

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

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1. INTRODUCTION

- 1.1 This manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act No. 2 of 2000 (PAIA)
- 1.2 PAIA seeks, among other things, to give effect to the constitutional right of access to any information held by the State, or by any other person, where such information is required for the exercise or protection of any right, and gives natural and juristic persons the right of access to records held by either a Private Body or Public Body, subject to certain limitations, in order to enable them to exercise or protect their rights.

2. LIST OF ACRONYMS AND ABBREVIATIONS

- 2.1 **“CEO”** Chief Executive Officer
- 2.2 **“Consent/Consents”** means a voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- 2.3 **“Data subject”** means the person to whom personal information relates;
- 2.4 **“IO”** Information Officer
- 2.5 **“Information Officer”** of, or in relation to, a—
 - (a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or
 - (b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;
- 2.6 **“PAIA”** means Promotion of Access to Information Act (PAIA)
- 2.7 **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - (a) 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;
 - (b) information relating to the education or the medical, financial, criminal or employment history of the person;

- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) 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;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

2.8 **“POPIA”** means the Protection of Personal Information Act 4 of 2013

2.9 **“Private body”** mean-

- (a) a natural person who carried or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carried or has carried any trade, business or profession or
- (c) any former or existing juristic person but excludes a public body;

2.10 **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

2.11 **“Record”** in relation to, a public or private body, means any recorded information-

- (a) Regardless of form or medium;
- (b) In the possession or under the control of that public or private body, respectively; and
- (c) Whether or not it was created by that public or private body, respectively;

2.12 **“Regulator”** means Information Regulator

INFORMATION REGULATOR CONTACT DETAILS

- Website: <https://www.justice.gov.za/infoereg/>
- Email: enquiries@infoeregulator.org.za
- Tel: 010 023 5200

2.13 **“Requester”** means any person or private body making a request for access to a record of that private body.

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 3.2 have sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 3.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.4 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;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6 know if the body will process personal information, the purpose of processing personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;

3.9 know if the body 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

3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF KLOECK GUSH PROPERTIES

4.1 Our Details

Organisation Name	Kloeck Gush Properties
Website	https://www.kgpluxuryrealty.co.za/
Registration Number	2024/776691/07
Physical Address	3 Dock Road, Victoria & Alfred Waterfront Cape Town 8001
Phone Number	082 651-8977
Information Officer	Raquel Gush
Information Officer Email	info@kgpluxuryrealty.co.za

4.2 Chief Information Officer

Name: Raquel Gush
Tel: 082 651 8977
Email: info@kgpluxuryrealty.co.za

4.3 Information Officer

Name: Raquel Gush
Tel: 082 651 8977
Email: info@kgpluxuryrealty.co.za

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

5.1 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 contemplated in PAIA and POPIA.

5.2 The Guide is available in each of the official languages and in braille.

5.3 The aforesaid Guide contains the description of-

5.3.1 the objects of PAIA and POPIA;

5.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

- the Information Officer of every public body, and
- every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA;

5.3.3 the manner and form of a request for-

- access to a record of a public body contemplated in section 11; and
- access to a record of a private body contemplated in section 50;

5.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;

5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;

5.3.6 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

- an internal appeal;
- a complaint to the Regulator; and
- 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;

- 5.3.7 the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 5.3.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 5.3.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
 - 5.3.10 the regulations made in terms of section 92.
- 5.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.5 The Guide can also be obtained-
- 5.5.1 upon request to the Information Officer;
 - 5.5.2 from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).
- 5.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
- 5.6.1 **ENGLISH**
 - 5.6.2 **AFRIKAANS**

6. CATEGORIES OF RECORDS OF KLOECK GUSH PROPERTIES WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

6.1 PAIA provides that certain records may automatically be made available without a formal request for such records. These records are automatically available to the public and the information Regulator for inspection at Kloeck Gush Properties physical address during normal business hours. These records may be accessed without a formal PAIA request, subject to reasonable administrative procedures and, where applicable, reproduction fees.

