



"Registered with the PPRA"

PAIA MANUAL

In terms of Section 51 of

The Promotion of Access to Information Act 2 of 2000

(as amended)

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Contact details for access to information from Aliyah Properties

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Deputy Information Officer

Not applicable.

Access to information general contacts

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This PAIA Manual of Aliyah Properties is available at: (6 Rose Lane Rosetta, 0824545942. As well as our website: (www.aliyahproperties.com)

Email: Aliyahproperties@outlook.com

Franchise name National or Head Office

Not Applicable

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
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“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) is giving 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”)* the 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/protection of any rights

The promotion of 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 1st 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, but rather, both are there to **help ensure that information is managed correctly**.

2. Purpose of PAIA manual

In terms of section 51 of the PAIA, all Private Bodies are required to compile an Information Manual (“PAIA Manual”). This PAIA Manual is useful for the public to-

- 2.1. check the **categories of records held by a Business** which are available without a person having to submit a formal PAIA request.
- 2.2. have a sufficient understanding of **how to request access** to a record of a Business, 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 which are 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. know the description of the **guide on how to use PAIA, as updated by the Regulator and how to obtain access to it**.
- 2.6. know if a Business **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.
- 2.7. know the description of the **categories of data subjects** and the information or categories of information relating thereto.
- 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** which is 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 comprehensible 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 PAIA¹ and section 56 of POPIA²;
- 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 11³; and
- 3.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 3.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA.
- 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 or a decision by the Regulator or a decision of the head of a private body.

¹ 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.

² 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.

³ 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.

⁴ 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.

- 3.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual.
- 3.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively.
- 3.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid concerning requests for access; and
- 3.3.10. the regulations made in terms of section 92¹¹.
- 3.4. Members of the public can inspect or make copies of the Guide from the offices of the public & private bodies, incl. the office of the Regulator, during normal working hours.
- 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/inforeg/>).
- 3.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

3.6.1 English

3.6.2 Afrikaans

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

General enquiries email: inforeg@justice.gov.za.

Complaint's email: POPIAComplaints.IR@justice.gov.za & PAIAComplaints.IR.@justice.gov.za

4. Categories of records of the (Aliyah Properties) which are available without a person having to request access by completing a form.

⁵ 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.

⁶ 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.

⁷ 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

⁸ 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

⁹ 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.

¹⁰ 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.

¹¹ 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.”

NB: These are mostly records that may be available on the website and a person may download or request telephonically or by sending an email or a letter. Below is an example of the table that can be used.

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 **(Aliyah Properties)** which are available under any other legislation

NB: Specify all the records which are created and available under any of the South African legislation. Below is an example of the table that can be used. Add and delete as applicable to your Property Practitioner Business.

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

6. Description of the subjects on which the body holds records and categories of records held on each subject by the **(Aliyah Properties)**

NB: Describe the subjects (i.e., Finance, SCM or HR), in respect of which a **Business holds records and the categories of records held on each subject. Below is an example of the table that can be used. Add and delete as applicable to your Property Practitioner Business.**

Subjects on which a Business holds records	Categories of records
Strategic Documents, Sole Proprietor	
Income Tax Records	✓ VAT N/A not Vat registered

Subjects on which a Business holds records	Categories of records
	✓ PAYE Records- No employees
Financial Records	<ul style="list-style-type: none"> ✓ Annual Financial Reports / Statements ✓ Banking details and bank accounts / Statements /Accounting & Banking Records / Paid Cheques ✓ Debtors / Creditors statements & invoices / Reconciliations ✓ Policies and procedures ✓ Rental Agreements / Asset Registers. ✓ Tax Returns / Audit reports ✓ Risk management frameworks/plans. ✓ Standard Terms and Conditions for the supply of services and products ✓ Contractor, client and supplier agreements ✓ Lists of suppliers, products, services
AUTHORITY & Training Records	<ul style="list-style-type: none"> ✓ FFCs / Payments to AUTHORITY ✓ Outdoor advertising application and stickers for boards ✓ Training Manuals / Records
Human Resources	No employees
IT Department	<ul style="list-style-type: none"> ✓ Information security policies/standards/procedures ✓ Information technology systems/user manuals / user policy documentation / Hardware asset registers ✓ Software licensing / System documentation/manuals ✓ Project implementation plans ✓ Computer / mobile device usage policy documentation

7. Processing of personal information

7.1. Purpose of Processing Personal Information

We only collect the minimum amount of information that is relevant to the purpose. If you interact with us on the internet, the personal information we collect depends on whether you just visit our website or, require our services. If you visit our website, your browser transmits some data automatically, such as your 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), with 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 to have basic personal info and financial info to know if the sellers will be able to sell the property, cancel the bond, pay all fees, and move to another property. We will also need to give you a Fica questionnaire and copy of ID and proof of residence.*

7.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
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
Conveyancers	Address, email address and contact person's details

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

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity numbers and names, for FTS check on the Fica website	Fic
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, Public Or Legal Authorities.

7.4. Planned transborder flows of personal information

I don't store any information on the cloud

Type of personal information	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	Back up on flash sticks which are kept locked in a filing cabinet

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

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

☐ *We will do a safety and security risk assessment from time to time to ensure we keep up with requirements.*

☐ *I must be informed/trained to be compliant with the POPI Act, and this training must be ongoing and up to date.*

☐ *We do everything we can to prevent personal information from falling into unauthorized hands.*

☐ *Our business premises where records are kept must remain protected by armed response and the information is locked up.*

☐ *My laptop and phone 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), which is standard in the European Union. we have firewalls and use Avast internet security.*

☐ *We are a small Business, with only one principal who does everything.*

☐ *Personal information can only be accessed or modified by Euliza Kinghorn with the passwords authorising them to do so.*

☐ *The online profiles and access of staff who left the Property Practitioner Business must be properly deleted.*

☐ *If there were a data breach, we would determine the source, neutralise it and prevent the re-occurrence of such a data breach.*

☐ *When we make use of 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 unauthorized person.*

☐ *The Data Subject will be advised via e-mail or in writing immediately if it is suspected that their personal information has been accessed by unauthorized persons. Sufficient information will be provided to allow the Data Subject to put measures in place 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 (www.aliyahproperties.co.za), if any.

8.1.2. office of (Aliyah 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 made.

Updating Of The Manual

The principal of Aliyah Properties will regularly update this manual.

Issued by

Euliza Kinghorn, Principal and Chief Esxecutive Officer)