

MANUAL OF

Y VAN WYK T/A GOLDEN HOMES

in terms of
Section 51(1) of the Promotion of Access to
Information Act 2 of 2000 (“the Act”)

THE PURPOSE

The purpose of this document is to serve as the Manual of
Y van Wyk t/a Golden Homes as required in terms of the Act,
and to provide a reference as to the records held and
the procedures that need to be followed to request
access to such records

INTRODUCTION

Y van Wyk t/a Golden Homes is a sole proprietor involved in the Real Estate industry, specialising in the sale of residential property under the Franchise of the SA Golden Homes Property Group.

This Manual covers the records held by Y van Wyk t/a Golden Homes

SECTION I:

CONTACT PERSON AND ADDRESS DETAILS

(as required by Section 51(1)(a))

The Managing Director of Y van Wyk t/a Golden Homes, has duly authorised the contact person below to ensure that the Act is complied with:

Contact Person: Mr Y van Wyk

Physical Address:
19 Sherwood Avenue
Primrose
1401

Postal Address:
19 Sherwood Avenue
Homestead
1401

Telephone: (011) 828 4976
Fax: (086) 668 0060
e-mail address: yvonne@goldenhomes.co.za

SECTION II:

GUIDE ON HOW TO USE THE ACT

(as required by Section 51(1)(b), as read with Section 10)

The Human Rights Commission has compiled a guide, in terms of Section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

The Human Rights Commission's contact details are as follows:

Physical Address: The South African Human Rights Commission
EAIA Unit

The Research and Documentation Department
Braampark Forum 3
33 Hoofd Street
Braamfontein

Postal address: Private Bag 2700
Houghton
2041

Telephone: (011) 877 3600
Fax: (011) 403 0668

e-mail address: PAIA@sahrc.org.za; ckisoon@sahrc.org.za
Web site: www.sahrc.org.za

SECTION III:

CATEGORIES OF RECORDS AVAILABLE

(as required by Section 51(1)(c))

The following categories of records are automatically available without a person having to request access in terms of this Act:

1. Statutory records

- Income Tax Registration
- Fidelity Fund Certificate

2. Human Resources

Not applicable as there are no remunerated employees

3. Employee benefits

As per employee contract, if applicable.

4. Accountant

Shiloh Accounting cc
9 Rapid Road
Farramere
Benoni
1500
Tel: 083 743 3902
Email: charmaineu@urwees.com

SECTION IV:

RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION

(as required by Section 51(1)(d))

Records are available, where applicable, in accordance with the following current South African legislation (only to the extent that the relevant Act makes disclosure of records compulsory):

- The Income Tax Act No. 58 of 1962;
- Basic Conditions of Employment Act No. 75 of 1997;
- Estate Agency Affairs Act, 1976

SECTION V:

DETAIL TO FACILITATE A REQUEST FOR ACCESS TO RECORDS

(as required by Section 51(1)(e))

Any request for access to records should be submitted on the prescribed form C (a copy of which is attached) which should be sent to the Contact Person whose name and address details appear in Section I hereof. Y van Wyk t/a Golden Homes has in its possession the following categories of records on the subject matters referred to hereunder:

MANAGING DIRECTOR'S DEPARTMENT

- General correspondence
- Internal reports and communications
- Policy documents
- Strategy documents
- Financial reports
- Human resources

ACCOUNTING DEPARTMENT

The Accounting department maintains financial and management accounts for Y van Wyk t/a Golden Homes. The Accounting department records comprise the following main categories:

- Accounting records
- General correspondence
- Management reports
- SARS Records
- General administration records
- Financial reports and supporting working papers

COMPANY SECRETARY

The Company Secretarial functions are provided by Shiloh Accounting cc. The Company Secretary records held by them comprise of the following main categories:

- Property records
- Intellectual property rights records (General correspondence
- Investment records
- Statutory records

- Internal reports and communications

HUMAN RESOURCE (HR) DEPARTMENT

Human resources are handled by the Managing Directors Department.

LEGAL DEPARTMENT

The Legal department provides assistance with all corporate legal matters material to Y van Wyk t/a Golden Homes. Legal department records comprise the following categories:

- Working files
- General correspondence
- Agreements and licences
- Statutory records
- Litigation records
- Legal records
- Legal opinions
- Internal reports and communications

SECTION VI:

ACCESS REQUEST PROCEDURE AND PRESCRIBED FEES

A request for access to records must be made in the prescribed Form C (a copy of which is attached) which should be sent to the address, fax number or electronic mail address. Please note that an initial, non-refundable request fee of R57,00 (inclusive of VAT) is payable on submission. This fee is not applicable to personal requests, i.e. individual seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record. Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

Notification of extension period (if required)

Applicants must take note that in terms of the Act the 30 (thirty) days period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances (details will be provided together with the notification of such extension);

The access fee and/or deposit

The applicant will be informed of the access fee (*if any*) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal

of the application, as well as the procedure (including the period) for lodging such application.

Grounds for refusal

The Company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Company may refuse include:

- Protecting personal information that the Company holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Company or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement; If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Company;
- Disclosure of the record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party of the Company.

Records that cannot be found or do not exist

If the Company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

Third party information

If access is requested to a record that contains information about a third party, the Company is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No.2 of 2000))

[Regulation 10]

A. PARTICULARS OF PRIVATE BODY

The Head:

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

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

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone 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
- b) number if that is known to you, to enable the record to be located
- c) 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 record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. FEES:

- a) A request for access to a record, other than a record containing personal information about
- b) yourself, will be processed only after a **request** fee has been paid.
- c) You will be notified of the amount required to be paid as the request fee.
- d) The **fee payable for access** to a record depends on the form in which access is required
- e) and the reasonable time required to search for and prepare a record.
- f) If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption of payment for 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) Compliance with your request in the specified form may depend 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 of 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? Postage is payable.	YES	NO
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G. Particulars of right to be exercised or protected:

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. Indicate which right is to be exercised or protected: _____

2. Explain why the record requested is required for the exercise of protection of the aforementioned right _____