6.2 Examples of records that may be automatically made available include:

- 6.2.1 any information on the Kloeck Gush Properties entity’s website;
- 6.2.2 advertising and marketing materials;
- 6.2.3 public listings (which include details of properties available for sale and/or letting)
- 6.2.4 newsletters and circulars
- 6.2.5 information on hotels and lodges
- 6.2.6 information on property developments

7. DESCRIPTION OF THE RECORDS OF KLOECK GUSH PROPERTIES WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category	Information category description
Companies Act, No.71 of 2008	<ul style="list-style-type: none"> • Company registration records • Corporate governance documents • Engagement letters • Meeting minutes • Correspondence or enquire from customers
Compensation for Occupational Injuries and Diseases Act, No.130 of 1993	<ul style="list-style-type: none"> • Records of employee’s earnings and particulars
Consumer Protection Act, No.68 of 2008	<ul style="list-style-type: none"> • Records of consumer transactions and contracts • Complaint resolution records • Promotional-competition-related records
Electronic Communications and Transactions Act, No.25 of 2002	<ul style="list-style-type: none"> • Electronic transaction records

	<ul style="list-style-type: none"> • Records of electronic communications with customers or partners
Employment Equity Act, No.55 of 1998	<ul style="list-style-type: none"> • Employment equity plans and records • Records of employment equity assessments and targets • Recruitment and promotion records
Labour Relations Act, No.66 of 1995	<ul style="list-style-type: none"> • Disciplinary records and outcomes • Labour relations reports • Arbitration awards
Occupational Health and Safety Act, No.85 of 1993	<ul style="list-style-type: none"> • Occupational health and safety agreements and appointments letter • Incidents reports • Personal information for wo workmen’s compensation • Personal information of visitors • CCTV footage
Basic Conditions of Employment Act, No.75 of 1997	<ul style="list-style-type: none"> • Employee details • Workforce reports • Information on disability, race and religion • Employee next of kin or emergency contact details’ • Conflict of interest declarations • Education information • Pension and provident fund records • Leave records • Internal evaluations and performance records • Disciplinary records • Training records • Background checks
Skills Developments Act, No.97 of 1998	<ul style="list-style-type: none"> • Sector education and training authority reports • Learning history reports • Skills development • Certificates of completion
Unemployment Insurance Contributions Act, No 4 of 2002, and Unemployment Insurance Act, No 30 of 1996	<ul style="list-style-type: none"> • Tax invoices, credit notes, debit notes • Bank statements, deposit slips • Employee details and employment contracts • Employer registration and contribution records • UIF claims records • Audit and inspection records
Income Tax Act, No.58 of 1962	<ul style="list-style-type: none"> • Tax returns and filings • Records of income, expenses and deductions • Tax compliance certificates and correspondence
Value Added Tax Act, No.89 of 1991	<ul style="list-style-type: none"> • VAT registrations documents • Tax invoices and credit notes • VAT returns and fillings • VAT payments records • VAT exemption certificates • Input VAT documentation • Records for cross-border transactions • VAT compliance records
Property Practitioners Act, No. 22 of 2019	<ul style="list-style-type: none"> • Documents exchanged with the PPRA

	<ul style="list-style-type: none"> • Agreements • Mandatory Disclosure forms • Mandates • Accounting records • Communications regarding transactions • Advertising or marketing material that relates the carrying on of a business as a property practitioner • Fidelity Fund Certificates
Prevention and Combating of Corrupt Activities Act 12 of 2004	<ul style="list-style-type: none"> • Code of Ethical Conduct • Whistleblowing policy
Financial Intelligence Centre Act, No. 38 of 2001	<ul style="list-style-type: none"> • Identification and verifications records • Client due diligence records • Risk Management and Compliance Program • Training Records • Records of transactions conducted on behalf of clients, including details of the transaction, parties involved, and purpose of the transaction. • Suspicious Activity/ Transaction Reports • Cash Threshold Reports (CTRs) • Risk assessments • Compliance procedures • Records of client details and transaction

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE KLOECK GUSH PROPERTIES

The following categories of records are held by Kloeck Gush Properties and access may be granted upon proper request and payment of a fee in terms of PAIA and this Manual, unless Kloeck Gush Properties refuses access to such records, or the records are exempted in terms of PAIA:

