

SECTION 51 MANUAL FOR
AFRICAN ELITE PROPERTIES CC
2005/077453/23

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INTRODUCTION

Reference to the Constitution

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("**the Constitution**") provides:

S32(1) Everyone has the right of access to -
(a) any information held by the state; and
(b) any information that is held by another person and that is required for the exercise or protection of any rights.

S32(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Promotion of Access to Information Act, 2 of 2000 ("**the Act**"), was enacted on 3 February 2002 to give effect to section 32 of the constitution, that is 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. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

The Act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

Introduction to African Elite Properties CC

African Elite Properties provides **luxury serviced accommodation** in exclusive homes and apartments for **short- or long-term rentals**.

We assist with property sales, property management, interior design and the marketing of properties within the tourism industry. We can provide guests with housekeeping, concierge facilities as well as tourist information.

African Elite Properties is based in De Waterkant, Cape Town

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact details [Section 51(1)(a)]

Information officer:

Debbie Verploegh

Debbie@africaneliteproperties.com

General information:

Address: Shop A21, Cape Quarter
Dixon Street
De Waterkant
8000

Postal address: Postnet Suite 250
Private Bag X1005
Claremont
7735

Telephone: 021 421 1090

Fax: 021 425 0290

Website: www.africaneliteproperties.com

General enquiries: Debbie@africaneliteproperties.com

2. The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide is available from the South African Human Rights Commission.

Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. **Records available in terms of any other legislation** [Section 51(1)(d)]

Basic Conditions of Employment No.75 of 1997
Companies Act No. 61 of 1973
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Financial Intelligence Centre Act 38 of 2001
Income Tax Act No.95 of 1967
Labour Relations Act No. 66 of 1995
Occupational Health & Safety Act No.85 of 1993
Skills Development Levies Act No. 9 of 1999
Skills Development Act No.97 of 1998
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991
Promotion of Access to Information Act 2000
Consumer Protection Act 68 of 2008

4. **Access to the records held by the private body in question** [Sections 51(1)(c) and 51(1)(e)]

i. **The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2)** [Section 51(1)(c)]

N/A

ii. **Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed** [Section 51(1)(e)]

Administration: (Subject)

- Correspondence (*category*)
- Founding Statements
- Registrations with Relevant bodies

Documentation Department

- Pamphlets
- Booklets

Human Resources:

- Employment contracts
- Training records
- Remuneration records and policies
- Staff recruitment policies

Operations:

- Clients registry
- Billing records

Finances:

- Financial statements
- Tax records
- VAT records
- PAYE records

iii. The request procedures

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This form is available on www.sahrc.org.za. This must be submitted to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The Information Officer must notify the requester (other than a personal requester) by written notice, to pay the prescribed fee (if any) before the request can be processed [s 54(1)].
- More details relating to fees are available on www.sahrc.org.za
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

5. Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. Availability of the manual [Section 51(3)]

The manual is available for inspection at the offices of African Elite Properties CC free of charge and copies are available with the SAHRC and on the website.

This manual was last updated: 23 November 2015