private Body does not have an internal appeal procedure. 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 information is refused, and the requester is not satisfied with the answer supplied by the information officer.

8.2 EXTERNAL REMEDIES

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

9. REQUEST PROCEDURE

- 9.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 9.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 9.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
- 9.3.1 The record or records requested;
 - 9.3.2 The identity of the requester,
 - 9.3.3 Which form of access is required, if the request is granted;
 - 9.3.4 The postal address or fax number of the requester.
- 9.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 9.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 9.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 9.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 9.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 9.9 The requester must pay the prescribed fee, before any further processing can take place.

10. ACCESS TO RECORDS HELD BY THE PRIVATE BODY

- 10.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 10.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

10.2.1 PERSONAL REQUESTER

- 10.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 10.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

10.2.2 OTHER REQUESTER

- 10.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

11. PRESCRIBED FEES

(Particulars in terms of Section 51(1)(f) of the Act)

The following applies to requests (other than personal requests):

- 11.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 11.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 11.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 11.4 Records may be withheld until the fees have been paid.
- 11.5 The Act provides for two types of fees, namely:
 - 11.5.1 A request fee, which will be a standard fee; and
 - 11.5.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 11.6 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 11.7 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 11.8 The information officer shall withhold a record until the requester has paid the fees as indicated in **Appendix 2**.
- 11.9 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 11.10 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

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12. **DECISION**

- 12.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 12.2 The 30 day period with which the Private Body 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 amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

13. **AVAILABILITY OF THE MANUAL**

- 13.1 This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.
- 13.2 The manual of the Private Body may also be available on the website of the Private Body at www.nreauctioneers.co.za

PREScribed FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

A. Particulars of Private Body

The Head:

NRE AUCTIONEERS Proprietary Limited

PO Box 363, Bloemfontein, 9300. 162 Zastron Street, Westdene, Bloemfontein, 9301

B. Particulars of Person requesting access to the record

- (a) The particulars of the person who requests access to the records must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Name and Surname: _____

Identity Number: _____

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: _____

Identity Number: _____

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 the Record or relevant part of the record:

2. Reference number, if available: _____

3. Any further particulars of the record:

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 of the request fee.
- (c) The fee payable for access to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee: _____ _____ _____
--

F. Form of Access to the 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 hereunder, 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) Your indication as to the required form of access depends 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 the 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 the 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 the 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?

A postal fee is payable.

YES	NO
-----	----

G. Particulars of right to be exercised or protected:

If the provided space is inadequate, please continue of a separate folio and attach it to this form

The requester must sign all the additional folios

Indicate which right is to be exercised or protected:

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

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 thereof 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 of _____ 20__

SIGNATURE OF REQUESTER/

PERSON ON WHOSE BEHALF REQUEST IS MADE

REPRODUCTION FEES

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

Request fees:

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

Deposits:

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.