Category	Information category description
Company/operational records	<ul style="list-style-type: none"> • Company name documents • Company registration documents • Founding statement or Memorandum of Incorporation • Share register and other statutory registers • Minutes of meetings • Policies and procedures
Financial records/accounting records	<ul style="list-style-type: none"> • Annual financial statements • Tax returns • Audit reports conducted for Kloeck Gush Properties • Invoices in respect of creditors and debtors of Kloeck Gush Properties • Bank facilities and account details • Details of accounting officer or auditors • Formal account books and other financial statements • Source documents • Banking records • Management reports
Human Resources	<ul style="list-style-type: none"> • Advertised posts • Employee records • Skills development and learning plans/policies; Employee equity statistics • List of staff/employees/agents • Disciplinary records • Payroll records • Internal policies and procedures • Training schedules and manuals • Employee and Agent tax information • Compensation or redundancy payments • Records relating to conditions of employment • Employment equity plan of Kloeck Gush Properties

Customer records	<ul style="list-style-type: none"> • Contact details • Property details • Other records obtained in respect of customers and potential customers of Kloeck Gush Properties • Contracts with the customer • Contracts between the customer and other people • Correspondence with customers • Correspondence with third parties • Records regarding legal proceedings involving customers of Kloeck Gush Properties • Other information relating to or held on behalf of customers of the Kloeck Gush Properties
Intellectual property records	<ul style="list-style-type: none"> • Trademarks, copyrights and designs held by the Kloeck Gush Properties • Software licenses • Records relating to domain names
Marketing records	<ul style="list-style-type: none"> • Marketing materials • Marketing campaign history
Immovable and movable property	<ul style="list-style-type: none"> • Agreements for the lease of immovable property by Kloeck Gush Properties • Agreements for the lease or sale of movable property by Kloeck Gush Properties • Records regarding insurance in respect of movable property • Records regarding insurance in respect of immovable property • Asset register
Information technology records	<ul style="list-style-type: none"> • Records regarding computer systems and programmed held By Kloeck Gush Properties
Miscellaneous records	<ul style="list-style-type: none"> • Security agreements, guarantees and indemnities • Internal correspondence • Suretyship agreements • Agreements with suppliers of Kloeck Gush Properties • Correspondence of Kloeck Gush Properties including internal and external memoranda
Third party records	<p>Records of employees of the Kloeck Gush Properties, customers, or the Kloeck Gush Properties, which are held by another party as opposed to being held by the Kloeck Gush Properties Records held by the Kloeck Gush Properties pertaining to other parties, including contact details, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about contractors or suppliers.</p>

9. REQUESTING PROCEDURE

9.1 A person who wants access to the records must complete the necessary prescribed Form 2 (Annexure A), in terms of the PAIA Regulations, 2021. which can be downloaded or accessed on <https://www.kgpluxuryrealty.co.za/> . The completed request form must be sent to the address or email provided in this manual and marked for the attention of the information Officer. The requester must clearly state the right they seek to exercise or protect and explain why the requested record is required for that purpose.

9.2 Please provide sufficient details to enable the company to identify:

9.2.1 the record(s) requested

9.2.2 the requester (and if an agent is lodging the requester, proof of capacity)

9.2.3 the form of access required

9.2.4 the postal address of the requester in the Republic

9.2.5 if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof

9.2.6 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.

9.3 if a request is made on behalf of another person, the requester must submit proof of the capacity in the requester is making the request to the satisfaction of Kloeck Gush Properties

9.4 if an individual is unable to complete the request form because of illiteracy or disability, such individual may make the request verbally to the Information Officer.

9.5 A request form which does not comply with the formalities prescribed above will be returned to the requester

10. PRESCRIBED FEES

10.1 Section 54 of PAIA enables the Company to request a fee from the requester to enable the Company to recover the costs of processing a request and providing access to records. The fee is set out in the Regulations relating to PAIA (GNR.757 of 2021)

10.2 The Information Officer must by notice require the requester to pay the prescribed request fee (if any) before further processing the request. Kloeck Gush Properties can refuse access until such access fees have been paid. The access fees which apply are set out below:

	Item	Total
1.	The request fee payable by every Requester:	R140.00
2.	Photocopy	R1.50 per page
3.	Printed copy	R0.75 per page
4.	For a copy in a computer-readable form on: <ul style="list-style-type: none"> (i) Flash drive <ul style="list-style-type: none"> • To be provided by the requester (ii) Compact disc: <ul style="list-style-type: none"> • If provided by requester • If provided to the requester 	R40.00 R40.00 R60.00
5.	Transcription of visual images on an A-4-size page or part thereof	
6.	Copy of visual images	
7.	Transcription of an audio record, of A4 size	R24.00
8.	Copy of an audio record <ul style="list-style-type: none"> (i) Flash drive <ul style="list-style-type: none"> • To be provided by the requester (ii) Compact disc <ul style="list-style-type: none"> • If provided by the requester • If provided to the requester 	R40.00 R40.00 R60.00
9.	Postage or any other electronic transfer	Actual costs

11. DECISION ON REQUEST

11.1 After the Information Officer has decided on the request, the Requester will be notified using

the request form attached hereto marked as **Annexure “B”**

11.2 If the request is granted, further free access must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

12. TIMELINES FOR CONSIDERATION OF A REQUEST

12.1 Requests for access by a Requestor will be processed within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessary.

Such considerations include:

12.1.1 where the request is for a large number of records or requires a search through a large number of records (including where records that have been archived electronically need to be restored);

12.1.2 where the request requires a search for records in or collection of such records from, an office of Kloeck Gush Properties located away from Johannesburg;

12.1.3 consultation among divisions of Kloeck Gush Properties or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original 30-day period;

12.1.4 more than one of circumstances contemplated in paragraphs 11.1.1,11.2.2,11.1.3, exists in respect of the request making compliance with the original period not reasonably possible; or

12.1.5 the Requester consents in writing to such extension;

12.2 If an extension is necessary, the Requester will be notified with reasons for the extension. If the information Officer fails to communicate a decision on a request such a request is then deemed to have been refused.

13. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

13.1 Requests that must be refused

13.1.1 Requests for access by a Requester must be refused by the Information Officer if:

- 13.1.1.1 the disclosure would involve the unreasonable disclosure of personal information about a third-party (natural person), including a deceased individual;
- 13.1.1.2 the record contains (a) trade secrets of a third party, (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party, or (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations; or to prejudice that third party in commercial competition;
- 13.1.1.3 the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement;
- 13.1.1.4 the disclosure could reasonably be expected to endanger the life or physical safety of an individual;
- 13.1.1.5 the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege; or
- 13.1.2 the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose: (a) the third party; (b) a person that is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage;

Notwithstanding any grounds for refusal, access to a record must be granted where disclosure would reveal evidence of a substantial contravention of the law or an imminent and serious public safety or environmental risk, and the public interest in disclosure clearly outweighs the harm.

13.2 Request that may be refused

13.2.1 Requests for access by a Requestor may be refused by the Information Officer if:

- 13.2.1.1 the disclosure would be likely to prejudice or impair: (i) the security of: (aa) a building, structure or system, including, but not limited to, a computer or communication system; (bb) a means of transport; or (cc) any other property; or (ii) methods, systems, plans or procedures for the protection of: (aa) an individual in accordance with a

witness protection scheme; (bb) the safety of the public, or any part of the public; or
(cc) the security of property contemplated in subparagraph (i) (aa), (bb) or (cc)

13.2.1.2 the record;

- a. contains trade secrets of Kloeck Gush Properties;
- b. contains financial, commercial, scientific, or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of Kloeck Gush Properties;

13.2.1.3 contains information, the disclosure of which could reasonably be expected:

- a. to put Kloeck Gush Properties at a disadvantage in contractual or other negotiations;
or
- b. to prejudice Kloeck Gush Properties in commercial competition' or
- c. is a computer program as defined in section 1(1) of the Copyright Act No. 98 of 1978 owned by Kloeck Gush Properties, except insofar as it is required to give access to a record to which access is granted in terms of PAIA; or

13.3.3 the record contains information about research being carried out or to be carried out by or on behalf of Kloeck Gush Properties, of which would be likely to expose:

- a. Kloeck Gush Properties;
- b. a person that is or will be carrying out the research on behalf of Kloeck Gush Properties or
- c. the subject matter of the research, to serious disadvantage.

14. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

14.1 Kloeck Gush Properties does not have any internal appeal procedures that may be followed once a request to access information has been refused;

14.2 the decision of the Information Officer is final;

14.3 If you are not satisfied with the outcome of your request, you are entitled to approach the Information Regulator and alternatively to a court of competent jurisdiction to take the matter further. Requesters do not have a right to an internal appeal in respect of decisions made by a private body and may approach a court directly.

15. RECORDS THAT CANNOT BE FOUND

If Kloeck Gush Properties has searched for a record and believes that the record does not exist or cannot be found, the Requester will be notified by way of a written affirmation which details the steps which were taken to locate the requested record.

16. PROCESSING OF PERSONAL INFORMATION

16.1 Processing Personal Information

Personal Information may only be Processed for a specific purpose. The purposes for which the Company Processes or will Process Personal Information is as follows:

- 16.1.1 to provide accounts and/or services to the Client in accordance with terms agreed to by the Client;
- 16.1.2 to undertake activities related to the provision of accounts and/or services to the Client;
- 16.1.3 to verify the identity of the Client;
- 16.1.4 for risk assessment, information security management, statistical, trend analysis and planning purposes;
- 16.1.5 to monitor and record calls and electronic communications with the Client for quality, training, investigation, and fraud prevention purposes;
- 16.1.6 for crime detection, prevention, investigation and prosecution;
- 16.1.7 to enforce or defend the Company's rights; and
- 16.1.8 to manage the Company's relationship with the Client, which may include providing information to the Client about the Company's products and/or service;
- 16.1.9 any additional purposes expressly authorised by the Client; and
- 16.1.10 any additional purposes as may be notified to the Client or Data Subjects in any notice provided by The Company.

16.2 Categories of Data Subjects and Personal Information/special Personal Information relating thereto

16.2.1 As per section 1 of POPI, a data subject may either be natural or juristic person.

16.2.2 The company shall process personal information on the following data subjects:

<i>Data subjects</i>	<i>Personal information</i>
Juristic person	<ul style="list-style-type: none"> • Client profile information • Account details • Payment information • Corporate structure • Customer risk rating • Client information, including to the extent the categories of information relate to individuals or representative of clients are requires
Natural Person	<ul style="list-style-type: none"> • Name • Contact details (company and home) • Tax identification number • Bank account information • Account opening forms • Photograph and other identification and verification data as contained in images of ID card, passport and other ID documents, including images of customer's signature
Employees	<ul style="list-style-type: none"> • Names • Employee ID number • Business contact details

16.3 Recipients or categories of recipients to whom Personal Information may be supplied

16.3.1 Kloeck Gush Properties may share your Personal Information Kloeck Gush Properties Associated Affiliates, third parties engaged by us, or our business partners, to assist us to provide our services for you. Such third parties or business partners may include:

14.3.1.1 hosting, data storage, or archiving service providers

14.3.1.2 payment processing services providers

14.3.1.3 professional advisors; and

14.3.1.4 14.3.1.4 marketing, research and advertising agencies.

16.3.2 Kloeck Gush Properties may be required to disclose Personal Information in response to a court order, subpoena, civil discovery request, other legal process, or as otherwise required by law as per statutory authorities and/or the lawful order of any Court or

Tribunal. We may disclose Personal Information when we believe disclosure is necessary to comply with the law or to protect the rights, property, or safety of Kloeck Gush Properties, our Clients, or others

- 16.3.3 We reserve the right to disclose and transfer a Data Subject's information, including their Personal Information in connection with a corporate merger, consolidation, the sale of all our membership interests and/or assets or other corporate change, including to any prospective purchasers.

16.4 Cross-Border Flows of Personal Information

- 16.4.1 Section 72 of POPI provides that Personal Information may only be transferred out of the Republic of South Africa
- 16.4.2 If the recipient country can offer such data an adequate level of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI or
- 16.4.3 If the data subject consents to the transfer of their Personal Information or
- 16.4.4 If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party in the interests of the Data Subject
- 16.4.5 If the transfer is for the benefit of the Data Subject and it is not reasonably practicable to obtain the consent of the Data Subject and if it were the Data Subject, would likely provide such consent.

16.5 Information security measures to be implemented by The Company

- 16.5.1 The company shall implement the following security measures to ensure that Personal Information is respected and protected:

- Access Controls of Persons

The company shall implement suitable measures to prevent unauthorized people gaining access to the data processing equipment where the data is processed.

- Data Media Control

The company undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by the Company and containing personal data of clients.

- Data Memory Control

The company undertakes to implement suitable measures to prevent unauthorized input data memory and the unauthorized reading, alteration or deletion of stored data of the Data Exporter's customers.

- User Control

The Company shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.

- Access Control to Data

The company represents that the persons entitled to use the Company's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorization)

- Transmission Control

The company shall be obliged to enable the verification and tracing of the locations and/ destinations to which the Personal Information is transferred by utilization of the Company's data communication equipment and devices

- Transport Control

The company shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

- Organisation Control

The Company shall maintain its internal organization in a manner that meets the requirements of this Manual.

16.5.2 A preliminary assessment of the suitability of the information security measures implemented

or to be implemented by the Company may be conducted to ensure that the Personal Information that is processed by the Company is safeguarded and Processed by the Company is safeguarded and processed in accordance with the conditions for lawful processing.

16.6 Objection to the Processing of Personal Information by a Data Subject

Section 11(3) of POPI and regulation 2 of the POPI Regulations provides that a Data Subject may at any time object to the Processing of his/her/its Personal Information, in the prescribed form 9.6, subject to exceptions contained in POPI.

16.7 Request for Correction or Deletion of Personal Information

16.7.1 Section 24 of POPI and regulation 3 of the POPI act provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form.

16.7.2 The prescribed form is attached hereto marked as **Annexure “C”**

17. RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED

17.1 Kloeck Gush Properties may share Data Subjects Personal Information with Kent Gush affiliates, third parties engaged by Kloeck Gush Properties, or business partners of the Kloeck Gush Properties, to assist in providing services to Data Subjects. Such affiliates, third parties, or business partners include:

17.1.1 hosting, data storage or archiving services providers;

17.1.2 payment processing services providers;

17.1.3 marketing, research and advertising agencies

17.2 Kloeck Gush Properties may be required to disclose Personal Information in response to a court order, subpoena, civil discovery request, other legal process or as otherwise required by law as per statutory authorities and/or the lawful order of any court or tribunal.

- 17.3 Kloeck Gush Properties may disclose Personal Information when it believes disclosure is necessary to comply with the law or to protect the rights, property, or safety of Kloeck Gush Properties, its customers or others.
- 17.4 Kloeck Gush Properties will comply with POPIA before transferring Personal Information to a third party who is not a contractor of the Kloeck Gush Properties.
- 17.5 Before transferring Personal Information to a third-party contractor, such as an authorized service provider, the Kloeck Gush Properties will obtain assurances from the third party that it will process Personal Information in a manner consistent with POPIA.
- 17.6 Where the Kloeck Gush Properties learns that a third-party contractor is using or disclosing Personal Information in a manner contrary to POPI, Kloeck Gush Properties will take reasonable steps to prevent such use or disclosure.
- 17.7 Kloeck Gush Properties reserves the right to disclose and transfer a Data Subject's information, including their Personal Information in connection with a corporate merger, consolidation, the sale of its membership interests and/or assets or other corporate change, including to any prospective purchaser.

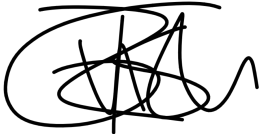
18. AVAILABILITY OF THE MANUAL

- 18.1 The Manual will be made available to the information Regulator upon request
- 18.2 The Manual is also posted on Kloeck Gush Properties website (<https://www.kgpluxuryrealty.co.za/>)
- 18.3 The Manual is available for inspection at the office of Kloeck Gush Properties during business hours.

19. UPDATING OF THE MANUAL

The Chief Information Officer Raquel Gush will update this manual on a regular basis.

Issued by

A handwritten signature in black ink, appearing to be 'R. Gush', written over a horizontal line.

(Raquel Gush)

(Chief Information Officer)

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			

Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	

Reference number, if available	
--------------------------------	--

Any further particulars of record	

TYPE OF RECORD
(Mark the applicable box with an "X")

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	

Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: (<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available</i>)	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

--

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: _____
 Name of account holder: _____
 Type of account: _____
 Account number: _____
 Branch Code: _____
 Reference Nr: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]**

Note:

1. *Affidavits or other documentary evidence in support of the request must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number....

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A		DETAILS OF THE DATA SUBJECT	
Surname:			
Full names:			
Identity number:			
Residential, postal or business address:			
			Code ()
Contact number(s):			
Fax number:			
E-mail address:			
B		DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (<i>if the responsible party is a natural person</i>):			
Residential, postal or business address:			
			Code ()
Contact number(s):			
Fax number:			
E-mail address:			

Name of public or private body (if the responsible party is not a natural person):	
Business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
C	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request)

* *Delete whichever is not applicable*

Signed at this day of20.....

.....
Signature of Data subject